

To
The Chairman
Honorable National Green Tribunal
Principal Bench, New Delhi

April 4th, 2023

Subject: Regarding failure of Police Commissionerate, Gautambudhnagar to register Chargesheet against erring Developers in OA 1002 of 2018 titled Abhisht Kusum Gupta vs State of UP & ors

Honorable Sir

This is to bring to your kind notice that in spite of order for FIR being filed against the erring developers Super Tech, Plot No. GH 03 and Logix Infrastructure, Plot No GH 02 in sector 137, since there is deep nexus between the police, as police administration has failed to prepare chargesheet against them.

It is pertinent to say that negligence and delay in taking action against these developers has been causing great harm to the environment.

Further, it is pertinent to mention that no cohesive measurements have been taken by these two developers till date to make STPs functional as per directions issued by Honorable Tribunal.

Honorable Tribunal is therefore, requested most humbly to take cognisance of the matter and

- i. Issue directions to **the DGP of UP police** to produce chargesheet as soon as possible against below mentioned developers:

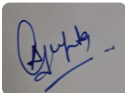
1. R K Arora, Supertech Ecociti, Sector 137
(Annexure 1)

2. Hemant Sharma & Dilip Kumar Singh Logix
Blossoms County, Sector 137 (**Annexure 2**)

- ii. Issue directions to Chief Secretary, UP to mark service records of erring police officials as per the directions issued in the above mentioned OA
- iii. Issue directions to **Honorable District Judge, Gautambudhnagar** to investigate this failure as per the directions issued by this Honorable Tribunal in **OA 859 of 2022 titled Abhisht Kusum Gupta vs State of UP & ors** as I have lost all hope in local administration.

Kindly find our humble submission for your kind directions.

Regards



Abhisht Kusum Gupta
Petitioner
+91- 99587 68 689
Abhisht88@gmail.com
Noida, UP - 201304

Cc: Honorable District Judge, Gautambudhnagar
Chief Secretary, UP
DGP, UP

नवीन ओखला औद्योगिक विकास प्राधिकरण

मुख्य प्रशासनिक भवन, सैक्टर-06, नौएडा

पत्र संख्या: नौएडा/मु0वा0नि0/2022/2942

दिनांक: 29/07/2022

सेवा में,

**Deputy Commissioner of Police,
Head Quater, Noida,
Gautam Budh Nagar**

विषय:- प्राथमिकी दर्ज कराये जाने के संबंध में।

महोदय,

कृपया माननीय राष्ट्रीय हरित अधिकरण द्वारा नौएडा क्षेत्र में स्थापित हाई राइज ग्रुप हाऊसिंग परियोजनाओं में एस0टी0पी0 कियाशील है अथवा नहीं, के सम्बन्ध में दिए गए निर्देशों के अनुपालन में जलखण्ड के अवर अभियंता एवं प्रबन्धक द्वारा ग्रुप हाऊसिंग परियोजना जीएच-2, सैक्टर-137 में स्थित एस0टी0पी0 के संयुक्त निरीक्षण के दौरान पाया गया कि इस परियोजना में एस0टी0पी0 कियाशील है परन्तु शोधित जल की गुणवत्ता एन0जी0टी0 के मानको के अनुरूप नहीं है, जो कि पर्यावरणीय स्वीकृति में दी गई शर्तों का उल्लंघन है।

यह भी अवगत कराना है कि माननीय एन0जी0टी0 में ग्रुप हाऊसिंग परियोजनाओं में एस0टी0पी0 के निर्माण/क्रियाशीलता के सम्बन्ध में ओ0ए0 संख्या-1002/2018 अभिष्ट कुसुम गुप्ता बनाम उ0प्र0 व अन्य विचाराधीन है।

उक्त परियोजना में शोधित जल की गुणवत्ता एन0जी0टी0 के मानको के अनुरूप नहीं किये जाने के कारण मुख्य कार्यपालक अधिकारी, नौएडा द्वारा दिनांक 26.07.2022 को उक्त परियोजना के आवंटी संस्था के विरुद्ध सुसंगत धाराओं के अन्तर्गत प्रथम सूचना रिपोर्ट दायर करने हेतु निर्देशित किया गया है। परियोजना का विवरण निम्नानुसार है:-

क्र0 सं0	आवंटी संस्था का नाम	मुखण्ड सं0/ सैक्टर	डायरेक्टर का नाम	डायरेक्टर पता
1	मै0 लॉजिक्स इन्फ्रास्ट्रक्चर प्रा0 लि0	जी0एच0-02/ सैक्टर-137, नौएडा	1. श्री दिलीप कुमार सिंह 2. श्री हेमन्त शर्मा	Flat No. 08111, 11 th Floor, ATS Advantage, Tower-8, Type -C, Plot No. 17, Ahinsa Khand-1, Shipra Sun City, Indrapuram, Ghaziabad House No. 146, Rajender Nagar, Meerut

