

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 365/2021

IN THE MATTER OF:

Shamsher Singh

... Applicant

Versus

Govt. of NCT of Delhi

.... Respondents

NDOH:-28.02.2025

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Filed by:

New Delhi:

Dated: 25th.02.2025

Delhi Pollution Control Committee

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Versus

Govt. of NCT of Delhi Respondents

**ACTION TAKEN REPORT OF DELHI POLLUTION CONTROL
COMMITTEE (DPCC) IN TERMS OF THE ORDER DATED 11.11.2024**

IT IS MOST RESPECTFULLY SHOWETH:

I, Dr. K. S. Jayachandran, Member Secretary, Delhi Pollution Control Committee, 6th Level, Delhi Secretariat, IP Estate, Delhi- 110002, do hereby solemnly affirm and state as under:

1. That, I am working as Member Secretary, Delhi Pollution Control Committee and am conversant with the facts of the present case on the basis of record maintained by Delhi Pollution Control Committee in its ordinary course.
2. That this Hon'ble Tribunal took up the above referred matter related to dumping of Septage (Septic Tank Effluent) carried out by unauthorized trucks / vehicles by road in the drains and also the issue of inadequate sewage treatment facility and has given following directions vide order dated 11.11.2024 :

8. Learned Counsel for the DJB has submitted that the disclosure made in Annexure B will be re-examined and the complete particulars in this regard will be disclosed. From the above chart, we also find that the DJB is using 10 authorized vehicles that have been

licensed for five years and 154 authorized vehicles that have been licensed for six months. The DJB is required to disclose whether these vehicles comply with the environmental norms and whether they prohibited/permitted to play on road in terms of the direction of the Tribunal/ Supreme Court fixing the age of such vehicles. So far as the septage management is concerned, the DJB is required to disclose the capacity of SPS and the septage received by each of the SPS; the list of which is provided as Annexure E and their capacity utilization along with the material supporting the capacity utilisation disclosed. The DJB will also disclose the details of the disposal/utilisation residue/treated septage.

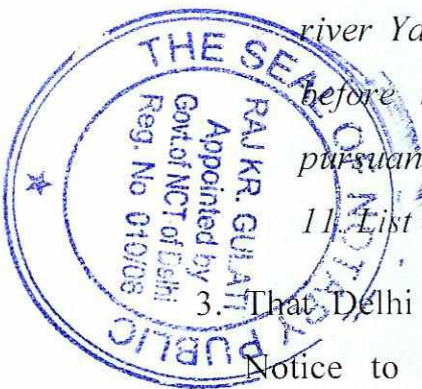
9. let the fresh report, keeping in view the observations made above be filed within a period of four weeks.

10. The DPCC has also filed the response dated 06.11.2024 disclosing that the show cause notice on 06.11.2024 was issued to the DJB for the imposition of environmental compensation for not providing sewage network in unauthorized colonies and JJ clusters in a timebound manner, resulting in disposal of untreated septage in river Yamuna. The DPCC will also file a report at least one week before the next date of hearing disclosing the action taken in pursuance of the show cause notice.

11. List on 28.02.2025."

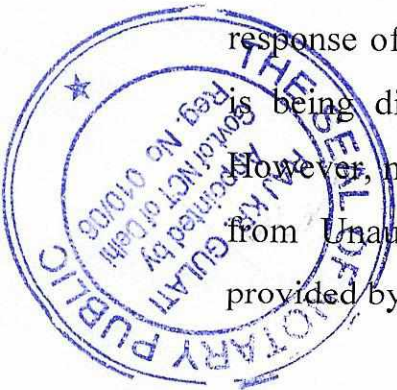
3. That Delhi Pollution Control Committee (DPCC) issued a Show Cause Notice to Delhi Jal Board (DJB) on 06.11.2024 for imposition of Environmental Compensation for not providing sewerage network in unauthorized colonies and JJ clusters in time-bound manner thereby resulting in disposal of untreated Septage into river Yamuna or drains leading to river Yamuna.

