

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1002/2018**

IN THE MATTER OF:-

ABHISHT KUSUM GUPTA

Vs.

APPLICANT

STATE OF UTTAR PRADESH & ORS.

RESPONDENTS

INDEX

S. No.	PARTICULARS	PAGE No.
1.	STATUS REPORT SUBMITTED IN COMPLIANCE TO HON'BLE NGT ORDER DATED 25.02.2020 PASSED IN O.A. NO. 1002/2018 TITLED AS ABHISHT KUSUM GUPTA VS STATE OF UTTAR PRADESH & ORS.	
2.	ANNEXURE- I A COPY OF LETTER DATED 19/03/2020 & 12/05/2020 ISSUED BY CPCB TO CEO, NOIDA TO PROVIDE PROGRESS REPORT IN THE MATTER.	
3.	ANNEXURE- II HON'BLE NGT ORDER DATED 25.02.2020.	


(DIVYA SINHA)

SCIENTIST -E
CENTRAL POLLUTION CONTROL BOARD
PARIVESH BHAWAN, EAST ARJUN NAGAR,
DELHI-110032

PLACE: DELHI

DATED: 15.05.2020

①

STATUS REPORTS IN THE MATTER OF O.A NO 1002/2018

In the matter of O.A No 1002/2018 titled; Abhisht Kusum Gupta Vs State of Uttar Pradesh & Ors, Hon'ble NGT vide order dated 25.02.2020 has directed:

“UP Irrigation Flood Control Department and NOIDA Authority may take further remedial action expeditiously which may be overseen by the Principal Secretary, UP Irrigation and Flood Control Department and the Chairman, NOIDA Authority. The Chairman, NOIDA authority will act as a nodal agency for coordination and compliance which may be further overseen and coordinated by the CPCB”

CPCB issued letter on 19/03/2020 to NOIDA Authority for taking remedial action as per direction of Hon'ble NGT and follow-up communication was also sent on 12/05/2020. Copy of letter attached as Annexure-I.



ANNEXURE-I

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Reminder-I

File No. A-14011/1/2020-Mon

Dated: 12/05/2020

To,

The CEO, NOIDA
Sector 6, Noida - 201301
District Gautam Budh Nagar
Uttar Pradesh, India

Subject-Directions of Hon'ble NGT in the matter O.A No 1002/2018 vide order dated 25.02.2020

Reference: CPCB letter no A-14011/1/2019-Mon dated 19.03.2020

Sir,

Kindly refer to our earlier letter of even number dated 19/03/2020 (enclosed), wherein it was requested to take remedial action in compliance with above cited Hon'ble NGT directions. However, compliance report has not been received so far from your office. In this regard, it is requested to provide the compliance report on the subject to this office at the earliest so that report is filed in NGT within the stipulated timeframe. It may be noted that matter is coming up for hearing on 18.05.2020.

Enclosure: As Above

Yours faithfully,


[Divya Sinha]
DH UPC-I

Copy to:

1. **Regional Officer, Noida**
U.P. Pollution Control Board.
E-12/1, Sector-1, Noida – 201301,
Uttar Pradesh : For follow up with Noida
Authority
2. **The Principal Secretary,**
U.P. Irrigation Department
90, Cantonment Road, Udaiganj,
Husainganj, Luknow : For information please
Uttar Pradesh 226001
3. DH Law : For information please.


[Divya Sinha]

②

File No. A-14011/1/2019-Mon 63

Dated: 19/03/2020

To,

The CEO, Noida
Sector 6, Noida - 201301
District Gautam Budh Nagar
Uttar Pradesh, India

Subject- In the matter of O.A No 1002/2018 titled Abhisht Kusum Gupta Vs State of Uttar Pradesh & Ors direction dated 25.02.2020.