अतः आपसे अनुरोध है कि उक्त परियोजना में शोधित जल की गुणवत्ता एन0जी0टी0 के मानको के अनुरूप नहीं किये जाने के आरोप में संदर्भित आवंटी संस्था के विरुद्ध सुसंगत धाराओं के अंतर्गत प्रथम सूचना रिपोर्ट दायर करने का कष्ट करें।



सहा0 प्रबन्धक (नियोजन)
नौएडा

प्रतिलिपि:-

- C.P., गौतमबुद्ध नगर को इस आशय के साथ कि प्रथम प्राथमिकी दर्ज कराने हेतु सम्बन्धित को निर्देशित करने का कष्ट करें।
- मुख्य कार्यपालक अधिकारी महोदय को सूचनार्थ।
- अपर मुख्य कार्यपालक अधिकारी (पी0) महोदय को सूचनार्थ।
- Add. C.P., गौतमबुद्ध नगर को इस आशय के साथ कि प्रथम प्राथमिकी दर्ज कराने हेतु सम्बन्धित को निर्देशित कराने का कष्ट करें।
- एस0एच0ओ0, थाना- 142, नौएडा को कि प्रथम प्राथमिकी दर्ज करने का कष्ट करें।
- महाप्रबन्धक (नियोजन) को सूचनार्थ।
- उपमहाप्रबन्धक (जल) को सूचनार्थ।

सहा0 प्रबन्धक (नियोजन)
नौएडा

नवीन ओखला औद्योगिक विकास प्राधिकरण

मुख्य प्रशासनिक भवन, सैक्टर-06, नौएडा

पत्र संख्या: नौएडा/मु0वा0नि0/2022/ 2980
दिनांक: 18.8.2022

सेवा में,

**Deputy Commissioner of Police,
Head Quater, Noida,
Gautam Budh Nagar**

विषय:- प्राथमिकी दर्ज कराये जाने के संबंध में।

महोदय,

कृपया माननीय राष्ट्रीय हरित अधिकरण द्वारा नौएडा क्षेत्र में स्थापित हाई राइज गुप हाऊसिंग परियोजनाओं में एस0टी0पी0 कियाशील है अथवा नहीं, के सम्बन्ध में दिए गए निर्देशों के अनुपालन में जलखण्ड के अवर अभियंता एवं प्रबन्धक द्वारा गुप हाऊसिंग परियोजना जीएच-3, सैक्टर-137 में स्थित एस0टी0पी0 के संयुक्त निरीक्षण के दौरान पाया गया कि इस परियोजना में एस0टी0पी0 कियाशील है परन्तु शोधित जल की गुणवत्ता एन0जी0टी0 के मानको के अनुरूप नहीं है, जो कि पर्यावरणीय स्वीकृति में दी गई शर्तों का उल्लंघन है।

यह भी अवगत कराना है कि माननीय एन0जी0टी0 में गुप हाऊसिंग परियोजनाओं में एस0टी0पी0 के निर्माण/क्रियाशीलता के सम्बन्ध में ओ0ए0 संख्या-1002/2018 अभिष्ट कुसुम गुप्ता बनाम उ0प्र0 व अन्य विचाराधीन है।

उक्त परियोजना में शोधित जल की गुणवत्ता एन0जी0टी0 के मानको के अनुरूप नहीं किये जाने के कारण मुख्य कार्यपालक अधिकारी, नौएडा द्वारा दिनांक 26.07.2022 को उक्त परियोजना के आवंटी संस्था के विरुद्ध सुसंगत धाराओं के अन्तर्गत प्रथम सूचना रिपोर्ट दायर करने हेतु निर्देशित किया गया है। परियोजना का विवरण निम्नानुसार है:-

क्र0 सं0	आवंटी संस्था का नाम	भूखण्ड सं0/सैक्टर	डायरेक्टर का नाम	डायरेक्टर पता
1	मै0 सुपरटेक लि0	जी0एच0-03/सैक्टर-137, नौएडा	1. श्री आर0के0 अरोडा	B-28 & 29, F-Block, Sector-58, Noida

अतः आपसे अनुरोध है कि उक्त परियोजना में शोधित जल की गुणवत्ता एन0जी0टी0 के मानको के अनुरूप नहीं किये जाने के आरोप में संदर्भित आवंटी संस्था के विरुद्ध सुसंगत धाराओं के अंतर्गत प्रथम सूचना रिपोर्ट दायर करने का कष्ट करें।

