

FACTUAL REPORT

BY

JOINT COMMITTEE

IN

ORIGINAL APPLICATION NO. 14/2021 (CZ)

RESIDENTS OF SURENDRA MANIK

V/S

GIRIJA COLONIZERS & DEVELOPERS & ORS.

FACTUAL REPORT

Ref: Inspection of the joint committee as per the order of Hon'ble NGT dated 21/05/2021 in OA 14/2021 (CZ) of Residents of Surendra Manik v/s Girija Colonizers & Developers & Ors (Annexure-1).

As per the orders received from the Hon'ble National Green Tribunal vide order dated 21/05/2021 in the case of NGT Case No. 14/2021 (CZ) Residents of Surendra Manik V/s Girija Colonizers & Developers & Ors., in point no. 9 the Hon'ble Tribunal has called for a report on the matter in issue in present application, from a Joint Committee consisting of:-

- i. M. P. State Environment Impact Assessment Authority (MP-SEIAA), Paryavaran Parisar, E-5, Arera Colony, Bhopal
- ii. Bhopal Municipal Corporation, Mata Mandir, Harshwardhan Complex, Bhopal, M.P.
- iii. Madhya Pradesh Pollution Control Board

As per order dated 21/05/2021 of the Hon'ble NGT, the above committee shall visit the place and submit the factual and action taken report. In compliance to the orders site visit was conducted on 23/07/2021 by the following Committee members of the concerned departments :-

1. Shri Alok Nayak, Sr. Scientific Officer and Officer In-Charge, MP-SEIAA
2. Shri B. S. Sengar, Executive Engineer, Bhopal Municipal Corporation (BMC)
3. Shri Brajesh Sharma, Regional Officer, MPPCB, Bhopal

Other officials present during the inspection were Shri Chandan Piplad, Sub Engineer, BMC, Shri Pushendra Singh Chandel, Supervisor, BMC and Shri Adarsh Malviya, Assistant Engineer (C), MPPCB. The factual report on the basis of observations made during the site visit of the Committee are as follows:-

1. The residents of Surendra Manik housing society Shri Devendra Chouksey, House no. 56, Shri Madhur, House no. 224 and Shri R. K. Mishra, House no. 57 were present at the time of visit. Mr Prakash Mande, Site-Office in charge of M/s Girija Colonizers & Developers, was also present at the time of inspection.
2. GPS location of the site is recorded using a mobile-based GPS application. The recorded latitude and longitude are marked on the Google Map and photographs taken during the inspection. The Google map of the site with duly marked locations of STP, shops, and main gate/entrance of the society is attached for observation (**Annexure-2**).
3. As shown in the Google map, the STP is located at the South-West corner of the society and shops are located in the South-West direction on the approach road of the society near the entrance gate of the society.
4. There are 07 gardens provided inside the society. The housekeeping inside the society was found clean.
5. The open space, parking space and internal roads are constructed using pebble blocks.
6. As per the information collected during inspection, the Surendra Manik housing project is planned for construction of a total 346 no. of dwelling units, out of which 180 have been constructed and 125 are occupied by the residents.
7. Committee observed that the built-up area of the constructed buildings is above 20000 square meter and therefore attracts environmental clearance under the EIA notification 2006.
8. The water supply for domestic purposes is supplied through borewells and municipal water supply (Narmada Water Supply). Estimated water demand for present occupancy of 125 families is approx. 94 KLD (0.094 MLD) and sewage generation is approx. 75 KLD (0.075 MLD).
9. One natural drain is passing through the center of the society in front of House no. 79 (as shown in photographs–**Annexure 3**) and it joins a nalli outside the boundary of the society.
10. The individual house hold drainage pipe is provided on the back space of each house and it is connected with a 6-inch DIA underground PVC pipe line which is ultimately connected with the STP. Similarly, sewage line is laid down parallel to this line with intermediate manholes and ultimately connected to the STP. The sewage is sent to STP through underground drain.

11. It is observed that the rainwater collected from each roof-top is connected to the household drainage system.
12. Rain-water Harvesting system is not found in society. The entire rain-water gets mixed with the sewage and flows into open land near the society.
13. The residents of the society informed that the wastewater from the shops located outside the society premises is discharged into the sewer line of the society due to which the drainage system is choked and it overflows through the toilet traps inside the houses. The Committee observed that the size of the drainage system is small in comparison to the incoming flow.
14. STP is located at the South-West corner of the society and at the time of inspection it was not operational and sewage water found accumulated inside and around the STP was overflowing from one side of the tank without treatment.
15. It was observed that the builder has constructed one underground sewage collection tank near the STP. The other units of STP are metallic bio-reactor tank, pressure sand filter, activated carbon filter and filtration units (as shown in photographs).
16. The design and capacity of the STP is not proper and found under capacity.
17. The untreated sewage from the accumulation tank was discharging outside of the society boundary and mixes into a drain located outside the society premises in the South-East direction.
18. Sewer line chambers located in the open space are found overflowed.

