

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

**O.A NO. 1002/2018**

In the matter of:

Abhisht Kusum Gupta

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondent(s)

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**(P.K. Mishra)**  
Scientist 'E'

Central Pollution Control Board  
Delhi-110032.

Dated: 23.03.2023  
Place: Delhi

# REPORT IN COMPLIANCE OF HON'BLE NGT ORDER DATED 03.08.2022 IN O. A. NO. 1002/2018, ABHISHT KUSUM GUPTA VS. STATE OF UTTAR PRADESH & ORS

## 1.0 BACKGROUND

The Hon'ble NGT in the matter of Abhisht Kusum Gupta Vs State of Uttar Pradesh in its order dated 03.08.2022 in O. A. No. 1002/2018 directed various agencies as follows:

Para	Contents of Directions
29 (ii)	CTO granted to the Group Housing Societies (GHS) may require standards and specifications as per MoEF&CC Draft Notification dated 25.02.2022. SPCBs need to ensure utilisation of treated sewage. Mode of disposal should not be the drains. Effluents may go to sewers leading to STPs.
29 (iii)	Thirty identified drains or any other such drain carrying sewage be diverted to existing STPs and not to Noida drain. Such drains are to be used for flood management.
29 (iv)	All existing STPs and upcoming STPs need to meet standards as directed by this Tribunal vide order dated 30.04.2019 in OA No. 1069/2018, Nitin Shankar Deshpande vs. Union of India & Ors. subject to further directions of Hon'ble Supreme Court in pending proceedings.
29 (v)	MoU for utilisation for sewage between Power Plant and Noida be executed without delay.
29 (vi)	ACS, UD of UP need to immediately review and ensure treatment of sewage generated by Khoda - Makanpur.
29 (vii)	DJB may ensure compliance of its four STPs so as to meet standards as directed by the Tribunal. Treated effluents of 90 MGD from four Phases be utilised rather than disposed in Shahdara drain.
29 (viii)	No effluents be disposed by NCT Delhi in Kondli/ Noida drain.
29 (ix)	CPCB may independently monitor the directions from (ii) to (viii) and give its report to Chairman, CPCB who may issue further directions for compliance.

## 2.0 COMPLIANCE REPORT OF CPCB

In order to ensure compliance of directions of Hon'ble NGT at **Para 29 (ix)**, following action taken has been by CPCB in this regard:

- i. CPCB issued letter dated 07.10.2022 to all the concerned department requesting to provide their action taken report w.r.t compliance of directions of NGT. Reminder letter in this regard was also issued on 21.10.2022. A copy of letter is attached as **Annexure-I**.
- ii. Review meetings with UP SPCB, DPCC, DJB, NOIDA authority, NTPC and Khoda Nagar Palika was held on 14.11.2022 and 24.02.2023 to review the status of compliance of directions of Hon'ble NGT. A copy of minutes of said 02 meetings are attached as **Annexure-II & Annexure-III**.

Written compliance status was also submitted by DJB, NOIDA Authority, Khoda Nagar Palika and NTPC as desired in the review meeting. Summary of compliance status is given in **Annexure-IV**. Further, DJB and Noida Authority informed that Hon'ble Supreme Court has stay the directions to deposit Environment Compensation to CPCB.

- iii. Field visit was performed on 29-30/11/2022 alongwith UP SPCB, DPCC, DJB, NOIDA authority and Khoda Nagar Palika for needed verification of action taken reported by different agencies.

Based on the review meetings conducted and field visit performed, following observations are made:

### 2.1 Regarding compliance of direction Para 29 (vii) & (viii) by NCT of Delhi

DJB has created infrastructure for diversion of wastewater into Sewerage system at 03 locations. The sewage of the sewer line is ultimately carried to Kondli STP for treatment and now no untreated water/ sewage of Delhi is going into Kondli drain. Figure 1 depicts the schematic diagram of drain indicating diversion point.

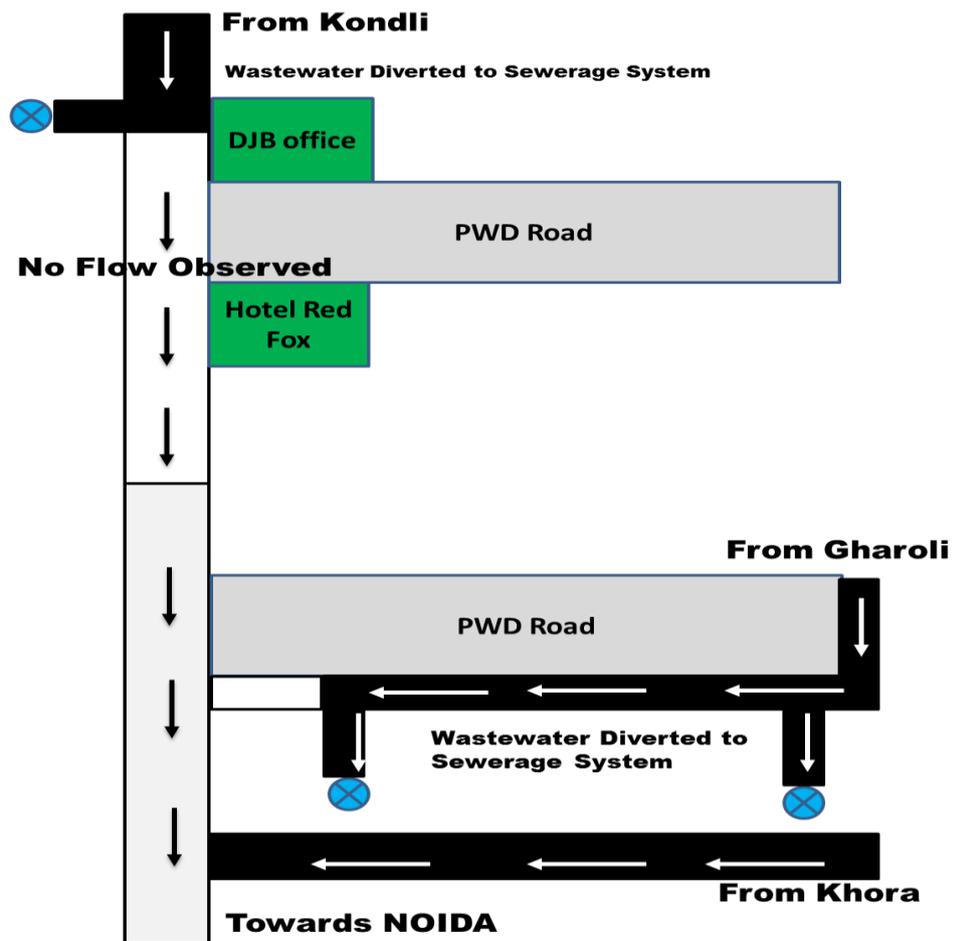


Figure 1: Schematic diagram of drain indicating diversion point

Accordingly, Team inspected the Kondli drain and its adjoining drain to verify the performance of infrastructure developed by DJB for diversion and performance of STPs at Kondli. Observed status are summarized below:

1. The wastewater generated from Gharoli region earlier flowing in storm water drain of PWD is now diverted to sewerage system at Mix MIG near Kondli SPS, and Near Kerala Public School in front of Khoda Colony. Figure 1 at **Annexure-V** shows the diversion of wastewater into sewerage system.
2. The wastewater generated from Kondli region flowing in Kondli drain diverted at Near Red Fox Hotel Main Road to Sewerage System and no flow was observed at downstream of Kondli drain near Kerala Public School in front of Khoda Colony. Figure 2 and 3 at **Annexure-V** shows diversion of Kondli drain at said locations.
3. The existing sewerage system conveying wastewater to Kondli STP. Hence, team also inspected Kondli STP to verify its operational status & performance. Observation made during the inspection are as follows:
  - a. Kondli STP comprises of 4 phases i.e. Phase I -10 MGD, Phase II-25MGD, Phase III-10 MGD and Phase IV-45 MGD.
  - b. During inspection, Phase I and III was found functional and Phase II and IV is under rehabilitation. It was found that liquid treatment stream of Phase I and III are found operational.
  - c. Disinfection system and Sludge Treatment Units (Sludge Thickener, Centrifuge and Bio Gas Generator) of Phase I and III were found in commissioning stage.
  - d. At present, Sludge thickener and Sludge Drying Bed of Phase-II are being used for treatment of Sludge of Phase I and III.
  - e. Samples were collected from inlet and outlet of Phase-I, III and Combined outlet. The analysis report is attached as Table 1 and 2 at **Annexure VI**.
  - f. The treated effluent is discharged into Shahdara drain which ultimately join with river Yamuna.
  - g. Based on analysis results, it is found that Kondli STP Phase III unit is not meeting with the standards as per Hon'ble NGT vide order dated 30.04.2019 in the matter of 1069 of 2018 with respect to TSS, Fecal Coliform and PO<sub>4</sub>-P and Kondli STP Phase-I is not meeting the standards as prescribed in Hon'ble NGT order dated 30.04.2019 for Fecal Coliform and PO<sub>4</sub>-P.
  - h. Phase-IV of Kondli STP is under rehabilitation , and final outlet of STP (combined outlet of Phase I, II, III and IV) is not meeting the the Hon'ble NGT prescribed standard w.r.t. COD, BOD, TSS, PO<sub>4</sub>-P & Total Coliform.
4. DJB earlier letter dated 23.11.22 submitted that rehabilitation work of STP at Kondli for Phase I, II and III shall be completed by December, 2022. However, during the meeting convened on 24.2.2023, it was informed by DJB that Phase

I STP is completely rehabilitated and functional. In Phase II, liquid stream shall be functional by 31<sup>st</sup> March, 2023 and stabilized by 31<sup>st</sup> June, 2023. Similarly, Phase III shall be commissioned by April, 2023.

5. The latest sample analysis report for the month of January, 2023 of DPCC reveals that STP at Phase I and III not meeting the prescribed norms w.r.t TSS, BOD. The Phase IV not meeting the prescribed norms for BOD, COD, TSS, Ammonical Nitrogen and Phosphate. A copy of analysis report is attached as **Annexure-VII**.

## **2.2 Regarding compliance of Direction 29 (vi) by Khoda Nagar Palika & Urban Development Department**

Khoda Nagar Palika vide letter dated 02.12.2022 informed that due to non-availability of land for setting up sewage treatment plant in Khora, Khoda Nagar Palika requested NOIDA Authority vide letters dated 31.12.2021, 1.1.2022 and 16.4.2022. However, the action is still awaited.

During inspection, it was found that entire wastewater generated from Khoda-Makanpur Nagar Palika flow through Delhi and wastewater merges with Kondli drain. Photographs taken during the visits are placed as figure 4 and 5 in **Annexure-V**.

Samples of wastewater of drain was also collected on 29.11.2022 and analysis report is attached as Table 3 in **Annexure-VI**. Analytical results indicate that drain carries untreated sewage (BOD-165 mg/l, COD- 579 mg/l and TSS- 379 mg/l).

## **2.3 Regarding compliance of direction 29 (iii), 29 (iv) & 29 (v) by Noida Authority**

1. Noida Authority has approached NEERI for preparation of DPR, for construction of In-situ and Ex-Situ wetlands and construction of minor STPs over drain or intercepting of drains to divert to nearby STP.
2. As per interim feasibility report of NEERI on "In-situ and ex-situ treatment of domestic wastewater flowing in drains of NOIDA city", Out of 30 drains, 24 drains were identified for treatment and remaining 06 drains has no flow. Details of 24 drains indicating hydraulic and organic load and proposed actions for remediation are attached as **Annexure-VIII**. As per report, out of 24 drains, 11 drains are proposed for diversion into existing sewerage system, 08 drains proposed for in-situ treatment and 04 drains proposed for ex-situ treatment and 01 drain found closed.
3. At present, interception work of 30 major and minor storm water drains is not initiated and wastewater is discharged directly into Noida drain. Samples of drains at entrance of Noida-Delhi border and at before confluence to river Yamuna were collected and same is produced in **Annexure-VI** at Table 4 and 5. Analysis results supported that drain carries partially treated wastewater.
4. During inspection, it was found that 01 In-situ constructed wetland installed in Noida Drain near Sector-50 and 02 in-situ constructed wetland are in process. The constructed wetland comprises of 03 ponds and Constructed

wetland having 5-10 furrows of 1 to 4 m width separated by ridges of 1 m high, 0.5m wide and composed of river bed pebbles of 80-50 mm size.

5. Samples of Noida drain are collected at different locations of constructed wetland to assess the performance of In-situ constructed wetland and same is attached as **Annexure-VI** at Table 5.

The results indicate that concentration at Inlet and outlet of Constructed wetland with respect to BOD, COD and TSS is same and no substantial improvement observed

6. Noida authority vide email dated 25.02.2023 informed as follows:
  - a. All existing 08 No. STP (6 fully functional & 2 on trial run) in Noida Located Sector-50, Sector-54, Sector-123 & Setor-168 are operating under Design standard SBR technology, as per order dated 30.04.2019 passed by NGT, New Delhi in OA No. 1069/2018 Nitin Shankar Deshpandey Vs. UoI & Ors except for fecal coliform.
  - b. As on date, 06 STPs having installed capacity of 231 MLD are operational and 02 STPs of capacity (80+100 ) 180 MLD under construction.
  - c. To control the Fecal Coliform concentration, Tender floated for installation TTP.
  - d. Treated water used in irrigation purpose in Noida Area for green belts, parks and in wetlands.
  - e. Further, plan is proposed for utilization of 120 MLD of treated wastewater in green belt, horticulture, wetland development.
7. In respect of CTO granted to Group Housing Societies (GHS), UPPCB vide email dated 28.02.2022 submitted as follows:
  - a. UPPCC conducted monitoring of the 95 listed GHS. Out of 95 listed GHS, STPs found established in 83 societies. Status of compliance of 83 GHS is tabulated below:

No. of GHP	STP Installed	STP Not Installed	STP Under Installation	Complying STP	Not Complying STP
95	83	12	0	69	14

**Note: The Discharge of all GH Societies is connected to Sewage Network of Noida Authority & treated at terminal STPs.**

- b. RO, Noida also conducted water quality monitoring of Noida drain and its adjoining 24 drains. The water quality data of Noida drain and its adjoining 24 drains are attached as **Annexure IX**. Water quality data of drains reveals that it carries untreated wastewater as BOD, COD and TSS are above the General standards for Environmental Pollutants
  - c. Monitoring of STPs were also conducted by UPPCB for the month of January and February, 2023. Analysis report is attached as **Annexure-X**. The data reveals that all 06 STPs are found non - complying with respect

to standards prescribed in order dated 30.04.2019 passed by NGT, New Delhi in OA No. 1069/2018 Nitin Shankar Deshpandey Vs. UoI.

#### **2.4 Regarding compliance of direction 29 (v) by NTPC**

NTPC Dadri mentioned that use of treated sewage in Thermal Power plant is techno-economically not feasible. The estimated capital cost of Treatment (including UF-RO), pipeline and bridge across Hindon river is exorbitantly high as compared to quantity of sewage likely to be used and the residual life of plant.

NTPC submitted that the activities related to implementation of MoU and compliance of Hon'ble NGT order may kindly be kept in abeyance as appropriate steps are being taken to approach the Hon'ble Tribunal in this regard seeking modification of the order dated 03.08.2022.

### **3.0 CONCLUDING REMARKS & FINDINGS**

1. DJB has created the infrastructure for diversion of wastewater generated from Kondli and Gharoli region, into existing sewerage system and same is found operational. Entire wastewater discharge of Delhi earlier flowing into storm water drains is diverted into Sewerage System.
2. Tapped wastewater diverted to existing sewerage system is conveyed to Kondli STP. Kondli STP comprises of 4 phases i.e. Phase I -10 MGD, Phase II-25MGD, Phase III-10 MGD and Phase IV-45 MGD. During inspection, Phase I and III was found functional and Phase II and IV is under rehabilitation. Rehabilitation work for phase IV will be completed by November 2023.
3. Phase-IV of Kondli STP is found under rehabilitation which is the major cause of non-compliance of STP (combined outlet of Phase I, II, III and IV) with the desired norms of COD, BOD, TSS, PO<sub>4</sub>-P & Total Coliform.
4. Wastewater generated from Khoda- Makanpur Nagar Palika discharged untreated into storm water of PWD, Delhi. Nagar Palika requested NOIDA authority and Ghaziabad Nagar Nigam to provide land for development of Sewage pumping station and STP. However, no progress has been made still date.
5. Noida authority has engaged National Environmental Engineering Research Institute (NEERI) for preparation of DPR, for construction of In-situ and Ex-situ wetlands and construction of minor STPs over drains or intercepting of drains to divert to near STP. Noida authority has developed 01 in-situ treatment plant inside the Noida drain. Samples were collected to assess the performance of in-situ plant. Analytical results show that there is no substantial improvement in water quality of drains.
6. As per report of RO, UPPCB, all 06 STPs of NOIDA are found non-compliant with respect to standards prescribed in order dated 30.04.2019 passed by NGT, New Delhi in OA No. 1069/2018 Nitin Shankar Deshpandey Vs. UoI.

7. No action plan is in place and no physical progress was made on interception of thirty identified drains or any other drain carrying sewage & diversion to the existing STPs and not to Noida drain.
8. The Chairman CPCB issued following Directions under section 18(1) (b) of The Water (Prevention and Control of Pollution) Act, 1974 to DPCC vide letter dated 10.03.2023
  1. To issue following appropriate directions to Delhi Jal Board:
    - a. To ensure compliance of its 04 STP to meet the norms prescribed by NGT in OA No.1069/2018, Nitin Shankar Deshpande vs. Union of India & Ors. subject to further directions of Hon'ble Supreme Court in pending proceedings.
    - b. To provide STP wise status/ action plan for management of sludge generated and reuse of treated effluent.
    - c. To submit time-bound action plan to ensure compliance of Hon'ble NGT order dated 03.08.2022 regarding re-use of the entire treated effluent of 90 MGD rather than discharging into Shahdara Drain.
    - d. To ensure that wastewater generated from Kondli, Gharoli should be 100 % diverted into existing sewerage system and should not flow to Noida Drain.
  2. To ensure compliance of CPCB directions dated 31.01.2021 regarding installation and connectivity of OCEMS.
  3. To ensure operation of STPs with valid consent order & review the consent orders issued to STP w.r.t condition for disposal of treated sewage for needed compliance of Hon'ble NGT order dated 03.08.2022.
  4. To ensure that all drains, water bodies to be geotagged and given UID.

