

**Factual Report in the matter of Rajendra Tiwari V/s Union of India  
& Ors (OA No. 53/2023) as per the directions of Hon'ble NGT,  
Central Zone Bench, Bhopal**

**Background**

In a case filed by applicant Sh. Rajendra Tiwari against Union of India & Ors in Hon'ble National Green Tribunal Central Zone Bench Bhopal, the respondent Sh. Rajendra Tiwari has raised the issue that Nagar Nigam Heritage Jaipur invited tenders for holding night market vide advertisement dated 19.05.2022 without specifying the area where the said night market was to be held. Later on, the contract has been awarded to M/s SSPARK Managing Services, Jaipur and night market is being held at the sail of Jal Mahal Lake which is part of Nahargarh Wildlife Sanctuary and Eco-Sensitive Zone notified under the provisions of Wildlife (Protection) Act, 1972. In the course of holding night market, untreated effluent is being discharged in Jal Mahal Lake polluting its water. Noise and air pollution is also being caused by the operators. No consent has been obtained under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act 1981. The case has been admitted as OA 53/2023.

**Order**

Hon'ble NGT Central Zone Bench in its order dated ~~23.08~~ 23.08.2023 has directed:

*"5. However, with regard to discharge of untreated effluent causing pollution in Jal Mahal Lake, which also comes with ESZ of Nahargarh Wildlife Sanctuary, report is not complete. We, therefore, require Joint Committee already constituted vide order dated 20.07.2023, to submit further report with regard to discharge of effluent in Jal Mahal Lake; polluting activities in the sail including Indira Rasoi and Washroom (Sulabh Complex) and other commercial activities carrying on in ESZ and sail of Jal Mahal causing pollution.*

*6. Further, we direct Registry to issue notices to respondents 1, 2, 3, 4, 7, 8, 12 and 13.*

*7. The aforesaid respondents may file their responses within 2 weeks after receipt of the notice. Joint Committee shall submit report as directed above within 3 weeks.*

*ACF*

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*[Signature]*

*[Signature]*

## Field Visit

The following persons visited the site on 11.09.2023 in connection with this case:

- (i) Smt. Alka Bishnoi, ADM Jaipur (North)
- (ii) Sh. Vijay Sharma, Regional Officer, Jaipur (North) Rajasthan State Pollution Control Board, Jaipur
- (iii) Sh. Gajnafar Ali Zaidi ACF Nahargarh Wildlife Sanctuary
- (iv) Sh. Ashish Garg, Executive Engineer, Nagar Nigam Jaipur(Heritage)
- (v) Sh.Kamlesh Jaiman, Executive Engineer, Nagar Nigam Jaipur(Greater)

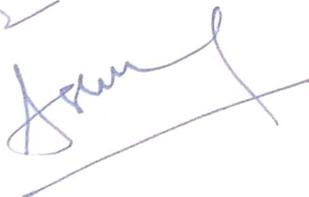
## Observations

During field visit and on perusal of records, it was observed that

- (i) That operation of night market stands suspended by Nagar Nigam since 24.07.2023 and presently night market is not being organized.
- (ii) That three open drains found near the Mansagar lake one for carrying sewage water and two for carrying storm water. As per the representatives of Nagar Nigam the drain carrying sewage water was channelized to carry the sewage to 50 MLD capacity STP located at Jaisinghpura Khor and this sewage is not entering into the Mansagar Lake.
- (iii) That remaining two drains for carrying storm water found almost dry except very less flow of water which was ultimately joining the Mansagar lake. This water was not appearing as sewage water, however, representatives of Nagar Nigam assured that in case any sewage water is found to enter into the lake with source identified, same shall be trapped and connected to the sewer line network to ensure that no sewage water entering into the Mansagar Lake.
- (iv) That as per the representatives of Nagar Nigam waste water generated from the Indira Rasoi and Sulabh Complex is connected to the Sewer line network of the Nagar Nigam and connected to the 50 MLD capacity STP at Jaisinghpura Khor. As such, this waste water is not entering into the Mansagar lake.
- (v) That State Pollution Control Board is collecting water samples on monthly basis from the lake and comparison of the results of analysis of last 5 years reflects no trend of increase in pollution level. Besides, the Dissolved Oxygen (DO) level observed more than 4.0 mg/l is suitable for Propagation of wild life and Fisheries. Enclosed sheets **(Annexure-1)** showing comparative results of last 5 years for