(एच0यू0 फारुख)
सहा0 प्रबन्धक (नियोजन)
नौएडा

प्रतिलिपि:-

1. C.P., गौतमबुद्ध नगर को इस आशय के साथ कि प्रथम प्राथमिकी दर्ज कराने हेतु सम्बन्धित को निर्देशित करने का कष्ट करें।
2. मुख्य कार्यपालक अधिकारी महोदया को सूचनार्थ।
3. अपर मुख्य कार्यपालक अधिकारी (पी0) महोदय को सूचनार्थ।
4. Add. C.P., गौतमबुद्ध नगर को इस आशय के साथ कि प्रथम प्राथमिकी दर्ज कराने हेतु सम्बन्धित को निर्देशित कराने का कष्ट करें।
5. एस0एच0ओ0, थाना- 142, नौएडा को कि प्रथम प्राथमिकी दर्ज करने का कष्ट करें।
6. महाप्रबन्धक (नियोजन) को सूचनार्थ।
7. उपमहाप्रबन्धक (जल) को सूचनार्थ।

(सहा0 प्रबन्धक (नियोजन)
नौएडा

ITEM NO.11

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 842/2018

ABHISHT KUSUM GUPTA

Petitioner(s)

VERSUS

GOVERNMENT OF NCT OF DELHI & ORS.

Respondent(s)

(WITH IA No.97305/2018-EXEMPTION FROM FILING O.T. and IA No.97304/2018-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 01-10-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

We are not inclined to entertain the writ petition under Article 32 of the Constitution.

The writ petition is dismissed.

However, we leave it to the petitioner to approach the appropriate forum for relief.

Pending applications are disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER

Item No. 06

Court No. 2

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

(By Video Conferencing)

Original Application No. 859/2022

Abhisht Kusum Gupta

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 25.11.2022

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Sunil J. Mathews, Advocate

ORDER

1. Heard Shri Sunil J. Mathews, Advocate for the applicant. This OA has been filed under Sections 14 and 15 read with 18(1) of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010'). The grievance is regarding pollution of Hindon river. It is prayed that the respondents be directed to take concrete steps for upgradation, conservation and rejuvenation of Hindon river.

2. It is said that Hindon river originates in District Saharanpur and cross through five other Districts of Western Uttar Pradesh i.e., Muzzafarnagar, Meerut, Baghpat, Ghaziabad before merging with Yamuna river in District Gautam Budh Nagar. The applicant states that Hindon river therefore, is a tributary of Yamuna river having length of approximately 400 Km and an approximate basin area or catchment area of 7083 sq. km. It originates from Shakumbhari Devi Range, Upper

Shivaliks in District Saharanpur and flows into Yamuna river at District Gautam Budh Nagar. It is completely rain-fed river which is supported by the network of marshes and wetlands across its length during non-rainy seasons.

3. Hindon river provides water support to rural population across the six Districts and it is also a primary source of water for residential, agricultural and industrial purposes in the above named Districts. However, presently Hindon river is heavily polluted due to unimpeded dumping of waste into river and failure of State mechanism i.e., Respondents (State of U.P. through Principal Secretary, Department of Irrigation; Union of India through Principal Secretary, Ministry of Jal Shakti; Chairman, Central Pollution Control Board; Chairman, Uttar Pradesh State Pollution Control Board; Principal Secretary, Urban Development; Principal Secretary, Rural Development; Principal Secretary, Agriculture, State of Uttar Pradesh; Commissioner of Meerut; Commissioner, Saharanpur; Municipal Commissioner, Saharanpur; Municipal Commissioner, Muzzafarnagar; Municipal Commissioner, Meerut; Municipal Commissioner, Ghaziabad; Municipal Councilor, Baghpat, New Okhla Industrial Development Authority (hereinafter referred to as 'NOIDA' and Greater NOIDA).

4. Our attention has been drawn to order dated 20.09.2018 passed in O.A. No. 673/2018, News item published in 'The Hindu' authored by Shri. Jacob Koshy wherein pollution in 351 river stretches was considered by this Tribunal and following directions were issued:

"50. In view of above, we consider it necessary to issue the following directions:

- i) All States and Union Territories are directed to prepare action plans within two months for bringing all the polluted river stretches to be fit at least for bathing purposes (i.e BOD < 3*

mg/L and FC < 500 MPN/100 ml) within six months from the date of finalisation of the action plans.

