

## **Status Report by MPPCB**

**Ref: As per the orders of Hon'ble NGT in case of OA 77/2020 (CZ) dated 09.11.2022 Arya Shrivastva V/s Union of India & Ors.**

Hon'ble NGT in reference to OA 77/2020 (CZ) Arya Shrivastva V/s Union of India & Ors vide order dated 09.11.2022 has given following instructions:

*“The Learned Counsel appearing and representing the Bhopal Municipal Corporation sought a short time to submit the further action taken 6 report. We direct that necessary action for removal of encroachment must be taken and initiated within a time frame Remedial action for discharge of untreated water into the water body must be initiated. State Pollution Control Board is directed to take necessary actions for realisation of Environmental Compensation against the encroachment under the relevant rules and calculate the environmental compensation as prescribed by the Principle Bench of this Tribunal. Further action taken report be filed on or before the next date of listing.”*

As per the Hon'ble NGT order dated 09.11.2022 the details of Environmental compensation on the encroachment are as under:-

1. That, Bhopal Municipal Corporation had identified 227 nos. of encroachment in the vicinity of Bhadbhada area of Upper Lake. These structures include permanent, temporary and Kachcha housing constructions.
2. In a similar matter OA 69/2019 (CZ) (Sharad Pareekh vs State of MP &Ors.) Hon'ble Tribunal vide its order dated 13.10.2020 directed Madhya Pradesh Pollution Control Board to impose Environmental compensation on the encroachment.
3. Since there are no guidelines of Central Pollution Control Board [CPCB] or NGT for imposing Environmental compensation on encroachments, MPPCB vide letter no. 62 on dated 12.01.2021 sought guidance from CPCB for the calculation of EC on slums. **(MPPCB Letter is enclosed as Annexure -I).**

4. Central Pollution Control Board vide letter no. 14011 dated 10.02.2022 replied that there is no methodology formulated for Environmental compensation for encroachment. (Copy is enclosed as **Annexure-II**). Therefore, Environmental compensation could not be calculated in OA 69/2019, but collector was directed to ensure that the encroachments are removed.
5. Similar issue is being faced in the instant matter as the Hon'ble Tribunal has directed the answering respondent to impose Environmental compensation on encroachments by housing structures.



**(Brajesh Sharma)**  
**Regional officer**  
**MPPCB Bhopal**

# Madhya Pradesh Pollution Control Board

Prayawaran Parisar, E-5, Arera Colony, Bhopal-462016 (M.P.)

(0755) 2464428, 2466191 Fax: (0755) 2463742 e-mail: lt.mppcb@rediffmail.com

No. 1093/...../...../2020

Bhopal, dt 2/12/2020

To,

The Member Secretary,  
Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar,  
New-Delhi, 110032

Subject:- Regarding the directions of Hon'ble National Green Tribunal, CZB, Bhopal in OA no. 69/2019 Sharad Pareekh vs State of MP & Ors for levying Environmental Compensation on slums

Ref :- NGT Order dated 13.10.2020 in OA no. 69/2019

Sir,

Hon'ble National Green Tribunal, CZB, Bhopal in OA no. 69/2019 Sharad Pareekh vs State of MP & Ors has passed the following directions vide its order dated 13.10.2020 :-

*"The Collector concerned was directed to submit a report. The report as submitted by the Collector reveals that there are more than 14 encroachments on the water bodies and the matter of removal of illegal construction is pending with Tehsildar.*

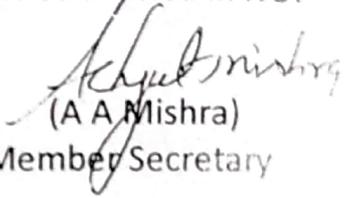
*The Collector is directed to expedite the matter and to ensure that the illegalities and illegal constructions must be demolished and legal action be initiated against the persons who are violators of law.*

*The State Pollution Control Board is directed to calculate the environmental compensation accordingly."*

That, in the absence of any specific formula for calculation of Environmental Compensation in cases of encroachment on water bodies by slums, we would request you to kindly guide us for computation and levying the

Environmental Compensation in compliance of the directions passed by the Hon'ble Tribunal. The next date of hearing is 21.01.2020.

Enclosure :- Detailed joint committee report dated 06.11.2020 submitted in NGT

  
(A A Mishra)  
Member Secretary  
90

No. 1094 /...../...../2020

Bhopal, dt. 18/12/2020

Copy.

1. Unit Head / Regional Officer, Dhar MPPCB for pursuance.

(A A Mishra)  
Member Secretary

कमांक 62  
प्रति

/विधि/ NGT(CZ)/प्रनिबो/20

भोपाल, दिनांक

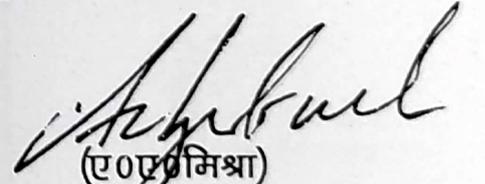
स्मरण पत्र  
12 JAN 2021

सदस्य सचिव,  
केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
परिवेश भवन, पूर्वी अर्जुन नगर,  
नई दिल्ली-110032

विषय :- माननीय राष्ट्रीय हरित अधिकरण, भोपाल बेंच के प्रकरण कमांक 69/2019  
(शरद प्रतीक विरुद्ध मध्यप्रदेश शासन माध्यम कलेक्टर झाबुआ) के संबंध में ।  
संदर्भ :- बोर्ड का पत्र कमांक 1093 दिनांक 18.12.2020 ।

उपरोक्त विषयान्तर्गत संदर्भित पत्र के संबंध में माननीय अधिकरण में विचाराधीन प्रकरण कमांक 69/2019 में दिनांक 13.10.2020 में पारित आदेश के अनुपालन हेतु अतिक्रमण के विषय में गणना हेतु कोई फॉर्मूला स्पष्ट नहीं होने के कारण मार्गदर्शन चाहा गया था । कृपया अवगत हो कि प्रकरण की आगामी सुनवाई दिनांक 21.01.2021 को नियत है ।

अतः उपरोक्त के संबंध में शीघ्र मार्गदर्शन दिये जाने का अनुरोध है ।

  
(ए.पी. मिश्रा)  
सदस्य सचिव  
ds

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 14011/ OA 69-2019 (CZ)/2021/WQM-I

10/02/2021

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To

The Member Secretary  
Madhya Pradesh Pollution Control Board,  
E-5, Arera Colony, Paryavaran Parisar,  
Bhopal - 462 016, Madhya Pradesh

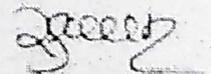
**Subject: Hon'ble NGT order dated 13.10.2020 in Original Application No. 69/ 2019 (CZ) Sharad Pareek Versus State of Madhya Pradesh through District Collector, Jhabua & Ors.**

This has reference to MPPCB letter dated 12.01.2021 requesting CPCB for providing guidance in connection with levying Environmental Compensation (EC) for encroachment of water bodies on the violators in compliance to Hon'ble NGT order dated 13.10.2020 in O. A. No. 69 / 2019 (CZ).

It is to inform that CPCB has not formulated any methodology for calculating Environmental Compensation for encroachments of Water Bodies, as these issues are not regulated by CPCB.

It is requested that Ministry of Jal Shakti (MoJS) and Ministry of Housing and Urban Affairs (MoHUA) may please be approached for seeking necessary guidance on the afore-said matter.

Yours faithfully,



(A. Sudhakar)  
DH, WQM-I

SE-V