

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No.341/2022

IN THE MATTER OF:

Deepak Awasthi

...Applicant

Versus

State of Uttar Pradesh

...Respondent

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Delhi- 110032.

Date: 23.04.2024

Place: Delhi

Report in OA no. 341 of 2022 In the matter of in the matter of Deepak Awasthi Vs. State of Uttar Pradesh

1.0 Background

National Green Tribunal (NGT), Principal Bench, New Delhi, under OA no. 341 of 2022 in the matter of Deepak Awasthi Vs. State of Uttar Pradesh w.r.t. illegal settlement of a Sarjupurba colony at downstream of Ranighat on the flood plain of River Ganga in Kanpur, Uttar Pradesh and garbage, polythene and sewage is being discharged directly in River Ganga. The grievance was on ancient Ghats of Ranighat, Barighat, Tiwarighat and Rameshwarghat which are being damaged and the flow of river is being narrowed down by illegal encroachments. Illegal fishing being done and illegal fish market has been established at Tiwarighat.

As per the referred NGT order dated 04.12.2023 which reads as *“The Tribunal by order dated 17.05.2022 had formed a joint committee comprising representatives of Additional Chief Secretary, Urban Development, Government of Uttar Pradesh, State Unit of National Mission for Clean Ganga, State PCB and District Magistrate, Kanpur and had call for a factual and action taken report. The committee had filed the report on 10.08.2022 and Tribunal had duly considered the said report in the proceedings dated 28.08.2023. Thereafter, Kanpur Nagar Nigam has filed the response to the joint committee report. Perusal of the said response reveals that much is desired in the direction of drainage, sewage treatment as also illegal encroachment. The report reveals that the flood plain zone of river Ganga in the area concerned has not been notified and full particulars relating to the drains flowing towards the aforesaid four ghats, their tapping and treatment of sewage from those drains have also not been disclosed.*

In the point No. 09 of said order dated 04.12.2023 which read as “At this stage, we deem it proper to implead the following as respondent in the matter: -

- i. *Regional Officer, MoEF &CC, Lucknow;*
- ii. *Director, National Mission for Clean Ganga;*
- iii. *Member Secretary, Uttar Pradesh Pollution Control Board;*
- iv. *Member Secretary, Central Pollution Control Board;*
- v. *Vice-Chairman, Kanpur Development Authority;*
- vi. *Commissioner, Municipal Corporation, Kanpur;*
- vii. *ACS/PS, Irrigation Department State of UP;*

- viii. ACS/PS, Urban Development Department, State of UP;
- ix. District Magistrate, Kanpur;

and at point no. 10 of this order “Let notice be issued to the above respondents for taking appropriate action in respect of the grievance raised in the original application and filing the action taken report before the Tribunal”

In compliance of the referenced order of Hon’ble NGT, teams of CPCB and UPPCB officials jointly carried out monitoring of water quality of River Ganga and drains confluencing with river from Atal Ghat to Ranighat area & the surrounding area on February 8th 2024 with following objectives.

2.0 Objectives

- I. Monitoring of River Ganga from Atal Ghat i.e upstream (U/s) of Rameshwarghat drain to downstream (D/s) of Ranighat drain i.e before Bhairav ghat.
- II. Monitoring of drains before confluence with River Ganga namely Rameshwarghat drain and Ranighat drain.
- III. Survey of areas / ghats located between the Atal ghat to Bhairav Ghat namely, Barighat, Sarjupurba Colony, Tiwari Ghat

3.0 Study of the area with special reference to above objectives:

3.1 Methodology: Methodology adopted for the study has been as under:

- (i) **Preliminary work:** The grievance area along the River Ganga was identified for drains discharging into River Ganga.
- (ii) **Field work:** Each representative sampling point at drains were selected before confluence to R. Ganga. Sampling was done by CPCB and UPPCB officials jointly on February 08, 2024 and get analysed at CPCB Regional Directorate, Lucknow.
- (iii) **Laboratory work:** General parameters (Colour, pH, TSS, DO, BOD, COD, bacteriological parameters (Total coliforms (TC), Faecal coliforms (FC)), and trace/heavy metals (Total Chromium).