Sir,

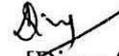
Hon`ble NGT in the above said matter vide order dated 25/02/2020 directed as follows (copy enclosed);

“UP Irrigation Flood Control Department and NOIDA Authority may take further remedial action expeditiously which may be overseen by the Principal Secretary, UP Irrigation and Flood Control Department and the Chairman,NOIDA Authority. The Chairman, NOIDA authority will act as a nodal agency for coordination and compliance which may be further overseen and coordinated by the CPCB”

In view of the above, it is requested to take further remedial action in coordination with Principal Secretary, UP Irrigation and Flood Control Department and appraise the progress made to this office in said matter.

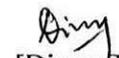
Enclosure: As Above

Yours faithfully


[Divya Sinha]
DH UPC-I

Copy to:

1. **Regional Officer, Noida**
U. P. Pollution Control Board : for follow up with Noida Authority
E-12/1, Sector-1, Noida-201301
Uttar Pradesh
2. **The Principal Secretary**
U.P Irrigation Department : for information please
90, Cantonment Rd, Udaiganj,
Husainganj, Lucknow,
Uttar Pradesh 226001
3. DH-LAW : for information please


[Divya Sinha]

3567/UPC-I
20/03/2020

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत... 19/03/20
दिनांक 20/03/20

4

Item No. 02

Court No. 1

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

Original Application No. 1002/2018

(With report dated 01.11.2019)

Abhisht Kusum Gupta

Applicant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 25.02.2020

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER

For Applicant(s): Mr. Abhisht Kusum Gupta, in person

For Respondent(s): Mr. Ravindra Kumar, Advocate for NOIDA
Mr. Aman Bhalla, Advocate for CPCB
Mr. Daleep Dhvani, Advocate for UPPCB**ORDER**

1. The issue for consideration is the remedial action for preventing untreated sewer waste going to the irrigation canal in Sector 137, NOIDA.
2. Vide order dated 11.09.2019, this Tribunal considered the matter in the light of report from the concerned authorities as follows:

"3. A joint report was considered on 30.07.2019 and directions were issued to EDMC, DJB, NOIDA Authority and Ghaziabad Nagar Nigam to furnish performance guarantee in the sum of Rs. 1 crore each for the remedial action.

4. The application has been filed by the Ghaziabad Nagar Nigam to the effect that Khoda village is in the jurisdiction of Nagar Palika Parishad, Khoda Makanpur and not in the jurisdiction of Ghaziabad Nagar Nigam. The applicant seeks modification to the effect that performance guarantee may be

required to be furnished by Palika Parishad, Khoda Makanpur instead of Ghaziabad Nagar Nigam.

5. We are of view that instead of going into the controversy whether area falls in the jurisdiction of Ghaziabad Nagar Nigam or Palika Parishad, Khoda Makanpur, we may direct the Secretary Urban Development, UP to furnish such performance guarantee and ensure compliance of order dated 30.07.2019. Ordered accordingly.”

3. In the light of above, a report has been filed by the CPCB on 01.11.2019 as follows:

“2.0 DIRECTIONS ISSUED BY CPCB AND HONBLE NGT

CPCB has issued directions under section 5 of the Environment (Protection) Act, 1986 to EDMC, DJB, Ghaziabad Nagar Nigam (GNN), and NOIDA vide letter dated 06/06/2019 and Nagar Palika Parishad Khoda Makanpur vide letter dated 24/09/2019 for taking action for abatement of pollution of Noida drain. Details of directions are mentioned below:

Sl. No	Department	Directions issued u/s 5 of EPA, 1986
1	NOIDA	<i>i. To develop time bound action plan to stop discharge of untreated wastewater to 30 drains. ii. To intercept all drains and channelize wastewater to STPs so that no untreated wastewater is discharged to Noida drain. iii. To deposit an Interim Environmental Compensation of Z 1,00,00,000</i>
2.	Ghaziabad Nagar Nigam	<i>i. To establish sewerage network and treatment facility to treat sewage generated from Khoda village. ii. To Deposit an Interim Environmental Compensation of 1,00,00,000</i>
3.	DJB	<i>i. To initiate legal proceedings against the residents of GD colony, Gharauli village and Kondli village, Delhi having failed to take sewer connections. ii. To ensure that each building under their jurisdiction shall have sewer connection so that current practice of discharge of untreated sewage into storm water drainage system should be stopped.</i>
4.	EDMC	<i>i. To direct dairy farms to develop decentralized treatment facility so that their untreated waste shall not be discharged to DDA drainage system ii. To ensure that untreated dairy waste including animal dungs from Gharuli village should not be discharged into storm water drain. Challan / Legal action shall be initiated against such violators.</i>

