

BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL BENCH, BHOPAL

Original Application No. 52/2021(CZ)

Manish Sharma

VS

State of Madhya Pradesh & Ors

Date of Inspection :- 28/08/2021

Committee members :-

- 1- Shri Divyanshu Namdev Tehsildar Saikheda Dist-Narsinghpur
- 2- Shri Alok Kumar Jain, Regional Officer M.P. Pollution Control Board Jabalpur
- 3- Shri Yogesh, Sub Engineer, Nagar Palika Gadarwada Dist-Narsinghpur
- 4- Shri Vishal Rathor, Sub Engineer, Nagar Palika Gadarwada Dist-Narsinghpur
- 5- Dr. S.K. Khare, Scientist, M.P. Pollution Control Board Jabalpur

**Action Taken Report in compliance of order dated 28/07/2021 issued by
Hon'ble National Green Tribunal in the matter of O.A No. 52/2021 (CZ)
(Manish Sharma Vs State of Madhya Pradesh)**

Hon'ble National Green Tribunal, Central Bench, Bhopal has issued the following direction vide order dated 28/07/2021 in the O.A No. 52/2021 (CZ) Manisha Sharma Vs State of Madhya Pradesh & ors :-

"Issue raised in this application is discharged of untreated sewage effluent in the basin of the Shakkar River and Sita Reva River by Respondent No. 05, degrading the water quality of the river and adversely affecting the agricultural land and public health. Issues of environmental matter have raised in this petition.

We deem it just and proper to call report on the matter in issue in present application from a joint Committee consisting of :-

- 1. District Collector, Narsingpur, MP Or his representative*
- 2. Madhya Pradesh Pollution Control Board or its representative.*

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.

The NGT Order dated 28/07/2021 is enclosed with Annexure-I

In compliance of the Hon'ble NGT order a committee of following officers visited the site on dated 28th August 2021 :-

- 1- Shri Divyanshu Namdev Tehsildar Saikheda Dist-Narsinghpur
- 2- Shri Alok Kumar Jain, Regional Officer M.P. Pollution Control Board Jabalpur
- 3- Dr. S.K. Khare, Scientist, M.P. Pollution Control Board Jabalpur
- 4- Shri Yogesh, Sub Engineer, Nagar Palika Gadarwada Dist-Narsinghpur
- 5- Shri Vishal Rathor, Sub Engineer, Nagar Palika Gadarwada Dist-Narsinghpur

FIELD OBSERVATIONS:



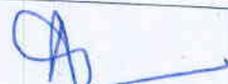
- The Nagar Palika Gadarwada District Narsinghpur is situated at the bank of River Shakkar. The Population of Gadarwada City is approx 1.25 lack.
- The water supply is about approx 9.30 MLD and domestic waste water generation is about 7.0 MLD. The effluent is discharged into River Shakkar through 04 major drains (nala).
- The Major Nala is Ladaiyanala Nala which meets into the River Shakkar at the downstream of town. Other 03 Drains (Nala) namely Oshodham Nala, Chidavghat Nala & Mataward nala is also meeting to the river Shakkar at the upstream of the bridge. Copy of Map is enclosed with **Annexure-II**
- There are no treatment facilities for the domestic waste water treatment. The untreated domestic waste water is directly discharged into the River Shakkar through all 04 drains at presently Nagar Palika Gadarwada has not submitted any proposal for treatment of domestic effluents at present the Nagar Palika Gadarwada has provided Mash (Jali) in 03 drains but there are no in situ bioremediation treatment facilities in all drains. Mesh is not installed in mata ward nala.
- The River Sita Reva joins River Shkkar at up stream of Gadarwada city and as per record available in Nagar Palika Gadarwada, there is no major drains meets to River Sita Reva directly from Gadarwada city.