4.0 Water quality of River Ganga

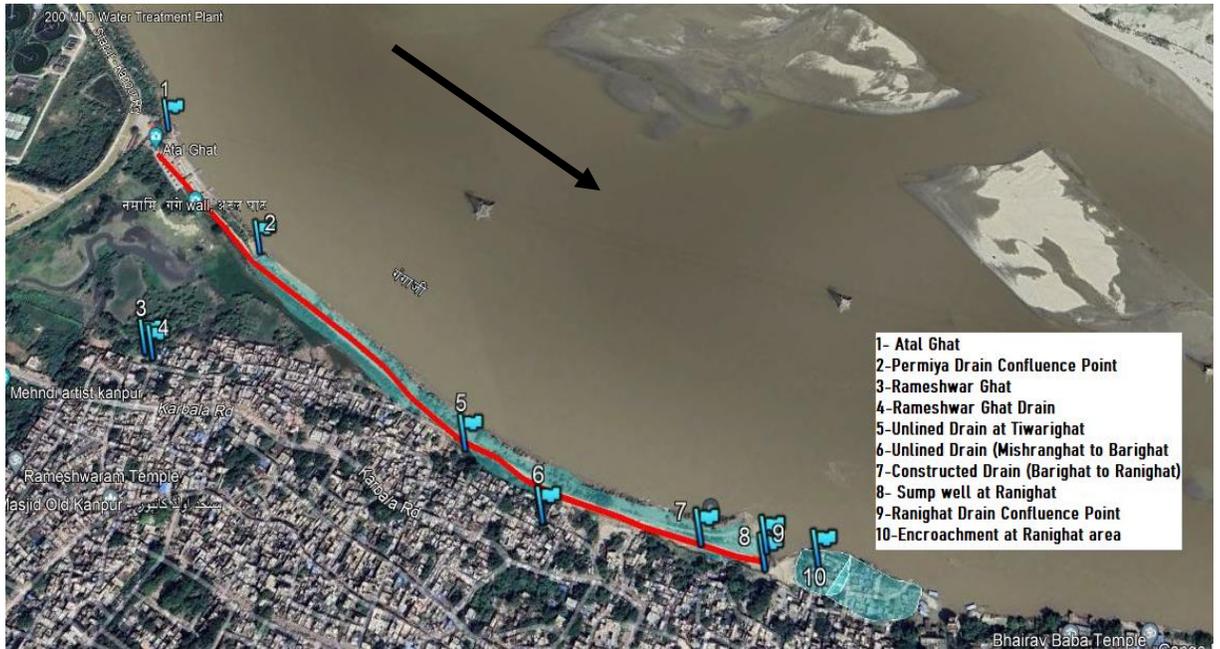
To assess the impact of Rameshwarghat drain and Ranighat drain on the water quality of R. Ganga, monitoring of River Ganga at U/s & D/s locations of these drains i.e at Atalghat (U/s) and after confluence of Ranighat drain before Bhairavghat (D/s) was carried out by CPCB

RD, Lucknow. Ranighat drain which is located D/s of Atal Ghat discharges its untreated wastewater in to R. Ganga at the right bank before the Bhairav Ghat (cremation point). Water quality for different parameters of River Ganga at these locations are tabulated (Table 1) below

Table 1 - Water quality of River Ganga at u/s and d/s of discharge point of Drain

S. No.	Parameter	Unit	Sampling location	
			R. Ganga U/s of Rameshwar ghat Drain (at Atal ghat)	R. Ganga D/s of Ranighat Drain (before Bhairav ghat)
1.	pH	--	8.37	8.29
2.	Temp.	°C	17.5	17.0
3.	Colour	Hazen	15	10
4.	DO	mg/l	10.6	10.0
5.	COD	mg/l	12.6	11.6
6.	BOD	mg/l	3.48	3.18
7.	TC	MPN/100 ml	2.3 x 10⁴	2.2 x 10⁴
8.	FC	MPN/100 ml	7.8 x 10 ³	4.0 x 10 ³
9.	Total Cr.	mg/l	BDL	BDL

As per analysis result of sample collected from R. Ganga both locations are not conforming to outdoor bathing criteria notified under Environment (Protection) Rules, 1986 with respect to BOD and Fecal Coliform.



The image is based on the available coordinates of visited area

Photo1: Google map of the visited area

5.0 Location wise information and findings of drains are summarised as under-

5.1 Ranighat Drain: This drain is located on the right bank of R. Ganga. The drain get confluences with R. Ganga at geographic coordinates on 26.495989; 80.324280 (Photo 2).



Photo 2: Confluence point of Ranighat Drain

It is a constructed drain which carries wastewater of Barighat area, Sarjupurwa colony and nearby areas. Behind the confluence point of Ranighat drain to R. Ganga, a sump (Photo 3) was observed at geo coordinate on 26.495816; 80.324189. In this sump wastewater of Ranighat,

Barighat and Sarjapurwa colony (partially) is collected, which ultimately meets with R. Ganga through Ranighat drain.



Photo 3: Sump well at Ranighat

Bio remediation system was found installed but was found non-operational during visit (Photo 4). ‘V’ notch was also found installed at Ranighat drain (Photo 5). Instantaneous flow measured

through ‘V’ notch at Ranighat drain which was found in order of 44.54 m³/hr.



