



क्षेत्रीय कार्यालय—उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद
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संदर्भ संख्या : 2258/NGT-155/OA-550/2022/2022

दिनांक 08/12/2022

To,

The Registrar,
The National Green Tribunal,
Principal Bench,
New Delhi
E-mail- judicial-ngt@gov.in & ngt.filling@gmail.com

Sub: Report of the Joint Committee in compliance of Hon'ble National Green Tribunal, Principal Bench, New Delhi Order dated 06-09-2022 in OA No-550/2022 Parmod Kumar Agarwal Versus State of Uttar Pradesh.

Respected Sir,

With reference to the above mentioned subject, the Joint Committee inspected the site in compliance of Hon'ble National Green Tribunal, order dated 06-09-2022 in OA No-550/2022 Parmod Kumar Agarwal Versus State of Uttar Pradesh. Joint Committee's report is hereby submitted for kind perusal and necessary action please.

Enclosure: Joint report.

Yours Sincerely


(Utsav Sharma)

Regional Officer

Copy to:

- 1- Member Secretary, U.P. Pollution Control Board, Lucknow for information.
- 2- Municipal Commissioner, Municipal corporation, Ghaziabad.
- 3- Chief Environmental Officer, Circle-1, U.P. Pollution Control Board, Lucknow for information.
- 4- Shri Pradeep Misra, Advocate, Hon'ble Supreme Court/NGT, New Delhi for perusal and necessary action please.
- 5- Law Officer-I, U.P. Pollution Control Board, Lucknow for information.


Regional Officer

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 550 OF 2022**

IN THE MATTER OF:

Parmod Kumar Agarwal

...Applicant

Versus

State of U.P.

...Respondent(s)

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FILED BY



UTSAV SHARMA

Regional Officer, UPPCB
Ghaziabad

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 550/2022

In the matter of:

Parmod Kumar Agarwal

...Applicant

Versus

State of U.P.

...Respondent(s)

**STATUS REPORT ON BEHALF OF THE JOINT COMMITTEE OF DISTRICT
ADMINISTRATION, MUNICIPAL CORPORATION, GHAZIABAD AND UTTAR
PRADESH POLLUTION CONTROL BOARD WITH RESPECT TO ORDER DATED
06.09.2022**

IT IS MOST RESPECTFULLY SHOWETH:

1. That, the instant matter was registered and taken up by this Hon'ble Tribunal on basis of a complaint received by post with regards to horrible condition of a *Nala* near Shahid Nagar Metro Station, G.T. Road, Sahibabad, Ghaziabad which is not being maintained and giving foul smell.
2. That, in the said complaint, the applicant has alleged that complaint was made to concerned Engineers but no action has been taken on same and



the complainant has requested that the said Nala be covered and Sewage treatment plant be installed.

3. That, in view of the averments made in the application which raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010, the Hon'ble Tribunal had taken up the matter on 06.09.2022 and constituted a Joint Committee comprising of representative of State PCB, Commissioner, Municipal Corporation and District Magistrate, Ghaziabad to verify the factual position. Operative part of the said order has been reproduced hereunder: -

"...3. Prima facie, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly, we constitute a Joint Committee comprising of representative of State PCB, Commissioner, Municipal Corporation and District Magistrate, Ghaziabad and direct the same to meet, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the Commissioner, Municipal Corporation, Ghaziabad, verify the factual position and submit its report within one month by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance. 4. In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:- (i) the Commissioner, Municipal Corporation, Ghaziabad to enable him to comply with the recommendations in its report or file objections against its

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observations/recommendations and file his response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and (ii) State PCB and District Magistrate, Ghaziabad to enable them to take appropriate remedial action by giving notice to/hearing the concerned officers of Municipal Corporation, Ghaziabad and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment and submit their action taken reports within one month from the date of receipt of a copy of the report of the Joint Committee..."