Water sampling :-

The committee after surveying the site and drains meeting the said river carried out water sampling from 04 respective locations to assess the water quality of the River Shakkar:

1. Ladaiyanala before mixing to River Shakkar (GPS location: 22.9323, 78.7872)
2. River Shakkar at Up-stream of Ladaiyanala
3. River Shakkar 100 meter D/S after mixing Ladaiyanala
4. Chidavghat Nala before mixing to River Shakkar (GPS location: 22.9248, 78.7885)

The water analysis w.r.t pH, DO, BOD & Total Coliform report is as tabulated below: -



S N	Parameters	Unit	Ladaiyanala before mixing to River Shakkar	Chidavghat Nala before mixing to River Shakkar	Permissible limits
1	pH	-	7.89	7.8	6.5 – 8.5
2	B.O.D. (3 days, 27 ^o C)	mg/l	70.0	60	30
3	COD	mg/l	192	172	250

The water analysis w.r.t pH, DO, BOD & Total Coliform report is as tabulated below: -

SN	Parameters	Unit	River Shakkar at Up-stream of Ladaiyanala	River Shakkar 100 meter D/S after mixing Ladaiyanala	Permissible limits
1	pH	-	7.80	7.7	6.5 – 8.5
2	Dissolved Oxygen	mg/l	7.6	7.6	6.0
3	B.O.D. (3 days, 27 ^o C)	mg/l	1.8	2.0	2.0
4	Total Coliform	MPN/ 100 ml	41.0	64	500

The analysis results of River Shakkar do not show major impact of domestic waste water being discharged into River. There is an aquatic life in the River Shakkar and during inspection normal bathing activity was also observed. Detail analysis report is enclosed as **Annexure – III**.

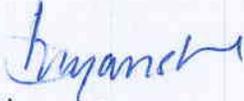
Earlier Action Taken by authorities

- M. P. Pollution Control Board Bhopal has imposed a penalty of Rs. 44.0 Lakhs on Nagar Parishad, Gadarwada for non-compliance of MSW Rules 2016 and direct discharge into water bodies in compliance of directions given by Hon'ble NGT O.A No. 606/2018 dated 25.02.2020 & 02.07.2020. Copy of the notice given to Nagar Parishad Gadarwada in this regard is enclosed as **Annexure – IV**
Photographs along with coordinate recorded during inspection is enclosed as **Annexure – V**

Recommendations:-

1. The local authority should submit the proposal of STP along with time bound action plan to ensure that no untreated effluent meet water bodies.
2. The local authority may provide in-situ bioremediation to treat the effluent drains till the installation of STP.
3. The floating material arrested in the mesh (Jali) should regularly be collected and dispose as per MSW rules.
4. The local authority shall submit the proposal for plantation along with bank of Nala/River.


(Alok Kumar Jain)
Regional Officer
M.P. Pollution Control
Board Jabalpur


(Divyanshu Namdev)
Tahsildar
Saikheda District-
Narsinghpur


(Srushti Jayant Deshmukh)
SDM
Gadarwada
Dist-Narsingpur

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No. 52/2021(CZ)

Manish Sharma

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: 28.07.2021

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

For Applicant(s):

Mr. Prabhat Yadav, Adv.

For Respondent(s):

None

ORDER

1. The issue raised in this application is discharge of untreated sewage effluent in the basin of the Shakkar River and Sita Reva River by Respondent No. 5, degrading the water quality of the river and adversely affecting the agricultural land and public health. Issues of environmental matter have been raised in this petition.
2. A substantial issue of environment has been raised.
3. Issue notice to the respondents. Returnable within six weeks.
4. 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.
5. 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.

