

CPCB report in compliance of Hon'ble NGT order dated 07.09.2021, in O.A. No. 116/2014 in the matter of Meera Shukla Versus Municipal Corporation, Gorakhpur & Ors.

A. B-ackground

The Hon'ble NGT vide order dated 07.09.2021 in O.A. No. 116 of 2014, in the matter of Meera Shukla Versus Municipal Corporation, Gorakhpur & Ors, passed following order:

'...CPCB may also examine the proposal in view of existing status of industries and ascertain necessity of CETP and situation which will prevail till CETP is set up...'

1. That in view of the above order dated 07-09-2021, the Central Pollution Control Board (CPCB) pursued the matter with the concerned departments of UP State Government to seek information on status of industries and proposal for establishment of Common Effluent Treatment Plant (CETP) vide CPCB letters dated 05.11.2021 and 23.11.2021. The Uttar Pradesh Pollution Control Board (UPPCB) and Gorakhpur Industrial Development Authority (GIDA) have submitted the information vide letters dated 24.11.2021 (**Annexure-1**) and 24.12.2021 (**Annexure-2**), respectively.
2. UPPCB vide its letter dated 24.11.2021 (**Annexure-1**) informed as follows:
 - The existing 55 water polluting industries (currently 52 operational) located at GIDA industrial area have installed their own Effluent Treatment Plants (ETPs) for treating

their effluents and meeting with the stipulated norms. That as on date, the total industrial effluent 10.21 MLD is being treated and discharged by the water polluting industries. Treated effluent is discharged into GIDA drain (industrial drain), which meets Saraiya drain. Saraiya drain meets Ami River, which meets Rapti River and ultimately meets River Ghaghra, a tributary of River Ganga. As per UPPCB consents, the industries are allowed to discharge into the Saraiya Drain except two industries operating on ZLD basis.

3. GIDA vide its letter dated 24.12.2021 (**Annexure-2**) informed as follows:

- CETP with capacity of 7.5 MLD is proposed to be set-up in GIDA industrial area. The application for Environmental Clearance (EC) has been filed and Terms of Reference (TOR) has been issued. Further, the study work as per TOR is in progress. The Detailed Project Report (DPR) for installation of CETP has been presented before the National Mission for Clean Ganga (NMCG) and final approval has been accorded by NMCG for construction of industrial/sewer pipe network and CETP with an estimated cost of Rs. 93.52 crore.

4. It is evident from the information provided by UPPCB and GIDA that the existing water polluting industries (55 nos.), located at GIDA industrial area have set up their own ETPs for treatment of their effluents. However, the entire industrial area under reference has a provision of many units expected to be functional at vacant plots. The proposed CETP has its design capacity of 7.5 MLD. Detail about expected number of industries are not available. The CETP, which is

integrated in the development of industrial area by GIDA, has not been established, so far. As per Detailed Project Report (DPR), the project for installation and commissioning of CETP will be completed within 02 years from start of its construction.

5. Looking into overall management of effluent from the existing and future industrial units, UPPCB is required to ensure the following:

- The existing water polluting units shall discharge the waste water meeting the prescribed norms. The UPPCB shall carry out regular monitoring in this regard.
- The new/proposed water polluting units, whose waste water will be treated through the proposed CETP, shall not start functioning till CETP becomes fully operational.

The present report is in compliance of the order of the Hon'ble Tribunal and CPCB is duty bound to obey the orders of the Hon'ble Tribunal.



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

H68630

Ref. No..... /सी०-६/ए०-५२/२०२१/२१०००/२०२१

Dated 24-11-21

सेवा में,

क्षेत्रीय निदेशक,
क्षेत्रीय निदेशालय, केन्द्रीय प्रदूषण नियंत्रण बोर्ड,
पिकप भवन विभूति खण्ड, गोमती नगर,
लखनऊ।



विषय: माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ०ए० संख्या 116/2014, मीरा शुक्ला बनाम म्यूनिसिपल कारपोरेशन, गोरखपुर एवं अन्य में पारित आदेश दिनांक 07.09.2021 के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक अपने पत्रांक CM-13011/139/2021-LAW-HO-CPCB-HO/1850 दिनांक 23.11.202 का संदर्भ ग्रहण करने का कष्ट करें। उक्त पत्र द्वारा वांछित सूचनायें क्षेत्रीय कार्यालय, गोरखपुर से आप द्वारा निर्धारित प्रपत्र में प्राप्त की गयी, जिन्हें संलग्न कर अग्रिम आवश्यक कार्यवाही हेतु प्रेषित किया जा रहा है।

संलग्नक:-यथोपरि।

भवदीय,

(अजय कुमार शर्मा)
सदस्य सचिव

प्रतिलिपि:- एच., आई.पी.सी.-VII, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली को सूचनार्थ एवं आवश्यक कार्यवाही हेतु संलग्न सहित प्रेषित।

सदस्य सचिव

**Information Regarding O.A. No. 116/2014 Meera Shukla V/s Municipal Corporation Gorakhpur and Others Hon'ble
NGT Order Dated 07.09.2011**

Sl. No.	Name And Address	Type	Category (ROGW)	Operational	Product and Production Capacity	ETP Details	Consent Status (Water & Air)	HW Authorization Status	Waste Water Generation and Treatment		Disposal Point	Treated Effluent Compliance Status (As on dated 16.11.2021)
									Domestic	Industrial		
1	Royal Savera Food Pvt. Ltd., FL-1, Sector- 13, GIDA,	M	Orange	Operational	Sauce	Yes	Yes	N/A	6.0 KLD	25.0 KLD	GIDA Drain	Yes
2	M/s Bathwal Udyog Pvt. Ltd., FL-3, Sector- 13, GIDA, Gorakhpur	M	Red	Operational	Dyeing and Processing of Grey Cloth	Yes	Yes	Granted	3.0 KLD	200.0 KLD	GIDA Drain	Yes
3	M/s Ambey Processer, FL-2, Sector- 13, GIDA, Gorakhpur	M	Red	Operational	Dyeing and Processing of Grey Cloth	Yes	Yes	Granted	10.0 KLD	300.0 KLD	GIDA Drain	Yes
4	M/s India Cylcols Limited, E-1, Sector-15 Gida Gorakhpur	L	Red	Operational	Alcohol	Presently Operating on ZLD	Yes	Granted	25.0 KLD	2500 KLD		Yes
5	M/s Gallant Ispat Ltd. GIDA, Gorakhpur	L	Red	Operational	Spanj Iron Plant, Induction Furnace, Re-rolling mill	Yes	Yes	Granted	150.0 KLD	6626 KLD	GIDA Drain	Yes
6	M/s Tripurari Lubricants Pvt.Ltd, A-2/22, Sector - 15,	M	Red	Operational	Refiend Lubricating Oil	Yes	Yes	Granted	1.0 KLD	1.0 KLD	GIDA Drain	Yes
7	M/s Tanmay Enterprises, A-48, Sector-13, GIDA,	M	Red	Operational	Utensil Stand	Yes	Yes	Granted	1.0 KLD	1.5 KLD	GIDA Drain	Yes
8	M/s Gallant Ispat Ltd. GIDA, Gorakhpur	M	Red	Operational	Steel Plant/Rolling Mill	Yes	Yes	Granted	6.0 KLD	17.0 KLD	GIDA Drain	Yes
9	M/s Wood Fabs, BL-1, Sector- 13, GIDA, Gorakhpur	M	Orange	Operational	Plywood	Yes	Yes	N/A	2.0 KLD	2.0 KLD	GIDA Drain	Yes
10	M/s Radha Industries, D-6, Sector- 13, GIDA, Gorakhpur	M	Orange	Operational	Rice Mill	Yes	Yes	N/A	1.0 KLD	2.0 KLD	GIDA Drain	Yes
11	M/s S.P. Chemical Works, D-1/14, Sector-13, GIDA,	M	Red	Operational	Refiend Lubricating Oil	Yes	Yes	Granted	2.0 KLD	5.0 KLD	GIDA Drain	Yes
12	M/s Samani Agro Wood Product, BL-5, Sector- 13,	M	Orange	Operational	Plywood	Yes	Yes	N/A	10.0 KLD	0.0 KLD	GIDA Drain	Yes
13	M/s Eastern Doors, A-13, Sector- 13, GIDA, Gorakhpur	M	Orange	Operational	Plywood	Yes	Yes	N/A	2.0 KLD	2.0 KLD	GIDA Drain	Yes
14	M/s Azam Raber Products Pvt. Ltd. A1-9, Sector-13,	M	Orange	Operational	Hawai Chappal, Shoes & Slippers	Yes	Yes	N/A	6.0 KLD	4.0 KLD	GIDA Drain	Yes
15	M/s Vision Parental Pvt. Ltd. A-2/44, Sector- 15, GIDA,	M	Orange	Operational	Formasuticals Plastic Bottels	Yes	Yes	N/A	40.0 KLD	30.0 KLD	GIDA Drain	Yes

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16	M/s Trident Steel, AL-5, Sector- 13, GIDA, Gorakhpur	M	Orange	Operational	M.S. Bar	Yes	Yes	N/A	3.0 KLD	1.5 KLD	GIDA Drain	Yes
17	M/s Nemani Plywood Pvt. Ltd., AL-10, Sector-13, GIDA,	M	Orange	Operational	Plywood	Yes	Yes	N/A	6.0 KLD	2.0 KLD	GIDA Drain	Yes
18	M/s Ahsan Agro Wood Pvt. Ltd., B-1/1, B1/15, Sector- 13, GIDA, Gorakhpur	M	Orange	Operational	Plywood	Yes	Yes	N/A	6.0 KLD	2.0 KLD	GIDA Drain	Yes
19	M/s Motors and General Sales Pvt. Ltd., AL-7, Sec-13,	M	Orange	Operational	Washing and Service Centre	Yes	Yes	N/A	1.0 KLD	10.0 KLD	GIDA Drain	Yes
20	M/s Avon Card Board, B-2/19, Sector- 13, GIDA,	M	Red	Operational	Card Board	Yes	Yes	N/A	1.0 KLD	0.0 KLD	GIDA Drain	Yes
21	M/s Faithful Commercial Ltd. FL-4, Sector-13, GIDA,	M	Orange	Operational	Solvent Extracted Oil	Yes	Yes	N/A	8.0 KLD	25.0 KLD	GIDA Drain	Yes
22	M/s Rungta Industries Pvt. Ltd., BL-1, Sector-15, GIDA,	M	Orange	Operational	Solvent Extracted Oil	Yes	Yes	N/A	14.0 KLD	8.0 KLD	GIDA Drain	Yes
23	M/s Maa Vinthvasini Industries, D-1/3, Sector-13,	L	Red	Operational	Milk Product	Yes	Yes	N/A	5.0 KLD	100.0 KLD	GIDA Drain	Yes
24	M/s G.K. Foods Breveges, A-1/21, Sec- 15, GIDA,	M	Orange	Operational	Fruit Juice	Yes	Yes	N/A	5.0 KLD	20.0 KLD	GIDA Drain	Yes
25	M/s ABR Petro Products Pvt. Ltd. AL-1, Sec- 15, GIDA,	M	Orange	Operational	Woven Sacs	Yes	Yes	N/A	5.0 KLD	2.5 KLD	GIDA Drain	Yes
26	M/s Hi-Tech Hospital and Health Care Cor. Ltd. AL-4, Sec-13, GIDA, Gorakhpur	M	Orange	Operational	Disposable Syringe	Yes	Yes	N/A	2.0 KLD	50.0 KLD	GIDA Drain	Yes
27	M/s Amar Ujala Publication Ltd. AL-21, Sec-13, GIDA,	M	Orange	Operational	Printing New Paper	Yes	Yes	N/A	1.0 KLD	1.0 KLD	GIDA Drain	Yes
28	M/s Crazy Fun Foods Pvt. Ltd., FE-13, Sec-13, GIDA,	M	Orange	Operational	Chips/ Kurkrey	Yes	Yes	N/A	5.0 KLD	0.0 KLD	GIDA Drain	Yes
29	M/s Tuisi Surgical Devices Pvt. Ltd., FL-8B, Sec-13,	M	Orange	Operational	Disposable Syringe	Yes	Yes	N/A	3.0 KLD	2.0 KLD	GIDA Drain	Yes
30	M/s Spark Battery Industries, A-8/4, Sec-13, GIDA,	S	Orange	Operational	Battery Assembling	Yes	Yes	N/A	1.0 KLD	1.5 KLD	GIDA Drain	Yes
31	M/s Rani Sali Enterprises, A-37, 38, Sec- 13, GIDA,	S	Orange	Operational	Plastic Product	Yes	Yes	N/A	1.0 KLD	0.0 KLD	GIDA Drain	Yes
32	M/s Nangaliya Food Industries Pvt. Ltd., ME-12,	S	Orange	Operational	Sugar Candy	Yes	Yes	N/A	3.0 KLD	10.0 KLD	GIDA Drain	Yes
33	M/s Gorakhnath Agro Industries Pvt. Ltd., FL-26, 27, Sector- 13 GIDA,	S	Orange	Operational	Namkeen	Yes	Yes	N/A	1.0 KLD	10.0 KLD	GIDA Drain	Yes
34	M/s Crazy Snaks Pvt. Ltd., Sector-13, GIDA, Gorakhpur	S	Orange	Operational	Bread, Bund, Rusk	Yes	Yes	N/A	8.0 KLD	3.0 KLD	GIDA Drain	Yes
35	M/s Crazy Bakers Udyog, G-3A, Sector- 15, GIDA,	S	Orange	Operational	Rusk, Namkeen, Chips	Yes	Yes	N/A	4.0 KLD	70. KLD	GIDA Drain	Yes
36	M/s Arihant Wheels & Cycle Pvt. Ltd. AL-20, Sector- 13,	-	Orange	Not Operation	Rickshwa Ream	Unit Closed	-	-	3.2 KLD	43 KLD	GIDA Drain	-

