

REPORT OF THE OVERSIGHT COMMITTEE, NGT, U.P, LUCKNOW

IN THE MATTER OF:-

ORIGINAL APPLICATION NO. 306/2016

**SOCIAL ACTION FOR FOREST AND ENVIRONMENT (SAFE)
VERSUS
UNION OF INDIA & ORS.**

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REPORT OF OVERSIGHT COMMITTEE IN COMPLIANCE OF ORDER OF HON'BLE NATIONAL GREEN TRIBUNAL PASSED IN O.A. NO. 306/2016 (M.A. No. 562/2016& M.A. No. 1237/2018) WITH M.A. No. 380/2017 (I.A. No. 8/2007) IN W.P. (C) No. 426/1992 IN RE: SOCIAL ACTION FOR FOREST AND ENVIRONMENT (SAFE) VS. UNION OF INDIA & ORS. (EARLIER TITLED AS D. K. JOSHI VS. UNION OF INDIA & ORS)

(Updated Compliance Report in continuation of Earlier Report dated 05.08.2020)

I. INTRODUCTION

The issue for consideration in O.A. 306/2016 pertains to compliance of Solid Waste Management Rules, 2016, Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016 and Bio-medical Waste Management Rules, 2016 in the city of Agra as well as the areas coming under the Cantonment Board, Agra and eco-sensitive zone of Taj Trapezium Zone (TTZ).

The Hon'ble National Green Tribunal in the matter of OA No. 306/2016 (M.A. Nos. 562/2016 & 1237/2018) With M.A. No. 380/2017 (I.A. No. 08/2007) In W.P.(C) No. 462/1992 *Social Action for Forest and Environment (SAFE) Versus Union of India & Ors.* (**Earlier titled as D.K. Joshi Vs. Union of India & Ors.**) passed the order dated 02.03.2020 in continuation of order dated 29.07.2019. The matter was reviewed by Hon'ble NGT and it was found that there is huge gap in treatment capacity and generation of solid waste; liquid waste management and drinking water. Vide order dated 29.01.2019 in the light of report of the committee constituted by Hon'ble NGT of which CPCB was the nodal agency.

II. ORDERS OF THE HON'BLE NGT IN O.A. No. 306 of 2016

1. Order dated 12.01.2018 was passed by the Hon'ble NGT while taking into account the photographs produced before it showing burning of municipal solid waste on the roads at Agra Cantonment Railway Station and heaps of uncleared garbage. About 50% of sewerage system and drainage system were not in working condition and untreated sewage was being dumped into the open drains.

2. Vide order dated 29.01.2019 in I. A. No. 08/2007, a report was filed before the Hon'ble Supreme Court presenting the unsatisfactory improvement with regard to SWM, sewerage & drainage system in Agra which has resulted in pollution of river Yamuna. Thereafter, the Hon'ble Supreme Court sought a status report and transferred the matter to the Hon'ble NGT on 23.02.2017. The Hon'ble NGT considered the status report dated 04.07.2018 in O.A. No. 306/2016 to the effect that the problem persisted and 19 drains had not yet been connected to the STPs.

In the same order, it was also observed by the Hon'ble NGT that since the report of NEERI was 20years old, an updated Expert report was required for the same. Further, a Joint Committee was constituted with representative of CPCB, a nominee from NEERI and District Magistrate, Agra to ascertain the factual condition with reference to drinking water supply, sewerage, drainage system and disposal of solid waste. It was mentioned that the problem at Agra was not alone, similar problems were seen in other cities of Uttar Pradesh including **Niwari** considered vide **order dated 28.09.2018** in O. A. No. 48 of 2016 – *Vivek Tyagi Vs. State of U.P. & Ors.* and **Gorakhpur** vide **order dated 23.08.2018** in O. A. No. 116 of 2014-*Meera Shukla Vs. Municipal Corporation, Gorakhpur & Ors.*

3. Vide order dated 23.04.2019, an Action Taken Report was filed by Principal Secretary, Urban Development with regard to sewage treatment in O.A. 306/2016 and further report dated 27.07.19 was filed by Urban Development Department in this matter. Principal Secretary, Urban Development (report filed on 23.04.2019) reported that L-1 firm was shortlisted but final decision was yet to be taken. The Screens were to be installed to prevent dumping of solid waste into the River Yamuna. The procurement of vehicles would be done for collection of waste. The gap in treatment of waste would be solved once the clearance for processing plant is obtained. The plant would be set up in one year after permission.

Further, the Urban Development Department filed a report on 27.07.2019. It mentioned that screens were installed on 51 drains and arrangements were being made for regular collection of waste. After clearance, waste processing would commence and there was a plan to purchase vehicles for collection of waste. There were six collection points for dry waste and then the waste would be transferred to material recovery facility (MRF). Both types of segregation i.e., manual and mechanical were being done and segregated waste was being sent to recycling facility, non-recyclables were sent to the waste management plant.

In view of the reports filed, Hon'ble NGT vide order dated 27.07.2019 stated the following:

“5. The above reports show very little progress. The gaps noticed in the order dated 29.01.2019 have not been fully addressed. There is nothing to show that the gap with regard to treatment capacity of solid waste to the tune of 690 TPD as noted in para 10 of the order has been met, nor the gap of 156 MLD in water supply as noted in para 10 or treating 61% of untreated sewage which was being discharged into River Yamuna as noted in para 14, have been addressed. The performance guarantee to be furnished in terms of para 24 within one month of the order has not been furnished. Only plea is that the matter is pending before the

Hon'ble Supreme Court. It is not the case that any stay has been granted. In absence of stay, time bound direction in the order of this Tribunal is required to be complied with. Mere pendency of matter in the Hon'ble Supreme Court cannot by itself be a ground not to comply with the order of this Tribunal. Let the necessary steps be expeditiously executed and performance guarantee furnished in terms of para no. 24 of the order dated 29.01.2019 within two weeks, failing which the coercive measures will have to be taken. An affidavit of compliance may be filed in this regard.

6. A further compliance report may also be furnished on progress made in cumulative tabular form, indicating progress against each head month wise by 31.10.2019”

5. UPPCB filed its status report on 23.10.2019 in which the deficiencies in the matter of installation of bar screens at places on the drains falling into Yamuna; segregation at source, door to door collection; transfer stations; disposal of C&D waste and plastic waste; bio-mining of legacy waste and tapping and cleaning of sewage drains were highlighted.

6. Vide order dated 10.01.2020, the issues related to waste management were considered and Chief Secretary, UP, was present in the hearing. The Hon'ble Tribunal stated the following:

“a. In view of the fact that most of the statutory timelines have expired and directions of the Hon'ble Supreme Court and this Tribunal to comply with Solid Waste Management Rules, 2016 remain unexecuted, compensation scale is hereby laid down for continued failure after 31.03.2020. The compliance of the Rules requires taking of several steps mentioned in Rule 22 from Serial No. 1 to 10 (mentioned in para 12 above). Any such continued failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body from 01.04.2020 till compliance. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.

b. Legacy waste remediation was to 'commence' from 01.11.2019 in terms of order of this Tribunal dated 17.07.2019 in O.A. No. 519/2019 para 28 even though statutory timeline for 'completing' the said step is till 07.04.2021 (as per serial no. 11 in Rule 22), which direction remains unexecuted at most of the places. Continued failure of every Local Body on the subject of commencing the work of legacy waste

sites remediation from 01.04.2020 till compliance will result in liability to pay compensation at the rate of Rs. 10 lakh per month per Local Body for population of above 10 lakhs, Rs. 5 lakh per month per Local Body for population between 5 lakhs and 10 lakhs and Rs. 1 lakh per month per other Local Body. If the Local Bodies are unable to bear financial burden, the liability will be of the State Governments with liberty to take remedial action against the erring Local Bodies. Apart from compensation, adverse entries must be made in the ACRs of the CEO of the said Local Bodies and other senior functionaries in Department of Urban Development etc. who are responsible for compliance of order of this Tribunal.

c. Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries' of the States/UTs."

7. Vide order dated 02.03.2020, Hon'ble NGT considered the status report filed by the State Government on 23.10.2019. The applicant in the Original Application had pointed out deficiencies in taking steps for dealing with the matter of installation of bar screens in drains, segregation at source, door to door collection, transfer stations, disposal of C&D waste, plastic waste, Bio-mining of Legacy Waste and tapping of sewage drains resulting in continuing damage to the environment and public health. Hon'ble NGT had already mentioned in its order dated 10.01.2020 that *"any failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lacs per month per Local Body with a population of more than 10 lacs, Rs 5 lacs per month per Local Body for population between 5 to 10 lacs and Rs. 1 lac per month per other Local Body from 01.04.2020, if it is not complying with the Solid Waste Management Rules, 2016 failing which it would be the responsibility of the State Government with liberty to take remedial action against the erring Local Bodies. Hon'ble NGT had also directed in all such cases; action be initiated against CEO of such Local Bodies. Even for legal waste remediation, work to commence on 01.11.2019 failing which compensation of Rs. 10 lacs per month is to be levied on Local Bodies with population of more than 10 lacs"*.

A letter bearing no. B-29016/ROGW/IPC-VI/2020-21 dated 30.04.2020 with reference to the directions under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 regarding harmonization of classification of industrial sectors into red, orange, green and white category has been sent to the Chairman, SPCBs/ CPCBs. As per information, a Committee was constituted on 17.02.2020 to deal with the categorization of industrial sectors under red/orange/green/white category. The

categorization of Railway stations, Compressed/ Refined Bio-gas production and Used cooking oil (UCO) Centres was finalized (Refer Appendix- 1 of **Annexure- III**).

8. **Vide order dated 10.08.2020**, the Hon'ble NGT observed that the status report has been filed by Nagar Nigam, Agra and the Department of Urban Development, Uttar Pradesh. The Oversight Committee filed its report on 05.08.2020 wherein it stated the key areas which required immediate attention as follows:

- Complete implementation of ward wise action plan.
- Starting up of Waste to Energy Plant (500 TPD).
- Remediation of legacy waste at Kuberpur dumpsite
- Phytoremediation of 57 drains.

The Committee also observed that one of the perceived difficulties in taking prompt action was order of the Hon'ble Supreme Court in *W.P. No. 13381 of 1984, MC Mehta v. UOI & Ors.* placing moratorium on expansion and setting up of new industry with a view to control air pollution by Taj Trapezium Zone Authority ('TTZA'). Even though the Hon'ble Supreme Court, vide order dated 06.12.2019, made it clear that projects for essential amenities should go ahead, the State of UP lacks clarity and has applied for further clarification which was unnecessary and was resulting in avoidable delay.

It was also observed that the Hon'ble Supreme Court vide order dated 06.12.2019 (I.A. No. 103908/2019 in *W.P. No. 13381 of 1984 in MC Mehta v. UOI & Ors.*) is absolutely clear that Environmental Clearance ('EC') can be granted within TTZ for securing basic living conditions of TTZ's residents which clearly include drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc. The order is reproduced below for ready reference: -

“6. Learned Counsel for Uttar Pradesh thus submits that in view of compliance of the conditional” status quo order, the State Government and other statutory authorities may now be permitted to grant environmental clearances which are necessary for providing essential public facilities including drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc.

7. *In light of the aforementioned amenities being crucial for securing basic living conditions of TTZ's residents, we are of the opinion that there need not be any impediment for granting necessary clearances for the same. We are conscious of the fact that citizens have a fundamental right to such essential amenities; and how counter intuitively, not allowing construction of such basic infrastructure can itself create new polluting waste and threaten the environment.*

8. *As regards permission for establishing non-polluting industrial units, it appears to us that only those small, micro and macro level industries which are both non-polluting and eco-friendly and which have necessary clearances from all statutory authorities as well as concurrence of the Central Empowerment Committee and NEERI, can be setup within the notified industrial area.*

9. *We, thus, clarify that since the interim order dated 22nd March, 2018 directing maintenance of status quo was passed to ensure timely submission of the Vision Plan by the State of U.P. and the said direction already stands complied with, **there shall be no impediment for the authorities to consider pending environmental clearances which are necessary to secure essential amenities within TTZ.** Simultaneously, the State and other statutory authorities are free to consider requests for relocating eco-friendly non-polluting industrial units, subject to them meticulously complying with environmental laws and all norms/conditions."*

III. MINUTES OF THE MEETING/ OBSERVATIONS OF THE OVERSIGHT COMMITTEE IN OA NO. 306/2016

The meeting regarding O.A. No. 306/2016 was held on 12.02.2020 (Refer Annexure- I), again on 15.07.2020 (Refer Annexure- II) by Oversight Committee, NGT, UP through Video- Conferencing. Recently, the meeting regarding O.A. No. 306/2016 was held on 15.01.2021 (Refer Annexure- III). Various issues were reviewed and implementation of the directions issued by Hon'ble NGT were discussed. Mr. Rajeev Rathi, Executive Engineer Env., Nagar Nigam, Agra submitted the compliance report with concerned photographs and letters on 13.01.2020 before the meeting. The salient points of the meeting dated 15.01.2021 covers all the issues related to O.A. No. 306 of 2016 are as follows:

1. In all the drains falling directly into river Yamuna screens have been installed and regular cleaning arrangements made.
2. As far as the existing gap of 239 TPD is concerned, it was informed that it shall be covered through waste to energy plant of 500 TPD sanctioned and approved. In this regard, the

Committee suggested to start the work as soon as possible in pursuance of the order of the Hon'ble Supreme Court, clarified by Hon'ble NGT. The Committee received information from Municipal Commissioner, Agra vide their letter no. 211/D/SBM/2021 dated 16.01.2021, in which they have assured to fill the gap of 239 TPD (MSW) and 140 TPD (C & D Waste) expeditiously.

3. Regarding formulation of detailed ward wise action plan, Municipal Corporation, Agra prepared micro-level plans for comprehensive solid waste management in the city, which includes 100% door to door collection and transportation along with the route map assigned to each designated vehicle.
4. The Committee also observed that estimated legacy waste at Kuberpur dumpsite is 8 Lakh tons out of which 5.8 Lakh tons has been processed and rest of the waste is shaped in windrows for primary treatment in the area of 4 Acres. Legacy waste remediation is planned to be completed by February, 2021.
5. Taking into account the supply of drinking water, it was informed that deficit in water supply was 156 MLD. With the completion of various projects related to strengthening water supply system in city of Agra, the installed water treatment capacity is now 513 MLD, which is sufficient to cater to the demand till year 2032. Thus, the issue related to water supply in the city is now confined to proper distribution of water only. The Committee also noticed the present status of Phase-3 (Agra Water Supply Scheme) which will be completed by 2022. In this regard, Municipal Commissioner, Agra informed that Phase-3 & Phase-4 are under construction. In this regard, the Committee suggested that stagewise timelines along with progress report may be submitted.
6. Mechanised water spraying and mechanised cleaning was being done by using City Master, Large Road Sweeping machine and power sweeper.
7. On the subject of Pilot 24*7 water supply in ABD area under Smart City works (Agra Nagar, Nigam, Agra), Municipal Commissioner, Agra informed that the work will be completed by July, 2021. The Committee also noticed that the work of tapping of 23 untapped drains and construction of 177.60 MLD STPs (to meet the demand of year 2035) have been covered for which bid document & tendering process is being done by Transaction Advisor M/s Deloitte Touche Tohmatsu India LLP, Gurgaon appointed by NMCG. The above sanctioned project will be carried out on Hybrid Annuity based PPP mode, funded by World Bank. In view of

this, Municipal Commissioner, Agra submitted that apart from above, estimate for balance work related to existing assets i.e., tapping of 38 untapped drains & excess discharge of partially tapped drains amounting of Rs. 78.86 Crore had been sent to State Govt. for approval. Now as per instruction of HQ U.P. Jal Nigam, Lucknow, revised estimate amounting of Rs. 78.86 Crore is being sent to NMCG. Then, it was informed by GM, Yamuna Pollution that a DPR of Rs. 1174.45 Crore has been approved by NMCG. But due to operation and maintenance work of existing assets been awarded to M/s VA Tech Wabag Ltd., a revised DPR of Rs. 842.25 Cr. has been approved by NMCG, New Delhi on 06.05.2020 in which work of tapping of 23 untapped drains and construction of 177.60 MLD STPs (100 MLD STP, 35 MLD STP & 31 MLD STP based on open technology) shall be done. It is anticipated to be complete by March, 2021 as per the bid document. The Committee directed that progress report may be submitted in this regard.

8. Moreover, it was informed that Bye-Laws have been notified in Agra regarding imposition of User Charges and spot fines.
9. Considering Hon'ble NGT directions on installation of QR codes in households related to waste collection and GPS enabled vehicles involved in solid waste, it was informed by Secretary, Urban Development that 3,50,000 households are tagged with QR code. 150 Vehicles used for primary collection and transportation are equipped with the GPS monitoring system. Also, 1044 community bins are RFID Tagged for better monitoring of solid waste management.
10. The Present Status of Schemes under AMRUT Programme was informed. Sewer house connecting chambers in Agra city (Part-IV) have been completed but the work of Agra Western Zone Sewerage scheme is only 33% complete and the rest of the work would be finished by June, 2022. It was also informed by GM, Yamuna Pollution that another project of Sewerage strengthening work in Tajganj area is under progress which is targeted to be complete by May, 2021.
11. It was informed by Municipal Commissioner, Agra that tapping of all 67 drains has been done. The Committee has suggested to RO, Agra to check the improvement of the water quality and submit the present status of 67 drains at the earliest.
12. Regarding setting up of Waste to Energy Plant, it was informed that M/s SPAAK Bresson Pvt. Ltd. is the agency for processing of MSW and Construction & Demolition waste. In this

matter, the report of EIA was sent to NEERI from Hon'ble Supreme Court on 22.11.2019 and a revised draft report was submitted to NEERI through the letter No: 1347/D/SBM/19 Dated 23.12.2019 for further review. The project work will commence after obtaining clearance from Hon'ble Supreme Court. To fill the gap, AMC has tendered to refurbish and make operational a 300 TPD waste to compost plant. LOA has been issued in this regard. Processing plants shall be made operational as soon as the orders from Hon'ble Supreme Court are received. (The views of the Oversight Committee are at variance with Municipal Corporation as it feels that in view of Hon'ble Supreme Court Order, there is no need for taking any consent from CEC/ NEERI regarding environmental projects).

