

BEFORE THE NATIONAL GREEN TRIBUNAL

CENTRAL ZONE BENCH

AT BHOPAL

Original Application No. 07/2018

Petitioner

M.Y. CHAUDHARY

Vs

Respondent

Bhopal Municipal Corporation and ors

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14/7/2021

Bhopal.

Submitted by Respondent

MADHYA PRADESH POLLUTION CONTROL BOARD


Through Counsel

(1)

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
CENTRAL ZONAL BENCH AT BHOPAL
ORIGINAL APPLICATION NO. 07/2018**

Applicant **M Y Chaudhary**
Respondent **Vs**
Bhopal Municipal Corporation & Ors.

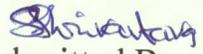
FACTUAL STATUS AND ACTION TAKEN REPORT
ON BEHALF OF MPPCB

1. The instant petition pertains to the pollution being caused in the Siddiqui Hassan Talab, Bhopal. In compliance of the directions passed by the Hon'ble Tribunal, vide its order dated 09.06.2020 the Joint Committee report was filed.
2. Thereafter, the Hon'ble Tribunal vide its order dated 24.09.2020 directed the CPCB and MPPCB as under:-
"(v) Accordingly, we constitute a Committee consisting one representative from Central Pollution Control Board and one representative from Madhya Pradesh Pollution Control Board to visit the site and calculate the environmental compensation for discharging untreated water into the water bodies and throwing municipal waste into the ponds. The report be submitted within three weeks."
3. In compliance of the above stated directions passed by the Hon'ble Tribunal, the joint committee of MPPCB and CPCB computed the amount of Environmental Compensation proposed to be levied on the Bhopal Municipal Corporation [BMC]. The same was not imposed on BMC in wake of further directions/approval from the Hon'ble Tribunal.
4. Following directions have been passed by the Hon'ble Tribunal, vide order dated 14.06.2021:-
"State Pollution Control Board is directed to take remedial measures and to proceed to realize the Environmental Compensation in accordance with law."



In compliance of the above stated order, MPPCB has issued show-cause notice dated 23.06.2021 for imposition of Environmental Compensation on the Bhopal Municipal Corporation. The copy of show cause notice has been enclosed herewith as **Annexure R-01**.

5. The reply to show cause notice dated 23.06.2021 was received from the Bhopal Municipal Corporation, vide letter dated 06.07.2021. The copy of the reply of BMC dated 06.07.2021 has been enclosed herewith as **Annexure R-02**. The reply filed by BMC is under consideration and further action shall be taken accordingly.
6. Hon'ble Tribunal may kindly be pleased to take the above stated report on record.


Submitted By:-

MPPCB


Through Counsel



Annexure R-01

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

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No. 829 /HOPCB/2021

Bhopal, Date: 1/ /2021

To,

**The Commissioner,
Bhopal Municipal Corporation
Distt.- Bhopal (M.P.)**

Sub: Show Cause Notice for Imposition of Environmental Compensation as per the directions passed by Hon'ble NGT vide its order dated 14.06.2021 in O.A. No. 07/2018 M.Y. Chaudhary Versus Bhopal Municipal Corporation and ors .

Ref: 1. NGT order dated 24.09.2020 in OA No. 01/2018.
2. NGT order dated 14.06.2021 in OA No. 01/2018.

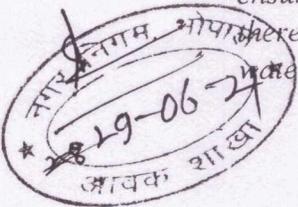
WHEREAS. MP Pollution Control Board (MPPCB) is a statutory body constituted under section 4 of the Water (Prevention & Control of Pollution) Act. 1974 and has been entrusted with the responsibilities of enforcement of the Environment Laws prevailing in the state.

WHEREAS, you are the Urban Local Body- **Bhopal Municipal Corporation**, and it is the mandatory duty of Urban Local Bodies to ensure that there is no discharge of untreated sewage water in the water bodies, as well as it is the prime duty of the ULB to manage the city sewage.

WHEREAS. in the matter of O.A. No. 07/2018 M.Y. 'Chaudhary Versus Bhopal Municipal Corporation and ors, the Hon'ble Tribunal vide its order dated 09.06.2020 constituted a joint committee to submit a factual and action taken report. The report of the joint committee was submitted before the tribunal and following directions were issued vide order dated 24.09.2020 constituting another committee for calculating the environmental compensation :-

"13. Accordingly, we constitute a Committee consisting one representative from Central Pollution Control Board and one representative from Madhya Pradesh Pollution Control Board to visit the site and calculate the environmental compensation for discharging untreated water into the water bodies and throwing municipal waste into the ponds. The report be submitted within three weeks.

"14. We further direct the Municipal Corporation to take remedial measures and ensure that no untreated sewage water be discharged into the water bodies and there must be solid waste management and not to be thrown into the open place or water bodies.