5.	Nagar Palika Parishad Khoda Makanpur	Show cause notice issued to explain the reasons as to why action should not be taken against Nagar Palika Parishad Khoda including levying of Environmental Compensation for discharge of untreated sewage to drainage system of Delhi. Copy of directions is attached as Annexure-I
6.	Hon'ble NGT directions	In addition, NGT directed EDMC, DJB, NOIDA Authority and the Ghaziabad Nagar Nigam to furnish performance guarantees in the sum of Rs. 1 crore each to the satisfaction of the directions of the CPCB, failing which the said amount will be forfeited

3.0 FOLLOW-UP ACTION BY CPCB

1. Noida authority made representation against the direction and EC imposed by CPCB on 01/07/2019. Reply of representation was made on 19/07/2019 (copy attached as **Annexure-II**) and hearing was conducted on 23/07/2019 and further directed to ensure compliance of directions. Copy of minutes is attached as **Annexure-III**.

2. Central Pollution Control Board convened meeting with officers of Delhi Pollution Control Committee (DPCC), Delhi Jal Board (DJB), East Delhi Municipal Corporation (EDMC), NOIDA Authority, UP Irrigation Flood Control Department, Nagar Palika Parishad Khoda Makanpur and Uttar Pradesh Pollution Control Board (UPPCB) on 01/10/2019 for further follow-up on action taken by concerned authorities. Minutes of meeting is attached as **Annexure-IV**.

3. Joint inspection

Joint inspection of drains with Dr C R Babu, Emeritus Professor, University of Delhi with concerned agencies was conducted on 15.10.2019 to identify suitable locations for in-situ treatment and verify the progress made so far.

Samples were also collected from different locations of drains at Delhi and Noida, U.P to ascertain the extent of organic loadings and Fecal coliform on 15.10.2019. Analytical results are depicted in Table 1.

Table 1: Analytical Results of Drain

Si. No.	Sample Location	Physico-Chemical Parameters				Bacteriological Parameters	
		pH	COD	BOD	TSS	Total Coliform (MPN/100ml)	Fecal Coliform (MPN/100ml)
Water Quality of Noida Drain at different locations							

7

1.	Budh Vihar, Sector-11, Noida	7.56	444	219	330	13 X10 ⁵	79 X10 ⁵
2.	S-14, New Kondli Road, Sector-11, Noida.	7.55	433	217	352	23 X10 ⁶	23 X10 ⁶
3.	Sector-50, Noida Link Road.	7.72	169	68	84	11 X10 ⁶	68 X10 ⁷
4.	Sector-137, India TV Metro Station, Noida.	7.78	186	71	65	13 X10 ⁶	13 X10 ⁶
5.	Noida drain at regulator	7.84	145	60	89	-	-
6.	Noida drain at before Confluence with river Yamuna	7.82	163	46	83	78 X10 ⁵	78 X10 ⁵
Water Quality of adjoining drains of Noida Drain							
7.	Khoda village	7.54	314	107	194	78	20 X10 ⁵
8.	Drain merges with Noida drain at Sector-142, Advant Navis Buisness IT Park, Noida.	7.70	182	100	63	46 X10 ⁶	46 X10 ⁶
Note: All units are measured in mg/l except Fecal Coliform and pH.							