A copy of the said directions is attached at **Annexure-XI**

9. The Chairman CPCB issued following directions under section 18(1) (b) of The Water (Prevention and Control of Pollution) Act, 1974 to UPPCB vide letter dated 10.03.2023 for discharging wastewater into Noida Drain:
  1. To perform review and ensure immediate compliance of directions Para 29 (ii) of Hon'ble NGT order dated 03.08.2022 regarding grant of CTO to the Group Housing Societies (GHS), utilisation of treated sewage & modification of disposal system and submit Action Plan/ Action Taken Report with respect to maximum utilization and treated sewage by GHS.

2. UPPCB shall issue appropriate direction to Noida Authority to ensure compliance of following:
  - b. Para 29 (iii) of Hon'ble NGT order dated 03.08.2022 regarding tapping of 30 identified drains or any other such drain carrying sewage so as to divert to existing STPs and not to Noida drain & to submit drain-wise action plan of all 30 drains & other drains in NOIDA for diversion to existing STP and for ultimate disposal of treated effluent not to NOIDA drains.
  - c. To submit time-bound action plan to ensure compliance of Para 29 (iv) regarding compliance of all existing STPs and upcoming STPs as per standards as directed by this Tribunal vide order dated 30.04.2019 in OA No. 1069/2018, Nitin Shankar Deshpande vs. Union of India & Ors. subject to further directions of Hon'ble Supreme Court in pending proceedings.
  - d. To provide STP wise status/ action plan for management of sludge generated and reuse of treated effluent.
3. UPPCB shall issue following directions to the Principle Secretary, Urban Development Department, Govt. of U.P.
  - c. To intervene on the matter of disposal of wastewater generated from Khoda- Makanpur Nagar Palika and resolve the issue of availability of land.
  - d. To review and ensure immediate compliance of Para 29 (vi) of Hon'ble NGT's direction dated 03.08.2022
4. To ensure compliance of CPCB directions dated 31.01.2021 regarding installation and connectivity of OCEMS.
5. To ensure operation of STPs with valid consent order & review the consent orders issued to STP w.r.t condition for disposal of treated sewage for needed compliance of Hon'ble NGT order dated 03.08.2022.
6. To ensure that all drains, water bodies to be geotagged and given UID.

A copy of the said directions is attached at **Annexure-XII**

**ANNEXURE-V**

**Photographs of the Joint Inspection conducted on 29.11.2022.**



**Fig:1 Diversion of wastewater into sewerage system at Tri-Junction of Kondli, Khora and Gharoli Drain.**



**Fig:2 Diversion of Kondli drain**



**Fig:3 Diversion of Kondli drain**



**Fig:4 Discharge from Khoda- Makanpur Nagar Palika**



**Fig:5 Discharge from Khoda- Makanpur Nagar Palika**



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Speed Post

F.No- CM-13011/91/2021-LAW-HO-CPCB-HO | 4930

Date: 07.10.2022

To

The Chief Executive Officer,  
Delhi Jal Board (HQ)  
Public Relations Office  
Room No.306, 3rd Floor  
Varunalaya Ph-II, Jhandewalan, Karol Bagh, New Delhi-110005

**Sub: Compliance of directions of Hon'ble NGT order dated 03.08.2022 in the matter of O.A No. 1002 of 2018 titled; Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors.**

Sir,

Your kind attention is invited on the Hon'ble NGT order dated 03.08.2022 (copy enclosed) in O.A No. 1002 of 2018 in the matter of Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors. wherein, Hon'ble NGT has directed DJB for the following:

*"Para 29 vii) DJB may ensure compliance of its four STPs so as to meet standards as directed by the Tribunal. Treated effluents of 90 MGD from four Phases be utilised rather than disposed in Shahdara drain."*

*Para 29 viii) No effluents be disposed by NCT Delhi in Koudli/ Noida drain."*

*Para 30 Apart from above remedial action to be taken by concerned authorities and monitored at highest level by the Chief Secretaries, UP and Delhi directly or through any appropriate mechanism, it is necessary to determine accountability for the past failures causing huge damage to the environment and public health and to meet cost of remediation. Pending consideration of action against other authorities and final accountability of NOIDA Authority and DJB, they are directed to deposit respectively a sum of Rs. 100 Crores Rs. 50 Crores in a separate account with CPCB towards interim compensation to be utilized for restoration measures...*

Hon'ble NGT in its said order also directed CPCB as follows:

*"Para 29 ix) CPCB may independently monitor the directions from (ii) to (viii) and give its report to Chairman, CPCB who may issue further directions for compliance."*

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'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032  
दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

*Para 30 ... interim compensation to be utilized for restoration measures in terms of a remedial plan to be prepared jointly by a joint Committee of Chairman CPCB, Chairman DPCC and Chairman UPPCB. Chairman CPCB will chair and steer the proceedings."*

In this regard, it is requested to ensure compliance of said Hon'ble NGT order and provide action taken report for compliance of directions of NGT including the Environment Compensation amount of Rs 50 Crores deposited in CPCB account.

This issues with the approval of the Competent Authority, CPCB.

This may be treated as 'Most Urgent'.

Yours faithfully,



07/10/22

[P K Mishra]  
Divisional Head - WQM-I

Encl:As above



Speed Post

F.No- CM-13011/91/2021-LAW-HO-CPCB-HO | 4929

Date: 07.10.2022

To  
The CEO,  
New Okhla Industrial Development Authority (NOIDA)  
Administrative Complex Sector 6, Noida - 201301,  
District. Gautam Budh Nagar, Uttar Pradesh, India

**Sub:** Compliance of directions of Hon'ble NGT order dated 03.08.2022 in the matter of O.A No. 1002 of 2018 titled; Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors.

Sir,

Your kind attention is invited on the Hon'ble NGT order dated 03.08.2022 (copy enclosed) in O.A No.1002 of 2018 in the matter of Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors. wherein Hon'ble NGT has directed NOIDA for the following:

*"Para 29 ii) CTO granted to the Group Housing Societies (GHS) may require standards and specifications as per MoEF&CC Draft Notification dated 25.02.2022. SPCBs need to ensure utilisation of treated sewage. Mode of disposal should not be the drains. Effluents may go to sewers leading to STPs."*

*Para 29 iii) Thirty identified drains or any other such drain carrying sewage be diverted to existing STPs and not to Noida drain. Such drains are to be used for flood management."*

*Para 29 iv) All existing STPs and upcoming STPs need to meet standards as directed by this Tribunal vide order dated 30.04.2019 in OA No. 1069/2018, Nitin Shankar Deshpande vs. Union of India & Ors. subject to further directions of Hon'ble Supreme Court in pending proceedings."*

*Para 29 v) MoU for utilisation for sewage between Power Plant and Noida be executed without delay."*

*Para 30 Apart from above remedial action to be taken by concerned authorities and monitored at highest level by the Chief Secretaries, UP and Delhi directly or through any appropriate mechanism, it is necessary to determine accountability for the past failures causing huge damage to the environment and public health and to meet cost of remediation. Pending consideration of action against other authorities and final accountability of NOIDA Authority and DJB, they are directed to deposit respectively*

Contd.. | 2

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032  
दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

*a sum of Rs. 100 Crores Rs. 50 Crores in a separate account with CPCB towards interim compensation to be utilized for restoration measures...*

Hon'ble NGT in its said order also directed CPCB as follows:

*"Para 29 ix) CPCB may independently monitor the directions from (ii) to (viii) and give its report to Chairman, CPCB who may issue further directions for compliance.*

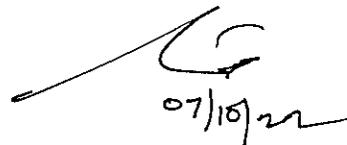
*"Para 30 ..interim compensation to be utilized for restoration measures in terms of a remedial plan to be prepared jointly by a joint Committee of Chairman CPCB, Chairman DPCC and Chairman UPPCB. Chairman CPCB will chair and steer the proceedings."*

In this regard, it is requested to ensure compliance of said Hon'ble NGT order and provide action taken report for compliance of directions of NGT including the Environment Compensation amount of Rs 50 Crores deposited in CPCB account.

This issues with the approval of the Competent Authority, CPCB.

This may be treated as 'Most Urgent'.

Yours faithfully,



[P K Mishra]

Divisional Head - WQM-I

Encl: As above



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Speed Post

F.No- CM-13011/91/2021-LAW-HO-CPCB-HO

Date: 07.10.2022

To

The Chairman & Managing Director,  
NTPC  
NTPC Bhawan, SCOPE Complex,  
Institutional Area, Lodhi Road,  
New Delhi - 110003

Sub: Compliance of directions of Hon'ble NGT order dated 03.08.2022 in the matter of O.A No. 1002 of 2018 titled; Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors.

Sir,

Your kind attention is invited on the Hon'ble NGT order dated 03.08.2022 (copy enclosed) in O.A No. 1002 of 2018 in the matter of Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors. wherein Hon'ble NGT has directed NTPC for the following:

*"Para 29 v) MoU for utilisation for sewage between Power Plant and Noida be executed without delay."*

Hon'ble NGT in its said order also directed CPCB as follows:

*"Para 29 ix) CPCB may independently monitor the directions from (ii) to (viii) and give its report to Chairman, CPCB who may issue further directions for compliance."*

In this regard, it is requested to ensure compliance of said Hon'ble NGT order and provide action taken report for compliance of directions of NGT.

This issues with the approval of the Competent Authority, CPCB.

This may be treated as 'Most Urgent'.

Yours faithfully,

[P K Mishra]

Divisional Head - WQM-I

Encl: As above

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032  
दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in



Speed Post

F.No- CM-13011/91/2021-LAW-HO-CPCB-HO

Date: 07.10.2022

4932

To  
The Principal Secretary,  
Urban Development Dept., Govt. of UP  
601, Bapu Bhawan, Lucknow

Sub: Compliance of directions of Hon'ble NGT order dated 03.08.2022 in the matter of O.A No. 1002 of 2018 titled; Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors.

Sir,

Your kind attention is invited on the Hon'ble NGT order dated 03.08.2022 (copy enclosed) in O.A No. 1002 of 2018 in the matter of Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors. wherein Hon'ble NGT has directed Urban Development Dept., Govt. of UP for the following:

*"Para 29 vi) ACS, UD of UP need to immediately review and ensure treatment of sewage generated by Khoda - Makaanpur."*

*"Para 29 ii) CTO granted to the Group Housing Societies (GHS) may require standards and specifications as per MoEF&CC Draft Notification dated 25.02.2022. SPCBs need to ensure utilisation of treated sewage. Mode of disposal should not be the drains. Effluents may go to sewers leading to STPs."*

*"Para 29 iii) Thirty identified drains or any other such drain carrying sewage be diverted to existing STPs and not to Noida drain. Such drains are to be used for flood management."*

*"Para 29 iv) All existing STPs and upcoming STPs need to meet standards as directed by this Tribunal vide order dated 30.04.2019 in OA No. 1069/2018, Nitin Shankar Deshpande vs. Union of India & Ors. subject to further directions of Hon'ble Supreme Court in pending proceedings."*

*"Para 29 v) MoU for utilisation for sewage between Power Plant and Noida be executed without delay."*

*"Para 30 Apart from above remedial action to be taken by concerned authorities and monitored at highest level by the Chief Secretaries, UP and Delhi directly or through any appropriate mechanism, it is necessary to determine accountability for the past failures causing huge damage to the environment and public health and to meet cost of remediation. Pending consideration of action against other authorities and final accountability of NOIDA Authority and DJB, they are directed to deposit respectively*

(contd..)/2.

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032  
दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

*a sum of Rs. 100 Crores Rs. 50 Crores in a separate account with CPCB towards interim compensation to be utilized for restoration measures...*

Hon'ble NGT in its said order also directed CPCB as follows:

*"Para 29 ix) CPCB may independently monitor the directions from (ii) to (viii) and give its report to Chairman, CPCB who may issue further directions for compliance.*

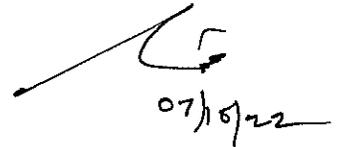
*Para 30...interim compensation to be utilized for restoration measures in terms of a remedial plan to be prepared jointly by a joint Committee of Chairman CPCB, Chairman DPCC and Chairman UPPCB. Chairman CPCB will chair and steer the proceedings."*

In this regard, it is requested to ensure compliance of said Hon'ble NGT order and provide action taken report for compliance of directions of NGT .

This issues with the approval of the Competent Authority, CPCB.

This may be treated as 'Most Urgent'.

Yours faithfully,



[P K Mishra]

Divisional Head - WQM-I

Encl: As above



**Central Pollution Control Board**  
**(Ministry of Environment, Forest & Climate Change, Govt. of India)**  
**Parivesh Bhawan, East Arjun Nagar,**  
**Delhi – 110032**

**Sub: Meeting held on 14<sup>th</sup> November, 2022 through Video Conference to review the status of compliance of directions given by Hon'ble NGT vide order dated 03.08.2022 in the matter of O.A. No. 1002/2018 titled Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors.**

Hon'ble NGT vide order dated 03.08.2022 in the matter of O.A. No. 1002/2018 titled Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors directed CPCB to independently monitor the directions from para 29 (ii) to (viii). In this regard, a meeting was convened on 14th November, 2022 at 4:00 PM through Video Conference to review the status of compliance of directions given by Hon'ble NGT. List of participants attended the meeting is given in **Annexure-I**.

Sh. P.K Mishra, DH-WQM-I welcomed all the officials and stressed the need to ensure time bound action towards compliance of the Hon'ble NGT order dated 03.08.2022 in the matter of O.A. No. 1002/2018. He also pointed out that no response till date was received on CPCB letters dated 07.10.2022 & 21.10.2022 by any of the concerned authorities and then requested all the officials from the concerned agencies to apprise the as on date compliance status w.r.t the directions given by Hon'ble NGT.

Sh. Vishal Gandhi, Sc 'D' presented the directions of Hon'ble NGT given to various agencies like Delhi Jal Board, NTPC, NOIDA Authority, Urban Development Department, Govt. of Uttar Pradesh and concerned Pollution Control Board/Committee i.e DPCC & UPPCB.

The compliance status reported by the various agencies during the meeting are as below:

**DJB:** Sh.B.Saraswat, Additional Chief Engineer, DJB informed that no discharge from Delhi/NCT is entering Kondli Drain rather the waste is being discharged from Khoda area of Delhi. Upon which, Sh. Sanjay Parashar from NOIDA Authority later clarified that Kondli Drain is receiving 30-40 MLD discharge from Delhi. Sh. P.K Mishra, DH-WQM-I then intervened and suggested that in order to verify the reported variations and present source of discharge in Kondli Drain, a Joint inspection of Kondli Drain needs to be performed with the officials of DJB, Khoda Makanpur Nagar Palika and NOIDA Authority. Sh. Saraswat further informed that the four STPs are existing in Kondli and 02 STPs are under upgradation and rehabilitation to meet the designed parameters by the year 2023.

**NOIDA Authority:** Sh. Sanjay Parashar from NOIDA Authority informed that the work for interception of 30 drains or to take any other remedial action was awarded to CSIR-NEERI

on 21<sup>st</sup> July, 2022 and NEERI will submit a detailed survey report this month and a detailed project report (DPR) within 3 months.

**NTPC:** Sh. V.K Garg from NTPC, Dadri informed that they are working on the MoU between NTPC and NOIDA Authority for utilization of treated sewage and will revert back to NOIDA Authority within a week.

**Khoda Makanpur Nagar Palika-** Ms. Shalini, Executive Officer, Khoda informed that the tender for bioremediation of drains is already floated, work order will be issued within two weeks meanwhile they have also requested GDA & NOIDA Authority to connect the drains to their STPs due to the unavailability of space in Khoda for constructing STP.

Regarding status of deposit of interim compensation as per the order of the Tribunal, officials from NOIDA Authority and DJB informed that the EC amount of sum of Rs. 100 Crore Rs 50 Crore is not yet deposited in CPCB account. It was further informed that DJB has already filed an appeal before Hon'ble Supreme Court while NOIDA Authority is in the process of filing an appeal before Hon'ble Supreme Court for the same.

Upon discussion and deliberations held, following recommendations were made:

All the agencies to submit written compliance status w.r.t the applicable directions 29 (ii) to 29 (viii) by 21<sup>st</sup> November, 2022.

- i. CPCB to conduct Joint inspection of Kondli Drain with the officials of DJB, Khoda Makanpur Nagar Palika and NOIDA Authority.
- ii. DJB and NOIDA Authority shall submit the STP-wise information w.r.t a) Design capacity of each STP; b) Actual/ Capacity Utilization; c) Qualitative data (inlet/outlet) of STPs for the last 03 months and d) designed value of various parameters to confirm compliance of prescribed NGT norms.
- iii. DJB to submit action plan regarding 100% reuse of treated effluent of 90 MGD STP and to ensure its no discharge in Shahdara drain.
- iv. NOIDA Authority to provide list of reported thirty drains and other minor/major drains discharging into Noida drain containing information of approximate length, origin and ending point, peak discharge value and schematic diagram.
- v. NOIDA Authority to provide action plan for maximum utilization of treated sewage by the Group Housing Societies (GHS) and to ensure their discharge into sewer and not to the open drain.
- vi. Khoda Makanpur Nagar Palika to submit action plan to ensure treatment of sewage generated by Khoda-Makanpur.
- vii. NTPC to submit status of MoU between Noida for utilization for sewage.

The meeting ended with a vote of thanks to the Chair.

**List of participants**

1. Sh. P.K.Mishra, DH, WQM-I Division, CPCB
2. Sh. Ajay Sharma, MS, UPPCB
3. Dr. K.S. Jayachandran, MS, DPCC
4. Sh. K.C.Meena, Chief Engineer, DJB
5. Sh. B. Saraswat, Additional Chief Engineer, DJB
6. Sh. Utsav Sharma, RO, Ghaziabad, UPPCB
7. Sh. Praveen Kumar, RO, Noida, UPPCB
8. Sh. V.K Garg, NTPC, Dadri
9. Sh. Sanjay Parashar, NOIDA Authority
10. Ms. Shalini, Executive Officer, Khoda Makanpur Nagar Palika
11. Sh. Rakesh Kumar, Senior Manager, NOIDA Authority
12. Sh. Vishal Gandhi, Sc. 'D', CPCB
13. Mrs. Suniti Parashar, Sc. 'C', CPCB
14. Ms. Deepa Kumari, SRF, CPCB

Speed Post/E-mail

F No- 14011/WQM-I/1002/2018 /2022 9270-9276

Date: 02.03.2023

To,  
All concerned  
(As per list)

**Sub: Minutes of the Second Meeting held on 24<sup>th</sup> February, 2023 at 4:00 PM through Video Conference to review the status of compliance of directions given by Hon'ble NGT vide order dated 03.08.2022 in the matter of O.A. No. 1002/2018 titled Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors**

Sir,

Enclosed please find herewith the minutes of the second meeting held on 24<sup>th</sup> February, 2023 to review the status of compliance of directions given by Hon'ble NGT vide order dated 03.08.2022 in the matter of O.A. No. 1002/2018 titled Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors.

