

Date: 15.02.2021

Monitoring Committee

(Appointed by NGT vide order dated 06.12.2018, 18.12.2019 and 04/13.08.2020 in O.A.No.125/2017)

Karnataka State Pollution Control Board,
"Parisara Bhavan", 2nd Floor,
#49, Church Street, Bengaluru-560 001.
E-mail: mcngt61@gmail.com

To,

The Registrar,
National Green Tribunal,
Faridkot House, Copernicus Marg,
Near India Gate, New Delhi,
Delhi -110 001.
judicial-ngt@gov.in

Sir,

Sub: Synopsis of the Report of the Committee to the National Green Tribunal in compliance of orders dated 06.12.2018, 18.12.2019, and 13.08.2020 issued in regard to the Bellandur, Varthur and Agaram Lakes.

Pursuant to the directions issued by the Hon'ble National Green Tribunal (NGT) in its order dated 13.08.2020 read with order dated 06.12.2018 and 18.12.2019 the Committee headed by the undersigned had met several times (10 meetings and 7 field visits after the 13.08.2020 NGT order) and in these meetings and visits, the progress of works/activities of the implementation of the directions of the National Green Tribunal has been reviewed. The Hon'ble National Green Tribunal, in its order dated 13.08.2020 has held that :-

In view above, the left-over work may be expeditiously completed, which may be reviewed by the Monitoring Committee. The status of compliance as on 31.12.2020 may be compiled by the Monitoring Committee and report furnished to this Tribunal by 15.01.2021 with a copy to the Chief Secretary, State of Karnataka. The Chief Secretary, State of Karnataka may furnish a consolidated report covering the steps taken by all the concerned Departments. The individual Departments need not file separate reports before this Tribunal once the same are filed before the Monitoring Committee and the Chief Secretary, Karnataka. The Chief Secretary, Karnataka, may give its own report by 31.01.2021 by E-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

It may kindly be noted that, due to unavoidable circumstances I have requested for extension of time vide letter dated 02/06.01.2021 to submit the report by 15.02.2021. As directed in the order dated 13.08.2020 this compliance report is submitted mainly on the observations of the Amicus and the issues that survived after the order dated 13.08.2020.

It is submitted that in regard to the works / activities which were fully complied with and submitted in the report dated 06.03.2020 as per the order dated 18.12.2019, have not been specifically traversed in this report. The emphasis has been laid on the “sum up” directions issued in the order dated 13.08.2020. It may kindly be noted that during this period of Covid-19 there were lockdowns and migration of labourers etc.

It is submitted that a report was submitted on 06.03.2020 in compliance with the order of the Hon’ble NGT dated 18.12.2019. Taking that report on record and the summary compliances report of the State Government as on 04.08.2020, the Hon’ble National Green Tribunal heard the matter on 04.08.2020 and uploaded the order on 13.08.2020.

It is submitted that the names of the officials who are responsible for carrying out the ongoing works are the same as submitted in the report dated 20.09.2020.

In this report, details are given as per the orders dated 06.12.2018, 18.12.2019 and 13.08.2020