25-5/2

37	M/s Burnet Pharmaceutical Pvt. Ltd., AL-1, Sector-13, GIDA, Gorakhpur	S	Orange	Operational	Syrup	Yes	No	N/A	3.0 KLD	2.5 KLD	GIDA Drain	Not Compling as on dated 16.11.2021
38	M/s Abhiraj Fibers Pvt. Ltd. BL-10A, Sec-13, GIDA,	-	Orange	Not Operational	Cutting and Washing of Waste Plastic	Unit Closed	-	-	1.0 KLD	1.5 KLD	GIDA Drain	-
39	M/s S & J Beverages FL-5/C, Sec-13, GIDA,	S	Orange	Operational	Plastic Granuals	Yes	Yes	N/A	1.6 KLD	20.0 KLD	GIDA Drain	Yes
40	M/s Care Medical Device, Plot no.- D-1/3, Sector-13,	S	Orange	Operational	Disposable Syring	Yes	Yes	N/A	5.0 KLD	4.0 KLD	GIDA Drain	Yes
41	M/s Bharti Research & Breeding Farms, FL-27, Sector-13, GIDA, Gorakhpur	S	Orange	Not Operational	Hatchery	Presently Closed	-	-	1.0 KLD	10.0 KLD	GIDA Drain	-
42	M/s Hariyana Hatchery, C-5, C-6, Sector- 13, GIDA,	S	Orange	Operational	Hatchery	Yes	Yes	N/A	1.0 KLD	10.0 KLD	GIDA Drain	Yes
43	M/s Amar Hatchery, E-11, Sector- 15, GIDA, Gorakhpur	S	Orange	Operational	Hatchery	Yes	Yes	N/A	1.0 KLD	10.0 KLD	GIDA Drain	Yes
44	M/s Mansrovar Hatchery, FL-8, Sector-13, GIDA,	S	Orange	Operational	Hatchery	Yes	Yes	N/A	1.0 KLD	10.0 KLD	GIDA Drain	Yes
45	M/s Malik Breeding Farms, FL-11, Sector- 13, GIDA,	S	Orange	Operational	Hatchery	Yes	Yes	N/A	1.0 KLD	10.0 KLD	GIDA Drain	Yes
46	M/s Kissan Breeding Farms, FL-5, Sector- 13, GIDA,	S	Orange	Operational	Hatchery	Yes	Yes	N/A	2.0 KLD	8.0 KLD	GIDA Drain	Yes
47	M/s Rathi Hatchery Pvt. Ltd., A-9, Sector- 15, GIDA,	S	Orange	Operational	Hatchery	Yes	Yes	N/A	3.0 KLD	0.0 KLD	GIDA Drain	Yes
48	M/s Laxmi Breeding Farms, E-9 Sector- 15, GIDA,	S	Orange	Operational	Hatchery	Yes	Yes	N/A	1.0 KLD	10.0 KLD	GIDA Drain	Yes
49	M/s Dr. Sandhu Poultry Farms, FL-28, Sector-13,	S	Orange	Operational	Hatchery	Yes	Yes	N/A	4.0 KLD	1.5 KLD	GIDA Drain	Yes
50	M/s Super Heena Hatchery, D-1/5, Sector- 13, GIDA,	S	Orange	Operational	Hatchery	Yes	Yes	N/A	2.0 KLD	10.0 KLD	GIDA Drain	Yes
51	M/s Shiv Poultry Farms, G-13, Sector-&13, GIDA,	S	Orange	Operational	Hatchery	Yes	Yes	N/A	4.0 KLD	1.5 KLD	GIDA Drain	Yes
52	M/s Devendra Feeds Pvt. Ltd., GIDA, Gorakhpur	S	Orange	Operational	Hatchery	Yes	Yes	N/A	1.0 KLD	10.0 KLD	GIDA Drain	Yes
53	M/s Indian Oil Corporation Ltd., GIDA, Gorakhpur	M	Red	Operational	LPG Sylender Filling	Yes	Yes	Granted	5.0 KLD	2.0 KLD	GIDA Drain	Yes
54	M/s Indian Tankers, Plot No.-1/3, Sector- 15, GIDA, Gorakhpur	S	Orange	Operational	Survising of Commercial Vehicles	Yes	Yes	N/A	5.0 KLD	10.0 KLD	GIDA Drain	Yes
55	M/s Bala ji Bakers Pvt. Ltd., Sector- 13, GIDA, Gorakhpur	S	Orange	Operational	Biscuits	Yes	Yes	N/A	5.0 KLD	0.0 KLD	GIDA Drain	Yes

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केन्द्रीय प्रदूषण नियंत्रण बोर्ड

Central Pollution Control Board

क्षेत्रीय निदेशालय, लखनऊ
Regional Directorate, Lucknow



(पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार)

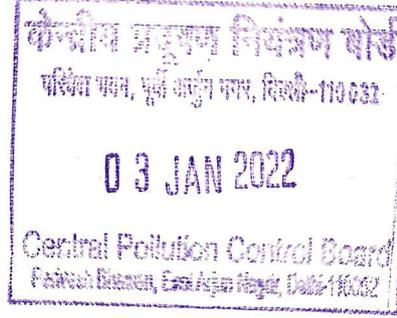
(Ministry of Environment, Forest and Climate Change, Govt. of India)

ZOL/Tech/NGT/341/ 1015

दिनांक 30.12.2021

सेवा में,

सदस्य सचिव,
केन्द्रीय प्रदूषण नियंत्रण बोर्ड,
परिवेश भवन, पूर्वी अर्जुन नगर
दिल्ली - 110 032



स्पीड पोस्ट
SPEED POST

(ध्यानाकर्षण: प्रभाग प्रभारी, आई० पी० सी०- VII)

विषय: माननीय राष्ट्रीय हरित अधिकरण, नयी दिल्ली द्वारा ओ० ए० संख्या 116/ 2014, मीरा शुक्ला बनाम म्युनिमिपल कोर्पोरेशन, गोरखपुर एवं अन्य में पारित आदेश दिनांक 07.09.2021 के संबंध में-

महोदय,

उपरोक्त विषयक कृपया माननीय राष्ट्रीय हरित अधिकरण, नयी दिल्ली द्वारा ओ० ए० संख्या 116/ 2014, मीरा शुक्ला बनाम म्युनिमिपल कोर्पोरेशन, गोरखपुर एवं अन्य में पारित आदेश दिनांक 07.09.2021 के अनुपालन हेतु इस कार्यालय के पत्र संख्या CM-13011/139/2021-LAW-HO-CPCB-HO/870, दिनांक 30.11.2021 का संदर्भ ग्रहण करें। उक्त संदर्भ में गोरखपुर औद्योगिक विकास प्राधिकरण, सेक्टर- 7, गीडा, गोरखपुर से प्रस्तावित सी.ई.टी.पी. के स्थापन के संबंध में दिनांक 24.12.2021 को पत्र प्राप्त हुआ है।

माननीय राष्ट्रीय हरित अधिकरण द्वारा निर्देशित आदेश के समयबद्ध अनुपालन के सापेक्ष गोरखपुर औद्योगिक विकास प्राधिकरण, सेक्टर- 7, गीडा, गोरखपुर द्वारा प्राप्त पत्र एवं संलग्न विवरण आवश्यक कार्यवाही के विचारार्थ प्रेषित है।

संलग्नक: यथोपरि

श्री विनय

अज्ञानता
4/1/22

भवदीय,

(आर. के. सिंह)
क्षेत्रीय निदेशक

पिकप भवन, विभूति खण्ड, गोमती नगर, लखनऊ-226010 (उ.प्र.)

PICUP Bhawan, Vibhuti Khand, Gomti Nagar,
Lucknow-226010 (U.P.)

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वेबसाइट/website:http://www.cpcb.nic.in



सत्यमेव जयते

केन्द्रीय प्रदूषण नियंत्रण बोर्ड

Central Pollution Control Board

क्षेत्रीय निदेशालय, लखनऊ

Regional Directorate, Lucknow

(पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार)

(Ministry of Environment, Forest and Climate Change, Govt. of India)

File No. CM-13011/139/2021-LAW-HO-CPCB/HO/ 870

नवंबर 30, 2021



सेवा में,

सदस्य सचिव,
केन्द्रीय प्रदूषण नियंत्रण बोर्ड,
परिवेश भवन, पूर्वी अर्जुन नगर
दिल्ली - 110 032

(ध्यानाकर्षण: प्रमाण प्रमारी, आई० पी० सी०- VII)

विषय: माननीय राष्ट्रीय हरित अधिकरण, नयी दिल्ली द्वारा ओ० ए० संख्या 116/2014, मीरा शुक्ला बनाम म्युनिसिपलकोर्पोरेशन, गोरखपुर एवं अन्य में पारित आदेश दिनांक 07.09.2021 के संबंध में-

महोदय,

उपरोक्त विषयक कृपया माननीय राष्ट्रीय हरित अधिकरण, नयी दिल्ली द्वारा ओ० ए० संख्या 116/2014, मीरा शुक्ला बनाम म्युनिसिपल कोर्पोरेशन, गोरखपुर एवं अन्य में पारित आदेश दिनांक 07.09.2021 का संदर्भ ग्रहण करें, जिसके अनुसार मा० अधिकरण द्वारा केन्द्रीय प्रदूषण नियंत्रण बोर्ड से संदर्भित क्षेत्र में उद्योगों की मौजूदा स्थिति के अनुसार सी० ई० टी० पी० की आवश्यकता एवं प्रस्ताव की जांच अथवा सी० ई० टी० पी० के स्थापित होने तक की कार्ययोजना की जानकारी बांछित है।

इन कार्यालय द्वारा संदर्भित प्रकरण में बांछित सूचना एवं अद्यतन स्थिति का विवरण प्रारूप अनुसार प्रदान करने हेतु प्रमुख सचिव, पर्यावरण एवं वन, प्रमुख सचिव, आधारभूत मंत्रचना विभाग एवं सदस्य सचिव, उ० प्र० नि० बो०, लखनऊ में पत्राचार किए गए हैं। इन संदर्भ में उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड के पत्र संख्या H68630/सी.-6/मा.-52/मीराशुक्ला/2021 दिनांक 24.11.2021 (प्रति संलग्न) का संदर्भ ग्रहण करें, जिसके अनुसार GIDA, गोरखपुर में स्थित (जल प्रदूषण के लिये संभावित) सभी 55 उद्योगों की स्थिति का विवरण प्राप्त हुआ है जिनमें सभी उद्योगों में सी० टी० पी० मौजूद है एवं सभी उद्योगों से शोधित औद्योगिक बहिष्ठाव भी मानक के अनुरूप पाया गया। प्रमुख सचिव, आधारभूत मंत्रचना विभाग द्वारा प्रतिउत्तर प्रतीक्षित है।

माननीय राष्ट्रीय हरित अधिकरण द्वारा निर्देशित आदेश के समयबद्ध अनुपालन के सापेक्ष उपरोक्त तथ्यों का संज्ञान लेते हुए उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड द्वारा प्राप्त पत्र एवं संलग्न विवरण आवश्यक कार्यवाही के विचारार्थ प्रेषित है।

संलग्नक: यथोपरि

भवदीय,

8/30/21
(आर. के. मिह)
क्षेत्रीय निदेशक

पिकप भवन, विभूति खण्ड, गोमती नगर, लखनऊ-226010 (उ.प्र.)
PICUP Bhawan, Vibhuti Khand, Gomti Nagar,
Lucknow-226010 (U.P.)
EPABX दूरभाष : 0522-4087600, 4087700
दूरभाष / Tel. : 0522-4087601, 2721915
फैक्स / Fax : 0522-4087602
ई मेल / e-mail : cpcb.lucknow@gmail.com

प्रधान कार्यालय/Head Office
परिवेश भवन, ईस्ट अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
EPABX दूरभाष/ Tel. : 011-43102030, 22303717
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ई मेल/e-mail : cpcb@nic.in
वेबसाइट/website: http://www.cpcb.nic.in

	<p style="text-align: center;">गोरखपुर औद्योगिक विकास प्राधिकरण, सेक्टर-7, गीडा, गोरखपुर।</p> <p>दूरभाष 0551-2580010, 2580090 वेबसाइट: www.gidagkp.org फैक्स: (0551) 2580020 ई-मेल: ceogida-up@up.gov.in</p>	<p style="text-align: right;">पंजीकृत</p> 
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पत्रांक:- 3129 /अभि0नि0-6 / 2021-2022 दिनांक:- 24 दिसम्बर, 2021

सेवा में,

क्षेत्रीय निदेशक,
केन्द्रीय प्रदूषण नियंत्रण बोर्ड,
क्षेत्रीय निदेशालय, लखनऊ।

विषय:- मा0 एन0जी0टी0 में विचाराधीन ओ0ए0 संख्या-116/2014 मीरा शुक्ला बनाम म्यूनिसिपल कारपोरेशन, गोरखपुर व अन्य में पारित आदेश दिनांक 07.09.2021 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया अपने पत्र संख्या- CM-13011/139/2021-LAW-HO-CPCB-HO/849 दिनांक 23.11.2021 एवं संयुक्त सचिव उ0प्र0 शासन के पत्र संख्या- 6163/77-4-21-55 एल.सी0/15 दिनांक 02.12.2021 का सन्दर्भ ग्रहण करने का कष्ट करें। गीडा द्वारा प्रस्तावित सी0ई0टी0पी0 की स्थापना के सम्बन्ध में अद्यतन सूचना संलग्न कर प्रेषित है।

संलग्न:-यथोक्त।

भवदीय

(पवन अग्रवाल),
मुख्य कार्यपालक अधिकारी।

पत्रांक- 3129 /उपरोक्त/दिनांकित।

प्रतिलिपि:-

1. केन्द्रीय प्रदूषण नियंत्रण बोर्ड, मुख्यालय दिल्ली।
2. संयुक्त सचिव औद्योगिक विकास विभाग उ0प्र0 शासन लखनऊ।

(पवन अग्रवाल),
मुख्य कार्यपालक अधिकारी।

**Status of Common Effluent Treatment Plant (CETP) at GIDA as on
date 23.12.2021**

- Common Effluent Treatment Plant (CETP) of 7.5 mld capacity is proposed to be setup in GIDA.
- Detailed Project Report (DPR) of 7.5 MLD CETP (Rs. 62.50 CR) prepared by UP Jal Nigam and sent to NMCG for approval on 11.11.2020.
- NMCG has appointed IIT, Roorkee for third party technical evaluation of the DPR.
- IIT, Roorkee has visited the site on 01.04.2021 and communicated their observation to NMCG vide online meeting held on 22.06.2021.
- Report received from the IIT Roorkee has been shared to GIDA by NMCG.
- Revised DPR has been prepared and submitted to SMCG and forwarded by SMCG to NMCG vide letter No. Q60/0432/SMCG-UP/04, dt.22.09.2021 and subsequently revised by GIDA/ Jal Nigam and submitted on 27.10.21 amounting to Rs. 92.34 Crores.
- 37 Cr. Sanctioned for CETP (17 Cr by GIDA & 20 Cr by Awasthapana Vikas Kosh of Infrastructure & Industrial Development Department).
- 11.15 Acre land has been purchased by GIDA for establishment of CETP.
- **Underground conveyance system proposal has been included in the revised DPR. Revised cost of CETP is Rs.92.34 Crores.**
- Application for Environmental Clearance (EC) has been applied & ToR has been issued. Further, study work as per ToR is in progress.
- DPR was presented before Executive Committee (EC) meeting at NMCG, New Delhi was on dt.15.12.2021. CEO, GIDA was also present virtually. The committee has given "FINAL APPROVAL" on dt.15.12.2021 for construction of industrial effluent / sewer piped network and 7.5 mld Common Effluent Treatment Plant (CETP) in Gorakhpur under Gorakhpur Industrial Development Authority under NAMAMI GANGE PROGRAMME. The revised cost of CETP is INR 93.52 Crore (including 6.0 months cost of trial run). The Minutes of Meeting is awaited from NMCG.