13. As per information given by the Municipal Commissioner, Agra, currently, the windrow has been formed in cluster form by concessionaire for winter months and about 15 acres of land has been reclaimed. Due to Covid-19 outbreak, the efficiency of processing was reduced but till date about 5.8 lakhs MT of legacy waste has been processed.
14. Furthermore, regarding performance guarantee it was informed that a stay order has been granted by the Hon'ble Supreme Court. It is informed that the State government is making all its efforts to improve the condition of various basic amenities and sanitation environment in city of Agra.

15. **Issue of Adhoc Moratorium on Environmental Projects:**

The primary issue discussed in the meeting was regarding directions by Hon'ble Supreme Court and Hon'ble NGT in seeking permission for environmental projects. It is well known that all the Environmental Projects in Agra including Waste to Energy Plant are stuck because the stand of the Municipal Corporation/ TTZ Authority has been that before starting any work, they require permission of CCE/ NEERI from Adhoc Moratorium imposed in TTZ. In this regard, the Hon'ble Supreme Court had in its order dated 06.12.2019 clearly differentiated between Environmental Projects and industries. While it permitted setting up of Environmental Projects, it directed the State Govt to seek consent of NEERI and Central Empowered Committee for setting up industries. On referring this point to the Hon'ble NGT by the Oversight Committee, this view had been reiterated by Hon'ble NGT in its order dated 10.08.2020. However, Commissioner Agra/ Chairman TTZ in his letter dated 15.01.2021 again mentioned that they have filed a clarification IA 42482/2020 dated 22.03.2020 in Hon'ble Supreme Court regarding exemption from NEERI/Central Empowered Committee permission for environmental projects.

He mentioned that the Municipal Corporation Agra has been again asked to file a fresh application in Hon'ble Supreme Court in this regard.

The Oversight Committee is of the considered view that Hon'ble Supreme Court order dated 06.12.2019 is very clear and the clarification application is unnecessary. Moreover, the fact that it is pending for more than 10 months underlines the fact that the State Govt/ TTZ Authority need to take this matter more seriously as all environmental projects are lying standstill because of this wrong interpretation.

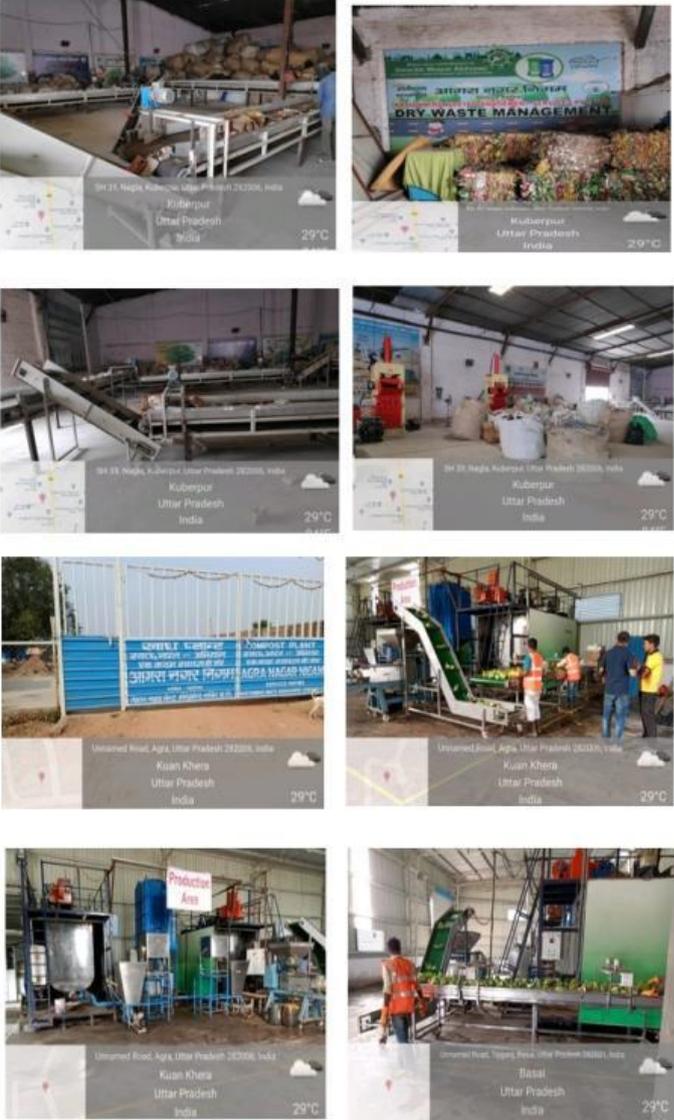
The matter being very important and covering the entire area of TTZ, where environment projects are not moving ahead, the Committee deems it proper to bring it to the kind notice of Hon'ble NGT.

IV. SUMMARY OF THE COMPLIANCE STATUS AS PER THE DIRECTION GIVEN BY HON'BLE NGT IN O.A. No. 306/2016

The Oversight Committee reviewed the progress regarding Waste Management Rules, 2016 and other pollution abatement measures in the light of orders of Hon'ble NGT dated 10.08.2020 and 02.03.2020. Based on the reports received from Nagar Nigam, Agra on 13.01.2021 (**Annexure- IV**), the present compliance status in **OA No. 306/2016** is as follows:

S.No.	Directions by Hon'ble NGT	Compliance Status	Present Status/ Reasons for Non-Compliance
1.	Status of installation of the Screens to prevent dumping of solid waste into the River Yamuna along with arrangements for regular collection of waste	Complied	Screens have been installed at all the drains which are directly falling into river Yamuna and their regular cleaning is being done.

			<p style="text-align: center;">नालो पर लगायी गयी जाली की सफाई के फोटोग्राफ</p> 
2.	Status of Ward wise action plan with regards to Treatment capacity of Solid Waste	Partially Complied	A detailed action plan for each ward was prepared comprising of micro level plans for comprehensive solid waste management in the city. This includes 100% door to door collection and transportation along with route map assigned to each designated vehicle. AMC is developing centralized processing capacity as well as it is promoting onsite

			<p>decentralised processing methods. At present approximately 52.7 TPD waste is being processed through de-centralized method.</p> 
3.	<p>Status of Treatment capacity of Solid Waste</p>	<p>Partially Complied</p>	<p>The total waste generated in Agra is 712 TPD. Existing functional treatment capacity is 472.7 TPD (420 TPD through Centralised treatment facility- 300 TPD for wet waste & 120 TPD for dry waste, 35 TPD through de-centralised treatment facilities and 17.7 TPD through home composting). The remaining 240 TPD of waste is being managed scientifically at designated dumping site, Kuberpur. The existing gap in the treatment is 239 TPD, which shall be covered through waste to energy plant of 500 TPD. The Plant has been sanctioned and approved but the work couldn't be started</p>

due to absence of NOC/ Consent of CEC/NEERI and the matter is pending in Hon'ble Supreme Court. It is pertinent to mention here that the existing gap of 239 TPD would generate another huge waste dump in the near future if the waste to energy plant is not commissioned at the earliest. As per the authorities, it is being delayed because there is no clearance from Hon'ble Supreme Court. **(However, in the considered opinion of the Oversight Committee there is no such requirement of NOC from CEC/NEERI in the cases of environment related projects mentioned in the order).**



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300 TPD COMPOST PLANT, Kuberpur, Agra



4. Status of purchase of 262 vehicles required for DTDC and implementation of IT based adaptor for DTDC collection

Complied

The work of DTDC is being done by 110 newly purchased motorized Vehicles + 150 other motorised vehicles + 1700 Tricycles having 6 buckets + 1000 Hand carts with 4 dustbins.

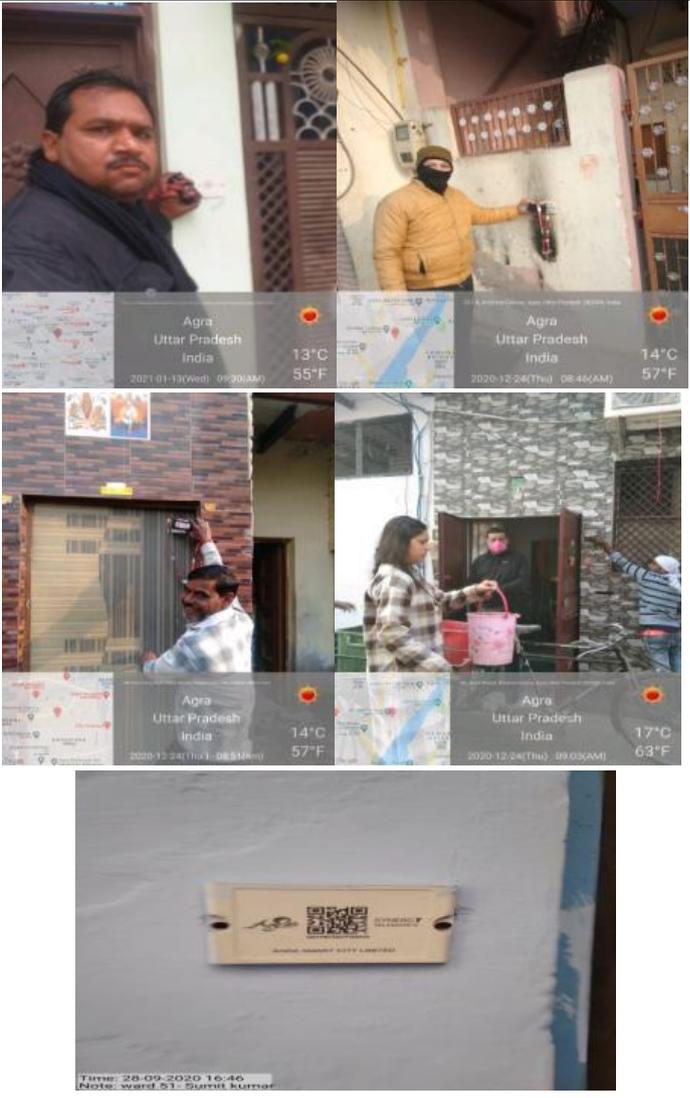


Agra
Uttar Pradesh
India
10°C



Agra
Uttar Pradesh
India
13°C

			
5.	<p>Status of installation of QR code in respective households (earlier 3,50,000 households), installation of GPS in vehicles involved in transporting solid waste (earlier 98</p>	<p>Majorly Complied</p>	<p>As per information, 3,50,000 households are tagged with QR Code. 150 Vehicles used for primary collection and transportation are equipped with GPS monitoring system. Also, 1044 community bins are RFID Tagged for better monitoring of the solid waste management.</p>

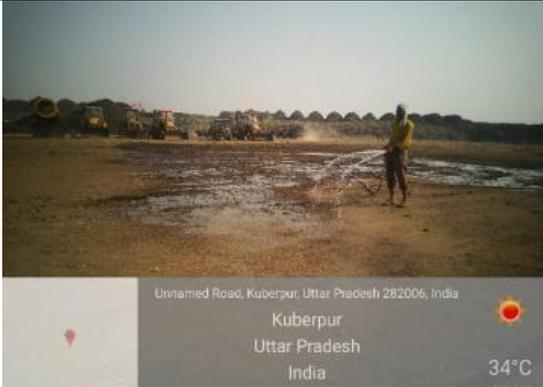
	<p>vehicles) and dustbins equipped with RFID tags (earlier 1,044 dustbins)</p>		 <p>Time: 28-09-2020 16:46 Note: ward 51: Sumit kumar</p>
<p>6.</p>	<p>Status of Byelaws on user charges and spot fines etc.</p>	<p>Yes (The enforcement of sanitation practices is done regularly)</p>	<p>Bye-Laws for Municipal Corporation Agra have been notified for imposing User Charges and spot fines. The details of penalties collected are as follows:</p> <ul style="list-style-type: none"> -Rs. 7,22,550 through spot fines for violations under various offences related to sanitation, -Rs. 3,97,806 for littering, -Rs. 17,57,600 for violation of plastic ban and - Rs. 70,000 for Garbage Burning.

7.	Status of closing of existing landfill sites and bio-mining of legacy waste	Partially Complied	<p>The project of Bio-remediation of legacy waste costing Rs. 27.35 Cr. has been approved. Estimated legacy waste at Kuberpur dumpsite is 8 Lakh tons out of which 5.8 Lakh tons has been processed and rest of the waste is shaped in windrows for primary treatment in the area of 4 Acres. Legacy waste remediation is planned to be completed by February, 2021.</p>



The comparative pictures (before and after) of ongoing work are enclosed as **Annexure-IV**.

			<div data-bbox="783 197 1129 544"> <p>BEFORE</p> </div> <div data-bbox="1134 197 1481 544"> <p>PRESENT</p> </div> <div data-bbox="783 551 1129 913"> <p>BEFORE</p> </div> <div data-bbox="1134 551 1481 913"> <p>PRESENT</p> </div> <p>Currently, the windrow has been formed in cluster form by concessionaire for winter preparation and about 15 acres of land has been reclaimed. Due to Covid-19 outbreak the efficiency of processing was reduced but till date about 5.8 lakhs MT of legacy waste has been processed.</p> <div data-bbox="783 1178 1129 1615"> </div> <div data-bbox="1134 1178 1481 1615"> </div> <div data-bbox="783 1621 1129 2040"> </div> <div data-bbox="1134 1621 1481 2040"> </div>
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			 <p>The screening of legacy waste is being carried out after following stabilization of organic fraction followed by addition of inoculum. The different EMP activities like water sprinkling, wind break net, green area development and leachate management plan has been implemented at site. The entire process of biomining is being recorded through 14 different cameras and third-party PMC.</p>
8.	Status of Temporary Moratorium in TTZ area, establishment of STPs, Solid Waste, C & D waste and processing plants	Partially Complied	<p>To fill the gap of MSW processing a writ application no: 13381/1984 was submitted to Hon'ble Supreme Court for exemption from Consent/ NOC from CEC/NEERI to set-up the waste to energy plant of 10MW Capacity. Hon'ble Supreme Court directed CPCB and NEERI to present a joint inspection report. In view of the report submitted jointly by CPCB and NEERI for setting up the plant at Kuberpur site, 10 Acres of land was earmarked out of total 72 Acres for waste to energy plant on 13.02.2019. Agreement with the selected concessionaire M/s Spark Bresson, has been done for processing of MSW and Construction & Demolition waste. In the above matter the report of EIA was sent to NEERI from Hon'ble Supreme Court on 22.11.2019 and a revised draft report was submitted to NEERI through letter No: 1347/D/SBM/19 dated 23.12.2019 for further vetting/ review. The next date of hearing on the above matter has not yet been fixed. Processing plants shall be made operational as soon as the orders from Hon'ble Supreme Court are received. Thus, the status of setting up of various projects is still awaited due to temporary moratorium. In this regard, a letter has been sent to the Chairman, TTZ Authority and Commissioner, Agra by Director, NEERI on 31.12.2020 (Refer</p>

			<p>Appendix- 4 of Annexure- III). However, the Oversight Committee felt that Hon'ble Supreme Court order dated 06.12.2019 is very clear that work on all environmental projects can start and the clarification application/affidavit filed by TTZ/ Municipal Corporation regarding exemption from moratorium is unnecessary. Moreover, the fact that it is pending for more than 10 months underlines the fact that the State Govt./ TTZ Authority need to take this matter more seriously as all environmental projects are lying standstill because of this wrong interpretation.</p> <p>Under the scheme of National Clean Air Programme of MoEF&CC, GoI an amount of INR 345 Lac has been sanctioned in which the first instalment of INR 90.00 lacs for establishment and operation of C&D plant has been received against the total cost of Rs 150 Lacs. On 24.06.2020 through webinar Secretary, UDD, GoUP has emphasized for Decentralized C&D waste management and accordingly tender has been floated for 5 TPD for designing, installation, commissioning, operation and maintenance for 3 years. Based on LCS method, M/s- Rise Eleven Eco Green Pvt. Ltd became the successful bidder with total project cost of 4.24 Cr in which Capex was Rs 1.25 Cr, O&M for 1st year was Rs 90.50 Lacs, 2nd Year Rs 99.50 Lacs and for 3rd year Rs 1.09 cr. The cost of O&M includes the entire management of site facility, machinery & tools and monthly electrical bill. The commissioner, Agra Nagar Nigam approved the same on 20.08.2020. The LoA has been awarded to firm on 29.09.2020. The total concession period for this project is 3.5 years in which 6 months is construction period while 3 years is O&M period. It is envisaged that the proposed 5 TPD C&D plant will be ready by 30.04.2021 for processing of collected C&D waste.</p>
9.	Status of Sewage Treatment/ Gap deficit in Agra with reference to water supply was 156 MLD	Partially Complied	As per information given by Municipal Corporation Agra, the population of Agra city is about 19.90 lacs. The generation of sewage as per norms of CPHEEO is 80% of per capita water consumption. The per capita water consumption norm is 150 lpcd. So, for 19.90 lacs population the requirement of sewage treatment comes out to 238 MLD. But due to bulk

			<p>consumers, floating population and private sources, discharge of 90 drains is about 286 MLD including sewer discharge.</p> <ul style="list-style-type: none"> ❖ The installed capacity of 9 STPs is 220.75 MLD. Out of this 7 STPs of 180.25 MLD capacity are being operated and maintained by M/s V A Tech Wabag Ltd., under one city one operator scheme of State Govt. The State Govt. has introduced one city one operator scheme based on competitive bidding process. The work in the city of Agra has been awarded to M/s V A Tech Wabag Ltd., for 10 years extendable upto 15 years. Rest 2 STPs of 40.50 MLD capacity are being operated and maintained by Agra Development Authority, Agra. ❖ Under Namami Gange Programme a DPR of Rs. 1174.45 Crore was earlier prepared and approved by NMCG. Since the operation and maintenance work of existing assets has been awarded to M/s VA Tech Wabag Ltd., a revised DPR of Rs. 842.25 Cr. has been approved by NMCG, New Delhi on 06.05.2020 in which work of tapping of 23 untapped drains and const. of 177.60 MLD STPs (to meet the demand of year 2035) have been covered for which bid document & tendering process is being done by Transaction Advisor M/s Deloitte Touche Tohmatsu India LLP, Gurgaon appointed by NMCG. The above sanctioned project will be carried out on Hybrid Annuity based PPP mode, funded by World Bank. Apart from the above estimate, for balance work related to existing assets i.e. tapping of 38 untapped drains & excess discharge of partially tapped drains, a project amounting of Rs. 78.86 Crore has been sent to State Govt. for approval. Now as per instructions of HQ U.P. Jal Nigam, Lucknow, revised estimate amounting to Rs. 78.86 Crore is being sent to Namami Gange Department. ❖ For improvement of the sewer network connectivity in the city of Agra the state government has sanctioned projects of Rs. 443.56 Crore under AMRUT scheme for laying new sewer line and house connections. Under
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this sanctioned amount six projects have been proposed out of which four projects related to Sewer House Connections are completed and two projects are under progress which are proposed to be completed by the year 2021. The work shall be monitored to ensure completion as per timelines proposed in DPR. (By the year 2021).