BOD concentration at entrance of NOIDA, U.P is 219 mg/l whereas Fecal coliform count is 20 X 10⁵. However, concentration of BOD before confluence point is 46 mg/l and Fecal coliform count is 78 X 10⁵ MPN/100 ml. The results indicate that although there is marginal improvement in water quality as the drain travels through NOIDA but still concentration level of BOD and Fecal Coliform at the confluence point of drain with Yamuna is quite high."

4. The report has also annexed status of action taken by the concerned agencies and further recommendation of CPCB as per following table:

8

"4.0 SUMMARY OF ACTION TAKEN BY CONCERNED AGENCIES

Based on the inspection made, analytical results of the samples collected from drains and action taken report of concerned agencies, summarized report is placed below:

Si. No	Department	Directions of CPCB and NGT	Status report	Recommendations
1.	NOIDA	<p>i. To develop time bound action plan to stop discharge of untreated wastewater to 30 drains.</p> <p>ii. To intercept all drains and channelize wastewater to STPs so that no untreated wastewater is discharged to Noida drain.</p> <p>iii. To deposit an Interim Environmental Compensation of Rs. 1,00,00,000</p> <p>iv. Hon'ble NGT directed to submit furnish performance guarantees in the sum of Rs. 1 crore each to the satisfaction of CPCB undertaking to take remedial actions in terms of the directions of the CPCB, failing which the said amount will be forfeited</p>	<p>i. Noida authority made representation against the direction and EC imposed by CPCB on 01/07/2019. Copy attached as Annexure-V.</p> <p>ii. Reply of representation was made on 19/07/2019 and hearing was conducted on 23/07/2019 and Noida authority was further directed to ensure compliance of CPCB directions.</p> <p>iii. Representative of NOIDA has informed during the meeting on 01.10.2019 that committees being constituted for identification and taking action on high rise buildings discharging untreated waste and to identify villages which are discharging waste into drain</p> <p>iv. Action plan in compliance to direction issued not submitted till date</p> <p>v. Environment Compensation was not submitted till date.</p> <p>vi. Performance Bank Guarantee not submitted till date.</p>	<p>Noida authority shall prepare time bound action plan either to discharge of untreated waste through aforesaid 30 drains. Alternatively, all such drains be intercepted and taken to STPs so that no untreated wastewater flows to Noida drain.</p>

9

2	Ghaziabad Nagar Nigam	<p>i. To establish sewerage network and treatment facility to treat sewage generated from Khoda village.</p> <p>ii. To Deposit an Interim Environmental Compensation of 1,00,00,000</p> <p>iii. Hon'ble NGT directed to submit furnish performance guarantees in the sum of Rs. 1 crore each to the satisfaction of CPCB undertaking to take remedial actions in terms of the directions of the CPCB, failing which the said amount will be forfeited</p>	<p>i. Ghaziabad Nagar Nigam vide letter dated 24.06.2019 clarified that the Khora village falls under the jurisdiction of Nagar Palika Parishad Khoda Makanpur. Copy attached as Annexure-VI.</p> <p>ii. Accordingly, show cause notice issued to Nagar Palika Parishad Khoda Makanpur vide letter dated 24.09.2019.</p>	
3.	DJB	<p>i. To initiate legal proceedings against the residents of GD colony, Gharauli village and Kondli village, Delhi having failed to take sewer connections.</p> <p>ii. To ensure that each building under their jurisdiction shall have sewer connection so that current practice of discharge of untreated sewage into storm water drainage system should be stopped.</p> <p>iii. Hon'ble NGT directed to submit furnish performance guarantees in the sum of Rs. 1 crore each to the satisfaction of CPCB undertaking to take remedial actions in terms of the directions of the CPCB, failing which the said amount will be forfeited</p>	<p>i. Action plan of DJB was received vide letter dated 22/07/2019. Copy of letter is attached as Annexure-VII.</p> <p>ii. Representative of Delhi Jal Board informed that special camps were organized residents to take sewer connection.</p> <p>iii. 732 number of notice issued to residents of Kondli and Gharauli. It was also informed that 3 drains of PWD carrying wastewater shall be tapped and conveyed to Kondli STPs for treatment. Interception of drains will be finished by December, 2019.</p> <p>v. Performance Bank Guarantee not submitted till date</p>	<p>i. DJB shall expedite and complete the interception of 03 adjoining drain in Delhi segment by December, 2019.</p> <p>ii. DJB should initiate legal proceedings against residents of GD colony, Gharauli village and Kondli village on account of their reluctance and failure to take sewerage connections.</p> <p>iii. DJB shall ensure that each building under their jurisdiction shall have sewer connection so that current practice of discharge of untreated sewage into storm water drainage system should be stopped.</p>