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A

Item No. 06

(Court No.1)

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

(By Video Conferencing)

Original Application No. 116/2014
(M.A. No. 01/2021, M.A. No. 02/2021
& M.A. No. 03/2021)

(With report dated 06.09.2021)

Meera Shukla

Applicant

Versus

Municipal Corporation, Gorakhpur & Ors.

Respondent

Date of hearing: 07.09.2021

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

Applicant: Ms. Katyayni, Advocate

Respondent: Mr. Amit Tiwari, Advocate for State of UP
Mr. Raj Kumar, Advocate for CPCB
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocate for UPPCB

ORDER

1. The issue for consideration is the remedial action against contamination of water bodies and ground water, specially Ramgarh Lake, Ami, Rapti and Rohani Rivers in and around District Gorakhpur, Uttar Pradesh. In the course of proceedings certain associated issues have also been taken up for consideration including industrial pollution, encroachments, enforcement of Solid Waste and Bio Medical Waste Rules to which further reference will be made in the later part of this order.

2. It is disappointing to note that inspite of serious violations repeatedly noticed in the orders of this Tribunal for a long period of time and requiring the Chief Secre JP to ensure remedial action in the

interest of protection of public health and the environment, there is no progress in practical terms. Violations of statutory provisions as well as binding directions of the Hon'ble Supreme Court and this Tribunal continue unaddressed due to lack of sincerity and respect for law of the concerned authorities. Such attitude on the part of the concerned authorities is unfortunate, to say the least.

3. The matter has been pending for the last more than seven years and was exhaustively reviewed vide order dated 23.08.2018. The Tribunal noted the allegation that Ramgarh Lake and the Ami, Rapti and Rohani Rivers in and around District Gorakhpur were severely polluted on account of discharge of untreated sewage and industrial effluents. It was also noted that the steps required to prevent contamination of water bodies and groundwater were not being taken. **This was affecting the farmers and inhabitants, flora, fauna and ecology of area and causing degradation of the environment. 103 water bodies are under threat. There was no proper management of solid waste and no designated scientific sanitary landfill. There was encroachment of the Ramgarh Taal. Common Effluent Treatment Plant ("CETP") had not been set up. Industries were not complying with the environmental norms. There was high organic load in River Ami and Rapti. Sugar and Distillery units were also causing pollution. 557 persons died in the year 2012. About 50,000 persons died in the last 30 years. It was also noted that Ami, Rapti and Rohani Rivers are the tributaries of Ghaghara which ultimately terminated into River Ganga. For public health at Gorakhpur, clean water supply was necessary, apart from cleaning of water bodies and other steps for protection of environment.**

4. The Tribunal issued directions for the purpose and a Monitoring Committee was constituted headed by a former Judge of Allahabad High Court with representatives of the Central Pollution Control Board (“CPCB”), Uttar Pradesh Pollution Control Board (“UPPCB”) and State Jal Nigam to oversee compliance of directions of this Tribunal already issued on the subject of closing the sources of contaminated water (like handpumps) and taking steps for supply of potable water, to ensure proper waste management and deal with other issues mentioned above. The Committee was to carry out inspection of the industries causing pollution of water bodies, drains and rivers in the area and Effluent Treatment Plants (“ETPs”), Sewage Treatment Plants (“STPs”), CETP and Solid Waste Management (“SWM”) sites. **Action plan was required to be prepared for solid waste processing, proper functioning of ETPs and CETP and also for making available potable water to the inhabitants, apart from undertaking rehabilitation program for compensating the victims who had suffered. The Committee was to furnish reports to this Tribunal for further action.**

5. As noted earlier, the matter has been dealt with thereafter on several dates in the light of reports received from the Committee from time to time. **The Tribunal passed directions with regard to installation of STPs and CETP by Gorakhpur Industrial Development Authority (“GIDA”), closure of industries operating illegally, adding to the pollution of the Rivers or their tributaries, shifting of construction activities from the floodplain zones/catchment area, unscientific disposal of municipal and other wastes. The orders include orders dated 25.10.2018, 17.12.2018, 07.03.2019, 29.04.2019, 19.07.2019, 27.09.2019, 16.6.2020 and finally on 12.01.2021.**

6. Vide order dated 17.12.2018, the Tribunal directed:-

“1to6.....xxx.....xxx.....xxx

7. We have heard Shri Pradeep Mishra, learned Counsel for the UPPCB and considered the matter. As regards the issue of taking action under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 by way of coercive measures against the industrial units/medical college for violation of statutory provisions and conditions for Consent to Operate, we direct the UPPCB to take appropriate action to ensure compliance and recover damages for the past violations. The amount suggested by the Committee may be treated as a proposal and final amount may be determined after following due procedure within one month. Steps for closure may be considered on merits. A report of compliance in this regard may be furnished to this Tribunal by e-mail at ngt.filing@gmail.com.

8. **With regard to encroachments, the recommendations of the Committee may be treated as a proposal and on that basis appropriate action taken by the Principal Secretary, Urban Development, Government of Uttar Pradesh within two months and report furnished to this Tribunal by e-mail at ngt.filing@gmail.com.**

9. **With regard to functioning of Baba Raghav Das Medical College, the recommendations of the Committee may be treated as a proposal and appropriate action taken on that basis by the Principal Secretary, Health Department, Government of Uttar Pradesh within one month. A report in this regard be furnished to this Tribunal by e-mail at ngt.filing@gmail.com.**

10. **With regard to Ami River, UP Jal Nigam may take necessary steps with regard to installation of STPs and GIDA may take steps for installation of CETP within three months and report in this regard be furnished to this Tribunal by e-mail at ngt.filing@gmail.com.**

11. **Recommendation nos. (4), (5) and (9) may be acted upon by the Principal Secretary, Environment and Forest and the Principal Secretary, Irrigation Department, Government of Uttar Pradesh report in this regard be furnished to this Tribunal by e-mail at ngt.filing@gmail.com within two months.**

12. **Recommendation no. (6) may be acted upon by the District Magistrate, Siddharth Nagar and report in this regard be furnished to this Tribunal by e-mail at ngt.filing@gmail.com within two months.**

13. **Recommendation no. (7) may be acted upon by the Principal Secretary, Irrigation Department and Principal Secretary, Environment and Forest and report in this regard be furnished to this Tribunal by e-mail at ngt.filing@gmail.com.**

14. **Recommendation no. (8) may be acted upon by the Nagar Nigam, Gorakhpur within one month and report in this regard be furnished to this Tribunal by e-mail at nqt.filing@gmail.com.**

15. **Recommendation no. (10) may be acted upon by the State “River Rejuvenation Committee” constituted by this Tribunal in terms of the order dated 20.09.2018 in Original Application No. 673/2018.**

16. *The reports from the Committee are disposed of accordingly.*

17. *Compliance reports in terms of the above order, be put up for consideration in the last week of April, 2019.”*

7. Against the above order, the Nagar Nigam Gorakhpur filed Civil Appeal No. 3957/2019, *Gorakhpur Nagar Nigam v. Meera Shukla & Ors.* and State of UP filed Civil Appeal No. 5414/2019, *State of Uttar Pradesh v. Meera Shukla & Ors.* before the Hon’ble Supreme Court which were dismissed respectively on 08.04.2019 and 01.07.2019.

8. Vide order dated 27.09.2019, in the light of reports received and earlier orders, the matter was further reviewed. The issues were directed to be dealt with by the concerned authorities, **including a five-member Committee comprising Secretaries Urban Development, Environment and Forest, Irrigation and Flood Control, CPCB and the State PCB.**

Extracts from the order are:

“6. Order dated 25.10.2018 dealt with the pollution caused by M/s. Yash Paper Mills, Faizabad by discharge in Tihura Drain affecting the agricultural lands as result of demolishing the clay barrier as per directions from the Sub Divisional Magistrate. Allegation of alleged collusion of SDM of the area was directed to be looked into by the Chief Secretary, UP. The stand of the SDM is that the barrier was removed to ensure flow of the drain, though the rain has to be kept clean and free from discharge of effluents.

7. Order dated 17.12.2018 dealt with the damage to the forest land by Bajaj Sugar Mill, Golagokaran Nath, District Lakhimpur, pollution by M/s Gallant Ispat Limited, Gorakhpur by discharging effluent into a drain joining Ami River, pollution by M/s Rungta Industries Pvt. Ltd. and M/s Crazy Snacks Ltd. discharging effluent in GIDA drain, pollution by M/s Yash Paper Mills, and pollution of Ami River by sewage

generated in Gorakhpur, Sahjanwa, Unwal, Kauriram and Khajni, pollution by M/s Bajaj Hindustan Limited (Distillery Unit), illegal construction around Ramgarh lake and absence of sanitation, violation of environmental norms by Baba Raghav Das Medical College, Gorakhpur. The Tribunal directed the State PCB to take necessary action for enforcement of law by closing the polluting activity and recover compensation on “polluter pays principle” and report to this Tribunal. **With regard to encroachment action was required to be taken by Principal Secretary, Urban Development and report was to be given to this Tribunal. With regard to violation of medical norms, report was to be given by Health Department. Jal Nigam was to take action for STPs and GIDA for CETPs. Other actions were to be taken by Environments and Irrigation departments, Nagar Nigam and District Magistrate, Siddharth Nagar and compliance reports furnished.** Against this said order, appeal of the State of UP has been dismissed on 01.07.2019 by the Hon’ble Supreme Court, being Civil Appeal No. 5414/2019. Compliance reports have not been received from all the concerned authorities except from UPPCB to which reference will be made later.

8. Order dated 07.03.2019 dealt with reports dated 08.02.2019 from the Committee with regard to the pollution caused by M/s Bharati Research and Breeding Farm, FL-27, Sector -13, GIDA, Gorakhpur, UP, M/s Mother Shree Dairy, D-1/3D, Sector 13, GIDA, Gorakhpur, UP, M/s Alkane Construction Equipment Pvt. Ltd., FL-24, Sector 13, GIDA, Gorakhpur, UP, M/s Burnet Pharmaceutical Pvt. Ltd., AL-1, Sector -13, GIDA, Gorakhpur, UP, M/s Gorakhnath Agro Industries Pvt. Ltd., FL-20/27, Sector-13, GIDA, Gorakhpur, UP, M/s Royal Savera Foods Pvt. Ltd., FL-28, Sector -13, GIDA, Gorakhpur, UP and M/s Dr. Sandhu Hatchery, FL-28, Sector -13, GIDA, Gorakhpur, UP. The same were referred to CPCB for comments with further directions to the state PCB to take action in the light of the said reports in accordance with law. UPPCB has filed an action taken report which will be dealt with in the later part of this Order.

9. CPCB filed a report about the scale of compensation to be recovered which was considered vide order dated 29.04.2019. The report was directed to be acted upon by the State PCB. CPCB was to also deal with the remedial action against illegal drawal of groundwater. The compensation was to be revised based on actual period of violation. **The Tribunal also dealt with report dated 18.04.2019 dealing with the transfer of forest land by the GIDA.**

10. Finally, vide order dated 19.07.2019, reports with regard to pollution by K.M Sugar Mills, and Malvika Cement Private Limited and also pollution of River Gomti and Ramgarh Lake were considered. The reports were directed to be furnished to the CPCB and UPPCB for further action. Report on the issue of illegal construction in catchment area of Ramgarh Lake was directed to be dealt with by Urban Development Department of UP. **The pollution of River Gomti, reported by the Committee, in pursuance of a separate order of the Tribunal in O.A 24/2018, was to be dealt with by the Chief Secretary, UP. The Chief Secretary was**

directed to file an action taken report for consideration in the matter of pollution of river stretches, i.e O.A. No. 673/2018. This aspect has to be considered in the said matter. The Urban Development Department was to file action taken report with regard to construction by GDA in catchment area of Ramgarh Lake which is still awaited. Review petition has been filed by GDA seeking liberty to place its view point before the Urban Development Department.