- ii) The action plans may be prepared by four-member Committee comprising, Director, Environment., Director, Urban Development., Director, Industries., Member Secretary, State Pollution Control Board of concerned State. This Committee will also be the Monitoring Committee for execution of the action plan. The Committee may be called "River Rejuvenation Committee" (RRC). The RRC will function under the overall supervision and coordination of Principal Secretary, Environment of the concerned State/Union Territory.*
- iii) The action plan will include components like identification of polluting sources including functioning/ status of STPs/ETPs/CETP and solid waste management and processing facilities, quantification and characterisation of solid waste, trade and sewage generated in the catchment area of polluted river stretch. The action plan will address issues relating to; ground water extraction, adopting good irrigation practices, protection and management of Flood Plain Zones (FPZ), rain water harvesting, ground water charging, maintaining minimum environmental flow of river and plantation on both sides of the river. Setting up of biodiversity parks on flood plains by removing encroachment shall also be considered as an important component for river rejuvenation. The action plan should focus on proper interception and diversion of sewage carrying drains to the Sewage Treatment Plant (STP) and emphasis should be on utilization of treated sewage so as to minimize extraction of ground or surface water. The action plan should have speedy, definite or specific timelines for execution of steps. Provision may be made to pool the resources, utilizing funds from State budgets, local bodies, State Pollution Control Board/ Committee and out of Central Schemes.*
- iv) The Action Plans may be subjected to a random scrutiny by a task team of the CPCB.*
- v) The Chief Secretaries of the State and Administrators/ Advisors to Administrators of the Union Territories will be personally accountable for failure to formulate action plan, as directed.*
- vi) All States and Union Territories are required to send a copy of Action Plan to CPCB especially w.r.t Priority I & Priority II stretches for approval.*
- vii) The States and the Union Territories concern are directed to set up Special Environment Surveillance Task Force, comprising nominees of District Magistrate, Superintendent of Police, Regional Officer of State Pollution Control Board and one person to be nominated by District Judge in his capacity as Chairman of Legal Services Authority on the pattern of direction of this Tribunal dated 07.08.2018, in Original Application No. 138/2016 (TNHRC), "Stench Grips Mansa's Sacred Ghaggar River (Suo-Motu Case).*

- viii) *The Task Force will also ensure that no illegal mining takes place in river beds of such polluted stretches.*
- ix) *The RRC will have a website inviting public participation from educational institutions, religious institutions and commercial establishments. Achievement and failure may also be published on such website. The Committee may consider suitably rewarding those contributing significantly to the success of the project.*
- x) *The RRCs will have the authority to recover the cost of rejuvenation in Polluter Pays Principle from those who may be responsible for the pollution, to the extent found necessary. In this regard, principle laid down by this Tribunal in order dated 13.07.2017 in O.A No. 200 of 2014, M.C Mehta Vs. U.O.I will apply. Voluntary donations, CSR contribution, voluntary services and private participation may be considered in consultation with the RRC.”*

5. It appears that State PCB prepared an action plan, titled as “Action Plan for restoration of polluted stretch of River Hindon from District Saharanpur to District Ghaziabad”. However, the entire action plan is only on papers and nothing substantial has been done on the ground level. The result is that Hindon river is highly polluted in the entire length of its travel particularly in District Ghaziabad and Gautam Budh Nagar.

6. It is on record that despite repeated media attention drawn through various news reports, complaining about continued pollution in river Hindon and other rivers, no substantive action has been taken by respondents.

7. The Tribunal dealt the subject matter relating to issue of remedial measures for industrial and other pollution in Kali Nadi, Krishni and Hindon rivers, resulting in diseases and deaths. Tribunal dealt the issue in detail and passed final order on 02.02.2021 in O.A. No. 231/2014, *Doaba Paryavaran Samiti vs. State of U.P. & Ors.* The relevant extracts from the order are as under:

“9. Further report has been filed on 28.01.2021 by the Oversight Committee. The relevant extracts from the report are as follows:-

“IV. LATEST COMPLIANCE STATUS

In order to review the latest compliance status the Oversight Committee held a meeting on 27.01.2021 regarding O.A 231/2014. The minutes of meeting are attached as **Annexure I**. The latest and updated status issue wise is presented below:

1. Issue- Piped water supply in affected 148 villages

Action taken : As per the compliance submitted by U.P. Jal Nigam out of total 148 Villages work has been already completed in 103 villages. Work of piped water supply is complete in 103 villages while in rest 44, in 21 villages work is complete but in 23 villages water is being supplied through direct pumping with the help of DG sets as power connection is awaited. It is expected to be granted and work would be complete within 1 month (Refer **Annexure II**).

2. Issue-Work of STP in Muzaffarnagar, Budhana and Saharanpur

Action taken : In Muzaffarnagar (22 MLD) and Budhana (10 MLD) STPs tender has been finalized and work has been initiated. The work of making boundary wall has been started at 22 MLD STP at Muzaffarnagar. Regarding Saharanpur, JMD, UP Jal Nigam in the meeting held by Oversight Committee on 27.1.20 informed that the DPR for STP at Saharanpur was sent to NMCG for approval which was sent back by NMCG with certain observations. U.P Jal Nigam is preparing a reply on the observations in cooperation with WEBCOS Pvt.Ltd.(consultancy firm). The same would be sent to NMCG in February, 2021

3. Issue- Tapping of drains

Action taken: Total 133 drains are present in the stretch of Hindon falling in Saharanpur, Muzaffarnagar, Shamli and Ghaziabad. The details of drains is as follows:

Number of tapped drains- 11

Number of partially tapped drains- 05

Number of drains which do not require tapping- 01

Number of drains to be tapped in ongoing projects – 11

Number of drains to be tapped in projects for DPRs sent/DPR under preparation – 102

Number of industrial drains – 03 (Refer **Annexure II**).