4. That vide above mentioned Show Cause Notice dated 06.11.2024, DJB was asked to Show Cause as to why Environmental Compensation for gap in



generation and treatment should not be imposed on Delhi Jal Board for failing to provide sewerage connection in unauthorized colonies and JJ clusters in time-bound manner thereby resulting in disposal of untreated Septage into river Yamuna or drains leading to river Yamuna. DJB was also directed to submit reply and a detailed action plan with timelines and responsible personnel, alongwith following information within 15 days from the date of issuance of Show Cause Notice.

- i. Action Plan with timelines for providing sewerage network in all Unauthorized Colonies and JJ Clusters.
 - ii. Sewage generation from the Unauthorized Colonies and JJ Clusters w.e.f. 21.11.2018.
 - iii. Septage collected and treated since 21.11.2018.
 - iv. Gap i.e. Total Septage generated from Unauthorized Colonies and JJ Clusters w.e.f. 21.11.2018 minus Total Septage / Sewage collected and treated in STPs of DJB.
 - v. Quantity of septage generated from sources other than Unauthorized colonies and JJ Clusters, if any.
5. That with respect to above mentioned Show Cause Notice dated 06.11.2024, Reply / Response was not received from Delhi Jal Board and therefore required information for calculation of Environmental Compensation was also not received from DJB.
6. That Delhi Jal Board filed its response before this Hon'ble Tribunal on 08.11.2024 in OA No. 365 of 2021 in the matter of "Shamsher Singh Vs. Govt. of NCT of Delhi" w.r.t order dated 26.07.2024 and as per the said response of Delhi Jal Board, 2.04 MGD (9.274 MLD) of untreated sewage is being discharged from the 58 JJ clusters that are yet to be tapped. However, no information provided in respect of untreated sewage generated from Unauthorized Colonies in which sewerage network is yet to be provided by DJB.



7. That based on the information provided by Delhi Jal Board vide above mentioned response submitted before Hon'ble Tribunal, DPCC has imposed Interim Environmental Compensation of Rupees 18,54,80,000/- (Rupees Eighteen Crore Fifty Four Lakh Eighty Thousand Only) on Delhi Jal Board vide Directions dated 21.02.2025 for 2.04 MGD (9.274 MLD) untreated sewage generated from 58 JJ Clusters that are yet to be tapped @ Rupees 2 Crore per MLD of untreated sewage with direction to submit the said amount in form of Demand Draft in favour of Delhi Pollution Control Committee within 15 days from date of service of these Directions. DJB was also directed to submit following information as was sought vide abovementioned Show Cause Notice dated 06.11.2024 in respect of sewage generated:

- i. Sewage generation from the Unauthorized Colonies w.e.f. 21.11.2018.
- ii. Quantity of sewage generated from sources other than Unauthorized Colonies and JJ Clusters, which remained untreated.

Copy of the Directions dated 21.02.2025 issued by DPCC to DJB imposing Interim Environmental Compensation of Rupees 18,54,80,000/- (Rupees Eighteen Crore Fifty Four Lakh Eighty Thousands Only) is at Annexure-1.

6. That the present action taken report of DPCC may kindly be taken on record.


DEPONENT

VERIFICATION:

I, the above-named deponent, declare that the contents of the present affidavit are true and correct to the best of my knowledge and based upon the documents and records available in the office and nothing material has been concealed therefrom.

25 FEB 2025

Verified at New Delhi on this ___ day of February, 2025.



ATTESTED

NOTARY PUBLIC
GOVT OF NCT OF DELHI


DEPONENT

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By Speed Post



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
3rd FLOOR, BLOCK-1, DMRC IT PARK BUILDING, SHASTRI
PARK, DELHI-110053
 visit us at : <http://dpcc.delhigovt.nic.in>



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F. No. DPCC/CMC-II/NGT(365/2021)/274-275

Dated: 21/02/2025

Subject: Directions for imposition of Environmental Compensation for not providing sewerage network in unauthorized colonies and JJ clusters in time-bound manner thereby resulting in disposal of untreated Septage into river Yamuna or drains leading to river Yamuna.