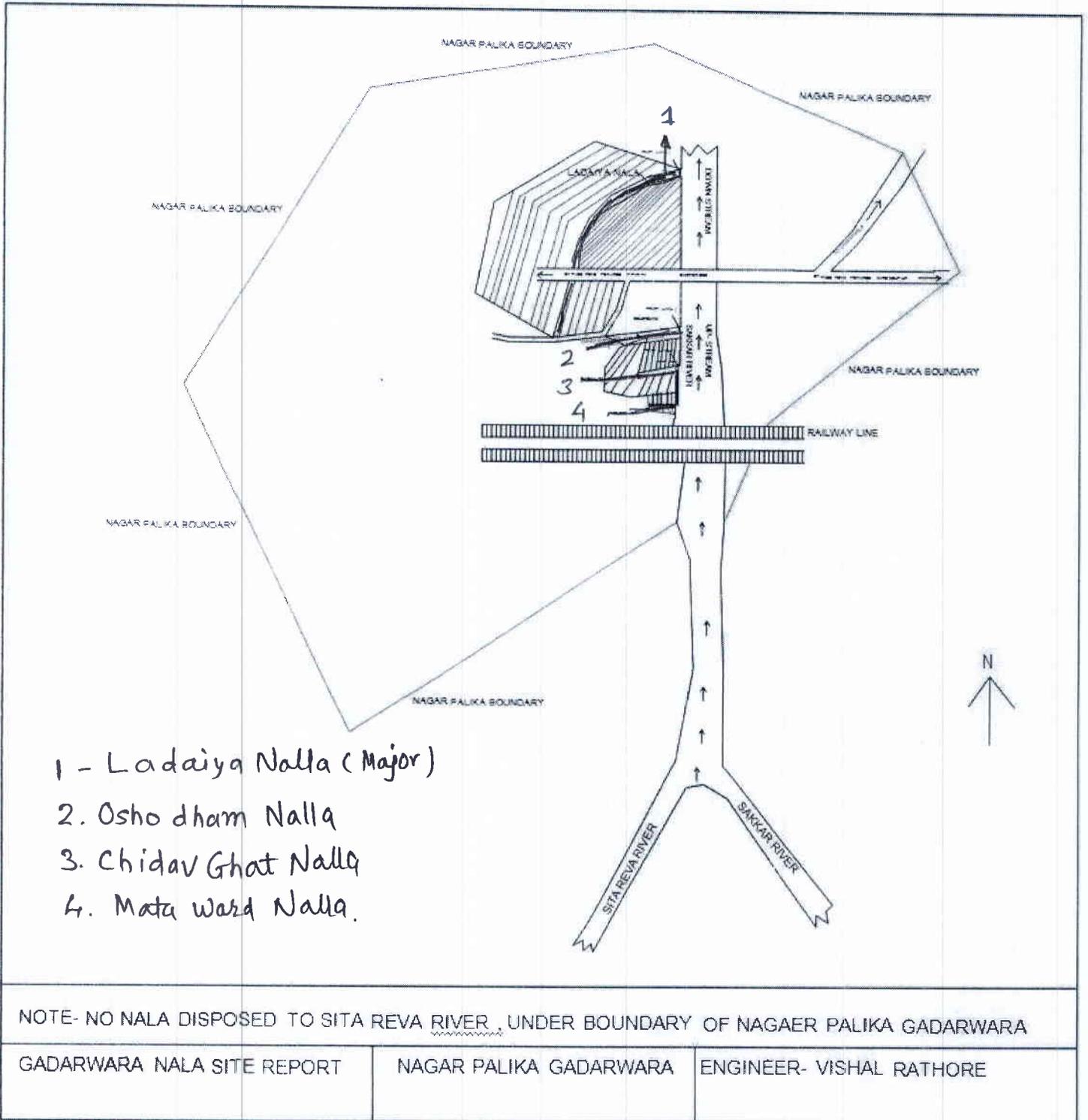
6. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
7. Respondents are directed to submit their reply within six weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
8. 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) Collector, Narsinghpur, M.P. [or] his representative.
 - (ii) Representative of Madhya Pradesh Pollution Control Board.
9. 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.
10. The report in the matter be filed by the Committee by email at ngt@bbl.org.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.
11. Applicant is directed to supply the required documents and copy of the application to the Committee within a week.