Recommendations of the Committee:

1. The builder shall install an appropriate rainwater harvesting (RWH) system to collect rainwater from the roof top of individual houses to recharge the groundwater.
2. A separate stormwater drainage shall be laid to stop the rainwater from getting mixed with sewage as in the present case of combined drainage system.
3. The size of the existing drainage system of household waste water needs to be redesigned to accommodate waste water generated from households and sent to STP.
4. The wastewater of shops shall be collected through separate drainage lines so that choking and overflow like situation does not arise.

5. The sewer line shall be cleaned on a regular interval to prevent the overflow condition.
6. Sewage treatment plant of appropriate capacity shall be designed and installed, and treated sewage shall be used in flushing and gardening.
7. The builder shall obtain environmental clearance under EIA notification 2006 and consent under Water (Prevention and Control) Act 1974 and Air (Prevention and Control) Act 1981.
8. Environmental compensation of INR 8.485 lacs (as per **Annexure-4**), is to be levied on the builder Girija Colonizers & Developers in regard to the environmental damage caused by the discharge of untreated sewage by them.

(Brajesh Sharma)
Regional Officer
MPPCB, Bhopal

(B. S. Sengar)
Executive Engineer
Bhopal Municipal Corporation

(Alok Nayak)
Sr. Scientific Officer &
Officer Incharge
MP-SEIAA, Bhopal

Item No. 01(Bhopal Zonal Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 14/2021 (CZ)

Residents of Surendra Manik

Applicant(s)

Versus

Girija Colonizers & Developers & Ors.

Respondent(s)

Date of hearing: 21.05.2021

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Naveen Ahuja, Adv

For Respondent(s):

ORDER

1. M/s Girija Colonizers and Developers has taken the task of carrying out the development activity of a project namely "Surendra Manik", whereby 346 units/dwellings are being constructed and the same is ongoing as on date in the city of Bhopal.
2. The Original application highlights the issue of non-operation of the sewage treatment plant and non-establishment of rain water harvesting system which should have been established by the builder way back in the year 2013 in terms of the permission accorded by the Municipal Corporation on 20.09.2013 and the Town & Country Planning on 26.04.2013, but on the contrary the rain water harvesting system has not been set-up , which is a mandatory condition for protection of ground water and the Sewage Treatment Plant also has not been made functional, rather the entire sewage is being drained on an open land. The present application also highlights the inaction on the part of the non-applicant officials who are entrusted with the duty of taking immediate action against the polluters.
3. A substantial issue of environment has been raised.

4. Issue notice to the respondents. Returnable within four weeks.
5. Service of notices, summons and pleadings etc. have not been possible during the period of COVID because this involves visits to post offices, courier companies or physical delivery of notices, summons and pleadings. We, therefore, consider it appropriate to direct that such services of all the above may be effected by e-mail, FAX, commonly used instant messaging services, such as WhatsApp, Telegram, Signal etc. However, if a party intends to effect service by means of said instant messaging services, we direct that in addition thereto, the party must also affect service of the same document/documents by e-mail, simultaneously on the same date".
6. The applicant is directed to provide the mobile Whats App no. and email address of all the respondents, if possible and applicants and respondents are directed that at the time of filing the application or reply, the party concerned has to provide Whats App no. and email I.D. so that the summons and notices may be served immediately for compliance and for further disposal and proceeding of the case.
7. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
8. Respondents are directed to submit their reply within six weeks by email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
9. We deem it just and proper to call a report on the matter in issue in present application, from a Joint Committee consisting of:-
 - I. M.P. State Environment Impact Assessment Authority, Paryavaran Parishar, E-5, Arera Colony, Bhopal.
 - II. Bhopal Municipal Corporation, Mata Mandir, Harshwardhan Complex, Bhopal, M.P.
 - III. Madhya Pradesh Pollution Control Board.