Whereas, Central Pollution Control Board (CPCB) is the State Board for all the union Territories to exercise powers and performs functions under the Water (Prevention and Control of Pollution) Act, 1974, as amended to date.

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention and Control of Pollution) Act, 1974 in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) vide notification Dated 15.03.1991.

And whereas, Hon'ble National Green Tribunal (NGT) is monitoring various activities causing pollution in River Ganga and its tributaries through O.A. No. 200 of 2014 - M. C. Mehta Vs. Union of India & Ors. and connected matters and has completely prohibited disposing of any kind of waste into the river Ganga vide orders dated 11.04.2017 and 13.07.2017.

And whereas, Government of India has also introduced National Faecal Sludge & Septage Management (FSSM) Policy in 2017 to emphasize the importance of treating the faecal sludge from on-site sanitation system.

And whereas You, Delhi Jal Board, having its Head Office at Varunalaya Phase-II, Jhandewalan, Karol Bagh, Delhi-110005 are responsible for septage management in entire Delhi including providing sewerage network in Unauthorized Colonies and JJ Clusters.

And whereas, Urban Development Department of Government of NCT of Delhi had issued Notification regarding regulations for collection, transportation and disposal of waste of septic tanks and related matters titled as "Delhi Water Board Septage Management Regulations, 2018" on 12.11.2018. Under this regulations licenses are being given by DJB to the vendors for collection and transportation of Septage to the vehicles.

And whereas, NGT in OA No. 365 of 2021 titled as "Shamsher Singh Vs. Govt. of NCT of Delhi" after recording dissatisfaction on the compliance of the Delhi Water Board Septage Management Regulation, 2018 has constituted a joint Committee headed by Justice S.P. Garg, former Judge, Delhi High Court with nominees of CPCB, DPCC and Chief Engineer, DJB.

And whereas, NGT vide order dated 21.12.2022 in the aforesaid matter has accepted the suggestions and recommendations of the aforementioned committee. Further Hon'ble NGT pleased to direct that, *"Further, we find it necessary to issue clarification/direction under Section 15 (4) read with Section 33 of the NGT Act on the issue of preexisting jurisdiction of the DPCC under the Water and Air Acts to levy compensation for violation of water quality and air quality norms and jurisdiction of Delhi Police in the light of suggestion of the Committee. ... This is necessary having regard to inadequacy of compliance mechanism under the Regulations, as found by the Committee and its adverse impact on recipient environment and public health."*

And whereas, DPCC in exercise of the powers conferred under section 33 (A) of the Water Act, 1974 and keeping in view to curb pollution in River Yamuna in Delhi, issued directions on 27.03.2023 interalia mentioning:

1. (a) penalty for deposit of septage by unauthorized (unlicensed) entities shall be Rs. 50,000/- plus confiscation of vehicle.
- (b) Penalty for disposal of Saptage at place other than the designated places by authorized licensee shall be Rs. 50,000/- per violation.
- (c) Penalty on a person who uses the services of unlicensed vendors/ vehicle for discharging the septage shall be Rs. 10,000/- per violation.
2. An officer not lower than the rank of Nayab Tehshildar in DM offices & Sub Inspector in Delhi Police, Sanitary Inspector in MCD and JE in DJB and I&FCD shall be competent to impose penalty.

And whereas, Urban Development Department, GNCTD has issued "Delhi Water Board Septage Management (Amendment) Regulation, 2024" on 13.03.2024 including following amendments in the existing Regulations :

1. (a) Penalty for deposit of septage by unauthorized (unlicensed) entities shall be Rs. 50,000/- plus confiscation of vehicle.
- (b) Penalty for disposal of Septage at places other than the designated places by authorized licensee shall be Rs. 50,000/- per violation.
- (c) Penalty on a person who uses the services of unlicensed vendors/vehicles for discharging the septage shall be Rs. 10,000/- per violation.
2. An officer not lower than the rank of Naib Tehsildar in DM offices, JE in DJB/I&FC, Sub Inspector in Delhi Police and Sanitary Inspector in CD shall be competent to impose penalty.

