

कार्यालय अधिशासी अभियन्ता
निर्माण खण्ड-2, लो0नि0वि0, प्रतापगढ़

पत्रांक : 2053/18एम/2023

दिनांक : 02/09/2023

सेवा में,

मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल
प्रिन्सिपल बेंच, नई दिल्ली

ई-मेल- judicial-ngt@gov.in

विषय :

मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल, प्रिन्सिपल बेंच नई दिल्ली (ओरिजल प्रार्थना-पत्र न0-44/2022) योजित निष्पादन प्रार्थना पत्र सं0-24/2023 साकेत गर्ल्स पी0जी0 कालेज बनाम उ0प्र0 राज्य व अन्य में पारित आदेश दिनांक 07.08.2023 के क्रम में प्रतिपक्षी संख्या 03 एवं 04 की ओर से दाखिल होने वाले प्रतिशपथ-पत्र के सम्बंध में।

संदर्भ:

विशेष सचिव लोक निर्माण अनुभाग-14 उ0प्र0 शासन का पत्र संख्या 1240/तेइस-14-2023-15 जनरल/2020 दिनांक 01.09.2023 एवं श्री हर्षित श्रीवास्तव एडवोकेट, मा0 उच्च न्यायालय इलाहाबाद द्वारा जारी पत्र दिनांक 09.08.2023

महोदय,

उपरोक्त विषयक मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल, प्रिन्सिपल बेंच नई दिल्ली में योजित वाद संख्य ओरिजनल प्रार्थना-पत्र न0 44/2022 साकेत गर्ल्स पी0जी0 कालेज बनाम उ0प्र0 राज्य व अन्य में पारित आदेश दिनांक 07.08.2023 के क्रम में अधिवक्ता के माध्यम से लो0नि0वि0 से सम्बंधित बिन्दुओं पर विभाग का उत्तर/पक्ष अगली सुनवाई की तिथि दिनांक 06.09.2023 से पूर्व प्रस्तुत कराये जाने के सम्बंध में जारी किया गया है।

उक्त के क्रम में मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली के समक्ष योजित निष्पादन प्रार्थना पत्र सं0- 24/2023 साकेत गर्ल्स पी0जी0 कालेज बनाम उ0प्र0 राज्य एव अन्य में पारित आदेश दिनांक 07.08.2023 के सम्बंध में प्रतिपक्षी संख्या-3 एवं 4 से सम्बंधित (अनुभाग-14, उ0प्र0 शासन लखनऊ द्वारा अनुमोदित) प्रस्तरवार तथ्यवर्णन ई-मेल द्वारा मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल एवं श्री हर्षित श्रीवास्तव एडवोकेट मा0 उच्च न्यायालय इलाहाबाद को आवश्यक कार्यवाही हेतु हेतु प्रेषित है।

संलग्नक- अनुमोदित प्रस्तरवार तथ्यवर्णन अनुसलग्नकों सहित।

अधिशासी अभियन्ता
निर्माण खण्ड-2, लो0नि0वि0,
प्रतापगढ़

पत्रांक : /18एम/2023

दिनांक :02/09/2023

प्रतिलिपि : निम्नलिखित को सूचनार्थ प्रेषित।

- 1 संयुक्त सचिव लोक निर्माण अनुभाग-14 उ0प्र0 शासन लखनऊ।
- 2 मुख्य अभियन्ता (मु0-1), लोक निर्माण विभाग लखनऊ।
- 3 मुख्य अभियन्ता, प्रयागराज क्षेत्र, लो0नि0वि0 प्रयागराज।
- 4 अधीक्षण अभियन्ता प्रतापगढ़/फतेहपुर वृत्त, लो0नि0वि0 प्रतापगढ़।
- 5 सहायक अभियन्ता (वाद) को इस निर्देश से प्रेषित की दिनांक 06.09.2023 से पूर्व मा0 ग्रीन ट्रिब्यूनल के समक्ष संदर्भित वाद में अनुपालन आख्या दाखिल करना सुनिश्चित करें।

अधिशासी अभियन्ता
निर्माण खण्ड-2 लो0नि0वि0
प्रतापगढ़

प्रेषक,

प्रभुनाथ,
विशेष सचिव,
उ0प्र0 शासन।

सेवा में,

प्रमुख अभियन्ता (विकास) एवं विभागाध्यक्ष,
लोक निर्माण विभाग,
उत्तर प्रदेश, लखनऊ।

लोक निर्माण अनुभाग-14

लखनऊ : दिनांक- 01 सितम्बर, 2023

विषय:- मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल, प्रिन्सिपल बेंच, नई दिल्ली में योजित निष्पादन प्रार्थना-पत्र संख्या-24/2023 (ओरिजनल प्रार्थना-पत्र नं0-44/2022) साकेत गर्ल्स पी0जी0 कालेज बनाम उ0प्र0 राज्य व अन्य में परित आदेश दिनांक 07.08.2023 के संबंध में।

महोदय,

उपर्युक्त विषयक मुख्य अभियन्ता (मु0-2), लोक निर्माण विभाग, लखनऊ के पत्र संख्या-2847 व्यग/एनजीटी-7, दिनांक 29.08.2023 एवं अधिशासी अभियन्ता, नि0ख0-2, लोक निर्माण विभाग, प्रतापगढ़ के पत्र सं0-2044/18एम/2023 दिनांक 01.09.2023 का कृपया संदर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से विषयगत प्रकरण में प्रस्तरवार तथ्यवर्णन/अतिरिक्त कथन अग्रिम आवश्यक कार्यवाही हेतु शासन को उपलब्ध कराया गया है।

2- इस संबंध में उक्त संदर्भित पत्रों से प्राप्त प्रस्तरवार तथ्यवर्णन/अतिरिक्त कथन अनुमोदनोपरान्त मूलरूप में संलग्न कर प्रेषित करते हुये मुझे यह कहने का निदेश हुआ है कि कृपया विषयगत प्रकरण में मा0 एन0जी0टी0 द्वारा पारित आदेशों के क्रम में विभाग की ओर से नियमानुसार प्रतिशपथ पत्र तैयार कराकर ससमय दाखिल कर प्रभावी पैरवी सुनिश्चित करते हुये कृत कार्यवाही से शासन को भी अवगत कराने का कष्ट करें।

संलग्नक:यथोक्त

भवदीय,

(प्रभुनाथ)
विशेष सचिव।

संख्या- 1240 (1)/तेइस-14-2023 तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- मुख्य अभियन्ता (मु0-2), लोक निर्माण विभाग, लखनऊ।
- 2- मुख्य अभियन्ता, प्रयागराज क्षेत्र, लोक निर्माण विभाग, प्रयागराज।
- 3- अधीक्षण अभियन्ता (सिविल) लोक निर्माण विभाग, प्रतापगढ़।
- ✓4- अधिशासी अभियन्ता, नि0ख0-2, लोक निर्माण विभाग, प्रतापगढ़।

आज्ञा से
09/09/2023
(प्रभुनाथ)
विशेष सचिव।

कार्यालय प्रमुख अभियन्ता, उ०प्र०
लोक निर्माण विभाग, लखनऊ
व्यवस्थापन (ग) वर्ग

पत्रांक: 2847 व्यग/एनजीटी-7

दिनांक-29/8/2023

सेवा में,

अनु सचिव,
लो०नि०अ-गु-14,
उ०प्र० शासन, लखनऊ।

विषय:-गा० राष्ट्रीय ग्रीन ट्रिब्यूनल, प्रिन्सिपल बेंच, नई दिल्ली में योजित निष्पादन प्रार्थना-पत्र संख्या-24/2023 (ओरिजनल प्रार्थना-पत्र नं०-44/2022) साकेत गर्ल्स पी०जी० कालेज बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 07.08.2023 के सम्बन्ध में।

संदर्भ:- मुख्य अभियन्ता, प्रयागराज क्षेत्र, लो०नि०वि०, प्रयागराज का पत्रांक-7198/34को०के०-प्र०क्षी०/2023 दिनांक 28.08.2023