Sl. no	<i>Directions of Hon'ble NGT vide orders dated 06.12.2018, 18.12.2019 and 13.08.2020</i>	Progress up to 31.01.2021 and Committee observations																															
1	Relevant para	3																															
1.	<p>Para 28(i) Order dated 18.12.2019: <i>Timelines for execution of projects for setting up of STPs and laying of sewerage network may not be extended beyond 30.09.2020. If the works remains incomplete even till 30.09.2020, compensation will be liable to be paid @ Rs.10 lakh per STP per month which may be liable to recovered from the erring officers, apart from adverse entries in their service records and other adverse action.</i></p> <p><i>Further, the NGT vide order dated 13.08.2020 has directed that, the works may be expeditiously completed and to be reviewed by the Monitoring</i></p>	<p>In regard to the construction of STPs and their commission, the details are given as under(BWSSB):</p> <table border="1" data-bbox="730 533 2107 1409"> <thead> <tr> <th data-bbox="730 533 808 608">Sl. no</th> <th data-bbox="808 533 1323 608">Name of the STP / others</th> <th data-bbox="1323 533 2107 608">Compliance</th> </tr> </thead> <tbody> <tr> <td data-bbox="730 608 808 647">i.</td> <td data-bbox="808 608 1323 647">Sarakki – 5 MLD STP</td> <td data-bbox="1323 608 2107 647">Completed and commissioned on 08.11.2019</td> </tr> <tr> <td data-bbox="730 647 808 722">ii.</td> <td data-bbox="808 647 1323 722">Chikkabeguru - 5 MLD STP</td> <td data-bbox="1323 647 2107 722">Completed and commissioned on September 2020.</td> </tr> <tr> <td data-bbox="730 722 808 762">i.</td> <td data-bbox="808 722 1323 762">Hulimavu – 10 MLD STP</td> <td data-bbox="1323 722 2107 762">Completed and commissioned on 31.03.2020</td> </tr> <tr> <td data-bbox="730 762 808 802">ii.</td> <td data-bbox="808 762 1323 802">Agram – 35 MLD STP</td> <td data-bbox="1323 762 2107 802">Completed and commissioned on 31.03.2020</td> </tr> <tr> <td data-bbox="730 802 808 842">iii.</td> <td data-bbox="808 802 1323 842">Madivala – 4 MLD STP</td> <td data-bbox="1323 802 2107 842">24.5% work completed</td> </tr> <tr> <td data-bbox="730 842 808 1031">iv.</td> <td data-bbox="808 842 1323 1031">K&C Valley – 150 MLD STP</td> <td data-bbox="1323 842 2107 1031">90.01 % works completed as on 31.01.2021. Primary treatment is in progress and likely to be completed by 31.03.2021 and expected to treat 83MLD sewage (with this augmentation, 536 MLD (92%) would be treated as against 583 MLD)</td> </tr> <tr> <td data-bbox="730 1031 808 1142">v.</td> <td data-bbox="808 1031 1323 1142">Construction of 210 MLD capacity ISPS at Koramangala at sports complex</td> <td data-bbox="1323 1031 2107 1142">The work is completed and ready for operation. The water will be pumped to 150 MLD STP ,once the remaining pipe network is completed, (yet to complete 252 Rmt)</td> </tr> <tr> <td data-bbox="730 1142 808 1217">vi.</td> <td data-bbox="808 1142 1323 1217">Laying of 800 mm UGD from 210 MLD ISPS to 150 MLD STP</td> <td data-bbox="1323 1142 2107 1217">Against the 5315-running meter; 5063 running meter is completed. Likely to be completed by 31.03.2021.</td> </tr> <tr> <td data-bbox="730 1217 808 1409">vii.</td> <td data-bbox="808 1217 1323 1409">Waste water wet well – 32.5 MLD Capacity near the premises of 90 MLD Bellanduru Amanikhane STP to augment sewage from the adjoining areas of Bellanduru</td> <td data-bbox="1323 1217 2107 1409">The overall progress as on 31.01.2021 is 45.75 % against the planned target of 100.00%. This work will be completed before 31.03.2021. However, the temporary arrangement has been made for pumping sewage to Bellandur Amanikhane STP.</td> </tr> </tbody> </table>		Sl. no	Name of the STP / others	Compliance	i.	Sarakki – 5 MLD STP	Completed and commissioned on 08.11.2019	ii.	Chikkabeguru - 5 MLD STP	Completed and commissioned on September 2020.	i.	Hulimavu – 10 MLD STP	Completed and commissioned on 31.03.2020	ii.	Agram – 35 MLD STP	Completed and commissioned on 31.03.2020	iii.	Madivala – 4 MLD STP	24.5% work completed	iv.	K&C Valley – 150 MLD STP	90.01 % works completed as on 31.01.2021. Primary treatment is in progress and likely to be completed by 31.03.2021 and expected to treat 83MLD sewage (with this augmentation, 536 MLD (92%) would be treated as against 583 MLD)	v.	Construction of 210 MLD capacity ISPS at Koramangala at sports complex	The work is completed and ready for operation. The water will be pumped to 150 MLD STP ,once the remaining pipe network is completed, (yet to complete 252 Rmt)	vi.	Laying of 800 mm UGD from 210 MLD ISPS to 150 MLD STP	Against the 5315-running meter; 5063 running meter is completed. Likely to be completed by 31.03.2021.	vii.	Waste water wet well – 32.5 MLD Capacity near the premises of 90 MLD Bellanduru Amanikhane STP to augment sewage from the adjoining areas of Bellanduru	The overall progress as on 31.01.2021 is 45.75 % against the planned target of 100.00%. This work will be completed before 31.03.2021. However, the temporary arrangement has been made for pumping sewage to Bellandur Amanikhane STP.
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	Committee.	Amanikhane STP (date fixed for completion 30.09.2020)	
2.	<p>Para No.14 Order Dated 18.12.2019 <i>We also found that timelines fixed by this Tribunal have been unilaterally extended without any valid justification and no action has been taken against the erring officers on a specious plea that it was difficult to fix responsibility. Such approach is hardly compliant with the Rule of Law. We particularly disapprove the timeline for upgradation of STPs with Biological Nutrient Removal (BNR) at 248. MLD STP at K&C Valley. The same must not go beyond 30.09.2020 but preferably be completed before 30.06.2020 although earlier timeline fixed by this Tribunal was 30.06.2019. No substantial work has been done in the last one year on this aspect.</i></p>	<p>The BWSSB submits that, STPs of 90 MLD at Bellandur Amanikere; 60 MLD at K&C Valley; 5 MLD at Sarakki; 5 MLD at Chikkabegur; 10 MLD Hulimavu; 35 MLD at Agram and 150 MLD at K&C Valley (under construction) are complied with Biological Nutrient Removal treatment.</p> <p>The BWSSB further submits that for the 248 MLD STP at K&C Valley, certain modifications in the process of treatment have been made in consultation with the IISc, Bengaluru, for removal of nutrients. On sample analysis it is found that the biological nitrates have been reduced substantially (nitrogen 6.4 mg per ltr and phosphates 0.85 mg per ltr). It is noted that, the treated water from these STPs is being transmitted to the tanks in Kolar Districts for recharge of ground water for irrigation purpose. However, the upgradation of the system has not been completed but is in process.</p>	

3.	<p>Para 28(ii) Order dated 18.12.2019: <i>Bengaluru Water Supply and Sewerage Board (BWSSB) must ensure that no sewage/effluent is discharged into the lakes and till completing of STPs, interim remediation must be done forthwith. Any default in this regard will result in requirement to pay compensation of Rs.5 lakh per month per inlet into the lakes from 01.02.2020.</i></p>	<p>It is submitted that, the sewage water has been diverted through the peripheral temporary diversion channels and no sewage water enters in these lakes (Agram, Bellanduru and Varthur).</p> <p>Further, the BWSSB has installed aerating systems in these temporary diversion channels at, 1) HAL side and Kempapura inlet, 2) Agaram inlet, 3) Koramangala inlet, 4) Iblur inlet coming under Bellandur Lake, 5) Northern and 6) Sothern side of Varthur lake for inline treatment of sewage.</p> <p>The artificial floating islands have also been installed at certain places. The committee has suggested to augment phytoremediation options at locations, where the water flow is slow or stagnant to enhance the treatment efficacy, which is yet to be implemented.</p>
4.	<p>Para 28(iii) Order dated 18.12.2019: <i>BSWWB may further ensure that treated water is not discharged into the UGD network. Action may be taken against persons responsible for having allowed this to be done earlier resulting into loss of Rs.2 Lakhs per day i.e.Rs.60 Lakhs per month and more than Rs.7 Crore per year without any justification whatsoever.</i> BY BWSSB</p>	<p>There are about 496 buildings having STPs as per the KSPCB records. The BWSSB submits that, wherever there was connectivity with the UGD for flowing of treated water; all have been disconnected (109 buildings). For the remaining areas there is no access to networking of UGD.</p> <p>The BWSSB submits that, treated water was allowed as per the conditions stipulated in the order issued by KSPCB. In view of these facts and circumstances, it is requested by BWSSB not to initiate action against their officials.</p>

