

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

M.A. No. 48/2022

In

O.A. No. 30/2022

IN THE MATTER OF

AFSAR ALI

....APPLICANT

VERSUS

STATE OF UTTAR PRADESH

.....RESPONDENT

ADVOCATE COMMISSIONER REPORT

(FOR INDEX:- Kindly See Inside)

New Delhi
Dated:30.07.2024

FILED BY:

S.A. Zaidi

**S.A. ZAIDI
ADVOCATE COMMISSIONER
Mob:-9868369914**

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MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal on 04.07.2024 in M.A. No. 48/2022 in O.A. No. 30/2022 titled as Afsar Ali vs. State of Uttar Pradesh was pleased to pass the following order:-

"10. In view of the above factual dispute, we find it appropriate to the facts verified. Hence we appoint an Advocate Commissioner, Shri S.A. Zaidi, Enrollment No. (V.P./305/1998), who shall visit the site, collect relevant information and submit a Factual Report,

Regional Officer, UPPCB, District Magistrate, Ghaziabad and Executive Officer, Nagar Panchayat, Dasna, Ghaziabad shall coordinate and cooperate in discharge of above function by the Advocate Commissioner”.

2. That in compliance of above said order dated 04.07.2024, the advocate commissioner sent prior information/mail to all the concerned officials and to the applicant.
3. That I visited the site in Question i.e. the Dasna Pond on 25.07.2024 at around 12.30 P.M. and the following persons were present during the inspection, along with me:
 - 1) Mr. Anshul Sharma, AE, UPPCB.
 - 2) Mr. Rohit Kumar, Executive Officer, Nagar Panchayat, Dasna.
 - 3) Mr. Vivek Mishra, Naib Tehsildar Sadar
 - 4) Mr. Anupam Mishra, Lekhpal.
 - 5) Mr. Afsar Ali (Applicant)

- 6) Other officers from Nagar Panchayat Dasna.

BRIEF DETAILS OF SITE VISIT/INSPECTION

POND

1. That the Pond in question is situated opposite to Siddha Peeth Devi temple in Dasna, Ghaziabad in an area of about 67540 square. On the day of inspection, the De- silting work was in progress by the Nagar Panchayat of Dasna. Approximately, the De- silting work was completed in an area of approximately 17500 sq. mtr. The officers of the Nagar Panchayat Dasna present over there informed that the further work would be completed in next 80-85 days.

2. That I noticed several machineries and labour of Nagar panchayat Dasna being engaged in the De- silting work. Furthermore, the ongoing

De- silting work was found to be satisfactory during the inspection.

3. That the soil collected from the De- silting work is being used by the Nagar Panchayat of Dasna for the construction of the pathway/ approach road to the Dasna Pond.

4. That during inspection, it was noticed that no domestic sewage was being discharged in the Dasna Pond in any manner. Furthermore, all the drains have been tapped by Nagar Panchayat of Dasna and the domestic sewage is now being diverted to *Kuccha Naala*. The Pond in question is now lying dry except some rainwater being noticed due to rainy season.

The Photographs of De-silting work are attached herewith.

PLANTATION

1. That during the inspection, it was noticed that the Nagar Panchayat of Dasna have planted around 150 small plants around the pond, but due to their non- maintenance, most of the plants have dried up. The greenery present around the pond needs regular attention and proper care.

Furthermore, the plants were not protected or fenced with the barbed wire in order to protect them from animals.

The Photographs of plants are attached herewith.

STP PLANT

1. That it was noticed that the work of construction of STP Plant was under progress. Almost 70% of the construction of the STP plant was done, and remaining work is

scheduled to be completed within next 15-20 days.

The Officers of Nagar Panchayat Dasna present during the inspection were instructed to complete the remaining construction work at the earliest, preferably within next 10 days.

Photographs showing construction of STP Plant are attached herewith.

KUCCHA NALA

1. That during inspection, it was observed that the *Kuccha Naala* (A Naala constructed around the Pond) was dumped with the Municipal solid waste which was lying inside it. Further, On asking about the cleaning of this *Kuccha Naala*, It was informed by the officers of Nagar Panchayat of Dasna that the cleaning work of this Naala is done in every 10 days.
2. That it was observed that the Nagar Panchayat Dasna is pumping the domestic sewage /water from the *Kuccha Naala* and throwing it directly into Storm Water Drain, constructed by the

PWD alongside the main road. On asking about the same from the officials of the Nagar Panchayat Dasna, it was informed that due to topography of the area, they are doing so.

The Photographs of Kuccha Nala & Photographs showing domestic sewage being pumped from Kuccha nala to Storm water drain are attached herewith.

RECOMMENDATIONS/SUGGESTIONS

- 1.** The remaining De- silting work can be expedite by adding more laborers/ workers & machineries so that it can be done expeditiously.
- 2.** Proper maintenance and regular vigilance to be done for maintaining the greenery with the already existing plants planted around the pond be done. New plants/ trees like *Safeda* or *eucalyptus* can be planted around the pond so

as to maintain & increase the beauty of the pond.

3. Proper maintenance & cleaning of the *Kuccha Naala* in every 5-7 days is recommended. Proper arrangements shall be made by Nagar Panchayat of dasna so that no Municipal solid waste or any other garbage is dumped inside the Naala.
4. That it is recommended that the Nagar Panchayat Dasna must stop pumping the domestic sewage/ water into the storm water drain of PWD.
5. The work of construction of STP to be done expeditiously, preferably within 10 days so as to prevent further pollution being caused by pumping domestic sewage/ water from Kuccha nala to storm water drain.

6. Proper fencing of the pond is recommended to be done around it so as to maintain it more aptly and to prevent it from any kind of encroachment also.
7. Continuous monitoring and vigilance to be done of the said area/ Pond in question by the officers of Nagar Panchayat Dasna and UPPCB so that no further pollution in and around the Pond takes place.

The said report is being submitted to this Honourable Tribunal for kind consideration.

Dated: 30.07.2024

Sheriq Zaidi

S.A ZAIDI
ADVOCATE COMMISSIONER

PHOTOGRAPHS SHOWING
DE-SILTING WORK IN PROGRESS



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PHOTOGRAPHS SHOWING IMPROPER
MAINTENANCE OF PLANTS/TREES

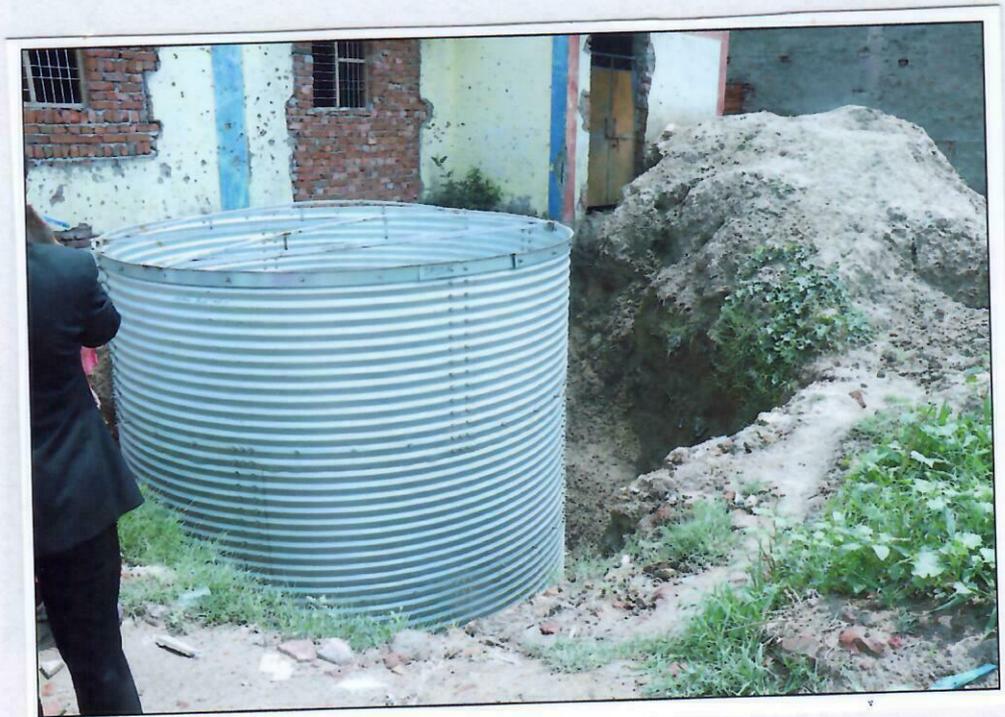
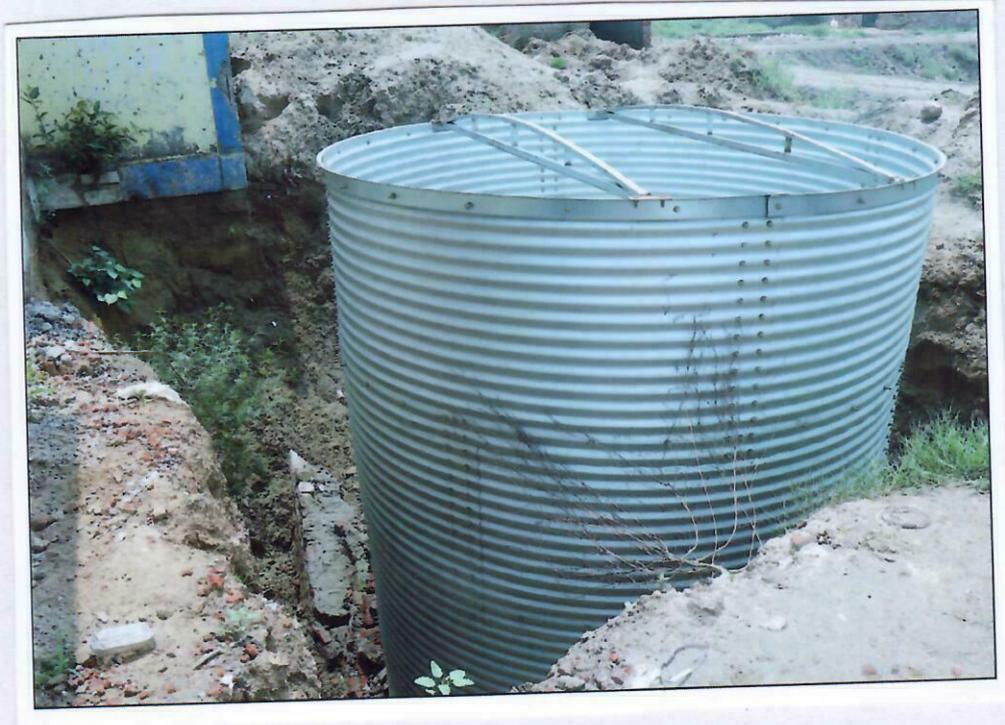
15



PHOTOGRAPHS OF STP
CONSTRUCTION

STP 16





PHOTOGRAPHS OF KUCCHA NALA



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PHOTOGRAPHS SHOWING DOMESTIC
SEWAGE BEING PUMPED FROM KUCCHA NAL
TO STORM WATER DRAIN