महोदय,

कृपया उपरोक्त विषयक संदर्भित पत्र का संदर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा गा० राष्ट्रीय ग्रीन ट्रिब्यूनल, प्रिन्सिपल बेंच, नई दिल्ली में योजित निष्पादन प्रार्थना-पत्र संख्या-24/2023 (ओरिजनल प्रार्थना-पत्र नं०-44/2022) साकेत गर्ल्स पी०जी० कालेज बनाम उ०प्र० राज्य व अन्य में पारित आदेश दिनांक 07.08.2023 के क्रम में प्रतिपक्षी संख्या-3 व 4 की ओर से प्रतिशपथ-पत्र दाखिल कराने से संबंधित प्रस्तावित तथ्यवर्णन हरताक्षरोपरान्त अग्रिम आवश्यक कार्यवाही हेतु इस कार्यालय को प्रेषित किया गया है।

अतः- मुख्य अभियन्ता, प्रयागराज क्षेत्र, लो०नि०वि०, प्रयागराज के संदर्भित पत्र दिनांक 28.08.2023 द्वारा प्राप्त तथ्यवर्णन विधि अधिकारी, कार्यालय प्रमुख अभियन्ता, लो०नि०वि०, लखनऊ के परीक्षणोपरान्त अग्रिम आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक:- उपरोक्तानुसार।

(राम नाथ सिंह)

मुख्य अभियन्ता(गु०-2)
लो०वि०नि० लखनऊ

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. मुख्य अभियन्ता, प्रयागराज क्षेत्र, लो०नि०वि०, प्रयागराज।
2. अधीक्षण अभियन्ता, प्रतापगढ़ वृत्त, लो०नि०वि०, प्रतापगढ़।
3. अधिशासी अभियन्ता, निर्माण खण्ड-2, लो०नि०वि०, प्रतापगढ़ को इस निर्देश के साथ प्रेषित कि किसी भिन्न अधिकारी/कर्मचारी को निर्देशित करें कि विषयगत प्रकरण में शासन से सम्पर्क स्थापित कर अग्रिम आवश्यक कार्यवाही कराना सुनिश्चित करें।

श्री श्री श्री
29/8/23

मुख्य अभियन्ता(गु०-2)
लो०वि०नि० लखनऊ

कार्यालय मुख्य अभियन्ता,
प्रयागराज क्षेत्र, लोक निर्माण विभाग,
प्रयागराज

पत्रांक-7190 / 34को0के0-प्र0क्षे0 / 2023
सेवा में,

दिनांक 28/08/2023

वरिष्ठ स्टॉफ आफीसर(ई0-3),
कार्यालय प्रमुख अभियन्ता,
व्यवस्थापन "ग" वर्ग,
लो0नि0वि0, लखनऊ।

विषय-मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल, प्रिन्सिपल बेंच, नई दिल्ली में योजित निष्पादन प्रार्थना-पत्र सं0-24/2023 (ओरिजनल प्रार्थना-पत्र नं0-44/2022) साकेत गर्ल्स पी0जी0 कालेज बनाम उ0प्र0 राज्य व अन्य में पारित आदेश दिनांक 07.08.2023 के सम्बन्ध में।

सन्दर्भ-शासन का पत्रांक-1194/तेइस-14-2023-15(जनरल)/2020 दिनांक 18.08.2020 एवं आपका पत्रांक-488व्यगशा/एनजीटी-7 दिनांक 18.08.2023 एवं अधीक्षण अभियन्ता, प्रतापगढ़ वृत्त, लो0नि0वि0, प्रतापगढ़ का पत्रांक-4485/135ई0सी0सी0-प्र0फ0वृ0/2023 दिनांक 24.08.2023।

महोदय,

कृपया उपरोक्त विषयक सन्दर्भित पत्र का अवलोकन करने का कष्ट करें, जिसके द्वारा अधीक्षण अभियन्ता, प्रतापगढ़ वृत्त, लो0नि0वि0, प्रतापगढ़ ने विषयगत मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल, प्रिन्सिपल बेंच, नई दिल्ली में योजित निष्पादन प्रार्थना-पत्र सं0-24/2023 (ओरिजनल प्रार्थना-पत्र नं0-44/2022) साकेत गर्ल्स पी0जी0 कालेज बनाम उ0प्र0 राज्य व अन्य में पारित आदेश दिनांक 07.08.2023 के क्रम में प्रतिपक्षी सं0-03 एवं 04 की ओर से प्रतिशपथ-पत्र दाखिल कराने से सम्बन्धित प्रस्तरवार तथ्यवर्णन हस्ताक्षरोपरान्त तीन प्रतियों में संलग्नकर इस कार्यालय को प्रेषित किया है।

अतः अधीक्षण अभियन्ता से प्राप्त प्रस्तरवार तथ्यवर्णन दो प्रतियों में संलग्नकर अग्रिम आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक-तथ्यवर्णन दो प्रतियों में।

847/23
29/8/23

(विजय कनौजिया)

मुख्य अभियन्ता

प्रयागराज क्षेत्र, लो0नि0वि0,

प्रयागराज

पत्रांक- / 34को0के0-प्र0क्षे0 / 2023

दिनांक / 08 / 2023

प्रतिलिपि निम्नलिखित को उपरोक्तानुसार सूचनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु प्रेषित-

1. अधीक्षण अभियन्ता(वाद), कार्यालय प्रमुख अभियन्ता, विधि प्रकोष्ठ वर्ग, लो0नि0वि0, लखनऊ।
2. अधीक्षण अभियन्ता, प्रतापगढ़ वृत्त, लो0नि0वि0, प्रतापगढ़।
3. अधिशासी अभियन्ता, निर्माण खण्ड-2, लो0नि0वि0, प्रतापगढ़ को इस निर्देश के साथ प्रेषित कि किसी मिज़ अधिकारी/कर्मचारी को निर्देशित करें कि वे विषयक तथ्यवर्णन इस कार्यालय से रिसीवकर प्रमुख अभियन्ता कार्यालय को प्राप्त कराते हुए अग्रिम आवश्यक कार्यवाही कराना सुनिश्चित करें।

29/8/23

मुख्य अभियन्ता

प्रयागराज क्षेत्र, लो0नि0वि0,

प्रयागराज

मा० राष्ट्रीय हरित अधिकरण (National Green Tribunal) नई दिल्ली के समक्ष योजित निष्पादन प्रार्थना पत्र (Execution Application) सं०-24/2023 साकेत गर्ल्स पी०जी० कालेज बनाम उ०प्र० राज्य एवं अन्य में पारित आदेश दिनांक 07.08.2023 के सम्बन्ध में प्रतिपक्षी सं० 3 एवं 4 से सम्बन्धित स्थिति निम्नवत् है:-

1. यह कि मा० राष्ट्रीय हरित अधिकरण के समक्ष मूल प्रार्थना पत्र सं०-44/2022 साकेत गर्ल्स पी०जी० कालेज बनाम उ०प्र० राज्य एवं अन्य गाय घाट रोड पर सई चदी तक जल निकासी हेतु गड्ढा बनाने एवं स्कूल में गन्दे नाले का पानी इकट्ठा होने के सम्बन्ध में उसकी निकासी करने आदि का अनुतोष प्रदान करने हेतु दाखिल किया गया था।
2. यह कि मूल प्रार्थना पत्र सं०-44/2022 पर, मा० अधिकरण द्वारा पारित आदेश दिनांक 01.07.2022 द्वारा प्रकरण के सम्बन्ध में समुचित ड्रेनेज आदि का निर्माण कराने हेतु अंतिम आदेश पारित किये गये। मा० अधिकरण द्वारा पारित आदेश दिनांक 01.07.2022 का क्रियाशील भाग निम्नवत् है:-

7 Report of the Executive Officer, Municipal Council, Bela, Pratappgarh addressed to the Applicant College is that reason for blocking of the drain was illegal construction.

8 On due consideration of the issue, we find it difficult to accept the stand that the college is required to take CTE/CTO or to install STP. Remedial action needs to be taken to complete the drain and to prevent and control of water logging by the District Magistrate, Pratappgarh and the Municipal Council, Pratappgarh. The Applicant College or other stake holders may also be associate in the process. Budget is not our concern which is to be dealt with by the concerned authorities, environment protection being absolute liability of the State.

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 उ०प्र० राज्य।

9 Remedial measures for proper drainage and carrying sewage and sullage to the STP. Avoiding inundation and such other areas as may be found necessary may accordingly be planned and executed under the supervision of the District Magistrate and action taken report furnished to the Secretary, Urban Development, UP. The Applicant College will be at liberty to move the District Magistrate and the Secretary Urban Development for redressal of any further grievance. The IA and the main matter are disposed of.

