

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

Execution Application No. 20/2024

In

Original Application No. 49/2020

(IA No. 221/2024)

IN THE MATTER OF:

Tulinder Katoch & Anr.

Applicant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

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Regional Officer,

Haryana State Pollution Control Board

Faridabad

Date:24.07.2024

Place: Faridabad

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

Execution Application No. 20/2024

In

Original Application No. 49/2020

IN THE MATTER OF:

Tulinder Katoch & Anr.

Applicant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

**REPORT ON BEHALF OF HARYANA STATE POLLUTION CONTROL BOARD
BY SANDEEP SINGH, REGIONAL OFFICER, HARYANA STATE POLLUTION
CONTROL BOARD, FARIDABAD.**

MOST RESPECTFULLY SHOWETH:

Background

Hon'ble National Green Tribunal vide order dated 17.11.2021 had disposed of the OA by observing as under:

"In view of above, the concerned authorities, including Municipal Corporation, Faridabad and Irrigation Department, UP may continue efforts for maintaining the canal and the area in question free from garbage and sewage. The Irrigation Department, UP, Municipal Corporation, Faridabad and concerned PCBs/DMs may make individual as well as collective efforts, with the assistance of voluntary contribution of the citizens, including the petitioners, in the interest of environment and

public health. Help of any other authorities may also be taken as and when required."

The applicant has filed present stating garbage and sewage is still dumped on the spot in question and no effective remedial action has been taken.

Factual Report.

1. The Deputy Commissioner Faridabad had also intimated to all concerned stake holders/Departments for necessary compliance vide letter no. LFA/2783/G-1/2024 dated 16.07.2024 (Copy attached as **Annexure-I**)
2. That the inspection of the area in question has been carried out by the concerned field officer of HSPCB on dated 16.07.2024 and during inspection, it was found that there is low line area adjacent to Agra Canal having approximate length of one kilometer which is converted into ponds due to sewage/surface water disposal coming from the residential colony named as Indra Complex, Sector 87, Faridabad. It was also found that there are 06 major points by which sewage/surface water is coming from Indira Complex Sector-87 and directly dumped into the low lying open area adjacent to Agra Canal through concrete pipeline, which ultimately gets converted into ponds.
3. That, HSPCB has written a letter to the Commissioner, Municipal Corporation, Faridabad with a request to direct concerned officer to take action to stop the Disposal of Sewerage water and dumping of Solid Waste & apprise with the Action Taken Report within one week before the next date of hearing i.e. 25-07-2024 with the intimation to HSPCB. (Copy of letter is attached as **Annexure-II**)

4. That, on dated 23/07/2024 the area was again visited by the officer of HSPCB and it was observed that on some area, the MCF has cleared the garbage.

Suggestions:

1. The MCF should clear the area in question by lifting the waste and make provision to stop discharge of sewage near Agra Canal.
2. The Irrigation Department, Agra Canal, Uttar Pradesh should maintain the area adjoining to Agra Canal in Faridabad Distt by making provision for fencing/guards to stop the illegal dumping of the Municipal Waste and C & D waste. They may also plan for tree plantation/greenery by self or in collaboration with nearby establishments or Govt of Haryana.



**Regional Officer,
Haryana State Pollution Control Board
Faridabad**

Date:24.07.2024

Place: Faridabad



To

Regional Officer,
HSPCB, Faridabad.

No. LFA/ 2783 /G-1/2024 Dated:- 16/7/24

Subject: **Compliance of Hon'ble NGT order dated 16/5/2024 in EA NO. 20/2024 in OA No. 49/2020 titled Tulinder Katoch & Anr. V/s State of Uttar Pradesh & Ors.**

Please find enclosed herewith copy of Order dated 16/05/2024 of Hon'ble NGT in EA NO. 20/2024 in OA No. 49/2020 titled Tulinder Katoch & Anr. V/s State of Uttar Pradesh and Ors.

In this Connection it is intimated that a meeting was held on 14/01/2022 under the Chairmanship of Ld. Deputy Commissioner, Faridabad to find out solution to ensure compliance of Hon'ble NGT orders dated 17/11/2021 on OA No. 49/2020 titled Tulinder Katoch & Anrs. V/s State of Uttar Pradesh & Ors. Copy of proceedings of this meeting was sent to all concerned to ensure compliance with the orders vide this office letter No. LFA/2022/68-73 dated 9/2/2023. However, copy of the proceedings is again enclosed.

It is pertinent to mention here that concluding para of the said minutes of the meeting is as under

"keeping in view the relevant details of this case and the above orders of the Hon'ble NGT the Ld. Chairman directed to all concerned i.e. Principal, Modern D.P.S., Officers of Irrigation Department, Agra Canal UP, Executive Engineer MCF, XEN, Public Health, Faridabad, the applicant and RO, HSPCB, Faridabad to have joint meeting on 18/1/2022 to discuss possible remedial action on having contribution from all concerned and to take immediate



necessary effective steps for permanent solution of this problem. RO, HSPCB, Faridabad was directed to submit compliance report in the Hon'ble NGT of the order dated 17/11/2021 under intimation to this office".

In view of above you are requested to take immediate necessary action on the same to comply the directions of Hon'ble NGT vide order dated 16/5/2024 in coordination with Commissioner MCF, SE, Head Works Block Agra Nahar, Okhla, New Delhi, Executive Engineer, Public Health, Faridabad, Principal, Modern DPS School, Tigaon Road, Sector 87, Faridabad and Sh. Tulinder Katoch H.No. 914, Piyush Heights, Sector 84, Faridabad.


for Deputy Commissioner,
Faridabad.

No. LFA/ 2784-90 /G-1/2024 Dated:- 16/7/24

A copy of above is forwarded to the following for information and necessary action please:-

1. Commissioner, Municipal Corporation, Faridabad.
2. Superintending Engineer, Head Works Block Agra Nahar, Okhla, New Delhi.
3. Regional Officer, HSPCB, Faridabad.
4. XEN, Public Health, Faridabad.
5. Principal, Modern DPS School, Tigaon Road, Sector 87, Faridabad.
6. Sh. Tulinder Katoch, H.No. 914, Piyush Heights, Sector-89, Faridabad.
7. ADA, Deputy Commissioner Office, Faridabad.


for Deputy Commissioner,
Faridabad

Subject: Compliance of Hon'ble NGT order dated 16/8/2024 in EA NO. 20/2024 in OA No. 49/2020 titled Tulinder Katoch & Anr. V/s State of Uttar Pradesh & Ors.

PUC is a copy of Order dated 16/05/2024 of Hon'ble NGT in EA NO. 20/2024 and in OA No. 49/2020 titled Tulinder Katoch & Anr. V/s State of Uttar Pradesh & Ors.

In this Connection it is submitted that a meeting was held on 14/01/2022 under the Chairmanship of Ld. Deputy Commissioner, Faridabad to find out Solution to ensure compliance of Hon'ble NGT orders dated 17/11/2021 on OA No. 49/2020 titled Tulinder Katoch & Anrs. V/s State of Uttar Pradesh & Ors. Copy of proceedings of this meeting was sent to all concerned to ensure compliance of the orders vide this office letter No. LFA/2022/68-73 dated 9/2/2023.

It is pertinent to mention here that concluding para of the said minutes of the meeting is as under regarding compliance of Hon'ble NGT order dated 17.11.2021 in OA No. 49/2020

“keeping in view the relevant details of this case and the above orders of the Hon'ble NGT the Ld. Chairman directed to all concerned i.e. Principal, Modern D.P.S., Officers of Irrigation Department, Agra Canal UP, Executive Engineer MCF, XEN, Public Health, Faridabad, the applicant and RO, HSPCB, Faridabad to have joint meeting on 18/1/2022 to discuss possible remedial action on having contribution from all concerned and to take immediate necessary effective steps for permanent solution of this problem. RO, HSPCB, Faridabad was directed to submit compliance report in the Hon'ble NGT on the order dated 17/11/2021 under intimation to this office”.

In view of above It is proposed we may ask RO, HSPCB, Faridabad to take immediate necessary action on the same as per directions of Hon'ble

NGT vide order dated 16/5/2024 in coordination with Commissioner MCF, SE, Head Works Block Agra Nahar, Okhla, New Delhi, Executive Engineer, Public Health, Faridabad, Principal, DPS School, Tigaon Road, Sector 87, Faridabad and Sh. Tulinder Katoch H.No. 914, Piyush Heights, Sector 84, Faridabad under intimation to this office.

Submitted for kindly perusal and approval please.

Alkumar
9/7/2024

D.S.R. on leave

Mahesh 9/7/24 LFA

~~CTM~~ submitted for kind orders, please.

Ho.ew.
10/7/24

Ld.D.M.

JHK
16/7

CTM

mail
Fwd: NOTICE in Execution Application No. 20/2024 In Original Application No. 49/2020

24/06/24
08:47 PM

From : rkhuranalegal@gmail.com

Mon, Jun 24, 2024 08:47 PM

Subject : Fwd: NOTICE in Execution Application No. 20/2024 In Original Application No. 49/2020

3 attachments

cmf/LFA

To : hspcbrofr@gmail.com, Deputy Commissioner Faridabad <dcfbd@hry.nic.in>, CMC Faridabad <cmc-faridabad@ulbharyana.gov.in>, districtattorneymcf@yahoo.com

DEPUTY COMMISSIONER
FARIDABAD

Dear Sir,

Email received from NGT Registry is submitted for necessary action and compliance.

Thanking You

----- Forwarded message -----

From: **Consultant Judicial-NGT(P.B.)** <judicial-ngt@gov.in>

Date: Mon, 24 Jun 2024 at 15:58

Subject: Fwd: NOTICE in Execution Application No. 20/2024 In Original Application No. 49/2020

To: CHIEF SECRETARY OFFCE GOVT OF UP <csup@nic.in>, UPPCB <ms@uppcb.com>, ms <ms@uppcb.in>, Sh. T.V.S.N Prasad, IAS <cs@hry.nic.in>, Haryana Pollution Control Boar <hspcb@hry.nic.in>, <hspcbms@gmail.com>, <hspcbngtcell@gmail.com>, hspcbrofr <hspcbrofr@gmail.com>, cmc mcfd <cmc.mcfbd@gmail.com>, <contact.mcfbd@gmail.com>, <contact.mcfbd@gmail.com>, MS, CPCB <mscb.cpcb@nic.in>

Cc: <rkhuranalegal@gmail.com>

Respected Sir/Madam

I am directed to send the **Notice along with Order dated: 16/05/2024 as well as** copy of the **Petition in Execution Application No. 20/2024 In Original Application No. 49/2020 (IA No. 221/2024) Tulinder Katoch & Anr. Applicant(s) Versus State of Uttar Pradesh & Ors. Respondent(s)** . for your kind perusal & necessary action.

For further correspondence please send all the documents on this e-mail-id i.e.

judicial-ngt@gov.in

Kindly acknowledge the same.