4. Issue- Bio/phytoremediation of drains

Action taken: Regarding bioremediation it was informed that bioremediation of drains has taken place in Saharanpur, on Nagdehi and Dhamola drain. No progress has been reported in other areas. In the meeting conducted by Oversight Committee on 27.1.2021, it was informed by UPPCB that EC of Rs. 8.7 crore has been imposed on 29 drains for the period July 2020 to January, 2021. Reminders have been sent to the local bodies for depositing the EC (Refer **Annexure IV & V**). Further, a meeting was held at Chief Secretary level on 2.12.2020 in which it was discussed that an appeal shall be filed before the Hon'ble Tribunal to extend the timelines for completion of work of undertaking bio/phytoremediation on drains and provide relaxation from EC (Refer **Annexure III**).

5. Issue: Health camps in the affected area and preparation of micro plan to identify causes of diseases

Action taken: Due to Covid-19 pandemic, health camps could not be organized. Furthermore, considering the preparation of micro plan, under the Covid-19 health survey the officials have been directed to identify patients of cancer along with people having co-morbidities

6. Issue- EC imposed on 230 defaulting industries

Action taken: Rs. 11.32 crore has been imposed as Environmental Compensation on defaulting industries for the period July 2020-Jan 2021, out of which Rs.4.14 has been recovered. In compliance, further steps for recovery of arrears of Environmental Compensation have to be taken , which is under progress.

7. Issue- All drains joining Kali, Krishni and Hindon should have in situ remediation and plan for connectivity with the identified STP.

Action taken: No progress has been reported in this regard.

8. Issue- Performance guarantee of Rs. 5 crore

Action taken: Performance Guarantee of Rs 5 Crore directed by Hon'ble NGT on 15.3.19 is yet to be deposited by State Government

V. OBSERVATIONS BY OVERSIGHT COMMITTEE

U.P Jal Nigam has made an effort to meet the timeline of Dec,2020 to ensure piped water supply in 148 affected villages. However, still in 23 villages water is being provided through direct pumping as power connection is awaited. Furthermore, there has been no significant progress in installation of any of three STPs proposed in the last one year. Regarding tapping of drains, progress is extremely slow with 113 drains being still untapped. Moreover, bio/phytoremediation of drains as an interim measure has also not taken place. Performance Guarantee of Rs 5 Crore directed by Hon'ble NGT on 15.3.19 has not yet been deposited. No progress has been made regarding connectivity of drains joining Kali, Hindon and Krishni with identified STP.

SUMMARY OF COMPLIANCE STATUS

S.No.	Directions by Hon'ble NGT	Concerned Department	Compliance Status September 2020	Compliance Status January 2021 (as of 27.1.2021)
1.	Complete work of piped water supply in 148 villages by 31.3.2020. Rural Development Department directed to supply safe drinking water through tankers as intermediate arrangement.	U.P Jal Nigam, Dept. of Panchayati Raj, UP.	Partially Complied (Only 45 villages covered as of 23.07.2020 and in rest 102 villages safe potable water provided through deep India Mark II handpumps)	Partially Complied As per the compliance submitted by U.P. Jal Nigam out of total 148 Villages work has been already completed in 103. work of piped water supply is complete in 103 villages while in rest 44, in 21 villages work is complete but in 23 villages water is being supplied through direct pumping with the help of of DG sets as power connection is awaited. It is expected to be granted and work