Present Status of Schemes under AMRUT

S. No	Name of scheme	Proposed work	Progress	Remarks
1	Sewer house connection Agra (Part-I)	28079 (SHCs)	Completed	-
2	Sewer house connection Agra (Part-II)	11780 (SHCs)	Completed	-
3	Construction of House connecting chambers and sewer house connection from house hold to HCC in Agra city (Part-III)	13051 (SHCs)	Completed	-
4	Sewer house connecting chambers in Agra city (Part-IV)	7627 (HCCs)	Completed	-
5	Agra Western Zone Sewerage scheme.	251.00 Km. (Sewer line) 47827 (SHCs)	33% Work on sewer line completed	Work in progress.
6	Septage Management Solution (Co-Treatment 75 KLD) in Agra Town	1. Collecti on tank/ settling chamb er-01 2. Screw Press & Pumps - 01 3. Compost Pits-	3%	Work in progress.

	guarantee of Rs. 25 crores		state government is making all its efforts to improve the condition of various basic amenities and sanitation environment in the city of Agra. In recent past, projects of almost approximately Rs. 1700 Crores plus have been sanctioned under different schemes for complying with the norms related to water/sewer/ waste management and the endeavor is to comply with utmost sincerity and commitment with the orders of Hon'ble NGT.
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<p>11.</p>	<p>Status of the work of 90 drains</p>	<p>Complied</p>	<p>The work on all drain has been completed. CPCB has also visited these drains and they shall submit the report accordingly.</p>  <p>As per information, all 90 drains have been tapped and the waste water of these drains (18 MLD) is being treated through process of bioremediation/phytoremediation. The work of required infrastructure started from 06.10.2020 and completed on 22.10.2020. After that, the exercise of dosing is being carried out at strategic locations from 22.10.2020. The completion of work of check dam is on corner and it is expected to get completed in upcoming weeks. The work of plantation will be started after completion of check dam. The UPPCB has collected water sample of raw and treated sewerage from different nallahs for their analysis on dated 14.12.2020. The details work of phytoremediation /bioremediation on 57 nallahs is enclosed as Annexure- IV.</p>
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			<p><u>CHECK DAM ON IDENTIFIED NALLAHS PRIOR TO PLANTATION</u></p> 
12.	Present status of Starting up of Waste to Energy Plant (500 TPD)	Partially Complied	<p>Nagar Nigam, Agra informed that the project is under judicial appraisal at Hon'ble Supreme Court. On 17.12.2019, EIA Report was asked to put on record as per direction of Hon'ble Supreme court. In this connection, on 23.01.2020 EIA report along with affidavit was filed by Nagar Nigam, Agra. The Hon'ble Supreme Court has directed to the Chairman of TTZ to file an affidavit. According to directions, affidavit has been filed on 19.02.2020. The letter of same is</p>

			enclosed as Appendix-3 of Annexure- III. (The Oversight Committee does not agree with the views of Nagar Nigam Agra and feels clearly that as per Hon’ble Supreme Court Order, there is no bar on starting Environmental Projects in Agra.)
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VI. RECOMMENDATIONS OF THE OVERSIGHT COMMITTEE

1. First and foremost is the issue of adhoc moratorium in Agra specially in reference to directions of Hon’ble Supreme Court regarding seeking permission for environmental projects. It is well known that all the Environmental Projects in Agra including Waste to Energy Plant are stuck because of the stand of the Municipal Corporation/ TTZ Authority that before starting any work, they require permission of CCE/ NEERI from Adhoc Moratorium imposed in TTZ. In this regard, the Hon’ble Supreme Court had in its order dated 06.12.2019 clearly differentiated between Environmental Projects and industries. While it had permitted setting up of Environmental Projects, it had directed the State Govt to seek consent of NEERI and Central Empowered Committee for setting up industries. The Oversight Committee had in its last report pointed it out to the Hon’ble NGT. Hon’ble NGT also after studying the Hon’ble Supreme Court order reiterated this point of view in its order dated 10.08.2020. However, Commissioner Agra/ Chairman TTZ in his letter dated 15.01.2021 has again mentioned that they have filed a clarification IA 42482/2020 dated 22.03.2020 in Hon'ble Supreme Court regarding exemption from NEERI/Central Empowered Committee permission for environmental projects. He mentioned that the Municipal Corporation Agra has been again asked to file a fresh application in Hon'ble Supreme Court in this regard. The Oversight Committee felt that Hon’ble Supreme Court order dated 06.12.2019 is very clear and the clarification application is unnecessary. Moreover, the fact that it is pending for more than 10 months underlines the fact that the State Govt/ TTZ Authority need to take this matter more seriously as all environmental projects are lying standstill because of this wrong interpretation. The matter being very important and covering the entire area of TTZ, where environment projects are not moving ahead, the Committee deems it proper to bring it to the kind notice of Hon’ble NGT.
2. There is an urgent need to supplement the Solid Waste Treatment capacity in Agra. Total solid waste generation in Agra is 712 TPD while the existing functional treatment capacity is 472.7 TPD (420 TPD through Centralized treatment facility: 300 TPD for wet waste, 120

- TPD for dry waste, 35 TPD through de-centralized treatment facilities and 17.7 TPD through home composting). The remaining 240 TPD of waste is being managed scientifically at designated dumping site, Kuberpur. The State Government must address the issue of infrastructure gaps by installation of more treatment plants/facilities at the earliest.
3. The ward wise action plan has been formulated in Agra. The State Government should ensure the implementation of the action plan effectively and within timelines.
 4. As far as installation of QR code is concerned, all 3,50,000 households are tagged by the concerned department. 150 Vehicles used for primary collection and transportation are equipped with GPS monitoring system. Also, 1044 community bins are RFID Tagged for better monitoring of solid waste management. In this regard, the Committee recommends that all households be monitored with QR code on interval basis.
 5. Municipal Corporation, Agra has notified User Charges and spot fines. The enforcement of sanitation practices is done regularly. The Committee recommends effective enforcement by the Municipal Corporation regarding collection of penalty for violations under various offences related to sanitation, for littering, for violation of plastic ban and for Garbage Burning.
 6. The estimated legacy waste at Kuberpur dumpsite is 8 Lakh tons out of which 5.8 Lakh tons has been processed and rest of the waste is shaped in windrows for primary treatment in the area of 4 Acres. The complete legacy waste remediation is planned to be completed by February, 2021. Remediation of legacy waste dump at Kuberpur be completed within the stipulated timelines. UPPCB may conduct on-site inspection and submit the progress report to the Committee within one month.
 7. Regarding the gap in water supply in Agra, the total demand for year 2020 is 397 MLD while 360 MLD of water is being supplied to the people of Agra. With the completion of various projects related to strengthening water supply system in city of Agra, the installed water treatment capacity is now 513 MLD, which is sufficient to cater to the demand till year 2032. Still, proper water supply is not being ensured till date. While supply of water is no longer a problem, the problem lies in lack of water distribution network commensurate with the augmented supply. The construction on the newly sanctioned distribution projects needs to be expedited. The Committee directs immediate action on this matter. District Magistrate Agra must look into the issue personally and ensure compliance within stipulated timelines.

8. It has been informed that the work of plantation will be started around the drains after completion of check dam. UPPCB must conduct an on-site inspection and submit the report within one month.
9. The Oversight Committee also observed that there is a need for proper monitoring the progress on the ground. Chief Secretary, UP may review all these issues in his monthly meeting so that the progress is expedited.

The Member Secretary, UPPCB is directed to send this report to the Registrar General, National Green Tribunal, Principal Bench, New Delhi for placing the same before the Hon'ble Tribunal with a copy to the Chief Secretary, Government of Uttar Pradesh for necessary action. The report also be uploaded on the website of the Committee.

01-02-2021

01-02-2021

X Anup Chandra Pandey

Dr Anup Chandra Pandey
Member, Oversight Committee
Signed by: ANUP CHANDRA PANDEY

X SVS Rathore

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

February 01, 2021

Please visit our website: oscngt.upsdc.gov.in for more information.

ANNEXURES:

Annexure- I: Minutes of Meeting of Oversight Committee, NGT held on 12.02.2020

Annexure- II: Minutes of Meeting of Oversight Committee, NGT held on 15.07.2020

Annexure- III: Minutes of Meeting of Oversight Committee, NGT held on 15.01.2021

Annexure- IV: The Compliance Status in O.A. No. 306/2016 with annexures received from Nagar Nigam, Agra on 13.01.2021

Annexure- IMeeting No. 20

**MINUTES OF MEETING OF THE OVERSIGHT COMMITTEE, NGT UP LUCKNOW,
HELD ON 12.02.2020 AT 11-00 A.M IN THE OFFICE OF THE COMMITTEE
(ENVIRONMENT DIRECTORATE, VINEET KHAND, GOMTI NAGAR, LUCKNOW) REGARDING OA
306 of 2016 : SOCIAL ACTION FOR FOREST AND ENVIRONMENT (SAFE) VS. UNION OF INDIA &
ORS (EARLIER TITLED AS D.K. JOSHI VS. UNION OF INDIA & ORS**

Present: Hon'ble Mr Justice S.K.Singh, Chairman
Hon'ble Dr Anup Chandra Pandey, Member

Other dignitaries present:

1. Mr A.K. Tripathi, Scientific 'C', CPCB, RD, Lucknow, tripathi74cpcb@g.mail.com
2. Mr. Rajendra Patil, Scientist-D, CPCB, RD Lko, 7839455558 patil.cpcb2@gov.in
3. R.K. Singh, CEO, IV UPPCB, Lko 7839891780, ceo4@uppcb.com
4. Mr. Bharat Prasad, Under Secretary MoEF&CC, 9454413935, soenvups@redifmail.com
5. Mr. Ajeet Kumar Suman, UPPCB, AEE, 7839891417, ceo2@uppcb.com
6. Dr. Madhu Saxena Director, Health, 8057048866
7. Dr Shipra Pandey, BMW Nodal, EM Cell DGMH, 8853002554, bmw.upgovt@gmail.com
8. Dr. Susheel Kumar, Scientist, RO, MoEF &CC, 7800115361, rocz.lkomef@nic.in
9. Arun Praksh, Municipal Commissioner Agra, 9358277455, ameagra1@gmail.com
10. Anurag Yadav, Sachiv Nagar Vikas , secud18@gmail.com
11. Rajendra Singh, EE,UPPCB LKO, 7839891451, ceo2@uppcb.com

Meeting was held as scheduled.

The Committee reviewed the progress and implementation of the directions issued by Hon'ble NGT dated 29.01.2019 in **O.A. No. 306 of 2016 of 2018** in re: Social Action for Forest and Environment (SAFE) vs Union of India & ors (earlier titled as D.K. Joshi vs. Union of India &

ors, discussed and status of the action taken by the concerned authorities in compliance of the orders reviewed.

The matter was last reviewed by Hon'ble NGT on 29.01.2019 in the light of report of the committee constituted by Hon'ble NGT of which the CPCB was the nodal agency. Hon'ble NGT was not satisfied with the report of the State dated 23.04.2019 filed by the Principal Secretary, Urban Development and maintained that the gaps were not fully addressed. Hon'ble NGT noticed that there is deficit of 156 MLD in water supply and 61% of untreated sewage was still being discharged in river Yamuna.

Point-wise decisions taken by the Committee in the matter are as follows:

Decisions taken by the Committee:

1.	<p>Treatment capacity of solid waste:</p> <p>The report showed that on field visit, huge gap was found with regard to treatment capacity of the solid waste and the generation of solid waste. It was mentioned that 690 TPD solid waste was being disposed of in the landfill site without any treatment.</p>	<p>It is informed that DTDC is being practiced in 100 wards in Agra city. The coverage area is 91.66% and source segregation of solid waste is 40%. A detailed ward wise Action Plan has been prepared. 262 vehicles required for DTDC have been purchased and IT based adaptor for DTDC collection has been implemented by Agra Municipal Corporation (AMC).</p> <p><u>Mechanized water spraying and Mechanized cleaning:</u></p> <p>Mechanized cleaning is done using City Master, Large Road Sweeping Machine, and Power Sweeper.</p> <p><u>ICT Based solutions:</u></p> <p>Sanitary workers are monitored with IT tools and biometric attendance. RFID based DTDC collection is being planned to installed QR code in all 3,50,000 households. GPS has been installed in 98 vehicles transporting solid waste and 1,044 dustbins have been equipped with RFID tags.</p> <p><u>Bye laws on user charges and spot fines etc.</u></p> <p>It is informed that Rs. 1.25 crore and Rs. 15.6 lacs</p>
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		<p>have been collected as user fees during April, 2019. User charges has now increased to be around Rs. 2.22 crore and spot fine to Rs. 50.32 lacs.</p> <p><u>Kanha Gaushala:</u> Kanha Gaushala has been established in the month of November, 2019</p> <p><u>Waste to Energy Plant:</u> It is informed that M/s SPAAK Bresson Pvt Ltd was selected for this purpose. The project work will commence after obtaining clearance from Hon'ble Supreme Court.</p> <p>To fill the gap, AMC has tendered to refurbish and make operational a 300 TPD waste to compost plant. LOA has been issued and the plant will be operational by March, 2020. Following initiatives have been undertaken by the AMC for filling the gap in processing solid waste:</p> <ol style="list-style-type: none"> 1. 210 TPD Wet Waste Processing Capacity is being developed; 2. Collection, segregation and processing facility for dry waste is being done by putting up Material Recovery Facility (MRF) 3. Besides this, 2 TPD plant for processing flower waste; 3 TPD plant for processing organic waste; 5 TPD Organic Composter in Kuberpur; 4 TPD Bulk Waste Plant and 20 TPD organic waste to compost plant have been set up till December 2019. <p><u>Closing of existing landfill site and bio-mining of legacy waste:</u> LOA has been issued and MOU has been signed by the AMC. The proposed IT system will be based on IoT sensor to estimate volume of waste. Agreement has been made on 27.06.2019. Bio-mining process to process deposited legacy waste has started. Bio mining process to process deposited legacy waste within demarcated sites has started.</p> <p>The Committee examined the observations of Hon'ble NGT and above report of Municipal</p>
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		<p>Commissioner, Agra. Hon'ble NGT had indicated that there is huge gap in the treatment capacity of solid waste generation and solid waste disposal. It was reported by Municipal Commissioner, Agra that the total generation of solid waste in Agra is 750 TPD out of which 350 TPD is being composted. There is Materials Recovery Facility (MRF) which has capacity of 200 TPD out of which currently 120 TPD is being utilised. Balance gap of about 200 TPD would be utilised in waste to generation. For C&D waste, process is going on for which relaxation from the moratorium from Hon'ble Supreme Court would be taken by the Municipal Corporation.</p> <p>So far as daily solid waste is concerned, Municipal Commissioner, Agra informed that daily 690 TPD solid waste is being collected which after culture and formation of windrows is composted as well as is being converted into RDF (transported to Connur, Kerala in cement plants).</p> <p>So far as legacy waste is concerned, out of 9 lac TPD, 2 lac TPD legacy waste has been treated so far since November, 2019 and the balance legacy waste would be disposed of by November, 2020.</p>												
	<p>Temporary Moratorium in TTZ Area</p>	<p>The Committee was further informed that since temporary moratorium was in force in TTZ area, establishment of STPs, solid waste, C&D waste processing plants could not be done. It was further informed that temporary moratorium has been relaxed with certain directions.</p> <p>It was directed that the required works may be completed subject to the conditions of relaxation given by Hon'ble Supreme Court.</p>												
<p>2.</p>	<p>The gap deficit with regard to water supply was 156 MLD</p>	<p>The Committee has been informed that the installed capacity of water treatment plant in Agra is as follows:</p> <table border="1" data-bbox="789 1692 1382 1850"> <tr> <td>1.</td> <td>Jeoni Mandi (WW1)</td> <td>225 MLD</td> </tr> <tr> <td>2.</td> <td>Sakandra (WW2A)</td> <td>144 MLD (MBBR)</td> </tr> <tr> <td>3.</td> <td>Sakandra (WW2B)</td> <td>144 MLD (Conv.)</td> </tr> <tr> <td></td> <td>Total</td> <td>513 MLD</td> </tr> </table> <p>It is informed that 3 Schemes costing Rs. 187.32</p>	1.	Jeoni Mandi (WW1)	225 MLD	2.	Sakandra (WW2A)	144 MLD (MBBR)	3.	Sakandra (WW2B)	144 MLD (Conv.)		Total	513 MLD
1.	Jeoni Mandi (WW1)	225 MLD												
2.	Sakandra (WW2A)	144 MLD (MBBR)												
3.	Sakandra (WW2B)	144 MLD (Conv.)												
	Total	513 MLD												