This is for information and necessary action, please.

Yours faithfully,



[P K Mishra]

Divisional Head - WQM-I

Encl: As above

Copy to:

1. PA to CCB : For information of 'CCB' please
2. AO to MS : For information 'MS' please
3. DH-Law, CPCB : For information and record please.



[P K Mishra]

केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
निर्गत...  
दिनांक 06/03/2023

List:

1. The Chief Executive Officer,  
Delhi Jal Board (HQ)  
Public Relations Office  
Room No.306, 3rd Floor  
Varunalaya Ph-II, Jhandewalan,  
Karol Bagh, New Delhi-110005
2. The CEO,  
New Okhla Industrial Development  
Authority(NOIDA)  
Administrative Complex Sector 6, Noida - 201301,  
District. Gautam Budh Nagar, Uttar Pradesh
3. The Chairman & Managing Director,  
NTPC  
NTPC Bhawan, SCOPE Complex,  
Institutional Area, Lodhi Road,  
New Delhi - 110003
4. The Principal Secretary,  
Urban Development Dept., Govt. of UP  
601, Bapu Bhawan, Lucknow
5. The Member Secretary,  
Uttar Pradesh Pollution Control Board,  
Building.No. TC-12V Vibhuti Khand,  
Gomti Nagar Lucknow-226 010
6. The Member Secretary,  
Delhi Pollution Control Committee,  
Government of N.C.T. Delhi,  
4th Floor, ISBT Building,  
Kashmere Gate, Delhi-110006
7. The Executive Officer,  
Nagar Palika Parishad- Khoda Makanpur  
Gali No. 7, Prashant Garden, Block A, Khoda  
Colony, Ghaziabad, Sector 62A, Noida,  
Uttar Pradesh- 201309



**Central Pollution Control Board**  
(Ministry of Environment, Forest & Climate Change, Govt. of India)  
Parivesh Bhawan, East Arjun Nagar,  
Delhi – 110032

**Sub: Minutes of the Second Meeting held on 24<sup>th</sup> February, 2023 at 4:00 PM through Video Conference to review the status of compliance of directions given by Hon'ble NGT vide order dated 03.08.2022 in the matter of O.A. No. 1002/2018 titled Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors.**

Hon'ble NGT vide order dated 03.08.2022 in the matter of O.A. No. 1002/2018 titled Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors directed CPCB to independently monitor the directions from para 29 (ii) to (viii). In this regard, second meeting was convened on 24<sup>th</sup> February, 2023 at 4:00 PM through Video Conference to review the status (as on date) of compliance of directions given by Hon'ble NGT. List of participants attended the meeting is given in **Annexure-I**.

Sh. P K Mishra, DH-WQM-I welcomed all the officials and after briefing the background of the matter he requested to representatives of various agencies to inform/discuss as on date status of needed & proposed remedial actions and stressed the need to ensure timely compliance of the Hon'ble NGT order dated 03.08.2022 in the matter of O.A. No. 1002/2018. He then requested Sh. Vishal Gandhi, Sc 'E' to make a presentation on the directions of Hon'ble NGT in the matter and the earlier reported subsequent action taken by the various agencies to obtain its updated status.

Sh. Vishal Gandhi, Sc 'E' presented the directions of Hon'ble NGT given to various agencies like Delhi Jal Board, NTPC, NOIDA Authority, Urban Development Department, Govt. of Uttar Pradesh alongwith the action taken by them and the compliance status as verified by CPCB.

The compliance status (as on date) reported by the various agencies during the meeting are as below:

***DJB regarding compliance of direction Para 29 (iv) & (vii):***

Sh. S.K Bhardwaj of DJB informed the as on date status of 4 Phases of Kondli STP. It was informed that Phase I STP is completely rehabilitated and is functional. In Phase II, liquid line is partially started but will be fully functional by 31<sup>st</sup> March and by 31<sup>st</sup> June it will be complying with the designed parameters. Sludge line for Phase I, II and III will be functional by 31<sup>st</sup> June, 2023. Rehabilitation of Phase III started in April, 2022 and by Mach, 2023 it will achieve the designed parameters while Phase IV is still under rehabilitation till November, 2023. Sh. D.K Singh, SEE, Delhi Pollution Control Committee (DPCC) informed that the latest

compliance status of the four Phases of Kondli STP i.e for the month of January, 2023 is available on the website of DPCC.

Sh.S.K Bhardwaj also informed that out of 90 MGD treated wastewater only 20 MGD treated wastewater is being utilised in Sanjay Lake and Smriti Van and further utilization of 90 MGD treated wastewater is difficult, hence they are exploring for more options for reuse of this treated wastewater.

***NTPC regarding compliance of direction 29 (v):*** Sh. V.K Garg from NTPC, Dadri informed that utilization of treated sewage cannot be possible due to techno-commercial reasons and the same will be communicated to CPCB & NOIDA Authority. Further they have filed an application in this regard in Hon'ble NGT including impleadment as party respondent.

***Khoda Makanpur Nagar Palika regarding compliance of direction 29 (vi):*** Ms. Shalini, Executive Officer, Khoda informed that vide letter dated 31.02.2023, the DM, Ghaziabad has requested Principal Secretary, Urban Development Dept, Govt of Uttar Pradesh requesting for land for the constructing of STP due to the unavailability of space in Khoda. She too requested NOIDA Authority for the same and got no reply. Upon which, Sh. R.P. Singh from NOIDA Authority clarified and informed that they have already communicated to Khoda Makanpur Nagar Palika that there is no vacant land in Noida that can be provided to them for the construction of STP.

***NOIDA Authority regarding compliance of direction 29 (iii):*** Sh. R.P. Singh of NOIDA Authority pointed that diversion of all the drains to the STP will be highly expensive and not cost effective. Hence, it is proposed to be treated through In-Situ treatment and Ex-situ treatment.

Sh. Mishra, DH-WQM-I pointed out that as per the direction of Hon'ble NGT, the thirty identified drains or any other such drain carrying sewage be ***diverted to existing STPs***. Accordingly, he further requested NOIDA Authority to submit drain wise action plan/ compliance status including name of drain, length (approx.), point of origin & ending, quantity of discharge and action plan regarding its diversion to the nearest STP with name of STP & remarks w.r.t accommodating additional hydraulic load.

***NOIDA Authority regarding compliance of direction 29 (ii):*** Sh. R.P. Singh further informed that around 30% of treated wastewater is being used in green belts and it was also sold for construction purposes generating revenue of Rs. 28 lakhs.

***UPPCB regarding compliance of direction 29 (ii):*** Upon the issue of Group Housing Societies (GHS), Sh. Praveen Kumar, Regional Officer- Noida, UPPCB informed that the

sewage of the GHS is discharged into the drains of NOIDA Authority and are finally being treated into the STPs of NOIDA Authority. In this context, Sh. Mishra, DH-WQM-I, asked UPPCB to submit list of GHS having builtup area >5000 sq.ft. alongwith their quantity discharge, disposal point, utilisation of treated sewage & consent status.

Also, further discussion was held regarding the direction 29 (i) of Hon'ble NGT regarding **(1)** All water bodies (lentic or lotic) and the Natural Storm water drains are not to be used for discharge of treated or untreated trade or sewage effluents. **(2)** No consent be given for discharging effluents not meeting BOD criteria of Class "B" (BOD: 3mg/L). **(3)** Drains built exclusively as conveyance system (open sewer) must terminate to STPs. Officials from all the agencies were of the view that if direction 29 (i) is implemented then almost all the existing STP/ETPs will become non-compliant to the existing norms and further their upgradation will be highly expensive which will not be feasible. Also the problem of reuse of the entire & large quantity of treated wastewater generated was raised. Discussion regarding difficulties of various agencies in implementation of direction 29(i), it was agreed that CPCB shall file application in this regard.

Upon discussion and deliberations held, following recommendations were made:

- i. DJB and DPCC to submit the compliance status of Kondli STP w.r.t Hon'ble NGT order dated 30.04.2019 in OA No. 1069/2018, Nitin Shankar Deshpande Vs. Union of India & Ors. for the last 03 months alongwith the status of disposal of treated effluent. Sludge management, reuse of treated effluent and status of OCEMS.
- ii. DJB to submit action plan regarding 100% reuse of treated effluent of 90 MGD STP and revised timeframe regarding the completion of Kondli STP.
- iii. UPPCB to submit a list of GHS with an area of >5000 sq.ft. alongwith their quantity of sewage generated, treated and its disposal, present utilisation status and consent status (specimen copy of C.T.O granted to the GHS shall also be provided).
- iv. NOIDA Authority to submit information w.r.t name of drain, quantity of discharge and action plan including diversion to the nearest STP alongwith the action plan for maximum utilization of treated sewage by the Group Housing Societies (GHS).
- v. DJB and NOIDA Authority to submit information regarding generation and utilisation of sludge and status of utilisation of treated wastewater.

The meeting ended with a vote of thanks to the Chair.

\*\*



**List of participants**

1. Sh. P.K.Mishra, DH, WQM-I Division, CPCB
2. Sh. Dinesh Jindal, UPPCB
3. Sh. Praveen Kumar, RO, Noida, UPPCB
4. Sh. D.K Singh, SEE, DPCC
5. Sh. B. Saraswat, Additional Chief Engineer, DJB
6. Sh. P.S. Pankaj
7. Sh. Pankaj Rajvanshi, SE, DJB
8. Sh.S.K Bhardwaj, DJB
9. Sh. Subhash Surenranath Kacker
10. Sh. Vijay Prakash, NTPC
11. Sh. Vivek Roy, CEO, UPPCB
12. Sh. Devendra Nigam, SEE, DPCC
13. Sh. V.K Garg, NTPC, Dadri
14. Sh. R.P Singh, NOIDA Authority
15. Sh. Sanjay Parashar, NOIDA Authority
16. Ms. Shalini, Executive Officer, Khoda Makanpur Nagar Palika
17. Sh. Geet Arora
18. Sh. Laxman Kumar Nayak
19. Sh. Neeraj Kumar
20. Sh.P.K.Tyagi
21. Sh. Ritesh Vijay, NEERI
22. Sh. Vishal Gandhi, Sc. 'E', CPCB
23. Mrs. Suniti Parashar, Sc. 'C', CPCB
24. Ms. Deepa Kumari, SRF, CPCB

## SUMMARY OF COMPLIANCE STATUS SUBMITTED

Sl. No.	Agency	Directions issued by NGT on 03.08.2022	Compliance submitted					
1.0	Delhi Jal Board	<p>29(vii)            DJB may ensure compliance of its four STPs so as to meet standards as directed by the Tribunal. Treated effluents of 90 MGD from four Phases be utilised rather than disposed in Shahdara drain.</p>	DJB vide letter dated 23.11.2022 submitted the following compliance status of the four STPs at Kondli ( <i>copy attached as Annexure-I</i> ).					
			S.No	Name of Plant	Capacity in MGD	Design Parameters	Status	Timelines
			1	Kondli Ph-I	10	10/10	Plant rehabilitated under YAP-III	Plant commissioned and has started meeting the design parameters of 10/10mg/L (BOD /TSS)
			2	Kondli Ph-II	25	30/50	Plant is closed and is under rehabilitation under YAP-III	Liquid line stream is likely to be completed by 31.12.2022
			3	Kondli Ph-III	10	10/10	Plant rehabilitated under YAP-III	Plant commissioned and is likely to start meeting the design parameters of 10/10mg/L by Dec-22

Sl. No.	Agency	Directions issued by NGT on 03.08.2022	Compliance submitted					
			4	Kondli Ph-IV	45	23/30	Work order issued for rehabilitation and upgradation on 10.8.2022	Nov-23
			There is also a proposal to supply the treated effluent to Sanjay Lake and Smriti Van Lake from Kondli STP. Total 20 MGD treated effluent is to be supplied to these lakes. The work is likely to be completed by March-23					
		<p><b>29(viii)</b> No effluents be disposed by NCT Delhi in Kondli/ Noida drain.</p>	<p>DJB vide letter dated 18.11.2022 informed:</p> <ul style="list-style-type: none"> <li>• All the DJB consumer of Kondli, Gharoli, GD Colony provided with Sewer connections.</li> <li>• All the discharge of Delhi in drains have been tapped at three locations into DJB sewer lines i.e a) Near Red Fox Hotel Main Road, b) Mix MIG near Kondli SPS, and c) Near Kerala Public School in front of Khoda Colony</li> <li>• The sewage of the sewer line is ultimately carried to Kondli STP for treatment and now no untreated water/ sewage of Delhi is going into Kondli drain.</li> </ul>					
2.0	Noida Authority	<p><b>29(ii)</b> CTO granted to the Group Housing Societies (GHS) may require standards and specifications as per MoEF &amp; CC Draft Notification dated 25.02.2022. SPCBs need to ensure utilisation of treated sewage. Mode of disposal should not be the drains. Effluents may go to sewers leading to STPs.</p>	Noida Authority vide letter dated 25.11.2022 submitted that C.T.O is being issued by State Pollution Control Board. <i>Copy attached as Annexure-II</i>					
		<p><b>29(iii)</b></p>	<ul style="list-style-type: none"> <li>• In-situ constructed wetland constructed under the guidance of Prof. C R Babu for abatement of pollution of Noida drain.</li> </ul>					

Sl. No.	Agency	Directions issued by NGT on 03.08.2022	Compliance submitted
		<p>Thirty identified drains or any other such drain carrying sewage be diverted to existing STPs and not to Noida drain. Such drains are to be used for flood management.</p>	<ul style="list-style-type: none"> <li>• Apart from wetland, construction of sump well has also been proposed for minor drains for connecting them to STPs. The Noida Authority has deputed National Environmental Engineering Research Institute (NEERI) for preparation of DPR, for construction of In-situ and Ex- situ wetlands and construction of minor STPs over drains or intercepting of drains to divert to near STP.</li> <li>• MOU has been signed between NOIDA and NEERI on 21.07.2022. <b>The said work proposed to be completed by June 2023.</b></li> </ul>
		<p><b>29(iv)</b> All existing STPs and upcoming STPs need to meet standards as directed by this Tribunal vide order dated 30.04.2019 in OA No. 1069/2018, Nitin Shankar Deshpande vs. Union of India &amp; Ors. subject to further directions of Hon'ble Supreme Court in pending proceedings.</p>	<ul style="list-style-type: none"> <li>• All existing 06 No. STP in Noida Located Sector-50, Sector-54, Sector-123 &amp; Setor-168 are running under Design standard SBR technology, as per order dated 30.04.2019 passed by Hon'ble National Green Tribunal, New Delhi in OA No. 1069/2018 Nitin Shankar Deshpandey Vs. UOI &amp; Ors. Accept the parameter of fecal coliform.</li> <li>• However to control the parameter Fecal Coliform &amp; Out-Let Parameter more effectively Noida has already floated Tender for installation TTP (Tertiary Treatment Plant) as directed by Uttar Pradesh Pollution Control Board, Noida vide letter No. 534/138/22 Dated 30.07.2022 which is to be done within five years from dated of letter i.e. 30.04.2022.</li> </ul>
		<p><b>29(v)</b> MoU for utilisation for sewage between Power Plant and Noida be executed without delay.</p>	<p>In reference of MOU with NTPC Dadri several reminders has already been served to NTPC, but still no action has been taken to full fill the MOU clause by NTPC.</p>
3.0	NTPC	<p><b>29(v)</b> MoU for utilisation for sewage between Power Plant and Noida be executed without delay.</p>	<ul style="list-style-type: none"> <li>• NTPC vide letter dated 1.12.2022 submitted that the Hon'ble NGT order dated 03.08.2022 was communicated to NTPC for the first time as NTPC was never a party before the Hon'ble NGT and that no other party had communicated with them until now. Detailed reply of NTPC is attached as <b>Annexure-III</b>.</li> <li>• Further NTPC Dadri mentioned that use of treated sewage in Thermal Power plant is techno-economically not feasible due to following reasons: <ol style="list-style-type: none"> <li>1. NTPC-Dadri has three stages: NCTPP-I (4x210 MW), NCTPP-II (2x490 MW) and DGPP (830 MW). NCTPP-I has already completed its life. Even NCTPP-II has completed 12 years of life.</li> </ol> </li> </ul>

Sl. No.	Agency	Directions issued by NGT on 03.08.2022	Compliance submitted
			<p>2. Due to high level of ash utilisation/ dry ash disposal system at Dadri, the water requirement is less. Therefore, the project could utilise only a small fraction of the total quantity of sewage treated water generated.</p> <p>3. Cost of tertiary plant for treatment of secondary treated water and transport cost would be very high.</p> <p>4. The estimated capital cost of Treatment (including UF-RO), pipeline and bridge across Hindon river is exorbitantly high as compared to quantity of sewage likely to be used and the residual life of plant.</p> <p>5. During the MoP review meeting dated 20.04.2022 and 28.04.2022, which was attended by MoP, CEA, NMCG, UP Jal Nigam and other Power Utilities; all the power projects across the country were reviewed and the list of projects where treated sewage water can be utilised were identified. NTPC Dadri was not identified in the list in view of the constraints mentioned above.</p> <p>NTPC submitted that the activities related to implementation of MoU and compliance of Hon'ble NGT order may kindly be kept in abeyance as appropriate steps are being taken to approach the Hon'ble Tribunal in this regard seeking modification of the order dated 03.08.2022.</p>
4.0	Khoda Nagar Palika	29(vi) ACS, UD of UP need to immediately review and ensure treatment of sewage generated by Khoda - Makanpur.	Khoda Nagar Palika vide letter dated 02.12.2022 informed that due to non-availability of land for setting up sewage treatment plant in Khora, Khoda Nagar Palika requested NOIDA Authority vide letters dated 31.12.2021, 1.1.2022 and 16.4.2022, but the action is still awaited. Further, E-tender has been approved in favour of M/s Green Technology for the purpose of bio/phytoremediation for the purification of water flowing in the drains of Khora area. (Copy of letter is attached as <b>Annexure-IV</b> )