				would be complete within 1 month.
2.	<p>Complete work of STP by 31.3.2020 The State was directed to identify erring officers for suitable action in this matter.</p>	U.P Jal Nigam	<p>Not Complied</p> <p>Approval pending from NMCG.</p> <p>Basic engineering design submitted to NMCG in case of Muzaffarnagar and Budhana.</p> <p>DPR submitted to NMCG in case of STP Saharanpur.)</p> <p>No report received regarding action taken against erring officers.</p>	<p>Partially Complied</p> <p>In Muzaffarnagar (22 MLD) and Budhana (10 MLD) STPs work has been initiated. The work of making boundary wall has been started at 22 MLD STP at Muzaffarnagar.</p> <p>Regarding Saharanpur, JMD, UP Jal Nigam in the meeting held by Oversight Committee on 27.1.2012 informed the DPR for STP at Saharanpur was sent to NMCG for approval which was sent back by NMCG with certain observations. U.P Jal Nigam is preparing a reply on the observations in cooperation with WEBCOS Pvt. Ltd. (consultancy firm). The same would be sent to NMCG in February, 2021</p>
3.	<p>Vide order dated 28.2.2020 it was directed to:</p> <p>Identify untapped drains and should prepare a plan with timelines and completely tap these drains at the earliest. In the mean time, they should carry out in-situ treatment in drains to reduce the pollution load. All those who fail to control inflow of untreated sewage into the river should be penalized on basis of 'Polluter Pays' principle and prosecutions may be initiated against officials in districts where timelines are not adhered to.</p>	U.P Jal Nigam	<p>Partially Complied</p> <p>(drains have been identified and EC imposed on drains in Saharanpur, Shamli and Muzaffarnagar)</p> <p>Drains are untapped in all the districts.</p> <p>Details of drains not submitted</p>	<p>Partially Complied</p> <p>From Saharanpur to Ghaziabad drains from Saharanpur, Muzaffarnagar, Shamli, Ghaziabad & Gautambudh Nagar meets in River Hindon whereas drains from Meerut meets in Kli-East and drains from Baghpat meets in River Yamuna. The treatment of drains in Gautambudh Nagar is in Jurisdiction of Noida Authority. Hence in Saharanpur, Muzaffarnagar, Shamli and Ghaziabad there are total 133 drains present in the stretch of Hindon.</p> <p>Number of tapped drains 11 Number of partially tapped drains- 05</p>

				<p>Number of drains which do not require tapping 01</p> <p>Number of drains to be tapped in ongoing projects – 11</p> <p>Number of drains to be tapped in projects for DPRs sent/ DPR under preparation – 102</p> <p>Number of industrial drains - 03</p>
3.	<p>Bioremediation of drains at Saharanpur and Muzaffarnagar. UPPCB to carry out monitoring to ascertain effectiveness of bio-remediation within 30 days.</p>	U.P Jal Nigam	<p>Partially Complied</p> <p>In Saharanpur, phytoremediation done on 14 km stretch only.</p> <p>In Muzaffarnagar no progress in this regard. Penalty imposed in both areas by UPPCB.</p>	<p>Partially Complied</p> <p>Regarding bioremediation of drains has taken place in Saharanpur, on Nagdehi and Dhamola drain.</p> <p>In the meeting conducted by Oversight Committee on 27.1.2021, it was informed by UPPCB that EC of Rs. 8.7 crore has been imposed on 29 drains for the period July 2020 to January,2021. Reminders have been sent to the local bodies for deposition of EC.</p>
4.	<p>Directions issued for organizing health camps in the affected area at regular intervals and treatment of all patients in the high referral specialized hospitals</p>	Dept. of Health and Family Welfare, U.P	<p>Not Complied</p> <p>Health Camp organised in December, 2019. However, due to Covid-19 pandemic and lockdown health camps could not be organised in last 3 months</p>	No progress further reported
5.	<p>Micro plan to be prepared to cover the entire stretch and identify cause of ailments like skin diseases, jaundice, cancer etc in the population in concerned region</p>	Dept.of Health and Family Welfare, U.P	<p>Not Complied</p> <p>A micro plan specifically not being prepared. However, under the Covid-19 health survey the officials have been directed to identify patients of cancer along with people</p>	No progress further reported

			having comorbidities.	
6.	The State directed to ensure deposition of Rs. 9.40 Crore of Environment Compensation imposed upon 230 defaulting water polluting industries and in case of default, to initiate recovery of Environment Compensation as arrears of land revenue by way of attachment of properties	UPPCB	Partially Complied (Rs.3.7 crore recovered. Consent to operate not provided if EC is not deposited)	Partially Complied Rs. 11.32 crore has been imposed as Environmental Compensation on defaulting industries for the period July 2020-Jan 2021, out of which Rs.4.14 has been recovered. In compliance, procedure for recovery of arrears of Environmental Compensation is to be done by way of attachment of properties, which is under progress.
7.	In order to stop effluent discharged from illegal industries, it is suggested that a joint committee of District Administration, Land owning agency, Pollution Control Board, Electricity Department and Police be setup	U.P. Jal Nigam	No progress reported.	No further progress reported.
8.	Estimate for Harra Town Area Committee and DPR for PWS in village-Biral, District-Baghat be prepared within a specified time-line/ or within three months	U.P. Jal Nigam	Partially Complied File of Harra Town sanctioned and G.O is expected to be out by July 25, 2020. DPR of Biral, Baghat sanctioned and tenders have been awarded. The work is expected to be complete by March, 2021.	Partially Complied <ul style="list-style-type: none"> As per information provided by U.P. Jal Nigam one village Harra TAC distt. Meerut work is in progress. Village Biral, Distt. baghat work is in progress.
9.	All drains joining Kali, Krishni and Hindon should have in situ remediation and plan for connectivity with the identified STP.	Urban Development/ Rural Development & Panchayati Raj/ U.P Jal Nigam	Not Complied	Not Complied
10.	Performance Guarantee of Rs 5 Crore directed by Hon'ble NGT.	U.P Jal Nigam/ Urban Development/ Rural Development	Not Complied	Not Complied

