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BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONEL BENCH, BHOPAL
ORIGINAL APPLICATION NO 139/2023

IN THE MATTER OF:

KRIHNARANI AGARWAL

.....APPLICANT

VERSUS

STATE OF MADHYA PRADESH & ORS.

.....RESPONDENT

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Date: 10.01.2025

Submitted by MPPCB:-

Place: Bhopal

through Counsel



Adv. Parul Bhadoria
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Email: parul.bhadoria04@gmail.com

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Reply on behalf of MPPCB in O.A. 139/2023 in compliance of the Order Dated 12.11.2024 .

The MP PCB most humbly submits that:-

1. That, the inspection of the society was conducted by the members of the joint committee on 05.12.2023 and the report was submitted before Hon'ble NGT.
2. That, as per the report submitted by the Joint committee, it is evident that no septic tank was found in the premises, therefore Compensation of Rs. 3.80 Lakh was imposed.
3. That, the Hon'ble NGT vide its order dated 12.11.2024 directed State PCB to finalize the matter and report within two weeks
4. That, in compliance of the order dated 12.11.2024 notice was issued Dated 11.12.2024 to the Administrator Prakash Grah Nirman Sehkar Samiti Maryadit, Bijli Nagar, Govindpura, Bhopal regarding the imposition of the Environmental Compensation. Copy of the Notice issued is annexed herewith as **Annexure A-1**.
5. That, opportunity of 15 days to submit reply/objection pertaining to the deposition of the levied environment compensation was given .

6. That, No reply has been received from Prakash Grah Nirman Sehkari Samiti Maryadit regarding the notice issued.
7. That, MPPCB conducted an inspection of the said site on 22.11.2024, and it was found that two septic tanks had been commissioned to cater the sewage of the colony. Copy of the photo taken during the inspection dated 22.11.2024 is Annexed herewith as **Annexure A-2**
8. That, On 09.01.2025, a copy of the notice was sent to the Administrator of Prakash Grah Nirman Sehkari Samiti Maryadit via WhatsApp, and the same was communicated over a call. Screenshot of the same is Annexed herewith as **Annexure A- 3**
9. That, It is most humbly submitted that the Hon'ble NGT may kindly take this reply on record. An affidavit in support of the same is attached herewith

Date: 10.01.2025

BHOPAL

FILED BY MPPCB



PARULBHADORIA

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MADHYA PRADESH POLLUTION CONTROL BOARD

Paryawaran Parisar, E-5, Arera Colony, Bhopal - 462016 (M.P.)

Phone : {0755} 2464428, 2466191, Website: www.mppcb.nic.in,

E-mail: it_mppcb@rediffmail.com



No. *5069* /Tech/MPPCB/2024

Bhopal, Date *11/12/2024*

To

The Administrator,
Prakash Grah Nirman Sehkari Samiti Maryadit,
Bijli Nagar, Govindpura,
Bhopal, M.P.

Sub: - Imposition of Environment Compensation for the period 20.09.2023 to 05.12.2023 due to discharge of untreated sewage which is a violation under Water (Prevention and Control of Pollution) Act' 1974. Notice there of.

Ref:- Order of Hon'ble NGT in OA No. 139/2023 dated 12.10.2023, 29.05.2023.

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Whereas, MP Pollution Control Board (MPPCB) is a statutory body constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 and has been entrusted with the responsibilities of enforcement of the Environment Laws in the State.

Whereas, an OA139/2023 (CZ) (Krishna Rani Agrawal V/s State of M.P. &Ors.), was filed before Hon'ble NGT regarding cutting the trees illegally, raising constructions illegally, overflow of the septic tank on the open road causing health hazard and pollution in the Prakash Nagar Colony, Ward No. 17, Govindpura Bhopal.

Whereas, a Joint Committee was constituted as per order of Hon'ble NGT dated 12.10.2023 and Joint Committee was directed to visit the place and submit the factual and action taken report.

Whereas, Prakash Grah Nirman Sehkari Samiti Maryadit, Bijli Nagar, Govindpura, Bhopal is located on geo-graphical location as Latitude 23° 15' 28.08" N and Longitude 77° 26' 40.956" E.

Whereas, the Joint Committee constituted by Hon'ble NGT as per order dated 12.10.2023 inspected the above colony on dated 05.12.2023 and observed following shortcomings:

1. During inspection, no septic tank was found within the premises of the colony.
2. Untreated sewage water of colony was found discharging into the nalla passing in between boundary wall of colony and Govindpura Road.

