



क्षेत्रीय कार्यालय—उ०प्र० प्रदूषण नियंत्रण बोर्ड, गाजियाबाद  
Regional Office, U.P. Pollution Control Board, Ghaziabad  
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संदर्भ संख्या : 2858/NGT-155/OA-550/2022/2023

दिनांक 04/03/2023

To,

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

**Sub: Response on behalf of U.P. Pollution Control Board in compliance of Hon'ble National Green Tribunal, Principal Bench, New Delhi Order dated 12.12.2022 in OA No-550/2022 Parmod Kumar Agarwal Versus State of U.P.**

Respected Sir,

With reference to the above-mentioned subject, please find enclosed herewith response on behalf of U.P. Pollution Control Board in view of facts highlighted in report of the Joint Committee is OA No-550/2022 Parmod Kumar Agarwal Versus State of U.P. Requested you to kindly get the response place before the Hon'ble Bench for kind pursual.

**Enclosure: Joint report.**

Yours Sincerely

(Utsav Sharma)  
Regional Officer

**Copy to:**

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

Regional Officer

क्षेत्रीय कार्यालय : आई०एन०एस०-२, सेक्टर-१६, वसुन्धरा, गाजियाबाद-२०१०१२ फोन-०१२०-४१६०१०८  
मुख्यालय : TC-12V, विभूति खण्ड, गोमती नगर, लखनऊ २२६०१०

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

**IN THE MATTER OF:**

Parmod Kumar Agarwal

...Applicant

Versus

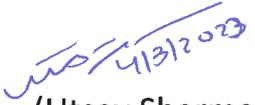
State of U.P.

...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)

**COMPLIANCE ON BEHALF OF THE UTTAR PRADESH POLLUTION CONTROL  
BOARD WITH RESPECT TO ORDER DATED 12.12.2022**

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](mailto: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 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 the report of the Joint Committee has been filed in Hon'ble Tribunal by the Regional Officer, Ghaziabad, Uttar Pradesh Pollution Control Board on 09.12.2022 and same has been taken on record in the order dated 12.12.2022 of Hon'ble Tribunal. Being the nodal department and signatory of the report filed, the State Board agrees to the facts filed in the said report.
6. 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.

7. 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.
8. 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.
9. 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.

10. 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.

11. That, the issue of covering the said drain and pollution sources has been dealt with by the Hon'ble Tribunal in O.A. No. 16/2014 and passed following orders on 10.02.2023. Operative part of the order reads as under:-

*"12. Thus, in absence of any other option, the directions of the Tribunal dated 13.05.2022 have to be carried out for removing illegal constructions falling in the buffer zone (12 meters from the edge of the drain) and preventing pollution of the drain by stopping discharge of untreated sewage, maintaining drain as exclusively storm water. Instead, the intercepted and diverted sewage needs to be treated and treated water utilized for secondary purposes such as agriculture, horticulture, industrial, parks, gardens or any other such non-contact purposes. 13. The District Magistrate and SSP, Ghaziabad, Ministry of Jal Shakti, Govt. of U.P. and Ghaziabad Nagar Nigam may accordingly take action expeditiously and restore the drain free from pollution and encroachments within six months from today."*

12. That, another Original Application 95/2023, Sunil Vaid & Anr. Vs Ministry of Jal Shakti & Ors. pertaining to said drain has also been dealt with by the Hon'ble Tribunal and following orders have been passed on 21.02.2023:-

*“...The operative part of the order as reproduced above clearly shows that this Tribunal, besides demolition of illegal constructions in the form of concrete slabs, has also said that authorities concerned shall take action for preventing pollution of the drain by stopping discharge of untreated sewage, maintain drain as exclusively storm water and redress the grievance raised in the application. Therefore, we do not find any reason to pass any further order in this application in view of the order already passed in O.A. No. 16/2014 on 10.02.2023, which also shows the grievance raised in this application.*

*4. The application is disposed of...”*

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

14. That besides the above sampling, the Regional Laboratory, Ghaziabad of the State Board carries out fortnightly sampling of the said drain at tapping

point and results are uploaded on the drain monitoring portal. Results at said point of last six months are annexed as *Annexure I*.

15. That, in order to curb operation of illegal industries in non-conforming areas and other unauthorized activities adding to pollution load in said drain, a joint team has been constituted by District Magistrate, Ghaziabad. Concerned land-owning agencies in the catchment of said drain should also 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, 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.

16. That for issue of foul smell in the said region due to stagnancy in drain, Municipal Corporation should consider technical interventions for increasing flow and oxidation in the stretches of drain where issue of foul smell is persistent on pilot scale.

The response of the State Board may kindly be taken on record.

  
(Anil Gupta)  
Scientific Assistant  
UPPCB, Ghaziabad

  
(Kishan Singh)  
Assistant Environment Engineer  
UPPCB, Ghaziabad

**Regional Office**  
**Uttar Pradesh Pollution Control Board, Ghazalabad**  
**Analysis Report of Sahibabad Drain**

S.No	Date	pH	Color	B.O.D mg/L	C.O.D mg/L	T.S.S mg/L	Total coliform MPPN/100ml	Fecal Coliform MPPN/100ml
1	10.08.2022	8.28	Turbid	43.0	225.0	142.0	3900000	3300000
2	29.09.2022	7.44	Turbid	46.0	261.0	130.0	5800000	4300000
3	15.10.2022	7.82	Turbid	42.0	245.0	133.0	5800000	4300000
4	16.11.2022	7.50	Turbid	44.0	233.0	105.0	4000000	2200000
5	30.11.2022	7.45	Turbid	42.0	283.0	108.0	5800000	3100000
6	28.12.2022	7.80	Turbid	47.0	278.0	125.0	4900000	3300000
7	10.01.2023	7.60	Turbid	58.0	538.0	186.0	5800000	2300000
8	07.07.2023	6.35	Blackish	54.0	209.0	296.0	8400000	3300000

Scientific Assistant

Scientific Officer

Regional Officer