11. It may be mentioned that apart from the reports relating to the pollution of the waterbodies in question directly or indirectly and other connected issues referred to above, the same learned Judge was also overseeing the subject of compliance of municipal solid waste in terms of order of this Tribunal dated 16.01.2019 in O.A. No. 606/2018 (which also covers compliance of Bio Medical Waste Management Rules, 2016 (BMW Rules)). In this regard, reports have been filed which have to be dealt with. In the same matter, Chief Secretaries of all the States were required to remain present before this Tribunal with the status of compliance on several important aspects of environment. After their appearance, directions have been issued requiring them to monitor such compliances at their level at least once in a month and at the level of the Districts Magistrates, twice in a month. Reports of such monitoring are to be furnished by the Chief Secretaries periodically to this Tribunal.

12. We may now note the reports which have been put up for consideration:

- I. Reports have also been filed by the Central Pollution Control Board (CPCB) and the State Pollution Control Board (SPCB) in pursuance of earlier orders, as follows:
 - A. Action taken report filed by the CPCB on 17.09.2019 (Pp 2503-2517) in respect of M/s Malvika Cement Pvt. Ltd., Raebareli, Uttar Pradesh.
 - B. Report filed by UPPCB dated 13.09.2019 (Pp 2535-2567) in respect of M/s K.M. Sugar Mills (Distillery & Sugar Units), Masaudha, Ayodhya.
 - C. Action taken report filed by the UPPCB dated 23.09.2019 (Pp 2568-2590) in respect of M/s Yash Paper Ltd. and the conduct of the SDM, Ayodhya in dealing with the matter.
 - D. Report of the UPPCB (Pp 2467-2471) on the subject of environmental compensation payable by M/s B.R.D. Medical College & Hospital (Nehru Chikitsalay), Gorakhpur.
 - E. Report dated 17.07.2019 (Pp 2087-2092) on the subject of environmental compensation furnished by the UPPCB in respect of:
 - i. M/s Bharti Research and Breeding Firm, FL-27, Sector-13, GIDA, Gorakhpur, UP
 - ii. M/s Mother Shree Dairy, D-1/3D, Sector-13, GIDA, Gorakhpur, UP
 - iii. M/s Alkane Construction Pvt. Ltd., FL-24, Sector-13, GIDA, Gorakhpur, UP

- iv. M/s Burnet Pharmaceutical Pvt. Ltd., FL-1, Sector-13, GIDA, Gorakhpur, UP**
- v. M/s Gorakhnath Agro Industries Pvt. Ltd., FL-20/27, Sector-13, GIDA, Gorakhpur, UP**
- vi. M/s Royale Savera Foods Pvt. Ltd., FL-28, Sector-13, GIDA, Gorakhpur, UP**
- vii. M/s Dr. Sandhu Hatchery, FL-28, Sector-13, GIDA, Gorakhpur, UP Report dated 29.07.2019 (Pp 2115-2132) on the subject of sand mining in District Jalaun and Hamirpur, Uttar Pradesh based on complaint of one Anchal Dwivedi to the effect that such sand mining was resulting in crisis of underground water and contamination of groundwater, e-flow of the river was adversely affected and damage was being caused to the river banks and river eco-system.**

- II. Additional Report of the Committee dated 03.08.2019 (page no. 2446) in respect of M/s Yash Paper Mills Ltd. & Rajepur Villaage Darshan Nagar, Ayodhya, Faizabad, Uttar Pradesh on the subject of industrial pollution alongwith report of the CPCB with regard to Tihura Drain near Yash Paper Mills Ltd. (Pp 2440-2445)**
- III. Summary of discussions and decisions of the Committee on the subject of wetlands dated 18.07.2019 (Pp 2093-2113)**
- IV. Summary of discussions and decisions of the Committee on the subject of compliance of Solid Waste Management Rules by M/s Amko, Bulandshahr Road, Ghaziabad, Radisson Blue Hotel, Kaushambi, Ghaziabad, Uttar Pradesh, Cantonment, Ayodhya, Sand Mining in Jalaun and Hamirpur, discharge of effluents in Gomti, recovery of compensation from hotels and industries in terms of order of this Tribunal dated 17.01.2019, in O.A No. 24/2018 and storage of 10 crore liters of effluent by Sardar Nagar Distillery and river pollution at Pilibhit, Lakhimpur Kheri, Hardoi, Sitapur, Lucknow, Raebareli, Pratapgarh, Jaunpur, Ghazipur, River Sai, River Sai Tributary of River Gomti dated 29.07.2019 (Pp 2245-2256).**
- V. Reports of the Committee regarding solid waste management (including Bio-medical waste):**
 - a) dated 31.07.2019 (Pp 2135-2174) in respect of Agra;**
 - b) dated 31.07.2019 (Pp 2177-2244) in respect of Mathura;**
 - c) dated 31.07.2019 regarding Common Bio Medical Waste Treatment Facility (CBWTF) in respect of M/s JRR Waste Management, Khasara No. 670, Mauja Dherera, Etmadpur, District Agra, U.P. (Pp 2258-2273)**
 - d) dated 31.07.2019 on the subject of Bio Medical Waste Management at Sahara Hospital, Gomti Nagar, Uttar Pradesh (Pp 2275-2310)**

- e) **dated 31.07.2019 on the subject of Bio Medical Waste Management at Dr. Ram Manohar Lohia Combined Hospital, Vibhuti Khand Gomti Nagar, Lucknow, Mayo Medical Centre, Vikas Khand-II, Gomti Nagar, Lucknow, St. Joseph's Hospital, Vishal Khand-5, Gomti Nagar, Lucknow, Nova (FORD) Hospital, Vikash Khand-1, Patrakarpuram, Gomti Nagar, Lucknow, Uttar Pradesh. (Pp 2312-2363)**
- f) **dated 01.08.2019 on the subject of Bio Medical Waste Management at S.N. Medical College & Hospital District Agra, Uttar Pradesh. (Pp 2305-2391)**
- g) **dated 05.08.2019 on the subject of Bio Medical Waste Management at (i) Super Specialty Pediatric Hospital & PG Teaching Institute, Sector-30, Noida and (ii) Jaypee Hospital (A Unit of Jaypee Healthcare Ltd.), Sector-128, Noida Uttar Pradesh. (Pp 2394-2438)**

13. We have heard learned Counsel representing applicant, learned Counsel for CPCB, UPPCB, UP Jal Nigam and learned Counsel for the Yash Paper Mill. We have also heard learned Counsel appearing on behalf of the Gorakhpur Development Authority (GDA) in Review Application No. 47/2019 seeking review of order dated 19.07.2019.

14. While we propose to deal with the reports directly connected to the pollution of water bodies and other connected issues at Gorakhpur, or otherwise connected thereto, which have been dealt with in earlier orders, other issues such as Solid Waste Management at places other than Gorakhpur, sand mining and pollution of River Gomti may have to be dealt with in the first instance by concerned administrative authorities and report furnished to this Tribunal for further consideration.

15. The reports relating to Solid/Bio-medical Waste Management indicate violations. Such violations need to be remedied and action taken as per law for compliance of statutory Rules, including recovery of compensation on Polluter Pays principle. **In order to do so, we direct that reports relating to Solid Waste Management (including Bio-medical wastes) be forwarded to Chief Secretary, UP for appropriate further action and monitoring and a compliance report being filed in O.A No. 606/2018 (Compliance of Municipal Solid Waste Rules by Uttar Pradesh) within one month by e-mail. Further consideration of the matter by this Tribunal will be in the said case. As regards reports relating to sand mining are concerned, the same may also be forwarded to the Chief Secretary U.P for appropriate further action with a direction that action taken report be furnished in O.A No. 360/2015 (dealing with the subject of Sand Mining) within one month via e-mail. The reports mentioned above at items IV and V stand dealt with accordingly, as far as this order is concerned, pending further separate consideration as above.**

16. We may now deal with reports at items I, II and III mentioned above.

I. Reports filed by the CPCB and the SPCB

- A. Action taken report filed by the CPCB on 17.09.2019 (Pp 2503-2517) in respect of M/s Malvika Cement Pvt. Ltd., Raebareli, Uttar Pradesh.

17. In view of report of the CPCB that the unit is functioning without consent to operate and it has also installed tubewells without NOC, SPCB may take appropriate further action by way of stopping illegal activity, recovering compensation and initiating prosecution in accordance with law.

18. The Chief Secretary, Uttar Pradesh may have it examined as to how electricity connections are given without consent to operate merely on consent to establish and why tubewells are being allowed to be dug without permission of the CGWA. An appropriate mechanism be evolved to remedy such illegalities in future anywhere in the State.

- B. Report filed by UPPCB dated 13.09.2019 (Pp 2535-2567) in respect of M/s K.M. Sugar Mills (Distillery & Sugar Unit), Masaudha, Ayodhya.

19. The Distillery and Sugar units of the industry have been found to be non-compliant. In view of the facts found, the units need to be immediately closed by the SPCB under Section 31(1)(c) of the Water (Prevention and Control of Pollution) Act, 1974 in accordance with law in view of the recommendations of the joint Committee.

- C. Action taken report filed by the UPPCB dated 23.09.2019 (Pp 2568-2590) in respect of M/s Yash Paper Ltd. and the conduct of the SDM, Ayodhya in dealing with the matter.

20. Effluents have been found to be discharged in the drain connecting the river for which the State Pollution Control Board (SPCB) has proposed environmental compensation of Rs. 40 lakhs. It is stated that earlier defaults by the unit were considered by this Tribunal in the year 2016 and now notice under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 has been issued by the SPCB proposing closure for the violations.

21. According to the farmers, bandh was erected to prevent polluting discharge damaging the agricultural fields. However, according to the SDM, the bandh was removed to check stoppage of flow of the drain. The drain needs to be kept clean and its flow need not be obstructed. An updated joint inspection report is required to be obtained from a joint Committee of CPCB and the SPCB which issue will henceforth

be dealt with in O.A. No. 399/2019, Mrs. Saraswati vs M/s Yash Paper Limited & Ors.

D. Report of the UPPCB (Pp 2467-2471) on the subject of environmental compensation payable by M/s B.R.D. Medical College & Hospital (Nehru Chikitsalay), Gorakhpur.

22. The SPCB may proceed further in accordance with law in the light of its report.

E. Report of UPPCB dated 17.07.2019 (Pp 2087-2092) on the subject of environmental compensation to be recovered from said 7 industries in Gorakhpur.

23. The SPCB may proceed further in accordance with law.

II. Additional Report of the Committee in respect of M/s Yash Paper Mills Ltd. & Rajepur Villaage Darshan Nagar, Ayodhya, Faizabad, Uttar Pradesh pollution alongwith report of the CPCB with regard to Tihura Drain near Yash Paper Mills Ltd.

24. A joint Committee of CPCB and State PCB may take remedial action to ensure that the Tihura Drain is cleaned and freed from any industrial effluent or other pollutants. A status report in this regard may be filed as already directed above.

III. Discussions of the Committee relating to wetlands

25. A Joint Committee comprising the Secretaries, Urban Development, Environment and Forest and Irrigation, Flood Control Department, Uttar Pradesh, UPPCB and the CPCB may take further action in accordance with law, in the light of the report and furnish an action taken report before the next date. The Nodal Agency will be Secretary, Irrigation for coordination, compliance and furnishing report to this Tribunal. The GDA is at liberty to furnish its view point to the said Joint Committee. Review Application No. 47/2019 stands disposed of.

List the matter for further consideration 09.12.2019.”

9. **The matter was thereafter considered on 16.06.2020 as follows:-**

“1to5..xxx.....xxx.....xxx

6. In pursuance of above, following reports have been filed:

(a) ‘Action Taken Report’ filed on 27.11.2019 by UP Jal Nigam on the issue of capping of drains discharging pollutants in Ramgarh Lake and preventing pollution of River Gomti, Saryu and other concerned tributaries.

- (b) 'Compliance report' of Chief Secretary, UP dated 28.11.2019 with regard to pollution of Ramgarh Lake, Ami River, Rapti River and Rohani River, pollution of River Gomti.
- (c) Report filed by the UPPCB dated 12.06.2020 mentioning the status of steps taken to comply with the earlier orders of this Tribunal.
- (d) 'Action Taken Report' filed on behalf of the Divisional Forest Office, Siddharth Nagar dated 10.02.2020 in the matter of plantation of indigenous trees on both sides of the Ami River upto a distance of 5 km etc.
- (e) Further report dated 20.12.2019 filed by the UP State PCB.
- (f) A compliance report has also been filed on 13.06.2020 by Yash Pakka Ltd. (formerly known as Yash Papers Limited).

7. Our attention has also been drawn to the following reports filed by the Committee headed by Justice D.P. Singh¹ not dealt with in the order dated 27.9.2019:

- (a) **Report dated 30.09.2019 with regard to M/s Swaroop Chemicals Pvt. Ltd., Tewariganj, Chinhat, Lucknow, UP.**
- (b) **Report dated 30.09.2019 with regard to M/s Saraya Distillery, Sardar Nagar, Gorakhpur, UP.**
- (c) **Report dated 30.09.2019 with regard to STP Sahara Estate (Ramgarh Taal) at Gorakhpur, UP.**
- (d) **Report dated 12.09.2019 with regard to (a) River Saryu pollution through "Retiya drain" & "Kakrahi drain", (b) Ayodhya, Faizabad, Cantonment, Ayodhya, Faizabad and (c) Nagar Nigam, Ayodhya, Faizabad.**
- (e) **Report dated 30.09.2020 with regard to Chilua Taal, Sonauli Road, Gorakhpur, UP.**
- (f) **Report of the UPPCB dated 29.09.2019 with regard to pollution of River Gomti.**
- (g) **Report of the UPPCB dated 29.09.2019 on the subject of action taken against M/s Malvika Cement Pvt. Ltd. Industrial Area, Sultanpur Road, Raebareli.**

8. **The said reports may be forwarded to the current Oversight Committee headed by Justice SVS Rathore², who may obtain the latest status of the matter from the concerned authorities and file a consolidated and updated report in the matter before the next date by e-mail at judicial-ngt@gov.in (preferably in the form of searchable/OCR PDF and not image PDF).**

9. Report dated 15.06.2020 filed by the Oversight Committee headed by Justice SVS Rathore, former Judge of the Allahabad High Court furnishes status of compliance of the orders of this Tribunal, including restoration of Ramgarh Taal. The concluding part thereof is as under:

¹ Constituted in terms of order dated 23.08.2018 in O.A. No. 116/2014, Meera Shukla v. Municipal Corporation, Gorakhpur & Ors.