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the parameters (DO, Ammoniacal Nitrogen and  $\text{PH}$ ) prescribed as per CPCB water quality criteria for designated best use of water (Criteria-D; Propagation of wild life and fisheries). **(Annexure-2)**

Conclusion

- (i) Presently holding of night market stands suspended w.e.f. 24.07.2023 as per the notice dated 19.07.2023 of Nagar Nigam Jaipur (Heritage).
- (ii) Possibility of sewage water entering into the mansagar lake is there in case nearby residents or commercial activity not connected to the sewer line network managed by the Nagar Nigam or if there is any damage/leakage from the nearby sewage water network or channel. If there is any damage/leakage result into contaminated water coming from nearby channel, it would be rectified shortly.

Recommendation

- (i) Nagar Nigam shall ensure that there is no discharge of untreated sewage from the nearby area either residential or commercial entering into Mansagar lake.

Enclosures

- (i) Comparative statement of the results of analysis of the samples of Mansagar lake collected by RSPCB in last five years. **(Annexure- 1)**
- (ii) CPCB water quality criteria for designated best use of water. **(Annexure-2)**
- (iii) Notice dated 19.07.2023 of Nagar Nigam Jaipur (Heritage) **(Annexure-3)**



(Kamlesh Jaiman)

EX.En. NNJ(H)

  
(Ashish Garg)

EX.En. NNJ(H)



(Gajnafar Ali Zaidi)

ACF, Nahargarh WLS



(Vijay Sharma)  
RO,RSPCB,Jaipur(N)



(Alka Bishnoi)  
ADM, Jaipur North

<b>Dissolved Oxygen (mg/l) (Northern End )</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>January</b>		3	4.8	5	4.1
<b>February</b>		3.2		4.9	5.2
<b>March</b>	3.4	3.3	5		6.5
<b>April</b>			3.4		5.8
<b>May</b>		4		4.4	5.3
<b>June</b>	4.1	3.7	3.1	3.68	4.2
<b>July</b>	4.3	1.6	4.3	5.6	5.4
<b>August</b>	4.3	4.2	4.2	5.4	
<b>September</b>	4		3.8	5.8	
<b>October</b>	4.1	5.5	4.1	6.1	
<b>November</b>	4.48	4.8	4.6	5.6	
<b>December</b>	4.41	5.2	4.3	5.1	

<b>Dissolved Oxygen (mg/l) (Southern End )</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>January</b>		2.8	4.9	4.9	4
<b>February</b>		3		4.8	5.1
<b>March</b>		3.2	4.8		6.7
<b>April</b>			3.7		5.7
<b>May</b>		3.9		4.3	5.4
<b>June</b>	4	4	2.6	3.6	4.1
<b>July</b>	4.2	3	4.2	5.7	5.2
<b>August</b>	4.1	4	4.1	5.7	
<b>September</b>	4.1		3.7	5.9	
<b>October</b>	4	5.4	4	6	
<b>November</b>	4.38	4.7	4.5	5.7	
<b>December</b>	4.3	5.1	4.5	5.2	

<b>pH (Northern End )</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>January</b>		8.79	8.48	8.51	9.25
<b>February</b>		9.07	8.92	8.57	9.14
<b>March</b>	9.04	9.27	8.92	9.15	9.3
<b>April</b>			8.95		9.17
<b>May</b>		9.3		8.9	8.66
<b>June</b>	9.01	9.13	9.13	9.98	9.68
<b>July</b>		9.09	9.2	9.19	9.59
<b>August</b>	8.79	8.8	9.05	9.14	
<b>September</b>	8.88		8.46	8.66	
<b>October</b>	8.93	8.43	8.05	8.82	
<b>November</b>	9.12	9.07	8.43	8.74	
<b>December</b>	8.95	8.77	8.39	9.42	

