

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH AT NEW DELHI****EXECUTION APPLICATION NO. 33 OF 2021****IN****ORIGINAL APPLICATION NO. 68 OF 2021****IN THE MATTER OF:**

SUSHIL RAGHAV

... APPLICANT

VERSUS

UNION OF INDIA & ORS.

... RESPONDENTS

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THROUGH**RITWICK DUTTA****RAHUL CHOUDHARY
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**RESPONSE TO THE REPORT DATED 5.03.2024 OF RESPONDENT NO. 4,
AND REPORT DATED 13.05.2024 OF RESPONDENT NO. 6 ON BEHALF OF
THE APPLICANT****MOST RESPECTFULLY SHOWETH:**

1. That the Applicant had filed the above-mentioned Execution Application No. 33 of 2021 before this Hon'ble Tribunal seeking execution of order dated 19.03.2021 passed in O.A No. 68 of 2021. The grievance raised by the Applicant was that the Respondents have failed to comply with the order dated 19.03.2021, which had directed the State of Uttar Pradesh to take further action as directed in order dated 27.01.2021 in O.A. No. 6 of 2012 titled *Manoj Mishra v. Union of India*. As per the said order dated 27.01.2021, the Hon'ble Tribunal had directed the State of Uttar Pradesh to implement septage management by December 20 in all areas which have not been sewerred, in terms of the Yamuna Monitoring Committee. The relevant portion of the Hon'ble Tribunal order dated 19.03.2021 is reproduced below:

"2. We find that the issue raised has already been dealt with by this Tribunal vide order dated 27.01.2021 in O.A. No. 06/2012, Manoj Mishra vs. Union of India & Ors. relating to remedial action to prevent pollution of river Yamuna and drains and tributaries connected thereto in Delhi, Haryana and Uttar Pradesh. In relation to State of

Uttar Pradesh, the Yamuna Monitoring Committee (YMC) appointed by this Tribunal gave its recommendations which have been quoted in the said order. Therein, reference was made to earlier order dated 06.07.2020 with reference to report of the YMC dated 29.06.2020. The report dealt with the issue (as quoted in the orders of this Tribunal dated 06.07.2020 and also 27.01.2021) as follows:

" (XIII) State of Uttar Pradesh and Pollution of the River Yamuna

...

4. Implementation of Septage management by December 20 in all areas which are not sewerred.

Therefore, the Applicant had filed the above-mentioned Execution Application raising the grievance that huge quantity of domestic sewage/waste water was being discharged by households on open land, roads, streets and storm water drains in Karkarmodel Village situated in Municipal Corporation, Ward No. 43, Sahibabad, Ghaziabad on the fringes of Sahibabad site-IV industrial area about 5 Km from Anand Vihar in Delhi.

2. That the Ghaziabad Nagar Nigam i.e. Respondent No. 4 filed its report dated 5.03.2024. Further, the Uttar Pradesh Pollution Control Board (Respondent No. 6) submitted its report dated 13.05.2024.
3. That the Applicant is making following submissions in response to the report dated 5.03.2024 of Respondent No. 4 and report dated 13.05.2024 of Respondent No. 6.

Submissions and Objections on behalf of the Applicant to the Report dated 5.03.2024 of Respondent No. 4 and Report dated 13.05.2024 of Respondent No. 6:

4. That the Ghaziabad Nagar Nigam has submitted its report dated 5.03.2024 wherein it has annexed a letter dated 6.03.2024. **[Pg 43]** Under this letter, the concerned authority is stating that public sewerage line in Karkarmodel area, Sahibabad is already laid down by U.P. Jal Nigam in the year 2009 and all sewage/domestic effluent is being treated in common sewage treatment plant 56 MLD Indirapuram through Sewage Pumping Station situated near Ramleela ground, Village Karkar Model, Sahibabad, Ghaziabad. The relevant portion is reproduced below:

" ...The sewerage of the functional line of Karkad village is being discharged to the 56 MLD UASB technology based STP located at Indirapuram through the sewer pumping station located near Ramlila Maidan of Karkad Model village. After treating it, it is being discharged into the Hindon River. The above STP is being supervised by Yamuna Pollution Control Unit and the water of all the drains located in Karkar Model village is being treated through Sahibabad Drain at the 74 MLD SBR technology based STP located at

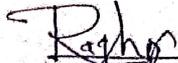
Indirapuram, which is also supervised by Yamuna Pollution Control Unit."