List it on **24th September, 2021.**

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

Annexure - 2



- 1 - Ladaiya Nalla (Major)
- 2. Osho dham Nalla
- 3. Chidav Ghat Nalla
- 4. Mata Ward Nalla.

NOTE- NO NALA DISPOSED TO SITA REVA RIVER, UNDER BOUNDARY OF NAGAER PALIKA GADARWARA

GADARWARA NALA SITE REPORT

NAGAR PALIKA GADARWARA

ENGINEER- VISHAL RATHORE

REGIONAL OFFICE

Fax & Ph. 4042780

M.P. POLLUTION CONTROL BOARD

Plot No. :455,456,,Vijaynagar, Jabalpur (M.P.)

LIQUID SAMPLE ANALYSIS REPORT

Sample from :- Nala at Gaderwara, Distt Narsingpur (M.P.)

Sample details

1. Ladaiya Nala before mixing to Shakkar River.
2. Chidav Ghat Nala before mixing to Shakkar River
- 3.

Date of Collection :- 28 / 08 / 2021

Date of Receipt :- 28 / 08 / 2021

Date of Analysis :- 28 / 08 / 2021

Analysis No. 145, 146/821

Bill No. Dt.

Sample collected by :- Dr.S.K.Khare, Scientist

Sr.No	Parameters	Unit	Result I	Result II	Result III	Result IV
A - PHYSICAL PARAMETERS						
1.	Temperature	$^{\circ}\text{C}$				
2.	Turbidity	N.T.U.				
3.	Colour	-	Blackish	Blackish		
4.	Odour	-				
5.	Specific Conductivity	umho/cm				
B - CHEMICAL PARAMETERS						
6.	pH	-	7.89	7.88		
7.	Total Alkalinity	mg / l				
8.	Total Hardness (as CaCO_3)	mg / l				
9.	Calcium Hardness (as CaCO_3)	mg / l				
10.	Magnesium Hardness (as CaCO_3)	mg / l				
11.	Chloride	mg / l	34.98	37.48		
12.	Total Solids	mg / l	666.0	642.0		
13.	Dissolved Solids	mg / l	556.0	552.0		
14.	Suspended Solids	mg / l	110.0	90.0		
15.	Ammonical Nitrogen (as N)	mg / l				
16.	Nitrite Nitrogen (as NO_2)	mg / l				
17.	Nitrate Nitrogen (NH_3)	mg / l				
18.	Total Kjeldahl Nitrogen (as N)	mg / l				
19.	Fluoride	mg / l				
20.	Dissolved Oxygen	mg / l				
21.	B.O.D. (3 days, 27°C)	mg / l	70.0	60.0		
22.	C.O.D.	mg / l	192.0	172.0		
23.	Oil & Grease	mg / l				
24.	Phosphate (as P)	mg / l				
25.	Sulphate (as SO_4)	mg / l				
26.	Chromium (Cr^{+6})	mg / l				
27.	Copper (Cu)	mg / l				
28.	Zinc (Zn)	mg / l				
29.	Iron (Fe)	mg / l				
30.	Boron (B)	mg / l				
31.	Sodium	Ppm				
32.	Potassium	ppm				
C - BIOLOGICAL PARAMETERS						
33.	Total Coliform	MPN/100ml				
34.	Feacal Coliform	MPN/100ml				
D - ANY OTHER TEST						
35.	Calcium (as Ca)					
36.	Magnesium (as Mg)					
37.						

INDICATION : PARAMETER DOES NOT CONFIRM TO :-

1. Standard prescribed by M.P.P.C.B.in M.P.Gazette notification, dated 25/03/1988
2. IS: 10500-1991 (Specification for Drinking Water)
3. Standard prescribed in Bio-Medical Waste (Management & Handling) Rules 1988

GENERAL MARKS :- BDL = Below Detectable Limit

NOTE :- No statutory liability accepted for samples not collected by M.P.P.C.B.