xxx.....xxx.....xxx

10. From the above report, which is not under challenge, it is seen that power supply is still awaited for water supply to 23 affected villages, out of 133 drains meeting the river, 113 drains still remained untapped and there is also no interim measure taken to treat the pollution. The compensation assessed is not being recovered. The recovered amount is not being spent for restoration. Untenable plea of shortage of funds or lack of approvals of the higher authorities is being taken, which could be sorted out by the Chief Secretary in terms of earlier directions of this Tribunal. Such unsatisfactory state of affairs is expected to be remedied on war footing in the interest of health of the citizens.

11. The status of compliance as per report filed on behalf of the State is as follows:-

SI. No.	Issues/ Directions	Status																																	
1.	Progress of piped water supply in 148 villages of the area.	All 147 villages have been covered with piped water supply completely by direct pumping. Harra Town Area Committee (TAC) is also covered partially by piped water supply by direct Pumping and rest of the work is under progress. Harra TAC will be fully covered by direct pumping by 31-03-2021. Note:- In 23 Villages water supply is being done through direct pumping by DG Sets as power connection is under progress by power supply agency.																																	
2.	Status of tapping of drains.	From Saharanpur to Ghaziabad drains from Saharanpur, Muzaffarnagar, Shamli, Ghaziabad & Gautambudh Nagar meets in River Hindon where as drains from Meerut meets in Kali-East and drains from Baghat meets in River Yamuna. The treatment of drains in Gautambudh Nagar is in Jurisdiction of Noida Authority. Thus, in Saharanpur, Muzaffarnagar, Shamli and Ghaziabad there are total 133 drains present in the stretch of Hindon. The Status of I & D of these drains is as follows: <table border="1"> <thead> <tr> <th>Sl.</th> <th>Description</th> <th>No.</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Tapped Drain</td> <td>11</td> </tr> <tr> <td>2.</td> <td>Partially tapped</td> <td>05</td> </tr> <tr> <td>3.</td> <td>Not required tapping</td> <td>01</td> </tr> <tr> <td>4.</td> <td>Industrial Drain</td> <td>03</td> </tr> <tr> <td></td> <td>Sub-Total</td> <td>20</td> </tr> <tr> <td>5.</td> <td>Untapped Drains Status</td> <td></td> </tr> <tr> <td>a</td> <td>To be taped in on-going project</td> <td>11</td> </tr> <tr> <td></td> <td>To be tapped in PFR/DPR submitted for approval to SMCG/NMCG.</td> <td>102</td> </tr> <tr> <td></td> <td>Sub-Total</td> <td>113</td> </tr> <tr> <td></td> <td>Grand Total</td> <td>133</td> </tr> </tbody> </table>	Sl.	Description	No.	1.	Tapped Drain	11	2.	Partially tapped	05	3.	Not required tapping	01	4.	Industrial Drain	03		Sub-Total	20	5.	Untapped Drains Status		a	To be taped in on-going project	11		To be tapped in PFR/DPR submitted for approval to SMCG/NMCG.	102		Sub-Total	113		Grand Total	133
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3.	Bioremediation of Saharanpur and Muzaffarnagar drains for the treatment of sewage gap in river Hindon and Imposition of EC on untapped drains.	In Saharanpur, Bioremediation/phyto remediation is being done on 02 drains over a total stretch 76 km. In Muzaffarnagar & Shamli bioremediation of drains has not been initiated. In compliance of the earlier order Environmental Compensation of Rs. 5.0 Lakh per drain/month on 29 drains situated in the catchment of Hindon River has been imposed by UPPCB vide letter no. G 32922/C-4/RRC-II/2020 dated- 16.06.2020 from July, 2020 onwards.
4.	Status of installation of STPs in Muzaffarnagar, Budhana and Saharanpur.	In Muzaffarnagar and Budhana STPs works are under progress (overall progress 5% each). Likely to be completed by June, 2022. DPR for I&D and STP works at Saharanpur was submitted to NMCG, New Delhi vide letter no. 556/06-612T/SMCG-UP/01 dated 08-06-2020. Observation on DPR were received from NMCG vide their letter no. Pr/22012/8/2020-Tech Construction NMCG dated 15-12-2020. The DPR is being revised by WAPCOS (appointed by NMCG) and is likely to be submitted by 28-02-2021 after incorporating the raised observations.
5.	Status of EC imposed and realised till date from the defaulting units in the area.	Rs. 4.14 Crore has been recovered against Environmental Compensation of Rs. 11.32 Crore imposed by UPPCB on 243 defaulting industries till now. Procedure for recovery of arrears of Environmental Compensation is to be done by way of attachment of properties, which is under progress.