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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

WHEREAS, as per the reports submitted by the joint committee, it is evident that you have failed to discharge your duties and untreated / partial treated sewage has been flowing in Nawab Siddique Hasan Khan Talab situated in the city of Bhopal.

THEREFORE, the joint committee in its report on imposition of Environmental Compensation [EC] [Enclosure] has recommended that you are liable to pay compensation in compliance with directions passed by the Hon'ble Tribunal's order dated 24.09.2020 is as under:-

- i. Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority = Rs. 155.55 Lacs .
- ii. Environment Compensation to be Levied on Concerned Individual /Authority for Improper Solid Waste Management = Rs. 111.11 Lacs.

You are, hereby, given an opportunity of hearing and submit your reply/objection (if any) pertaining to above stated computation of Environmental Compensation within 15 days.

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-41 & 48 of The Water Act of 1974.

Enclosure - As Above

For and on behalf of MPPCB

(A. A. Mishra)

Member Secretary

Endt.No.:- 830 /HOPCB/2021
Copy to :-

Bhopal, Date: 2/3 /JUN 2021

1. The Additional Chief 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 District Collector, Bhopal, M.P. for information.
4. The Regional Officer, M. P. Pollution Control Board, Bhopal, for information & necessary action.



Annexure R-02

नगर पालिक निगम, भोपाल

माता मंदिर, हर्षवर्धन काम्पलेक्स, भोपाल

MUNICIPAL CORPORATION, BHOPAL

कार्या, दूरभाष 0755-2701222

फैक्स :- 0755-2701223

Email :- commoffice@bmconline.gov.in
commbhopal@mpurban.gov.in

पत्र क्रमांक4.56.....

भोपाल दिनांक...06/7/2021

To,

✓
The Member Secretary
Madhya Pradesh Pollution Control Board
Bhopal (M.P.)

SUB:- Reply to show cause notice dated 23/06/2021 pertaining to imposition of environmental compensation under the direction dated 14/06/2021 passed by the Hon'ble NGT in OA No. 07/2018 (M.Y. Chaudhary Vs. BMC & Ors.)

REF:-Your show cause notice No. 830/HOPCB/2021 dated 23/06/2021

In the captioned matter the Hon'ble NGT had constituted a committee for calculating the environmental compensation as per the alleged finding of the joint committee in regard to discharge of untreated sewage and dumping of Solid Waste in Nawab Siddiqui Hasan Khan Talab situated within the municipal limits of Bhopal Town. The Hon'ble NGT in view of the findings of the committee passed an order dated 14/06/2021 to realize the environmental compensation against the authorities or persons who are violating the environmental norms.

It is evident from the findings of the committee itself that the Municipal Corporation Bhopal itself is neither discharging the untreated sewage nor dumping the Solid Waste in the Nawab Siddiqui Hasan Khan Talab therefore by the virtue of the findings of committee and according to the directions of the Hon'ble Tribunal the MPPCB should have adopted a pragmatic approach by imposing the environmental compensation upon the polluters. The Municipal Corporation Bhopal also issued show cause notices from time to time to the polluters directing them to take proper steps for remedial measures regarding the discharge of untreated sewage and dumping of Solid Waste in the said water body therefore the polluters are already identified by the Bhopal Municipal Corporation. The list of polluters and copy of show cause notices served to the

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h
S. M. Singh
S. M. Singh



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नगर पालिक निगम, भोपाल

माता मंदिर, हर्षवर्धन काम्पलेक्स, भोपाल

MUNICIPAL CORPORATION, BHOPAL

कार्या. दूरभाष 0755-2701222

फैक्स :- 0755-2701223

Email :- commoffice@bmconline.gov.in

commbhopal@mpurban.gov.in

पत्र क्रमांक

भोपाल दिनांक.....

polluters are enclosed alongwith this reply so that the MPPCB may initiate direct penal action against the polluters under the provisions of Bio Medical Management Rules 2016, because within the purview of Bio Medical Management Rules 2016 under definition clause section 3(o) prescribed authority means the State Pollution Control Board in respect of a state and pollution control committees in respect of a union territory thereby all such polluters fall within definition given under section 3(j) of Health Care Facility which means a place where diagnosis, treatment or immunization of human beings or animals is provided irrespective of type and size of health treatment system and research activity pertaining thereto; therefore in view of the relevant provisions the MPPCB in isolation is having exclusive jurisdiction to initiate action against the polluting health care facilities enlisted by the Municipal Corporation Bhopal or in case the MPPCB desires to delegate its power to the Municipal Corporation Bhopal to initiate the penal provisions against the polluting health care facilities in that case the Municipal Corporation Bhopal is ready and willing to initiate action to realize the environmental compensation from the polluting health care facilities.

Thanking you

K.V.S. CHOUDRY
COMMISSIONER
MUNICIPAL CORPORATION
BHOPAL (M.P.)

ENCL:- Copy of list and Show cause notices