Photo 4: Non-functional Interim measure Installed at Rainighat Drain



Photo 5: ‘V’ notch at Ranighat drain

As mentioned in the Hon'ble NGT order dated 04.12.2023 regarding the construction status of Ranighat drain up to pumping station, a lined drain from geo location 26.497176, 80.322380 near Barighat to Ranighat sump was noticed. It is pertinent to highlight here that only sump is there at Ranighat and no pumping station exist at present. As per information collected from Uttar Pradesh Jal Nigam a pumping station of capacity 6.09 MLD is proposed at this site.

Urban settlement (Pakka houses) was observed on the catchment area (geo location 26.495907, 80.324674) and many people were seen living in these houses as informed by the residents that this location is known as Sarjupurba colony. It seems, it is flood plain zone of R. Ganga but there was no demarcation observed during visit in this regard. There is a possibility of mis-happenings in case of excessive soil erosion on the bank of R. Ganga during flood. Some small drains carrying sewage and other wastewater were observed originating from these houses and wastewater directly being discharged in to R. Ganga. The team did not find any significant legacy waste in the Sarjupurba area. (photo- 6)



Photo 6: Sarjupurba settlement

A Bund (locally known as Bandha) was observed at upstream of Ranighat, seemingly to prevent erosion. Urban settlement behind this bandha was also observed. Nagar Nigam sweeper/ Safai karmi were observed involved in sweeping and collecting the garbage at Ranighat area. Towards Barighat and Tiwari ghat (up stream of Ranighat) a constructed drain of 200 meter (approx.) was observed which was continued up to Barighat. These places were known as ghat, but in true sense there were no traditional ghat like structure find as R. Ganga

flows on the other side of bandh. Sample was collected to assess the quality of wastewater going through Ranighat drain to R. Ganga. Results are tabulated at Table-2.

5.2 Barighat: A structured drain which carries wastewater from Barighat including Misranghat area was noticed. The drain joins to Ranighat drain and ultimately meets to R. Ganga (Photo 7 & 8). Solid and other domestic waste was observed dumped in the area. Local residents extended their activity up to Bandha. Flow of the river Ganga is not affected by the local activity as the river flows other side of the Bandha.



Photo 7: Constructed Barighat Drain



Photo 8: Barighat to Ranighat Constructed drain

5.3 Tiwarighat: A temple of Lord Shiva was observed at this location. Wastewater from nearby houses was found accumulated in a form of pool adjacent to bandha. No ghat observed at this location during visit but as per information provided by local residents that there was a ghat earlier (before construction of bandha). Encroachment in this area was observed during the visit. Indiscriminate municipal solid waste dumping, which is being generated by local residents on day to day basis observed by the team(photo no 9).



Photo 9: Unlined Drain at Tiwarighat

5.4 Rameshwarghat drain: An old temple with name Rameshwar Mahadev was observed at geo location 26.500212, 80.317628. A drain near this temple was also observed carrying wastewater of Dhobiyana mohalla and purana Kanpur ward. Flow of this drain could not be measured due to unapproachable site conditions (Photo 10). The wastewater from this drain was being discharged to R. Ganga through Permiya drain. Sample was collected to assess the quality of wastewater of Rameshwarghat drain to R. Ganga. Results are tabulated in Table-2.



Photo 10: Rameshwar Ghat Drain

Table 2 - Water quality of Drains being discharge in to R. Ganga

S. No.	Parameter	Unit	Sampling location		
			Rameshwar ghat Drain (before confluence to R. Ganga)	Ranighat Drain (before confluence to R. Ganga)	General Discharge Standard (CPCB) Inland
1.	pH	--	7.15	7.14	5.5-9.0
2.	Colour	Hazen	50	25	-
3.	Suspended Solids	mg/l	98.8	255	100
4.	COD	mg/l	238	181	250
5.	BOD	mg/l	116	68.8	30
6.	Total Coliform	MPN/100 ml	2.4×10^7	3.5×10^7	-
7.	Faecal Coliform	MPN/100 ml	3.5×10^6	2.4×10^7	-
8.	Total Cr.	mg/l	0.008	0.009	2.0

Sample analysis result shows the higher concentration of BOD and Suspended Solids w.r.t. standard for general discharge. Higher concentration of TC & FC also recorded which deteriorate the water quality of River Ganga. Immediate action required to be taken to tapped the drain and divert to nearest STP or effective bioremediation system to be deployed as a temporary measure to prevent to untreated wastewater discharge to R. Ganga.

6.0 Conclusion:

1. Wastewater generated at Tiwarighat area was found accumulated in a form of pool adjacent to Bund (locally known as Bandha) which in case of overflow will reach River Ganga through Ranighat drain. Whereas wastewater generated from Barighat and Ranighat area flows towards Ranighat drain (which is a lined drain except last 25-30mtr before confluence) and finally goes to R. Ganga. As per information of UP Jal Nigam, Ranighat drain is under consideration of tapping through proposed 6.09 MLD pumping station at Ranighat.