² Constituted in terms of order dated 21.10.2019 and further modified vide order dated 16.03.2020 in O.A. No. 670/2018, Atul Singh Chauhan v. Ministry of Environment, Forest and Climate Change & Ors.

“Recommendations:

In view of the above, we recommend as follows:

- 1. Regarding untreated sewage and industrial effluents, for the existing 103 water bodies and groundwater especially Ramgarh lake, Ami river, Rapti river and Rohani river in and around district Gorakhpur which are suffering from untreated sewage and industrial effluent as well as improper management of solid waste, no tangible efforts appear to have been made by Departments concerned so far to check the pollution caused by untreated sewage and industrial pollutants flowing untreated in rivers. Despite the concern expressed by NGT for quite some time neither the STP at Magahar and Khalilabad have been sanctioned nor GIDA has commenced work on its CETP. Consequently, sewage and industrial effluents are going in the rivers without any treatments. Gorakhpur and the entire Terai area is highly sensitive to Japanese Encephalitis (JE) and Acute Encephalitis (AE) which cause deaths of thousands of children every year. The primary cause of JE/AE is pollution. It appears that the State Government is not starting the work on these CETP/STP by citing that the project is pending with NMCG for budgetary approval. Lack of funds is no excuse for inaction. The Supreme Court order in *Paryavaran Suraksha Samiti & Anr. Applicant(s) Vs. Union of India & Ors. In W.P. (Civil) No. 375/2012*, clearly mentions that the municipalities/local bodies cannot be permitted to shy away from discharging their onerous duty regarding establishment of CETP/STPs. The Supreme Court has directed that the Urban Local Bodies have to generate their own financial resources for meeting this obligation failing which the State Government shall cater to their financial requirements regarding CETP/STP. This order has been reproduced from NGT order dated 21.05.2020. Clearly not providing for STPs/CETPs is contempt of the Supreme Court as well as NGT. Supreme Court in its order has also mentioned that Secretary of Environment Department shall be answerable in case of default. The Secretaries to Government concerned shall be responsible for monitoring the progress and implementation of above directions. Not constructing these STPs/CETPs for lack of budgetary support from NMCG certainly is not a valid excuse. The Chief Secretary may be directed to ensure sufficient budgetary resources either from Government of India or from State budget within a month, so that work on these**

STPs/CETPs should commence immediately. NGT has mandated that any STP where work does not commence from 1.04.2020 will be liable to EC @5 Lakh per month. CPCB may issue notice to the Gorakhpur Municipal Corporation/GIDA for EC.

- 2. No interim measures for the treatment of the wastewater in drains and sewages have been made yet. has mandated that bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.4.2020, failing which the State may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB.**
- 3. All the municipal corporations were supposed to abide by SWM Rules, 2016 by 1.04.2020. Any violation in following SWM Rules, beyond the deadline would entail penalty. Gorakhpur Municipal Corporation has so far not started work on landfill site/processing plant. Any default in commencing work before 1.04.2020 would attract penalties (EC). CPCB may work out EC and issue notice.**
- 4. This area is very sensitive from JE/AE point of view. Besides BRD Medical college is the most important medical center in this area catering to medical requirements of large part of Eastern UP and Northern Bihar. The Primary cause of JE/AE is pollution. Hence it is most important that BRD medical college must follow BMW Rules, 2016. More so there is an influx of COVID-19 patients which will increase in the coming months Principal Secretary Medical Education shall ensure that in such critical times, BRD Medical College follows all the BMW norms. Any negligence on the part of concerned officers may be dealt with strictly and responsibility may be fixed.**
- 5. There are a large number of drains going untapped in Ramgarh Taal. The state would do well to plan STPs for these drains. As an interim measure bioremediation /phytoremediation of all these drains shall be started immediately.**
- 6. As far as polluting industries are concerned, we have been informed by SPCB that production has been stopped in such units, prosecution has been recommended and RC has been issued against all such units. As per SPCB, only such units have been permitted which have deposited the EC and are complying with the norms. SPCB may be directed to continuously monitor such units.**

7. **Regarding illegal electric connections given to units operating without consent or digging of tubewells without permission of Central Groundwater Authority, it has been mentioned by SPCB that the consent to establish an industry will be given only after prior groundwater clearance. It is recommended that since it is an inter-departmental matter, specific instructions may be issued to all the departments by Chief Secretary.**
8. **UPPCB has informed that detailed action plans related to polluted river stretches of Ghagra, Rapti, Varuna, Sai, Saryu, Ami and Tamsa have been prepared and approved by River Rejuvenation Committee. The implementation of these plans by District Environment Committee at District level and River Rejuvenation Committee at the State level may be continuously monitored. The minutes of the State level Committee may be uploaded on the State Environmental Portal and a copy may be made available to this committee.**
9. **We have been assured by Additional Chief Secretary (Irrigation) that the joint committee report on wetlands will be passed in the meeting on 15.06.2020 and made available to the committee. This committee would send a supplementary report on that after getting that report and studying it.”**

10. The above recommendations be acted upon and a report filed by the Chief Secretary with report in terms of earlier order. We also note the suggestion of the learned Counsel appearing for the CPCB that the Tihara drain needs to be cleaned and obstructions, if any, thereto removed. This aspect may also be looked into by the Oversight Committee.

11. We may generally observe that the action taken so far hardly meets the mandate of law and much remains to be done for compliance of orders of this Tribunal. Laxity by the officers concerned is breach of their statutory and public duties to uphold rule of law and protect environment and public health. However, learned Counsel for the State PCB states that latest status could not be brought forward for which time is required. Let the same be done before the next date.

12. In view of prayer made, we grant further time for filing updated report by the Chief Secretary, UP, State PCB, DFO, Gorakhpur and the Oversight Committee. The Oversight Committee may obtain latest status report from the concerned Collectors and the concerned departments. Report may be filed on or before 30.09.2020 by e-mail at judicial-ngt@gov.in (preferably in the form of searchable/OCR PDF and not image PDF) which may

also be uploaded on the website of the CPCB. Comments, if any thereto, by any other party may be filed within two weeks thereafter.”

10. Vide last order dated 12.01.2021, the Tribunal considered the report of the Oversight Committee dated 11.12.2020, report of the State PCB dated 15.12.2020 and Irrigation Department dated 10.01.2021. The Oversight Committee dealt with following issues:-

- 1. Construction of STP Sahara Estate, Gorakhpur*
- 2. Encroachment in ChiluaTaal, SurajKundPokhra, Jata Shankar, Pokhra*
- 3. There are a large number of drains going untapped in Ramgarh Taal, Gorakhpur. The state would do well to plan STPs for these drains. As an interim measure bioremediation/phytoremediation of all these drains shall be started immediately*
- 4. DPR for construction of STP in Maghar, district Sant Kabir Nagar has already been submitted to the Government.*
- 5. CETP in Gorakhpur*
- 6. Construction near Ramgarh Taal*
- 7. Action against polluting industries*
- 8. Illegal electric connections given to units operating without consent or digging of tubewells without permission of Central Groundwater Authority, it has been mentioned by SPCB that the consent to establish an industry will be given only after prior groundwater clearance*
- 9. Detailed action plans related to polluted river stretches of Ghagra, Rapti, Varuna, Sai, Saryu, Ami and Tamsa have been prepared and approved by River Rejuvenation Committee. The implementation of these plans by District Environment Committee at District level and River Rejuvenation Committee at the State level may be continuously monitored. The minutes of the State level Committee may be uploaded on the State Environmental Portal and a copy may be made available to this Committee*
- 10. River Saryu pollution due to Retiya and Kakrahi drain.*
- 11. Drains falling into Sita lake in Ayodhya*
- 12. Irrigation department, UP was saddled with each of 25 Lakhs for mining and storing the sand without environmental clearance*
- 13. Removal of Municipal Solid Waste from Sita Lake*
- 14. Removal of encroachment from wetland Khasra no. 57-58.*
- 15. DM, Faizabad be notified as nodal officer to ensure the restoration of wetland of Khasra Plot no. 57-58 and ensure establishment of Sita lake in terms of Map prepared by irrigation department.*
- 16. Conservation of Sita lake and creation of recreation centre.*
- 17. Encroachment in SurhaTaal in Balia.*
- 18. Encroachment in BaghelTaal in Bairaich.*
- 19. Restoration of Surwari lake.*
- 20. Drain construction in Basti.*
- 21. Action plan for restoration and rejuvenation of River Saryu*

22. *Saraya Distillery, Gorakhpur*
23. *Action against Malwika Cement*
24. *Compliance regarding Gomti River Pollution (For details refer report of Oversight Committee regarding O.A 673/2018)."*

11. The Compliance Status with reference to the above issues was mentioned in tabular form which was reproduced in the order dated 12.01.2021. The Oversight Committee made specific recommendations for the remedial action. The Tribunal found that the compliance status depicted in the report of the Oversight Committee projected large scale non-compliances which called for the matter being monitored at the highest level of the State Administration.

12. The operative part of the order is reproduced below:-

"18. From the above resume, particularly the report of the Oversight Committee, it is seen that there is large scale non-compliance by the concerned authorities in discharge of their public duties. It is high time that periodically the Chief Secretary personally reviews the matter to ensure compliance of directions of the Hon'ble Supreme Court requiring preventing discharge of untreated sewage and trade effluents, solid waste management and rejuvenation of Ganga. We expect and hope the Chief Secretary UP will now address the issue suitably and take remedial action in the interest of good governance and ethics of administration.

19. *We are also informed that an action plan has already been prepared for remediation of Ami and other rivers in 2019 which is available on the website of the UPPCB. The same has been duly approved by the River Rejuvenation Committee of UP in its meeting held on 17.07.2019. If it is so, the action needs to be taken promptly in accordance with the said plan. The execution of plan may be timebound and supported by the necessary budget. Persons accountable may be specified.*

20. *We direct acceptance of all the recommendations of the Oversight Committee which may be faithfully implemented. Remedial action be taken inter alia for restoration of the water bodies, abatement of pollution by the industries and the Local Bodies, enforcement of the Solid Waste Management Rules, 2016, removing encroachments, disconnecting electricity connection of illegally operating industries. **This may be overseen by the Chief Secretary, UP by appropriate mechanism, apart from or alongwith the five-Member Committee comprising the Secretaries of Irrigation Department, Urban Development Department, Environment Department, CPCB and the State***

PCB. The objections to the Notification with regard to the area of the Wetland Authority may be dealt with by the State Wetland Authority.

21. Apart from above general observations, we may particularly note that even though only 6 out of 24 drains carrying untreated effluent to the River Tapti which meets river Ghagra which in turns goes to River Ganga have been tapped. The remaining 18 drains continue to discharge untreated sewage/effluent in river Rapti. This situation is extremely unsatisfactory. **Only steps mentioned are that CETP is under construction with timeline and there is proposal to set up STP again without any timeline and with no indication as to how continuing crime of pollution affecting the environment and the public health is to be prevented if the State is committed to the rule of law and protection of health of its citizens. Does it mean that crime is to continue? This is also flagrant violation of orders of this Tribunal, including the order relating to rejuvenation of river Ganga (in O.A. No. 200/2014, M.C. Mehta v. UOI read with further orders in O.A. No. 593/2017, Paryavaran Suraksha Samiti & Anr. v. UOI & Ors, in pursuance of Supreme Court judgement in (2017) 5 SCC 326 and this Tribunal in O.A. No. 673/2018, News item published in "The Hindu" authored by Shri Jacob Koshy titled "More river stretches are now critically polluted).** The Tribunal has already laid down compensation regime for failure to take remedial action but the same is also not been paid. **If State authorities behave in such irresponsible manner, it is hardly conducive to the rule of law. Thus, the erring officers need to be proceeded against for their failure. Similar action needs to be taken against erring officers for failure to comply with the MSW Rules, 2016 in terms of order of this Tribunal in O.A. No. 606/2018. The action plans required to be prepared by the River Rejuvenation Committee in terms of order passed in O.A. No. 673/2018 need to be duly executed.** We are also informed that an action plan has already been prepared for remediation of Ami and other rivers in 2019 which is available on the website of the UPPCB. The same has been duly approved by the River Rejuvenation Committee of UP in the meeting held on 17.07.2019. If it is so, the action needs to be taken promptly in accordance with the said plan. The execution of plan may be timebound and supported by the necessary budget. Persons accountable may be specified. The Oversight Committee may have meeting within one month from today with the River Rejuvenation Committee to be coordinated by UP PCB to take stock of situation on implementation of draft action plan. The Oversight Committee may give report before next hearing particularly on following issues:

- 1) Quantity of sewage being discharged into river Ami, Rapti and Ghagra through drains and time bound implementation for setting up of STPs and coercive action for delay.
- 2) Current water quality of Ami, Rapti and Ghagra and Ramgarh lake.
- 3) The reasons for delay in setting up of CETP and accountability for delay. In absence of CETP, why Member industries are permitted to operate without remedial action under the Water (Prevention and Control of Pollution) Act, 1974?

- 4) *Regulatory plan to check encroachment of flood plain of Ami, Rapti and Ghagra.*

22. We direct that the Chief Secretary, UP may in particular oversee the execution of river rejuvenation plans for Rivers Ami, Rapti, Rohani, Saryu and Ghagra wherein the timelines for rejuvenation of different components may be fixed with necessary budgetary support and designating the authorities/officers responsible for it. Such projects cannot be delayed on the pretext of funding by the NMCG in view of the fact that preventing discharge of pollutants in River Ganga or other water bodies a criminal offence under the Water Act and even authorities are liable to be prosecuted for such offences in the light of the judgement of the Hon'ble Supreme Court in *Paryavaran Suraksha v. Union of India*³. Compliance of the said judgement is not dependent on funding by the NMCG."