4. That, upon receiving nominations for site inspection from the District Administration and Municipal Corporation, Ghaziabad, the Joint Committee comprising of Shri Bipin Kumar, Additional District Magistrate (City), Ghaziabad, Shri Yogendra Singh, Executive Engineer (Jal), Municipal Corporation, Ghaziabad, Shri Om Prakash, Assistant Engineer (Jal), Municipal Corporation, Ghaziabad and Shri Kishan Singh, Assistant Environmental Engineer, UPPCB, Ghaziabad carried out site inspection of the said area on 24.11.2022.
5. That, representative of Municipal Corporation, Ghaziabad informed the members of the Joint Committee that the said complainant had approached the Corporation and requested that the drain be covered in front of the group housing society M/s Nipun Saffron Valley , G.T. Road, Ghaziabad where he stays, however same could not be done.
6. That, the Joint Committee tried to contact Shri Parmod Kumar Agarwal, the complainant on his mobile (8882927871) but the call went

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unanswered. Further, the Committee contacted Shri Nawab Singh, Guard Supervisor of M/s Nipun Saffron Valley who informed that Shri Agarwal was not available in the society.

7. That, during site survey, the Committee observed that the drain, marked as Sahibabad Drain -1 in the records of Municipal Corporation passes near the boundary wall of M/s Nipun Saffron Valley on the right side. The said drain is at a distance of around 20 feet from the boundary wall of the society and residential towers are further 30 feet inside the group housing society. Hutments and temporary households were found established in the 20 feet buffer area between the boundary wall and the drain.
8. That, the said drain's inception is from a point near 80 feet road in Shahid Nagar and it culminates in Vaishali, Ghaziabad, where it is tapped through a sewage treatment plant. The total length of the said drain as per Corporation's record is 8115 meters, out of which around 7500 meters is in the form of concretized channel.
9. That, before reaching the area in question near M/s Nipun Saffron Valley, mixed effluent from Village Bhopura, Village Pasonda, Village Rajiv Nagar, Shalimar Garden, Ganeshpuri, Janakpuri and Shahid Nagar is received in



Sahibabad Drain -1. No authorized or approved industrial area falls in up stream of this point of Sahibabad Drain – 1.

10. That, the Sahibabad Drain – 1 is in the form of a concrete channel having width of around 30 feet and depth of around 10 feet near the group housing society. Once the drain passes the society it crosses beneath the GT Road. Due to accumulation of municipal waste, stagnancy was observed in the drain at said point which eventually leads to smell in the region.
11. That, the representatives of Municipal Corporation informed that complainant's demand of covering the drain cannot be fulfilled as it would lead to issues in cleaning and regular maintenance of the drain. Further, Hon'ble Tribunal in its various orders has adjudicated against covering of drains. The issue of covering of Sahibabad Drain – 1 is also pending before the Hon'ble Tribunal in Original Application 16/2014, Hazi Arif versus State of U.P. and others. In the said matter as well, Municipal Corporation has maintained that no permission has been given to any private party on the said drain since 2012. Same is also incorporated in Functional Plan on Drainage for National Capital Region, approved in the 65th meeting of the Planning Committee of NCR Planning Board.

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12. That, the said drain is eventually tapped through sewage treatment plants at Vaishali, Ghaziabad and installation of multiple sewage treatment plants on the same drain is not feasible and not required.