<p>5.</p>	<p>Para No.16 Order Dated 18.12.2019 <i>We are informed that about 256.7 MLD untreated sewage is entering the lake from five locations which is nothing but a criminal offence which is required to be checked on war footing and violators of law brought to justice, erring officer being appropriately dealt with under the civil, criminal and service law with a view to uphold the Rule of Law. There is large scale breach of public duties by concerned Authorities dealing with the subject and earlier observations of this Tribunal have fallen on deaf ears and blatantly flouted.</i></p>	<p>The BWSSB submits that to check the flow of sewage water into the lakes, following works have been completed.</p> <ol style="list-style-type: none"> 1. HAL SWD (Challaghatta Valley) – Totally 23 works are to be taken up for augmenting this flow, out of which 23 works are completed as on 23.12.2020. 2. Koramangala and Agram Valley -Totally 48 works are to be taken up for augmenting this flow out of which 48 works are completed on 23.12.2020. 3. Iblur Catchment area- Completed and Commissioned on 23.12.2020. 4. Kempapura Catchment area- BWSSB has taken up work of laying 300 mm RCC NP3 sewer line for a length of 1000 RMT to convey the sewage generated in the area of Bellanduru Amanekhane STP. The work is completed and commissioned in the month of May 2020. <p>The BWSSB submits that, the combined treatment capacity in the catchment of these lakes will be around 664.50 MLD against the presently measured flow of 553 MLD. Presently, about 453.50 MLD of sewage is being treated. Additional treatment of 83 MLD would be augmented by commissioning of new STP (end of March 2021). Therefore, there will be treatment of 536.50 MLD (92 %) as against the measure flow of 583 MLD.</p> <p>The Committee observes that the BWSSB has to take steps to treat the remaining 8 to 10 % of sewage to stop completely the flowing of sewage into the lakes after rejuvenation. It is submitted here that, as per the earlier recommendations of the Committee, the water level in these lakes will be maintained by supplying treated water from the STPs daily to compensate evaporation and seepage losses. Only the surplus treated water should be allowed to flow to Kolar, Chikkaballapur, Anekal etc.</p>
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6.	<p>Para 28(iv) Order dated 18.12.2019: <i>Sources of discharge of Sewage be controlled/ regulated and electricity and water supplies to the defaulting establishments be stopped for enforcement of law till remedial steps are taken for compliance.</i></p>	<p>The KSPCB has identified 91 units in total that are required to be installation of STP. The details of progress are given as under:-</p> <table border="1" data-bbox="728 252 2114 448"> <tr> <td>No. of units Installed STP</td> <td>42</td> </tr> <tr> <td>No. of units connected to BWSSB</td> <td>06</td> </tr> <tr> <td>No. of units with STP under construction</td> <td>07</td> </tr> <tr> <td>No. of units issued with Closure orders for either not having STPs or not connected to UGD and letting the raw sewage into the storm water drain</td> <td>10</td> </tr> <tr> <td>Action yet to be taken</td> <td>26</td> </tr> </table>	No. of units Installed STP	42	No. of units connected to BWSSB	06	No. of units with STP under construction	07	No. of units issued with Closure orders for either not having STPs or not connected to UGD and letting the raw sewage into the storm water drain	10	Action yet to be taken	26		
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7.	<p>Para 28(v) Order dated 18.12.2019: <i>Encroachments which are still continuing be removed by using force wherever necessary. If any injunction has been erroneous, higher forum can be moved so that law is upheld.</i></p>	<p>An area of 5.20 Acres in Sy.No.319 was granted to a person from the village of Amani Bellanduru kane during 1976-77 and a new survey number 477 have been formed. This survey number was the part of Varthur lake. The matter is under process for cancelation of grant and pending before the concerned Assistant Commissioner. The other encroachments are stated as removed. Illegal constructions in Ballandur lake (named as Ambedkar Nagar slum) are yet to be evicted</p>												
8.	<p>Para 28(vi) Order dated 18.12.2019: <i>Action against erring officers which has not yet been taken must be initiated forthwith as already directed. Failures of officers still in service should be duly reflected in their ACRs.</i></p>	<p>The Additional Chief Secretary, Urban development Department, has submitted the following details in regard to action initiated in the subject matter. The same is produced here for further needful.</p> <p>1) <u>Bengaluru Development Authority</u> :</p> <table border="1" data-bbox="728 1066 2114 1407"> <thead> <tr> <th>Sl. No</th> <th>Name of erring officer/ official</th> <th>Designation and Period</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Rizwan Baig</td> <td>Executive Engineer From 2010 to 2011 & 2015 to 2016</td> </tr> <tr> <td>2.</td> <td>S.Mallikarjuna Swamy</td> <td>Executive Engineer from 2010 to 2011 & 2015 to 2016</td> </tr> <tr> <td>3.</td> <td>Ravi Narayana</td> <td>Executive Engineer</td> </tr> </tbody> </table>	Sl. No	Name of erring officer/ official	Designation and Period	1.	Rizwan Baig	Executive Engineer From 2010 to 2011 & 2015 to 2016	2.	S.Mallikarjuna Swamy	Executive Engineer from 2010 to 2011 & 2015 to 2016	3.	Ravi Narayana	Executive Engineer
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Notices were served to erring officials on 19.02.2020 seeking their replies within 15 days. Replies were received from all the above mentioned officials. On scrutiny of the explanations given by them, the Additional Chief Secretary (ACS), submits that the replies are found acceptable.