आदेश दिनांक 01.07.2022 की छायाप्रति संलग्न है जिस पर अनुसंलग्नक सं०-1 डाला गया है।

3. यह कि मूल प्रार्थना पत्र सं०-44/2022 में पारित आदेश दिनांक 01.07.2022 के अनुपालन कराए जाने के सम्बन्ध में, याची द्वारा मा० अधिकरण के समक्ष निष्पादन प्रार्थना पत्र सं०-24/2023 राकेत गर्ल्स पी०जी० कालेज बनाम उ०प्र० राज्य एवं अन्य योजित की गई जिसमें मा० अधिकरण द्वारा दिनांक 07.08.2023 (संशोधित आदेश दिनांक 09.08.2023) द्वारा प्रतिपक्षी सं०-2 से 6 को नोटिस जारी करने आदि से सम्बन्धित आदेश पारित किए गए। मा० अधिकरण द्वारा पारित आदेश दिनांक 07.08.2023 (संशोधित आदेश दिनांक 09.08.2023) का क्रियाशील भाग निम्नवत् है:-

6 Issue notice to the respondent nos 2 to 6, returnable within four weeks. Respondents are directed to submit their reply/action taken report 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. Action taken report by the State PCB must be filed before the date of listing.

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7 Application is directed to take necessary steps for service to the respondents by both ways and also on available email.

8 Application is directed to supply the copy of the application and relevant documents to the Respondent Nos 2 to 6 within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the respondents(s).

9 List the matter on 06.09.2023.

10 In the meantime, State PCB is directed to ensure that there should not be any discharge of untreated water into the open land or the waterbody and in case of any violation, environmental compensation must be assessed and realized in accordance with the parameters laid down by NGT and CPCB in addition to punitive legal actions in accordance with law.

आदेश दिनांक 07.08.2023 (संशोधित आदेश दिनांक 09.08.2023) की छायाप्रति संलग्न है जिस पर अनुसंलग्नक सं0-2 डाला गया है।

4. यह कि मूल प्रार्थना पत्र 44/2022 में पारित आदेश दिनांक 01.07.2022 के अनुपालन कराये जाने के सम्बन्ध में जिलाधिकारी प्रतापगढ़ के पत्र सं0-1830/एल0वी0सी0-2023 दिनांक 14.07.2023 द्वारा प्रमुख सचिव, उ0प्र0 शासन, नगर विकास अनुभाग-5 से जल निकासी योजनान्तर्गत नगर पालिका परिषद बलेहा प्रतापगढ़ में गांधी घाट मार्ग पर सोमवंशी आटा चक्की के सामने से साकेत डिग्री कलेज के आगे तक जल निकासी प्रबंधन हेतु धनराशि उपलब्ध कराने हेतु प्रकरण प्रेषित किया गया। पत्र दिनांक 14.07.2023 की प्रति

BP

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अनुसंलग्नों सहित संलग्न है जिस पर अनुसंलग्नक सं०-3 डाला गया है।

5. यह कि उक्त प्रस्तर-4 में वर्णित जिलाधिकारी प्रतापगढ़ के पत्रांक 1830/एल०बी०सी०-2023 दिनांक 14.07.2023 के उपरान्त कार्यालय नगर पालिका परिषद बेलवा प्रतापगढ़ के पत्र सं० 508/न०भा०परि०-2023/जल निकायी दिनांक 10.07.2023 द्वारा प्राचार्य ताकत मर्ला पी०जी० कालेज प्रतापगढ़ को सूचित किया गया कि प्रकरण शासन को प्रेषित किया जा चुका है तथा शासन द्वारा धन अवमुक्त/आवंटित होने के उपरान्त कार्यदायी संस्था उ०प्र० जल निगम नगरीय द्वारा कार्य कराया जाएगा। पत्र दिनांक 10.07.2023 की छायाप्रति संलग्न है जिस पर अनुसंलग्नक सं०-4 डाला गया है।
6. यह कि उक्त प्रस्तर-5 में वर्णित तथ्यों से स्पष्ट है कि प्रकरण के सम्बन्ध में शासन द्वारा धनराशि अवमुक्त/आवंटित होने के उपरान्त सम्बन्धित कार्य, कार्यदायी संस्था उ०प्र० जल निगम नगरीय द्वारा कराया जाना है तथा मूल प्रार्थना पत्र 44/2023 में पारित आदेश दिनांक 01.07.2022 तथा सिषादन प्रार्थना पत्र 24/2023 में पारित आदेश दिनांक 07.08.2023 के परिप्रेक्ष्य में प्रतिपक्षी सं०-3 एवं 4 द्वारा कोई कार्यवाही वांछित नहीं है।

अतः उक्त वर्णित तथ्यों से स्पष्ट है कि याची द्वारा प्रतिपक्षी सं०-3 एवं 4 की अनावश्यक रूप से, उक्त बाद में पक्षकार बनाया गया है तथा प्रतिपक्षीगण 3 एवं 4 उक्त बाद से निर्मुक्त किये जाने योग्य है।

Verified on per
Available Record
Manoj
(नगर विजय)
विधि अधिकारी
धनराज क्षेत्र, लो० नि० वि०
प्रयागराज

(श्री. रम. पी. सिंह)
अधीशारी अभियन्ता,

निर्माण खण्ड-2, लो०नि०वि०, प्रतापगढ़ / फतेहपुर कूट, लो०नि०वि०, प्रयागराज क्षेत्र, लो०नि०वि०,
प्रतापगढ़

(प्र. के. यादव)
अधीक्षण अभियन्ता,

प्रतापगढ़

मुख्य अभियन्ता,

प्रयागराज क्षेत्र, लो०नि०वि०,
प्रयागराज

(श्री. रम. पी. सिंह)

निधि अधिकारी,
कार्यालय प्रमुख अभियन्ता
लोक निर्माण विभाग
लखनऊ

(श्री. रम. पी. सिंह)
मुख्य अभियन्ता
लोक निर्माण विभाग
लखनऊ

Item No. 05

(Court No. 1)

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

(By Video Conferencing)

I.A. No. 151/2022
IN
Original Application No.44/2022
(With report dated 18.05.2022)

Saket Girls Pg College

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 01.07.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB

ORDER

1. Present application has been filed with the grievance that there is incomplete drain left open by the respondents in front of the applicant college. Water logging in the said drain is serious health hazard for the students. Untreated water of the said drain is released in the Sai River as there is no STP to treat the same.

2. Considering the above, vide order dated 15.02.2022, the Tribunal constituted a joint Committee of State PCB, Commissioner, Municipal Corporation and the District Magistrate, Pratapgarh, U.P. to ascertain factual position.

3. Accordingly, State PCB has filed report dated 18.05.2022, after undertaking site inspection with its recommendations. The relevant extracts from the report are as follows:-

3. *The above mentioned committee with Sri Arvind Kumar Srivastava, Manager Saket Girls P.G Collegee conducted a physical inspection on date 23/03/2022 of the entire area and recorded minutes which are as follows:-*
 - I. *The issue regarding the incomplete drain was taken under Consideration and upon enquiry it was found that the drain was build by the Gram Sabha which was having its own jurisdiction few years before*
 - II. *That the drain is approx. 100 metre away from the said college and the college is build in a low lying area, therefore more accumulation of water is possible. That the drain was handed over to the Nagar Palika Parishad Pratappgarh in the year December 2020.*
 - III. *That after the expansion of Gram Panchayat to the Nagar Palika Parishad there were approx 200 small and big residential houses which have been found having their respective septic tanks for sewerage and domestic waste water.*
 - IV. *That upon inspection it was found that the plot next to the college was not constructed and it is also low lying (Approx 2-3 feet down from road), So the waste water coming out through incomplete drain is being discharged and accumulated there. Due to the low lying area, there is a strong possibility of accumulation of waste water coming out of the school along with the surrounding houses.*
 - V. *That it was also found that the averments regard if the water going into Sai River is incorrect and false.*
 - VI. *That the River is approx 1.0 Km away from the said site and no drain is constructed in upward direction.*
 - VII. *That a drain of approx 1.2 Km can be constructed in the opposite direction to cater the issue but unfortunately the DPR cost of the drain is approx. 2.95 Cr. prepared by Junior Eng. PWD, which is no financially feasible for Nagar Palika Parishad, Pratappgarh as the Nagar Palika cannot get the works done beyond the budget of Rs 25 lakh.*
 - VIII. *Immediately, as a remedial action the waste water is being suctioned through suction machine and taken to the near by Bhuliyapur drain where the bioremediation is already been implemented. In addition to the above, at present the collect effluent is also being pumped daily by water pump and sent*

to other drains at the water logging site. Due to the area being low lying and surrounded on all sides, no other solution other than pumping seems to be possible for immediate drainage.