Installation of GPS System - Each Vehicle used for transportation of septage shall be fitted with GPS device and access rights of the movement data shall be given to the Delhi Jal Board for tracking of such vehicles.

And whereas, Hon'ble NGT vide order dated 26.07.2024 in OA 365/2021 directed as follows:

".....

5. With regard to these un-authorized colonies indicated above, no information has been provided pertaining to quantity of sewage generated, collection system, treatment systems and disposal of the same including the waste water quality standards. It is also not clear if sewage generated from these unauthorized colonies is being collected and transported by tankers as no such information has also been provided.

6. We fail to understand the inaction by DPCC for such continued violations by DJB. The counsel for DPCC indicated that he has no information with regard to any punitive action taken against DJB for such in-action."

And whereas, DPCC issued a show cause notice to Delhi Jal Board on 06.11.2024 for imposition of Environmental Compensation for not providing sewerage network in unauthorized colonies and JJ clusters in time-bound manner thereby resulting in disposal of untreated Septage into river Yamuna or drains leading to river Yamuna and also directed to submit detailed action plan with timelines and responsible personnel along

with following information:

- i. Action plan with timelines for providing sewerage network in all Un-authorized colonies and JJ Clusters
- ii. Sewage generation from the Unauthorized Colonies and JJ Clusters w.e.f. 21.11.2018.
- iii. Septage collected and treated since 21.11.2018.
- iv. Gap i.e. Total Sewage generated from Unauthorized Colonies and JJ Clusters w.e.f. 21.11.2018 – Total Septage / Sewage collected and treated in STPs of DJB.
- v. Quantity of septage generated from sources other than Unauthorized colonies and JJ Clusters, which remained untreated.

And whereas, in reference to the Show Cause Notice issued to Delhi Jal Board on 06.11.2024, no reply / response was received from Delhi Jal Board.

And whereas, DJB filed its response before Hon'ble Nation Green Tribunal on 08.11.2024 in OA No. 365 of 2021 titled as "Shamsher Singh Vs. Govt. of NCT of Delhi" w.r.t order dated 26.07.2024 and as per the said response, 2.04 MGD (9.274 MLD) of untreated sewage is being discharged from the 58 JJ clusters that are yet to be tapped. However, No information was provided in respect of untreated sewage generated from Unauthorized Colonies.

Now therefore, in view of the above and as decided by the competent authority in Delhi Pollution Control Committee, Interim Environmental Compensation of Rupees 18,54,80,000/- (Rupees Eighteen Crore Fifty Four Lakh Eighty Thousand Only) for 2.04 MGD (9.274 MLD) untreated sewage generated from 58 JJ Clusters that are yet to be tapped @ Rs.2 crore per MLD of untreated sewage, is hereby imposed on Delhi Jal Board with the direction to submit the said amount in form of Demand Draft in favour of Delhi Pollution Control Committee within 15 days from date of service of these Directions.

You are also directed to submit following information as was sought vide Show Cause Notice dated 06.11.2024 in respect of sewage generated:

- i. Sewage generation from the Unauthorized Colonies w.e.f. 21.11.2018.
- ii. Quantity of sewage generated from sources other than Unauthorized Colonies and JJ Clusters, which remained untreated.

In case of failure to deposit the said Environmental Compensation within 15 days from the date of service of this order, necessary action for recovery of the said amount as an arrears of land revenue will be initiated without any further reference in this regard.

This issues with the approval of the Competent Authority in Delhi Pollution Control Committee.



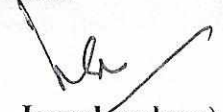
(Dr. K. S. Jayachandran)
Member Secretary, DPCC

To,

Member Drainage,
Delhi Jal Board, Varunalaya Ph-II,
Jhandewalan, Delhi-110005

Copy to:

1. The Chief Executive Officer, Delhi Jal Board, Varunalaya Ph-II, Jhandewalan, Delhi-110005.



(Dr. K. S. Jayachandran)
Member Secretary, DPCC