2) **BBMP** : Period from 20.09.2008 to 03.05.2011

Sl. No	Name of erring officer/ official	Designation and Period	Present Dept
1.	J.C.Prakash Murthy	Assistant Engineer (1.10.2008 to 30.11.2009)	PWD
2.	H.P.Mohan Kumar	Assistant Executive Engineer (2.03.2009 to 3.1.2011)	PWD
3.	H.Chandrappa	Assistant Engineer, K.R.Puram Sub- Division, (2.12.2009 to 11.1.2012)	PWD
4.	J.C.Prakash Murthy	Assistant Executive Engineer, (after promotion) (2.12.2009 to 7.7.2010)	PWD

The State Government vide No.UDD/91/MNJ/2017, Dated.11.12.2020 directed BBMP to take necessary action on the erring officials as per the directions of the Hon'ble NGT and to submit a compliance report by 20.12.2020. The draft charges memo has been submitted to the concerned Administrative Department i.e., PWD for further necessary action.

3) **BWSSB**

Sl. No.	Name	Designation
1.	S.M. Basavaraju	Chief Engineer (14.11.2006 to 08.04.2013) & 10.05.2013 to 29.03.2014)
2.	S.M. Ramakrishna	Chief Engineer (29.03.2014 to 11.06.2013) & as Chief Engineer WWM (I/c) & (11.06.2014 to 31.07.2014) as Chief Engineer WWM
3.	S.R. Roopa Kumar	Additional Chief Engineer (31.010.2007 to 05.06.2008)

4.	S.P. Rudra Murthy	Additional Chief Engineer (05.06.2008 to 13.06.2012)
5.	V. Mahesh	Additional Chief Engineer (27.03.2013 to 10.07.2015)
6.	K.R. Manjunath	Additional Chief Engineer (10.07.2015 to 28.10.2016)
7.	B.M. Purushotham	Executive Engineer (29.10.2007 to 23.05.2008)
8.	C. Abdul Nazir	Executive Engineer (23.05.2008 to 04.01.2012)
9.	B.N. Sidda Gangaiah	Executive Engineer (04.01.2012 to 31.08.2012) & from 31.08.2012 to 15.11.2012
10.	C.C. Putta Mallappa	Executive Engineer (15.11.2012 to 26.08.2013)
11.	B.S.C. Soma Shekar	Executive Engineer (26.08.2013 to 07.06.2014)

The ACS submits that officers who have worked in the specified period have been identified and show cause notices have been issued to them. The replies obtained from these officers have been reviewed and found to be not acceptable. Hence, the formal approval of the Government has been sought vide letter dated.26.05.2020 for initiating disciplinary proceedings on all the concerned retired officers of BWSSB. In this regard, the State Government in letter dated.27.10.2020 has accorded approval to conduct department enquires on all the concerned retired officers of the Board. As per rule 214 (2)(B)(i) and (ii) of KCSR, action has been initiated to conduct Departmental enquiry and for this purpose show-cause notices have been issued to all the retired officers on 18.12.2020 giving 15 days' time to submit their replies. All the retired officers have sought many details and additional time for furnishing their replies. After getting their replies, further action will be initiated.

9.	<p>Para 28(vii) Order dated 18.12.2019: <i>The State PCB itself may lay down standards for phosphorus instead of waiting for notification.</i></p>	<p>The KSPCB submits that the Bureau of Indian Standards has issued notification for limiting the Phosphorus content in household laundry detergents powders, household laundry detergents bars and synthetic detergents of washing woollen and silk fabrics.</p> <p>Further they submit that some follow up action has been taken as listed below:-</p> <ol style="list-style-type: none"> 1. A public notice is issued by KSPCB in this regard in the print media. 2. Letters are addressed to all the State PCB's to directly implement the order. 3. Letters are addressed to all the soap/detergent manufacturers in the state of Karnataka for the restriction of Phosphorus content. 4. Letter is addressed to MOEF for making a final notification.
10.	<p>Para 28(viii) Order dated 18.12.2019: <i>The State of Karnataka may either resolve the issue of fencing with the Defence establishment or put such establishments to notice to place their objections before this Tribunal within one month of such notice after which the State of Karnataka will be at liberty to proceed with the fencing and such Defence establishment will stand restrained from interfering unless otherwise directed by this Tribunal or any other authority.</i></p>	<p>The issue of raising of fencing towards the Defence area have been resolved. The Commissioner, BDA, submits that an estimate is prepared and sent for 4(G) exemption to the Government for the construction of fence. Further, in regard to desilting a portion of the lake, there is a dispute pending with the Defence.</p>

11.	<p>Para 28(ix) Order dated 18.12.2019: <i>Compensation already assessed to be recovered by adopting coercive measures such as disconnection of electricity and water supplies.</i></p>	<p>In regard to this para, the KSPCB submits as under:-</p> <table border="1" data-bbox="719 188 2125 293"> <tr> <td>Total No. of units issued with notice for EC and Amount.</td> <td>376 units (Rs.19.85 Crores)</td> </tr> <tr> <td>No. of units paid EC and Amount</td> <td>40 units (Rs.2.10 Crores)</td> </tr> <tr> <td>Action yet to be taken for recovery</td> <td>336 units</td> </tr> </table> <p>M/s. Durga rainbow flat owner's welfare association has filed an impleading application before the Hon'ble NGT on 30.08.2020.</p>	Total No. of units issued with notice for EC and Amount.	376 units (Rs.19.85 Crores)	No. of units paid EC and Amount	40 units (Rs.2.10 Crores)	Action yet to be taken for recovery	336 units
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12.	<p>Para 28(x) Order dated 18.12.2019: <i>Steps be taken expeditiously for de-silting, de-weeding. Analysis of sludge and silt may be carried out before its disposal based on the result of such analysis, the mode of disposal and protocol be determined in accordance with laid down principles under the relevant Rules.</i></p>	<p>KSPCB has collected series of samples of Silt/sludge at different depth with grid manner on 25th, 26th & 27th of December 2020. Besides sample collected on 16/09/2020, 18/09/2020, 12/11/2020, 19.12.2020 & 5.1.2021</p> <p>The CPCB has given a report for Varthur lake based on TCLP and STLC analyses of silt samples. As per the protocol based on TCLP and STLC analyses, the soil is non-hazardous and accordingly the permission is accorded to BDA by KSPCB to dispose silt from the locations showed in the grid map based on local demand. As regards to Bellandur Lake, the analysis of sediment samples for leachability tests is under progress.</p> <p>Desilting of Varthur lake: work order issued on 23.11.2020 to the Agency M/s Star Infra Tech Pvt Ltd. It is submitted that, more soil / silt / sludge samples were collected from the lake bed areas and was analysed. The sediment analysis results based on the screening levels on soil quantity para meters prescribed for agriculture use have been examined by the CPCB and a report is given. Based on the recommendations of CPCB, the KSPCB issued a letter for disposal of the silt for agriculture and other uses. The work of de-silting has commenced by M/s Star Infra Tech Pvt Ltd as per the direction of KSPCB/BDA. Further, the BDA claims that approximately in an area of 100 Acres, silt is removed and stocked in the lake area. This work of removal of silt (100 Acres) is carried out under the 4 (G) exemption.</p> <p>Desilting of Bellandur lake: work order issued on 23.11.2020 to M/s RMN Infrastructure Pvt Ltd. Lake bed pre level survey is done, removal of seepage water and others in the Bellandur lake is completed. BDA claims that under 4(G) exemption, an area of 158 Acres (Bellandur lake) silt is removed and stocked at some places inside the lake. The BDA further submits that the stocked silt will be disposed as per the protocol.</p>						