<b>pH (Southern End )</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>January</b>		8.73	8.37	8.4	9.21
<b>February</b>		8.96	8.87	8.6	9.1
<b>March</b>		9.23	8.89	9.08	9.39
<b>April</b>			8.92		9.08
<b>May</b>		9.31		8.89	8.65
<b>June</b>	8.92	9.17	9.22	9.96	9.64
<b>July</b>	9.56	9.06	9.15	9.28	9.62
<b>August</b>	8.97	8.8	9	9.16	
<b>September</b>	8.81		8.5	8.56	
<b>October</b>	8.97	8.24	7.98	8.86	
<b>November</b>	9.1	8.97	8.35	8.75	
<b>December</b>	8.88	8.6	8.44	9.38	

<b>Ammonical Nitrogen (mg/l) (Northern End )</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>January</b>		1.6	0	NT	NT
<b>February</b>		0.2	1.1	NT	NT
<b>March</b>	0.9	0.5	0.6		NT
<b>April</b>			0.6	NT	NT
<b>May</b>		0.9		NT	NT
<b>June</b>	0.3	1.1	0.9	NT	NT
<b>July</b>	0.3	0.8	0.5	NT	NT
<b>August</b>	0.7		1.8	NT	
<b>September</b>	0.7		0.9		
<b>October</b>	0.6		0	NT	
<b>November</b>	0.5		0	NT	
<b>December</b>	0.4		0	NT	

<b>Ammonical Nitrogen (mg/l) (Southern End )</b>					
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>January</b>		1.8	0	NT	NT
<b>February</b>		0.2	1.1	NT	NT
<b>March</b>		0.4	0.6		NT
<b>April</b>			0.6		NT
<b>May</b>		1		NT	NT
<b>June</b>	0.3	0.9	0.9	NT	NT
<b>July</b>	0.2	1	0.9	NT	NT
<b>August</b>	0.9		1.8	NT	
<b>September</b>	0.6		0.9		
<b>October</b>	0.6		0	NT	
<b>November</b>	0.7		0	NT	
<b>December</b>	0.6		0	NT	

https://cpcb.nic.in/water-quality-criteria/

Environment Protection

Water Pollution

Air Pollution

Noise Pollution

Waste Management +

Table 1

Designated-Best-Use	Class of water	Criteria
Drinking WaterSource without conventional treatment but after disinfection	A	<ul style="list-style-type: none"> <li>▶ Total Coliforms Organism MPN/100ml shall be 50 or less</li> <li>▶ pH between 6.5 and 8.5</li> <li>▶ Dissolved Oxygen 6mg/l or more</li> <li>▶ Biochemical Oxygen Demand 5 days 20C 2mg/l or less</li> </ul>
Outdoor bathing (Organised)	B	<ul style="list-style-type: none"> <li>▶ Total Coliforms Organism MPN/100ml shall be 500 or less pH between 6.5 and 8.5 Dissolved Oxygen 5mg/l or more</li> <li>▶ Biochemical Oxygen Demand 5 days 20C 3mg/l or less</li> </ul>
Drinking water source after conventional treatment and disinfection	C	<ul style="list-style-type: none"> <li>▶ Total Coliforms Organism MPN/100ml shall be 5000 or less pH between 6 to 9 Dissolved Oxygen 4mg/l or more</li> <li>▶ Biochemical Oxygen Demand 5 days 20C 3mg/l or less</li> </ul>
Propagation of Wild life and Fisheries	D	<ul style="list-style-type: none"> <li>▶ pH between 6.5 to 8.5 Dissolved Oxygen 4mg/l or more</li> <li>▶ Free Ammonia (as N) 1.2 mg/l or less</li> </ul>
Irrigation, Industrial Cooling, Controlled Waste disposal	E	<ul style="list-style-type: none"> <li>▶ pH betwwn 6.0 to 8.5</li> <li>▶ Electrical Conductivity at 25C micro mhos/cm Max.2250</li> <li>▶ Sodium absorption Ratio Max. 26</li> </ul>