- IX For the construction of a total 1.2 KM long drain from the waterlogged area to the final disposal point by the Nagar Palika Parishad, Pratapgarh, a letter has been sent to the Secretary, Urban development, through the District Magistrate Pratapgarh by letter no. 991/LBC-2022 date 12.05.2022 for grant of budget required for drain construction.
- X Meanwhile, UPPCB Raebareli has send a notice vide letter no. 73/NGT-44/P/2022-23 dated 25.04.2022 to Nagar Palika Parishad Pratapgarh regarding compliance of Hon'ble NGT order date 15.02.2022 and to take immediate remedial action for water logging problem at the said location.
- XI UPPCB Raebareli has also send a notice to M/s Saket Girls P.G college vide letter no. 132/ NGT-44/P/ 2022-23 dated 06/05/2022 to inform about number of students studying in college and arrangements for treatment of sewerage/waste water generated from the college premises.
- XII Again UPPCB Raebareli has send a notice vide letter no.143/NGT-44/P/2022-23 dated 13-05-2022 to install a STP in college premises for effective treatment of sewerage/waste water generated from the college and to obtain CTE/CTO from State Pollution Control Board.

That therefore, the said committee has following recommendations on the basis of inspection dated 23.03.2022.-

- I. The waste water being discharged by the college must be treated through STP. Since there is only septic tank/ soak pit for the treatment of sewage and waste water generated from the college Saket Girls P.G College, which is not sufficient for treatment of sewage/ waste water as there is approx 700 students studying in the college so the management committee may be decide to install the S.T.P or waste water treatment facility in college premises immediately by their own cost.
- II. Nagar Palika Parishad Pratapgarh should pump the waste water being collected daily from water logged area through a water pump and pump it to nearby drain where Bio-remediation is already implemented till the completion of the construction of drain
- III. Nagar Palika Parishad Pratapgarh will coordinate with the Urban Development Department for the availability of necessary budget for the construction of the proposed drain at the earliest. Simultaneously the Nagar Palika Parishad Pratapgarh must develop a plan to establish treatment facility (either Bio-remediation or a new Sewage Treatment Plant or connectivity to existing 8.96 MLD STP) for the proposed drain which will have approx 0.5 MLD domestic waste water and quantity will increase in coming years."

4. As against above, the applicant has filed I.A. No. 151/2022 making further submissions as follows:-

10. That respondent no. 2 tried a face-saving act of temporarily blocking the Drainage and engaging a small pump to drain out the Drain waterlogged inside and around the applicant college, apparently just for a photoshoot, and misleading this Hon'ble Tribunal.
11. That post photo session, all setup of the photoshoot, including the pump, was immediately removed, and the applicant college was left to drown inside the Drain again.
12. That it is pertinent to mention here that Respondent no. 2, through its letter dated 15.07.2021, has admitted the guilt of leaving the drainage/natal incomplete and open-ended as alleged by the Applicant, causing the drain flooding of the area. A copy of the letter dated 15.07.2021 is **annexed herewith and marked as Annexure no. IA 1.**
13. That the Photographs and Google Map image annexed with the OA is self-explaining the horrible situation of the area, which requires an immediate attention of this Hon'ble Tribunal. **A copy of the Image of Google Map is annexed herewith and marked as Annexure no. IA 2.**
14. That instead of redressing the grievances of the Applicant as ordered by this Hon'ble Tribunal, the Regional Officer, SPCB, chose to shift the burden of Drain logging on the Applicant and intimidate it through his back-dated letters. A copy of back-dated letters dated 06.05.2022 posted on 10.05.2022 and 13.05.22 posted on 20.05.2022, the envelopes, and the Reply letters dated 14.05.2022 and 23.05.2022 by the Applicant are annexed with the Supplementary Affidavit as Annexure no. SA 7, SA 9 to the Supplementary Affidavit dated 18.05.2022 and Annexure no. S 2 and S 3 to the Supplementary Affidavit dated 24.05.2022.
15. That a Daily Hindi National News Paper "Hindustan" in its report exposed the acts of Respondent no. 2 in this concerning issue raised by the Applicant before this Hon'ble Tribunal. **A copy of the News Report published by Daily Hindi National News Paper "Hindustan" is annexed herewith and marked as Annexure no. IA 3.**
16. That the above-mentioned News Report substantiates the claims of Applicant and Anther establishes the guilt of respondents. The report highlights the concerning situation of the area flooded with drain water and how the irresponsible acts of Respondent no. 2 are causing the worsening of the same.
17. That the regional Officer, SPCB, is apparently working hand in gloves with Respondent no. 2 and concerned officers.

responsible for the drain flooding of the area surrounding the applicant college. Instead of redressing the Applicant's grievances, the respondents are now harassing the Applicant and trying to pressurize and intimidate the Applicant for approaching this Hon'ble Tribunal

18. That Respondent no. 2, through his letter dated 15.07.2021, has admitted that the applicant college and the locality around it are flooded in Drain water because of open-ended/incomplete drainage/nalah. In light of the letter dated 15.07.2021, the claims made by the Regional officer expose the malign intent of the concerned officer.
19. That it's surprising how on both occasions, the concerned officer dispatched/posted back-dated letters to Applicant. The back-dating of letters being sent in pursuance of Order dated 15.02.2022 by this Hon'ble Tribunal exposes the mala fide of Respondents. It is crystal clear that such acts are being done by the Respondents to harass and demoralize the Applicant and further mislead this Hon'ble Tribunal.
20. That it's rather amusing how the Regional Officer is directing the Applicant to set up an STP instead of directing Respondent no. 2, which has admitted the guilt in its letter dated 15.07.2021; it's the duty of Respondents to set up a STP to treat the Drainage of the city. Apparently, leaving Drainage/Nalah open-ended and Untreated is not an issue according to the concerned officer; rather, the public shall themselves set up STP and construct Drainage which is left incomplete by Respondents.
21. That it is pertinent to mention here that the applicant college is one of the oldest and most prestigious educational institution imputing quality education to the girls of Pratapgarh for the last 28 years and had never ever faced such issues in the past till the Respondent no. 2 decided to leave the main Drain of city open-ended and untreated near the Applicant college.
22. That it is pertinent to mention here that the Drain water logging issue got worsened during the Covid Lockdown Period when all educational institutions, including the Applicant College, were closed; therefore, any kind of domestic discharge was not possible at all, and still, the concerned officer is shamelessly claiming the domestic discharge of the College to be the cause for Drain Water Logging. It is an absurd and misleading averment dipped in mala fide intentions of Respondents.
23. That the existence of an Open-Ended and Untreated Drainage is an undisputed fact, and hence the act of the Regional Officer of deviating from the ground realities is wholly unacceptable.
24. That it is reiterated that the Joint Committee constituted by this Hon'ble tribunal has never conducted any Survey/ Inspection of Applicant College, and subsequently, the Applicant is never approached by the committee to address and redress the Applicant's grievances.

25. *That this act of Respondents calls for Criminal Contempt of this Hon'ble Tribunal for willfully disobeying the Order dated 15.02.2022 and attempting to befool and mislead Hon'ble Tribunal, had they really tried to resolve the Applicant's grievances in accordance with the Order dated 15.02.2022 the issue would have been resolved months ago. Today there would have been no reason for them to stage this Photo Shoot.*
26. *That it is reiterated that to date, neither any positive site visit has been conducted by the Joint Committee constituted by this Hon'ble Tribunal nor has taken any substantiate action to redress the Applicant's grievances within the time period fixed by this Hon'ble Tribunal. As such, the Respondents have caused enormous mental agony and financial loss to the Applicant and deliberately committed contempt of this Hon'ble Tribunal by not complying with the Order dated 15.02.2022 passed by this Hon'ble Tribunal.*
27. *That all requests, prayers, letters, and applications of the Applicant have been unheard and grossly ignored for years. The Applicant is left in agony to witness its surroundings and premises getting destructed and deteriorated due to the misdeeds of Respondents.*
28. *That on seeing this unreasonable, disinterested, apathetic, and insensitive behavior of the Respondents and the Joint Committee constituted by this Hon'ble Tribunal, the Applicant feels the concerned authorities have turned deaf to the people's pleas and, as such, have no hope for any positive action to be taken from them.*
29. *That the applicant fears worsening of situations as Monsoon may strike any time, and the whole campus of applicant college will drown in the Drain if nothing substantial is done immediately.*
30. *That the Respondents have shown deliberate disobedience and turned deaf towards the Order passed by this Hon'ble Tribunal and hence deserve to be dealt u/s 26, National Green Tribunal Act, 2010, and an independent high-level committee needs to be constituted to redress the grievances of the Applicant on expedited manner.*
31. *That if no strict action is taken against the Respondents and immediate redressal of the Applicant's grievances is done urgently, then it will set a bad precedent for others, and undoubtedly the Applicant will suffer an irreparable loss.*
32. *That since there is evident bias and malafide intentions in actions of Regional Officer, SPCD, Raeberally, UP, the Applicant prays before this Hon'ble Tribunal to kindly restrain the Respondents and SPCB from harassing the Applicant through coercive actions, threats, and intimidations. Further, the concerned officer may be restrained from investigating the issue; rather, an independent authority and preferably an independent committee may be constituted by this Hon'ble Tribunal to redress the Applicant's grievances"*

5. Though the main matter was scheduled to come up for hearing on 18.07.2022, on the request of the applicant the matter was listed today. Consideration of the I.A. listed today involves consideration of the whole matter and we have accordingly considered the entirety of the matter with the assistance of the learned Counsel for State PCB, preponing hearing to today. None has appeared for the applicant. We have heard learned Counsel for the PCB.

6. As shown from the above narrative, there appears to be violation of environmental norms in leaving the drains incomplete, in front of the College, requiring remedial action. While the stand of the State PCB is that the College has failed to install STP and is discharging waste water, stand of the Applicant College is that it is the failure of authorities in remedying the blockage of the drains.

7. Report of the Executive Officer, Municipal Council, Bela, Pratapgarh addressed to the Applicant College is that reason for blocking of the drain was illegal construction.

8. On due consideration of the issue, we find it difficult to accept the stand that the College is required to take CTE/CTO or to install STP. Remedial action needs to be taken to complete the drain and to prevent and control of water logging by the District Magistrate, Pratapgarh and the Municipal Council, Pratapgarh. The Applicant College or other stake holders may also be associated in the process. Budget is not our concern which is to be dealt with by the concerned authorities, environment protection being absolute liability of the State.

9. Remedial measures for proper drainage and carrying sewage and sullage to the STP, avoiding inundation and such other areas as may be

found necessary may accordingly be planned and executed under the supervision of the District Magistrate and action taken report furnished to the Secretary, Urban Development, UP. The Applicant College will be at liberty to move the District Magistrate and the Secretary Urban Development for redressal of any further grievance.

The IA and the main matter are disposed of.

A copy of this order be forwarded to the Secretary, Urban Development, UP and District Magistrate by e-mail for compliance.

Adarsh Kumar Goel, CP

Arun Kumar Tyagi, JM

Prof. A. Senthil Vel. EM

Dr. Afroz Ahmad, EM

July 01, 2022
I.A. No. 151/2022In
Original Application No. 44/2022
SN

Item No. 02

Court No. 1

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

(BY HYBRD MODE)

Execution Application No. 24/2023
In
Original Application No. 44/2022

Saket Girls Pg College

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 07.08.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Raj Panjwani, Senior Advocate with Ms. Esha Dutta,
Adv. for Applicant in E.A 27/2023

Respondent: Mr. Rahul Verma, AAG for the State of Uttarakhand
Mr. Mukesh Verma, Adv. for UKPCB

ORDER

1. This is an application to execute order dated 01.07.2022 passed in O.A. No. 44/2022. The issue of incomplete or non-functional drain in Saket Girls PG College, Pratapgarh was raised by the applicant where waterlogging in the area and the drain was causing serious health hazards for the students and untreated water is continuously being discharged in the Sai river and there is no proper facility for treatment of the water/no provision of STP.

2. A report was called from the State PCB and this Tribunal vide order dated 01.07.2022 observed as follows:-

3. Accordingly, State PCB has filed report dated 18.05.2022, after undertaking site inspection with its recommendations. The relevant extracts from the report are as follows:-

3. The above mentioned committee with Sri Arvind Kumar Srivastava, Manager Saket Girls P.G College conducted a physical inspection on date 23/03/2022 of the entire area and recorded minutes which are as follows:-
 - I. The issue regarding the incomplete drain was taken under Consideration and upon enquiry it was found that the drain was build by the Gram Sabha which was having its own jurisdiction few years before.
 - II. That the drain is approx. 100 metre away from the said college and the college is build in a low lying area, therefore more accumulation of water is possible. That the drain was handed over to the Nagar Palika Parishad Pratapgarh in the year December 2020.
 - III. That after the expansion of Gram Panchayat to the Nagar Palika Parishad there were approx 200 small and big residential houses which have been found having their respective septic tanks for sewerage and domestic waste water.
 - IV. That upon inspection it was found that the plot next to the college was not constructed and it is also low lying (Approx 2-3 feet down from road), So the waste water coming out through incomplete drain is being discharged and accumulated there. Due to the low lying area, there is a strong possibility of accumulation of waste water coming out of the school along with the surrounding houses.
 - V. That it was also found that the averments regard if the water going into Sai River is incorrect and false.
 - VI. That the River is approx 1.0 Km away from the said site and no drain is constructed in upward direction.
 - VII. That a drain of approx 1.2 Km can be constructed in the opposite direction to cater the issue but unfortunately the DPR cost of the drain is approx. 2.96 Cr. prepared by Junior Eng. PWD, which is no financially feasible for Nagar Palika Parishad, Pratapgarh as the Nagar Palika cannot get the works done beyond the budget of Rs 25 lakh.
 - VIII. Immediately, as a remedial action the waste water is being suctioned through suction machine and taken to the near by Bhuliyapur drain where the bioremediation is already been implemented. In addition to the above, at present the collect effluent is also being pumped daily by water pump and sent to other drains at the water logging site. Due to the area being low lying and surrounded on all sides, no other solution other than pumping seems to be possible for immediate drainage.

- IX. For the construction of a total 1.2 KM long drain from the waterlogged area to the final disposal point by the Nagar Palika Parishad, Pratapgarh, a letter has been sent to the Secretary, Urban development, through the District Magistrate Pratapgarh by letter no. 991/LBC-2022 date 12.05.2022 for grant of budget required for drain construction.
- X. Meanwhile, UPPCB Raebareli has send a notice vide letter no. 73/NGT-44/P/2022-23 dated 25.04.2022 to Nagar Palika Parishad Pratapgarh regarding compliance of Hon'ble NGT order date 15.02.2022 and to take immediate remedial action for water logging problem at the said location.
- XI. UPPCB Raebareli has also send a notice to M/s Saket Girls P.G college vide letter no. 132/ NGT-44/P/ 2022-23 dated 06/05/2022 to inform about number of students studying in college and arrangements for treatment of sewerage/waste water generated from the college premises.
- XII. Again UPPCB Raebareli has send a notice vide letter no.143/NGT-44/P/2022-23 dated 13-05-2022 to install a STP in college premises for effective treatment of sewerage/waste water generated from the college and to obtain CTE/CTO from State Pollution Control Board.

That therefore, the said committee has following recommendations on the basis of inspection dated 23.03.2022:-

- I. The waste water being discharged by the college must be treated through STP. Since there is only septic tank/ soak pit for the treatment of sewage and waste water generated from the college Saket Girls P.G College, which is not sufficient for treatment of sewage/ waste water as there is approx 700 students studying in the college so the management committee may be decide to install the S.T.P or waste water treatment facility in college premises immediately by their own cost.
- II. Nagar Palika Parishad Pratapgarh should pump the waste water being collected daily from water logged area through a water pump and pump it to nearby drain where Bio-remediation is already implemented till the completion of the construction of drain.
- III. Nagar Palika Parishad Pratapgarh will coordinate with the Urban Development Department for the availability of necessary budget for the construction of the proposed drain at the earliest. Simultaneously the Nagar Palika Parishad Pratapgarh must develop a plan to establish treatment facility (either Bio-remediation or a new Sewage Treatment Plant or connectivity to existing 8.96 MLD STP) for the proposed drain which will have approx 0.5 MLD domestic waste water and quantity will increase in coming years."

4. As against above, the applicant has filed I.A. No. 151/2022 making further submissions as follows:-

- “10. That respondent no. 2 tried a face-saving act of temporarily blocking the Drainage and engaging a small pump to drain out the Drain waterlogged inside and around the applicant college, apparently just for a photoshoot, and misleading this Hon'ble Tribunal.
11. That post photo session, all setup of the photoshoot, including the pump, was immediately removed, and the applicant college was left to drown inside the Drain again.
12. That it is pertinent to mention here that Respondent no. 2, through its letter dated 15.07.2021, has admitted the guilt of leaving the drainage/natal incomplete and open-ended as alleged by the Applicant, causing the drain flooding of the area. A copy of the letter dated 15.07.2021 is **annexed herewith and marked as Annexure no. IA 1.**
13. That the Photographs and Google Map image annexed with the OA is self-explaining the horrible situation of the area, which requires an immediate attention of this Hon'ble Tribunal. **A copy of the Image of Google Map is annexed herewith and marked as Annexure no. IA 2.**
14. That instead of redressing the grievances of the Applicant as ordered by this Hon'ble Tribunal, the Regional Officer, SPCP, chose to shift the burden of Drain logging on the Applicant and intimidate it through his back-dated letters. A copy of back-dated letters dated 06.05.2022 posted on 10.05.2022 and 13.05.22 posted on 20.05.2022, the envelopes, and the Reply letters dated 14.05.2022 and 23.05.2022 by the Applicant are annexed with the Supplementary Affidavit as Annexure no. SA 7, SA 9 to the Supplementary Affidavit dated 18.05.2022 and Annexure no. S 2 and S 3 to the Supplementary Affidavit dated 24.05.2022
15. That a Daily Hindi National News Paper "Hindustan" in its report exposed the acts of Respondent no. 2 in this concerning issue raised by the Applicant before this Hon'ble Tribunal. **A copy of the News Report published by Daily Hindi National News Paper "Hindustan" is annexed herewith and marked as Annexure no. IA 3.**
16. That the above-mentioned News Report substantiates the claims of Applicant and Anther establishes the guilt of respondents. The report highlights the concerning situation of the area flooded with drain water and how the irresponsible acts of Respondent no. 2 are causing the worsening of the same
17. That the regional Officer, SPCB, is apparently working hand in gloves with Respondent no. 2 and concerned officers responsible for the drain flooding of the area surrounding the applicant college. Instead of redressing the Applicant's grievances, the respondents are now harassing the Applicant and trying to pressurize and intimidate the Applicant for approaching this Hon'ble Tribunal.
18. That Respondent no. 2, through his letter dated 15.07.2021, has admitted that the applicant college and the locality around

it are flooded in Drain water because of open-ended/incomplete drainage/nalah. In light of the letter dated 15.07.2021, the claims made by the Regional officer expose the malign intent of the concerned officer.

19. That it's surprising how on both occasions, the concerned officer dispatched/posted back-dated letters to Applicant. The back dating of letters being sent in pursuance of Order dated 15.02.2022 by this Hon'ble Tribunal exposes the malafide of Respondents. It is crystal clear that such acts are being done by the Respondents to harass and demoralize the Applicant and further mislead this Hon'ble Tribunal.
20. That it's rather amusing how the Regional Officer is directing the Applicant to set up an STP instead of directing Respondent no. 2, which has admitted the guilt in its letter dated 15.07.2021; it's the duty of Respondents to set up a STP to treat the Drainage of the city. Apparently, leaving Drainage/Nalah open-ended and Untreated is not an issue according to the concerned officer; rather, the public shall themselves set up STP and construct Drainage which is left incomplete by Respondents.
21. That it is pertinent to mention here that the applicant college is one of the oldest and most prestigious educational institution impuling quality education to the girls of Pratapgarh for the last 28 years and had never ever faced such issues in the past till the Respondent no. 2 decided to leave the main Drain of city open-ended and untreated near the Applicant college.
22. That it is pertinent to mention here that the Drain water logging issue got worsened during the Covid Lockdown Period when all educational institutions, including the Applicant College, were closed; therefore, any kind of domestic discharge was not possible at all, and still, the concerned officer is shamelessly claiming the domestic discharge of the College to be the cause for Drain Water Logging. It is un absurd and misleading averment dipped in malafide intentions of Respondents.
23. That the existence of an Open-Ended and Untreated Drainage is an undisputed fact, and hence the act of the Regional Officer of deviating from the ground realities is wholly unacceptable.
24. That it is reiterated that the Joint Committee constituted by this Hon'ble tribunal has never conducted any Survey/Inspection of Applicant College, and subsequently, the Applicant is never approached by the committee to address and redress the Applicant's grievances.
25. That this act of Respondents calls for Criminal Contempt of this Hon'ble Tribunal for willfully disobeying the Order dated 15.02.2022 and attempting to befool and mislead Hon'ble Tribunal, had they really tried to resolve the Applicant's grievances in accordance with the Order dated 15.02.2022 the issue would have been resolved months ago. Today there would have been no reason for them to stage this Photo Shoot.

26. *That it is reiterated that to date, neither any positive site visit has been conducted by the Joint Committee constituted by this Hon'ble Tribunal nor has taken any substantiate action to redress the Applicant's grievances within the time period fixed by this Hon'ble Tribunal. As such, the Respondents have caused enormous mental agony and financial loss to the Applicant and deliberately committed contempt of this Hon'ble Tribunal by not complying with the Order dated 15.02.2022 passed by this Hon'ble Tribunal.*
 27. *That all requests, prayers, letters, and applications of the Applicant have been unheard and grossly ignored for years. The Applicant is left in agony to witness its surroundings and premises getting destructed and deteriorated due to the misdeeds of Respondents.*
 28. *That on seeing this unrcasonable, disinterested, apathetic, and insensitive behavior of the Respondents and the Joint Committee constituted by this Hon'ble Tribunal; the Applicant feels the concerned authorities have turned deaf to the people's pleas and, as such, have no hope for any positive action to be taken from them.*
 29. *That the applicant fears worsening of situations as Monsoon may strike any time, and the whole campus of applicant college will drown in the Druin if nothing substantial is done immediately.*
 30. *That the Respondents have shown deliberate disobedience and turned deaf towards the Order passed by this Hon'ble Tribunal and hence deserve to be dealt u/s 26, National Green Tribunal Act, 2010, and an independent high-level committee needs to be constituted to redress the grievances of the Applicant on expedited manner.*
 31. *That if no strict action is taken against the Respondents and immediate redressal of the Applicant's grievances is done urgently, then it will set a bad precedent for others, and undoubtedly the Applicant will suffer an irreparable loss.*
 32. *That since there is evident bias and malafide intentions in actions of Regional Officer, SPCD, Raeberally, UP, the Applicant prays before this Hon'ble Tribunal to kindly restrain the Respondents and SPCB from harassing the Applicant through coercive actions, threats, and intimidations. Further, the concerned officer may be restrained from investigating the issue; rather, an independent authority and preferably an independent committee may be constituted by this Hon'ble Tribunal to redress the Applicant's grievances"*
3. And the Tribunal directed as follows:-

"8. On due consideration of the issue, we find it difficult to accept the stand that the College is required to take CTE/CTO or to install STP. Remedial action needs to be taken to complete the drain and to prevent and control of water logging by the District Magistrate,

Pratapgarh and the Municipal Council, Pratapgarh. The Applicant College or other stake holders may also be associated in the process. Budget is not our concern which is to be dealt with by the concerned authorities, environment protection being absolute liability of the State.

9. Remedial measures for proper drainage and carrying sewage and sullage to the STP, avoiding inundation and such other areas as may be found necessary may accordingly be planned and executed under the supervision of the District Magistrate and action taken report furnished to the Secretary, Urban Development, UP. The Applicant College will be at liberty to move the District Magistrate and the Secretary Urban Development for redressal of any further grievance."

4. The contention of the Execution applicant is that continuous and unabated destruction of the applicant's college property has inflicted significant mental anguish and profound financial losses, demanding immediate execution to mitigate further harm and protect the rights and interests of the applicant.

5. A substantial issue of environment has been raised.

6. Issue notice to the respondent nos. 2 to 6, returnable within four weeks. Respondents are directed to submit their reply/action taken report 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. Action taken report by the State PCB must be filed before the date of listing.

7. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.

8. Applicant is directed to supply the copy of the application and relevant documents to the Respondent Nos. 2 to 6 within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the respondent(s).

9. List the matter on 06.09.2023.

10. In the meantime, State PCB is directed to ensure that there should not be any discharge of untreated water into the open land or the waterbody and in case of any violation, environmental compensation must be assessed and realized in accordance with the parameters laid down by NGT and CPCB in addition to punitive legal actions in accordance with law.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 07, 2023
Execution Application No. 24/2023
In Original Application No. 44/2022
SN

Harshit Srivastava
Advocate
High Court of Judicature at Allahabad

Date: 09.08.2023

To,
[Name and Designation of the Respondents]
[Address of the Respondents]
[City, State, Zip Code]

Subject: Notice - NGT Order dated 07.08.2023 in Execution Application No. 24 of 2023 in OA No. 44 of 2022

Dear Sir/Madam,

I trust this communication finds you well. I am writing to bring your attention to an important development in the ongoing legal proceedings related to Execution Application No. 24 of 2023, arising from Original Application No. 44 of 2022: Saket Girls PG College vs. State of UP and ors. The matter is currently being adjudicated by the esteemed National Green Tribunal (NGT), New Delhi.

The purpose of this notice is to ensure your awareness of the recent proceedings that took place during the hearing on 7th August 2023, as per the directives of the Hon'ble NGT. It is essential for you, as Respondents, to be well-informed about your responsibilities and obligations in this matter.

During the hearing, the NGT acknowledged the concerns raised by our client regarding the environment. In light of this, the NGT has directed all Respondents to submit a reply/action taken report addressing the issues raised by the Applicant. To facilitate a smooth exchange of information, these reports should be submitted via email to the official judicial email address: judicial-ngt@gov.in. The NGT recommends that these submissions be in the format of searchable PDF/OCR Support PDF, rather than Image PDF, to ensure easy accessibility and retrieval of information.

Furthermore, the NGT has entrusted the State Pollution Control Board (PCB) with the responsibility of ensuring the timely submission of the Action Taken Report before the next scheduled listing. It is important to note that the NGT places significant emphasis on preventing the discharge of untreated water into land or water bodies. Non-compliance with this directive could result in environmental compensation, as outlined by the NGT and CPCB guidelines, in addition to other legal actions as per the prevailing laws.

I would like to bring to your attention that formal notices have been sent to your official email addresses on two occasions: 17th July 2023 and 2nd August 2023. These notices were dispatched to provide ample time for compliance with the NGT's directives and to allow for proper preparation for the upcoming proceedings.

For your reference, I have enclosed a copy of the Execution Application along with the Order dated 7th August 2023. This documentation serves as a reference point for understanding the NGT's instructions.

Harshit Srivastava
Advocate
High Court of Judicature at Allahabad

Furthermore, please be informed that the NGT has scheduled the next proceedings for 6th September 2023. Your timely compliance with the NGT's directives is crucial to ensure a fair and effective resolution of this matter.

I kindly request you to acknowledge the receipt of this communication and confirm your intention to comply with the NGT's directions.

Thank you for your attention to this matter.

Regards

Harshit

Harshit Srivastava

Advocate

8285872355

अधिव,
प्रदेश शासन,
र विकास अनुभाग-5,
लखनऊ।

मा : 1030 / एल0वी0सी0-2023

दिनांक : जुलाई 14, 2023

य : जल निकासी योजनान्तर्गत नगर पालिका परिषद बेल्ला, प्रतापगढ़ में गायघाट मार्ग पर सोमवंशी आटा चक्की के सामने से साकेत डिग्री कालेज के आगे तक जल निकासी प्रबन्धन हेतु धनराशि उपलब्ध कराये जाने के सम्बन्ध में।

होदय,

कृपया उपरोक्त विषयक आपको सम्बोधित अधिशापी अधिकारी, नगर पालिका परिषद बेल्ला, प्रतापगढ़ के पत्र संख्या : 338/न0पा0परि0-2023, दिनांक 12 जुलाई, 2023 का प्रवलोकन करने का कष्ट करें। उक्त पत्र में उल्लेख है कि ए0ओ0 संख्या-44/2022, साकेत गर्ल्स पी0जी0 कालेज बनाम स्टेट आफ यू0पी0 एण्ड अदर्श में मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा पारित आदेश दिनांक 01.07.2022 के अनुपालन में साकेत गर्ल्स डिग्री कालेज से आगे नाले के निर्माण हेतु कान्स्ट्रक्शन एवं डिजाइन सर्विसेज, उ0प्र0 जल निगम (नगरीय) द्वारा अंकन 1187.63 लाख रुपये की कार्य योजना तैयार की गयी है। तत्कम में उक्त कार्य योजना/डी0पी0आर0 की प्रति प्रस्तुत कर धनराशि उपलब्ध कराने का अनुरोध किया गया है।

अतः अधिशापी अधिकारी, नगर पालिका परिषद बेल्ला, प्रतापगढ़ द्वारा प्रस्तुत उक्त कार्य योजना/डी0पी0आर0 मूल रूप में संलग्न कर विशेष वाहक के माध्यम से आपके सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्नक : यधोक्त।

भवदीय,

(प्रकाश चन्द्र श्रीवास्तव)
जिलाधिकारी,
प्रतापगढ़।

प्रतिलिपि : अधिशापी अधिकारी, नगर पालिका परिषद बेल्ला, प्रतापगढ़ को इस निर्देश के साथ कि कार्य योजना/डी0पी0आर0 प्रतापगढ़ शासन को उपलब्ध कराना सुनिश्चित करें।

24/7/23
जिलाधिकारी,
प्रतापगढ़।

3190-4

कार्यालय नगरपालिका परिषद बेल्हा-प्रतापगढ़।

संख्या: 508 / न0पा0परि0-2023 / जल निकासी /

दिनांक: 10/08/2023

सेवा में,

प्राचार्य,
साकेत गर्ल्स पी0जी0 कालेज,
प्रतापगढ़।

विषय:- परिसर में जल भराव की निकासी के सम्बन्ध में।
महोदय,

कृपया अपने पत्र दिनांक 09-8-2023 का सन्दर्भ ग्रहण करने का कष्ट करे, तद् पत्र के अन्तर्गत विद्यालय परिसर में जल भराव की निकासी हेतु माननीय नेशनल ग्रीन ट्रिब्यूनल, नई दिल्ली के आदेश दिनांक 07-8-2023 का अनुपालन कराये जाने की अपेक्षा की गयी है।

उक्त के सम्बन्ध में अवगत कराना है कि ओ0ए0 संख्या-44/2022, साकेत गर्ल्स पी0जी0 कालेज बनाम स्टेट आफ यू0पी0 एण्ड अदर्श में मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा पारित आदेश दिनांक 01-7-2022 के अनुपालन जल निकासी योजनान्तर्गत नगरपालिका परिषद बेल्हा-प्रतापगढ़ में गायघाट मार्ग पर सोमवंशी आटा चक्की के सामने से साकेत डिग्री कालेज के आगे तक जल निकासी प्रबन्धन हेतु कान्स्ट्रक्शन एवं डिजाइन सर्विसेज, उ0प्र0 जल निगम (नगरीय) द्वारा अंकन 1187.63 लाख रुपये (ग्याहर करोड़ सत्तासी लाख तिरसठ हजार) की कार्ययोजना तैयार कर उ0प्र0 शासन नगर विकास अनुभाग-5 को कार्यालय जिलाधिकारी प्रतापगढ़ के पत्र संख्या-1830/एल0बी0सी0-2023 दिनांक 14 जुलाई, 2023 द्वारा प्रेषित कर दी गयी है सुलभ सन्दर्भ हेतु पत्र की छायाप्रति संलग्न है। शासन द्वारा धनराशि अवमुक्त/आवंटित होने के पश्चात कार्यदायी संस्था उ0प्र0 जल निगम नगरीय द्वारा कार्य कराया जायेगा।

संलग्नक-उपरोक्तानुसार

भवदीय

अधिसासी अधिकारी

नगरपालिका परिषद बेल्हा-प्रतापगढ़।

प्रतिलिपि :- जिलाधिकारी महोदय की सेवा में उपरोक्तानुसार सादर सूचनार्थ।

अधिसासी अधिकारी

नगरपालिका परिषद बेल्हा-प्रतापगढ़।

कार्यालय अधिशासी अभियन्ता
निर्माण खण्ड-2, लो0नि0वि0, प्रतापगढ़

पत्रांक:- 2044/18 M/2023

दिनांक:- 01/09/23

सेवा में,

अनु सचिव
लो0नि0अनु0-14
उ0प्र0 शासन, लखनऊ।

विषय:- मा0 राष्ट्रीय ग्रीन ट्रिब्यूनल, प्रिन्सिपल बेंच, नई दिल्ली में योजित निष्पादन प्रार्थना-पत्र संख्या- 24/2023 (ओरिजनल प्रार्थना-पत्र न0-44/2022) साकेत गर्ल्स पी0जी0 कालेज बनाम उ0प्र0 राज्य व अन्य में पारित आदेश दिनांक 07.08.2023 में अतिरिक्त कथन के सम्बन्ध में।

संदर्भ:- मुख्य अभियन्ता(गु0-2) कार्यालय प्रमुख अभियन्ता, उ0प्र0 लोक निर्माण विभाग, लखनऊ व्यवस्थापन (ग) वर्ग के पत्रांक 2847 व्यग/एनजीटी-7 दिनांक 29.08.2023

महोदय,

उपरोक्त विषयक संदर्भित पत्र में सम्बंध अतिरिक्त कथन सलग्नक कर ई-मेल द्वारा आवश्यक कार्यवाही हेतु प्रेषित है।

अधिशासी अभियन्ता
निर्माण खण्ड-2, लो0नि0वि0,
प्रतापगढ़

दिनांक:-

पत्रांक:-
प्रतिलिपि: सहायक अभियन्ता निर्माण खण्ड-2, लो0नि0वि0 प्रतापगढ़।

अधिशासी अभियन्ता
निर्माण खण्ड-2, लो0नि0वि0,
प्रतापगढ़

भा0 राष्ट्रीय हरित अधिकरण (National Green Tribunal) नई दिल्ली के समक्ष योजित निष्पादन प्रार्थना पत्र (Execution Application) सं0-24/2023 साकेत गर्ल्स पी0जी0 कालेज बनाम उ0प्र0 राज्य एवं अन्य में पारित आदेश दिनांक 07.08.2023 के सम्बन्ध में प्रतिपक्षी सं0-3 एवं 4 से सम्बन्धित स्थिति निम्नवत् है:-

अतिरिक्त कथन

1. यह कि मूल प्रार्थना पत्र 44/2022 में पारित आदेश दिनांक 01.07.2022 के अनुपालन कराये जाने के सम्बन्ध में जिलाधिकारी प्रतापगढ़ के पत्र सं0-1830/एल0बी0सी0-2023 दिनांक 14.07.2023 द्वारा रु 1187.63 लाख की कार्ययोजना प्रमुख सचिव, उ0प्र0 शासन, नगर विकास अनुभाग-5 से जल निकासी योजनान्तर्गत नगर पालिका परिषद बेल्ला प्रतापगढ़ में गाय घाट मार्ग पर सोमवंशी आटा चक्की के सामने से साकेत डिग्री कालेज के आगे तक जल निकासी प्रबंधन हेतु धनराशि उपलब्ध कराने हेतु प्रकरण प्रेषित किया गया। उपरोक्त धनराशि स्वीकृत होने के बाद कार्यदायी संस्था उ0प्र0 जल निगम नगरीय द्वारा कार्य कराया जायेगा।
2. यह कि प्रकरण के सम्बन्ध में शासन द्वारा धनराशि अवमुक्त/आवंटित होने के उपरान्त सम्बन्धित कार्य, कार्यदायी संस्था उ0प्र0 जल निगम नगरीय द्वारा कराया जाना है तथा मूल प्रार्थना पत्र 44/2023 में पारित आदेश दिनांक 01.07.2022 तथा निष्पादन प्रार्थना पत्र 24/2023 में पारित आदेश दिनांक 07.08.2023 के परिप्रेक्ष्य में लोक निर्माण विभाग से कोई कार्यवाही अपेक्षित नहीं है।
3. यह कि उपरोक्त कार्य की कार्ययोजना श्री अनिल जायसवाल अवर अभियन्ता निर्माण खण्ड-2, लो0नि0वि0 प्रतापगढ़ द्वारा तैयार कराई गई है जो नगर पालिका परिषद प्रतापगढ़ में कार्यालय आदेश संख्या 410/एल0बी0सी0-2022 दिनांक 11 मार्च 2022 द्वारा अटैच किया गया है। अतः उपरोक्त कार्य में लोक

अधिसारी अभियन्ता
निर्माण खण्ड-2, लो0नि0वि0
प्रतापगढ़

लोक निर्माण विभाग
उ0प्र0 शासन।

निर्माण विभाग से कोई कार्यवाही अपेक्षित नहीं है। आदेश दिनांक 11.03.2022

की छायाप्रति संलग्न है जिसपर अनुसंलग्नक संख्या -1 डाला गया है।

Ashutosh
Law Officer

M
अधिसासी अभियन्ता,
निर्माण खण्ड-2, लो0नि0वि0,
प्रतापगढ़

10023
निर्माण विभाग
संलग्नक संख्या
लो0नि0वि0
प्रतापगढ़

कार्यालय जिलाधिकारी प्रतापगढ़

पत्रांक : 4-10 / एल0वी0री0-2022

दिनांक : 11/11/2022

आदेश

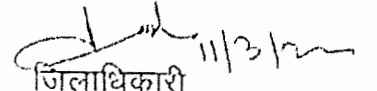
नगर पालिका परिषद वेल्हा, प्रतापगढ़ एवं अन्य निकायों में सम्बद्ध किये गये लोक निर्माण विभाग के सहायक/अवर अभियन्ता श्री डी0पी0 अग्रवाल के शर्मानवृत्त हो जाने के फलस्वरूप अधिशापी अधिकारी, नगर पालिका परिषद वेल्हा द्वारा अपने पत्र दिनांक 10 फरवरी, 2022 के अन्तर्गत वर्तमान में प्रचलित सिविल निर्माण कार्यों के पर्यवेक्षण व क्रियान्वयन हेतु श्री अनिल कुमार जायसवाल, अवर अभियन्ता, निर्माण खण्ड-2 लो0नि0वि0, प्रतापगढ़ को नामित करने का अनुरोध किया गया है। शासनादेश दिनांक : 25 जनवरी, 2011 में दिव्य मय निर्देश के क्रम में इस कार्यालय के पत्र संख्या : 1030, दिनांक 04 नवम्बर, 2020, पत्र संख्या : 1069, दिनांक 07 दिसम्बर, 2020 एवं पत्र संख्या : 147, दिनांक 29 जुलाई, 2021 के माध्यम से निकायों में अवर अभियन्ता नामित करने हेतु शासन से अनुरोध किया गया है किन्तु अभी तक शासन का आदेश प्राप्त नहीं हुआ है, जिससे जनहित के कार्य प्रभावित हो रहे हैं।

अतः कार्य की महत्ता एवं तात्कालिकता के दृष्टिगत जनपद के नगरीय निकायों में शासन स्तर से अवर अभियन्ता नामित होने तक के लिये कार्यक्षेत्र में नितान्त अस्थाई व्यवस्था के तहत जनपद के नगर निकायों (लालगंज को छोड़ कर) में सिविल निर्माण कार्यों के क्रियान्वयन व पर्यवेक्षण हेतु श्री अनिल कुमार जायसवाल, अवर अभियन्ता, निर्माण खण्ड-2 लो0नि0वि0, प्रतापगढ़ को नामित/अधिकृत किया जाता है। श्री जायसवाल अपने मूल पद के कार्यों के साथ जनपद के नगरीय निकायों में भी निर्माण कार्यों का क्रियान्वयन व पर्यवेक्षण करेंगे। इस हेतु श्री जायसवाल को अगले से कोई वेतन या गत्ता देय नहीं होगा।

(डा0 नितिन बंसल)
जिलाधिकारी,
प्रतापगढ़।

प्रतिलिपि : निम्नलिखित को सूचनार्थ एवं उपरोक्तानुसार कार्यवाही हेतु प्रेषित :-

1. प्रमुख सचिव, उत्तर प्रदेश शासन, नगर विकास अनुभाग-1, लखनऊ
2. अपर जिलाधिकारी/प्रभारी अधिकारी स्थानीय निकाय, प्रतापगढ़।
3. अधिशापी अभियन्ता, निर्माण खण्ड-2, लोक निर्माण विभाग, प्रतापगढ़।
4. श्री अनिल कुमार जायसवाल, अवर अभियन्ता, निर्माण खण्ड-2 लो0नि0वि0, प्रतापगढ़।
5. समस्त अध्यक्ष/अधिशापी अधिकारी, नगर पालिका परिषद/नगर पंचायत, प्रतापगढ़।
6. अन्य समस्त सम्बन्धित।


जिलाधिकारी,
प्रतापगढ़।