		<p>crore have been sanctioned by Government of UP under AMRUT programme as under:</p> <ol style="list-style-type: none"> 1. Scheme with sanctioned cost of Rs.11.67 Crore has been completed. 2. In Phase-3, Rs. 113.79 crore have been sanctioned. 3. In Phase-4 Rs. 61.86 crore have been sanctioned. <p>In Phase-3 and Phase-4, tendering process has been completed and work was to be awarded tentatively by December, 2019.</p> <p>Rs. 142,5 crore project for water supply and 102 Crore for sewerage in Tajganj area under the Smart City:</p> <p>It is informed that project for supply of water in Tajganj area, Agra, project costing Rs. 142.60 crores has been finalized and work is going on. The project is expected to be completed by May 2021.</p> <p>Rs. 100.04 crore project for sewerage:</p> <p>It is informed that whole project is to be completed by May 2021.</p>												
3.	<p>Gap in drainage, sewerage and STP:</p> <p>On the subject of drainage, sewerage and STP, the gap was 60%. It was reported that 216 MLD i.e. 61% of untreated sewage was being discharged into the river Yamuna.</p>	<p>It is informed that total treatment capacity required is 228 MLD and present capacity of 9 STPs is 220.75 MLD. Project has been sanctioned under the AMRUT Scheme for house sewage connection and sewer line network for which Rs. 425.56 crore have been sanctioned. The progress of the scheme has been informed to be as follows:</p> <table border="1" data-bbox="786 1591 1414 1936"> <thead> <tr> <th>Name of Scheme</th> <th>Sanctioned cost</th> <th>Proposed work</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>Sewer House Connection</td> <td>29.3576</td> <td>28079</td> <td>100 % work completed</td> </tr> <tr> <td>Sewer House Connection</td> <td>15.9797</td> <td>11780</td> <td>100 % work completed</td> </tr> </tbody> </table>	Name of Scheme	Sanctioned cost	Proposed work	Progress	Sewer House Connection	29.3576	28079	100 % work completed	Sewer House Connection	15.9797	11780	100 % work completed
Name of Scheme	Sanctioned cost	Proposed work	Progress											
Sewer House Connection	29.3576	28079	100 % work completed											
Sewer House Connection	15.9797	11780	100 % work completed											

			Sewer House Connection Part-III	26.7954	13051	70.46 % Work in progress
			Sewerage Network	353.56	251 kms sewer line	5.37 % Work in progress.
			Connecting Chambers	15.4140	7627	10.50 % Work in progress.
		<p>The Committee has been informed that under the Namami Gange, new STPS have been sanctioned. Untapped drains will be tapped and capacity of 176 MLD is being created. Out of 90 drains, 29 drains have been tapped. A DPR of Rs. 1174.45 Crore has been approved by NMCG and the work would be completed by the year 2021. As an interim measure, a screen/jali would be put.</p> <p>While bidding process, it was found that DPR of the project had certain items of work relating to long term maintenance of existing STPs. Thus, the project needed to be recasted and revised DPR amounting to Rs. 848.18 crore has been sent to NMCG, New Delhi on 05.12.2019. Revised DPR consists of 3 Centralized STPs, 10 DSTPs and 23 untapped drains including 15 years of O&M.</p>				
4.	The State of U.P. had to furnish guarantee of Rs. 25 Crores to the satisfaction of CPCB to comply with the timelines in the action plan.	<p>It is informed by the SPCB that Hon'ble Supreme Court in Civil Appeal Diary No. 25275 of 2019 in re: the State of Uttar Pradesh & ors vs. DK. Joshi & ors has stayed the direction of Hon'ble NGT to furnish performance guarantee of Rs. 25 crores to the satisfaction of the Central Pollution Control Board. The order reads thus: <i>"Delay condoned. Admit. There shall be stay of the direction to furnish performance guarantee of Rs. 25 crores to the satisfaction of the Central Pollution Control Board, in the meanwhile."</i></p>				

5.	Hon'ble NGT had directed that further compliance report be also furnished on progress made in cumulative tabular form, indicating progress against each head month wise by 31.10.2019.	The progress report in cumulative tabular form has been submitted, which is enclosed as Annexurer-1 .
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Let the decisions taken in the meeting as above be communicated to all concerned for compliance.

(Dr Anup Chandra Pandey)

Member, Oversight Committee

February 12, 2020

(Justice S.K.Singh)

Chairman, Oversight Committee

S.N.	Subject	Earlier Submitted Status during April, 2019	Updated Status in December, 2019
	<p>Status of Compliance in O.A. No 306/2016-Social Action for Forest & Environment (SAFE) Vs. Union of India &Ors.</p> <p>Case HistoryThe O.A. pertains to the drinking water supply, sewerage, drainage system and solid Waste disposal in the city of Agra as well as the areas coming under the Cantonment board Agra and Eco sensitive Zone of TTZ Hon'ble Tribunal accepted the report of the expert committee constituted by the Tribunal vide order 13.12.2018 and by its order Dt.29.01.2019 directed the state to immediately takes steps in terms of the recommendations.</p>	<p>(A) Solid Waste Management Status in Agra: Municipal Commissioner, Agra and his team of officers have visited Indore twice in last two years. DTDC is already being practiced in all 100 wards of Agra City. The city average of coverage has reached 91.66%. At present, source segregation is in 40% of wards.</p> <p>Major roads in Agra are cleaned daily using mechanized water spraying and Mechanized cleaning equipment.</p> <p>ICT based solutions for effective management of solid waste. All Vehicles are GPS enabled for Vehicle Tracking System. Smart City control room is under construction.</p> <p>AMC has passed the bye-laws on user charges, spot fines etc. published 22.04.2018, and 1.25 Crore has been collected as user fees and 15.6 Lakhs as spot fines.</p>	<p>AMC has prepared a detailed ward wise time bound Action Plan based on micro planning for ensuring hundred percent compliance in 31st December 2019. The Vehicles required for DTDC are purchased as already mentioned i.e. 262 Nos. Agra Municipal Corporation has implemented IT Based Applicator for DTDC collection for better monitoring of the services extended for waste collection and transportation.</p> <p>Complied and under continuous compliance Mechanized Cleaning is done in Agra city. The vehicles/machinery that are used for work are :</p> <ol style="list-style-type: none"> 1. Roots Hako City Master 1250 2. Truck Mounted Mechanical Large Road Sweeping Machine - VT 650 3. RHINO Power Sweeper RD160 (Roots) <p>All the Sanitary workers are monitored with use of IT tools and their attendance are marked biometric and also RFID based DTDC collection mechanism is being planned to installed QR code in all 3,50,000 households in the city. GPS have been installed in 98 vehicles transporting solid waste and 1,044 dustbins have already been equipped with RFID tags. The IT based monitoring is being integrated with the SMART CITY Command and Control Center for monitoring the feed.</p> <p>Complied.</p> <p>The enforcement of these bye-laws are made more effective: User Charges collection now increased to be around 2.22 Crore and spot fine imposed for various violation is approximately 50.32 Lacs..</p>
		<p>15 acres identified by AMC Kanha Gausshala, 4 Crore</p>	<p>The work of Kanha Gausshala has been completed in month of November, 2019.</p>

	<p>released against an approval of 9 Crore, to be completed in 6 month, AMC using Gausshala Baipur with more than 1000 stray cattle's and State has given 2 Crore for fodder.</p>	
	<p>M/s SPAAK Bresson Pvt. Ltd. has been selected in 2016 for establishing Waste to Energy plant. The proposed Capacity of the plant is 500 TPD extendable up to 750MTD. The construction of the plant is held up to due to moratorium in TTZ imposed by the MOEF & CC.</p>	<p>Work for W/E plant will be commenced after clearance is obtained from Hon'ble Supreme Court for the project. To fill the gap of processing in of waste AMC had tendered to refurbish and make operational a 300TPD waste to compost plant. LOA to the firm has been issued and the Plant is to be made operational with full capacity by March 2020. Apart from this facility there are various other initiatives taken by AMC for filling the gap in processing of waste which are as following: Developing 210 TPD Wet Waste Processing Capacity: AMC has engaged a firm by M/S Nationwide Management, that has set up collection. Segregation and processing facility in the city for dry waste by putting up Material Recovery Facility (MRF). An overall capacity envisaged to process 210 TPD of dry waste and at present 120TPD of dry waste is being processed by the firm. Apart from this AMC has also established other decentralized plants that include 2TPD capacity for processing flower waste, 3TPD organic waste compost plant (2 Rajnagar, 1 ISBT), 5TPD organic composter at kuberpur, 4 TPD Bulk waste plant, 20 TPD organic waste to compost plant. Thus setting up of these initiatives has helped in filling the gap of processing waste.</p>
	<p>For the existing landfill site, a proposal for its closure/clapping and bio-mining of legacy waste has been formulated and a sum of 2735 Lacs has been estimated.</p>	<p>After the due bidding process L.O.A. has been issued and M.O.U. has been signed by AMC with the Concessionaire. . Project Monitoring Mechanism : The DPR of this project was appraised by Dr. (Prof) Manoj Datta, IIT Delhi. Regional Centre for Urban and Environmental Studies (RCUES), Lucknow (premier institution of MoHUA, GoI) is Project Management Consultancy (PMC) of this project and responsible for technical appraisal of entire activities which is being executed at project site by concessionaire. As directed by State Mission Directorate, S.B.M, U.P through letter no. PMU/2729/427 (7)/2019 Dated- 20.09.2019 the expertise of Dr. (Prof.) Manoj Datta, IIT Delhi and PMC (RCUES, Lucknow) is being taken by Agra Nagar Nigam while development of green cover area will be carried out by the concessionaire of</p>

	<p>(B) On the subject of Drainage, Sewerage & STP: (i) Population of Agra is 19 Lacs, per capita water consumption is 150 lpcdd & sewage norm is 80 percent of water consumption so total treatment capacity required is 228 MLD whereas present capacity of 9 STP is 220.75 MLD. The State has laid emphasis on making the sewage system a close system, so project have been sanctioned under AMRUT for house sewage connection and sewer line Network. Project of Rs. 425.56 Crore has been sanctioned.</p>	<p>this project. For effective monitoring, Agra Nagar Nigam has planned to use IT enable services to generation project related data its' progress monitoring. The proposed IT system will be based on IoT sensor to estimate volume of waste which shall get verify with load cell equipped at feeder of screening machine. The agreement for this project was made between Agra Nagar Nigam and SSIPL vide <i>Agreement no. – EX165924 Dated 27.06.2019.</i></p> <p>The concessionaire has started their biominning process to process the deposited legacy waste within demarcated site. The entire activities is being performed under schedule- I (j) – closure and Rehabilitation of Old Dumps of SWM Rules, 2016 with following guidelines for disposal of legacy waste (Old Municipal Solid Waste) prepared by Central Pollution Control Board (CPCB) in February, 2019.</p> <p>(B) On the subject of Drainage, Sewerage & STP updated status: For strengthening the Sewerage system in city of Agra five projects (Rs 441.56 Crore) related to laying sewerage network and house connection has already been approved and sanctioned under AMRUT Scheme. A summary of progress of the projects is as following:</p> <table border="1"> <thead> <tr> <th>S. No.</th> <th>Name of Scheme</th> <th>Sanctioned Cost</th> <th>Proposed Work</th> <th>Progress</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Sewer House Connection</td> <td>29.3576</td> <td>28079 Nos.</td> <td>100% Work completed</td> </tr> <tr> <td>2</td> <td>Sewer House Connections with existing H.C.C. in Agra</td> <td>15.9797</td> <td>11780 Nos.</td> <td>100% Work completed</td> </tr> <tr> <td>3</td> <td>Construction of HCC & Sewer House Connection in Agra Part-III</td> <td>26.7954</td> <td>13051 Nos.</td> <td>70.46% Work in progress</td> </tr> <tr> <td>4</td> <td>Laying of sewerage network in</td> <td>353.56 + GST</td> <td>251 Km Sewer Line</td> <td>5.37% Work in progress</td> </tr> </tbody> </table>	S. No.	Name of Scheme	Sanctioned Cost	Proposed Work	Progress	1	Sewer House Connection	29.3576	28079 Nos.	100% Work completed	2	Sewer House Connections with existing H.C.C. in Agra	15.9797	11780 Nos.	100% Work completed	3	Construction of HCC & Sewer House Connection in Agra Part-III	26.7954	13051 Nos.	70.46% Work in progress	4	Laying of sewerage network in	353.56 + GST	251 Km Sewer Line	5.37% Work in progress
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		<p>The project is to be executed under Namanni Gange. While the bidding process of the project had been initiated on HAM model, it was found the DPR of the project also had certain items of works (related to long term maintenance of existing STPs) that the state government under its own programme and policy of once city one operator for better and effective functioning of STPs and rehabilitation of existing sewerage network had sanctioned and tendered. Thus the project needed to be recast and at present revised DPR amounting Rs. 848.18 Cr. of Agra Sewerage Scheme (I&D Works) has been sent to NMCG, New Delhi on 05.12.2019 by SMCG Lucknow after recasting of scope of the work as awarded long term O&M of existing assets for 10 years to M/s VA Tech Wabag Pvt. Ltd. Chennai. Revised DPR consists of 3 Centralized STP (166 MLD capacity) 10 DSTP (11.60 MLD capacity) and 23 untapped drain and associated infrastructures including 15 years of O&M of these assets.</p>
	<p>(ii) A Project has been sanctioned under NamamiGange for new STPs. Untapped drains will be tapped and a capacity of 176 MLD is being created in new projects. At present 90 drains exist in Agra out of which 29 drains have been already tapped. The gap in treatment/tapping of existing drains through STP will be done and a Project has been approved for the same under NamamiGange Programmed. A DPR of Rs. 1174.45 Crore has been approved by NMCG. This work has been to be completed by the year 2021. As a short term measure screen/jali would be put in place by AMC by May 2019.</p>	<p>Completed : The long term O&M for 10 years of all existing assets (7 Nos. of STP having capacity 180.25 MLD and associated infrastructures) has been awarded to M/s VA Tech Wabag Pvt. Ltd., Chennai for efficient O&M. Date of start for the same has been given as 16.12.2019 by SMCG UP.</p>
	<p>Due to lack of control in quality of effluent in intersection & diversion project there was sub optimal utilization of STPs. Poor O & M is also because of in experienced contractors so state has floated "One City One Operator" Pattern & payment</p>	

	will be performance based. State is also planning state level fund for O & M. Department has submitted a proposal for installing SCADA for real time monitoring for STPs.	Completed: Installation of SCADA is in the scope of long term O&M work awarded to M/s VA Tech Wabag Pvt. Ltd., Chennai.
	Water quality of the Drains has been assessed and will be ascertained again to find the suitable technology.AMC has planned a treatment through constructed wetlands on Taj East Drain.	Agra Nagar Nigam has proposed to treat waste water of Taj East drain through constructed wetlands.
(c)On the subject of Water Supply:		
Population of Agra: 19 Lacs Demand based on CPHEEO norm in Metro of 150 lpcd: 285 MLD. Bulk demand 76.97 MLD Industrial demand 38.84 MLD. Billing by Jal Sansthan is only 39 MLD against 115 MLD. Ofbulk of industrial demand. Floating population demand 3 MLD Total demand 403 MLD. For Agra Ganga Jal project executed which has brought 342 MLD water to Agra.	Installed capacity of water treatment plant in Agra is as following 1. Jeoni Mandi (W/W1) - 225 MLD 2. Sikandra WW2A - 144 MLD (MBBR) 3. Sikandra WW2B - 144 MLD (Conv.) Total - 513 MLD For strengtheningthe water supply in city of Agra 3 schemes (Total cost Rs. 187.32 cr.) have been now sanctioned by GoUP under AMRUT programme. The details of progress of the schemes is as following: 1. Agra Water Supply House Connection Scheme (Sanctioned Cost – Rs. 11.67 cr.) In this scheme, 27263 no. of water supply house connection work had been proposed. Total 28980 no. of water supply house connection has been provided in this scheme. The work has been completed.	

	<p>Installed capacity of MBBR plant at Sikandra: 144 MLD. Total Water available in Agra as on date is 513 MLD against the demand of 403 MLD. Department is considering project of Rs. 199.54 Crore under AMRUT for coverage of new areas and house connections.</p>	<p>2. Agra Water Supply Scheme (Phase-3) (Sanctioned Cost – Rs. 113.79 cr.) In this Scheme, Construction of water supply works i.e. New OHTs, CWRs, Rising Main, Distribution system for 3 sub zones of Bodla area and reconstruction of 4 old dilapidated zonal pumping station have been included. Tendering process has been completed and work will tentatively be awarded during December 2019. 3. Agra Water Supply Scheme (Phase-4) (Sanctioned Cost – Rs. 61.86 cr.) In this Scheme, Construction of water supply works i.e. New OHTs, CWRs, Rising Main and Distribution system for 4 sub zones of Shahganj area have been included. Tendering process has been completed and work will tentatively be awarded during December 2019.</p>
	<p>Smart city has provided 142.5 Crore project for water supply & 102 Crore for sewerage in Tajganj area.</p>	<p>In addition to above mentioned programme and projects for strengthen the basic services related to water and sewerage works in the city of Agra AMC has also sanctioned under Smart City programme, works related to sewerage and water works in Taj Ganj area. The project tender has been finalized and work has been started. A brief progress report of the works is as following: Project Cost – Rs. 142.60 Crores(Water supply) Present status : 32km pipe laid including HDPE 110 mm dia pipe. House connection work done for 435 houses and 1.3km DI pipe laying work completed ,excavation work of two Overhead water tank is in</p>

	<p>It is pertinent to mention here that at present temporary moratorium is enforce in TTZ area and due to this establishment of STPs, solid waste, C&D waste processing plants con not be established.</p>	<p>progress. Whole project is expected to be completed by May,2021ASI approval for the part of the project near Tajmahal was obtained on 19.11.2019. Project Cost: Rs. 100.04 Crores(sewerage) 23km of 150mm DWC pipelines laid including Chambers and rest work is in progress. Whole project is expected to be completed by May, 2021 ASI approval for the part of the project near Taj mahal was obtained on 19.11.2019.</p> <p>It is expected that temporary moratorium for projects related to environment management may soon be relaxed for undertaking the various projects related to help waste management in city of Agra.</p>
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**MINUTES OF MEETING OF NGT OVERSIGHT COMMITTEE, UP LUCKNOW HELD
ON 15.07.2020 AT 11-30 A.M in OA No. 306 of 2016 SOCIAL ACTION FOR
FOREST AND ENVIRONMENT VS. UNION OF INDIA & ORS.
(ORGANISED WITH THE HELP OF NIC)
THROUGH VIDEO-CONFERENCING**

**Present: Hon'ble Mr Justice SVS Rathore, Chairman, and
Dr Anup Chandra Pandey, Member.**

Other dignitaries present:

1. Shri Anil Garg, Secretary, Irrigation.
2. Shri Mushtaq Ahmad, Special Secretary Irrigation.
3. Shri Anurag Yadav, Secretary, Urban Development
4. Shri Ashish Tiwari, Member Secretary, UPPCB
5. Dr D.K. Soni, Central Pollution Control Board, Lucknow
6. Shri AK Tripathi, Central Pollution Control Board, Lucknow
7. Shri Anil Kumar, Divisional Commissioner, Agra.
8. Dr. Madhu Saxena, Director, Health.
9. Dr. Shipra Pandey, Nodal Officer, Health.
10. Shri R.K Singh, Chief Environment Officer, UPPCB
11. Shri Rakesh, Chief Engineer, Agra.