Analyst

Lab Incharge

M.P. POLLUTION CONTROL BOARD

Plot No. :455,456,,Vijaynagar, Jabalpur (M.P.)

LIQUID SAMPLE ANALYSIS REPORT

Sample from	:- Shakkar River at Gaderwara, Distt Narsingpur (M.P.)					
Sample details	1. Upstream near Road Bridge before mixing Ladaiya Nala. 2. 100 meter Downstream after mixing Ladaiya Nala 3.					
Date of Collection	:- 28 / 08 / 2021	Analysis No.	148, 147/821	Bill No.	Dt.	
Date of Receipt	:- 28 / 08 / 2021	Sample collected by :- Dr.S.K.Khare, Scientist				
Date of Analysis	:- 28 / 08 / 2021					
Sr.No	Parameters	Unit	Result I	Result II	Result III	Result IV
A - PHYSICAL PARAMETERS						
1.	Temperature	^o C				
2.	Turbidity	N.T.U.	4.0	6.0		
3.	Colour	-	Colourless	Colourless		
4.	Odour	-				
5.	Specific Conductivity	umho/cm	454.0	510.0		
B - CHEMICAL PARAMETERS						
6.	pH	-	7.76	7.80		
7.	Total Alkalinity	mg / l	25.0	30.0		
8.	Total Hardness (as CaCO ₃)	mg / l	125.0	140.0		
9.	Calcium Hardness (as CaCO ₃)	mg / l	100.0	110.0		
10.	Magnesium Hardness (as CaCO ₃)	mg / l	25.0	30.0		
11.	Chloride	mg / l	12.47	19.98		
12.	Total Solids	mg / l	498.0	536.0		
13.	Dissolved Solids	mg / l	432.0	460.0		
14.	Suspended Solids	mg / l	60.0	76.0		
15.	Ammonical Nitrogen (as N)	mg / l	0.64	0.90		
16.	Nitrite Nitrogen (as NO ₂)	mg / l	0.12	0.18		
17.	Nitrate Nitrogen (NH ₃)	mg / l	0.86	1.6		
18.	Total Kjeldahl Nitrogen (as N)	mg / l				
19.	Fluoride	mg / l				
20.	Dissolved Oxygen	mg / l	7.60	7.70		
21.	B.O.D. (3 days, 27 ^o C)	mg / l	1.8	2.0		
22.	C.O.D.	mg / l	12.0	16.0		
23.	Oil & Grease	mg / l				
24.	Phosphate (as P)	mg / l	0.05	0.11		
25.	Sulphate (as SO ₄)	mg / l	20.0	30.0		
26.	Chromium (Cr ⁺⁶)	mg / l				
27.	Copper (Cu)	mg / l				
28.	Zinc (Zn)	mg / l				
29.	Iron (Fe)	mg / l				
30.	Boron (B)	mg / l				
31.	Sodium	Ppm	10.0	12.0		
32.	Potassium	ppm	4.0	5.0		
C - BIOLOGICAL PARAMETERS						
33.	Total Coliform	MPN/100ml	41	64		
34.	Feacal Coliform	MPN/100ml	3.6	3.6		
D - ANY OTHER TEST						
35.	Calcium (as Ca)					
36.	Magnesium (as Mg)					
37.						
INDICATION :	<input type="checkbox"/> PARAMETER DOES NOT CONFIRM TO :-					
	1. Standard prescribed by M.P.P.C.B.in M.P.Gazette notification, dated 25/03/1988					
	2. IS: 10500-1991 (Specification for Drinking Water)					
	3. Standard prescribed in Bio-Medical Waste (Management & Handling) Rules 1988					
GENERAL MARKS :-	BDL = Below Detectable Limit					
NOTE :-	No statutory liability accepted for samples not collected by M.P.P.C.B.					