2. A structured drain of 200-meter length (approx.) found completed which carries wastewater from Barighat including Misranghat area. The drain joins to Ranighat drain and ultimately meets to R. Ganga (Photo 7 & 8).
3. A closed RCC drain of about 600 meter length seen near Rameshwar Mahadev temple was observed. The extension of RCC drain having brick lining which carry wastewater and meets to River Ganga through Rameshwarghat drain.
4. Some human settlement at downstream of Ranighat area namely Sarjupurba colony was also observed which is close to R. Ganga (on embankment). It seems the colony is in flood plain zone of R. Ganga but as such no any demarcation was observed.
5. Dumping of municipal solid waste noticed in the said area at most of the locations.
6. Due to construction of bandha in front of Tiwarighat and Barighat, no traditional ghat like structure exist and the encroachment is limited up to Bandha only so it may be the course of R. Ganga shifted naturally to left bank.
7. No fishing activity as well as fish market seen during visit in this area.
8. Discharge of wastewater in to river Ganga and disposal of solid waste generated by the local resident in the settlement area is the issue of concern which needs to be immediately addressed by the respective authorities.

Item No.07

Court No. 1

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

Original Application No. 341/2022

Deepak Awasthi

Applicant

Versus

State of U.P.

Respondent

Date of hearing: 04.12.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)
Mr. I.K. Kapila, Adv. for Kanpur Nagar Nigam (Through VC)

ORDER

1. This original application is registered on the basis of a letter petition. An issue has been raised regarding illegal settlement in Sarjupurba colony at downstream of Ranighat on the flood plain of River Ganga in Kanpur, Uttar Pradesh. The grievance is that as a result of illegal construction and encroachment by settlement in that colony, garbage, polythene and sewage is being directly discharged in river Ganga. It is also the grievance that ancient Ghats of Ranighat, Barighat, Tiwarighat and Rameshwarghat are being damaged and river flow has been narrowed down due to the illegal encroachments.

2. The Tribunal by order dated 17.05.2022 had formed a joint committee comprising representatives of Additional Chief Secretary, Urban Development, Government of Uttar Pradesh, State Unit of National Mission for Clean Ganga, State PCB and District Magistrate, Kanpur and had call for a factual and action taken report.

3. The committee had filed the report on 10.08.2022 and Tribunal had duly considered the said report in the proceedings dated 28.08.2023.

4. Thereafter, Kanpur Nagar Nigam has filed the response to the joint committee report. Perusal of the said response, reveals that much is desired in the direction of drainage, sewage treatment as also illegal encroachment.

5. A plea has been raised by the Counsel appearing for the Kanpur Nagar Nigam that the matter relating to the encroachment action needs to be taken by Kanpur Development Authority and Irrigation Department.

6. The report reveals that the flood plain zone of river Ganga in the area concerned has not been notified and full particulars relating to the drains flowing towards the aforesaid four ghats, their tapping and treatment of sewage from those drains have also not been disclosed.

7. The report does not reflect upon the extent of illegal encroachment which was the main grievance raised in this original application. In respect of Rani ghat, it is stated that the construction of drain of size 0.6m x 0.75m from Bari ghat to Rani ghat pumping station was in progress and targeted to be completed by 30.11.2023. Similarly, in respect of Rameshwar ghat, it is stated that construction of 45.00 m drain at Rameshwar ghat is under progress and will be completed before 30.11.2023. Completion date is over but Counsel appearing for Nagar Nigam does not have any instructions if the work has been completed as per schedule.

8. In the aforesaid background, the Counsel appearing for Kanpur Nagar Nigam has prayed for four weeks time to file a comprehensive report with all the relevant particulars.

9. At this stage, we deem it proper to implead the following as respondent in the matter:-

- i. Regional Officer, MoEF &CC, Lucknow;
- ii. Director, National Mission for Clean Ganga;
- iii. Member Secretary, Uttar Pradesh Pollution Control Board;
- iv. Member Secretary, Central Pollution Control Board;
- v. Vice-Chairman, Kanpur Development Authority;
- vi. Commissioner, Municipal Corporation, Kanpur;
- vii. ACS/PS, Irrigation Department State of UP;
- viii. ACS/PS, Urban Development Department, State of UP;
- ix. District Magistrate, Kanpur;

10. Let notice be issued to the above respondents for taking appropriate action in respect of the grievance raised in the original application and filing the action taken report before the Tribunal.

11. Let the action taken report be filed on or before the next date of hearing.

12. List the matter on 13.02.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

December 04, 2023
Original Application No. 341/2022
JG