13.	<p>Para 28(xi) Order dated 18.12.2019: <i>The State PCB may develop a robust water quality monitoring program for monitoring of water quality of drains leading to the lakes and also undertake water quality monitoring at atleast 5 locations for each lake.</i></p>	<p>The KSPCB has a well-equipped laboratory to analyse the samples in house. Samples are being analysed for pH, BOD, COD, TSS, Ammoniacal Nitrogen, Iron and Manganese, Total Nitrogen, Cyanide, Hexavalent Chromium, Cadmium, Copper, Lead, Nickel, Zinc and Total Chromium at KSPCB's sophisticated Central Laboratory. KSPCB has been advised to undertake water quality monitoring at regular intervals in these lakes and drains (connecting these lakes) and upload (on monthly basis) the water quality information at KSPCB website.</p>
14.	<p>Para 28(xii) Order dated 18.12.2019: <i>Steps may be taken to explore development of wetlands and biodiversity parks apart from other remedial action for reducing the pollution load on the recipient water bodies.</i></p>	<p>Provision is made in the estimate for construction of wetland Bellandur and Varthur lakes. Once the identified wetland area within the lake is de-silted, wetland will be developed. Letter has been received from the ADLR (East) dated.06.11.2020 stating that Government land is not available along the periphery of the lake boundary in buffer zone.</p>
15.	<p>Para 28(xiv) Order dated 18.12.2019: <i>Real time water quality system be commissioned by 31.01.2020 as proposed.</i></p>	<p>The Board has already installed the Real Time Water Quality Monitoring systems at three locations and continuously monitoring. The results are uploaded on the website.</p>

16.	<p>Para 28(xv) Order dated 18.12.2019: <i>The issue of removing 1.5 km road laid upon the lake bed, within the boundary of Varthur lake, by dumping of C&D debris be finalized as per directions of Justice Hegde Committee in terms of para 26 above.</i></p>	<p>The Hon'ble NGT vide order dated 13.08.2020 has held that enquiry should be conducted about the illegality in laying the pipeline by the Minor Irrigation Department. Accordingly, Minor Irrigation department has taken steps as stated in para 21 in this report.</p>				
17.	<p>Para 19(16) of order Order dated 06.12.2018: <i>Post removal of waste from the Lake and from the Rajakaluves, the State ought to prepare a detailed project report with respect to disposal of the same.</i></p>	<p>As regard to removal of waste from the lake area, the desilting work is in progress and once it is completed the left-out waste shall have to be removed. Meanwhile, the BBMP has to prepare a detail project report for the disposal for the same.</p> <p>In regard to removal of waste from the Rajakaluves, the BBMP submits that against approximately 218.0 kms of Rajakaluves (SWD), about 105.149 kms are being maintained. The maintenance includes removal of silt, floating tresses, vegetation and other organics and transported to the Anjanapura abandoned stone quarries. A list of drains of 105.149 kms has been provided here as under:</p>				
		Sl. No	Drain No	Drain Name		Length in M
		1	MD 342A	Boganahalli		Panattur Kere 300
		2	MD 425	Ramgondanahalli Adarsha Houses		MD 428 @ Chainage 0.00m 100
		3	MD 428	Varthur Kere		MD 431 @ Chainage 0.00m 200
		4	MD 413	Pattanduru Agrahara		Nalluralli Kere 250
		5	MD 414	Saibaba Hospital		Nalluralli Kere 450
		6	MD 415	Pioneer Software		Nalluralli Kere 400
		7	MD 416	Nalluralli		Nalluralli Kere 450
		8	MD 349	End Point of MD 322 & MD 334 Near ADA Compound Wall		Varthur Kere 400
		9	MD 365A	End Point of MD 363 & MD 364		MD 369 @ chainage 0.00 400

		10	MD 322	RHB Colony	Garudacharyapalya Kere	150
		11	MD 322A	Garudacharyapalya Kere	Mahadevpura Kere	400
		12	MD 322C	ITPL Road	Ramakka Layout	100
		13	MD 325	Outter Ring Road	Doddanenkundi Kere	300
		14	MD 325A	Vinayaka Nagara 8th Cross	MD 325 @ Chainage 0.00	500
		15	MD 363	Chinnappanahalli Layout	MD 365 @ Chainage 0.00	500
		16	MD 369	End Point of MD 365 & MD 368	Varthur Kere	500
		17	MD 371	Tules CADCAM Technology	Kundalahalli Kere	500
		18	MD 372	BEML Layout	Kundalahalli to Siddapura	300
		19	MD 374	Tuberahalli BEML Layout	MD 375 @ Chainage 0.00m	230
		20	MD 375	End Point of MD 374 & MD 373	Siddapura Kere	450
		21	MD 292B	Vijaya Lakshmi Colony via Sai Baba Ashram	Dakshina Pinakini River	350
		22	MD 292	Patalamma Layout	Dakshina Pinakini River via Sidhartha Layout	500
		23	MD 292A	Kashi Vishwanatha Temple	Outer Channel of YMC Kere near Railway Culvert	1050
		24	MD 294	Alembic Glass	MD 388 @ Chainage 0.00m near Channasandra Circle	1150
		25	MD 296	Channasandra Circle	Dakshina Pinakini River on Chikka Thirupathi Road	1300