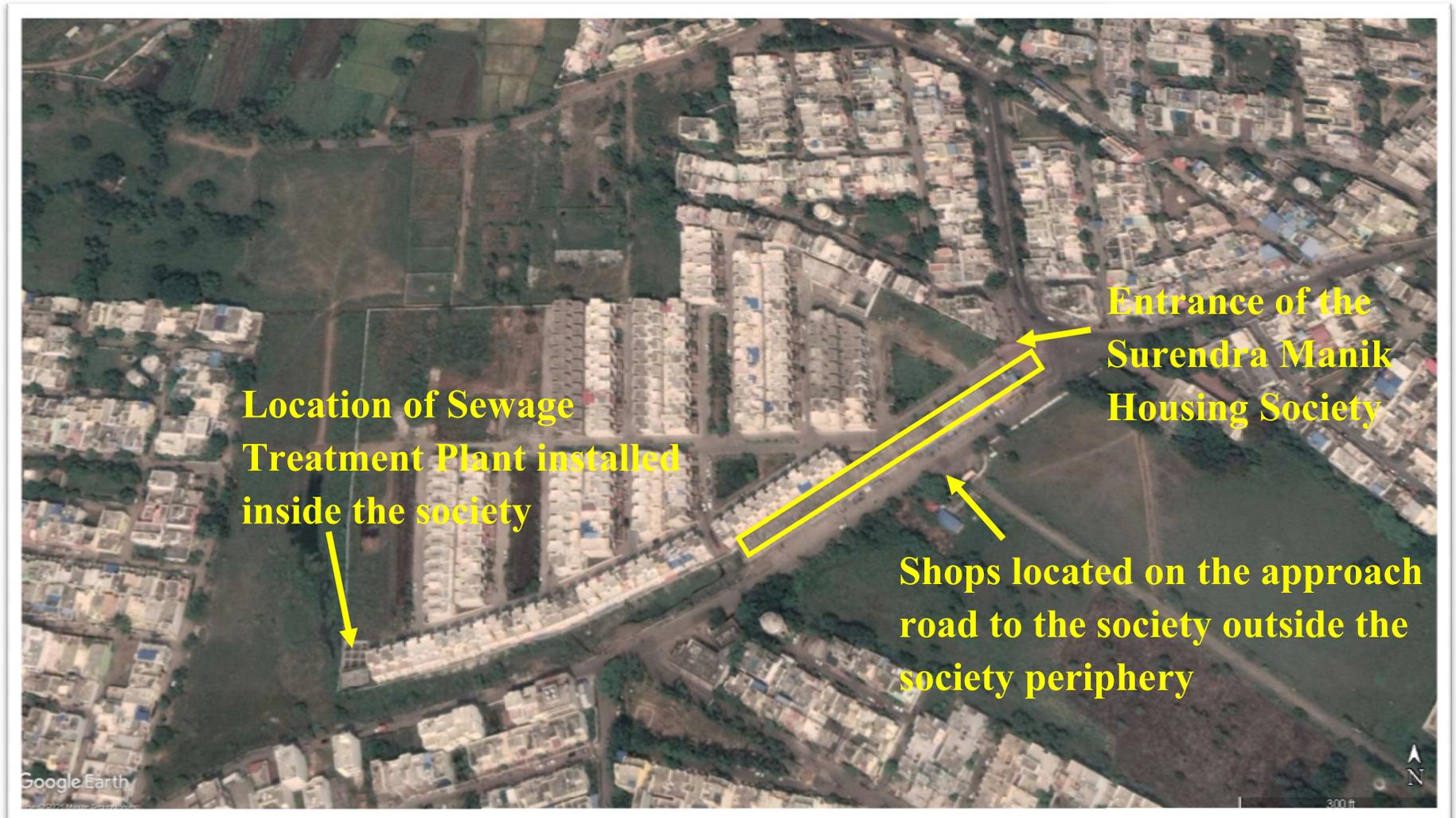
10. The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.
11. The report in the matter be filed by the Committee by email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.
12. Applicant is directed to supply the required documents and copy of the application to the Committee within a week.
13. List it on 24th August, 2021.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