13. The matter has been taken up today after almost eight months. Though the direction of this Tribunal was to file progress report within three months, report has been filed on behalf of the Chief Secretary only on 06.09.2021. The report does not mention specific timelines, action against the violators – polluters and colluding and incompetent officers who are defeating the law. The report only states that directions were issued to the Principal Secretaries of Urban Development/Irrigation & Water Resources/ Department of Infrastructure & Industrial Development /Revenue/Medical Education Department of Uttar Pradesh who have filed their compliance reports. The Chief Secretary thereafter, reviewed the progress on 02.09.2021 and issued further directions to speed up the ongoing projects and required the Additional Chief Secretaries to coordinate with the Finance Department and NMCG for sanction of the projects and to review the progress on monthly basis. Much more expected from senior functionaries in such emergent situation of lawlessness. No accountability has been fixed, no time bound action taken or planned. This type of report shows both lack of concern for public health as well as lack of respect for law of the land. It is unfortunate that the clean environment,

³ (2017) 5 SCC 326

which is part of fundamental right to life, appears to be casualty at the hands of such high-ranking officers. **Thus, a case is made out for requiring the State to pay compensation for the continued damage to the environment and public health under section 15 of the NGT Act, to be recovered inter alia from the concerned heads of the Departments for their failure of Constitutional and public duty to prevent pollution to enforce the right of citizens to clean environment. We propose to consider this aspect for which the concerned heads of the Departments are put to notice and required to remain present in person on the next date with their respective explanations.**

14. Annexure-2 to the report gives the status of compliance and the matters reviewed by the Chief Secretaries in a summary form which is reproduced below with the addition of authorities who are required to take action as per Minutes of the Meeting dated 02.09.2021 (Annexure-3):-

A. Treatment of Sewage, Establishment of STP in Nagar Palika Parishad, Khalilabad & Nagar Panchayat, Maghar-

*That the Executive Engineer, Construction Division, UP Jal Nigam, Khalilabad vide their letter dated: 02.06.2021 informed that **DPR worth Rs. 28.36 Cr and 46.32 Cr for Maghar & Khalilabad respectively has been sent to Additional Project Director, SMCG, Lucknow** for further necessary action.*

(Additional Chief Secretary, Department of Urban Development, MD, UP Jal Nigam and Additional Chief Secretary, Finance Department)

B. Interim measures for the treatment of the sewages in Nagar Palika Parishad, Khalilabad & Nagar Panchayat, Maghar

That Executive Officer, Nagar Palika Parishad, Khalilabad & Nagar Panchayat, Maghar vide its letter dt; 15.06.2021 has informed that for the treatment of domestic sewage of the drains, bio-remediation work has been started.

(Additional Chief Secretary, Department of
Urban Development, MD, UP Jal Nigam and
Additional Chief Secretary, Finance
Department)

C. Establishment of CETP in Gorakhpur

That ACEO, GIDA vide his letter dated 16.06.2021, informed that DPR of 7.5 MLD CETP costing Rs. 62.50 Cr, prepared by UP Jal Nigam and sent to NMCG for approval on 11.11.2020. NMCG has appointed IIT, Roorkee for third party adequacy of the DPR. IIT, Roorkee has visited the site on 01.04.2021 and communicated their observation to NMCG vide online meeting held on 22.06.2021. Report received from the IIT Roorkee has been shared to GIDA by NMCG. Rs. 37 Cr. sanctioned for CETP (Rs. 17 Cr by GIDA & Rs. 20 Cr by Awasthapana Vikas Kosh of ID Department) and 11.15 Acre Land has been purchased by GIDA for establishment of CETP. Consultant has been appointed for Environment

Impact Assessment and Environmental Clearance for proposed CETP.

That Project Manager, UP Jal Nigam, Gorakhpur vide its report dated; 12.08.2021 has submitted the updated status about installation of CETP.

(Additional Chief Secretary, Namami Gange
and Rural Water Supplies/Establishment &
Industrial Development
Department/SMCG/UP Jal Nigam and
Gorakhpur Industrial Development
Authority, Gorakhpur)

D. (i) Identification, Selection & Establishment of Landfill site for MSW processing plant in Gorakhpur

That Municipal Commissioner, Gorakhpur vide their Action Taken Report dated: 17.08.2021 has informed that Land of 10.36 hectare at Village Suthani & Bhati Rawat on Magahar Road has been identified. Out of 10.36 hectare, 8.45 hectare of land has been purchased by Municipal Corporation, Gorakhpur for developing landfill site and establishment of processing plant as per SWM Rules 2016. Director, C&DS, UP Jal Nigam, Lucknow (Implementing agency) has been requested to take further action regarding development of landfill site and processing plant vide letter No. 3323/mu.abhi./char-sa.ni.vi./2020-21, dated 12.02.2021, 3450 mu.abhi./char-sa.ni.vi./2020-21, dated 12.03.2021 and letter No. 93 mu.abhi./char-sa.ni.vi./2021-22, dated 03.06.2021. DPR of Rs. 31.579 Cr has been prepared by C&DS, UP, Jal Nigam Lucknow and has been sent by Municipal Commissioner, Gorakhpur vide letter no. 512/mu.abhi. /char-sa.ni.vi./2020-21, dated 29.07.2021 to ACS Urban Development U.P. Govt. Lucknow. The DPR is in process of sanctioning. The work will be started by C&DS, UP, Jal Nigam after DPR is sanctioned.

*(Additional Chief Secretary, Department of
Urban Development and MD, UP Jal Nigam)*

***(ii) Tapping of all the drains falling into the Ramgarh Tal
and Interim measures for the treatment of untapped
drains falling in Ramgarh Tal***

*That Municipal Commissioner, Gorakhpur vide their Action
Taken Report dated: 17.08.2021 has informed that;*

- i. 6 Major drains (Total Discharge of 37 MLD) falling earlier
in Ramgarhtal has been intercepted, diverted and being
treated since Feb 2015 & June 2015.*
- ii. 7 Minor drains (Out of 18 minor drains having total
Discharge of 5.463 MLD) falling in Ramgarhtal from its
eastern side will be taken care of under ongoing
“Gorakhpur Sewerage Scheme Zone A-1 Southern part”
project under AMRUT till March-2022.*
- iii. Remaining 11 minor drains (Out of 18 minor drains having
total Discharge of 1.357 MLD) falling in Ramgarhtal from
its Northern Side is proposed under “Construction of
earthen bund and intercepting sewer line at Northern side
of Ramgarhtal from Paidleyganj to R.K.B.K” project which
got sanctioned by GoUP on dated 30.03.2021. Tender has
been invited & PQ cum Technical bid is opened on
25.05.2021.*
- iv. As an Interim measure for these 18 drains having
discharge of 6.82 MLD falling in RamgarhTaal, Municipal
Corporation, Gorakhpur has been doing In-Situ Nallah
Treatment through Bioremediation technology. The Bio-
remediation work is being carried out by M/s Maple
Orgtech (India) Ltd.*

*(Additional Chief Secretary, Department of
Urban Development and MD, UP Jal Nigam)*

(iii) Tapping of Drains falling in River Rapti

*That Municipal Commissioner, Gorakhpur vide their Action
Taken Report dated: 17.08.2021 has informed that;*

- i. Out of 15 Major drains, 9 major drains are falling directly
(untreated) in Rapti River, for which a project for “Interception
Diversion and treatment of 8 major drains (having total discharge
of 41.055 MLD) (phase-1) under Namami Gange with estimated
cost Rs. 271.70 crore has been sent by SE (Nagar), U.P. Jal
Nigam, Lucknow vide letter no. 485/022-0272 (22)/2020 Dated
17.08.2020 to APD, SMCG, Lucknow under which one STP of
44.0 MLD capacity and interception of 8 major drains are
proposed.*

ii. Some observations were raised by APD, SMCG, Lucknow vide letter dt. 23.09.2020 which has been complied and revised estimate amounting Rs. 271.84 Cr sent to The Director General, NMCG, New Delhi by Project Director, SMCG vide letter no. 1093/0390/SMCG-UP/02 dated 28.10.2020.

iii. Again NMCG, New Delhi raised some observation vide its letter dt 15.01.2021 in respect of which compliance has been sent by Chief Engineer, UP Jal Nigam, Gorakhpur vide his letter no. 991/V28/19 Dt. 25.05.2021 to Chief Engineer (Ganga), UP Jal Nigam, Lucknow and copy of same has also been sent to Dir (T-III), NMCG, New Delhi & APD, SMCG, UP along with others which is also forwarded by CE(Ganga), UP Jal Nigam, Lucknow by its letter no. 408/022-272 (22)/2021 Dt. 09.06.2021 to APD, NMCG, Lucknow. Approval of which is awaited.

iv. Catchment area of remaining 1 major drain (Kataniya/Mahewa Nalla), having total discharge of 8.914 MLD) falling directly in River Rapti without treatment is separated by Gorakhpur-Lucknow four lane road. Hence for interception, diversion and treatment of this 1 major drain, a separate project "Interception, Diversion and Treatment (phase-2)" has been proposed under Namami Gange. Under this project one STP of 10 MLD capacity is proposed. The Pre Feasibility Report amounting Rs. 84.96 Cr has been sent to Director General, NMCG, New Delhi vide APD, SMCG, Lucknow letter no. 398/0628/SMCG-UP/03 Dt. 13.05.2021 for review and initiating appraisal activities for its approval under Namami Gange programme.

v. For remaining 6 major drains (having total discharge of 27.01 MLD) falling directly (untreated) in Rohini River, a project "Gorakhpur Sewerage Scheme Zone-C under AMRUT (estimated cost Rs. 664.59 Cr) under which 245.55 km sewer laying, one no STP of 40 MLD capacity is proposed has been sent by PPRBD Cell, U.P. Jal Nigam, Lucknow to Mission Director, Directorate of Urban Local bodies, Lucknow vide letter no. 479/1009-072-001(AMRUT)/PPRBD/20 Dated 14.08.2020.

As an interim measure bioremediation/ phyto-remediation of drains, the following action has been taken:

i. Out of 15 drains, 10 Nos. of drains have been sanctioned in AMRUT for In-Situ Treatment through CSIR-NEERI's RENEU (Restoration of Nallah with Ecological Units) technology. The cost of the project is Rs. 677.68 Lakhs. Tenders for the above work have been invited by CSIR-NEERI, Nagpur. NEERI Nagpur has assured to complete the work by the end of December, 2020. Nagar Nigam Gorakhpur has issued a number of letters as reminders to start the work at site but the work has not started by NEERI Nagpur due to some internal issues. Head Engineering Service Unit, NEERI Nagpur has issued acceptance of tender letter No. 50(65)/2019-2020/W, dated 12.02.2021 to M/S Emery Enviro Pvt. Ltd.-SINE IIT Bombay Firm for Construction, Installation & Commissioning of in-situ treatment (CSIR-NEERI's RENEU Technology) at Group 2 comprising of 1 constructed

RENEU system of 500m for 4 Nallahs (Takiyaghat drain) of Gorakhpur. Work will be started after rains are over.

ii. For rest of the 05 drains (3 drains having discharge of 38.554 MLD falling in Rapti river and 2 drains having discharge of 14.00 MLD falling in Rohini river), Municipal Corporation, Gorakhpur has been doing In Situ Nallah Treatment through Bio-remediation technology. The Bio-remediation work is being carried out by M/s Maple Orgtech (India) Ltd.

(Additional Chief Secretary, Department of Urban Development, MD, UP Jal Nigam and Additional Chief Secretary, Finance Department)

E. Sewage Management gap in Lucknow

That General Manager, Gomti Pollution Control Unit, UP Jal Nigam, Lucknow vide his letter dated: 16.06.2021 has informed that;

i. Total 784 MLD sewage is generated in the Lucknow City, out of which 445 MLD Sewage is treated by 04 STPs.

ii. 01 STP having capacity 120 MLD is under construction (to be completed in December-2022) and 05 STPs having capacity 39MLD, 01MLD, 22MLD, 80MLD & 85MLD each are proposed by UP Jal Nigam.

iii. After commissioning of proposed STPs, the sewage gap will be addressed.

(Additional Chief Secretary, Namami Gange and Rural Water Supplies Department and MD, UP Jal Nigam)

F. Environmental Compensation

That UPPCB is continuously monitoring the industries in the catchment area of Aami River.

Status of Compensation imposed and Recovered from the industries in the catchment area of Aami River is as follows:

S. No.	Name of the Industry	EC Imposed	Recovery of EC Amount	Remark
1.	M/s B. R. D. Medical College & Hospital (Nehru Chikitsalay), Gorakhpur	Rs. 4.4115 Crore	Nil	Medical College did not deposit the EC imposed, so UPPCB has requested vide it's different letters dated 29.09.2020, 18.01.2021 to District Magistrate Gorakhpur for recovery of Environmental Compensation as per the land revenue.