26	MD 388A	Plantation near Gunjar	MD 388 @ Chainage 0.00m	150
27	MD 387	End point of MD 385	MD 382 @ Chainage 1840.00m	300
28	MD 451A	Gandhipura	MD 451 @ Chainage 560.00m	360
29	MD 451	Gandhipura	MD 453 @ Chainage 0.00m @ Immadihalli	300
30	MD 453	End Point of MD 451	MD 454 @Chainage 0.00	360
31	BH 628	Kaikondanahalli Kere	Sowl Tank	800
32	BH 627	Kasavanalli Kere	Kaikondanahalli Kere	300
33	BH 629	Arluur Kere	Kaikondanahalli Kere	500
34	BH 629	Arluur Kere	Kaikondanahalli Kere	200
35	BH627A	Bellandur	Ecospace	500
36	BH-599	Iblur Lake	Bellandur Lake	769
37	C 200	Doordarshan, Jayamahal Extn,	Ulsoor Tank	4150
38	C-100	From Palace Grounds, Vasanthnagar	Wind Tunnel Road	9650
39	C-101	Sudhamnagar	Inside HAL Airport	1875
40	C-102	Sweepers colony, Kadirenapalya	Shastrinagar Joining C-100	1600
41	C-103	Krishnamurthynagar	Kadirenapalya	1600
42	C-104	Kadirenapalya	Kadirenapalya tank	2500
43	C-105	Hanumannagar	Kodihally, Near Domlur Flyover	3000
44	C-106	New Thippasandra	ISRO Complex	650

		45	C-107	Kaggadasapura Lake	Kaggadasapura Main Road / Doodanekkundi tank	900
		46	C-108	Airport South East Corner	NAL	600
		47	C-109	Adj. To Airport Compound	Bellandur Lake	675
		48	N4 Drain	Nagammanagar	3rd Cross Domlur	1580
		49	-	Domlur AK colony	Natasha Apartment	920
		50	C-201	Ganapathy Temple, near Ulsoor Tank	MEG near Ulsoor Tank	250
		51	C-202	Richards Town	Gymkhana Club	1170
		52	C-203	Sagayapuram	Cleve town	750
		53	C-204	Orion Mall, Marutisevanagar	Ulsoor Tank	2000
		54	-	Upper Byrasandra lake - Baghmane Tech Park	Lower Byrasandra Lake - Baghmane techpark	560
		55	-	Lower Byrasandra Lake - Baghmane techpark	Kaggadasapura Lake	930
		56	-	KrishnaiahnaPalya	Kaggadasapura Lake	2600
		57	-	Kasturinagar Park	Outer Ring Road	1000
		58	-	Kasurinagar Railway track	Outer Ring Road	600
		59	K-100	K.R.Market	Bellandur Lake	10200
		60	K-200	Sanatorium	Bellandur Lake	7600
		61	K-103	Church Street	via Austin town & Vivek nagar joining to K-100	3400
		62	K-104	Jayangara 1st Block	Via Lakkasandra joining to K-100	1700
		63	K-107	Lang ford town	Jalakanteshwara pura	770
		64	K-108	Venkatareddy Layout	Willson Garden	1925

65	K-109	Kanteerava Stadium	via R.R. Mohan Ray & joining to K-100	2000
66	K-110	Hosur road	Sudhamanagara	625
67	K-111	South End road near Jayangara 2nd Block	Lalbh Tank	950
68	K-112	Parvathi Pura	Kumbargundi	725
69	K-114	Lang ford road	via St Michael's Church & Joining to K-100	1100
70	K-201	Vanaganahalli	Agara Lake	1350
71	K-202	Ellukunte	venkatapura	950
72	K-203	Crompton Greeves Road	Ring Road	1200
73	K-204	Madivala Tank	Hosur Road	705
74	K-205	Mudduram Nagar	Bismillah Nagar	525
75	K-206-	Tayappanahalli	Bovi Colony	1245
76	K-207	Bairsandra Ext	Bannerugatta road	1225
77	K-208	Tilaknagar	Krishnappa Garden	425
78	K-209	J P Nagara 6th Phase	Madiwala Tank	9500
79	K-210	J P Nagara 6th Phase	Joining K-200	1700
Total Length				105149 meters

It is stated here that the above details are submitted for the first time now hence Committee could not cross verify at the field level.

Further, the State Government is developing Rajakaluve K-100 for the length of 11.4 kms from Chikkalalbagh to Bellanduru lake. No Objection Certification was given in compliance with IA No.392/2020 in OA No.125/2017 subject to the conditions. Copy of the said letter dated 24.12.2020 was also submitted to the Hon'ble NGT by the Committee. The outcome of the development of this Rajakaluve should be placed before the Hon'ble NGT by the State Government.

BBMP is yet to submit the detailed report on the status of the drains (with details of encroachments) and buffer zones.