May 21st, 2021
O.A. 14/2021(CZ)
N

Location of Surendra Manik Housing Society on Google Map



PHOTOGRAPHS OF JOINT COMMITTEE INSPECTION DATED 23/05/2021



Photographs of the society marked with latitude and longitude

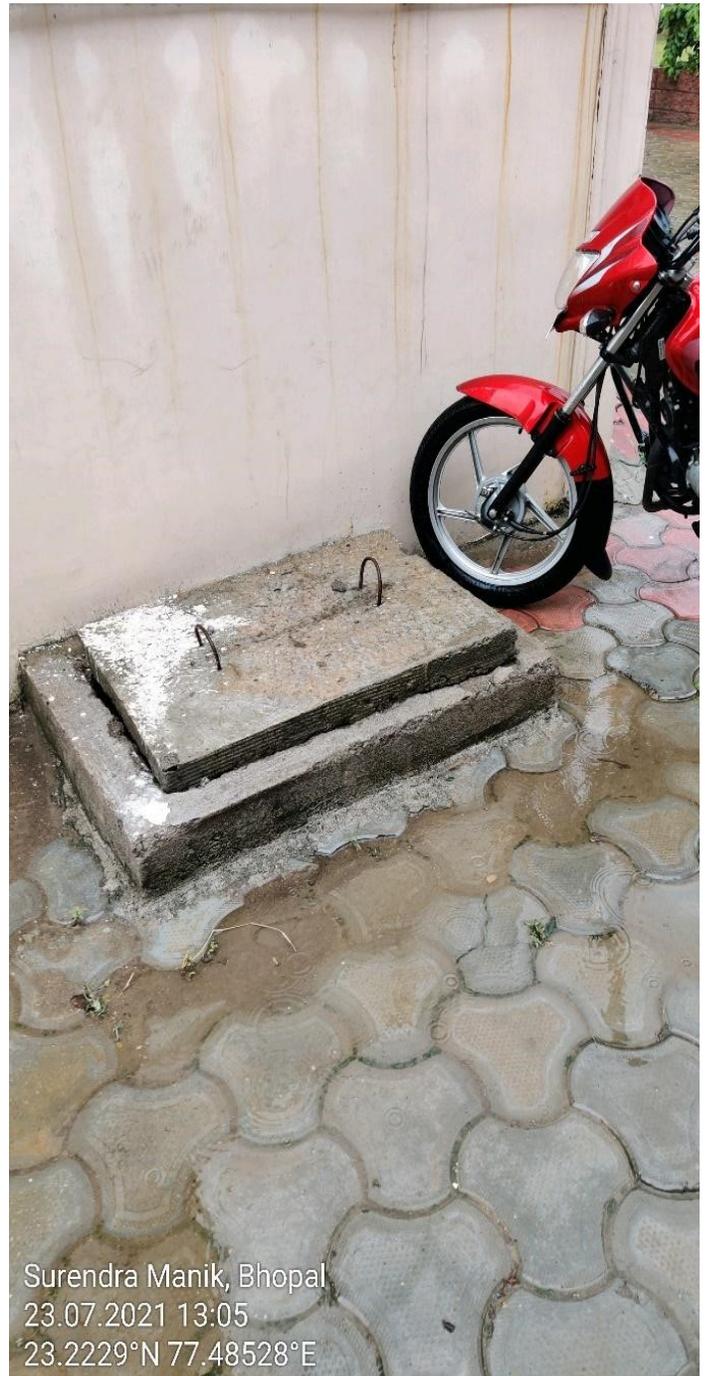


**Team of officials during visit at the house of Shri Devendra Chouksey,
Resident of Surendra Manik, House no. 56**



Surendra Manik, Bhopal
23.07.2021 13:11
23.22329°N 77.48676°E

Sewer line at the open space behind the Households where overflow of sewage gets accumulated



Surendra Manik, Bhopal
23.07.2021 13:05
23.2229°N 77.48528°E

Inspection chambers inside the society premises



Underground fresh water storage tank of the society



Natural drain passing through the centre of the society in front of House no. 79



Surendra Manik, Bhopal
23.07.2021 12:25
23.22283°N 77.4852°E
Altitude: 384m

Sewage Collection tank near STP

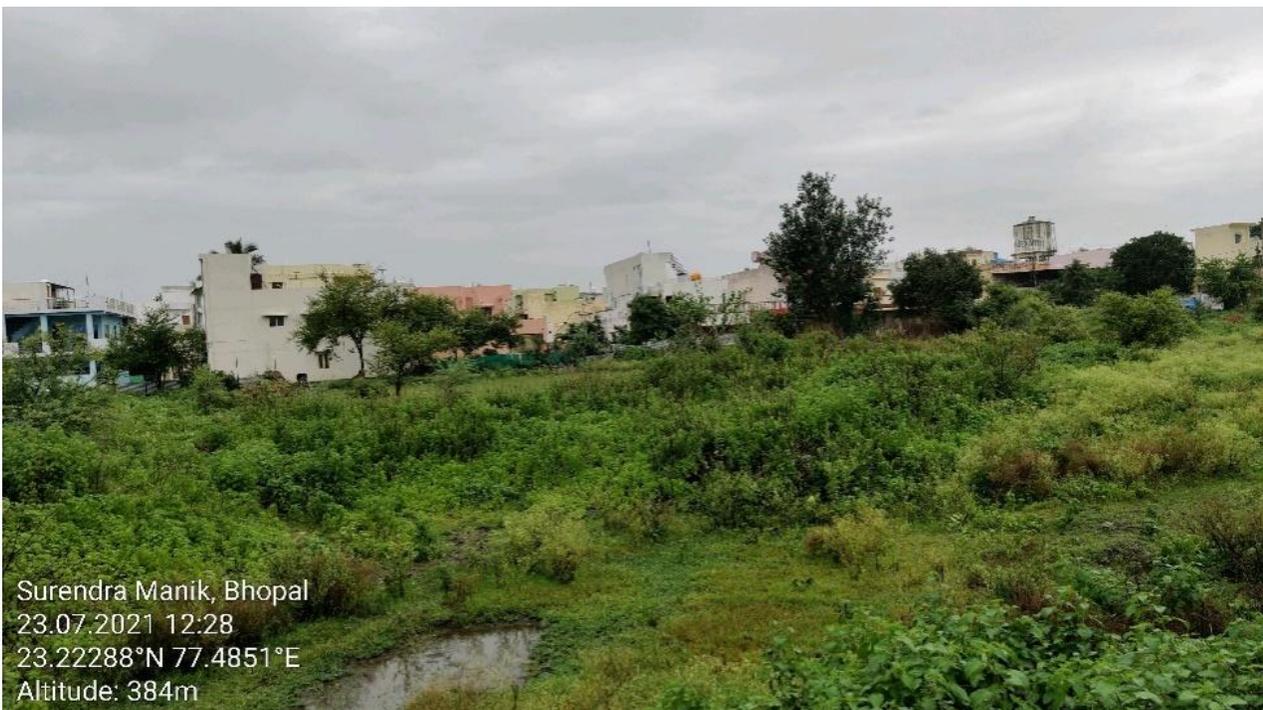


Surendra Manik, Bhopal
23.07.2021 12:47
23.22389°N 77.4872°E
Altitude: 384m

Sewage accumulated inside the STP



Discharge of untreated sewage accumulated inside and around STP into a drain outside the boundary of the society



Discharge of untreated STP in open land next to the society premises

Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/ Authority:

Environmental Compensation (EC) to be levied on concerned individual/authority as per the order of Hon'ble NGT in case of OA 593/2017 dated 28/08/2019 may be calculated as:

$$EC \text{ (Lacs Rs.)} = 17.5 \times (\text{Total Sewage Generation} - \text{Installed Treatment Capacity}) + 55.5 \times (\text{Total Sewage Generation} - \text{Operational Capacity}) + 0.2 (\text{Sewage Generation} - \text{Operational Capacity}) \times N + \text{Marginal Cost of Environmental Externality} \times (\text{Total Sewage Generation} - \text{Operational Capacity}) \times N$$

Where; N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority. Quantity of Sewage is in MLD”.

As per above methodology, the information recorded during inspection and based on following parameters environmental compensation is assessed:-

S.no.	Components of EC	Estimated value	Remarks
1	Water demand per day (MLD) (approx.)	0.094	Calculated for present occupancy of 125. Assumptions as per NBC : No. of persons per family = 5 Minimum domestic water supply = 150lpcd
2	Total Sewage Generation per day (MLD) (approx.)	0.075	Assumptions as per CPHEEO manual: Sewage generation = 0.8 x Water demand
3	Installed Treatment Capacity (MLD)	0	As noted during the inspection the STP is defunct and not operational, hence the installed and operational capacity of the STP is considered as nil.
4	Operational Capacity of STP (MLD)	0	
5	Gap in treatment of Sewage (MLD)	0.075	Total Sewage generation – Installed treatment capacity of STP = 0.075 Total Sewage generation – Operational treatment capacity of STP = 0.075
5	N=No. of days from date of direction of MPPCB	119	From date of notice issued by MPPCB dated 27/03/2021 to date of inspection i.e. 23/07/2021. Total no. of days = 119 days
6	Marginal cost of Environmental Externality (Lacs rs. per day)	0.1	As per the guidelines of CPCB & NGT order in case of OA 593/2017 dated 28/08/2019 the Marginal Cost of Environmental Externality is taken as minimum 0.05 and maximum 0.1 for sewage up to 200 MLD.
	Environmental Compensation	Rs. 8.485 Lacs	EC = 17.5*(0.075-0) + 55.5*(0.075-0) + 0.2*(0.075-0)*119 + 0.1*(0.075-0)*119 EC = 8.485 (in Lacs Rs.)