

**ACTION TAKEN REPORT**

**IN OA 85/2021 (CZ)**

**Dr. Tarun Singh Chauhan**

**v/s**

**State of MP & Ors.**

**Date of Order- 09.03.2022**

**Date of Inspection- 06.04.2022**



## ACTION TAKEN REPORT

**Sub: Action taken report in reference to the order dated 09.03.2022 of Hon'ble NGT in the matter of OA 85/2021 (CZ) Dr. Tarun Singh Chauhan v/s State of MP & Ors.**

The orders of Hon'ble National Green Tribunal dated 09.03.2022 in the matter of NGT OA 85/2021 (CZ) Dr. Tarun Singh Chauhan V/s State of Madhya Pradesh & Ors.& Ors., is cited for reference as follows:

2. *In the report, it has been mentioned that there was overflow of septic tank which is being discharged into the open land and further in DK 24 Carat there was a discharge of sewage into the open space/nallah for which the State Pollution Control Board has to take necessary action with regard to the calculation and realization of environmental compensation. Learned Counsel appearing for the applicant has submitted to file the response on the report submitted by the Joint Committee.*
3. *We direct the Bhopal Municipal Corporation and State Pollution Control Board to take necessary actions/ remedial actions against encroachment on land of the Corporation and action in accordance with 2 the Water (Prevention and Control of Pollution) Act, 1974 & the Air (Prevention And Control Of Pollution) Act, 1981 and submit action taken report before the next date of listing.*

In compliance to the order of Hon'ble NGT, a site inspection was carried out by Shri Brajesh Sharma, Regional Officer, MPPCB, Bhopal and Shri Adarsh Malviya, Assistant Engineer (C), RO, MPPCB Bhopal on 06/04/2022 to take necessary action regarding calculation and realization of environmental compensation (EC). The EC is calculated based on the observations noted during the inspection which are presented as follows:

### **DK Cottage -**

1. DK Cottage is a completed project consisting of total 212 dwelling units. All the units are occupied and estimated sewage generation of the project is 127 KLD.
2. During the inspection the overflow from septic tank flowing into nearby nallah was measured with the help of a bucket of size 10 liters to estimate the average overflow per day which comes out to a tune of 19KLD.
3. The environmental compensation to be levied for the discharge of overflow from septic tank into nearby nallah amounts to Rs. 1,48,700/- (One Lakh Forty Eight Thousand Seven Hundred Only). The calculation of environmental compensation is attached as per **Annexure -1.**

**DK 24 Carat -**

1. DK 24 Carat is an under-construction multi-storey building project consisting of 9 blocks of total 250 proposed units (3 BHK flats). As informed by the builder, construction of one block is completed and occupied. Approx. 100 residents are currently residing in the block and estimated sewage generation is 12KLD.
2. Sewage treatment plant of 400KLD capacity is constructed and found operational.
3. No sewage water was found discharging into the nearby nallah.

The photographs of the inspection are attached as per **Annexure – 2**.

**Action Taken –**

A notice on dated 06.04.2022 is issued to the builder (as per **Annexure-3**) to prevent the overflow of septic tank into the nearby nallah and also builder may connect the outfall of septic tank with the municipal sewer line under the AMRUT project.

  
(Adarsh Malviya)  
Assistant Engineer (C)  
RO MPPCB Bhopal

  
(Brajesh Sharma)  
Regional Officer  
MPPCB Bhopal

### Environment Compensation for Discharge of Overflow of Septic Tank into nearby nallah at DK Cottage:

The Environmental Compensation (EC) to be levied for the discharge of overflow of septic tank into nearby nallah as per the order dated 09/03/2022 of Hon'ble NGT in case of OA 14/2021 is calculated as per the formula given in NGT OA 593/2017 order dated 28/08/2019:

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

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.)	0.159	Calculated for present occupancy of 212 units. Assumptions as per NBC : No. of persons per family = 5 Minimum domestic water supply = 150lpcd Est. Water Demand = 159KLD
2	Total Sewage Generation per day (MLD) (approx.)	0.127	Assumptions as per CPHEEO manual: Sewage generation = 0.8 x Water demand Est. Sewage Generation = 127KLD
3	Installed Treatment Capacity (MLD)	0.127	The overflow from septic tank was measured with the help of a bucket of size 10litres. The average overflow from the septic tank is estimated to a tune of 19 KLD.
4	Operational Capacity of STP (MLD)	0.108	
5	Gap in treatment of Sewage (MLD)	0.019	Total Sewage generation – Installed treatment capacity of STP = 0 Total Sewage generation – Operational treatment capacity of STP = 0.019
5	N=No. of days of violation	91	From date of inspection of joint committee dated 06/01/2022 till date of inspection by officials of MPPCB as per

			order of Hon'ble NGT i.e. 06/04/2022 on which violation was found continued. Total no. of days = 91 days
6	Marginal cost of Environmental Externality (Lacs rs. per day)	0.05	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.
	<b>Environmental Compensation</b>	<b>Rs. 1,48,700/-</b>	<b>EC = 17.5*(0.127-0.127) + 55.5*(0.127-0.108) + 0.2*(0.127-0.108)*91 + 0.05*(0.127-0.108)*91</b> <b>EC = 1.487 (in Lacs Rs.)</b>

**Photographs of inspection dated 06/04/2022**



**Overflow from septic tank flowing into nearby nallah**



**Estimation of discharge overflow**



**Photograph taken during inspection at DK Cottage**



## Regional Office

## M. P. Pollution Control Board



Paryavaran Parisar, E-5, Arera Colony, Bhopal

Phone no: 0755-2466392 | Email – romppcb\_bpl@rediffmail.com

No. 1179 /RO/PCB/BPL

Bhopal, Date 6/4/2022

To,

The Occupier,  
M/s. D.K.Construction Promoters & Developers,  
Bawadiakalan, Near Danapani Restaurant,  
Bhopal (M.P.)

**Subject: Show-cause notice under Water (Prevention and Control of Pollution) Act 1974.**

1. WHEREAS, M. P. 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.
2. WHEREAS, your project namely DK Cottage was inspected by the joint committee in reference to order dated 06.12.2021 of Hon'ble NGT in the matter OA 85/2021 (CZ) on dated 06/01/2022 and found that the overflow of septic tank is discharged into nearby nallah of your project.
3. WHEREAS, your project was inspected again by the officials of MPPCB, Bhopal on dated 06/04/2022 and found that the overflow of septic tank is discharging into nearby nallah of your project.
4. WHEREAS, as per above, it is evident that you have failed to discharge your duties and overflow of septic tank is being continuously discharged into nearby nallah.

THEREFORE, in reference to above points, you are hereby proposed to direct as per the provisions of Water (Prevention and Control of Pollution) Act 1974 as under –

1. To prevent the overflow of septic tank into the nallah and divert it into the premises for utilization in plantation.
2. Also, explore the possibility to connect the outfall of septic tank with the municipal sewer line under the AMRUT Project.

You are hereby given an opportunity to submit your reply/objection within 15 days from the date of issue of this notice failing which action shall be initiated against you.

  
(Brajesh Sharma)  
Regional Officer

Outward No. RO /PCB/BPL/22  
Copy to:-

Bhopal, Dated / /2022

Member Secretary, M.P.P.C.B. Bhopal for information, please.

  
(Brajesh Sharma)  
Regional Officer