Whereas, the Joint Committee submitted the factual report before the Hon'ble NGT along with the assessment of Environmental Compensation of Rs.3.80 Lakhs against the Prakash Grah Nirman Sehkari Samiti Maryadit, Bijli Nagar, Govindpura, Bhopal, for period 20.09.2023 to 05.12.2023 as per the CPCB Guidelines. The factual report can be viewed on the NGT site i.e., <https://greentribunal.gov.in/>.

Whereas, on dated 29.05.2024 in OA no.139/2023 (CZ) (Krishna Rani Agrawal V/s State of M.P. &Ors.), Hon'ble NGT Central Bench, Bhopal has issued following instructions: -

"3. Madhya Pradesh Pollution Control Board is directed to issue notice to the Prakash Grah Nirman Sehkari Samiti Maryadit for non-compliance of the environmental rules and to proceed with the realization of environmental compensation according to rules. The Madhya Pradesh Pollution Control Board will also inform on available email or the available address to the Prakash Grah Nirman Sehkari Samiti Maryadit to submit the reply in this case within four weeks."

Whereas, as per the report submitted by the Joint Committee constituted by Hon'ble NGT in OA 139/2023, it is evident that no septic tank was found within the premises.

Therefore, you are liable to pay the Environmental Compensation to the tune of Rs3.80 Lakhs as proposed by the Joint Committee. The Environment Compensation of Rs. 3.80 Lakhs shall be deposited in the account of Member Secretary, MPPCB Environment Protection Fund NGT Account No. 6310001200000043, IFSC Code – PUNB0631000, Punjab National Bank, Bhopal.

You are hereby given an opportunity of 15 days to submit your reply/objections (if any) pertaining to the deposition of the levied environment compensation amount for the period of 20.09.2023 to 05.12.2023.

In case no reply is received within 15 days from the date of issue of this notice, above proposed environment compensation shall be confirmed and action is also liable to be initiated against the responsible persons under section-44 of the Water (Prevention and Control of Pollution) Act' 1974.

Kindly acknowledge the receipt of this letter.

For and on Behalf of
M.P. Pollution Control Board

(A. A. Mishra)
Member Secretary

No. 5070 /Tech/MPPCB/2024

Bhopal, Date 11/12/2024

Copy To: -

1. The Member Secretary, MP Pollution Control Board, Bhopal (M.P.) for Information Please.
2. Director (Environment), (Technical Section), MPPCB, Bhopal (M.P.) for Information Please.
3. Legal Section, MPPCB, Bhopal (M.P.) for Information Please.

(A. A. Mishra)
Member Secretary



प्रकाश गृह

22/11/2024 12:40

23 25731 77 44453

7C4V+PRQ, M.P.E.B Colony, Govindpura, Bhopal-462023



प्रकाश राह

22/11/2024 12:41

23 25765 77 44456

Housing Society - Prakash Nagar, Govindpura, Bhopal 462023



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Bhopal.pdf

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AFFIDAVIT

I, Ashok Kumar Bisen , S/o late Shri. C.R. Bisen E.E, MPPCB Regional Office Bhopal, and Officer-in-Charge, Age: 61 Years, office at E-5 Arera Colony, Paryawaran Parisar, Regional Office, , Madhya Pradesh Pollution Control Board, Bhopal do hereby solemnly affirm on oath as under:

1. That I am Officer in Charge for Madhya Pradesh Pollution Control Board in the present matter, and am fully conversant with the facts of the case and hence competent to swear on this affidavit.
2. That I am filing a Reply in the aforementioned matter before the Hon'ble Tribunal the contents of which are true and correct and no material fact

That the contents of the Reply are true and correct and no material fact is concealed or suppressed.




DEPONENT

VERIFICATION

I the above-named deponent do hereby verify that the contents of the affidavit above are true and correct.

Signed and verified on 09.01.2024 at Bhopal (MP)

IDENTIFIED BY

NAME *Amrta Agnihotri*
ADDRESS *Kelani Bhopal*
SIGNATURE *[Signature]*

SWORN BEFORE ME THE
WITHEN NAMED
[Signature] 10/1/25
BHARAT SINGH TOMAR
NOTARY & ADVOCATE
BHOPAL M.P. INDIA

DEPONENT

[Signature]
A. K. Bisen
Executive Engineer
Regional Office
M.P Pollution Control Board
Bhopal