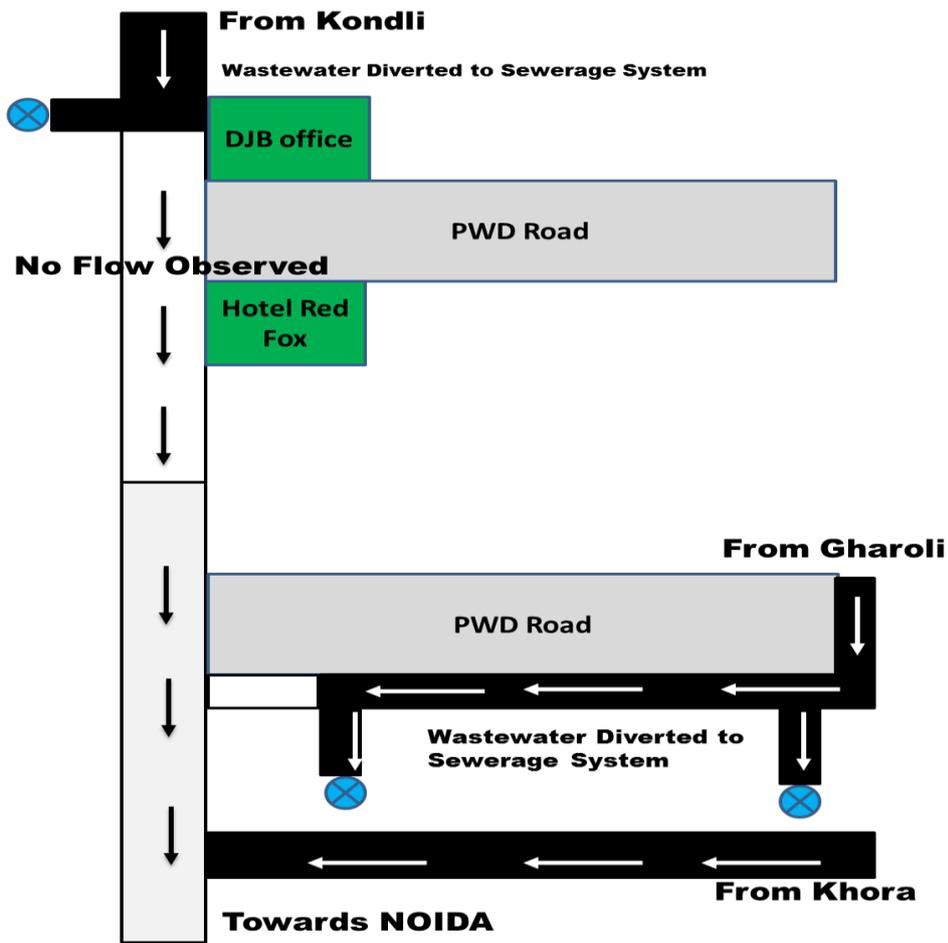


Figure 1: Schematic diagram of drain indicating diversion point

**ANNEXURE-V**

**Photographs of the Joint Inspection conducted on 29.11.2022.**



**Fig:1 Diversion of wastewater into sewerage system at Tri-Junction of Kondli, Khora and Gharoli Drain.**



**Fig:2 Diversion of Kondli drain**



**Fig:3 Diversion of Kondli drain**



**Fig:4 Discharge from Khoda- Makanpur Nagar Palika**



**Fig:5 Discharge from Khoda- Makanpur Nagar Palika**

**ANALYTICAL RESULTS OF DRAINS AND STPS SAMPLES COLLECTED BY  
CPCB**

<b>Table 1: Analytical results of Kondli STP, Delhi – Physio-chemical</b>							
S. No.	Parameters	Standards*	Common Inlet	Phase I		Phase III	Final Outlet (Phase I, II, III & IV)
				Before Chlorination	Outlet	Outlet	
1	pH	<b>5.5-9</b>	6.9	7.0	7.1	6.9	6.8
2	COD (mg/L)	<b>50</b>	537	10	8	20	<b>282</b>
3	BOD (mg/L)	<b>10</b>	221	4	3	7	<b>119</b>
4	TSS (mg/L)	<b>20</b>	259	BDL<10	BDL<10	<b>45</b>	<b>177</b>
5	PO <sub>4</sub> -P (mg/L)	<b>1</b>	3.58	<b>3.39</b>	<b>3.07</b>	<b>1.87</b>	<b>2.60</b>
6	NH <sub>3</sub> -N (mg/L)	-	26	-	BDL<1	BDL<1	22
7	MLSS (mg/L)	-	-	-	4558	4010	-
8	MLVSS (mg/L)	-	-	-	3226	1824	-
9	Total Coliform (MPN/ 100 mL)	-	-	<b>14 x 10<sup>9</sup></b>	<b>92 x 10<sup>3</sup></b>	<b>17 x 10<sup>4</sup></b>	<b>11 x 10<sup>9</sup></b>
10	Fecal Colirom (MPN/ 100 mL)	<b>230 MPN/ 100 mL</b>	-	<b>37 x 10<sup>8</sup></b>	<b>35 x 10<sup>3</sup></b>	<b>79 x 10<sup>3</sup></b>	<b>22 x 10<sup>8</sup></b>

**\*Note: Hon'ble NGT vide order dated 30.04.2019 in the matter of 1069 of 2018**

**Table 2: Analytical results of Kondli STP, Delhi – Heavy Metals**

S. No	Sampling Location	As (mg/L)	Cd (mg/L)	Cr (mg/L)	Cu (mg/L)	Fe (mg/L)	Mn (mg/L)	Ni (mg/L)	Pb (mg/L)	Zn (mg/L)
<b>General Standards for Discharge of Environmental Pollutants</b>		<b>0.2 mg/L</b>	<b>2 mg/L</b>	<b>2 mg/L</b>	<b>3 mg/L</b>	<b>3 mg/L</b>	<b>2 mg/L</b>	<b>3 mg/L</b>	<b>0.1 mg/L</b>	<b>5 mg/L</b>
1.	Kondli STP (Common Inlet)	BDL	BDL	0.021	0.047	1.736	0.189	0.01	0.007	0.158
2.	Kondli STP Phase I (Before Chlorination)	BDL	BDL	BDL	0.006	0.178	0.027	0.005	BDL	0.022
3.	Kondli STP Phase I (Outlet)	BDL	BDL	BDL	BDL	0.477	0.103	BDL	BDL	0.033
4.	Kondli STP Phase III (Outlet)	BDL	BDL	0.02	0.041	1.608	0.194	0.011	0.011	0.136

**Note:**

i. BDL- Below Detection Limit

**Table 3: Analytical results of Khoda drain**

Sampling Location	pH	COD (mg/L)	BOD (mg/L)	TSS (mg/L)	PO <sub>4</sub> -P (mg/L)	NH <sub>3</sub> -N (mg/L)
<b>General Standards for Discharge of Environmental Pollutants</b>	<b>5.5-9.0</b>	<b>250</b>	<b>30</b>	<b>100</b>		<b>50</b>
Khoda Village drain	7.3	579	165	378	3.76	38

**Table 4: Analytical results of Noida Drain – Physio-chemical**

S. No.	Sampling Location	pH	COD (mg/L)	BOD (mg/L)	TSS (mg/L)	PO <sub>4</sub> -P (mg/L)	NH <sub>3</sub> -N (mg/L)
<b>General Standards for Discharge of Environmental Pollutants</b>		<b>5.5-9.0</b>	<b>250</b>	<b>30</b>	<b>100</b>	<b>-</b>	<b>50</b>
1.	Drain at Delhi-Noida Border	7.1	582	152	279	3.54	41
2.	At confluence of Bangel Drain	7.4	210	48	102	6.50	18
3.	Before meeting River Yamuna	7.4	180	40	603	2.43	18

**Table 5: Analytical results of Constructed wetland – Physio-chemical**

S. No.	Sampling Location	pH	COD (mg/L)	BOD (mg/L)	TSS (mg/L)	PO <sub>4</sub> -P (mg/L)	NH <sub>3</sub> -N (mg/L)
1.	Pond 1	7.3	274	104	122	4.52	29
2.	Pond 2	7.3	256	87	92	3.61	26
3.	Pond 3	7.2	257	84	87	7.53	26



# DELHI POLLUTION CONTROL COMMITTEE

(Government of N.C.T. of Delhi)

4th Floor, I.S.B.T. Building, Kashmere Gate, Delhi - 110006

Website : <http://www.dpcc.delhigovt.nic.in>

Report Number: DPCC/W/STP/22-23/243/5382

## ANALYSIS REPORT OF STP FOR THE MONTH OF JANUARY-2023

Date - 10/2/23

1. Name of STP : Kondli
2. Sampling location : Inlet and Outlet of STP
3. Date of Inspection : 11.01.2023
4. Samples collected by : DPCC Lab
5. Parameters analyzed and results :

Sr. No.	Installed Capacity (MGD)	STP Standard	Parameters							Remarks
			pH	TSS (mg/l)	BOD (mg/l)	COD (mg/l)	Oil & Grease (mg/l)	Ammonical Nitrogen (mg/l)	Dissolved Phosphate as P(mg/l)	
1	Ph-I (10)	Inlet	6.5-9.0	10	10	50	10	5	2	Not meeting the standards wrt TSS.
		Outlet	7.6	232	120	288	26.4	40.5	31.8	
		OLMS	7.2	14	10	48	1.2	2.8	1.5	
2	Ph-III (10)	Outlet	7.2	5.34	4.31	25.96	-	3.24	-	Not meeting the standards wrt TSS & BOD.
		OLMS	7.4	16	12	40	1.2	2.5	1.3	
Total 20										OLMS was found locked

*Nandita*  
I/C LABORATORY  
Dr. Nandita Moitra  
Scientist 'D'



# DELHI POLLUTION CONTROL COMMITTEE

(Government of N.C.T. of Delhi)

4th Floor, I.S.B.T. Building, Kashmere Gate, Delhi - 110006

Website : <http://www.dpcc.delhigovt.nic.in>

Report Number: DPCC/W/STP/22-23/244 / 5383

Date 10/2/2022

## ANALYSIS REPORT OF STP FOR THE MONTH OF JANUARY-2023

1. Name of STP : Kondli New
2. Sampling location : Inlet and Outlet of STP
3. Date of Inspection : 11.01.2023
4. Samples collected by : DPCC Lab
5. Parameters analyzed and results :

Sr. No.	Installed Capacity (MGD)	STP Standard	Parameters							Remarks
			pH	TSS (mg/l)	BOD (mg/l)	COD (mg/l)	Oil & Grease (mg/l)	Ammonical Nitrogen (mg/l)	Dissolved Phosphate as P(mg/l)	
1	45	Inlet	7.4	324	185	336	24.8	38	34.8	Not Meeting the Standards wrt TSS, BOD, COD, Ammonical nitrogen & Dissolved Phosphate.
		Outlet	7.0	164	94	212	7.2	16.5	14.5	
		OLMS	-	-	-	-	-	-	-	
Total 45										OLMS was non functional

*N. Mohita*  
I/C LABORATORY

Dr. Nandita Mohita  
Scientist 'D'

Sr. No.	Drain ID	Hydraulic load (MLD)	Proposed action
		November 2022	
1	D1	99.9	Huge quantity (90-100MLD) coming from Delhi which required to be trapped by their existing sewerage system and prior treatment before discharging into Kondali Irrigation Cannal.
2	D2	This drain was inaccessible	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in the Kondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain</p> <p><b>Mid-Term Measures:</b> Divert to nearby sewerage system of sector 11 and from there it will go to Pumping Station P5 and respective STP.</p>
3	D3	0.8	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in the Kondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain</p> <p><b>Mid-Term Measures:</b> In-Situ Drain Treatment with physical and biological units within the drain</p>
4	D4	14.3	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in the Kondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into</p> <p><b>Long-term Measures:</b> Ex-situ treatment with decentralized sewage treatment plant (STP). This will include Collection, treatment, safe disposal / reuse of treated wastewater.</p>
5	D5	125.2	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in the Kondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into</p> <p><b>Mid-Term Measures:</b> Drain is getting treated wastewater from Sector 54 STP and low BOD and COD are observed at outlet. For removal of nutrient parameters, in-situ treatment option of screens and floating rafter may be considered.</p>
6	D6	0.8	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in the Kondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain</p> <p><b>Mid-Term Measures:</b> Divert to nearest sewerage system of Sector 35, since low flow in the drain</p>
7	D7	0.7	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in the Kondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains</p>

			Prohibition of dumping of solid waste into the drain <b>Mid-Term Measures:</b> Divert to nearest sewerage system of Sector 35, since low flow (less than 1 MLD) and less width (less than 1 m) of the drain
8	D8	0.6	<b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in the Kondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain <b>Mid-Term Measures:</b> Divert to nearest sewerage system of Sector 35, since low flow (less than 1 MLD) and less width (less than 1 m) in the drain
9	D9	100.4	<b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in the Kondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain  <b>Long-Term Measures:</b> Another longest open drain in Noida coming from Sector 63 with huge sewage flow. This required proper discussion and brain storming. For collection and treatment Ex-situ treatment
10	D10	Closed drains	Closed Drain (merging in to In-situ Wetland Treatment)
11	D11	1.4	Divert to nearest sewerage system of Sector 50 as the drain is covered.
12	D12	92.1	<b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in the Kondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain  <b>Long-Term Measures:</b> Second longest open drain in Noida coming from Hindon Cut canal with huge sewage flow. This required proper discussion and brain storming for collection and Ex-situ treatment
13	D13	1.6	<b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in the Kondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain <b>Mid-Term Measures:</b> Divert to existing sewerage system of Sector 49 (drain is covered with concrete slab)
14	D14	3.8	Divert to existing sewerage system of Sector 49 (drain is covered with concrete slab)
15	D15	74	<b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in the Kondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain <b>Long-Term Measures:</b> Another longest open drain in Noida coming from Sector 63 with huge sewage flow. This required proper discussion and brain storming since STP treated wastewater discharge at the start of the drain. This drain needs to be traced once again for proper in-situ or ex-situ treatment.

			Huge flow (around 75 MLD)
16	D16	19.3	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in theKondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain</p> <p><b>Mid-Term Measures:</b> In-Situ Drain Treatment with physical andbiological units within the drain</p>
17	D17	0.3	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in theKondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain</p> <p><b>Mid Term Measures:</b> Divert to nearest sewerage system, since low flow (less than 1 MLD) and less width (less than 1 m) of the drain</p>
18	D18	7.8	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in theKondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain</p> <p><b>Mid Term Measures:</b> In-Situ Drain Treatment with physical andbiological units</p>
19	D19	10.3	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in theKondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain</p> <p><b>Mid Term Measures:</b> In-Situ Drain Treatment with physical and biological units within the drain</p>
20	D20	4.1	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in theKondali Irrigation Canal Regular clean ing and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain</p> <p><b>Mid Term Measures:</b> In-Situ Drain Treatment with physical and biological units within the drain</p>
21	D21	5.9	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in the Kondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain</p> <p><b>Mid-Term Measures:</b> In-Situ Drain Treatment with physical and biologicalunits within the drain</p>
22	D22	29.7	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in theKondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain</p> <p><b>Mid-Term Measures:</b> Divert to nearest STP at Sector 168 throughpumping station (PS 11) at Sector 167A</p>
23	D23	21.3	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in theKondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain</p>

			<p><b>Mid-Term Measures:</b> Divert to nearby sewerage system of sector 143B and from there it will go to STP located in Sector 168.</p>
24	D24	26.4	<p><b>Immediate Measures:</b> Screens should be installed at the outlet of the drain for restricting floatable solid matters in the Kondali Irrigation Canal Regular cleaning and maintenance of screen Removal of sludge from the drains Prohibition of dumping of solid waste into the drain</p> <p><b>Mid-Term Measures:</b> In-Situ Drain Treatment with physical and biological units within the drain</p>

**Water Quality of U/S & D/S of Kondli Drain in Noida-**

Sl. No.	Sample Location	Date	Physio-Chemical Parameters				Bacteriological Parameters	
			pH 6.5- 9.0	BOD (mg/l) <30	COD (mg/l) <250	TSS (mg/l) <100	Total Coliform (MPN/100 ml)	Fecal Coliform (MPN/100ml) <1000
<b>Water Quality of Kondli Drain at upstream and downstream</b>								
<b>December 2022</b>								
U/S Kondli Drain Entry Point Sector-11 (Near Hari Darshan Police Chowki) Noida	13.12.22	8.16	62.0	312.0	175.0	4300000	2300000	
D/S Kondli Drain Before Meeting of Yamuna River (Vill- Chak Mangaraula), Noida	13.12.22	7.61	50.0	265.0	141.0	3900000	2700000	
<b>January 2023</b>								
U/S Kondli Drain Entry point Sector-11 (Near Hari Darshan Police Chowki) Noida	17.01.23	8.31	77.0	381.8	206.0	4000000	3400000	
D/S Kondli Drain Before Meeting of Yamuna River (Vill- Chak Mangaraula), Noida	17.01.23	7.64	53.0	276.8	153.0	3800000	2600000	

Water Quality of Kondli Drain at Entry and Exit Point of NOIDA as observed during date of Grab sampling.

## Water Quality of Drains meeting Kondli Drain within Noida region-

Besides this, monitoring has also been carried out on all 30 drains from where untreated effluents enter Kondli irrigation canal in NOIDA area, during inspection 6 of these drains were found dry. Analysis results for remaining 24 drains have been presented as below-

S.No	Sampling Point Collection	Date	Physio Chemical Parameters						Bacteriological Parameters	
			Colour	Odour	pH	COD mg/l	BOD mg/l	TSS mg/l	Total Coliform (MPN/100 ml)	Fecal Coliform (MPN/100 ml)
1.	Samerville School, Sector-22, Noida	14.2.2023	Sl. Blackish	Unpleasant	7.52	72.0	340.8	147.0	3100000	2300000
2.	In front of Gate Near Police Chowki, Sector-23, Noida	14.2.2023	Turbid	Sl. Unpleasant	7.83	58.0	312.0	134.0	21000000	17000000
3.	Sector-23, Police Chowki Side, Noida	14.2.2023	Blackish	Unpleasant	7.59	66.0	384.0	151.0	2500000	2100000
4.	Kribhco Society, Sector-35, Noida	14.2.2023	Turbid	Sl. Unpleasant	7.68	56.0	307.2	129.0	2100000	1300000
5.	Kribhco Society, Sector-35, In front of Hariom Sweets, Noida	14.2.2023	Turbid	Sl. Unpleasant	7.68	50.0	273.6	134.0	3100000	2100000
6.	Brijwasi Caters, Near Harijan Basti, Sector-35, Noida	14.2.2023	Turbid	Odourless	7.38	61.0	297.6	144.0	17000000	11000000
7.	Surabhi Hospital, Service Road, Sector-35, Noida	14.2.2023	Blackish	Unpleasant	7.71	79.0	404.8	167.0	2000000	1400000
8.	Surabhi Hospital, Sector-35, Noida	14.2.2023	Sl. Blackish	Unpleasant	7.66	67.0	350.4	153.0	2600000	2200000
9.	Kendriya Vihar, Sector-51, Noida	14.2.2023	Turbid	Sl. Unpleasant	7.53	61.0	336.0	151.0	3300000	2700000
10.	Neelgiri F1, Kendriya Vihar, Gole Chakkar, Noida	14.2.2023	Sl. Blackish	Unpleasant	8.12	42.0	283.2	128.0	2600000	2100000
11.	Sector-50, Beech Road, Sector-51, Gole Chakkar, Noida	14.2.2023	Turbid	Sl. Unpleasant	7.65	55.0	284.8	137.0	2700000	2200000
12.	7X, Sector-76, Near Metro Station, Noida	14.2.2023	Sl. Blackish	Unpleasant	7.48	86.0	296.0	143.0	4000000	3400000
13.	Bhrampal Market, Bhati Dairy, Village-	14.2.2023	Sl. Blackish	Unpleasant	7.31	81.0	249.6	163	310000	230000

	Barola, Sector-49, Noida									
14.	Barola Shamshan Ghat, Sector-49, Noida	15.2.2023	Turbid	Sl. Unpleasant	7.37	80.0	240.0	156.0	250000	170000
15.	UGR, Barola, Sector-50, Noida	15.2.2023	Turbid	Sl. Unpleasant	7.84	64.0	224.0	150.0	210000	130000
16.	Kajal Dairy, Samudayik Sauchalya, Sector-50, Noida	15.2.2023	Turbid	Sl. Unpleasant	7.44	72.0	272.0	164.0	260000	210000
17.	SMG Public School, Rajeev Colony, Bhangel, Noida	15.2.2023	Turbid	Sl. Unpleasant	7.86	54.0	256.0	128.0	2700000	1700000
18.	Satnaam Kirana Store, Bhangel, Noida	15.2.2023	Turbid	Sl. Unpleasant	7.74	82.0	224.0	181.0	3400000	2700000
19.	NSEZ, Metro Station, Noida	15.2.2023	Blackish	Unpleasant	6.85	38.0	368.0	165.0	3200000	2600000
20.	Bhangel Drain, Noida	15.2.2023	Sl. Blackish	Unpleasant	7.92	76.0	240.0	158.0	390000	270000
21.	Hosiery Drain, Noida	15.2.2023	Sl. Blackish	Unpleasant	7.58	52.0	416.0	138.0	1400000	1100000
22.	Advant, Sector-142, Noida	15.2.2023	Turbid	Unpleasant	8.21	84.0	224.0	155.0	2000000	1700000
23.	Sector-135, Near Accenture Pvt. Ltd., Noida	15.2.2023	Blackish	Unpleasant	8.24	58.0	256.0	143.0	1400000	1200000
24.	Near Sector-82, Noida	15.2.2023	Sl. Blackish	Sl. Unpleasant	7.78	62.0	272.0	151.0	3200000	2200000

**At the time of sampling 6 Drains were found dry.**

## Water Quality of STP's in Noida

### MONTH- January-2023, STP Data

S. No	Sampling Point	Date	Colour	pH	B.O.D (mg/l)	C.O.D (mg/l)	T.S.S (mg/l)	Total Coliform (MPN/ 100ml)	Fecal Coliform (MPN/ 100ml)	PO <sup>3-</sup>	NO <sup>2-</sup>
1.	Sector 50 (25MLD SBR Outlet), Noida	02.01.23	Colourless	7.52	09.0	86.4	42.0	2100.0	730.0	0.52	0.54
		10.01.23	Colourless	7.58	17.0	153.6	68.0	1600.0	540.0	0.54	0.33
		16.01.23	Turbid	7.21	09.0	88.0	42.0	2400.0	450.0	0.50	0.46
		23.01.23	Colourless	7.25	11.0	92.0	45.0	1400.0	610.0	0.54	.032
		30.01.23	Colourless	7.51	09.0	77.6	38.0	2100.0	790.0	0.19	0.50
2.	Sector 50 (34 MLD SBR Outlet), Noida	02.01.23	Colourless	7.34	19.0	148.0	71.0	1200.0	450.0	0.46	0.68
		10.01.23	Colourless	7.43	12.0	117.6	54.0	1100.0	830.0	0.19	0.54
		16.01.23	Colourless	7.53	11.0	101.6	44.0	1600.0	240.0	0.18	0.36
		23.01.23	Colourless	7.62	08.0	76.0	41.0	2400.0	920.0	0.68	0.54
		30.01.23	Turbid	7.16	10.0	85.6	41.0	920.0	350.0	0.46	1.2
3.	Sector 54 (33 MLD SBR Outlet), Noida	02.01.23	Colourless	7.21	12.0	134.4	62.0	2100.0	790.0	0.57	0.50
		10.01.23	Colourless	7.28	21.0	168.0	72.0	1600.0	350.0	1.3	0.68
		16.01.23	Colourless	7.56	14.0	112.0	51.0	1100.0	830.0	0.64	0.58
		23.01.23	Colourless	7.57	17.0	141.0	63.0	1600.0	240.0	1.12	0.80
		30.01.23	Colourless	7.48	08.0	72.0	34.0	1100.0	200.0	1.3	0.68
4.	Sector 54 (54 MLD SBR Outlet), Noida	02.01.23	Colourless	7.45	16.0	152.0	69.0	1200.0	450.0	0.22	0.38
		10.01.23	Colourless	7.52	15.0	136.0	67.0	1400.0	150.0	0.58	0.34
		16.01.23	Colourless	7.42	13.0	120.0	56.0	1500.0	680.0	1.1	0.88
		23.01.23	Colourless	7.48	15.0	136.0	61.0	2500.0	930.0	1.10	0.42
		30.01.23	Colourless	7.39	12.0	108.0	45.0	1500.0	450.0	0.57	0.33

5.	Sector 123 (35 MLD SBR Outlet), Noida	02.01.23	Turbid	7.62	22.0	168.0	76.0	2500.0	780.0	1.3	1.2
		10.01.23	Turbid	7.24	19.0	144.0	65.0	1700.0	790.0	0.46	1.2
		16.01.23	Colourless	7.61	22.0	157.0	69.0	1200.0	450.0	0.26	0.34
		23.01.23	Colourless	7.32	17.0	144.0	66.0	1200.0	680.0	0.56	0.50
		30.01.23	Colourless	7.63	15.0	128.0	53.0	4700.0	920.0	1.1	0.34
6.	Sector 168 (50MLD SBR Outlet), Noida	02.01.23	Colourless	7.48	13.0	136.0	65.0	1500.0	930.0	0.92	0.74
		10.01.23	Colourless	7.36	13.0	108.0	56.0	1300.0	780.0	0.26	0.42
		16.01.23	Colourless	7.36	16.0	148.0	66.0	1400.0	790.0	0.38	1.2
		23.01.23	Colourless	7.54	12.0	112.0	58.0	1100.0	400.0	0.50	0.44
		30.01.23	Colourless	7.28	11.0	104.0	49.0	2600.0	780.0	0.42	0.24

S. No.	Sampling Point	Date	Colour	pH	B.O.D (mg/l)	C.O.D (mg/l)	T.S.S (mg/l)	Total Coliform (MPN/ 100ml)	Fecal Coliform (MPN/ 100ml)	PO <sup>3-</sup>	NO <sup>2-</sup>
1.	Sector 50 (25MLD SBR Outlet), Noida	06.02.23	Colourless	7.36	12.0	108.0	55.0	1200	450	0.54	0.50
		13.02.23	Colourless	7.63	8.0	72.0	37.0	1600	350	0.18	0.50
		20.02.23	Colourless	7.21	10.0	92.0	48.0	2000	920	0.18	0.22
2.	Sector 50 (34 MLD SBR	06.02.23	Colourless	7.54	9.0	81.6	41.0	1500	610	1.12	0.42
		13.02.23	Colourless	7.74	11.0	85.6	41.0	1300	780	0.64	0.58

	Outlet), Noida	20.02.23	Colourless	7.44	7.0	68.0	32.0	2100	780	1.1	1.3
3.	Sector 54 (33 MLD SBR Outlet), Noida	06.02.23	Colourless	7.28	11.0	97.6	53.0	1400	930	0.56	0.34
		13.02.23	Colourless	7.38	9.0	88.0	43.0	1700	790	0.18	0.46
		20.02.23	Colourless	7.38	12.0	78.4	47.0	2200	400	0.68	0.45
4.	Sector 54 (54 MLD SBR Outlet), Noida	06.02.23	Colourless	7.32	15.0	128.0	62.0	1000	400	1.30	0.40
		13.02.23	Colourless	7.16	13.0	108.0	47.0	1100	780	0.26	1.2
		20.02.23	Colourless	7.46	8.0	72.0	36.0	1600	350	0.56	0.38
5.	Sector 123 (35 MLD SBR Outlet), Noida	06.02.23	Colourless	7.62	13.0	117.6	59.0	2100	780	1.10	0.36
		13.02.23	Colourless	7.58	9.0	77.6	41.0	1600	920	0.38	0.88
		20.02.23	Colourless	7.84	15.0	128.0	58.0	2000	920	0.33	0.54
6.	Sector 168 (50MLD SBR Outlet), Noida	06.02.23	Colourless	7.44	16.0	136.0	65.0	2400	920	0.68	0.42
		13.02.23	Colourless	7.83	14.0	112.0	56.0	1200	450	1.1	0.34
		20.02.23	Colourless	7.55	11.0	84.0	53.0	1100	610	1.2	0.84
7.	Sector 123 (80 MLD SBR Outlet), Noida	20.02.23	Colourless	7.24	7.0	56.0	27.0	2200	200	0.86	0.46
8.	Sector 168 (50MLD SBR Outlet), Noida	20.02.23	Colourless	7.18	9.0	64.0	32.0	1600	170	0.26	0.18

**MONTH- February -2023, STP Data**

\* Sr.No.- 7 and Sr. No-8 are newly installed STPs



केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
**CENTRAL POLLUTION CONTROL BOARD**  
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार  
 MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

By Speed Post

No. A-19014/59/2020/WQM-I/ ९५२३

March 10, 2023

To,

The Chairman,  
 Delhi Pollution Control Committee,  
 4<sup>th</sup> and 5<sup>th</sup> floor, ISBT Building  
 Kashmere Gate, Delhi - 110006

DIRECTIONS UNDER SECTION 18(1) (b) OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 FOR NON COMPLYING STPS AT KONDLI AND DISCHARGE OF UNTREATED WASTEWATER INTO SHAHDARA DRAIN.

WHEREAS, amongst others, under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Board (SPCB) constituted under the Water (Prevention & Control of Pollution) Act, 1974 is to inspect sewage or trade effluents works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water / wastewater and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this act; and

Whereas, discharge of untreated, partially treated and treated sewage not meeting standards. Sewage is a major cause for poor water quality in rivers and adversely impacts human health and aquatic life. Further sizeable gap exists in generation and treatment of sewage adding to the problem of water pollution; and

Whereas, Central Government has notified General Discharge Standards for Environmental Pollutants from various sources including municipal wastewater under the Environment (Protection) Act, 1986 and the Rules framed thereunder (Schedule VI); and

[Continued..]

Whereas, Central Government has notified standards for treated effluent of Sewage Treatment Plants vide notification dated 13.10.2017; and

Whereas, Hon'ble National Green Tribunal Principal Bench, New Delhi in the matter of OA no. 1002 / 2018 titled Abhisht Kusum Gupta Vs State Of Uttar Pradesh & Ors vide its Order dated 19.02.2019 has directed as follows:

*"Accordingly, we direct the Central Pollution Control Board (CPCB), DPCC, DJB, East Delhi Municipal Corporation, NOIDA Authority and UPPCB to have a joint meeting within one month and to prepare an action plan in respect of action in respective States to check the water pollution which may also include action to be taken for prohibiting the discharge of effluents, for prosecuting the polluters and recovering the compensation for the damage being caused to the environment.*

*The Nodal Agency will be CPCB for coordination and compliance. The report of the action taken be furnished to this Tribunal within two months by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com)"*

Whereas, in compliance to Hon'ble NGT directions, Central Pollution Control Board convened meeting with officers of Delhi Pollution Control Committee (DPCC), Delhi Jal Board (DJB), East Delhi Municipal Corporation (EDMC), NOIDA Authority and Uttar Pradesh Pollution Control Board (UPPCB) on 20.03.2019. It was decided to conduct joint inspection of the area under question so as to ascertain the sources of pollution of Kondli / Noida drain on 02.04.2019; and

Whereas, Joint inspection by the officers from DPCC, DJB, EDMC, PWD, DDA, UPPCB and Noida was conducted on 02.04.2019. Applicant was also informed to accompany the team for joint inspection and express his concerns. Based on inspection made, detailed report was prepared and submitted before Hon'ble NGT on 18.04.2019. Major findings of report are mentioned below:

- i. Unauthorized colonies namely GD colony, Gharauli village and Kondli village are discharging their untreated sewage to drainage system of PWD, DDA, EDMC and contributing to pollution to NOIDA drain.
- ii. DJB has laid sewerage system to convey sewage from said colonies to Kondli STP. However, residents of said colonies are reluctant to take sewerage connection which resulting in discharge of untreated sewage to storm water drainage system.

[Continued..]

**WHEREAS**, CPCB had issued direction to DJB vide letter dated 06.05.2019 under Section 5 of the Environment (Protection) Act, 1986 for abatement of pollution of Kondli Drain; and

**Whereas**, DJB vide letter dated 22.07.2019 submitted the Action plan and informed that 3 drains of PWD carrying wastewater shall be tapped and conveyed to Kondli STPs for treatment. Interception of drains will be finished by December, 2019; and

**Whereas**, Hon'ble NGT in the matter of OA no. 1002 titled Abhisht Kusum Gupta Vs State of Uttar Pradesh vide order dated 23.12.2021 directed CPCB as follows:

*"Coming to the remedial action in Delhi, the action taken report filed on behalf of the Delhi Government has stated that no untreated sewage is generated from Delhi and discharged into the Noida drain. This aspect may be verified by the CPCB. The treatment capacity and performance of Kondli STP also needs to be verified particularly with reference to compliance with fecal coliform and utilization of treated sewage. It further needs to be ascertained whether such waste is being discharged into Shahdara drain."*

**Whereas**, in compliance to directions of Hon'ble NGT, a team comprising officials from CPCB, visited the site on 24.03.2022 along with the officials of Delhi Jal Board (DJB), East (vii Delhi Municipal Corporation (EDMC) and Delhi Pollution Control Committee and inspected storm water drains of Kondli, Delhi and STPs located at Kondli to verify the status of action plan of Government of NCT of Delhi.

It was found that Tapped wastewater diverted to existing sewerage system and same is conveyed to Kondli STP. The analytical results of STP shows that STP is non-complying with respect to prescribed norms. The quality of treated water at outlet is equivalent to untreated wastewater at inlet. The treated water discharged to Shahdara drain which finally merges with river Yamuna at downstream of Okhla Barrage.

[Continued..]

**Whereas,** Hon'ble NGT vide its order dated 03.08.2022 in O. A. No. 1002/2018, Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors issued various directions including following direction for DJB:

*Para 29 (vii)*

*DJB may ensure compliance of its four STPs so as to meet standards as directed by the Tribunal. Treated effluents of 90 MGD from four Phases be utilised rather than disposed in Shahdara drain.*

*Para 29 (viii)*

*No effluent be disposed by NCT Delhi in Kondli/Noida Drain*

**Whereas,** CPCB convene first review meeting with concerned stakeholders (Noida Authority, Khora, Khoda Nagar Palika, DJB) and SPCBs of Uttar Pradesh and NCT of Delhi on 14.11.2022 to review the status of compliance of directions given by Hon'ble NGT; and

**Whereas,** DJB vide letter dated 23.11.2022 submitted compliance status of the four STPs at Kondli and status on diversion of drains; and

**Whereas,** CPCB made a field visit on 29-30/11/2022 jointly with UP SPCB, DPCC, DJB, NOIDA authority and for verification of action plan submitted by different agencies and made following observations:

1. DJB has created the infrastructure at Kondli for diversion of wastewater of Kondli, Gharoli, GD Colony into existing sewerage system and same is found operational. All wastewater flowing into storm water drains diverted into Sewerage System.
2. Tapped wastewater diverted to existing sewerage system and same is conveyed to Kondli STP. Kondli STP comprises of 4 phases i.e. Phase I -10 MGD, Phase II-25MGD, Phase III-10 MGD and Phase IV-45 MGD. During inspection, Phase I and III was found functional and Phase II and IV is under rehabilitation. Rehabilitation work as reported will be completed by November 2023.
3. Disinfection system and Sludge Treatment Units (Sludge Thickener, Centrifuge and Bio Gas Generator) of Phase I and III are in commissioning stage:
4. Samples were collected from inlet and outlet of Phase-I, III and Combined outlet. The analysis report is tabulated below:

[Continued..]

Analytical results of Kondli STP, Delhi - Physio-chemical							
S. No.	Parameters	Notified Standards	Common Inlet	Phase I		Phase III	Final Outlet (Phase I, II, III & IV)
				Before Chlorination	Outlet	Outlet	
1	pH	5.5-9	6.9	7.0	7.1	6.9	6.8
2	COD (mg/L)	50	537	10	8	20	282
3	BOD (mg/L)	10	221	4	3	7	119
4	TSS (mg/L)	20	259	BDL<10	BDL<10	45	177
5	PO <sub>4</sub> -P (mg/L)	1	3.58	3.39	3.07	1.87	2.60
6	NH <sub>3</sub> -N (mg/L)	-	26	-	BDL<1	BDL<1	22
7	MLSS (mg/L)	-	-	-	4558	4010	-
8	MLVSS (mg/L)	-	-	-	3226	1824	-
9	Total Coliform (MPN/ 100 mL)	-	-	14 x 10 <sup>9</sup>	92 x 10 <sup>3</sup>	17 x 10 <sup>4</sup>	11 x 10 <sup>9</sup>
10	Fecal Coliform (MPN/ 100 mL)	230 MPN/ 100 mL	-	37 x 10 <sup>8</sup>	35 x 10 <sup>3</sup>	79 x 10 <sup>3</sup>	22 x 10 <sup>8</sup>

**Note: Hon'ble NGT vide order dated 30.04.2019 in the matter of 1069 of 2018**

Close examination of above results reveals that Kondli STP Phase III unit is not meeting with respect to TSS, Fecal Coliform and PO<sub>4</sub>-P and Phase-I not meeting the prescribed norms for Fecal Coliform and PO<sub>4</sub>-P.