4.	EDMC	<p>i. To direct dairy farms to develop decentralized treatment facility so that their untreated waste shall not be discharged to DDA drainage system.</p> <p>ii. To ensure that untreated dairy waste including animal dungs from Gharuli village should not be discharged into storm water drain. Challan/Legal action shall be initiated against such violators.</p> <p>iii. Hon'ble NGT directed to submit furnish performance guarantees in the sum of Rs. 1 crore each to the satisfaction of CPCB undertaking to take remedial actions in the terms of the directions of the CPCB, failing which the said amount will be forfeited.</p>	<p>i. EDMC has informed during the meeting that 591 Challan issued to residents of Kondli and Gharauli for disposing their wastewater into drain and Show-Cause notice is also issued to illegal dairies for discharging waste in drain.</p> <p>ii. East Delhi Municipal Corporation Veterinary Services Department Vide email dated 31/10/2019 provided the action taken report indicating action taken against the illegal dairy farms at Gharoli colony. Copy attached as Annexure-VIII.</p> <p>iii. Performance Bank Guarantee was not submitted. However, it was informed that same was approved by Competent Authority and will be submitted in one week time.</p>	<p>i. EDMC should ensure that untreated dairy waste including animal dungs from Gharuli village should not be discharged into storm water drain. Challan / Legal action shall be initiated against such violators.</p> <p>ii. The dairy farms be shifted to outskirts of the area in a time bound manner.</p>
5.	Nagar Palika Parishad Khoda Makampur	<p>Show cause notice issued to explain the reasons as to why action should not be taken against Nagar Palika Parishad Khoda including levying of Environmental Compensation for discharge of untreated sewage to drainage system of Delhi.</p>	<p>i. Executive officer of Khoda Nagar Parishad has informed during the meeting that at present there is no infrastructure facility to treat and tap waste from Khoda colony.</p> <p>ii. Further, no reply received till date.</p>	<p>i. Khoda Nagar Palika should developed facility to tap untreated water of Khoda village and should discharge only treated water to drainage system of Delhi.</p> <p>ii. Directions for submission of performance guarantee in the sum of Rs. 1 crore by Ghaziabad Nagar Nigam to CPCB may refer to Nagar Palika Parishad Khoda Makampur.</p>

5. The CPCB has further recommended as follows:

“Based on observation made by the inspection team including Dr. C.R. Babu, it is further recommended that in-situ treatment of Noida drain in Noida stretch be carried out as immediate measure for treatment of wastewater of NOIDA drain.

As, the Noida drain falls under the jurisdiction of UP Irrigation Flood Control Department and it is suggested that in situ treatment may be carried out jointly by NOIDA authority and UP Irrigation Flood Control Department in consultation with Dr. C.R. Babu.”

6. In view of above, UP Irrigation Flood Control Department and NOIDA Authority may take further remedial action expeditiously which may be overseen by the Principal Secretary, UP Irrigation and Flood Control Department and the Chairman, NOIDA Authority. The Chairman, NOIDA Authority will act as a nodal agency for coordination and compliance which may be further overseen and coordinated by the CPCB.
7. The CPCB may furnish a status report in the matter before the next date by e-mail at judicial-ngt@gov.in.

List for further consideration on 18.05.2020.

Adarsh Kumar Goel, CP

Dr. Nagin Nanda, EM

Siddhanta Das, EM

February 25, 2020
Original Application No. 1002/2018
AK