Muc
Analyst

W.S.
Lab Incharge



Annexure - 4



MADHYA PRADESH POLLUTION CONTROL BOARD

Paryawaran Parisar, E-5, Arera Colony, Bhopal-462016
Phone (0755)-2466191, 2464428, Fax (0755)-2463742, E- mail:it_mppcb@rediffmail.com

No. /HOPCB/2020

Bhopal, Date: / /2020

To,

1. The Chief Municipal Officer,
Nagar Palika Parishad,
Gadarwada,
Distt.- Narsinghpur, (M.P.)
2. The Commissioner,
Urban Administration & Development Department,
Palika Bhawan, Shivaji Nagar,
Bhopal (M.P.)

Sub: Show Cause Notice for imposition of penalty due to violation of directions of the Hon'ble National Green Tribunal and the provisions of Solid Waste Management Rules 2016.

Ref: NGT order dated 25.02.2020 & 02.07.2020 in OA No. 606/2018

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

WHEREAS, the power to issue directions under section-5 of the Environment (Protection) Act, 1986 has been delegated to the Chairman, MPPCB vide notification dated 10.04.2001.

WHEREAS, you are the Urban Local Body- **Nagar Palika Parishad Gadarwada**, and it is the mandatory duty of Urban Local Bodies to comply with the Solid Waste Management Rules, 2016.

WHEREAS, you have not obtained authorization as per the provision of Solid Waste Management Rules, 2016 from the MPPCB.

WHEREAS, in OA No. 606/2018, "Compliance of Solid Waste Management Rules, 2016 and other environment issues", Hon'ble National Green Tribunal, Principal Bench, New Delhi has directed that :-

1. After 31.03.2020 failure to comply with Rule 22 of SWM Rules, from Serial No. 1 to 10, every local body shall be liable to pay compensation at the rate of Rs. 10 Lakh per month per local body for population of above 10 lakhs. Rs. 5 lakh per month per local body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other local body from 01.04.2020 till compliance.

2. Continued failure of every local body on the subject of commencing the work of legacy waste sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10 lakh per month per local body for population of above 10



MADHYA PRADESH POLLUTION CONTROL BOARD

Paryawaran Parisar, E-5, Arera Colony, Bhopal-462016

Phone (0755)-2466191, 2464428, Fax (0755)-2463742, E- mail:it_mppcb@rediffmail.com

lakhs, Rs. 5 lakh per month per local body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other local body.

3. Commencement of setting up of STPs by 31.03.2020 – Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned local bodies/State (in terms of orders dt 28.08.2019 in O.A No 593/2017 and 06.12.2019 in O.A. No 673/2018) w.e.f. 01.04.2020.

4. Interim measures for phytoremediation/bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies shall be under taken by 31.03.2020 – Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned local bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.

WHEREAS, MPPCB has been directed to assess the amount of compensation liable to be paid by the Urban Local Bodies on the basis of above criteria.

WHEREAS, as per the record available with the MPPCB, and the site inspection carried out by the officers of Regional Office, MPPCB, Jabalpur on 08.07.2020 (Report enclosed), it is observed that you have not complied with the timelines given by the Hon'ble NGT i.e. by 31.03.2020. The details are as follows:-

1. That, ULB has not complied with serial no. -2,3,8 and 10 of Rule (22) of Solid Waste Management Rules, 2016.
2. That, 01 waste water/sewage drain carrying untreated sewage on which In-situ bioremediation system has not been installed so far.
3. That, commencement of setting up of 01 STP at the identified drain is still to be achieved by the ULB.

Therefore ULB is liable to pay the environment compensation from 01.04.2020 as under :-

S. no	Required Compliance	Rate of penalty imposition	Voilation Period 04 Months (01/04/2020- 31/07/2020)	Amount in Lakh
1.	Rule 22 of SWM Rules (Serial No. 1 to 10)	Rs. 1 lakh per month	4	4
2.	Installation of In-situ bioremediation system on drains	Rs. 5 lakh per month per drain	4	20 (1 drain)
3.	Commencement of setting up of STPs	Rs. 5 lakh per month per STP	4	20 (1 STP)
GRAND TOTAL				44 Lakh

As per para 41 (a) of Hon'ble NGT order dt. 02/07/2020 "If the local bodies are unable to bear financial burden, the liability will be of the State Government with liberty to take remedial action against the erring local bodies .



MADHYA PRADESH POLLUTION CONTROL BOARD

Paryawaran Parisar, E-5, Arera Colony, Bhopal-462016

Phone (0755)-2466191, 2464428, Fax (0755)-2463742, E- mail:it_mppcb@rediffmail.com

You are hereby given an opportunity of hearing of 15 days to submit your reply/objection (if any) pertaining to above stated non compliance.

In case no reply is received within 15 days from the date of issue of this notice, above proposed Environmental Compensation shall be confirmed and action is also liable to be initiated against the responsible officers under section-17 of the Environment (Protection) Act, 1986.

Encl - As Above

(Mahendra Singh Dhakad)
Chairman

Endt.No.:- 222 /HOPCB/2020
Copy to :-

Bhopal, Date: 17/OCT 2020

1. The Principal Secretary, Govt. of M.P. Environment Department, Mantralaya, Bhopal, for information please.
2. The Principal Secretary, Govt. of M.P. Urban Administration & Development Department, Mantralaya, Bhopal, for information please.
3. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi - 1100 32, for information please.
4. The Deputy Secretary, Chief Secretary office, Mantralaya, Bhopal, for information please.
5. The Regional Officer, M. P. Pollution Control Board, Jabalpur, for information & necessary action please.