18.	<p>Para 6 of order Order dated 13.08.2020: <i>Details of amount to be recovered from the units operating without STPs and the stage of proceedings pending before the State PCB</i></p>	<p>KSPCB has identified 91 units for recovery of Rs .271.50 Crores . The stages of proceedings are as under:-</p> <table border="1" data-bbox="712 236 2089 411"> <tr> <td>No. of units Installed STP</td> <td>42</td> </tr> <tr> <td>No. of units connected to BWSSB</td> <td>06</td> </tr> <tr> <td>No. of units with STP under construction</td> <td>07</td> </tr> <tr> <td>No. of units issued with Closure orders</td> <td>10</td> </tr> <tr> <td>Action yet to be taken</td> <td>26</td> </tr> </table> <p>No recovery is made from the defaulting units.</p>	No. of units Installed STP	42	No. of units connected to BWSSB	06	No. of units with STP under construction	07	No. of units issued with Closure orders	10	Action yet to be taken	26
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19.	<p>Para 6 of order Order dated 13.08.2020: <i>Vacation of interim order passed by the High Court (present status)</i></p>	<p>A WP No. 50953/2019 regarding unauthorised occupation of the Bellanduru lake land (Ambedkar Colony) is pending before the Hon'ble High Court.</p>										
20.	<p>Para 6 of order Order dated 13.08.2020: <i>The BDA has wrongly understood that biodiversity parks are to be set up within the lake boundary. Such parks are to be set up along the periphery of the lake boundary. (Possibility of such Biodiversity parks).</i></p>	<p>The BDA submits that no Bio-Diversity parks are developed within the periphery of the lake after Hon'ble NGT observations. The BDA submits that Government land is not available along the periphery of the lake boundary in buffer zone.</p> <p>BDA submit that Contour Survey is being done for both the lakes to demarcate the area between maximum flood levels and the lake periphery. So, identified/demarcated area which is beyond the maximum water level where water does not reach to lake periphery, such area may be developed as Bio-diversity parks without compromising total water holding capacity of lake and only on approval from competent Authority.</p> <p>Alternative land for disposal of silt or/and formation of Bio-diversity park in being explored near Defence land abutting to the Bellandur lake and also other open land available with Defence establishment within Bangalore city. Negotiation with Defence authorities are in progress. If it materialises, further action will be taken by following the protocol of disposal as per Rules.</p>										