5. Phase-IV of Kondli STP is under rehabilitation , therefore final outlet of STP (combined outlet of Phase I, II, III and IV) not meeting the desired norms of COD, BOD, TSS, PO<sub>4</sub>-P & Total Coliform.

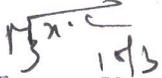
Whereas, it is evident that combined outlet of Kondli STP is still non-complying with respect to prescribed norms of DPCC and entire wastewater is continued to be discharged into Shahdara drain which merges with river Yamuna and deteriorating the water quality of river Yamuna.

**NOW, THEREFORE**, in exercise of the powers conferred under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act 1974, the Chairman, Delhi Pollution Control Committee (DPCC) is hereby directed as follows:

[Continued..]

1. DPCC shall issue appropriate directions to Delhi Jal Board:
  - a. To ensure compliance of its 04 STP to meet the norms prescribed by NGT in OA No.1069/2018, Nitin Shankar Deshpande vs. Union of India & Ors. subject to further directions of Hon'ble Supreme Court in pending proceedings.
  - b. To provide STP wise status/ action plan for management of sludge generated and reuse of treated effluent.
  - c. To submit time-bound action plan to ensure compliance of Hon'ble NGT order dated 03.08.2022 regarding re-use of the entire treated effluent of 90 MGD rather than discharging into Shahdara Drain.
  - d. To ensure that wastewater generated from Kondli, Gharoli should be 100 % diverted into existing sewerage system and should not flow to Noida Drain.
2. To ensure compliance of CPCB directions dated 31.01.2021 regarding installation and connectivity of OCEMS.
3. To ensure operation of STPs with valid consent order & review the consent orders issued to STP w.r.t condition for disposal of treated sewage for needed compliance of Hon'ble NGT order dated 03.08.2022.
4. To ensure that all drains, water bodies to be geotagged and given UID.

Necessary action for compliance of the above directions may therefore be taken and an action taken report shall be submitted by Delhi Pollution Control Committee to CPCB within 30 days from the date of receipt of these directions.

  
(Tanmay Kumar)  
Chairman





**केन्द्रीय प्रदूषण नियंत्रण बोर्ड**  
**CENTRAL POLLUTION CONTROL BOARD**  
 पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार  
 MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

By Speed Post

F.No.A-19014/59/2020/WQM-I/ 9504

March 10, 2023

To,

The Chairman,  
 Uttar Pradesh Pollution Control Board,  
 1<sup>st</sup> Floor, PICUP Bhavan,  
 Vibhuti Khand, Gomti Nagar, Lucknow - 226010

**DIRECTIONS UNDER SECTION 18(1) (b) OF THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974 FOR DISCHARGING WASTEWATER INTO NOIDA DRAIN.**

WHEREAS, amongst others, under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Board (SPCB) constituted under the Water (Prevention & Control of Pollution) Act, 1974 is to inspect sewage or trade effluents works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water and wastewater and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this act; and

Whereas, CPCB had issued directions to Uttar Pradesh Pollution Control Board vide letter no. No. A-19014/43/06-MON dated 21/04/2015 under Section 18 (1) b of Water (Prevention and Control of Pollution) Act, 1974 to direct concerned stakeholders to develop infrastructure for sewage management and operate the STPs so as to comply with stipulated norms; and

[Continued..]

Whereas, Hon'ble National Green Tribunal Principal Bench, New Delhi in the matter of OA no. 1002 / 2018 titled Abhisht Kusum Gupta Vs State Of Uttar Pradesh & Ors vide its Order dated 19.02.2019 has directed as follows:

*"Accordingly, we direct the Central Pollution Control Board (CPCB), DPCC, DJB, East Delhi Municipal Corporation, NOIDA Authority and UPPCB to have a joint meeting within one month and to prepare an action plan in respect of action in respective States to check the water pollution which may also include action to be taken for prohibiting the discharge of effluents, for prosecuting the polluters and recovering the compensation for the damage being caused to the environment.*

*The Nodal Agency will be CPCB for coordination and compliance. The report of the action taken be furnished to this Tribunal within two months by e-mail at ngt.filing@gmail.com"*

Whereas, in compliance to Hon'ble NGT directions, Central Pollution Control Board convened meeting with officers of Delhi Pollution Control Committee (DPCC), Delhi Jal Board (DJB), East Delhi Municipal Corporation (EDMC), NOIDA Authority and Uttar Pradesh Pollution Control Board (UPPCB) on 20.03.2019. It was decided to conduct joint inspection of the area under question so as to ascertain the sources of pollution of Kondli / Noida drain on 02.04.2019; and

Whereas, Joint inspection by the officers from DPCC, DJB, EDMC, PWD, DDA, UPPCB and Noida was conducted on 02.04.2019. Applicant was also informed to accompany the team for joint inspection and express his concerns. Based on inspection made, detailed report was prepared and submitted before Hon'ble NGT on 18.04.2019. Major findings of report are mentioned below:

[Continued..]

i. **Ghaziabad:**

Khoda village, Ghaziabad discharges untreated waste water to drainage system of PWD Delhi near CRPF camp which finally merges with Kondli drain.

ii. **NOIDA:**

Estimated sewage generation of Noida for year 2019 was 216 MLD whereas total installed capacity of 231 MLD and its actual capacity utilization is 152 MLD. It shows that 64 MLD of untreated sewage is being discharged. 30 drains are discharging untreated wastewater to Kondli / Noida drain and contributing to its organic and hydraulic loading.

**WHEREAS**, New Okhla Industrial Development Authority and Nagar Palika Parishad Khoda Makanpur which is responsible for collection, treatment and lawful reuse / disposal of the treated sewage has failed to discharge its duties in this matter; and

**WHEREAS**, CPCB has issued directions under section 5 of the Environment (Protection) Act, 1986 to NOIDA authority vide letter dated 06/06/2019 and Nagar Palika Parishad Khoda Makanpur vide letter dated 24/09/2019 for taking action for abatement of pollution of Noida drain; and

**Whereas**, Noida authority vide letter dated 01.07.2019, 20.12.2019, 08.09.2020 and 15.09.2020 submitted the action plan for abatement of water pollution of Noida drain and Nagar Palika Parishad Khoda Makanpur vide letter dated 08.11.2019 submitted that there is no land available for construction of Sewage Pumping Stations and Sewage Treatment plant in Khoda Makanpur and accordingly, request has been made to Ghaziabad Nagar Nigam and Noida authority to provide the land for the same and;

[Continued..]

Whereas, Hon'ble NGT vide its order dated 03.08.2022 in O. A. No. 1002/2018, Abhisht Kusum Gupta Vs. State of Uttar Pradesh & Ors issued following directions:

<i>Para</i>	<i>Contents of Directions</i>
29 (ii)	<i>CTO granted to the Group Housing Societies (GHS) may require standards and specifications as per MoEF&amp;CC Draft Notification dated 25.02.2022. SPCBs need to ensure utilisation of treated sewage. Mode of disposal should not be the drains. Effluents may go to sewers leading to STPs.</i>
29 (iii)	<i>Thirty identified drains or any other such drain carrying sewage be diverted to existing STPs and not to Noida drain. Such drains are to be used for flood management.</i>
29 (iv)	<i>All existing STPs and upcoming STPs need to meet standards as directed by this Tribunal vide order dated 30.04.2019 in OA No. 1069/2018, Nitin Shankar Deshpande vs. Union of India &amp; Ors. subject to further directions of Hon'ble Supreme Court in pending proceedings.</i>
29 (v)	<i>MoU for utilisation for sewage between Power Plant and Noida be executed without delay.</i>
29 (vi)	<i>ACS, UD of UP need to immediately review and ensure treatment of sewage generated by Khoda - Makanpur.</i>

*Para 29 (ix)*

*CPCB may independently monitor the directions from (ii) to (viii) and give its report to Chairman, CPCB who may issue further directions for compliance.*

Whereas, CPCB convene first review meeting with concerned stakeholders (Noida Authority, Khora, Khoda Nagar Palika, DJB) and SPCBs of Uttar Pradesh and NCT of Delhi on 14.11.2022 to review the status of compliance of directions given by Hon'ble NGT; and

Whereas, Noida authority vide letter dated 25.11.2022 submitted action plan in compliance to directions issued by Hon'ble NGT. Khoda Nagar Palika vide letter dated 02.12.2022 informed that due to non-availability of land for setting up sewage treatment plant in Khora, Khoda Nagar Palika requested NOIDA Authority vide letters dated 31.12.2021, 1.1.2022 and 16.4.2022, but the action is still awaited. Further, E-tender has been approved in favour of M/s Green Technology for the purpose of bio/phytoremediation for the purification of water flowing in the drains of Khora area

[Continued..]

NTPC vide letter dated 1.12.2022 submitted that the activities related to implementation of MoU and compliance of Hon'ble NGT order may kindly be kept in abeyance; and

Whereas, CPCB made a field visit on 29-30/11/2022 along with officers of UP SPCB, DPCC, DJB, NOIDA authority for verification of action plan submitted by different agencies and made following observations:

1. During inspection, it was found that discharges from Khoda- Makanpur Nagar Palika flows through Delhi and wastewater merges with Kondli drain. Analytical results of sample collected from drain indicate that drain carries untreated sewage as BOD-165 mg/l, COD- 579 mg/l and TSS- 379 mg/l.
2. At present, interception work of 30 major and minor storm water drains is not initiated and wastewater is discharged directly into Noida drain. Even, information on hydraulic and organic load of drains is not available. Samples of drains at entrance of Noida-Delhi border and at before confluence to river Yamuna were collected. The analytical results are depicted below:

Analytical results of Drains - Physio-chemical

S. No.	Sampling Location	pH	COD (mg/L)	BOD (mg/L)	TSS (mg/L)	PO <sub>4</sub> -P (mg/L)	NH <sub>3</sub> -N (mg/L)
<b>General Standards for Discharge of Environmental Pollutants</b>		5.5-9.0	250	30	100	-	50
1.	Drain at Entrance of Noida	7.1	582	152	279	3.54	41
2.	At confluence of Bangel Drain	7.4	210	48	102	6.50	18
3.	Noida drain Before meeting River Yamuna	7.4	180	40	603	2.43	18

3. It was found that 01 In-situ constructed wetland installed in Noida Drain near Sector-50 and 02 in-situ constructed wetland are in process. The wetland comprises of 03 ponds and Constructed wetland having 5-10 furrows of 1 to 4 m width separated by ridges of 1 m high, 0.5m wide and composed of river bed pebbles of 80-50 mm size.
4. Samples of Noida drain are collected at different locations to assess the performance of In-situ constructed wetland and ascertain the water quality of Noida drain and same is depicted in table below

[Continued..]

Analytical results of Constructed wetland - Physio-chemical

S. No.	Sampling Location	pH	COD (mg/L)	BOD (mg/L)	TSS (mg/L)	PO <sub>4</sub> -P (mg/L)	NH <sub>3</sub> -N (mg/L)
1.	Pond 1	7.3	256	87	92	3.61	26
2.	Pond 2	7.3	274	104	122	4.52	29
3.	Pond 3	7.2	257	84	87	7.53	26

The results indicate that concentration at Inlet and outlet of Constructed wetland with respect to BOD, COD and TSS is same and no substantial improvement observed.

Whereas, it is evident that no progress has been made in compliance of directions of NGT and abatement of water pollution of Noida drain by Noida authority and Khoda- Makanpur Nagar Palika.

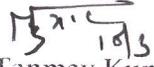
NOW, THEREFORE, in exercise of the powers conferred under section 18 (1) (b) of the Water (Prevention & Control of Pollution) Act 1974, Chairman, Uttar Pradesh Pollution Control Board (UPPCB) is hereby directed as follows:

1. To perform review and ensure immediate compliance of directions Para 29 (ii) of Hon'ble NGT order dated 03.08.2022 regarding grant of CTO to the Group Housing Societies (GHS), utilisation of treated sewage & modification of disposal system and submit Action Plan/ Action Taken Report with respect to maximum utilization and treated sewage by GHS.
2. UPPCB shall issue appropriate direction to Noida Authority to ensure compliance of following:
  - a. Para 29 (iii) of Hon'ble NGT order dated 03.08.2022 regarding tapping of 30 identified drains or any other such drain carrying sewage so as to divert to existing STPs and not to Noida drain & to submit drain-wise action plan of all 30 drains & other drains in NOIDA for diversion to existing STP and for ultimate disposal of treated effluent not to NOIDA drains.

[Continued..]

- b. To submit time-bound action plan to ensure compliance of Para 29 (iv) regarding compliance of all existing STPs and upcoming STPs as per standards as directed by this Tribunal vide order dated 30.04.2019 in OA No. 1069/2018, Nitin Shankar Deshpande vs. Union of India & Ors. subject to further directions of Hon'ble Supreme Court in pending proceedings.
  - c. To provide STP wise status/ action plan for management of sludge generated and reuse of treated effluent.
3. UPPCB shall issue following directions to the Principle Secretary, Urban Development Department, Govt. of U.P.
    - a. To intervene on the matter of disposal of wastewater generated from Khoda- Makanpur Nagar Palika and resolve the issue of availability of land.
    - b. To review and ensure immediate compliance of Para 29 (vi) of Hon'ble NGT's direction dated 03.08.2022
  4. To ensure compliance of CPCB directions dated 31.01.2021 regarding installation and connectivity of OCEMS.
  5. To ensure operation of STPs with valid consent order & review the consent orders issued to STP w.r.t condition for disposal of treated sewage for needed compliance of Hon'ble NGT order dated 03.08.2022.
  6. To ensure that all drains, water bodies to be geotagged and given UID.

The action taken report shall be submitted by Uttar Pradesh Pollution Control Board (UPPCB) to CPCB within 30 days from the date of receipt of these directions alongwith a time bound action plan for compliance of the directions. UPPCB shall also acknowledge the receipt of these directions to CPCB by return fax.

  
(Tanmay Kumar)  
Chairman



Item No. 02

Court No. 1

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

(By Video Conferencing)

Original Application No. 1002/2018  
(I.A. No. 125/2022)  
(with reports dated 11.04.2022,  
06.05.2022, 29.07.2022 and 01.08.2022)

Abhisht Kusum Gupta

Applicant

Versus

State of Uttar Pradesh &amp; Ors.

Respondent(s)

Date of hearing: 03.08.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Sunil J. Mathews, Advocate with Mr. Abhisht Kusum Gupta,  
Applicant in Person

Respondents(s): Mr. Ravindra Kumar, Senior Advocate with Mr. Rachit Mittal, Adv.  
for NOIDA Authority  
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advocates for UPPCB  
Ms. Sakshi Popli, Advocate for DJB  
Mr. Aman Bhalla, Advocate for CPCB  
Mr. Narender Pal Singh, Advocate for DPCC  
Mr. Balendu Shekhar, Advocate for EDMC

**ORDER**

**The Issue – remedial action against pollution of irrigation canal in Noida, meeting Yamuna and then Ganga and failure of authorities in Delhi, District Ghaziabad and Noida in remedying the situation**

1. The issue for consideration is the remedial action for preventing untreated sewage going to the “irrigation canal” in Sector 137, NOIDA. Sources of such discharge include non-functional/deficient STPs in 95 high rise buildings in Noida, industries and waste water from upstream from Delhi and Ghaziabad. The said canal joins Yamuna and then Ganga.

NOIDA, Ghaziabad Nagar Nigam, Delhi Jal Board (DJB), East Delhi Municipal Corporation (EDMC) and Nagar Palika Parishad, Khoda Makanpur are the identified authorities required to take the remedial action, based on the verification report to which reference will be made hereafter.

2. It is established that there is huge amount of water pollution as shown by analysis of water samples from the drain, beyond prescribed norms, to the detriment of environment and public health. The said water, being canal water, is used by living beings and for irrigation. Pollution is source of deaths and diseases which is also criminal offences under the law of the land. There are designated authorities, entrusted with the task of stopping it but they have failed to prevent such pollution, despite several directions of this Tribunal in the last about four years in the light of the reports of the Committees appointed by the Tribunal, after ascertaining the factual status on the ground.

3. We may refer to some of the earlier reports and orders for background. First report to be mentioned is report dated 1.11.2019 specifying role to be played by each of the concerned authority. Thereafter, we may refer to orders dated 6.11.2020, 30.7.2021 and last order dated 23.12.2021.