The issue for consideration in this case is compliance of Solid Waste Management Rules, 2016, Hazardous and other Wastes (Management and Transboundary Movement) Rules 2016 and Bio-medical Waste Management Rules, 2016 in the city of Agra. The matter was reviewed by Hon'ble NGT 29.01.2019 and it was found that there are huge gaps in solid waste management, liquid waste management and drinking water. 690 TDP Solid Waste was being disposed of in land-fill sites without any treatment. Gap deficit in water supply was 156 MLD. On the subject of Drainage, Sewerage and STPs, the gap was 60%. 216 MLD, i.e. 61% of untreated sewage is being discharged into river Yamuna. The State Government was asked to take immediate steps and furnish a performance guarantee of Rs. 25 crores.

The matter was again reviewed by Hon'ble NGT on 29.07.2019 and it was found that the progress was very slow. The performance guarantee was not furnished and the gaps continued. Compliance report was asked to be submitted by 31.10.2019.

On 02.03.2020, Hon'ble NGT considered the status report filed by the State Government on 23.10.2019. The applicant in the Original Application had pointed out deficiencies in the matter of installation of bar screens in drains, segregation at source, door to door collection, transfer stations, disposal of C&D waste, plastic waste, Bio-mining of Legacy Waste and tapping of sewage drains. Hon'ble NGT mentioned that in its order dated 10.01.2020 it had already ordered that any failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lacs per month per Local Body with a population of more than 10 lacs, Rs 5 lacs per month per Local Body for population between 5 to 10 lacs and Rs. 1 lac per month per other Local Body from 01.04.2020, if it is not complying with the Solid Waste Management Rules, 2016 failing which it would be the responsibility of the State Government with liberty to take remedial action against the erring Local Bodies. Hon'ble NGT had also directed in all such cases, action be initiated against CEO of such Local Bodies. Even for legal waste remediation, work is to commence on 01.11.2019 failing which compensation of Rs. 10 lacs per month is to be levied on Local Bodies with population of more than 10 lacs.

In the light of above, Hon'ble NGT directed the Secretary Urban Development, Secretary Flood and Irrigation Department and CEO, UP Jal Nigam to present further status report in this matter.

The Oversight Committee reviewed the progress of UP as per Waste Management Rules, 2016 and other pollution abatement measures in the light of orders of Hon'ble NGT.

Point-wise information presented to the Committee by Urban Development Department in the matter are detailed hereinunder:

S. No	Issues	Current status and decision
1.	Status of installation of the Screens to prevent dumping of solid waste into the River Yamuna along with arrangements for regular collection of waste	All the drains falling directly into river Yamuna have screens installed. Regular cleaning arrangements made.
2.	Present Status of Treatment capacity of Solid Waste	The total waste generated in Agra Municipal Corporation is 712 TPD. Existing functional treatment capacity is 472.7 TPD (420TPD through Centralised treatment facility- 300 TPD for wet waste & 120 TPD for dry waste; 35TPD through De-centralised treatment facilities and 17.7 TPD through Home composting). The untreated waste is being transported and stored at site after spraying culture to remove bad smell and faster de-composition of organic waste. The existing gap in the treatment is 239 TPD, which shall be covered through waste to energy plant of 500TPD (which is sanctioned and approved but the work will be started after obtaining NOC / Consent). The matter is pending in Hon'ble Supreme Court.
3.	Present Status of Ward wise action plan with regards to Treatment capacity of Solid Waste.	A detailed action plan for each ward in the Municipal Corporation Agra was prepared comprising of micro level planning for comprehensive solid waste management in the city, which includes 100% door to door collection and transportation along with the route/ Map dedicated for the designated vehicle. AMC is developing centralised processing capacity as well as its promoting onsite decentralised processing methods and at present approximately 52.7 TPD waste is being processed through de-centralised method.
4.	Present status of purchase of 262 vehicles required for DTDC and implementation of IT based adaptor for DTDC collection	The work of DTDC being done by 110 newly purchased motorised Vehicles + 150 other motorised vehicles + 1700 Tricycles having 6 buckets + 1000 Hand carts with 4 dustbins.
5.	Present status of installation of QR code in the respective households (earlier 3,50,000 households), installation of GPS in vehicles involved in transporting solid waste (earlier 98 vehicles) and dustbins equipped with RFID tags (earlier 1,044 dustbins)	As per information, 332,855 Households are tagged with QR Code. 150 Vehicles used for primary collection and transportation are equipped with the GPS monitoring system. Also, 1044 community bins are RFID Tagged for better monitoring of solid waste management.

6.	Present status of Byelaws on user charges and spot fines etc.	Bye-Laws notified in Agra regarding User Charges and spot fine. The details of penalty collected are as follows : -Rs. 320,556 through spot fines for violations under various offences related to sanitation, -Rs. 559,000 for littering, -Rs. 36,06,650 for violation of plastic ban and - Rs. 11,58,100 for Garbage Burning. The enforcement of sanitation practises is done regularly.
7.	Status of closing of existing landfill sites and bio-mining of legacy waste	The project of Bio-remediation of legacy waste costing Rs. 27.35 Cr. had been approved. Estimated legacy waste at Kuberpur dump site is 8 Lakh tons out of which 4 Lakh tons had been remediated and rest of the waste is shaped in windrows for primary treatment in the area of 12 Acres. The complete legacy waste remediation is planned to be completed by December 2020.
8.	Present status of Temporary Moratorium in TTZ area, establishment of STPs, Solid Waste, C & D waste and processing plants	To fill the gap of MSW processing a writ application no: 13381/1984 was submitted to Hon'ble Supreme Court for opting Consent/ NOC to set-up the waste to energy plant of 10MW Capacity. Hon'ble Supreme Court directed CPCB and NEERI to present a joint inspection report. In view of the report submitted by joint inspection of CPCB and NEERI at Kuberpur site, 10 Acres of land out of total 72 Acres has been earmarked for waste to energy plant on 13.02.2019. Agreement with the selected concessionaire M/s Spark Brason, done for the processing of MSW and Construction & Demolition waste. In the above matter the report of EIA was sent to NEERI from Hon'ble Supreme Court on 22.11.2019 and a revised draft report was submitted to NEERI through the letter No: 1347/D/SBM/19 Dated 23.12.2019 for further vetting/ review. Processing plants shall be made operational as soon as the orders from Hon'ble Supreme Court are received. Thus, the status of setting up of various projects is still awaited due to temporary moratorium.
9.	As per the earlier information, the gap in Agra with reference to water supply was 156 MLD	The projected population of Agra city for year 2020 is 19.90 lacs. The domestic water demand corresponding to this projected population is 343 MLD. Further, the bulk demand is 51 MLD and the demand for floating population is 3 mld. Thus, the total demand for year 2020 is 397 MLD and 360 MLD of water is being supplied to the people of Agra. With the completion of various projects related to strengthening water supply system in city of Agra, the installed water treatment capacity is now 513 MLD, which is sufficient to cater to the demand till year 2032. Thus, the issue related to

water supply in the city, is now confined to proper distribution of water only.
The Govt. of U.P. has sanctioned following projects under AMRUT Programme that are under various stages of planning and execution:-

S. No	Name of Scheme	SAAP Year	Cost of Scheme (Rs. In cr.)	Proposed works	Present Status
1	2	3	4	5	6
1	Agra Water Supply Scheme (Phase-1)	2015-16	11.67	27263 no. water supply house connection	Completed and handed over to Jalkal Vibhag
2	Agra Water Supply Scheme (Phase-3)	2016-17	113.79	OHT – 3 no. CWR – 4 no. ZPS – 4 no. RM – 6.16 km. DS – 85 km. HC – 9461 no.	Work in progress and shall be completed up to year 2022.
3	Agra Water Supply Scheme (Phase-4)	2017-20	61.87	OHT – 4 no. CWR – 2 no. RM – 11 km. DS – 89 km. HC – 11121 no.	Work in progress and shall be completed up to year 2022.

Smart City works (Agra Nagar, Nigam, Agra)

S. No.	Name of Scheme	Project Year	Cost of Scheme (Rs. In cr.)	Proposed works	Present Status
1	2	3	4	5	6
1	Pilot 24*7 water supply in ABD area	2019-21	140.67	OHT – 7 no. ZPS – 2 no. RM – 6.0 km. (1200 mm dia) DS –	Work in progress and shall be completed up to Year 2021

					140.76 km. HC – 17300 no.	
		Thus, schemes of approx. 328 Crore for coverage of water supply have been sanctioned in recent past and the projects are being implemented.				
10.	Present Status of Sewage Treatment in Agra	<p>Currently, the population of Agra city is about 19.90 lacs. The generation of sewage as per norms of CPHEEO is 80% of per capita water consumption. The per capita water consumption norm is 150 lpcd. So for 19.90 lacs population the requirement of sewage treatment capacity comes out to 238 MLD. But due to bulk consumers, floating population and private sources, discharge of 90 drains is about 286 MLD including sewer discharge.</p> <ul style="list-style-type: none"> ❖ The installed capacity of 9 STPs is 220.75 MLD. For proper sewage maintenance and operation of the installed STPs the state government has introduced once city one operator scheme and based on competitive bidding process the work in city of Agra has been awarded to M/s VA Tech Wabag Ltd. ❖ Under Namami Gange Programme a DPR of Rs. 1174.45 Crore was earlier prepared and approved by NMCG. But due to operation and maintenance work of existing assets been awarded to M/s VA Tech Wabag Ltd., a revised DPR of Rs. 842.25 Cr. has been approved by NMCG, New Delhi on 06.05.2020 in which work of tapping of 23 nos untapped drains and const. of 177.60 MLD STPs (to meet the demand of year 2035) have been covered for which bid document & tendering process is being done by Transaction Advisor M/s Deloitte Touche Tohmatsu India LLP, Gurgaon appointed by NMCG. The above sanctioned project will be carried out on Hybrid Annuity based PPP mode, funded by World Bank. ❖ For improvement of the sewer network connectivity in the city of Agra the state government has sanctioned projects of Rs. 425.56 Crore under AMRUT scheme for laying new sewer line and house connections. Under this sanctioned amount five projects have been proposed out of which three projects related to Sewer House Connections are completed and two 				

projects are under progress which are proposed to be completed by the year 2021. The work shall be monitored to be completed as per timeline proposed in DPR. (By the year 2021).

Present Status of Schemes under AMRUT

S. No	Name of scheme	Proposed work	Progress	Remarks
1	Sewer house connection Agra (Part-I)	28079 Nos. (SHCs)	Completed	-
2	Sewer house connection Agra (Part-II)	11780 Nos. (SHCs)	Completed	-
3	Construction of House connecting chambers and sewer house connection from house hold to HCC in Agra city (Part-III)	13051 Nos. (SHCs)	Completed	-
4	Sewer house connecting chambers in Agra city (Part-IV)	7627 Nos. (HCCs)	62% Done	Work in progress.
5	Agra Western Zone Sewerage scheme.	251.00 Km. (Sewer line) 47827 Nos. (SHCs)	25 % Work on sewer line completed	Work in progress.

❖ Another project of Rs 100.04 Crore of Sewerage strengthening work in Tajganj area in the city has been sanctioned by Agra Municipal Corporation under its Smart City Mission programme and work is

		<p>under progress to be completed by May 2021.</p> <p>❖ The Bio/ Phyto remediation work on the 11 drains started from the month of March 2020 and on 57 drains the EOI has been called through e-Tender, which is scheduled to be opened on 25th July 2020.</p>
11.	Present status of Performance guarantee of Rs. 25 crores to the satisfaction of CPCB to comply with the timelines in the action plan.	A stay order has been granted in this matter. Past projects of almost approximately 1700 crore has been sanctioned under different schemes for complying to meet the norms related to water/sewer/ waste management.

A very important point regarding pendency of all environmental projects like STPs, MSW Plants, ETPs, BMW plants, waste to energy plants needs to be brought to the notice of Hon NGT by this Committee. None of these projects is getting implemented for quite some time because of lack of environmental clearance. A brief background of this case, as reported by Commissioner, Agra in the meeting, is as follows:

In Writ Petition No. 13381 of 1984 in re: MC Mehta vs Union of India and others, read with IA No. 57183/2017, Hon'ble Supreme Court while directing a vision document to be made for Taj Trapezium Zone (TTZ), passed the following status quo order on 22.3.2018:

"... It is stated by learned counsel for the State of Uttar Pradesh that the first draft of the vision document will take about four months. Until then, there will be a status quo in the Taj Trapezium Zone (TTZ)"

Pursuant to that order, MoEF&CC on 08.09.2016 imposed ad hoc moratorium on industries/projects as under:

"Ad hoc moratorium on the expansion and setting up of new industry (except white category) to control air pollution by TTZA"

TTZA authorities approached Hon'ble Supreme Court for clarification of its order as far as non-polluting industry is concerned. Hon'ble Supreme Court on 06.12.2019 passed the following order:

“6. Learned Counsel for Uttar Pradesh thus submits that in view of compliance of the ‘conditional’ status quo order, the State Government and other statutory authorities may now be permitted to grant environmental clearances which are necessary for providing essential public facilities including drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc.

7. In light of the aforementioned amenities being crucial for securing basic living conditions of TTZ’s residents, we are of the opinion that there need not be any impediment for granting necessary clearances for the same. We are conscious of the fact that citizens have a fundamental right to such essential amenities; and how counter intuitively, not allowing construction of such basic infrastructure can itself create new polluting waste and threaten the environment.

8. As regards permission for establishing non-polluting industrial units, it appears to us that only those small, micro and macro level industries which are both non-polluting and eco-friendly and which have necessary clearances from all statutory authorities as well as concurrence of the Central Empowerment Committee and NEERI, can be setup within the notified industrial area.

9. We, thus, clarify that since the interim order dated 22nd March 2018 directing maintenance of status quo was passed to ensure timely submission of the Vision Plan by the State of U.P. and the said direction already stands complied with, there shall be no impediment for the authorities to consider pending environmental clearances which are necessary to secure essential amenities within TTZ. Simultaneously, the State and other statutory authorities are free to consider requests for relocating eco-friendly non-polluting industrial units, subject to them meticulously complying with environmental laws and all norms/conditions.”

In the light of this order, MoEF&CC vide order dated 13.12.2019 informed the

Government of Uttar Pradesh as follows:

“In this context, the undersigned is directed to inform that in view of the directions passed by Hon’ble Supreme Court in the aforesaid matter, the decision taken during a meeting held on 08.09.2016 regarding ad-hoc moratorium on expansion and setting up of new

industry (except while category) to control air pollution by TTZ Authority stands revised to the extent that the project/activities in TTZ eligible as per the directions of Hon'ble Supreme Court order dated 06.12.2019 (Supra) may be considered.”

In the light of above, the U.P. Government felt that all these projects which are necessary for ameliorating the environment would be stuck up for quite some time awaiting concurrence of NEERI and Central Empowered Committee. Hence they have put up a clarification IA No. 42482/2020 dated 22.03.2020 before Hon'ble Supreme Court for exemption of permission from NEERI and Central Empowered Committee for non-polluting, eco-friendly industries and public utilities. The case is pending in the Hon'ble Supreme Court.

A copy of the statement sent to the Committee by TTZ is enclosed.

The matter being very important and covering the entire area of TTZ, where environment projects are not moving ahead, the Committee deems it proper to bring it to the notice of Hon'ble NGT.

Sd/-

(Dr Anup Chandra Pandey)
Member, Oversight Committee

Sd/-

(Justice SVS Rathore)
Chairman, Oversight Committee

July 15, 2020

Please visit our website: oscngt.upsdc.gov.in for more information.

Annexure- III

Meeting No. 91

**MINUTES OF MEETING OF NGT OVERSIGHT COMMITTEE, UP LUCKNOW HELD ON
15.01.2021 AT 11:00 A.M IN OA No. 306 of 2016 SOCIAL ACTION FOR FOREST AND
ENVIRONMENT VS. UNION OF INDIA & ORS.
THROUGH VIDEO-CONFERENCING**

**Present: Hon'ble Mr. Justice SVS Rathore, Chairman, and
Dr. Anup Chandra Pandey, Member.**

Other dignitaries present:

1. Mr. Anurag Yadav, Secretary, Urban Development
2. Mr. Anil Kumar, Divisional Commissioner, Agra
3. Mr. Sushil Kumar Patel, JMD, Jal Nigam
4. Shri Ashish Tiwari, Member Secretary, UPPCB
5. Mr. Nikhil T. Fundey, Municipal Commissioner, Agra
6. Dr. Shipra Pandey, Nodal Officer, Health Department
7. Dr D.K. Soni, Central Pollution Control Board, Lucknow
8. Mr. R.K Singh, Chief Environment Officer, UPPCB
9. Mr. AK Tiwari, CEO 6, UPPCB
10. Mr. Kamal Kumar, CPCB, Agra
11. Mr. Bhuwan Prakash Yadav, RO, UPPCB, Agra

The issue for consideration in O.A. 306/2016 pertains to compliance of Solid Waste Management Rules, 2016, Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016 and Bio-medical Waste Management Rules, 2016 in the city of Agra as well as in the areas coming under the Cantonment Board, Agra and eco-sensitive zone of Taj Trapezium Zone (TTZ). The matter was reviewed by Hon'ble NGT and it was found that there are huge gaps in solid waste management, liquid waste management and drinking water. Vide order dated 29.01.2019 in the light of report of the committee constituted by the Hon'ble NGT of which CPCB was the nodal agency it was observed that huge gap exist with regard to treatment capacity and generation of solid waste.

The Hon'ble NGT in the matter of OA No. 306/2016 (M.A. Nos. 562/2016 & 1237/2018) with M.A. No. 380/2017 (I.A. No. 08/2007) in W.P.(C) No. 462/1992 *Social Action for Forest and Environment (SAFE) Versus Union of India & Ors.* (**Earlier titled as D.K. Joshi Vs. Union of India & Ors.**) passed the order dated 02.03.2020 in continuation of order dated 29.07.2019.

Vide order dated 02.03.2020, Hon'ble NGT considered the status report filed by the State Government on 23.10.2019. The applicant in the Original Application had pointed out deficiencies in taking steps for dealing with the matter of installation of bar screens in drains, segregation at source, door to door collection, transfer stations, disposal of C&D waste, plastic waste, Bio-mining of Legacy Waste and tapping of sewage drains resulting in continued damage to the environment and public health. Hon'ble NGT had already mentioned that in its order dated 10.01.2020 that *"any failure will result in liability of every Local Body to pay compensation at the rate of Rs. 10 lacs per month per Local Body with a population of more than 10 lacs, Rs 5 lacs per month per Local Body for population between 5 to 10 lacs and Rs. 1 lac per month per other Local Body from 01.04.2020, if it is not complying with the Solid Waste Management Rules, 2016 failing which it would be the responsibility of the State Government with liberty to take remedial action against the erring Local Bodies. Hon'ble NGT had also directed in all such cases; action be initiated against CEO of such Local Bodies. Even for legal waste remediation, work is to commence on 01.11.2019 failing which compensation of Rs. 10 lacs per month is to be levied on Local Bodies with population of more than 10 lacs"*.

A letter bearing no. B-29016/ROGW/IPC-VI/2020-21 dated 30.04.2020 with reference to the directions under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 regarding harmonization of classification of industrial sectors into red, orange, green and white category has been sent to the Chairman, SPCBs/ CPCBs. As per the information, a Committee was constituted on 17.02.2020 to deal with the categorization of industrial sectors under red/orange/green/white category. The categorization of Railway stations, Compressed/ Refined Bio-gas production and Used cooking oil (UCO) centres were finalized. The list of

such non-industrial operations as per classification into red category, orange category and green category with pollution index is attached **(Refer Appendix-I)**.

In view of the above, Hon'ble NGT vide order dated 10.08.2020 observed that the status report has been filed by the Nagar Nigam, Agra and the Department of Urban Development, Uttar Pradesh. The Oversight Committee filed its report on 05.08.2020 wherein it stated the following key areas which required immediate attention:

- Complete implementation of ward wise action plan.
- Starting up of Waste to Energy Plant (500 TPD).
- Remediation of legacy waste at Kuberpur dumpsite
- Phytoremediation of 57 drains.

Issue of Ad hoc Moratorium on Environmental Projects:

The primary issue discussed in today's meeting was regarding directions by Hon'ble Supreme Court and Hon'ble NGT in seeking permission for environmental projects. It is well known that all the Environmental Projects in Agra including Waste to Energy Plant are stuck because the stand of the Municipal Corporation/ TTZ Authority has been that before starting any work, they require permission of CCE/ NEERI from Adhoc Moratorium imposed in TTZ. In this regard, the Hon'ble Supreme Court had in its order dated 06.12.2019 while differentiating between Environmental Projects and industries permitted setting up of Environmental Projects and directed the State Govt to seek consent of NEERI and Central Empowered Committee for setting up industries. This point had been reiterated by NGT in its order dated 10.08.2020. However, Commissioner Agra/ Chairman TTZ in his letter dated 15.01.2021 **(Refer Appendix-II)** mentioned that they have filed a clarification IA 42482/2020 dated 22.03.2020 in Hon'ble Supreme Court regarding exemption from NEERI/Central Empowered Committee permission for environmental projects. He mentioned that the Municipal Corporation Agra has been again asked to file a fresh application in Hon'ble Supreme Court in this regard.

The Oversight Committee felt that Hon'ble Supreme Court order dated 06.12.2019 is very clear and the clarification application is unnecessary. Moreover, the fact that it is pending for more than 10 months underlines the fact that the State Govt/ TTZ Authority need to take this matter more seriously as all environmental projects are lying standstill because of this delay.

The matter being very important and covering the entire area of TTZ, where environment projects are not moving ahead, the Committee deems it proper to bring it to the kind notice of Hon'ble NGT.

Compliance Report:

Mr. Rajeev Rathi, official from Nagar Nigam Agra submitted a compliance report with concerned photographs and letters on 13.01.2020 before the meeting. The report covers all the issues related to O.A. No. 306 of 2016.

As far as the existing gap of 239 TPD is concerned, it was informed that it shall be covered through waste to energy plant of 500 TPD sanctioned and approved. In this regard, the Committee suggested to start the work as soon as possible in pursuance of the order of the Hon'ble Supreme Court, clarified by Hon'ble NGT and received information from Municipal Commissioner, Agra vide letter no. 211/D/SBM/2021 dated 16.01.2021, in which it is ensured to fill the gap of 239 TPD (MSW) and 140 TPD (C & D Waste) (**Refer Appendix- III**).

The Committee also observed that estimated legacy waste at Kuberpur dumpsite is 8 Lakh tons out of which 5.8 Lakh tons has been processed and rest of the waste is shaped in windrows for primary treatment in the area of 4 Acres. The complete legacy waste remediation is planned to be completed by February, 2021.

Taking into account the supply of drinking water, it was informed that deficit in water supply was 156 MLD. With the completion of various projects related to strengthening water supply system in city of Agra, the installed water treatment capacity is now 513 MLD, which is sufficient to cater to the demand till year 2032. Thus, the issue related to water

supply in the city is now confined to proper distribution of water only. The Committee also noticed about the present status of Phase-3 (Agra Water Supply Scheme) which will be completed by 2022. In this regard, Municipal Commissioner, Agra informed that Phase-3 & Phase-4 are under construction. In this view, the Committee suggested to submit the stages of proposed timelines along with progress report.

On the subject of Pilot 24*7 water supply in ABD area under Smart City works (Agra Nagar, Nigam, Agra), Municipal Commissioner, Agra informed that the work will be completed by July, 2021. The Committee also noticed that the work of tapping of 23 untapped drains and construction of 177.60 MLD STPs (to meet the demand of year 2035) have been covered for which bid document & tendering process is being done by Transaction Advisor M/s Deloitte Touche Tohmatsu India LLP, Gurgaon appointed by NMCG. The above sanctioned project will be carried out on Hybrid Annuity based PPP mode, funded by World Bank. In this view, Municipal Commissioner, Agra submitted that apart from above estimate for balance work related existing assets, tapping of 38 untapped drains & excess discharge of partially tapped drains amounting of Rs. 78.86 Crore had been sent to State Govt. for approval. Now as per instruction of HQ U.P. Jal Nigam, Lucknow, revised estimate amounting of Rs. 78.86 Crore is being sent to NMCG. Then, it was informed by GM, Yamuna Pollution that a DPR of Rs. 1174.45 Crore has been approved by NMCG. But due to operation and maintenance work of existing assets been awarded to M/s VA Tech Wabag Ltd., a revised DPR of Rs. 842.25 Cr. has been approved by NMCG, New Delhi on 06.05.2020 in which work of tapping of 23 untapped drains and construction of 177.60 MLD STPs (100 MLD STP, 35 MLD STP & 31 MLD STP based on open technology) shall be done. It is anticipated to be complete by March, 2021 as per the bid document. The Committee recommended to submit the progress report in this regard.

The Present Status of Schemes under AMRUT Programme was informed. Sewer house connecting chambers in Agra city (Part-IV) has been completed but the work of Agra Western Zone Sewerage scheme is only 33% complete and the rest of the work would be finished by June, 2022. It was also informed by GM, Yamuna Pollution that another project

of Sewerage strengthening work in Tajganj area is under progress which is targeted to be complete by May, 2021.

It was informed by Municipal Commissioner, Agra that tapping of all 67 drains has been done. The Committee has suggested RO, Agra to check the improvement of the quality and submit the present status of 67 drains at the earliest.

Furthermore, regarding performance guarantee it was informed that a stay order has been granted by the Hon'ble Supreme Court in this regard. It is informed that the State Government is making all its efforts to improve the condition of various basic amenities and sanitation environment is city of Agra.

Progress Review:

The Oversight Committee reviewed the progress of Uttar Pradesh as per the orders of Hon'ble NGT regarding Waste Management Rules, 2016 and other pollution abatement measures in the light of orders of Hon'ble NGT dated 10.08.2020 and 02.03.2020. Point-wise information submitted to the Committee in the matter is detailed below:

Issue-1: Status of installation of the Screens to prevent dumping of solid waste into the River Yamuna along with arrangements for regular collection of waste

Action taken: Screens have been installed at all the drains which are directly falling into river Yamuna and their regular cleaning is being practiced.

Issue-2: Status of Treatment capacity of Solid Waste

Action taken: The total waste generated in Agra Municipal Corporation is 712 TPD. Existing functional treatment capacity is 472.7 TPD (420 TPD through Centralised treatment facility- 300 TPD for wet waste & 120 TPD for dry waste, 35 TPD through de-centralised treatment facilities and 17.7 TPD through home composting). The remaining 240 TPD of waste is being managed scientifically at designated dumping site, Kuberpur. **The existing gap in the treatment is 239 TPD, which shall be covered through waste to energy plant of 500 TPD sanctioned and approved but the work couldn't be started due to NOC/ Consent and the**

matter is pending in Hon'ble Supreme Court. It is also pertinent to mention here that the existing gap of 239 TPD would generate another huge waste dump in the near future if the waste to energy plant is not commissioned at the earliest. **(However, in the considered opinion of the committee there is no such requirement in the cases of environment related projects mentioned in the order).**

Issue-3: Status of Ward wise action plan with regards to Treatment capacity of Solid Waste

Action taken: A detailed action plan for each ward was prepared and comprising the micro level planning for comprehensive solid waste management in the city, which includes the 100% door to door collection and transportation along with the route/ Map dedicated for the designated vehicle. AMC is developing centralized processing capacity as well as its promoting onsite decentralised processing methods and at present approximately 52.7 TPD waste is being processed through de-centralized method.

Issue-4: Status of purchase of 262 vehicles required for DTDC and implementation of IT based adaptor for DTDC collection

Action taken: The work of DTDC being done by 110 newly purchased motorized Vehicles + 150 other motorised vehicles + 1700 Tricycles having 6 buckets + 1000 Hand carts with 4 dustbins.

Issue-5: Status of installation of QR code in the respective households (earlier 3,50,000 households), installation of GPS in vehicles involved in transporting solid waste (earlier 98 vehicles) and dustbins equipped with RFID tags (earlier 1,044 dustbins)

Action taken: As per the information, 350000 Households are tagged with QR Code. 150 Vehicles used for primary collection and transportation are equipped with the GPS monitoring system. Also, 1044 community bins are RFID Tagged for the better monitoring of the solid waste management.

Issue-6: Status of Byelaws on user charges and spot fines etc.

Action taken: Bye-Laws by Municipal Corporation Agra has been notified for User Charges and spot fine. The details of penalty collected are as follows:

- Rs. 7,22,550 through spot fines for violations under various offences related to sanitation,
- Rs. 3,97,806 for littering,
- Rs. 17,57,600 for violation of plastic ban and
- Rs. 70,000 for Garbage Burning.

The enforcement of sanitation practices is done regularly.

Issue-7: Status of closing of existing landfill sites and bio-mining of legacy waste

Action taken: The project of Bio-remediation of legacy waste costing Rs. 27.35 Cr. had been approved. **Estimated legacy waste at Kuberpur dumpsite is 8 Lakh tons out of which 5.8 Lakh tons has been processed and rest of the waste is shaped in windrows for primary treatment in the area of 4 Acres. The complete legacy waste remediation is planned to be completed by February, 2021.** Currently, the windrow has been formed in cluster form by concessionaire for winter preparation and about 15 acres of land has been reclaimed. Due to Covid-19 outbreak the efficiency of processing was reduced but till date about 5.8 lakhs MT of legacy waste has been processed.

Issue-8: Status of Temporary Moratorium in TTZ area, establishment of STPs, Solid Waste, C&D waste and processing plants

Action taken: To fill the gap of MSW processing a writ application no: 13381/1984 was submitted to Hon'ble Supreme Court for opting Consent/ NOC to set-up the waste to energy plant of 10MW Capacity. Hon'ble Supreme Court directed to CPCB and NEERI to present a joint inspection report. In the view of the report submitted by joint inspection of CPCB and NEERI for setting up the plant at Kuberpur site, the 10 Acres of land out of total 72 Acres for waste to energy plant set-up on 13.02.2019. Agreement with the selected concessionaire M/s SPAAK BRESSON, has been done for the processing of MSW and Construction & Demolition waste. In the above matter, the report of EIA was sent to NEERI from Hon'ble Supreme Court on 22.11.2019 and a revised draft report was submitted to NEERI through the letter No: 1347/D/SBM/19 Dated 23.12.2019 for further vetting/ review.

Processing plants shall be made operational as soon as the orders from Hon'ble Supreme Court are received. **Thus, the status of setting up of various projects is still awaited due to temporary moratorium.** In this regard, a letter has been sent to the Chairman, TTZ Authority and Commissioner, Agra by Director, NEERI on 31.12.2020 (**Refer Appendix- IV**). However, the Oversight Committee felt that Hon'ble Supreme Court order dated 06.12.2019 is very clear that work on all environmental projects can start and the clarification application/affidavit filed by TTZ/ Municipal Corporation regarding exemption from moratorium is unnecessary. Moreover, the fact that it is pending for more than 10 months underlines the fact that the State Govt./ TTZ Authority need to take this matter more seriously as all environmental projects are lying standstill because of this delay.

Under the scheme of National Clean Air Programme of MoEF&CC, GOI the amount of INR 345 Lac has been sanctioned in which the first instalment of INR 90.00 lacs for establishment and operation of C&D plant has been received against the 150 Lacs. On 24.06.2020 through webinar Secretary, UDD, GoUP has emphasized for Decentralized C&D waste management and accordingly we have floated tender for 5 TPD for designing, installation, commissioning and operation and maintenance for 3 years. Based on LCS method, M/s- Rise Eleven Eco Green Pvt. Ltd become the successful bidder with total project cost of 4.24 Cr in which CapEx- 1.25 Cr and O&M for 1st year- 90.50 Lacs, 2nd Year- 99.50 Lacs and for 3rd year- 1.09 cr. The cost of O&M includes the entire management of site facility, machinery & tools and monthly electrical bill. The commissioner, Agra Nagar Nigam has approved the same on 20.08.2020. The LoA has been awarded to firm on 29.09.2020. The total concession period for this project is 3.5 years in which 6 months is construction period while 3 years in O&M period. It is envisaged that the proposed 5 TPD C&D plant will be ready by 30.04.2021 for processing of collected C&D waste.

Issue-9: Status of Sewage Treatment /Gap deficit in Agra with reference to water supply was 156 MLD

Action taken: As per the information given by Municipal Corporation Agra, the population of Agra city is about 19.90 lacs. The generation of sewage as per norms of CPHEEO is 80%

of per capita water consumption. The per capita water consumption norm is 150 lpcd. So, for 19.90 lacs population the requirement of sewage treatment capacity comes out to 238 MLD. However, due to bulk consumers, floating population and private sources, discharge of 90 drains is about 286 MLD including sewer discharge.

- The installed capacity of 9 STPs is 220.75 MLD. Out of which 7 STPs of 180.25 MLD capacity are being operated and maintained by M/s V A Tech Wabag Ltd., under **one city one operator scheme** of State Govt. The State Govt. has introduced one city one operator scheme based on competitive bidding process. The work in the city of Agra has been awarded to M/s V A Tech Wabag Ltd., for 10 years extendable upto 15 years. Rest 2 STPs of 40.50 MLD capacity are being operated and maintained by Agra Development Authority, Agra.
- Under Namami Gange Programme a DPR of Rs. 1174.45 Crore has been approved by NMCG. But due to operation and maintenance work of existing assets been awarded to M/s VA Tech Wabag Ltd., a revised DPR of Rs. 842.25 Cr. has been approved by NMCG, New Delhi on 06.05.2020 in which work of tapping of 23 untapped drains and const. of 177.60 MLD STPs (to meet the demand of year 2035) have been covered for which bid document & tendering process is being done by Transaction Advisor M/s Deloitte Touche Tohmatsu India LLP, Gurgaon appointed by NMCG. The above sanctioned project will be carried out on Hybrid Annuity based PPP mode, funded by World Bank. Apart from the above estimate for balance work related existing assets, tapping of 38 untapped drains & excess discharge of partially tapped drains amounting of Rs. 78.86 Crore had been sent to State Govt. for approval. Now as per instruction of HQ U.P. Jal Nigam, Lucknow, revised estimate amounting of Rs. 78.86 Crore is being sent in Namami Gange Programme.
- For improvement of the sewer network connectivity in the city of Agra the State Government has sanctioned projects of Rs. 443.56 Crore under AMRUT scheme for laying new sewer line and house connections. Under this sanctioned amount, six projects have been proposed out of which four projects related to Sewer House

Connections are completed and two projects are under progress which are proposed to be completed by the year 2021. The work shall be monitored to be completed as per timeline proposed in DPR. (By the year 2021).

Present Status of Schemes under AMRUT

S. No	Name of scheme	Proposed work	Progress	Remarks
1	Sewer house connection Agra (Part-I)	28079 (SHCs)	Completed	-
2	Sewer house connection Agra (Part-II)	11780 (SHCs)	Completed	-
3	Construction of House connecting chambers and sewer house connection from house hold to HCC in Agra city (Part-III)	13051 (SHCs)	Completed	-
4	Sewer house connecting chambers in Agra city (Part-IV)	7627 (HCCs)	Completed	-
5	Agra Western Zone Sewerage Scheme	251.00 Km. (Sewer line) 47827 (SHCs)	33% Work on sewer line completed.	Work in progress.
6	Septage Management Solution (Co-Treatment 75 KLD) in Agra Town	<ul style="list-style-type: none"> • Collection tank/settling chamber-01 • Screw Press & Pumps- 01 • Compost Pits- 12 • AC Room for SCADA System etc.- 01 • Desludging vehicles- 10 	3%	Work in progress.

- Another project of Rs 100.04 Crore of Sewerage strengthening work in Tajganj area in the city has been sanctioned by Agra Municipal Corporation under its Smart City Mission programme and work is under progress to be completed by May, 2021.
- **Bio/ Phyto remediation work on 57 drains started from 22.10.2020.**

- **Sewage Gap deficit:** The projected population of Agra city for year 2020 is 19.90 lacs. The domestic water demand corresponding to this projected population is 343 MLD. Further, the bulk demand is 51 MLD and the demand for floating population is 3 MLD. Thus, the total demand for year 2020 is 397 MLD and 360 MLD of water is being supplied to the people of Agra. With the completion of various projects related to strengthening water supply system in city of Agra, the installed water treatment capacity is now 513 MLD, which is sufficient to cater to the demand till year 2032. Thus, the issue related to water supply in the city, is now confined to proper distribution of water only.

The Govt. of U.P. has sanctioned following projects under AMRUT Programme that are under various stages of planning and execution: -

S. No	Name of Scheme	SAAP Year	Cost of Scheme (Rs. In cr.)	Proposed works	Present Status
1	Agra Water Supply Scheme (Phase-1)	2015-16	11.67	27263 water supply house connection	Completed and handed over to Jalkal Vibhag
2	Agra Water Supply Scheme (Phase-3)	2016-17	113.79	OHT – 3 CWR –4 ZPS– 4 RM–6.16 km. DS–85 km. HC–9461	Work in progress and shall be completed up to year 2022.
3	Agra Water Supply Scheme (Phase-4)	2017-20	61.87	OHT – 4 CWR – 2 RM – 11 km. DS – 89 km. HC – 11121	Work in progress and shall be completed up to year 2022.

Smart City works (Agra Nagar, Nigam, Agra)

S. No	Name of Scheme	Project Year	Cost of Scheme (Rs. In cr.)	Proposed works	Present Status
1	Pilot 24*7 water supply in ABD area	2019-21	140.67	OHT – 7 ZPS – 2 RM – 6.0 km. (1200 mm dia) DS – 140.76 km. HC – 17300	Work in progress and shall be completed up to Year 2021

Thus, schemes of approximate Rs. 328 Crore for coverage of water supply have been sanctioned in recent past and the projects are being implemented.

Issue-10: Status of Performance guarantee of Rs. 25 crores

Action taken: A stay order has been granted in the matter. In this regard it is informed that the State Government is making all its efforts to improve the condition of various basic amenities and sanitation environment is city of Agra. In recent past projects of almost approximately 1700 Crores plus has been sanctioned under different schemes for complying to meet the norms related to water/sewer/ waste management and the endeavor is continued with utmost sincerity and commitment to comply with the orders of Hon'ble NGT.

Issue-11: Present status of the work of 90 drains

Action taken: The work on all drain has been completed. CPCB has also inspected these drains and they shall submit the report accordingly. As per information, all 90 drains have been tapped and the waste water of these drains (18 MLD) is being treated through process of bioremediation/phytoremediation. The work of required infrastructure has been started from 06.10.2020 and it's completed on dated 22.10.2020. After that, the exercise of dosing is being carried out at strategic locations from 22.10.2020. The completion of work of check dam is on corner and it's expected to get completed in next upcoming weeks. The work of plantation will be started after completion of check dam. The UPPCB

has collected water sample of raw and treated sewerage from different nallahs for their analysis on dated 14.12.2020.

Issue-12: Present status of Starting up of Waste to Energy Plant (500 TPD)

Action taken: The Nagar Nigam mentioned that the project is under judicial appraisal at Hon'ble Supreme Court. On 17/12/2019 EIA Report was asked to put on record as per the direction of Hon'ble Supreme court. In this connection on 23/01/2020 EIA report along with affidavit was filed by Nagar Nigam Agra. The Hon'ble Supreme Court has directed Chairman of TTZ to file an affidavit. Affidavit has been filed on 19/02/2020.

The Oversight Committee feels that Hon'ble Supreme Court order dated 06.12.2019 is very clear that work on all environmental projects can start and the clarification application/ affidavit filed by TTZ/ Municipal Corporation is unnecessary. Moreover, the fact that it is pending for more than 10 months underlines the fact that the State Govt/ TTZ Authority need to take this matter more seriously as all environmental projects are lying standstill because of this delay.

15-01-2021

15-01-2021

X Anup Chandra Pandey

Dr Anup Chandra Pandey
Member, Oversight Committee
Signed by: ANUP CHANDRA PANDEY

X SVS Rathore

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

January 15, 2021

Appendixes : As above

Please visit our website: oscngt.upsdc.gov.in for more information.



SPEED POST

F.No. B-29016/ROGW/IPC-VI/2020-21/

April 30th, 2020

To

**The Chairman
All SPCBs/PCCs**

SUB: DIRECTIONS UNDER SECTION 18(1)(b) OF THE WATER (PREVENTION & CONTROL OF POLLUTION) ACT, 1974 and THE AIR (PREVENTION & CONTROL OF POLLUTION) ACT, 1981 REGARDING HARMONIZATION OF CLASSIFICATION OF INDUSTRIAL SECTORS INTO RED, ORANGE, GREEN AND WHITE CATEGORY.

WHEREAS, under Section 17 of the Water (Prevention & Control of Pollution) Act, 1974, and under Section 17 of the Air (Prevention & Control of Pollution) Act, 1981, one of the function of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive programme for the prevention, control or abatement of pollution of streams, wells and air pollution in the States/ Union Territory and to secure the execution thereof; and

WHEREAS, under Section 16 of the Water (Prevention and Control of Pollution) Act, 1974 and under Section 16 of the Air (Prevention & Control of Pollution) Act, 1981, one of the functions of the Central Pollution Control Board (CPCB), constituted under Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards and Pollution Control Committees and to provide technical assistance and guidance to SPCBs / PCCs; and

WHEREAS, CPCB has categorized 242 industrial sectors into red, orange, green & white category and directed all SPCBs/PCCs on 07.03.2016 for its adoption and implementation. The SPCBs/PCCs were also directed that addition of any new or left-over industrial sectors and their categorization which is not listed in the categorization done by CPCB, shall be done by a committee at the level of concerned SPCB/PCC, in accordance with the revised criteria and guidelines of CPCB; and

WHEREAS, carrying out the responsibility assigned to MoEF&CC/CPCB/SPCB, under, Steel Scrap Recycling Policy, notified by Ministry of Steel on 07.11.2019, a meeting was held under chairmanship of Joint Secretary (HSM Division) at MoEF&CC on 07.11.2019 for uniform categorization of scrapping activities as Red/Orange/Green/White Category. During the meeting it was decided that such uniform categorization of scrapping centres has to be developed by CPCB. The CPCB has categorized "Scrapping Centres (for End of Life of Vehicles and other scraps such as plant and machineries, structural material, railway coaches and wagons etc.)" under "Orange Category" of industries; and

WHEREAS, a need was felt to categorize some industrial sectors on PAN-India level and to resolve anomalies in categorization, if any. Accordingly, CPCB through Office Order No. B-29012/IPC-VI/2019-20, dated 17.02.2020, constituted a Committee to deal with the matter related to categorization of industrial sectors under red/orange/green/white category; and

WHEREAS, the meetings of the Committee were held on 02.03.2020 at CPCB, Delhi and 15.04.2020 & 21.04.2020, through video conferencing. During the meeting, the categorization of Railway Stations, Compressed/Refined Bio-Gas Production from Bio-degradable Wastes and Used Cooking Oil (UCO) collection centers was finalized. The details regarding categorization are enclosed as **Annexure-I**. Further, based on the few representations, the Committee has also segregated the list of Non-Industrial Operations (Activities/ Facilities/ Infrastructure/ Services), which were covered under classification of industrial sectors in CPCB's document on categorization. The list of such Non-Industrial Operations is enclosed as **Annexure-II**.

NOW THEREFORE, in view of the above and exercising the powers conferred to Chairman, Central Pollution Control Board under Section 18(1)(b) of the Water (Prevention & Control of Pollution) Act, 1974, and 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981, all the SPCBs/PCCs are directed to:

- i. Adopt the categorization finalized by CPCB for following sectors:
 - a. Scrapping Centres (for End of Life of Vehicles and other scraps such as plant and machineries, structural material, railway coaches and wagons etc.).
 - b. Used Cooking Oil (UCO) collection centers.
 - c. Compressed/Refined Bio-Gas Production from Bio-degradable Wastes.
 - d. Railway Stations.
- ii. Consider the sectors given at Annexure-II under Non-Industrial Operations (Activities/ Facilities/ Infrastructure/ Services).

The SPCBs/PCCs shall acknowledge the receipt of directions and submit the action taken report (ATR) in compliance of these directions to CPCB within 15 days from the receipt of directions.

(Ravi S. Prasad)
Chairman

Copy to:

- 1 The Joint Secretary (CP Division)
Ministry of Environment, Forests & Climate Change
Indira Paryavaran Bhawan
3rd Floor, Prithivi, Aliganj, Jor Bagh Road
New Delhi -110 003
- 2 All Regional Directors, CPCB
- 3 DH, IT

: with a request to upload the copy of Directions on CPCB website

(Prashant Gargava)
Member Secretary

o/c

The list of newly categorized sectors by CPCB

S. No.	Entry at S. No. of respective category in CPCB's classification	Industry Sector	W1	W2	W	A1	A2	A	H	Pollution Index (PI)	Category	Remarks
1	85	Scrapping Centres (for End of Life of Vehicles and other scraps such as plant and machineries, structural material, railway coaches and wagons etc.)									Orange	
		a. Collection, De-Pollution, Dismantling Centres and Shredding Centres	20	-	20	15	-	15	20	55	Orange	<ul style="list-style-type: none"> i. Process will generate waste water from vehicle washing, surface washing, spillage while depolluting the vehicle. ii. Emission of particulate matter. iii. Residue generated during the process needs stabilization before disposal as it may contain asbestos.
		b. Collection, De-Pollution and Dismantling Centres	20	-	20	10	-	10	20	50	Orange	<ul style="list-style-type: none"> i. Process will generate waste water from vehicle washing, surface washing, etc. ii. Fugitive emission may be generated from dismantling and other activities. iii. Residue generated during the process needs stabilization before disposal as it may contain asbestos.
		c. Shredding Centres (can include white goods*/other scraps also)	15	-	15	15	-	15	15	45	Orange	<ul style="list-style-type: none"> i. Waste water may be generated from floor washing, etc. ii. Residue generated may be incinerated/landfilled. iii. Emission of particulate matter.
<p>Note- * Recycling/dismantling of white goods are covered under E-Waste (Management & Handling) Rules, 2016, and have already been categorised in CPCB document "Classification of Industrial Sector" (Feb, 2016)</p>												

S. No.	Entry at S. No. of respective category in CPCB's classification	Industry Sector	W1	W2	W	A1	A2	A	H	Pollution Index (PI)	Category	Remarks
2	37	Used Cooking Oil (UCO) collection centers	-	-	-	-	-	-	-	00	White	<ul style="list-style-type: none"> i. Generally, there is no waste water generation or air emissions from UCO collection centers. ii. Concerned SPCB/PCC shall ensure the above.
3	86	Compressed/Refined Bio-Gas Production from Bio-degradable Wastes	30	-	30	10	-	10	10	50	Orange	<ul style="list-style-type: none"> i. All digesters requiring discharge of excess wastewater to be treated in orange category, ii. Domestic bio-digesters based on cow-dung or household biodegradable wastes (such as Gobargas plant) - White category. iii. No wastewater discharge from digester and also feed slurry to digester having Volatile Organic Fraction more than 75% to be considered as Green category; iv. Wastewater may be generated from wet processes for gas refining, cooling towers and cooling re-circulation processes. v. Odour generation from pretreatment of organic waste and composting. vi. Exhausted adsorption media/filters and spent solvents may also get generated.

S. No.	Entry at S. No. of respective category in CPCB's classification	Non-Industrial Operations (Activities/Facilities/Infrastructure/Service sector)	W1	W2	W	A1	A2	A	II	Pollution Index (PI)	Category	Remarks
1	Railway Stations											
	61	Railway Stations (Waste Water Generation \geq 100 KLD)	20	10	30	15	0	15	10	75	Red	<ul style="list-style-type: none"> i. Mainly water polluting, scores are normalized. Wastewater generating from public toilets, public-taps, platform and apron washing, coach cleaning, laundry, restaurants etc. ii. Air emissions may be generated from boilers, DG sets (>1MVA), railway sidings etc. iii. Small amount of hazardous waste such as used oil from DG sets, waste oil from coach cleaning, etc. may be generated
	84	Railway Stations (Waste Water Generation \geq 10 KLD, but < 100 KLD)	20	0	20	12	0	12	10	50	Orange	<ul style="list-style-type: none"> i. Mainly water polluting, scores are normalized. Waste water generating from various uses such as public toilets, public-taps, platform and apron washing, restaurants etc. ii. Air emissions may be generated from railway sidings, DG sets etc. iii. Small amount of hazardous waste such as used oil from DG sets etc. may be generated
	64	Railway Stations (Waste Water Generation < 10 KLD)	12	0	12	0	0	0	0	30	Green	<ul style="list-style-type: none"> i. On small railway stations, waste water generation mainly from public taps and toilets. Scores are normalized. ii. Small railway stations normally may not have boilers or any other prominent stationary air emission sources.

List of Non-Industrial Operations (Activities/Facilities/Infrastructure/Services)

Covered Under Red Category of Industries Earlier				
Sl. No.	Sl. No. (as per CPCB Document)	Industry Sector	Pollution Index	Remarks
1	23	Airports and Commercial Air Strips	75	<ul style="list-style-type: none"> i. The Airports are generating mainly the wastewaters. ii. This is the water pollution normalized score for airports having discharge more than 100 KLD. iii. The airports / strips having discharge less than 100 KLD will have score of 50 and hence orange category. iv. If the score is normalized wrt water + HW both, then all the airports will come under Orange category (score - 58.33).
2	30	Health-care Establishment (as defined in BMW Rules)	75	<ul style="list-style-type: none"> i. Mainly water polluting. ii. The water pollution score is normalized to 100 & valid for Hospitals having total waste-water generation > 100 KLD. iii. The hospitals with incinerator will be categorized as Red irrespective of the quantity of the wastewater generation. iv. The hospitals having total waste-water generation less than 100 KLD and without incinerator, the normalized water pollution score will be 50 and will be categorized as Orange category.
3	31	Hotels having overall wastewater generation @ 100 KLD and more.	75	<ul style="list-style-type: none"> i. Mainly water polluting. Small boiler may be installed. ii. The water pollution score is normalized to 100 & valid for Hotels having waste-water generation > 100 KLD. iii. The hotels having more than 20 rooms and waste-water generation less than 100 KLD and having a coal/ oil fired boiler, the pollution score will be 35/40 & are categorized as orange. iv. The hotels having more than 20 rooms and waste-water generation less than 10 KLD and having no-boiler & no hazardous waste generation, the pollution score will be 20 & are categorized as Green.
4	39	Railway locomotive work shop/Integrated road transport workshop/ Authorized service centers	75	<ul style="list-style-type: none"> i. Mainly water polluting industry. Water is used in the washing of locomotives, road transport vehicles during servicing. ii. This score is valid for those Centers having discharge more than 100 KLD. iii. Service Centers having waste-water generation < 100 KLD, the normalized score will be $= (100 * 20) / 40 = 50$.
5	46	Ports and harbour, jetties and dredging operations	85	This category contain all sorts of pollution
6	-	Common treatment and disposal facilities (CETP, TSDF, CBMWTF, effluent conveyance project, incinerator, MSW sanitary land fill site)	-	<ul style="list-style-type: none"> i. All such facilities are classified as Red but special category projects as these are parts of pollution control facilities. ii. In case of CETP, the categorization will depend upon the category of member industries being served.

		Note: Solvent/acid recovery plant and E-waste recycling are considered as industrial operation.		
List of Sectors Covered Under Orange Category of Industries Earlier				
Sl. No.	Sl. No. (as per CPCB Document)	Industry Sector	Pollution Index	Remarks
1	18	Automobile servicing, repairing and painting (excluding only fuel dispensing)	50	Normal water & air polluting and recyclable waste oil generating. If the waste water generation is more than 100 KLD, it will become mainly water polluting and Red category unit.
2	21	Building and construction project more than 20,000 sq. m built up area	50	i. In the pre-construction stage, it is mainly air polluting due to generation of dust (PM) emissions. ii. After construction, it is mainly water polluting. If the discharge is more than 100 KLD, it will be having the normalized score of 75 and be categorized as Red.
3	38	Hotels (< 3 star) or hotels having > 20 rooms and less than 100 rooms.	50	Mainly water polluting. WP score is normalized to 100.
4	46	Mechanized laundry using oil fired boiler	50	Both air and water pollution are generated.
5	50	New highway construction project	50	Mainly air polluting project.
List of Sectors Covered Under Green Category of Industries				
Sl. No.	Sl. No. (as per CPCB Document)	Industry Sector	Pollution Index	Remarks
1	19	Facility of handling, storage and transportation of food grains in bulk	25	Some fugitive emissions of PM during handling of grains.
2	52	Hotels (up to 20 rooms and without boilers)	30	This score is valid for hotels having overall waste-water generation less than 10 KLD.
3	58	Flyash export, transport & disposal facilities	37.5	i. This is mainly air polluting activity. ii. This is the normalized score based on air pollution.
4	59	Mineral stack yard / Railway sidings	37.5	Mainly air pollution due to loading, unloading, storage and transportation of the minerals.
5	60	Oil and gas transportation pipeline	37.5	i. Contains small gas based power plants up-to 5 MWs. ii. Air pollution score is normalized to 100. iii. In case, if these power plants are bigger / liquid fuel / oil based, scores will be calculated accordingly.
6	-	Diesel generator sets (15 KVA to 1 MVA)	-	i. Normal operation - 12 hrs a day. ii. Consumption of diesel = 1680 litres for 1 MVA DG set at full load @ 0.21 litres / KVA / hr. iii. Stand-alone DG Sets having total capacity 1 MVA or less and equipped with acoustic enclosures alongwith adequate stack height may be exempted from the purview of Consent management. Higher capacity DG sets have already been covered under Red / Orange categories.
7	-	Automobile fuel outlets (only dispensing)	-	Minor air pollution due to some fugitive emissions during fuel filling operations. May be exempted from the purview of Consent management.