REGARDS

CONSULTANT (Judicial)

(N.G.T.)(P.B.) New Delhi

Item No. 02

Court No. 1

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

Execution Application No. 20/2024

In

Original Application No. 49/2020
(IA No. 221/2024)

Tulinder Katoch & Anr.

Applicant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 16.05.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**Applicant: Ms. Panchajanya Batra Singh, Mr. Mahavir Singh, Mr. Dishant Kalra, Mr.
Amitesh Giroti & Mr. Himalaya Singh, Advs. for Applicant in E.A No.
20/2024**ORDER**

1. This Application has been filed seeking execution of the order dated 17.11.2021 passed in OA No. 49/2020. In the OA the grievance was raised against failure to take remedial action about collected garbage and sewage on the bank of U.P - Agra canal and the flowing of the same which was affecting the health of the children studying in nearby school including Modern Delhi Public School.

2. The Tribunal by order dated 17.11.2021 had disposed of the OA by observing as under:

"5. In view of above, the concerned authorities, including Municipal Corporation, Faridabad and Irrigation Department, UP may continue efforts for maintaining the canal and the area in question free from garbage and sewage. The Irrigation Department, UP, Municipal Corporation, Faridabad and concerned PCBs/DMs may make individual as well as collective efforts, with the assistance of voluntary contribution of the citizens, including the petitioners, in the interest of environment and public health. Help of any other authorities may also be taken as and when required."

1

3. Learned counsel for the applicant submits that the garbage and sewage is still dumped on the spot in question and no effective remedial action has been taken and such dumping of garbage is affecting the health of 6000 students who are studying in the school and since the monsoon season will be approaching after two months therefore the gravity of the problem will increase.
4. An I.A being I.A No. 221/2024 for appointment of the local commissioner has been filed. Having regard to the material which has been enclosed with the I.A, at this stage we are not inclined to accept such a prayer. Hence, I.A No. 221/2024 is rejected.
5. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.
6. List on 25.07.2024

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

May 16, 2024
Execution Application No. 20/2024
AS.

BY SPEEDPOST A.D./EMAIL

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Execution Application No. 20/2024

IN

Original Application No. 49/2020

Tulinder Katoch & Anr. Versus State of Uttar Pradesh & Ors.

1. **STATE OF UTTAR PRADESH**
Through its Chief Secretary,
Lal Bahadur Shastri Bhavan (Annexe Building),
Sarohini Naidu Marg, Lucknow, U.P
Telephone: 91-522-2289212
Email: csup@nic.in
(.... RESPONDENT NO.1)
2. **UTTAR PRADESH POLLUTION CONTROL BOARD**
Through its Member Secretary,
Building No.TC-12V, Vibhuti Khand,
Gomti Nagar, Lucknow
Telephone: 2720895, 2720693, +915222720831
Email: ms@uppeb.in, grievance@uppeb
(.... RESPONDENT NO.2)
3. **STATE OF HARYANA**
Through Chief Secretary
Haryana Civil Secretariat
4th Floor, Sector-1, Chandigarh
Telephone: :0172-2740118
Email: cs@hry.nic.in, kaushalsanjeev@hr.nic.in
(.... RESPONDENT NO.3)
4. **HARYANA STATE POLLUTION CONTROL BOARD**
Through Member Secretary
C-11, Sector-6, Panchkula,
Haryana
Telephone: 0172-2581105(O), 0172-2711413(R)
Email: hqhspcb@hspcb.org.in

Regional office at:
HEWA Apartments
Sector-16, Faridabad
Telephone: 0129-2225315
Email: hspcbrofr@gmail.com
(.... RESPONDENT NO.4)
5. **MUNICIPAL CORPORATION OF FARIDABAD**
Through Commissioner
MCF Office, Near B.K Chowk, Faridabad
Telephone: 0129-2416464
Email-contact@meflbd@gmail, cmc.mcfbd@gmail.com
(.... RESPONDENT NO.5)
6. **CENTRAL POLLUTION CONTROL BOARD**
Through Member Secretary
Parivesh Bhawan, East Arjun Nagar, New Delhi-110032
Telephone: +91-11-43102030
Email: msceb.cpcb@nic.in
(.... RESPONDENT NO.6)

NOTICE

Whereas the above titled Application was listed before the Hon'ble Tribunal on 16.05.2024 (copy of application, order dated 16.05.2024 is enclosed), when the Hon'ble Tribunal inter-alia passed the following order (reproduced relevant extracts only):-

1. This Application has been filed seeking execution of the order dated 17.11.2021 passed in OA No. 49/2020. In the OA the grievance was raised against failure to take remedial action about collected garbage and sewage on the bank of U.P – Agra canal and the flowing of the same which was affecting the health of the children studying in nearby school including Modern Delhi Public School.

.....XXXX.....
4. An LA being LA No. 221/2024 for appointment of the local commissioner has been filed. Having regard to the material which has been enclosed with the L.A. at this stage we are not inclined to accept such a prayer. Hence, LA No. 221/2024 is rejected.

5. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.

6. List on 25.07.2024"

2. Now, take further notice that the above matter will be listed for further consideration before the Hon'ble Tribunal on 25.07.2024, at Faridkot House, Copernicus Marg, New Delhi-110001, through physical hearing (with hybrid option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed and file reply/response, as per directions of the Hon'ble Tribunal vide Order dated 16.05.2024.

3. Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

4. Given under my hand and the seal of this Hon'ble Tribunal, on this 12th June, 2024.

Note: (For Orders, Cause Lists & other information, please visit our website www.greentribunal.gov.in)

12/6/2024
Consultant (Judicial), NGT





HARYANA STATE POLLUTION CONTROL BOARD

Faridabad Region, Opp. Hewo Appmt., Sector-16A, Faridabad

Email: hspcbrofr@gmail.com Website: www.hspcb.gov.in



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Annexure-II

No. HSPCB/FR/2024/ **290**

To

The Commissioner,
Municipal Corporation,
Faridabad.

Dated: **17/7/2024**

Sub: Regarding Execution Application no. 20/2024 in Original Application No. 49/2020 in the matter of Tulinder Katoch & Anr. Versus State of Uttar Pradesh & Ors.

Ref: Hon'ble National Green Tribunal order dated 17.11.2021.

In this connection, it is submitted that Hon'ble National Green Tribunal passed order dated 17.11.2021 and further orders in the above said Execution application dated 16/05/2024 that:

"5. In view of above, the concerned authorities, including Municipal Corporation, Faridabad and Irrigation Department, UP may continue efforts for maintaining the canal and the area in question free from garbage and sewage. The Irrigation Department, UP, Municipal Corporation, Faridabad and concerned PCBs/DMs may make individual as well as collective efforts, with the assistance of voluntary contribution of the citizens, including the petitioners, in the interest of environment and public health. Help of any other authorities may also be taken as and when required"

Whereas, inspection of the area in question has been carried out by the concerned field officer of HSPCB on dated 16.07.2024 and during inspection, it was found that there is low line area adjacent to Agra Canal having approximate length of one kilometer is converted into ponds due to sewage/surface water disposal coming from the residential colony named as Indra Complex, Sector 87, Faridabad. It was also found that there are 06 major points by which sewage/surface water is coming from Indira Complex Sector-87 and directly dumped into the low lying open area adjacent to Agra Canal through concrete pipeline, which ultimately gets converted into ponds.

Keeping in view of above, it is requested to direct to concern officer to action to stop the Disposal of Sewerage water and dumping of Solid Waste and rejuvenation of already formed ponds due to disposal of sewage/surface water, in compliance of Hon'ble National Green Tribunal order dated 17.11.2021 and further orders in the above said Execution application dated 16/05/2024 in the matter of Original Application No. 49/2020 in the matter of Tulinder Katoch & Anr. Versus State of Uttar Pradesh & Ors. & Action Taken Report in this regard please be submitted one week before the next date of hearing i.e. 25-07-2024 with the intimation to this office.