**Report dated 1.11.2019 by CPCB about specific role of authorities and level of pollution of the canal**

4. In the report of CPCB dated 01.11.2019, steps to be taken by NOIDA, Ghaziabad Nagar Nigam, Delhi Jal Board (DJB), East Delhi Municipal Corporation (EDMC) and Nagar Palika Parishad, Khoda Makanpur were recommended as follows:-

<b>Sl. No</b>	<b>Department</b>	<b>Directions issued u/s 5 of EPA, 1986</b>
1.	NOIDA	<p><i>i. To develop time bound action plan to <b>stop discharge of untreated wastewater to 30 drains.</b></i></p> <p><i>ii. To intercept all drains and <b>channelize wastewater to STPs so that no untreated wastewater is discharged to Noida drain.</b></i></p> <p><i>iii. To <b>deposit an Interim Environmental Compensation of Rs. 1,00,00,000</b></i></p>
2.	Ghaziabad Nagar Nigam	<p><i>i. To establish <b>sewerage network and treatment facility to treat sewage generated from Khoda village.</b></i></p> <p><i>ii. To Deposit an Interim Environmental Compensation of 1,00,00,000</i></p>
3.	DJB	<p><i>i. To initiate legal proceedings against the residents of GD colony, Gharauli village and Kondli village, Delhi having failed to take sewer connections.</i></p> <p><i>ii. To <b>ensure that each building under their jurisdiction shall have sewer connection so that current practice of discharge of untreated sewage into storm water drainage system should be stopped.</b></i></p>
4.	EDMC	<p><i>i. To direct dairy farms to develop decentralized treatment facility so that their untreated waste shall not be discharged to DDA drainage system</i></p> <p><i>ii. To ensure that untreated dairy waste including animal dungs from Gharuli village should not be discharged into storm water drain. Challan / Legal action shall be initiated against such violators.</i></p>
5.	Nagar Palika Parishad Khoda Makanpur	Show cause notice issued to <b>explain the reasons as to why action should not be taken against Nagar Palika Parishad Khoda including levying of Environmental Compensation for discharge of untreated sewage to drainage system of Delhi.</b> Copy of directions is attached as

5. The level of water pollution in the drains was found to be as follows:-

**Table 1: Analytical Results of Drain**

<b>Si. No.</b>	<b>Sample Location</b>	<b>Physico-Chemical Parameters</b>				<b>Bacteriological Parameters</b>	
		<b>pH</b>	<b>COD</b>	<b>BOD</b>	<b>TSS</b>	<b>Total Coliform (MPN/100m<sup>1</sup>)</b>	<b>Fecal Coliform (MPN/100m.1)</b>
<b>Water Quality of Noida Drain at different locations</b>							
1	Budh Vihar, Sector-11, Noida	7.56	444	219	330	13 X10 <sup>6</sup>	79 X10 <sup>5</sup>
2	S-14, New Kondli Road, Sector-11, Noida.	7.55	433	217	352	23 X10 <sup>6</sup>	23 X10 <sup>6</sup>

3	Sector-50, Noida Link Road.	7.72	169	68	84	11 X10 <sup>6</sup>	68 X10 <sup>5</sup>
4	Sector-137, India TV Metro Station, Noida.	7.78	186	71	65	13 X10 <sup>6</sup>	13 X10 <sup>6</sup>
5	Noida drain at regulator	7.84	145	60	89	-	-
6	Noida drain at before Confluence with river Yamuna	7.82	163	46	83	78 X10 <sup>5</sup>	78 X10 <sup>5</sup>
<b>Water Quality of adjoining drains of Noida Drain</b>							
7	Khoda village	7.54	314	107	194	78	20 X10 <sup>5</sup>
8	Drain merges with Noida drain at Sector-142, Advant Navis Buisness IT Park, Noida.	7.70	182	100	63	46 X10 <sup>6</sup>	46 X10 <sup>6</sup>
<i>Note: All units are measured in mg/l except Fecal Coliform and pH.</i>							

*BOD concentration at entrance of NOIDA, U.P is 219 mg/l whereas Fecal coliform count is 20 X 10<sup>5</sup>. However, concentration of BOD before confluence point is 46 mg/l and Fecal coliform count is 78 X 10<sup>5</sup> MPN/100 ml. The results indicate that although there is marginal improvement in water quality as the drain travels through NOIDA but still concentration level of BOD and Fecal Coliform at the confluence point of drain with Yamuna is quite high.”*

#### **Orders dated 6.11.2020 and 30.7.2021**

6. Considering the above factual scenario and recommendations of CPCB for remedial action, the Tribunal issued directions with reference to which the matter was further reviewed on 06.11.2020 and 30.07.2021. In view of acknowledged continuing pollution without adequate remedial action, the Tribunal, vide order dated 30.7.2021, while directing further action, also sought personal presence of concerned senior officers - Additional Chief Secretary, Forest and Environment, UP, Secretary, Urban Development, UP, CEO, NOIDA Authority, District Magistrate, NOIDA, Vice Chairman, GDA, Police Commissioner, NOIDA, IG, Meerut and Chief Secretary, Delhi and Special Commissioner of Police, East Delhi by video

conference, along with their action taken reports in terms of directions of the Tribunal.

**Last order dated 23.12.2021**

7. The matter was last considered on 23.12.2021 in the presence of the above senior officers. Consideration included Action Plan filed by the NOIDA Authority, Compliance report filed by UP State PCB, Status report filed by the Delhi Government and two reports filed by CPCB on compliance status on the issue sewage management and prescribing standards for water quality of drains.

8. The action plan of NOIDA Authority mentioned remedial action in the form of steps proposed in the report. The State PCB pointed out the failure of the 95 group housing societies in complying with EC/consent conditions for treatment of sewage generated in the said group housing societies. The report of the Delhi Government stated that meeting was held by the Chief Secretary with the concerned Departments on the issue of disposal of sewer wastes in Noida drains from Kondli, Gharoli and Khoda (Ghaziabad) causing pollution in Yamuna and (ii) Sewage discharge from GD Colony, Gharauli village and Kondli village in Delhi to the drainage system of PWD, contributing to pollution to NOIDA drain and steps taken. CPCB failed to lay down standards for disposal of treated effluents, to be permitted in storm water drains or irrigation canals to maintain the water quality of drains to match standards laid down or proposed under the Environment (Protection) Act, 1986/the Water (Prevention and Control of Pollution) Act, 1974. 2<sup>nd</sup> Report of the CPCB mentioned the non-compliance status for waste water treatment in Khoda area.

9. The Tribunal noted the unsatisfactory state-of-affairs. It was observed that in view of admitted status of non-compliance of EC/Consent

conditions by the group housing societies who were discharging their sewage directly into NOIDA sewer line, without the said sewer line having requisite capacity. The report showed that the sewer lines were lying choked or overflowing. No action was taken against non-compliant housing projects for breach of statutory obligation as per EC/consent conditions. The projects were allowed to be illegally occupied without compliance of basic norms to facilitate builders to sell flats, to the detriment of environment and public health. The Tribunal observed that 'Polluter Pays' principle was required to be enforced and compensation with deterrent element was required to be recovered and credited in separate account for restoration and improvement of environment. The Tribunal also directed maintenance of sewer line of NOIDA. The Tribunal noted that even before functional and compliant STPs, buildings were allowed to be occupied. The Tribunal also noted that there was no effective monitoring mechanism and not even a dedicated monitoring cell manned by qualified persons attached to the CEO, NOIDA to prevent such occurrences in terms of public trust doctrine. The water quality of Kondli Irrigation drain was found to be highly polluted for which no adequate remedial action was insight. The Tribunal also directed the Urban Development Department, UP to take remedial action in respect of failure of the Khoda Makanpur Municipality. CPCB was directed to verify the claim of the Delhi Government that no untreated sewage was being discharged into the NOIDA drain in Delhi. The Tribunal also noted that discharge of effluents in the irrigation canal was taking place inspite of refusal of permission for such discharge by Irrigation Department, UP. Finally, the Tribunal directed as follows:

“xxx.....xxxx.....xxx

20. *We sum up our directions as follows:*

**NOIDA**

- i. Discrepancies pointed out in para 13 regarding functional status of STPs, their compliance and connectivity to sewers to be addressed and clarified considering desludging and maintenance of sewer lines.*
- ii. Action against violators and colluders under Section 3 of PMLA Act, 2002, IPC as well as under Section 133 of Cr. PC to be looked into.*
- iii. Granting partial or completion certificates must be compliant with EC/Consent conditions.*
- iv. Completion of ongoing sewerage network to be ensured and steps taken in respect of 30 drains and their termination to respective existing or new STPs.*
- v. Mode of disposal of 6 existing STPs to be compliant with standards, including fecal coliform and utilization of treated effluents to be ensured.*

**UP State PCB/Irrigation Department/Urban Development, UP**

- vi. Maintaining water quality of irrigation canal (Kondli drain) as per Water Act. STPs to be consented accordingly and regular monitoring of performance of terminal STPs as well as of group housing societies required.*
- vii. Khoda Nagar Palika to set up required STP and State of UP to frame and execute policy as directed in Para 17 above.*

**GNCTD (EDMC/DJB/DPCC)**

- viii. Ensuring no waste water enters from Kondli drain to Noida.*
- ix. Kondli STP should comply with standards and adequately cater to the need of designed capacity with proper utilization and disposal of effluents.*

**CPCB**

- x. To evolve standards and formulate policy for maintaining and restoring water quality of storm water drains/irrigation canals and other “streams” as per the Water Act, 1974.”*

**Today’s consideration and further directions**

10. The matter has been taken up after more than seven months for further consideration in the light of earlier directions. Reports have been filed by the UP State PCB, NOIDA Authority, DPCC and CPCB giving the factual compliance status.

**Compliance status of Kondli STP in Delhi as found by DPCC/CPCB**

11. The report of DPCC deals with the compliance of discharge in Kondli drain and compliance status of Kondli STP. The report mentions the **status**

**of Kondli STP as non-compliant for which the DPCC wrote a letter to DJB for taking remedial measures.** DPCC also issued show cause notice to the operator of the STP against which the said service provider has filed WP (C) No. 4391/2021 in Delhi High Court. **Report of CPCB on this very issue dated 29.07.2022 also confirms that Kondli STP is non-compliant.** On the issue of diversion of waste water from Kondli drain to the sewerage system, it is found that even after such diversion the **waste also is flowing in the drain and diversion is not successful. This is resulting in adding pollution load to the drain.** The STP is non-compliant. DJB has been directed as follows:

### ***“3.0 Major Observations and Recommendations***

***Based on the inspection, following observations and recommendations are made:***

*DJB has created the infrastructure diversion for diversion of wastewaters generated from Kondli and Gharoli regions and same is found as operational. However, with regard to its performance, it is observed that **partial flow is still flowing through Kondli-Noida drain towards NOIDA. DJB should identify the leakages and make the system full proof so that no wastewater flows towards NOIDA.***

- 1. Tapped wastewater is diverted to existing sewerage system and same is conveyed to Kondli STP. The analytical results show that STP is non-complying with respect to prescribed norms. The quality of treated sewage at the outlet is at par with the untreated wastewater at inlet. The treated sewage is discharged to Shahdara drain which finally meets river Yamuna at downstream of Okhla Barrage.*
- 2. It may be concluded that the purpose of the exercise of tapping the drains & its treatment, is defeated in meeting the objective. Entire wastewater flowing through the Kondli drain should be treated at Kondli STP and quality of treated sewage must meet the prescribed standards. Only after requisite treatment, the treated sewage should be allowed to be discharged into Shahdara drain.*
- 3. However, in the present case, the wastewater of Kondli drain is diverted to Kondli STP and the STP is neither having adequate capacity nor it is complying with the standards. As a result, untreated/partially treated sewage*

**is being discharged into Shahdara drain. This untreated/partially treated wastewater of Kondli drain is finally being discharged into river Yamuna via Shahdara drain.”**

**Compliance status of water quality standards in Noida, as per UP State PCB**

12. The report of the UP State PCB dated 11.04.2022 is about water quality of the drain. The report of the State PCB gives the water quality of samples taken on 07.01.2022, 28.01.2022, 14.02.2022, 04.03.2022 and 28.03.2022. The **water quality does not meet the prescribed standards.** It will suffice to reproduce the analysis of the sample taken on 28.03.2022 which is as follows:

*“Date of Sample Collection-28.03.2022*

<b>Parameters</b>	<b>Sampling Point</b>	
	<b>Up Steam</b> <b>Lat-28.601913</b> <b>Long-77.336993</b> <b>Kondli drain near</b> <b>Haridrshan Police</b> <b>Chowki, Sector-11, Noida</b>	<b>Down Stream</b> <b>Lat-28.473076</b> <b>Long-77.405751</b> <b>Kondli Drain near</b> <b>Vill- Chak</b> <b>Mangurola, Sector-</b> <b>168, Noida</b>
<b>Colour</b>	<b>Blackish</b>	<b>Blackish</b>
<b>Odour</b>	<b>Unpleasant</b>	<b>Unpleasant</b>
<b>pH</b>	<b>7.51</b>	<b>7.59</b>
<b>COD (mg/l)</b>	<b>416</b>	<b>304</b>
<b>BOD (mg/l)</b>	<b>144</b>	<b>90</b>
<b>TSS (mg/l)</b>	<b>264</b>	<b>138</b>
<b>Total Coliform (MPN/100m.l)</b>	<b>33x10<sup>5</sup></b>	<b>27x10<sup>5</sup></b>
<b>Fecal Coliform (MPN/100m.l)</b>	<b>27x10<sup>5</sup></b>	<b>17x10<sup>5</sup></b>

**Compliance status by group housing societies**

13. With regard to group housing societies, only 76 out of 95 have STPs. Others have yet to set up. 38 out of 76 (50%) are non compliant as follows:

“

<b>No. of GHP</b>	<b>STP Installed</b>	<b>STP Not Installed</b>	<b>STP Under Installation</b>	<b>Complying STP</b>	<b>Not Complying STP</b>	<b>Report Awaited</b>

<b>95</b> <b>(94+1</b> <b>Under</b> <b>construction)</b>	<b>76</b>	<b>13</b>	<b>5</b>	<b>36</b>	<b>38</b>	<b>0</b>	”
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14. Show cause notice for levy of compensation has been issued by the State PCB against the said societies. Prosecution has been initiated against 62 defaulters while action against the remaining non-compliant group housing societies is yet to be taken.

### **Compliance by STPs**

15. The six operational STPs with total capacity of 231 MLD are said to be compliant though the result of the samples rebuts that claim if correct standard is applied. Fecal coliform standard is taken as 1000 MPN, as against 100 MPN. With regard to fecal coliform, the Tribunal has dealt with the matter vide order dated 30.04.2019, in *OA No. 1069/2018, Nitin Shankar Deshpande v. UOI & Ors.* against which appeal has been filed before the Hon'ble Supreme Court and no stay has been granted. Similarly, BOD standard is wrongly taken at 30 against prescribed standard of 10. The water quality of the STPs is mentioned as follows:-

### **“WATER QUALITY OF STP’s IN NOIDA**

<b>Parameters</b>	<b>STP Detail</b>					
	<b>Sector-50 Noida (25 MLD SBR Outlet), Noida</b>	<b>Sector-50 Noida (34 MLD SBR Outlet), Noida</b>	<b>Sector-54 Noida (33 MLD SBR Outlet), Noida</b>	<b>Sector-54 Noida (54 MLD SBR Outlet), Noida</b>	<b>Sector-123 Noida (35 MLD SBR Outlet), Noida</b>	<b>Sector-168 Noida (50 MLD SBR Outlet), Noida</b>
<i>Colour</i>	<i>Colourless</i>	<i>Colourless</i>	<i>Colourless</i>	<i>Colourless</i>	<i>Colourless</i>	<i>Colourless</i>
<i>Odour</i>	<i>Odourless</i>	<i>Odourless</i>	<i>Odourless</i>	<i>Odourless</i>	<i>Odourless</i>	<i>Odourless</i>
<i>pH (6.5-9.0)</i>	7.39	7.32	7.47	7.53	7.59	7.61
<i>BOD (30 mg/l)</i>	21	18	15	13.5	27	24
<i>COD (250 mg/l)</i>	136	128	112	104	168	160
<i>TSS (100 mg/l)</i>	60	58	55	51	74	70
<i>Phosphorus (as PO4) (5 mg/l)</i>	1.30	0.54	1.10	0.50	0.12	0.68

<i>Nitrogen (as NO<sub>3</sub>) mg/ l</i>	0.44	0.50	0.32	0.42	0.28	1.0
<i>Total Coliform (MPN/ 100 mL)</i>	11x10 <sup>2</sup>	14x10 <sup>2</sup>	13x10 <sup>2</sup>	15x10 <sup>2</sup>	16x10 <sup>2</sup>	20x10 <sup>2</sup>
<i>Fecal Coliform (&lt;1000 MPN/ 100mL)</i>	830	680	780	930	540	780

### **Compliance by Khoda Makanpur**

16. The **Khoda Makanpur is said to be still non-compliant with no plan to treat domestic effluents for which compensation of Rs. 70 lakhs has been imposed.**

### **Report of the Noida Authority**

17. The report of the NOIDA Authority dated 06.05.2022 later updated on 01.08.2022 confirms that there are only 76 STPs in 95 group housing societies out of which 38 are non-compliant. With regard to remaining 19 (out of 95 group housing societies), it is stated that steps are in progress. One society is under construction. Thus, non compliant complexes are 56. It is stated that environment cell could not be created as the process of hiring professionals has not been completed. Further report of NOIDA Authority does not have any noticeable change, except that work of wetland is said to have been awarded in respect of NOIDA drains but the water quality of the said drains is not meeting the standards.

### **Our finding and further directions**

18. From the above, it is seen that the water quality in the canal and drains remain polluted which has in the past damaged the environment which damage is continuing against statutory law as well binding directions of the Hon'ble Supreme Court inter alia in Paryavaran Suraksha, (2017) 5 SCC 326 and orders of this Tribunal. The reasons for such pollution are discharge of pollution from the group housing societies as

well as non-compliant STPs of NOIDA, apart from pollution from Khoda Nagar Palika and Delhi.

19. We have conveyed our disappointment for such unsatisfactory state of affairs and lack of concern of the authorities in enforcing the rule of law in breach of the Constitutional mandate of providing clean environment. Failures include not maintaining water quality of irrigation canal as per standards of the Water Act, illegal discharge of untreated/partially treated sewage in the irrigation canal from the NOIDA STPs as well as from group housing societies, DJB and Khoda Nagar Palika, who are liable to be held accountable.

#### **Disapproval of CPCB stand**

20. CPCB has failed to evolve standards and formulate policy for maintaining and restoring water quality of storm water drains as per Water Act. Only report is that a Committee has been constituted and as the matter involves policy decision, report has been submitted to competent authority. The minutes of the meeting annexed to the report show that there are proposed standards to allow ammonia level from 1 to 10 and BOD 30 mg/l contrary to the standards of the storm water drain which is expected to carry only rain water, higher than bathing standards i.e. quality 'B'<sup>1</sup>. Proposal of CPCB appears to be to degrade the storm water quality below even the level of irrigation. Ammonia level permissible for drinking water is 0.5 PPM<sup>2</sup> but the standard proposed for water quality of canal is 1 to 10 where no fish can survive. Such course of action is

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<sup>1</sup> As per bathing standards under Entry 93 of Schedule-I to the EP Rules, 1986.

<sup>2</sup> As per BIS standards: <http://cgwb.gov.in/Documents/WQ-standards.pdf>.

As per General Standards for discharge of pollutants in inland surface water under Schedule VI to the EP Rules, 1986, under Entry-11, ammonia level is upto 5 mg/l which is not applicable to water quality of streams as the said standards are applicable to discharge of pollutants from industries as shown by Rule 3(1) (3-A) which cannot be discharged in drains. General standard under Schedule-VI which permits BOD upto 30 mg/l is also applicable only to industrial effluents which cannot be discharged into drains.

prohibited under section 24 read with section 2(e) of the Water Act, prohibiting discharge of any pollutant in any stream or well, which appears to be have been ignored by the CPCB. Thus CPCB proposed report on standards of storm water drain has to be rejected.