				<i>The copy of letter dt: 18.01.2021 is enclosed herewith and marked as Annexure No.-2F(i).</i>
2.	<i>M/s Bharti Research and Breeding Firm, FL-27, Sector 13, GIDA, Gorakhpur</i>	<i>Rs. 6.1125 Lacs</i>	<i>Nil</i>	<i>EC not realized, so UPPCB vide its different letter dated: 17.12.2019, 19.05.2020, 14.07.2020 & 16.02.2021 has requested to District Magistrate, Gorakhpur for issuing RC as per the land-revenue against the industry.</i> <i>The copy of letter dt: 16.02.2021 is enclosed herewith and marked as Annexure No.-2F(ii).</i>
3.	<i>M/s Mother Shree Dairy, D-1/3D, Sector 13, GIDA, Gorakhpur</i>	<i>Rs. 8.4 Lacs</i>	<i>Rs. 8.4 Lacs</i>	<i>EC has been deposited letter attached herewith and marked as Annexure No.- 2F(iii).</i>
4.	<i>M/s Alkane Construction Pvt Ltd., FL-1, Sector 13, GIDA, Gorakhpur</i>	<i>Rs. 4.25 Lacs</i>	<i>Nil</i>	<i>EC not realized, so UPPCB vide its different letter dated: 17.12.2019, 19.05.2020, 14.07.2020 & 16.02.2021 has requested to District Magistrate, Gorakhpur for issuing RC as per the land-revenue against the industry.</i> <i>The copy of letter dt: 16.02.2021 is enclosed herewith and marked as Annexure No.- 2F(iv).</i>
5.	<i>M/s Burnet Pharmaceutical Pvt. Ltd., FL-1, Sector 13, GIDA, Gorakhpur</i>	<i>Rs. 12.875 Lacs</i>	<i>Rs. 0.5 Lacs</i>	<i>EC not fully realized, so UPPCB vide its different letter dated: 17.12.2019, 19.05.2020, 14.07.2020 & 16.02.2021 has requested to District Magistrate, Gorakhpur for issuing RC as per the land-revenue against the industry.</i> <i>The copy of letter dt: 16.02.2021 is enclosed herewith and marked as Annexure No.- 2F(v).</i>
6.	<i>M/s Gorakhnath Agro Industries Pvt. Ltd., FL20/27, Sector 13, GIDA, Gorakhpur</i>	<i>Rs. 10.1875 Lacs</i>	<i>Rs. 2.0 Lacs</i>	<i>EC not fully realized, so UPPCB vide its different letter dated: 17.12.2019, 19.05.2020 & 14.07.2020 has requested to District Magistrate, Gorakhpur for issuing RC as per the land-revenue against the industry.</i> <i>The copy of letter dt: 14.07.2020 is enclosed herewith and marked as Annexure No.- 2F(vi).</i>

7.	<i>M/s Royale Savera Foods Pvt. Ltd., FL-28, Sector 13, GIDA, Gorakhpur</i>	<i>Rs. 6.1125 Lacs</i>	<i>Rs. 6.1125 Lacs</i>	<i>EC has been deposited letter attached herewith and marked as Annexure No.- 2F(vii).</i>
8	<i>M/s Dr. Sandhu Hatchery, FL-28, Sector 13, GIDA, Gorakhpur</i>	<i>Rs. 6.1125 Lacs</i>	<i>Rs. 6.1125 Lacs</i>	<i>EC has been deposited letter attached herewith and marked as Annexure No.- 2F(viii).</i>
9	<i>M/s Bajaj Hindustan Sugar Ltd (Distillery Unit), Rudhauli, Basti</i>	<i>Rs. 1.4280 Crore</i>	<i>Rs. 1.4280 Crore</i>	<i>EC has been deposited letter attached herewith and marked as Annexure No.- 2F(ix).</i>

(UP Pollution Control Board)

G. Illegal Electric Connections to Industries

That Chairman, Uttar Pradesh Power Corporation Ltd (UPPCL) vide its order dt. 02.11.2020 has made mandatory that the permanent electric connection to the Red & Orange category industries, will be provided only after the valid Consent to Operate under Air & Water Act are issued from UPPCB.

That CGWA has mandated vide its Notification dt. 24.09.2020 that no new borewell will be allowed without its permission & has laid down the rates of ground water abstractions for various usages and District Magistrates (DMs) are authorized for imposition of Environmental Compensation in case of default.

(Uttar Pradesh Power Corporation Limited and UP Pollution Control Board)

H. STP at Sahara State, Gorakhpur

i. That Sahara State, Gorakhpur has developed residential township of area 142 acre. For this, they have not obtained consent to establish and water consent under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974.

ii. That untreated domestic effluent from the township was being discharged in Ramgargh Tal.

iii. That in view of above said facts, a complaint case (no-104/2021) dated 06.01.2021 under section 43,44 of the Water (Prevention and Control of Pollution) Act, 1974 has been filed against the township in competent court.

(UP Pollution Control Board)

I. M/s Malvika Cement Pvt Ltd, Raebareli

That UP Pollution Control Board vide its letter dated 28.01.2021 has imposed an environmental compensation of Rs. 4.40 Lacs against the industry and said EC has been deposited by the industry.

(UP Pollution Control Board)

J. Municipal Solid Waste Management in Lucknow

That UP Pollution Control Board vide its letter dated 27.07.2020 has imposed an environmental compensation of Rs. 14.4071 Cr against the Municipal Commissioner, Nagar Nigam, Lucknow and vide its letter dated 20.11.2020 has issued a show cause notice under section 5 of Environment (Protection) Act, 1986 against the operator of MSW Plant (M/s Eco Green Energy Pvt Ltd, Shiviry, Mohan Road, Lucknow for imposition of environmental compensation of Rs. 25.3271 Cr.

*(Additional Chief Secretary,
Department of Urban Development
/ UP Pollution Control Board)*

15. We have heard learned Counsel for Applicant, State of UP, State PCB and CPCB. From the compliance status reproduced above, it is seen that the authorities have merely paid lip service to the cause. The action taken is superficial without any meaningful impact on the ground. Untreated sewage is still being discharged unscientifically into the water bodies in spite of prohibition under the Water (Prevention & Control of Pollution) Act, 1974 and judgment of the Hon'ble Supreme Court in *Paryavaran Surakhsha Samiti Vs. Union of India* as well as order of this Tribunal in O.A. No. 593/2017, *Paryavaran Surakhsha Samiti Vs. Union of India*. Contamination of water sources is a punishable criminal offence under the Water (Prevention and Control of Pollution) Act, 1974 for the last 47 years. Under Section 25 of the Act, untreated discharge of sewage any drain is prohibited and is in fact a criminal offence under Sections 42(2) and 44. Section 48 of the Act makes the Head of the Department liable for being punished for such offence. As per directions of the Hon'ble Supreme Court in *Surakhsha case*⁴ an outer limit of 31.03.2018 is fixed for completing the work of all STPs in the Country for laying down the sources of budget and direction is to initiate prosecution for continued failure. This

⁴ (2017) 5 SCC 326

Tribunal has been directed to monitor compliance. We may refer to the specific directions of the Hon'ble Supreme Court and this Tribunal on the subject:

Extracts from the judgement of the Hon'ble Supreme Court in Paryavaran Suraksha Samiti Vs. Union of India, supra

“7. Having effectuated the directions recorded in the foregoing paragraphs, the next step would be, to set up common effluent treatment plants. We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50%, that of the State Government concerned (including the Union Territory concerned) is 25%. The balance 25%, is to be arranged by way of loans from banks. The above loans, are to be repaid, by the industrial areas, and/or industrial clusters. We are also informed that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up “common effluent treatment plants”, according to the learned counsel, is not only financial, but also, the requirement of land acquisition, for the same.

X.....X.....X.....

10. Given the responsibility vested in municipalities under Article 243-W of the Constitution, as also, in Item 6 of Schedule XII, wherein the aforesaid obligation, pointedly extends to “public health, sanitation conservancy and solid waste management”, we are of the view that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the municipalities (and/or local bodies) concerned, cannot be permitted to shy away from discharging this onerous duty. In case there are further financial constraints, the remedy lies in Articles 243-X and 243-Y of the Constitution. It will be open to the municipalities (and/or local bodies) concerned, to evolve norms to recover funds, for the purpose of generating finances to install and run all the “common effluent treatment plants”, within the purview of the provisions referred to hereinabove. Needless to mention that such norms as may be evolved for generating financial resources, may include all or any of the commercial, industrial and domestic beneficiaries, of the facility. The process of evolving the above

norms, shall be supervised by the State Government (Union Territory) concerned, through the Secretaries, Urban Development and Local Bodies, respectively (depending on the location of the respective common effluent treatment plant). The norms for generating funds for setting up and/or operating the “common effluent treatment plant” shall be finalised, on or before 31-3-2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the State Governments (or the Union Territories) concerned, shall cater to the financial requirements, of running the “common effluent treatment plants”, which are presently dysfunctional, from their own financial resources.

11. *Just in the manner suggested hereinabove, for the purpose of setting up of “common effluent treatment plants”, the State Governments concerned (including, the Union Territories concerned) will prioritise such cities, towns and villages, which discharge **industrial pollutants and sewer, directly into rivers and water bodies.***
12. *We are of the view that in the manner suggested above, **the malady of sewer treatment, should also be dealt with simultaneously.** We, therefore, hereby direct that “sewage treatment plants” shall also be set up and made functional, within the timelines and the format, expressed hereinabove.*
13. ***We are of the view that mere directions are inconsequential, unless a rigid implementation mechanism is laid down.** We, therefore, hereby provide that the directions pertaining to continuation of industrial activity only when there is in place a functional “primary effluent treatment plants”, and the setting up of functional “common effluent treatment plants” within the timelines, expressed above, shall be of the Member Secretaries of the Pollution Control Boards concerned. **The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default. The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board concerned, as may be required, for the implementation of the above directions.** They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional **National Green Tribunal.***

14. To supervise complaints of non-implementation of the instant directions, the Benches concerned of the National Green Tribunal, will maintain running and numbered case files, by dividing the jurisdictional area into units. The abovementioned case files will be listed periodically. **The Pollution Control Board concerned is also hereby directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters.**

X.....X.....X.....

16. It however needs to be clarified, that the instant directions and time lines, shall not in any way dilute any time lines and directions issued by Courts or Benches of the National Green Tribunal, hitherto before, wherein the postulated time lines would expire before the ones expressed through the directions recorded above. **It is clarified, that the time lines, expressed hereinabove will be relevant, only in situations where there are no prevalent time line(s), and also, where a longer period, has been provided for.”**

(emphasis supplied)

**Extracts from orders of this Tribunal in OA 593/2017 :
Order dated 21.05.2020**

26. Summary of directions:

- i. All States/UTs through their concerned departments such as Urban/Rural Development, Irrigation & Public Health, Local Bodies, Environment, etc. may ensure formulation and execution of plans for sewage treatment and utilization of treated sewage effluent with respect to each city, town and village, adhering to the timeline as directed by Hon'ble Supreme Court. STPs must meet the prescribed standards, including faecal coliform.

CPCB may further continue efforts on compilation of River Basin-wise data. Action plans be firmed up with Budgets/Financial tie up. Such plans be overseen by Chief Secretary and forwarded to CPCB before 30.6.2020. CPCB may consolidate all action plans and file a report accordingly.

Ministry of Jal Shakti and Ministry of Housing and Urban Affairs may facilitate States/UTs for ensuring that water quality of rivers, lakes, water bodies and ground water is maintained.

As observed in para 13 above, **100% treatment of sewage/effluent must be ensured and strict coercive action taken for any violation to enforce rule of law. Any party is free to move the Hon'ble Supreme Court for continued violation of its order after the deadline**

of 31.3.2018. This order is without prejudice to the said remedy as direction of the Hon'ble Supreme Court cannot be diluted or relaxed by this Tribunal in the course of execution. PCBs/PCCs are free to realise compensation for violations but from 1.7.2020, such compensation must be realised as per direction of this Tribunal failing which the erring State PCBs/PCCs will be accountable.”

Order dated 21.09.2020

“11. The Tribunal has already issued directions vide orders dated 28.08.2019 and 21.05.2020 for ensuring that no untreated sewage/effluent is discharged into any water body and for any violation compensation is to be assessed and recovered by the CPCB so that the same can be utilized for restoration of the environment, complying with the principle of ‘Polluter Pays’ which has been held to be part of ‘Sustainable Development’ and part of right to life. Control of such pollution is crucial for environment, aquatic life, food safety and also human health. ..”

From OA 673/2018

Order dated 6.12.19:

6. The Hon'ble Supreme Court noticed the level of degradation of rivers in India and apathy of the authorities as follows:

“58. Rivers in India are drying up, groundwater is being rapidly depleted, and canals are polluted. Yamuna in Delhi looks like a black drain. Several perennial rivers like Ganga and Brahmaputra are rapidly becoming seasonal. Rivers are dying or declining, and aquifers are getting over pumped. Industries, hotels, etc. are pumping out groundwater at an alarming rate, causing sharp decline in the groundwater levels. Farmers are having a hard time finding groundwater for their crops e.g. in Punjab. In many places there are serpentine queues of exhausted housewives waiting for hours to fill their buckets of water. In this connection John Briscoe has authored a detailed World Bank Report, in which he has mentioned that despite this alarming situation there is widespread complacency on the part of the authorities in India.⁵

“4. We see Yamuna river virtually turned into a sullage. We take judicial notice of this situation. Similar is the position with Ganges. As it proceeds, industrial effluents are being poured in rivers. Sewage is also being directly put in rivers contributing to the river water pollution. We direct the Pollution Control Boards of the various States as well as the Central Pollution Control Board and

⁵ State of Orissa v. Govt. of India, (2009) 5 SCC 492

various Governments to place before us the data and material with respect to various rivers in the concerned States, and what steps they are taking to curb the pollution in such rivers and to management as to industrial effluents, sewage, garbage, waste and air pollution, including the water management. We club the ending case of water management with this matter.⁶

xxx.....xxx.....xxx

11. In spite of above, in flagrant violation of law of the land, polluted water in the form of sewage, industrial effluents or otherwise has continued to be discharged in the water bodies including the rivers or the canals meeting the rivers. Violation of law is not only by private citizens but also statutory bodies including the local bodies and also failure of the regulatory authorities in taking adequate steps. There is no corresponding coercive action posing danger to rule of law when large scale violation of law is not being remedied. This leads to lawlessness.

12. It will be appropriate to note the crisis situation in the country on the subject of availability of potable water. The matter has been considered in the report of Niti Aayog on Composite Water Management Index (CWMI).⁷ Following further information also needs to be noted:

- (i) India is suffering from the worst water crisis in its history and millions of lives and livelihoods are under threat. Currently, 600 million Indians face high to extreme water stress and about two lakh people die every year due to inadequate access to safe water⁸. The crisis is only going to get worse. By 2030, the country's water demand is projected to be twice the available supply, implying severe water scarcity for hundreds of millions of people and an eventual ~6% loss in the country's GDP⁹. As per the report of National Commission for Integrated Water Resource Development of MoWR, the water requirement by 2050 in high use scenario is likely to be a milder 1,180 BCM, whereas the present-day availability is 695 BCM. The total availability of water possible in country is still lower than this projected demand, at 1,137 BCM. Thus, there is an imminent need to deepen our understanding of our water resources and usage and put in place interventions that make our water use efficient and sustainable.
- (ii) India is undergoing the worst water crisis in its history. Already, more than 600 million people¹⁰ are facing acute water shortages. Critical groundwater resources – which account for 40% of our water supply – are being depleted at unsustainable rates.¹¹

⁶ M.C. Mehta Vs Union of India- W.P. (Civil) No. 13029/1985 dated 25.11.2019

⁷ Niti Ayog on “Composite Water Management Index”, June 2018, https://niti.gov.in/writereaddata/files/document_publication/2018-05-18-Water-Index-Report_vS8-compressed.pdf.