Treated it most urgent

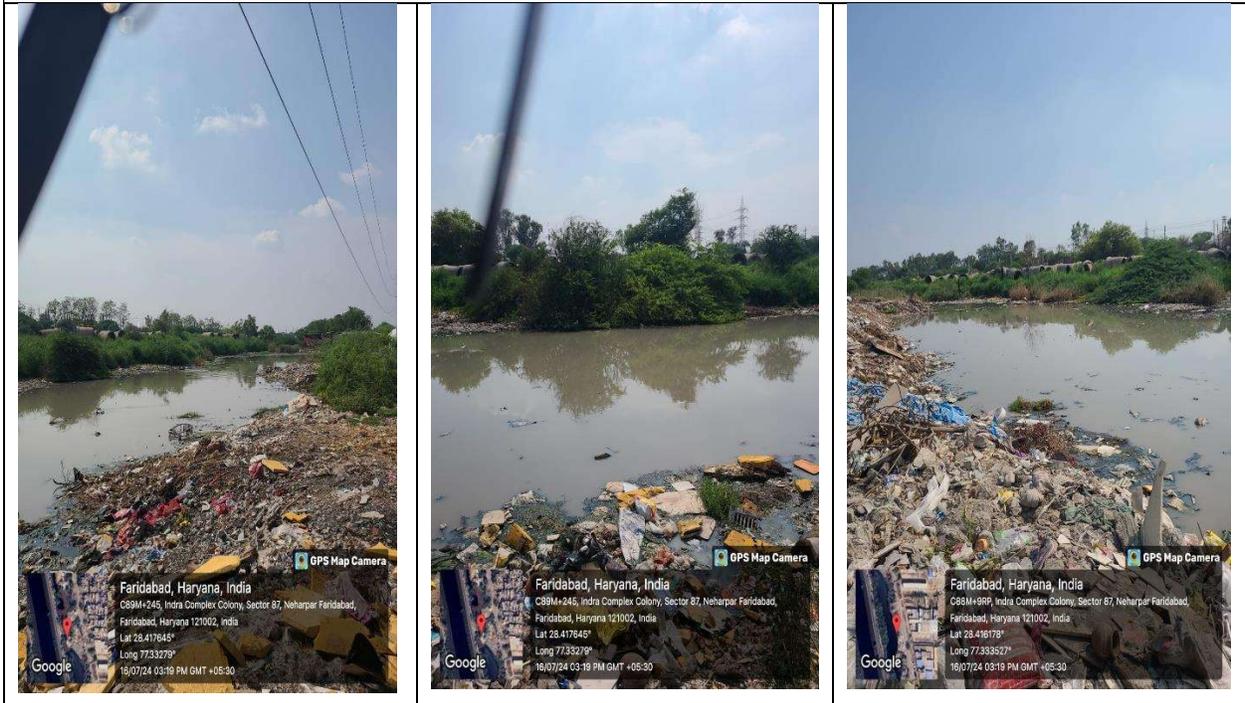
DA/ as above


**Regional Officer
Faridabad Region**

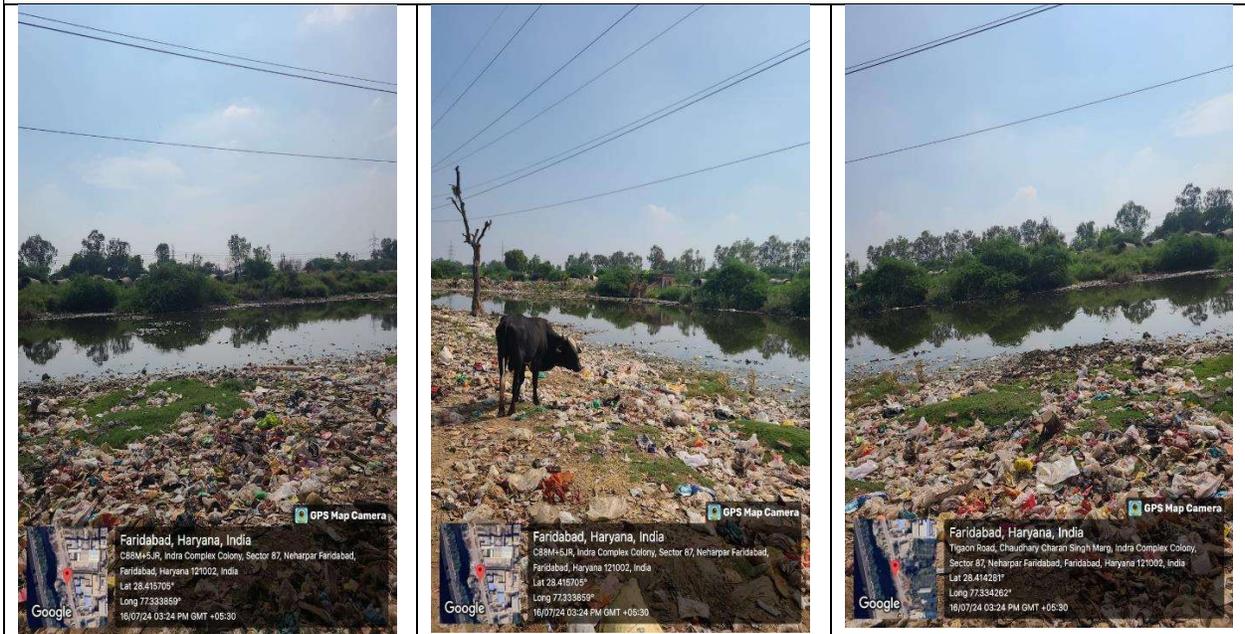
A copy of above is forwarded to the Deputy Commissioner, Faridabad for information please.


**Regional Officer
Faridabad Region**

Pond 1



Pond 2



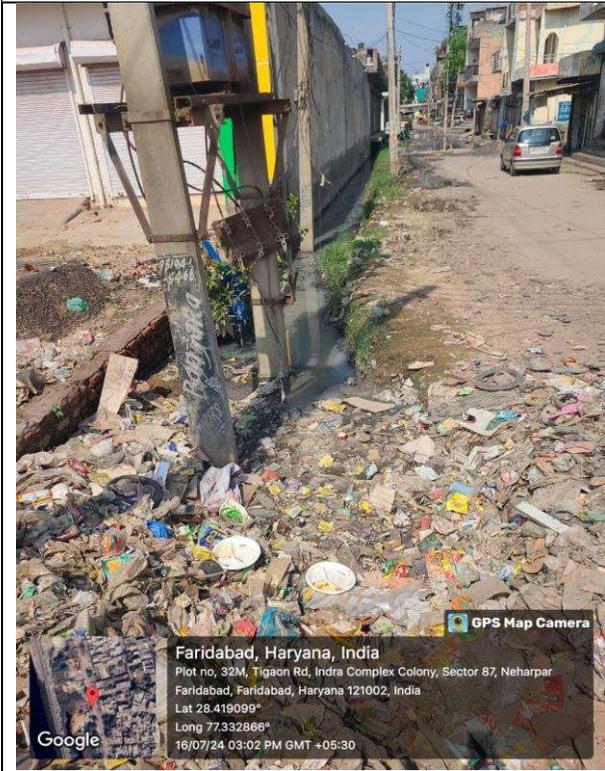
Pond 3 (in front of DPS School)