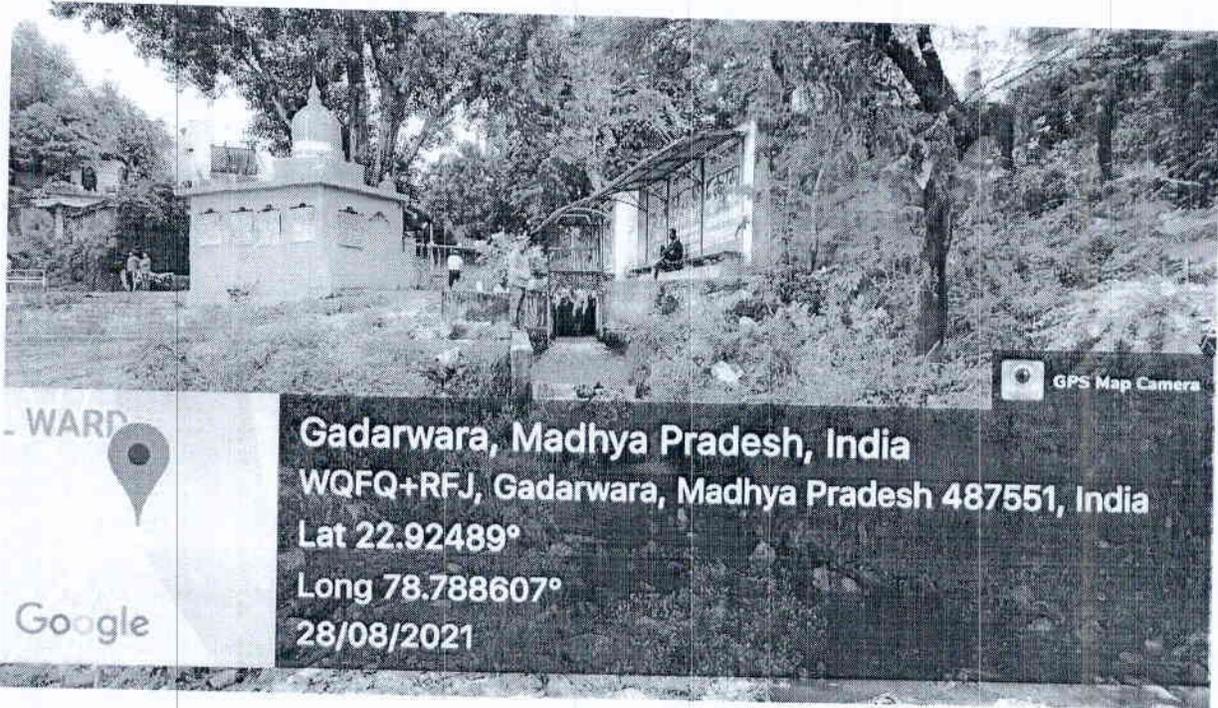
(Mahendra Singh Dhakad)
Chairman

Annexure-V
Photograph taken During Inspection of Drains (Nala) on dated 28/08/2021 in the matter of
Hon'ble NGT Bhopal O.A No. 52/2021

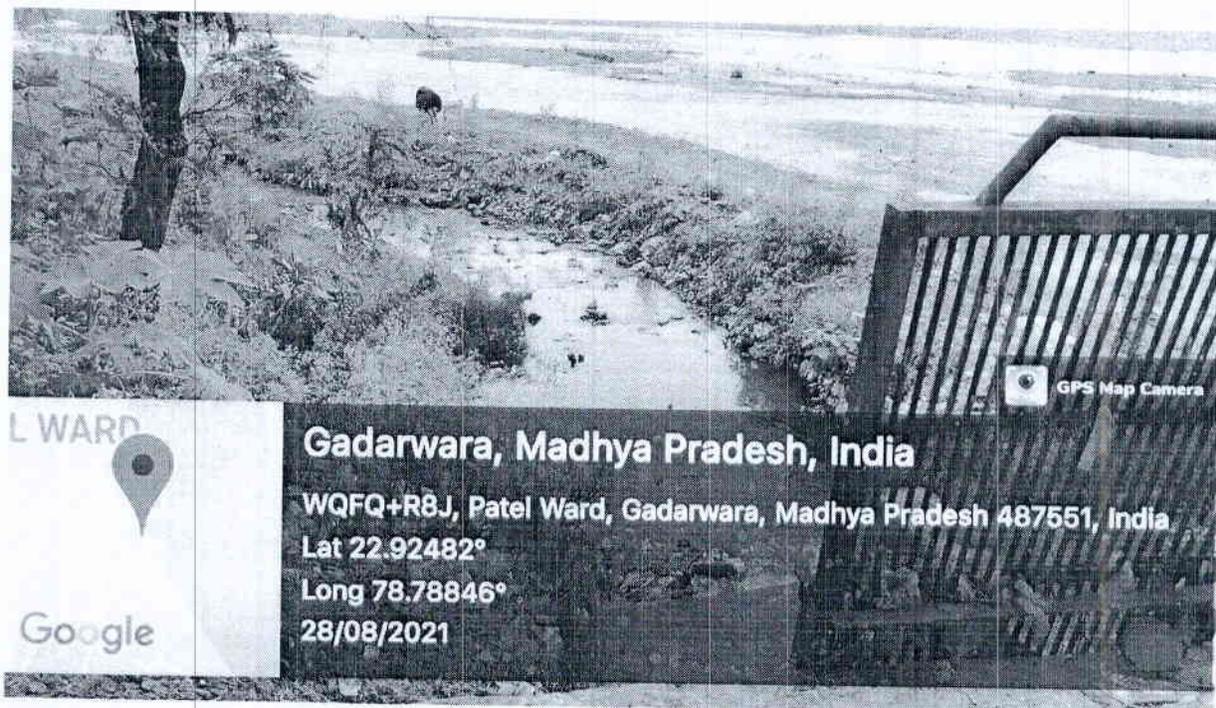
1-Ladaiyanala



2-Oshodham Nala



3-Chidavghat Nala



Inspection Team