⁸Source: WRI Aqueduct; WHO Global Health Observatory

⁹Source: McKinsey & WRG, ‘Charting our water future’, 2009; World Bank; Times of India

¹⁰ Source: World Resource Institute

¹¹ Source: World Resource Institute

- (iii) Most states have achieved less than 50% of the total score in the augmentation of groundwater resources, highlighting the growing national crisis—54% of India’s groundwater wells are declining, and 21 major cities are expected to run out of groundwater as soon as 2020, affecting ~100 million people¹².
- (iv) With nearly 70% of water being contaminated, India is placed at 120th amongst 122 countries in the water quality index.

13. As per statistics mentioned before the Lok Sabha on April 6, 2018, waterborne diseases such as cholera, acute diarrhoeal diseases, typhoid and viral hepatitis continue to be prevalent in India and have caused 10,738 deaths, over the last five years since 2017. Of this, acute diarrhoeal diseases caused maximum deaths followed by viral hepatitis, typhoid and cholera.¹³

14. As per ‘National Health Profile’ published by Central Bureau of Health Investigation, Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India, a total of 1535 Deaths due to Acute Diarrhoeal Diseases was reported during the year 2013.¹⁴

Main Causes of Pollution of Rivers

15. As already noted, well known causes of pollution of rivers are dumping of untreated sewage and industrial waste, garbage, plastic waste, e-waste, bio-medical waste, municipal solid waste, diversion of river waters for various purposes affecting e-flow, encroachment of catchment areas and floodplains, over drawl of groundwater, river bank erosion on account of illegal sand mining. In spite of directions to install Effluent Treatment Plants (ETPs), Common Effluent Treatment Plants (CETPs), Sewage Treatment Plants (STPs), and adopting other anti-pollution measures, satisfactory situation has not been achieved. As per CPCB’s report 2016¹⁵, it has been estimated that 61,948 million liters per day (mld) sewage is generated from the urban areas of which treatment capacity of 23,277 mld is currently existent in India. Thereby the deficit in capacity of waste treatment is of 62%. There is no data available with regard to generation of sewage in the rural areas.

xxx.....xxx.....xxx

33. We may note the observations of the Hon’ble Supreme Court:

“26. Enactment of a law, but tolerating its infringement, is worse than not enacting a law at all. The continued infringement of law, over a period of time, is made possible by adoption of such means which are best known to the violators of law. Continued tolerance of such violations of law not only renders legal provisions nugatory but such tolerance by the

¹² Source: UN Water, ‘Managing water under uncertainty and risk’, 2010; World Bank (Hindustan Times, The Hindu).

¹³ <https://www.indiaspend.com/diarrhoea-took-more-lives-than-any-other-water-borne-disease-in-india-58143/>

¹⁴ <http://pib.nic.in/newsite/PrintRelease.aspx?relid=106612>

¹⁵ http://www.sulabhenvi.nic.in/Database/STST_wastewater_2090.aspx July 16, updated on December 6, 2016

enforcement authorities encourages lawlessness and adoption of means which cannot, or ought not to, be tolerated in any civilized society. Law should not only be meant for the law-abiding but is meant to be obeyed by all for whom it has been enacted. A law is usually enacted because the legislature feels that it is necessary. It is with a view to protect and preserve the environment and save it for the future generations and to ensure good quality of life that Parliament enacted the anti-pollution laws, namely, the Water Act, Air Act and the Environment (Protection) Act, 1986. These Acts and Rules framed and notification issued thereunder contain provisions which prohibit and/or regulate certain activities with a view to protect and preserve the environment. When a law is enacted containing some provisions which prohibit certain types of activities, then, it is of utmost importance that such legal provisions are effectively enforced. If a law is enacted but is not being voluntarily obeyed, then, it has to be enforced. Otherwise, infringement of law, which is actively or passively condoned for personal gain, will be encouraged which will in turn lead to a lawless society. Violation of anti-pollution laws not only adversely affects the existing quality of life but the non-enforcement of the legal provisions often results in ecological imbalance and degradation of environment, the adverse effect of which will have to be borne by the future generations.¹⁶

xxx.....xxx.....xxx

“61. If the laws are not enforced and the orders of the courts to enforce and implement the laws are ignored, the result can only be total lawlessness. It is, therefore, necessary to also identify and take appropriate action against officers responsible for this state of affairs. Such blatant misuse of properties at large-scale cannot take place without connivance of the officers concerned. It is also a source of corruption. Therefore, action is also necessary to check corruption, nepotism and total apathy towards the rights of the citizens.”¹⁷

xxx.....xxx.....xxx

35. *Vide order dated 22.08.2019 in Original Application 200/2014, dealing with the pollution of river Ganga, the Tribunal issued directions and laid down coercive measures to be taken for discharge of untreated sewage in river Ganga:-*

“16. xxx.....xxx.....xxx

17. *Wherever the work has not commenced, it is necessary that no untreated sewage is discharged into the River Ganga. Bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.11.2019, failing which the*

¹⁶ INDIAN COUNCIL FOR ENVIRO-LEGAL ACTION Vs. UNION OF INDIA AND OTHERS (1996) 5 SCC 281

¹⁷ M.C. Mehta v. Union of India, (2006) 3 SCC 399 – Public functionaries

State may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB. This however, is not to be taken as an excuse to delay the installation of STPs. For delay of the work, the Chief Secretary must identify the officers responsible and assign specific responsibilities. Wherever there are violations, adverse entries in the ACRs must be made in respect of such identified officers. For delay in setting up of STPs and sewerage network beyond prescribed timelines, State may be liable to pay Rs. 10 Lakhs per month per STP and its network. It will be open to the State to recover the said amount from the erring officers/contractors.

36. *Vide order dated 28.08.2019, the Tribunal held:-*

“15. xxx.....xxx.....xxx

“16. xxx.....xxx.....xxx

17. As already noted, prevention of pollution of water is directly linked to access to potable water as well as food safety. Restoration of pristine glory of rivers is also of cultural and ecological significance. This necessitates effective steps to ensure that no pollution is discharged in water bodies. Doing so is a criminal offence under the Water Act and is harmful to the environment and public health. ‘Precautionary’ principle of environmental law is to be enforced. Thus, the mandate of law is that there must be 100% treatment of sewage as well as trade effluents. This Tribunal has already directed in the case of river Ganga that timelines laid down therein be adhered to for setting up of STPs and till then, interim measures be taken for treatment of sewage. There is no reason why this direction be not followed, so as to control pollution of all the river stretches in the country. The issue of ETPs/CETPs is being dealt with by an appropriate action against polluting industries. Setting up of STPs and MSW facilities is the responsibility of Local Bodies and in case of their default, of the States. Their failure on the subject has to be adequately monitored. Recovery of compensation on ‘Polluter Pays’ principle is a part of enforcement strategy but not a substitute for compliance. It is thus necessary to issue directions to all the States/UTs to enforce the compensation regime, latest with effect from 01.04.2020. We may not be taken to be condoning any past violations. The States/UTs have to enforce recovery of compensation from 01.04.2020 from the defaulting local bodies. On failure of the States/UTs, the States/UTs themselves have to pay the requisite amount of compensation to be deposited with the CPCB for restoration of environment. The Chief Secretaries of all the States may furnish their respective compliance

reports as per directions already issued in O.A. No. 606/2018.”

16. Even though the grievance has been continuing for the last seven years as earlier mentioned, only progress mentioned is that on 02.06.2021, a letter has been sent to the Additional Project Director, SMCG, Lucknow which by no standard can be held to be a responsible meaningful progress. Even with regard to CETP, only progress is sanction of funds in the meeting held on 22.06.2021. There is no remedial action against erring officers by way of adverse entries in their ACRs in terms of directions of this Tribunal and also for initiating prosecution against them. It is not mentioned how those discharging pollution in water bodies are being dealt with. Such violators are in no way less than offenders causing deaths and injuries. The offences committed in preventing water pollution are so serious in nature that the Parliament has laid down minimum sentence for such violations. It is a well-known fact that significant number of deaths and diseases take place on account of water borne diseases. Sources of drinking water cannot be allowed to be polluted. It is as important as security of citizens against other offences. If the authorities fail, the statutory regulators have to initiate prosecution but in the present case the State PCB appears to be a failure in enforcing the law against the violators. The officers of the State PCB need to be held accountable for such violations. Similarly, on the subject of establishment of landfill site for processing of the waste, only progress made is initiation of process for sanction of DPR which infact is no compliance at all for prevention of offences relating to pollution. With regard to tapping of drains falling in the lake, it is stated that action for tapping of all the drains will be taken but neither any timeline has been fixed nor any meaningful action plan has been placed on record. It is stated that in respect of some

of the drains, project has been sanctioned on 30.03.2021 and tender has been invited which again shows sorry state of affairs and lack of sensitivity as merely doing so does not end the pollution and the offences relating to violation of environmental laws thus, continues unabated. On the subject of tapping of drains falling in river Rapti, the situation remains equally disappointing. Environmental Compensation assessed for serious violation remains uncomplied, defeating the mandate of 'Polluter Pays' principle. There is no justification, explanation or clarification given regarding the same. We are not repeating our observations with regard to other issues but the situation is extremely unsatisfactory and disappointing. It is further evidenced from the report of the OSC and of the Chief Secretary that reckless disposal of sewage and trade effluents has already resulted in rivers Rapti and Ghagra being categorised as polluted rivers identified by CPCB. These rivers are not fit for bathing and the value of such deterioration of natural resources is not even recognised. Further damage on account encroachment of catchment of Ramgarh Tal and river flood plain zones of Ami, Rapti and Ghagra is continuing. Thus, pending further action, continuing encroachments must be forthwith stopped by strict enforcement of Flood Plain Zone regulations, including for the Ramgarh lake. It is also surprising that how UP PCB is permitting industries to operate in violation of Water Act. It appears that, out of around 266 industries in GIDA area, there are 55 water polluting industries. It has not been made clear whether these industries have their own ETPs meeting the laid down stipulated standards. If so, why CETP is required. If not, how industries are continuing in violation of law. Regarding meeting norms by the existing 30 mld and 15 mld STPs, the compliance with respect to Fecal coliform has to be ascertained, considering that recipient system has rivers and lake, which are sources

of drinking water by humans and other living beings. SPCB ought to have mentioned about the performance of remediation which is said to have started on some drains.

17. We confronted learned Counsel for the State with the situation but he has not been able to give any response except to say that the Chief Secretary should own the responsibility and take stringent action against the erring officers for non-compliance of law, for protection of environment and public health. What has stopped the Chief Secretary to take the action is not known to us.

18. With utter disappointment with the attitude of the concerned officers of the State of UP, we direct the Chief Secretary to now take meaningful and stringent action for compliance of law and hold the erring officers accountable in the same manner as any other violators of law in a system governed by rule of law. Adverse entries must be made in their ACRs and if there is no change in their attitude towards performance of their duty, the criminal prosecution needs to be launched against them in the same manner as against any other violators. We hope that the Chief Secretary realizes his responsibility and acts promptly. We direct the Chief Secretary to remain present in person by Video Conferencing on the next date with his action taken report along with the concerned accountable officers i.e., Additional Chief Secretaries of Urban Development/Irrigation & Water Resources/ Department of Infrastructure & Industrial Development /Revenue/Medical Education Department of Uttar Pradesh, who may explain why they be not personally dealt with as per law for the serious violations and dereliction of duty at the cost of public health. The report of Chief Secretary needs to be affirmative considering the matter has been going on for more than seven years. There is need for time bound

committal execution plan on treatment and utilisation of treated sewage, ensuring each household connection to sewers, proper management of fecal septage (material from Septic tanks), interception of drains to destined STPs, justifying necessity of CETP and basis of permitting existing industries, economic losses on account of pollution of rivers and the lake, removal of encroachments and further prevention and cutting down tendering business to avoid delays. CPCB may also examine the proposal in view of existing status of industries and ascertain necessity of CETP and situation which will prevail till CETP is set up. There should be mechanism to monitor progress at the level of the Secretary concerned and monthly progress be placed on the website of the District Magistrate/ State portal. It may also be assessed that how much loss is being incurred (in qualitative and quantitative terms) on account of inaction/delayed action damaging the Rivers and the Lake.

List for further consideration on 06.12.2021.

M.A. No. 01/2021 for placing on record Government Notification dated 07.12.2020, M.A. No. 02/2021 for removing obstructions from Tihura drain and M.A. No. 03/2021 for exemption from official translation are pending since prior to the last hearing which may be treated to have been disposed of in view of the earlier order dated 12.01.2021. However, on the issue of prayer in M.A. No. 02/2021 for removing obstruction from Tihura drain, the Irrigation Department, UP may take remedial action, after verifying the facts, following due process of law and include the action taken in its compliance report to be filed before the next date 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.

The Miscellaneous Applications are disposed of accordingly.

A copy of this order be forwarded to the Chief Secretary, Uttar Pradesh, Additional Chief Secretaries of Urban Development/Irrigation & Water Resources/ Department of Infrastructure & Industrial Development /Revenue/Medical Education Department of Uttar Pradesh.

A copy of this order be also forwarded to the Principal Secretary to Chief Minister, Uttar Pradesh for information.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

September 07, 2021

Original Application No. 116/2014

(M.A. No. 01/2021, M.A. No. 02/2021 & M.A. No. 03/2021)

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