	<b>कार्यालय नगर निगम जयपुर हैरिटेज</b> जलेबी चौक, बड़ी चौपड, जयपुर	
क्रमांक	अधिशो अभियन्ता (मु0) हैरिटेज / 2023 / 59	दिनांक: 19/7/23

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M/s SSPARK Managing Services  
Jaipur.

### नोटिस

विषय:- जलमहल की पाल पर लगाये गये रात्री बाजार स्थल को पूर्ण रूप से खाली करने के संबंध में।

उपरोक्त विषयान्तर्गत लेख है कि जयपुर शहर में जलमहल की पाल पर रात्री बाजार लगाये जाने का कार्यादेश संख्या 22/XEN/HQ दिनांक 01.11.2022 को जारी किया गया था। जिसके तहत दर अनुबंध, नियम एवं शर्तों के अनुसार आपके द्वारा हर सप्ताह शनिवार एवं रविवार को रात्री बाजार लगाया जाता है। दिनांक 29.07.2023 से 31.07.2023 तक जी-20 शिखर सम्मेलन जयपुर में आयोजित होगा। जिसके संबंध में गठित ऑवर-ऑल समन्वय समिति की प्रमुख शासन सचिव, गृह विभाग की अध्यक्षता में दिनांक 06.07.2023 को दोपहर 3.00 बजे उनके सचिवालय स्थित कक्ष में बैठक आयोजित की गई। बैठक में घर्षा के दौरान उठाये गये विन्दुओं में जलमहल की पाल की सफाई, चौपाटी की टूट-फूट की मरम्मत एवं सौन्दर्यकरण के निर्देश प्रदान किये गये है। निर्देशों की पालना में मरम्मत कार्य करवाया जाना प्रस्तावित है।

अतः आपको जरिये नोटिस सूचित किया जाता है कि आपके द्वारा लगाये जा रहे रात्री बाजार स्थल को दिनांक 24.07.2023 तक पूर्ण रूप से आगामी आदेशों तक खाली कर अद्योहस्ताक्षरकर्ता को आज ही सूचित करें।

अधिशो अभियन्ता (मु0)  
नगर निगम जयपुर हैरिटेज  
नगर निगम जयपुर हैरिटेज

### प्रतिलिपि:-

1. निजी सहायक, माननीय महोदय / उपमहापौर महोदय, नगर निगम जयपुर हैरिटेज।
2. निजी सहायक, श्रीमान आयुक्त महोदय, नगर निगम जयपुर हैरिटेज।
3. श्रीमान अतिरिक्त आयुक्त, नगर निगम जयपुर हैरिटेज।
4. श्रीमान अतिरिक्त मुख्य अभियन्ता, नगर निगम जयपुर हैरिटेज।
5. श्रीमान उपायुक्त (प्लानिंग), नगर निगम जयपुर हैरिटेज।
6. श्रीमान उपायुक्त (सतर्कता), नगर निगम जयपुर हैरिटेज को भेजकर लेख है उक्त मार्केट को हटाये जाना सुनिश्चित करें।
7. श्रीमान उपायुक्त, हवामहल/आमेर जोन, नगर निगम जयपुर हैरिटेज।
8. अधिशो अभियन्ता, जयपुर स्मार्ट सिटी लिमिटेड।
9. सहायक अभियन्ता (मु0), नगर निगम जयपुर हैरिटेज।
10. रक्षित पत्रावली।

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अधिशो अभियन्ता (मु0)  
नगर निगम जयपुर हैरिटेज  
नगर निगम जयपुर हैरिटेज