5. That the UPPCB has further submitted its report on 13.05.2024 wherein it has stated that:

"2. Public sewerage line in Karkarmodel area Sahibabad is already laid down by U.P. Jal Nigam in year 2009 and all sewage/domestic effluent is being treated in common sewage treatment plant 56 MLD Indirapuram through pumping station situated near Ramleela ground, Village Karkar Model, Sahibabad, Ghaziabad. A report in this regard is also submitted by General Manager (Jal), Municipal Corporation, Ghaziabad vide letter dated 07.03.2024."

6. That the Applicant submits that the above-mentioned letter dated 6.03.2024 as well as UPPCB report dated 13.05.2024 claiming that a proper public sewerage line was established in 2009 is incorrect. On the contrary, the untreated domestic effluent is directly being discharged to flow on the roads. The Applicant submits photographs showing the overflow of domestic effluent discharge on the road. A copy of the photographs showing overflow of sewage on the road due to no proper sewerage line is annexed herewith as **ANNEXURE A-1**.
3. That the letter dated 6.03.2024 further incorrectly claims that the sewerage line which had been established in 2009 is functional. It is submitted that only one line was established in 2009 from Railway Fatak, Karkar model to Golakua Wali Gali in Karkarmodel village which has also been damaged and is currently non-functional.
4. It is further submitted that there are approximate 1400 to 1500 households, whose untreated sewage is being directly discharged into the drains running parallel by the households leading to the Sahibabad storm water drain. Further, untreated sewage are also flown on the roads due to lack of proper sewerage line. It is submitted that till date, no new additional line has been constructed since 2009.
5. That such non-action on part of the authorities is a violation of order dated 27.01.2021 of this Hon'ble Tribunal in O.A. 6 of 2012 titled *Manoj Mishra v. Union of India* in which the State of Uttar Pradesh was directed to implement septage management by December 20 in all areas which have not been sewered, as per recommendation of the Yamuna Monitoring Committee.
6. That the Applicant further submits that the Sewerage Pumping System mentioned by the authorities is non-functional for a long time now. The authorities have submitted the reports without conducting any site inspection and without checking the functionality of the sewerage system.
7. That therefore, the Hon'ble Tribunal, in the interest of justice may consider the above submissions and objections on behalf of the Applicant for further adjudication of the matter.

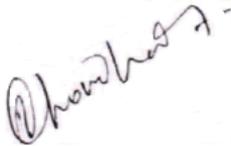
75
8) Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.


APPLICANT

THROUGH



RITWICK DUTTA



RAHUL CHOUDHARY

ADVOCATES

COUNSELS FOR THE APPLICANT

N-73, LOWER GROUND FLOOR,

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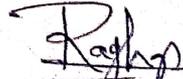
Email: dclaw160@gmail.com

Place: New Delhi

Date: 15.05.2024

VERIFICATION:

Verified by SushilRaghav, s/o Shri Ratan Singh, aged about 38 years, R/o 226, Karkar Model Post, Sahibabad, Site-4, Ghaziabad that the contents of Paragraphs 1 to 8 are true to my personal knowledge and nothing material has been concealed therefrom.


APPLICANT

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AFFIDAVIT



I, SushilRaghav, s/o Shri Ratan Singh, aged about 38 years, R/o 226, Karkar Model Post, Sahibabad, Site-4, Ghaziabad, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the above titled Application and conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of the accompanying Response are true and correct and nothing material has been concealed therefrom.

DEPONENT

VERIFICATION

Verified on this ___ day of _____, 2024 that the contents of the present affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.



18 ATTESTED 15/05/2024
No. 18
Certified that Document is true and correct
Identified By

Notary Ghaziabad
(GOVT. OF INDIA)

DEPONENT

15/05/2024

ANNEXURE A-1

Untreated domestic effluent discharge flowing on the road in village Karkarmodel, Ghaziabad:



