

DIFFICULTY IN COMPLIANCE OF THE ORDER DATED 17.08.2023 PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL (NGT) IN OA NO. 593 of 2017 IN RE: PARYAVARAN SURAKSHA SAMITI & ANR VS UNION OF INDIA & ORS, CONNECTED WITH OA NO. 670/2018 IN RE: ATUL SINGH CHAUHAN VS MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE & ORS

The Hon'ble NGT, on 17.08.2023, while hearing the matter in **OA No. 593 of 2017** in re: *Paryavaran Suraksha Samiti & another vs Union of India & others* along with MA No. 62 of 2023 moved by the State of UP in **OA No. 670 of 2018** in re: *Atul Singh Chauhan vs Ministry of Environment, Forests and Climate Change & others*, and keeping in view the directions of the Hon'ble Supreme Court dated 20.03.2023 issued in *Paryavaran Suraksha Samiti & another vs Union of India & others*, passed the order as under:

"6. Now, the Hon'ble Supreme Court of India has directed this Tribunal to ensure that an accountable mechanism is set up in the State of Uttar Pradesh to monitor the compliances with regard to violation of Water (Prevention and Control of Pollution) Act, 1974. Since the State has constituted the Committee mentioned above, thus, the report and suggestions for better mechanisms is required for improvement of the existing Committee or to reconstitute by way of any addition of technical/administrative member. Further, the views of the Committee are also required to be sought.

7. Accordingly, the State of UP/Secretary, Environment/State PCB are directed to submit the report with regard to any reform required in the monitoring mechanism in the Committee or induction of any new technical/administrative member or change of members and till the decision is taken by this Tribunal, the Monitoring Committee as quoted above headed by Justice S.V.S. Rathore will continue to work in accordance with the order quoted above. The State may recommend the manner and method of mechanism to take the stock of performance of the STPs in the State of UP. In the meantime, the present Committee headed by Justice S.V.S. Rathore

is directed to submit the compliance report in the light of order of the Hon'ble Supreme Court of India dated 20.03.2023 and to continue to function till further orders."

2. In compliance of the above order of the Hon'ble NGT, the Oversight Committee inspected 08 STPs in districts Pratapgarh, Prayagraj, Noida and Ghaziabad for factual verification of their setting up, maintenance and performance. In the meantime, on 11.09.2023, while dealing with a similar matter in **OA No. 200 of 2014** in re: *MC Mehta vs Union of India and others*, the Hon'ble NGT in para 8 of its order dated observed as under:

"8. We have perused the report filed by the oversight Committee dated 11.08.2023 giving the status of drains, STPs, CETPs and water quality. Since, further proceedings will be based on District wise reports, further report of Oversight Committee may not be required."

3. After having known the above order dated 11.09.2023 of the Hon'ble NGT, the Oversight Committee has stopped inspection of the STPs being done by it in compliance of the order dated 17.08.2023 of the Hon'ble NGT. Guidance of the Hon'ble NGT is required for the resolution of the ambiguity created by the two aforementioned apparently contradictory orders.

4. Further, the Hon'ble Supreme Court vide its order dated 06.02.2023 passed in **Civil Appeal No. 8430 of 2022** in re: *Municipal Corporation Ghaziabad vs Central Pollution Control Board & others* had directed the Municipal Corporation, Ghaziabad (MCG) and the Oversight Committee as under:

"The status report will be filed on or before 30.06.2023 and a copy thereof will be made available to the Oversight Committee appointed by the NGT, who may submit their response to the status report within 21 days after receipt of the status report along with the test reports."

This order was not in the Knowledge of the Oversight Committee. On 09.10.2023, the status report along with relevant documents and test reports have been furnished by the MCG through its counsel Shri Niranjana Singh to the Oversight Committee through email. The Oversight Committee is visiting Ghaziabad this week for physical verification of the situation qua the aforesaid status report of the MCG and will submit its response to the Hon'ble Supreme Court within the stipulated time i.e. by 30th of October, 2023.

5. In **OA No. 394 of 2022** in re: Pushpendra Kumar vs Block Development Officer, Kadaura and others, while dealing with blatant violation of the guidelines of the CPCB and ICAR resulting in pitiable conditions of Gaushalas in district Jalaun, the Hon'ble Tribunal, vide its order dated 20.07.2023, directed the Oversight Committee to examine and monitor the compliance of the order in co-ordination with the PCB and department concerned and to submit its report independently within three months. In compliance with the said order, the Oversight Committee has inspected 43 Gaushalas out of 410 Gaushalas in all 09 Blocks of the district during the months of August and September, 2023. Vide email dated 16.10.2023, the Oversight Committee had requested the Hon'ble NGT to grant one month's time for finalization and submission of report. The case is now listed for hearing on 13.02.2024.

6. Further, in **OAs No. 985 and 986 of 2019** in re: *Water Pollution by Tanneries at Jajmau, Kanpur, Uttar Pradesh*, the Hon'ble NGT vide its order dated 16.05.2023 directed the Oversight Committee to physically verify the presence of chromium waste at several places as mentioned in the letter dated 27.09.2022 of the Minister of State, Mahila Kalyan Bal Vikas and Pushtahar and submit its report before the next date of hearing i.e 26.11.2023. This case relates to the failure of the State machinery to scientifically handle and dispose of Chromium

dumps at Rania, Kanpur Dehat and Rakhi Mandi, Kanpur Nagar lying there since 1976 which has, inter alia, resulted in contamination of ground water, thereby, adversely affecting the health of the local population. The aforesaid letter of the Minister of State, Mahila Kalyan Bal Vikas and Pushtahar is about taking partial action only till now. The Oversight Committee will submit its report before the date fixed.

25-Oct-23

25-Oct-23

X Anant Kumar Singh

Anant Kumar Singh
Member, Oversight Committee
Signed by: Anant Kumar Singh

X SVS Rathore

Justice SVS Rathore
Chairman, Oversight Committee
Signed by: SURENDRA VIKRAM SINGH RATHORE

Oct 25, 2023