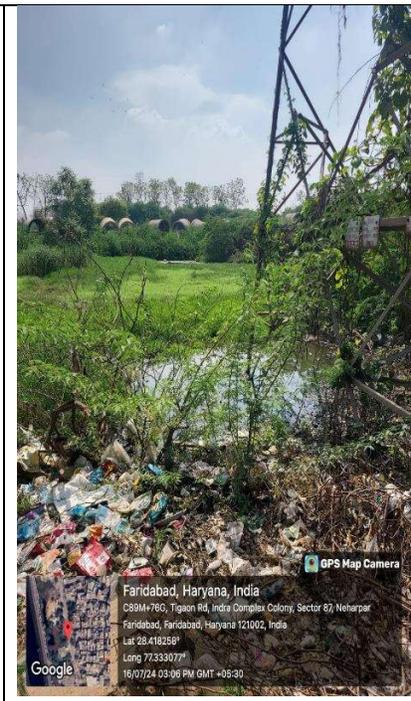
Pond 4



Spot 1



Spot 2



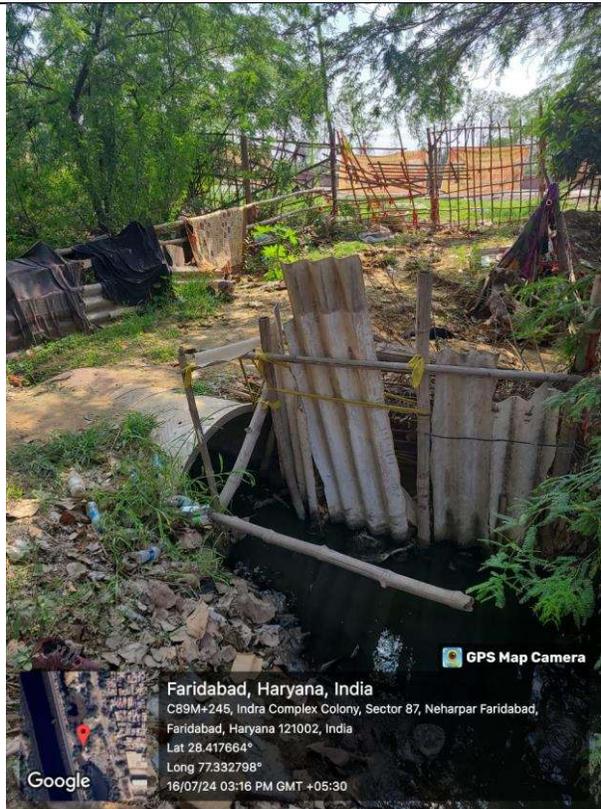
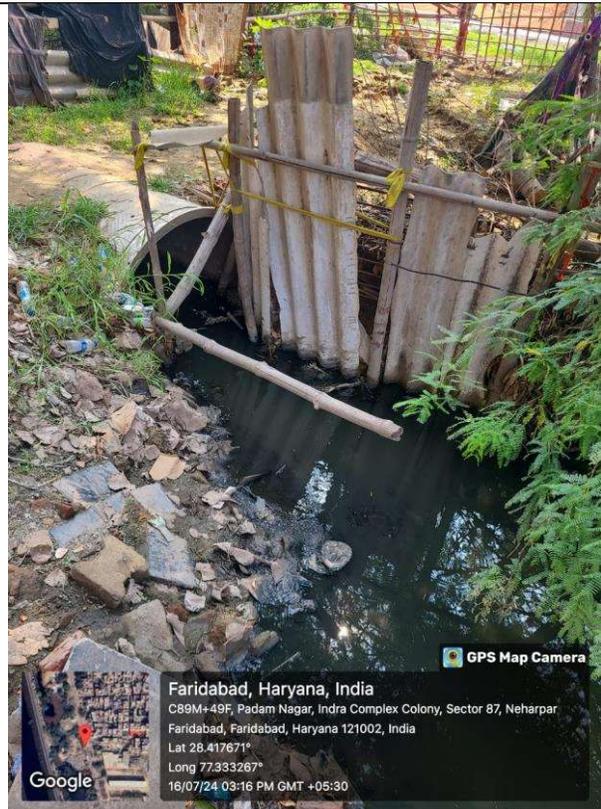
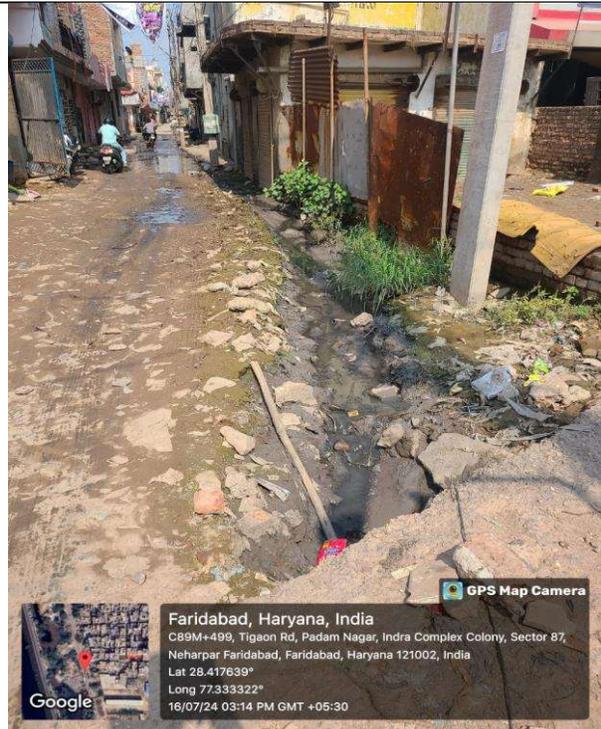
Spot 3



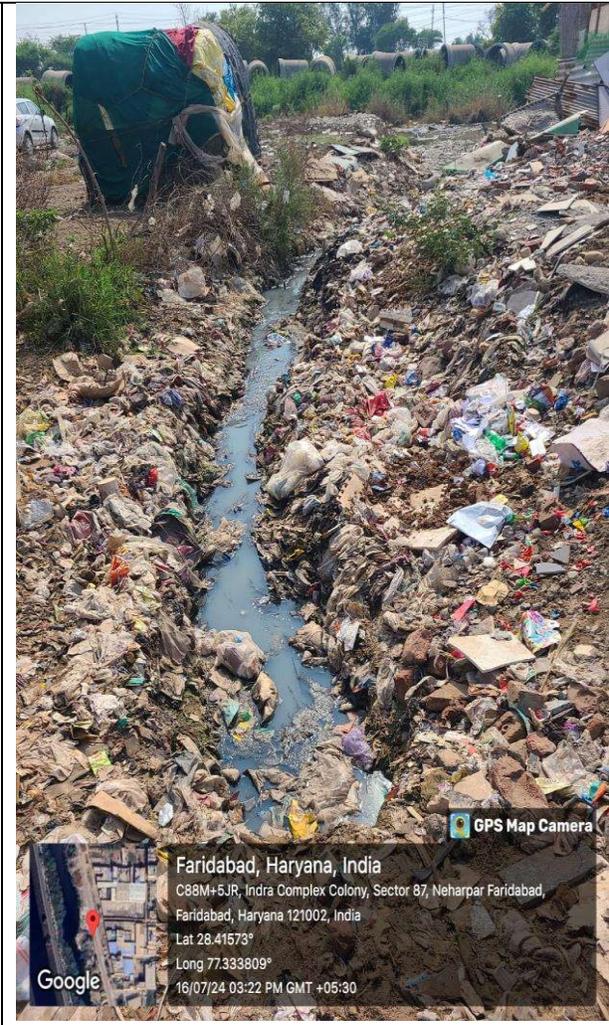
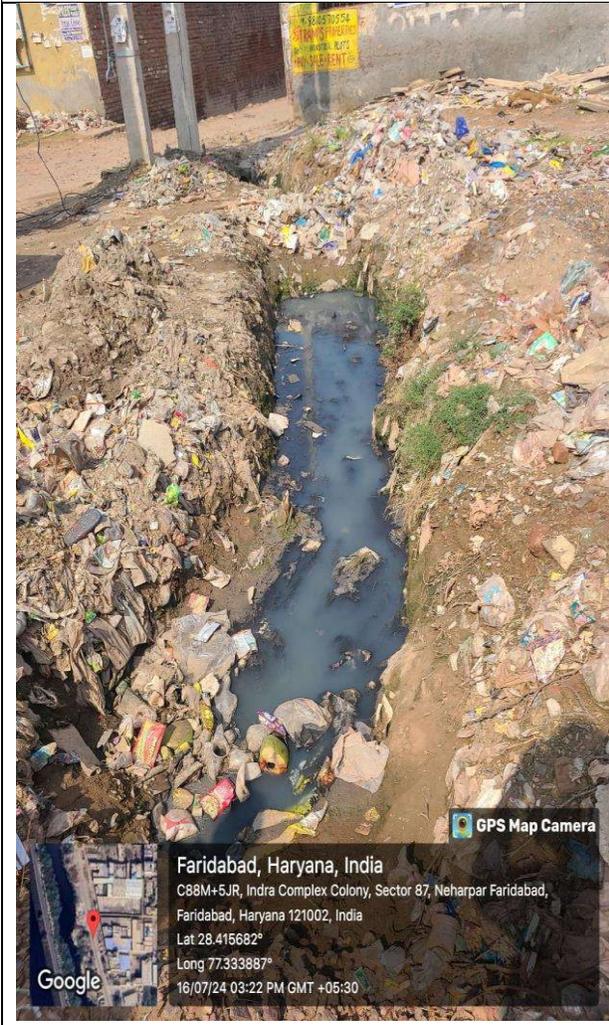
Spot 4



Spot 5



Spot 6



Item No. 02

Court No. 1

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

Execution Application No. 20/2024
In
Original Application No. 49/2020
(IA No. 221/2024)

Tulinder Katoch & Anr.

Applicant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 16.05.2024

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

Applicant: Ms. Panchajanya Batra Singh, Mr. Mahavir Singh, Mr. Dishant Kalra, Mr. Amitesh Giroti & Mr. Himalaya Singh, Advs. for Applicant in E.A No. 20/2024

ORDER

1. This Application has been filed seeking execution of the order dated 17.11.2021 passed in OA No. 49/2020. In the OA the grievance was raised against failure to take remedial action about collected garbage and sewage on the bank of U.P – Agra canal and the flowing of the same which was affecting the health of the children studying in nearby school including Modern Delhi Public School.

2. The Tribunal by order dated 17.11.2021 had disposed of the OA by observing as under:

“5. In view of above, the concerned authorities, including Municipal Corporation, Faridabad and Irrigation Department, UP may continue efforts for maintaining the canal and the area in question free from garbage and sewage. The Irrigation Department, UP, Municipal Corporation, Faridabad and concerned PCBs/DMs may make individual as well as collective efforts, with the assistance of voluntary contribution of the citizens, including the petitioners, in the interest of environment and public health. Help of any other authorities may also be taken as and when required.”

3. Learned counsel for the applicant submits that the garbage and sewage is still dumped on the spot in question and no effective remedial action has been taken and such dumping of garbage is affecting the health of 6000 students who are studying in the school and since the monsoon season will be approaching after two months therefore the gravity of the problem will increase.

4. An I.A being I.A No. 221/2024 for appointment of the local commissioner has been filed. Having regard to the material which has been enclosed with the I.A, at this stage we are not inclined to accept such a prayer. Hence, I.A No. 221/2024 is rejected.

5. Issue notice to the respondents. Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.

6. List on 25.07.2024

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

May 16, 2024
Execution Application No. 20/2024
AS.

Item No. 01

(Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL

(By Video Conferencing)

Original Application No. 49/2020

(With report dated 03.11.2021)

Tulinder Katoch & Anr.

Applicant(s)

Versus

State of Haryana & Ors.

Respondent(s)

Date of hearing: 17.11.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Ms. Panchajanya Batra Singh, Advocate

Respondent(s): Mr. Rahul Khurana, Advocate for HSPCB, Deputy Commissioner,
Faridabad and Municipal Corporation, Faridabad**ORDER**

1. Grievance in this application is against failure to take remedial action against collected garbage and sewage on the bank of U.P. – Agra canal, resulting in damage to the environment. It is stated that the piled-up garbage and flowing sewage is affecting the health of the children studying in the nearby schools, including the Modern Delhi Public School situated at Tigaon Road, Sector-87, Greater Faridabad, Haryana. Apart from municipal garbage, there is also Plastic Waste, Construction and Demolition Waste, Bio-Medical Waste and E-Waste. There is pool of stagnant water giving rise to mosquitoes and having potential for diseases. The applicant approached the concerned authorities but no action has

been taken. The applicant has filed photographs showing the collected garbage and waste water.

2. After seeking response from the State PCB and the Deputy Commissioner, Faridabad, the matter has been considered on several occasions earlier in the last one and a half years. Since the situation did not improve, vide order dated 05.04.2021, further direction was issued for remedial action, including diversion of sewage to STP, rejuvenating ponds including their de-sludging/removal of waste and preventing burning of waste.

3. In pursuance of above, a report has been filed on 03.11.2021 jointly by the Deputy Commissioner, Faridabad and the State PCB to the effect that steps have now been taken to clean the non-functional sewer line. Waste has been removed. Matter was taken up with the U.P. Irrigation Department with regard to the area under their ownership. Steps have been taken to prevent burning of waste. Relevant extracts from the report are reproduced below:

*“3. As per information received from the Municipal Corporation of Faridabad (MCF) vide letter dated 27.10.2021, NOC/administrative approval was sought from competent authority/Executive Engineer (B&R) Public Works Department to execute the task as proposed and mentioned in report dated 23.02.2021. However, said request was denied. Considering the emergent situation at site, request for permission was not persuaded for long, rather, a **new strategy was planned i.e. cleaning the already lying sewer line in non-functional position due to clogging etc. and to channelize sewer into this sewer line. Accordingly, said sewer line was cleaned and made functional. Thereafter, flow of sewage was channelized into this line. At present, no sewage is flowing towards area in question from the MCF area. The stagnated water in area in question had also been disposed of as committed in para no. 3 of report dated 23.02.2021.***

*4. It has been further informed that while visiting the area in question on 25.10.2021, **some Construction & Demolition waste was found which was adjusted in low lying area in question on the evening of 25.10.2021 and morning of 26.10.2021. It***

was informed that no waste is lying on the area in question, as such, there is no possibility of burning of waste. It is worthwhile to mention here that during said task, official from Irrigation Department, State of Uttar Pradesh objected the task being executed by MCF through KB machine. The said official claimed ownership right over the area in question. Accordingly, Executive Engineer, Div-III, MCF informed the Executive Engineer, Head work Division Agra Canal about the incident and requested that cleaning, removal of encroachment etc. in future may kindly be done by U.P. Irrigation Department itself. It is noteworthy that letters/representations have also been written to State of U.P. and its authorities and annexed with OA as Annexure A-15 to A-18.

5. After receiving the report from MCF vide Memo dated 27.10.2021 alongwith photographs, area in question was visited by official of the HSPCB also on the same day. The photographs provided were verified and found true. Copy of Memo dated 27.10.2021 issued by Executive Engineer, MCF to the Regional Officer, HSPCB, Faridabad is annexed herewith as Annexure-R/1. Copy of Memo dated 26.10.2021 issued by Executive Engineer, MCF to the Executive Engineer, Head work Division Agra Canal is annexed herewith as Annexure-R/2, Photographs taken on 27.10.2021 are annexed herewith as Annexure-R/3.

6. It is submitted that **for prevention of burning of waste, constituency wise, 5 no. of team has been constituted comprising 5 members each vide office order bearing Memo No. MCF/MOH/2021/178 dated 09.08.2021. Copy of Memo No. MCF/MOH/2021/238 dated 10.09.2021 issued by Medical Officer of Health, MCF is annexed herewith as Annexure-R/4.**

7. It is submitted that **with respect to rejuvenation of ponds in Faridabad, it has been reported by the concerned Executive Engineer, MCF vide letter dated 28.10.2021 that no pond exists in area in question pertaining to Irrigation Department, State of Uttar Pradesh. However, progress pertaining to rejuvenation of ponds/water bodies as mentioned in O.A. No.325 of 2015 (Lt. Col. Sarvadaman Singh Oberoi Vs UoI & Or.) and O.A. No 393 of 2019 (as Mahesh Kumar v/s State of Haryana & others) is being monitored by the Haryana Pond and Waste Water Management Authority, Panchkula. Copy of Memo dated 28.10.2021 issued by Executive Engineer (Pond), MCF to the Regional Officer, HSPCB, Faridabad is annexed herewith as Annexure-R/5.”**

4. Learned Counsel for the applicants submits that applicants which include a public school and other citizens are also willing to contribute in the matter to supplement the efforts of the State Authorities. There can be no objection to any such contribution. In fact, cooperation and assistance

of citizens with the State Authorities can always be helpful in maintaining the environment.

5. In view of above, the concerned authorities, including Municipal Corporation, Faridabad and Irrigation Department, UP may continue efforts for maintaining the canal and the area in question free from garbage and sewage. The Irrigation Department, UP, Municipal Corporation, Faridabad and concerned PCBs/DMs may make individual as well as collective efforts, with the assistance of voluntary contribution of the citizens, including the petitioners, in the interest of environment and public health. Help of any other authorities may also be taken as and when required.

The application is disposed of.

A copy of this order be forwarded to District Magistrate, Faridabad, Municipal Corporation, Faridabad, Secretary, Irrigation Department, UP, Haryana State PCB and UP State PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

November 17, 2021
Original Application No. 49/2020
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