6. That it is submitted that the updated compliance report of Uttar Pradesh Jal Nigam regarding piped water supply to the affected villages, status of tapped/untapped drains and status of STP installation in Muzaffarnagar, Budhana and Saharanpur is annexed herewith and marked as **Annexure No.-3.**

7. **That it is submitted that Chief Secretary, Government of UP has also reviewed Bio-remediation work of drains situated in the catchment of River Hindon. In Saharanpur, Bioremediation/phyto-remediation is being done on 02 drains over a total stretch 76 km. In Muzaffarnagar & Shamli bioremediation of drains has not been initiated. In compliance of the earlier order Environmental Compensation of Rs. 5.0 Lakh per drain/month on 29 drains situated in the catchment of Hindon River has been imposed vide letter vide letter no G 32922/C-4/RRC-II/2020 dated-16.06.2020 from July, 2020 onwards. Copy of the letter dated 16-06-2020 is annexed herewith and marked as Annexure-4.**

8. That it is submitted that the Uttar Pradesh Pollution Control Board has informed that Environmental Compensation of Rs. 11.32 Crore has been imposed against 243 defaulting water pollution industries /institutions and out of which Rs. 4.14 Crore has been recovered till 25-01-2021 in the catchment of River Hindon. It was further informed by the Member Secretary, Uttar Pradesh Pollution Control Board that the UPPCB is issuing the show cause notices against the defaulters for the payment of

*Environmental Compensation and the Consent to Operate shall be withdrawn in case the Environmental Compensation is not deposited. Environmental Compensation is to be recovered following the procedure for recovery of arrears of land revenue by way of attachment of properties. The Chief Secretary, Government of UP reviewed the progress of recovery of Environmental Compensation and has directed Member Secretary, Uttar Pradesh Pollution Control **Board** to speed up recovery of Environmental Compensation by way of attachment of properties of the concerned industries/agencies with the help of concerned District Magistrates.”*

12. It is disappointing to note that even after almost seven years of pendency of the matter in this Tribunal and repeated specific directions atleast for the last more than two years, including orders dated 8.8.2018, 21.10.2019 and 28.2.2020, the State has not taken effective steps to control pollution of river Hindon, resulting in continuing damage to the environment and public health. Damage from pollution is no less than the damage from other heinous crimes. It is a matter of regret that the State authorities have failed to discharge their constitutional obligation of taking remedial measures inspite of attention of the highest authorities in the Administration being drawn to the problem. We had expected that with the involvement of the Chief Secretary, the procedural and inter-departmental coordination issues will be resolved. But unfortunately, it has not so happened.

13. In these circumstances, repeated orders will not serve any purpose unless the Administration takes ownership of its Constitutional obligation to the citizens. Thus, instead of keeping the proceedings pending, we consider it appropriate to require the Chief Secretary, UP to ensure remedial action on expeditious basis. The action should also include fixing responsibilities and making entry in the service record of incompetent or failing officers, who were earlier entrusted this responsibility, granting necessary approvals and providing necessary funds. Meaningful steps ought to be taken for recovery of assessed compensation from the polluters, following due process of law.

14.....xxx.....xxx.....xxx

15.....xxx.....xxx.....xxx

The proceedings in the matter will stand closed with the expectation that the State will now take remedial measures to reinforce the environmental rule of law for protection of public health and environment. This would include interception and diversion of 113 untapped drains, the targeted STPs, with treated sewage utilization, being completed, recalcitrant industries, not complying with the norms, to be dealt with as per the Water, Air and EP Acts, maintaining the water quality of Kali Nadi, Krishni and Hindon rivers and ensuring water supply to the affected villages. As already directed, further remedial action may be ensured by the RRC in UP with oversight of the Chief Secretary and further monitoring by the Secretary Jalshakti.....”

8. In our view, a substantial question relating to environment has arisen out of the implementation of the enactments specified in Schedule I of NGT Act, 2010 arisen and hence this matter requires consideration.

9. However, before taking further action, we find it appropriate to obtain a factual report for which a joint Committee comprising UPPCB, UP Jal Nigam, MoEF&CC, NMCG and representative of Principal Secretary, Department of Irrigation is constituted who shall submit a factual report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. UPPCB will be the nodal agency for compliance and coordination. The report may *inter-alia* covers all aspects of rejuvenating river Hindon and its tributaries before conferencing to river Yamuna. The actions taken as per the action plan and as highlighted in the order of the Tribunal may also be provided.

10. List for further consideration on 01.02.2023.

11. A copy of this order be forwarded to UPPCB, UP Jal Nigam, MoEF&CC, NMCG and representative of Principal Secretary, Department of Irrigation by e-mail for compliance.

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

November 25, 2022
Original Application No. 859/2022
SN