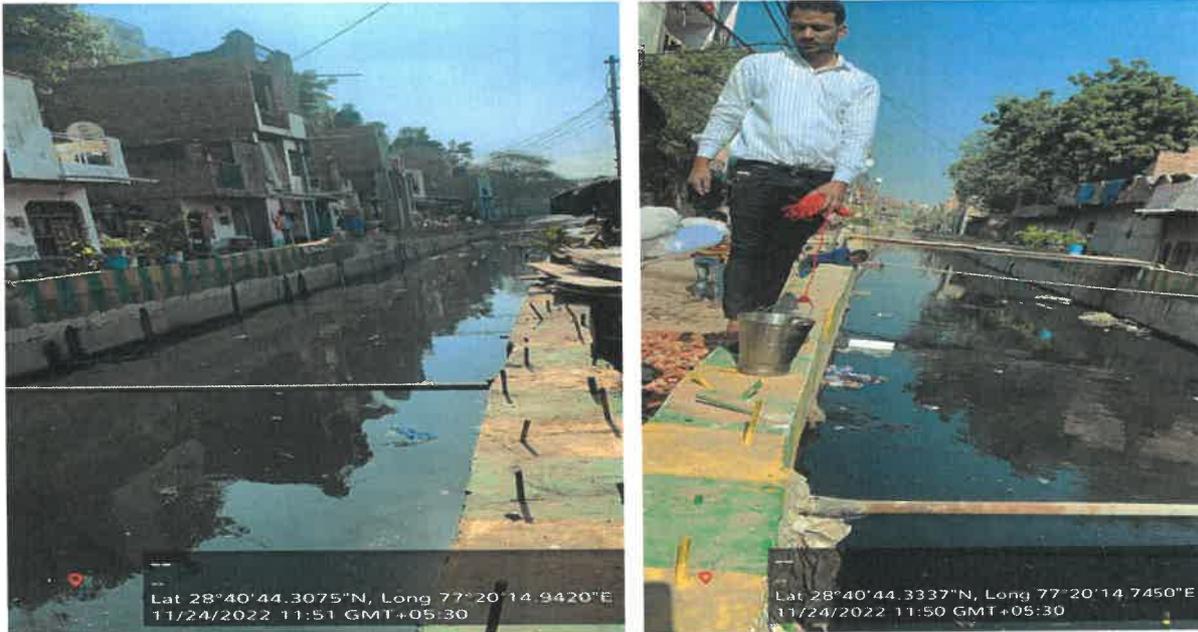
13. That, surface water samples from drain were collected from up-stream as well as down-stream region of M/s Nipun Saffron Valley group housing society and analysed in the Regional Laboratory, Uttar Pradesh Pollution Control Board, Ghaziabad. Results with regards to major parameters have been tabulated hereunder.

S.No.	Parameters	Up-stream	Down-stream
1	pH	6.9	7.2
2	Color	Blackish	Blackish
3	Total Suspended Solids (mg/l)	326	308
4	Biological Oxygen Demand (mg/l)	108.0	164.0
5	Chemical Oxygen Demand (mg/l)	280.0	364.0
6	Total Coliform MPN/100ml	4700000	2700000
7	Fecal Coliform MPN/100ml	3400000	2200000

Photographs taken on site during inspection are as below.



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14. That, on basis of observations and findings on site, following recommendations are suggested by the Joint Committee:

- a. Covering of drain is not feasible in the said area in view of various directions of Hon'ble National Green Tribunal and Functional Plan on Drainage for National Capital Region, approved in the 65th meeting of the Planning Committee of NCR Planning Board.
- b. Since the drain is already tapped, installation of new STP at the said location is not feasible. However, Municipal Corporation along with Jal Nigam (Urban) shall ensure that 100% effluent of said drain is tapped at terminal Sewage Treatment plants either by direct lifting to the dedicated plant or by Interception & Diversion to under utilized plants.

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- c. Municipal Corporation, Ghaziabad along with representatives of land-owning agencies in the catchment of said drain shall ensure that the activities in up-stream region of M/s Nipun Saffron Valley society are regulated as per approved land use only as this will regulate the flow as well as quality of effluent entering the drain.
- d. Strict action should be taken against littering into the drains and bar screens be installed at regular intervals for collection and removal of waste finding its way into the drain.
- e. Municipal Corporation should consider technical interventions like installation of floating aerators in the stretches of drain where issue of foul smell is persistent despite other measures in place due to stagnancy or other local factors in the drain.

The present status report may kindly be taken on record.


 (Kishan Singh)
 AEE, UPPCB
 Ghaziabad


 (Yogendra Singh)
 Executive Engineer (Jal)
 Municipal Corporation


 (Anand Tripathi)
 General Manager (Jal)
 Municipal Corporation


 (Bipin Kumar)
 ADM (City)
 Ghaziabad