**Failure of State PCB and Noida in its duty to manage sewage and making erring group housing societies accountable to the detriment of public health and safety**

21. It is clear that out of 95 group housing societies, in 56 group housing societies either there is no treatment of sewage or only partial treatment. Contrary to the consent/EC conditions, untreated sewage is going outside the group housing societies either in the general sewer or directly in the drain. The State PCB has still not finalized the compensation nor cancelled Consents nor taken any other effective measure to prevent such discharge. NOIDA Authority has allowed third party rights to be created and allowed a situation in which water pollution load can be controlled by preventing occupation. If without functional STPs, the group housing societies were not allowed be occupied, the situation could have been better handled. There is no effective monitoring by Noida to perform its essential duties. It is surprising that it could not create an environment cell and hire any professional in seven months. It is difficult to believe that this job was so difficult. For this lapse, it is necessary to fix accountability of NOIDA Authority. Even seven months after this lapse was pointed out vide order dated 23.12.2021, no effective action has been taken either to stop pollution or to make the group housing societies effectively accountable. No coercive steps have been like blacklisting, cancelling occupancy certificate/completion certificate. Further, six STPs of NOIDA which have been wrongly classified as compliant. They have to be taken as non-compliant with regard to fecal coliform and BOD levels. 30 drains which are carrying untreated water pollution also remain to be remedied. NOIDA

has thus to take remedial action, apart from accountability for the past violations.

22. We find that inspite of there being Memo of Understanding (MoU) dated 14.06.2018 between NTPC and NOIDA Authority for supply of 90 MGD secondary treated sewage water for NCTPP-Dadri for non-potable purposes on payment basis, there is nothing to show that NOIDA Authority is supplying such water and recovering the cost which needs to be ensured. We also note that there is a policy of Ministry of Power circulated, vide circular dated 04.03.2020 requiring mandatory use of treated sewage water by Thermal Power Plants within 50 km radius of STPs of local body. This decision of the Ministry of Power is part of Tariff Policy, 2016. Impact of this lapse is loss to Noida is augmenting resources for treating pollution, waste of resources in not using treated water, so as to save potable water.

#### **Failure of Urban Development Department UP**

23. Further, there is failure of the Urban Development Department to remedy the violation by the Khoda Municipality in permitting untreated discharge of sewage into the drain which is not less than 10 MLD of sewage. No response has been filed by the said department inspite of direction in the last order.

#### **Failure of DJB in preventing pollution**

24. The CPCB has found the DJB STPs to be non-compliant contrary to their claim put forward earlier for which it has to be held accountable. Its wastewater is said to be of 90 MGD which is not being fully treated.

## **Resultant pollution of Yamuna and Ganga**

25. Needless to say that the entire pollution is going to Yamuna and thereafter to Ganga through Shahdara and Kondli drains.

## **Estimated extent of pollution and remediation cost**

26. The sewer generated from said 56 non-compliant group housing societies is estimated to about 100 MLD. Estimated amount of pollution required to be treated by DJB is said to be about 90 MGD, as mentioned earlier. Thus, estimated cost of remediation may be about 380 crores. The capital cost of each MLD treatment is about Rs. 2 Crores, apart from running cost<sup>3</sup>. The damage to environment and public health is much more than the cost of remediation.

## **Violations of earlier orders of Hon'ble Supreme Court and this Tribunal requiring time bound action on preventing water pollution**

27. It will suffice to mention that violations are serious and in breach of statutory provisions as well as binding directions of Hon'ble Supreme Court and this Tribunal which have been adverted to at length in a recent order dated 06.07.2022 in OA No. 329/2021, *Devanshu Bose v. Agra Development Authority & Ors.*, dealing with the grievance of discharge of untreated sewage. The Tribunal observed:-

*“11. Water (Prevention and Control of Pollution) Act, 1974 was enacted 48 years back but state of implementation is so poor that water pollution is rampant inspite of earlier orders of Hon'ble Supreme Court and this Tribunal on the subject. Extracts from some earlier orders are as follows:*

### ***Extracts from order of this Tribunal Order dated 16.09.2021 in OA 544/2019:***

*“1 to 8.....xxx.....xxx.....xxx*

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<sup>3</sup> <https://www.cseindia.org/cost-estimation-for-planning-and-designing-of-decentralised-wastewater-treatment-system-2073#:~:text=2.5-3>

**9. Contamination of water sources is a punishable 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 in 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 Suraksha case<sup>4</sup> 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 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)**

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<sup>4</sup> (2017) 5 SCC 326

**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.<sup>5</sup>**

**“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 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.<sup>6</sup>**

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).<sup>7</sup> 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 water<sup>8</sup>. 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 GDP<sup>9</sup>. 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 695BCM. The total availability of water possible in country is still lower than this projected demand, at 1,137BCM. Thus, there is an imminent need to

<sup>5</sup> State of Orissa v. Govt. of India, (2009) 5 SCC 492

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

<sup>7</sup> 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](https://niti.gov.in/writereaddata/files/document_publication/2018-05-18-Water-Index-Report_vS8-compressed.pdf).

<sup>8</sup>Source: WRI Aqueduct; WHO Global Health Observatory

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

*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 people<sup>10</sup> are facing acute water shortages. Critical groundwater resources – which account for 40% of our water supply – are being depleted at unsustainable rates.<sup>11</sup>*
- (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 people<sup>12</sup>.*
- (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.<sup>13</sup>*

*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.<sup>14</sup>*

### **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 2016<sup>15</sup>, 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

<sup>10</sup> Source: World Resource Institute

<sup>11</sup> Source: World Resource Institute

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

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

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

<sup>15</sup> [http://www.sulabhervis.nic.in/Database/STST\\_wastewater\\_2090.aspx](http://www.sulabhervis.nic.in/Database/STST_wastewater_2090.aspx) July 16, updated on December 6, 2016

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 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.<sup>16</sup>

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.”<sup>17</sup>

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:-

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

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

“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 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.”**

12. It is thus appropriate that remedial measures are speedily taken by the Agra Development Authority overseen by the ACS, Urban Development and ACS, Housing and Development, UP in a mission mode. Such steps should cover the present area as well as urban area of Agra. ACS, Urban Development will be the nodal agency for coordination and compliance. The Committee may hold its meeting within two weeks and after taking stock of the situation and earlier orders of this Tribunal, take further remedial action. The Committee will be at liberty to coordinate with any other Department/Agency. In view of chronic and long pending problem, the Committee may explore steps on the pattern of available best practices to the extent found relevant such as arrangement with relevant establishments to supply sewage treated water for which pipelines are laid by such establishments and part of the sewage treatment cost is also shared by such establishments.<sup>18</sup> This may help better use of treated sewage to save potable water. We may refer to observations in a recent order dated 19.04.2022 in OA No. 887/2019, *Sukhwanti v. State of Haryana & Ors.* on the subject:-

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- <sup>18</sup> 1. Chennai industries to now use treated sewage water - The New Indian Express: <https://www.newindianexpress.com/cities/chennai/2019/jul/31/chennai-industries-to-now-use-treated-sewage-water-2011837.html>
2. Surat sewage reuse model goes global - Surat News - Times of India: <https://timesofindia.indiatimes.com/city/surat/surat-water-reuse-model-goes-global/articleshow/85668103.cms>
3. Surat generating massive revenue by selling treated water to industries: <https://www.aninews.in/news/national/general-news/surat-generating-massive-revenue-by-selling-treated-water-to-industries20201217051127/>
4. Surat Generating Massive Revenue By Selling Treated Water of River Tapi To Industries – News: <https://swachhindia.ndtv.com/surat-generating-massive-revenue-by-selling-treated-water-of-river-tapi-to-industries-54411/>
5. Industries in Ahmedabad to get treated wastewater - Ahmedabad News - Times of India: [https://m.timesofindia.com/city/ahmedabad/amc-offers-rs43/kl-treated-wastewater-for-industries/amp\\_articleshow/87169850.cms](https://m.timesofindia.com/city/ahmedabad/amc-offers-rs43/kl-treated-wastewater-for-industries/amp_articleshow/87169850.cms)
6. Gujarat: Now treated wastewater to be piped to two industrial clusters - Cities News, The Indian Express: <https://indianexpress.com/article/cities/ahmedabad/gujarat-now-treated-wastewater-to-be-piped-to-two-industrial-clusters-5713792/>
7. Nagpur to become the first Indian city to treat and reuse 90% of its sewage: <https://theprint.in/india/governance/nagpur-to-become-the-first-indian-city-to-treat-and-reuse-90-of-its-sewage/180493/>
8. India's 1<sup>st</sup> and largest PPP on waste water reuse completed in record time during pandemic; bags FICCI Water Award 2020: [https://www.business-standard.com/content/press-releases-ani/india-s-1st-and-largest-ppp-on-waste-water-reuse-completed-in-record-time-during-pandemic-bags-ficci-water-award-2020-121022500841\\_1.html](https://www.business-standard.com/content/press-releases-ani/india-s-1st-and-largest-ppp-on-waste-water-reuse-completed-in-record-time-during-pandemic-bags-ficci-water-award-2020-121022500841_1.html)
9. MPCB Note on domestic waste water reuse project at Nagpur: [https://mpcb.gov.in/sites/default/files/focus-area-reports-documents/NMC\\_%26\\_KTPS\\_success\\_story\\_28052019.pdf](https://mpcb.gov.in/sites/default/files/focus-area-reports-documents/NMC_%26_KTPS_success_story_28052019.pdf)
10. STP at Village Kewara, Bhilwara (Rajasthan)– CPCB Bhopal: <https://cpcb.nic.in/success-stories/upload/1501156301.pdf>
11. CHAPTER 7: RECYCLING AND REUSE OF SEWAGE: [http://cpheeo.gov.in/upload/uploadfiles/files/engineering\\_chapter7.pdf](http://cpheeo.gov.in/upload/uploadfiles/files/engineering_chapter7.pdf)

*“10.....Further, for maximising use of treated sewage, PCB may identify potential industrial clusters, major industrial sectors and other bulk users to tie-up each STP with the User group. In this regard, provisions of ‘The Haryana Water Resources (Conservation, Regulation and Management) Authority (Amendment) Act, 2022’ may be strictly followed. CPCB may also assist HSPCB in this regard. The Tribunal vide order dated 09.03.2022 in OA No. 29/2020(WZ), Suraj Pradip Ajmera vs. Aurangabad Municipal Corporation directed as follows:*

*“10. During the hearing, suggestion has emerged that an interaction be held at the level of Chief Secretary, Maharashtra with inclusion of Secretary, Urban Development, Maharashtra and Technical Experts as may be decided by them including from IIT, Bombay, Regional Officer, CPCB and Member Secretary, State PCB to consider possibility of laying pipeline upto the industrial area for transporting treated sewage to the industrial areas so that the same can be utilized for industrial purpose. Industries Association may be associated in the project of sewage treatment and can bear a part of the cost out of Corporate Social/ Environmental Responsibility, depending upon the financial capacity of the member industries. This may result in a permanent and long-lasting cheaper solution. If successful, this experiment may be tried appropriately at such other locations in the State as found appropriate and also customized different locations. The Committee may also study such models elsewhere in the country which reportedly have been successful. The Committee may also consider any other viable strategies for sewage treatment and interception and diversion of sewage, use of appropriate effective and economical technology, making group housing societies Zero Liquid Discharge (ZLD) by recycling treating sewage, after treatment in decentralized manner and utilizing the treated sewage for horticulture, flushing, cleaning or other non-drinking purposes. This strategy may help in augmenting availability of potable water particularly in drought affected areas of Aurangabad Region in Maharashtra where potable water had to be transported by trains in the past. The Secretary, Urban Development may act as nodal agency who may call for a meeting within one month.”*

*11.....xxx.....xxx.....xxx*

*12. The Tribunal has considered the issue of utilization of treated sewage to save potable water for drinking purposes inter-alia vide order dated 21.09.2020 in O.A. No. 148/2016 Mahesh Chandra Saxena vs. South Delhi Municipal Corporation & Ors. By the said order, the data of utilization of treated water as given in the CPCB report dated 15.05.2020 and further report dated 16.09.2020 was noted showing huge gap in reuse of treated water, which resulted in potable water being used even for purposes for which treated water could be used. The Tribunal directed all States/UTs to ensure 100% utilization of treated water for secondary purposes, which may be monitored by Central Monitoring Committee headed by Secretary, Ministry of Jal Shakti and assisted by CPCB, NMCG and Ministry of Urban Development.”*

13. In light of above, let further action taken report be filed by ACS, Urban Development within three months from today by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The report may also cover the observations in para 9 above. ACS, Urban Development may remain present on the next date by Video Conferencing along with Vice Chairman, ADA and Commissioner, Municipal Corporation, Agra.”

**Law laid down in judgements of Hon’ble Supreme Court with regard to accountability of statutory authorities**

28. Continuing failure of State authorities and statutory regulators to enforce law has created alarming situation of threat to public health and safety. Such patent failure require fixing accountability on polluter pays principle so that degradation of environment can be to some extent reversed. There are observations on the subject in some of judgements of the Hon’ble Supreme Court as follows:

**“Samaj Parivartan Samudaya v. State of Karnataka, (2012) 7 SCC 407**

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

66. Wherever and whenever the State fails to perform its duties, the Court shall step in to ensure that the rule of law prevails over the abuse of process of law. Such abuse may **result from inaction or even arbitrary action of protecting the true offenders or failure by different authorities in discharging statutory or legal obligations in consonance with the procedural and penal statutes.** This Court expressed its concern about the rampant pilferage and illegal extraction of natural wealth and resources, particularly iron ore, as also the environmental degradation and disaster that may result from unchecked intrusion into the forest areas. This Court, vide its order dated 29-7-2011 invoked the precautionary principle, which is the essence of Article 21 of the Constitution of India as per the dictum of this Court in *M.C. Mehta v. Union of India*, and had consequently issued a ban on illegal mining. The Court also directed **relief and rehabilitation programmes to be carried out in contiguous stages to promote intergenerational equity and the regeneration of the forest reserves.** This is the ethos of the approach consistently taken by this Court, but this aspect primarily deals with the future concerns. **In respect of the past actions, the only option is to examine in depth the huge monetary transactions which were effected at the cost of national wealth, natural resources, and to punish the offenders for their illegal, irregular activities.** The protection of these resources was, and is the constitutional duty of the State and its instrumentalities and thus, the Court should adopt a holistic

*approach and direct comprehensive and specialised investigation into such events of the past.*

**MCD v. Uphaar Tragedy Victims Assn., (2011) 14 SCC 481**

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

96. Courts have held that due to the action or inaction of the State or its officers, **if the fundamental rights of a citizen are infringed then the liability of the State, its officials and instrumentalities, is strict.** The claim raised for compensation in such a case is not a private law claim for damages, under which the damages recoverable are large. The claim made for compensation in public law is for compensating the claimants for deprivation of life and personal liberty which has nothing to do with a claim in a private law claim in tort in an ordinary civil court

**M.C. Mehta v. Kamal Nath, (1997) 1 SCC 388**

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

35.....*But in the absence of any legislation, **the executive acting under the doctrine of public trust cannot abdicate the natural resources and convert them into private ownership, or for commercial use. The aesthetic use and the pristine glory of the natural resources, the environment and the ecosystems of our country cannot be permitted to be eroded for private, commercial or any other use ...***

**Summing up of some of the required immediate remedial steps**

29. Based on the observations in para 20 to 26, we may sum up our directions under section 15 of the NGT Act for remedial action for protection of environment based on credible factual reports of statutory regulators - CPCB, UP PCB, NOIDA and DPCC :

- i) CPCB may issue appropriate directions to all PCBs/PCCs within two months, to give effect to section 24 of the Water Act, to the effect that Canals, water bodies (lentic or lotic) and the Natural Storm water drains are not to be used for discharge of treated or untreated trade or sewage effluents. The storm water drains, canals and water bodies need to be geo tagged and given UID. In any case, no consent be given for discharging effluents not meeting BOD

criteria of Class "B". Drains built exclusively as conveyance system (open sewer) must terminate to STPs.

- ii) CTO granted to the Group Housing Societies (GHS) may require standards and specifications as per MoEF&CC Draft Notification dated 25.02.2022. SPCBs need to ensure utilisation of treated sewage. Mode of disposal should not be the drains. Effluents may go to sewers leading to STPs.
- iii) Thirty identified drains or any other such drain carrying sewage be diverted to existing STPs and not to Noida drain. Such drains are to be used for flood management.
- iv) All existing STPs and upcoming STPs need to meet standards as directed by this Tribunal vide order dated 30.04.2019 in OA No. 1069/2018, *Nitin Shankar Deshpande vs. Union of India & Ors.* subject to further directions of Hon'ble Supreme Court in pending proceedings.
- v) MoU for utilisation for sewage between Power Plant and Noida be executed without delay.
- vi) ACS, UD of UP need to immediately review and ensure treatment of sewage generated by Khoda – Makanpur.
- vii) DJB may ensure compliance of its four STPs so as to meet standards as directed by the Tribunal. Treated effluents of 90 MGD from four Phases be utilised rather than disposed in Shahdara drain.
- viii) No effluents be disposed by NCT Delhi in Kondli/ Noida drain.
- ix) CPCB may independently monitor the directions from (ii) to (viii) and give its report to Chairman, CPCB who may issue further directions for compliance.

### **Further Directions**

30. Apart from above remedial action to be taken by concerned authorities and monitored at highest level by the Chief Secretaries, UP and Delhi directly or through any appropriate mechanism, it is necessary to determine accountability for the past failures causing huge damage to the environment and public health and to meet cost of remediation. Pending consideration of action against other authorities and final accountability of NOIDA Authority and DJB, they are directed to deposit respectively a sum of Rs. 100 Crores Rs. 50 Crores in a separate account with CPCB towards interim compensation to be utilized for restoration measures in terms of a remedial plan to be prepared jointly by a joint Committee of Chairman CPCB, Chairman DPCC and Chairman UPPCB. Chairman CPCB will chair and steer the proceedings. The said Committee will be at liberty to co-opt any other expert/institution for the purpose and also identify executing agency which will act in coordination with the nominees of Chief Secretaries of Delhi and UP. The Chief Secretaries of Delhi and UP will be free to identify the erring officers in the process and take remedial action and recover compensation from such erring officers/violators, including the group housing societies. Further action taken reports be filed within three months by the Chief Secretaries, Delhi and UP after coordinating with authorities in their respective States and by Chairman, CPCB by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration on 12.12.2022.

A copy of this order be forwarded to the Chief Secretaries, Delhi and UP, CEOs Noida and DJB, Chairmen CPCB, DPCC and UPPCB by email for compliance.

I.A. No. 125/2022 for directions filed by the applicant also stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

August 03, 2022  
O.A. No. 1002/2018  
(I.A. No. 125/2022)  
A+AVT