21.	<p>Para 6 of order Order dated 13.08.2020: <i>Enquiry should be conducted about the illegality in laying the pipeline by the Minor Irrigation Department (Present status).</i></p>	<p>The Additional Chief Secretary, Urban development Department, has submitted the following details in regard to action initiated against the officials in the subject matter.</p> <table border="1" data-bbox="792 264 1980 673"> <thead> <tr> <th>SL No</th> <th>Name of the Erring Official</th> <th>Designation</th> <th>Period</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Devaraj B</td> <td>Chief Engineer</td> <td>23-09-2015 to 31-08-2017</td> </tr> <tr> <td>2.</td> <td>M Ravindrappa</td> <td>Superintending Engineer</td> <td>26-06-2014 to 18-11-2019</td> </tr> <tr> <td>3.</td> <td>S N Krishnappa</td> <td>Executive Engineer</td> <td>11-06-2015 to 27-08-2018</td> </tr> <tr> <td>4.</td> <td>Venkatesh</td> <td>Assistant Executive Engineer</td> <td>27-03-2017 to 04-11-2018</td> </tr> <tr> <td>5.</td> <td>Lakshmu</td> <td>Assistant Executive Engineer</td> <td>18-07-2016 to 26-03-2017</td> </tr> <tr> <td>6.</td> <td>Ashok H Bhagi</td> <td>Assistant Engineer</td> <td>07-12-2016 to 22-07-2019</td> </tr> </tbody> </table> <p>Officers who have worked in the specified period have been identified and show cause notices were issued to them vide dtd. 04.03.2020, giving 15 days' time to submit their replies. The replies submitted by them have been reviewed and found unacceptable. Further at Sl. No 04 Shri Venkatesh, Assistant Executive Engineer expired on 04/11/2018.</p> <p>The Additional Chief Secretary submits that a proposal will be sent to DPAR for obtaining formal approval for initiating disciplinary proceedings against the concerned retired officers and after getting approval from DPAR to conduct department enquiry action will be initiated as per rule 214 (2)(B)(i) and (ii) of KCSR.</p>	SL No	Name of the Erring Official	Designation	Period	1.	Devaraj B	Chief Engineer	23-09-2015 to 31-08-2017	2.	M Ravindrappa	Superintending Engineer	26-06-2014 to 18-11-2019	3.	S N Krishnappa	Executive Engineer	11-06-2015 to 27-08-2018	4.	Venkatesh	Assistant Executive Engineer	27-03-2017 to 04-11-2018	5.	Lakshmu	Assistant Executive Engineer	18-07-2016 to 26-03-2017	6.	Ashok H Bhagi	Assistant Engineer	07-12-2016 to 22-07-2019
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22.	<p>Para 6 of order Order dated 13.08.2020: <i>Construction of retaining wall should not result in reduction of width of the water bodies/Rajakaluves.</i></p>	<p>The BBMP submits that the Construction of retaining walls to storm water drains is temporarily suspended in the Bellandur and Varthur catchment areas. To ascertain the actual width of these drains, the help of Cadastral maps is being taken in collaboration of Revenue Department and the Karnataka State Satellite Remotes Sensing Centre. They submit that the exercise will be completed by the end of March 2021. Once these exercises are completed the encroachments shall be identified at field and should be removed. The works of construction of retaining walls should be recommenced accordingly. The excess area outside the retaining walls, tree park should be developed. The BBMP is expected to consider entire lengths of SWDs in the catchment areas.</p>																																										
23.	<p>Para 6 of order Order dated 13.08.2020: <i>Details of action taken by the BBMP against illegal structures (rajakaluves and 30 meter buffer zone around the lakes)</i></p>	<p>The BBMP submits a detail of the encroachment removed in Mahadevapura Zone of the catchment of these lakes which were identified in the past. The details are as under:-</p> <table border="1" data-bbox="712 587 2121 900"> <thead> <tr> <th>Sl. No</th> <th>Zone</th> <th>Total encroachments Identified in each Zone</th> <th>Details of the encroachments removed by doing survey in the year 2016-17</th> <th>Details of the encroachments removed /resolved by doing survey in the year 2018-19 on-wards</th> <th>Balance Encroachments to be removed as on 24.12.2020</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Mahadevapura</td> <td>1101</td> <td>98</td> <td>864</td> <td>139</td> </tr> <tr> <td>1a</td> <td>Mahadevapura-New</td> <td>45</td> <td>0</td> <td>0</td> <td>45</td> </tr> <tr> <td></td> <td>TOTAL</td> <td>1146</td> <td>98</td> <td>864</td> <td>184</td> </tr> </tbody> </table> <p>Further, BBMP submits that, following Writ Petitions in the matter of encroachment are filed and pending before the Hon'ble High Court.</p> <table border="1" data-bbox="712 1011 2121 1257"> <thead> <tr> <th>Sl.no</th> <th>Writ Petition Number</th> <th>Number of cases</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>W.P No.27287/2019</td> <td>3 cases</td> </tr> <tr> <td>2.</td> <td>W.P No.26150/2019 & 26835-26842/19</td> <td>1 Case</td> </tr> <tr> <td>3.</td> <td>W.P No.29873/19 & 29874-876/19</td> <td>3 Cases</td> </tr> <tr> <td>4.</td> <td>W.P No.30399-30414/2019</td> <td>45 Cases</td> </tr> <tr> <td></td> <td>Total</td> <td>52 Cases</td> </tr> </tbody> </table> <p>The details of encroachments of other zones for the catchment of Varthur, Bellanduru and Agram have not been submitted by the BBMP.</p>	Sl. No	Zone	Total encroachments Identified in each Zone	Details of the encroachments removed by doing survey in the year 2016-17	Details of the encroachments removed /resolved by doing survey in the year 2018-19 on-wards	Balance Encroachments to be removed as on 24.12.2020	1	Mahadevapura	1101	98	864	139	1a	Mahadevapura-New	45	0	0	45		TOTAL	1146	98	864	184	Sl.no	Writ Petition Number	Number of cases	1.	W.P No.27287/2019	3 cases	2.	W.P No.26150/2019 & 26835-26842/19	1 Case	3.	W.P No.29873/19 & 29874-876/19	3 Cases	4.	W.P No.30399-30414/2019	45 Cases		Total	52 Cases
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		<p>The BBMP further submits that 30 meter buffer zone have been demarcated all along the outer boundary of Bellanduru lake with the help of Additional Director of Land Records. In the 30 meter buffer zone of Bellanduru lake, 22 unauthorised structures have been identified. The process up to demolition order, has been completed. Against the demolition order 13 persons have appealed before the Karnataka Administrative Tribunal; one Writ Petition has been filed in the High Court; 4 persons have gone to the City Civil Court. Action has to be initiated against the remaining 4 persons.</p> <p>It is further submitted that along the periphery of the Bellanduru lake 177 mild steel tubular poles and 160 LED lights have been installed and commissioned. 23 poles and 40 LED lights are yet to be installed. As regard to CCTV cameras, 51 numbers have been installed and functioning and 11 numbers are yet to be installed.</p> <p>Further, 30-meter buffer zone has been demarcated along the outer boundary of Varthur lake with the help of Additional Director of Land Records. In this buffer zone, 12 unauthorised structures have been identified. The process up to demolition orders has been completed. Against the demolition order, one person has appealed before the Karnataka Administrative Tribunal; one structure has been demolished and remaining 10 structures are yet to be demolished.</p> <p>It is further submitted that along the periphery of the Varthur lake, 184 poles and 143 LED lights have been installed and commissioned. 16 poles and 57 LED lights are yet to be completed. As regard to CCTV cameras, 24 numbers have been installed and functioning and 26 numbers are yet to be installed.</p>
24.	<p>Para 6 of order Order dated 13.08.2020: <i>BBMP should survey and notify the rajakaluves for purposes of buffer zones of 50, 25 and 15 meters</i></p>	<p>The Storm water drains are classified into the Primary, Secondary and Tertiary SWDs with the buffer zones of 50, 25 and 15 meters respectively on certain technical parameters.</p> <p>The details of length in each category have not been submitted by the BBMP. The Committee has convened several meetings in this regard but no satisfactory desired results are achieved.</p> <p>To ascertain the actual width of these drains and encroachments, the help of Cadastral maps is being taken in collaboration of Revenue Department and the Karnataka State Satellite Remotes Sensing Centre. They submit that the exercise will be completed by the end of March 2021. Once this exercise is completed, the further action of demarcating of encroachments at field should be done and to be removed. The BBMP is expected to consider entire lengths of SWDs in the catchment areas.</p>

<p>25. Para 8 of order Order dated 13.08.2020: <i>We have given due consideration to the rival opinions. We are of the view that some more sampling may be got carried out with regard to de-silted debris/sludge at appropriate representative locations for comprehensive database and thereafter disposal protocol may be finalized in consultation with the CPCB. This will avoid unnecessary delay and cost (action taken in this regard by KSPCB for sample analysis).</i></p>	<p>More silt sampling in both lakes have been carried out jointly (by CPCB and KSPCB) and analysed for essential parameters including heavy metals. The standard protocol for assessing the hazardous (if any) is being followed through TCLP (Toxicity characteristic leaching procedure) and STLC (Soluble Threshold Limit Concentration) investigations of soil samples in Varthur and Bellandur Lakes.</p> <p>Based on this, CPCB has given a report for Varthur lake. As per the protocol based on TCLP and STLC analyses, the soil is non-hazardous and hence permission is accorded to BDA by KSPCB to dispose silt, based on the local demand</p> <p>As regards to Bellandur Lake, the analysis of sediment samples for leachability tests is under progress and is expected to be completed early. Based on the test results CPCB, will submit a report suggesting silt disposal mechanism.</p>
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This report is submitted to the Hon'ble National Green Tribunal for appropriate order.

Place: Bengaluru
Date: 15-02-2021



(N.Santhosh Hegde)
Hon'ble Judge of Supreme Court of India (Retd)
& Chairman, Monitoring Committee.