प्रेषक,

आयुक्त, आगरा मण्डल एवं
अध्यक्ष, टी0टी0जैड0प्राधिकरण,
आगरा।

सेवा में,

श्री अनूप चन्द्र पाण्डेय,
मा0सदस्य,
ओवरसाइट कमेटी (एनजीटी),
लखनऊ।

संख्या: 214/TTZ(PMU)/2021

दिनांक : 15/01/2021

विषय : आगरा नगर में म्युनिसिपल सॉलिड वेस्ट निस्तारण हेतु वेस्ट एनर्जी प्लांट की स्थापना किये जाने के सम्बन्ध में।

महोदय,

कृपया मा0राष्ट्रीय हरित अधिकरण में योजित ओ0ए0 नं0 308/2016 के सम्बन्ध में दिनांक 15.01.2021 को ऑनलाइन आहूत ओवरसाइट कमेटी की बैठक का सन्दर्भ ग्रहण करने का कष्ट करें।

ओवरसाइट कमेटी की संदर्भित बैठक में प्रश्नगत वेस्ट टू एनर्जी प्लांट से सम्बन्धित एजेण्डा बिन्दुओं के सम्बन्ध में अवगत कराना है कि आगरा नगर निगम द्वारा आगरा में जनित लगभग 500 एनटीडी म्युनिसिपल सॉलिड वेस्ट से 10 मेगावाट विद्युत उत्पादन किये जाने के लिए वेस्ट टू एनर्जी प्लांट की स्थापना किये जाने हेतु नगर निगम तथा मै0स्पाक ब्रेसन प्रा0लि0 के मध्य दिनांक 14.12.2016 को अनुबंध निष्पादित हुआ है।

तत्समय पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा दिनांक 08.09.2016 को लागू की गयी तदर्थ रोक तथा मा0सर्वोच्च न्यायालय के Status quo के आदेश दिनांक 22.03.2018 के दृष्टिगत आगरा नगर निगम द्वारा प्रश्नगत परियोजना की स्थापना के सम्बन्ध में रिट याचिका (सिविल) सं0 13381/1984 (एन0सी0 मेहता बनाम यूनियन ऑफ इण्डिया व अन्य) के अन्तर्गत मा0सर्वोच्च न्यायालय में आई0ए0 सं0 172361, 172378 व 172379/2018 दाखिल की गयी थी, जिसमें मा0सर्वोच्च न्यायालय द्वारा पारित किये गये आदेश दिनांक 22.02.2019 के क्रम में केन्द्रीय प्रदूषण नियंत्रण बोर्ड एवं नीरी द्वारा अपनी संयुक्त रिपोर्ट दिनांक 03.04.2019 को मा0सर्वोच्च न्यायालय में प्रस्तुत की गयी। मा0सर्वोच्च न्यायालय के आदेश दिनांक 22.11.2019 के क्रम में इन्वायरनमेन्ट इम्पैक्ट असेसमेन्ट रिपोर्ट नगर निगम द्वारा दिनांक 23.01.2020 को मा0सर्वोच्च न्यायालय में प्रस्तुत की गयी है।

मा0सर्वोच्च न्यायालय द्वारा दिनांक 06.12.2019 को ताज ट्रेपेजियम क्षेत्र में नॉन-पोल्यूटिंग, ईको-फ्रेंडली उद्योगों एवं पब्लिक यूटिलिटीज की स्थापना किये जाने एवं इस हेतु सेंट्रल इम्पाक्ट कमेटी एवं नीरी की अनुमति की अनिवार्यता के सम्बन्ध में आदेश पारित किए गए हैं। मा0न्यायालय द्वारा पारित उक्त आदेश दिनांक 06.12.2019 के उपरान्त आगरा नगर निगम की पूर्व में दाखिल उक्त आई0ए0 सं0 172361, 172378 व 172379/2018, जोकि मा0सर्वोच्च न्यायालय में विचाराधीन है, के अन्तर्गत मा0न्यायालय द्वारा दिनांक 17.12.2019 के द्वारा राज्य सरकार की ओर से प्रत्युत्तर/सपथ-पत्र दाखिल किये जाने हेतु आदेशित किया गया। मा0न्यायालय के उक्त आदेश दिनांक 17.12.2019 के अनुपालन में राज्य सरकार की ओर से मण्डलायुक्त/अध्यक्ष, टी0टी0जैड0 प्राधिकरण, आगरा द्वारा दिनांक 19.02.2020 को प्रतिशपथ-पत्र दाखिल किया गया।

ओवरसाइट कमेटी की संदर्भित बैठक में ओ0ए0 नं0 306/2016 के अन्तर्गत मा0राष्ट्रीय हरित अधिकरण द्वारा दिनांक 10.08.2020 (संलग्नक-1) को पारित आदेशों को संज्ञान में लाया गया कि मा0अधिकरण के उक्त आदेश में उल्लिखित प्रस्तर-4, 5 व 6 के अन्तर्गत मा0सर्वोच्च न्यायालय के आदेश दिनांक 06.12.2019 को स्पष्ट करते हुये उक्त आदेश के अनुसार प्रश्नगत परियोजना की स्थापना हेतु नीरी एवं सी0ई0सी0 की अनुमति प्राप्त किया जाना आवश्यक नहीं है।

उक्त के सम्बन्ध में अवगत कराना है कि मा0सर्वोच्च न्यायालय में विचाराधीन रिट याचिका (सिविल) सं0 13381/1984 (एन0सी0 मेहता बनाम यूनियन ऑफ इण्डिया व अन्य) के अन्तर्गत दिनांक 22.03.2018 को पारित Status quo के आदेश को स्पष्ट कराये जाने हेतु मा0सर्वोच्च न्यायालय में दाखिल की गयी आई0ए0 सं0 103808/2019 में दिनांक 06.12.2019 (संलग्नक-2) को ताज ट्रेपेजियम क्षेत्र में नॉन-पोल्यूटिंग, ईको-फ्रेंडली,

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मैक्रो उद्योग एवं पब्लिक यूटिलिटीज की स्थापना किये जाने एवं इस हेतु सेन्ट्रल इम्पार्वर्ड कमेटी एवं नीरी की अनुमति की अनिवार्यता के सम्बन्ध में मा0सर्वोच्च न्यायालय द्वारा आदेश पारित किए गए हैं। मा0न्यायालय के उक्त आदेश दिनांक 08.12.2019 पर दिनांक 13.12.2019 को विधिक राय प्राप्त की गयी थी, जिसकी छायाप्रति संलग्नक-3 पर संलग्न है। मा0सर्वोच्च न्यायालय द्वारा पारित उक्त आदेश दिनांक 08.12.2019 के पूर्णतया स्पष्ट नहीं होने के कारण ताज ट्रेपेजियम क्षेत्र में पर्यावरणीय सुधार सम्बन्धी योजनाओं के साथ-साथ प्रत्यक्ष/अप्रत्यक्ष रूप से जनहित से जुड़ी योजनाओं/गतिविधियों के क्रियान्वयन में आ रही कठिनाइयों के दृष्टिगत उक्त आदेश में उल्लिखित मैक्रो इण्डस्ट्रीज, नॉन-पोल्यूटिंग एवं ईको-फ्रेंडली तथा हैवी इण्डस्ट्री की परिभाषा को शासन अथवा भारत सरकार द्वारा स्पष्ट किये जाने अथवा राज्य/भारत सरकार के स्तर से मा0सर्वोच्च न्यायालय से क्लेरिफिकेशन कराये जाने के सम्बन्ध में टी0टी0जेड0 प्राधिकरण द्वारा प्रमुख सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ0प्र0 शासन, लखनऊ एवं सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार, नई दिल्ली को पत्र सं0 18 दिनांक 15.01.2020 प्रेषित किया गया, जिसके क्रम में पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ0प्र0 शासन, लखनऊ के पत्र सं0 89/81-7-2020-08 (ताज)/2002 दिनांक 21.01.2020 (संलग्नक-4) द्वारा उक्त आदेश दिनांक 08.12.2019 को मा0सर्वोच्च न्यायालय से स्पष्ट कराए जाने हेतु निर्देशित किया गया। साथ ही पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार, नई दिल्ली के पत्र दिनांक 24.01.2020 (संलग्नक-5) द्वारा भी क्लेरिफिकेशन मा0सर्वोच्च न्यायालय से स्पष्ट कराए जाने हेतु निर्देशित किया गया। उ0प्र0शासन एवं भारत सरकार के उक्त निर्देशानुक्रम में मा0सर्वोच्च न्यायालय के उक्त आदेश दिनांक 08.12.2019 में वर्णित नॉन-पोल्यूटिंग, ईको-फ्रेंडली, मैक्रो उद्योगों को क्लेरिफाई किये जाने एवं उद्योगों सहित पब्लिक यूटिलिटीज की स्थापना हेतु सेन्ट्रल इम्पार्वर्ड कमेटी एवं नीरी की अनुमति की अनिवार्यता से मुक्त किये जाने के सम्बन्ध में शासन के अनुमोदनोपरान्त राज्य सरकार की ओर से टी0टी0जेड0 प्राधिकरण द्वारा एक क्लेरिफिकेशन आई0ए0 सं0 42482/2020 दिनांक 05.03.2020 (संलग्नक-6) को मा0सर्वोच्च न्यायालय में दायर की गयी है, जो मा0सर्वोच्च न्यायालय में निर्णयाधीन है।

अवगत कराना है कि मा0सर्वोच्च न्यायालय के उक्त आदेश दिनांक 08.12.2019 के क्रम में टी0टी0जेड0 प्राधिकरण द्वारा परियोजनाओं/अन्य पब्लिक यूटिलिटीज की स्थापना हेतु सेन्ट्रल इम्पार्वर्ड कमेटी एवं नीरी की अनुमति के लिए प्रकरण वर्तमान में सेन्ट्रल इम्पार्वर्ड कमेटी एवं नीरी को संदर्भित किये जा रहे हैं। चूंकि आगरा नगर निगम द्वारा उक्त परियोजना की अनुमति के सम्बन्ध में पृथक् से आई0ए0 मा0सर्वोच्च न्यायालय में दाखिल की गयी है, जो वर्तमान में विचाराधीन है, जिसके कारण आगरा नगर निगम को प्रश्नगत परियोजना की स्थापना हेतु टी0टी0जेड0 प्राधिकरण द्वारा अनुमति/विलयेंस प्रदान किये जाने के प्रकरण पर विचार किया जाना सम्भव नहीं हो पा रहा है। ऐसी स्थिति में टी0टी0जेड0 प्राधिकरण की 53वीं बैठक दिनांक 15.12.2020 के निर्णयानुक्रम में उक्त परियोजना की स्थापना हेतु टी0टी0जेड0 प्राधिकरण की अनुमति के सम्बन्ध में आगरा नगर निगम द्वारा मा0सर्वोच्च न्यायालय के आदेश दिनांक 08.12.2019 के क्रम में अपनी उक्त आई0ए0 के अन्तर्गत मा0सर्वोच्च न्यायालय के संज्ञान/अनुमति से टी0टी0जेड0 प्राधिकरण के पत्रांक-210 दिनांक 08.01.2021 (संलग्नक-7) द्वारा पुनः आवेदन प्रस्तुत किये जाने हेतु नगर आयुक्त, नगर निगम, आगरा को निर्देशित किया गया है।

अतः आगरा नगर निगम द्वारा जनपद आगरा में प्रस्तावित वेस्ट टू एनर्जी प्लाण्ट के प्रकरण में उपरोक्तानुसार अवगत होने का कष्ट करें।

संलग्नक-यथोपरि।

भवदीय
(अर्जुन कुमार)
मंडलायुक्त/अध्यक्ष

Item Nos. 02 & 03

Court No. 1

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

(By Video Conferencing)

Original Application No. 306/2016

(With report dated 05.08.2020)

Social Action for Forest
and Environment (SAFE)

Applicant(s)

Versus

Union of India & Ors.
(Earlier titled as D.K. Joshi Vs. Union of India & Ors.)

Respondent(s)

AND

M.A. No. 380/2017 (I.A. No. 8/2007)
IN
W.P. (C) No. 426/1992

(Received on transfer from the Hon'ble Supreme Court)

D. K. Joshi

Applicant(s)

Versus

Chief Secretary of U.P & Ors.

Respondent(s)

Date of hearing: 10.08.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Ms. Meera Gopal, Advocate

Respondent(s): Ms. Priyanka Swami, Advocate for State of UP
Mr. Pradeep Misra and Mr. Dalcep Dhyani, Advocate for UPPCB
Mr. Rajkumar, Advocate for CPCB.

ORDER

1. This order is being passed in continuation of order dated 02.03.2020. The issue for consideration is compliance of Solid Waste Management Rules, 2016, Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016 and Bio-medical Waste Management Rules, 2016 in the city of Agra as well as the areas coming under the Cantonment Board, Agra and eco-sensitive zone of Taj Trapezium Zone.

2. The matter was last considered on 02.03.2020 in the light of earlier proceedings and status report filed by State of U.P. on 23.10.2019. The Tribunal noted that there were deficiencies in taking steps for dealing with solid and liquid waste resulting in continuing damage to the environment and public health. Reference was made to earlier orders including order passed on 10.01.2020, in the presence of the Chief Secretary, UP, laying down specific timelines and providing consequences for failure to take necessary steps in the matter.

3. Accordingly, further status report has been filed by the Nagar Nigam, Agra and the Department of Urban Development, UP. However, in view of the report filed by the Oversight Committee constituted by this Tribunal¹ on 05.08.2020, it will be suffice to refer to the same. The Oversight Committee has referred to interaction with the concerned State Authorities and noted the key areas requiring immediate attention as follows:

- Complete implementation of ward wise action plan.
- Starting up of Waste to Energy Plant (500 TPD).

¹ Constituted by this Tribunal in terms of order dated 21.10.2019 in O.A. No. 670/2018, *Atul Singh Chouhan v. MoEF&CC*

- Remediation of legacy waste at Kuberpur dumpsite
- Phytoremediation of 57 drains.

4. The Committee noted that one of the perceived difficulties in taking prompt action was order of the Hon'ble Supreme Court in *W.P. No. 13381 of 1984, MC Mehta v. UOI & Ors.* placing moratorium on expansion and setting up of new industry with a view to control air pollution by Taj Trapezium Zone Area ('TTZA'). Even though the Hon'ble Supreme Court, vide order dated 06.12.2019, made it clear that projects for essential amenities should go ahead, the State of UP lack clarity and applied for further clarification which was unnecessary and was resulting in avoidable delay.

5. We are in agreement with the approach of the Oversight Committee. The order of the Hon'ble Supreme Court dated 06.12.2019² is absolutely clear that Environmental Clearance ('EC') can be granted within TTZ for securing basic living conditions of TTZ's residents which clearly include drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc. The order is reproduced below for ready reference :-

"6. Learned Counsel for Uttar Pradesh thus submits that in view of compliance of the "conditional" status quo order, the State Government and other statutory authorities may now be permitted to grant environmental clearances which are necessary for providing essential public facilities including drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc.

7. In light of the aforementioned amenities being crucial for securing basic living conditions of TTZ's residents, we are of the opinion

²I.A. No. 103908/2019 in *W.P. No. 13381 of 1984 in MC Mehta v. UOI & Ors.*

that there need not be any impediment for granting necessary clearances for the same. We are conscious of the fact that citizens have a fundamental right to such essential amenities; and how counter intuitively, not allowing construction of such basic infrastructure can itself create new polluting waste and threaten the environment.

8. As regards permission for establishing non-polluting industrial units, it appears to us that only those small, micro and macro level industries which are both non-polluting and eco-friendly and which have necessary clearances from all statutory authorities as well as concurrence of the Central Empowerment Committee and NEERI, can be setup within the notified industrial area.

9. We, thus, clarify that since the interim order dated 22nd March 2018 directing maintenance of status quo was passed to ensure timely submission of the Vision Plan by the State of U.P. and the said direction already stands complied with, **there shall be no impediment for the authorities to consider pending environmental clearances which are necessary to secure essential amenities within TTZ.** Simultaneously, the State and other statutory authorities are free to consider requests for relocating eco-friendly non-polluting industrial units, subject to them meticulously complying with environmental laws and all norms/conditions."

6. In view of above clear orders of the Hon'ble Supreme Court, the authorities may expeditiously take further action in the matter.

7. We note that as far as legacy waste remediation is concerned, about the 50% thereof has already been remediated and the remaining is likely to be completed by December, 2020. Let leachate treatment also be taken care of.

8. Summary of compliance status and recommendations of the Committee are reproduced below:-

"Summary of the Compliance Status in O.A. No. 306/2016

S. No.	Directions by Hon'ble NGT	Compliance Status (yes/No)	Reasons for non-compliance
1.	Status of installation of the Screens to prevent dumping of	Yes	All the drains falling directly into river Yamuna have screens installed. Regular cleaning arrangements made.

	solid waste into the River Yamuna along with the arrangements for regular collection of waste		
2.	Status of ward wise action plan with regards to Treatment capacity of Solid waste	Partially complied	A detailed action plan for each ward was prepared comprising of micro level planning for comprehensive solid waste management in the city, which includes 100% door to door collection and transportation along with the route/ Map dedicated for the designated vehicle. AMC is developing centralized processing capacity as well as it is promoting onsite decentralized processing methods and at present approximately 52.70 TPD waste is being processed through de-centralized method.
3.	Status of treatment of capacity of Solid Waste	Partially complied	The total waste generated in Agra 712 TPD. Existing functional treatment capacity is 472.7 TPD. The existing gap in the treatment is 239 TPD, which shall be covered through waste to energy plant of 500 TPD (which is sanctioned and approved but the work be started after obtaining NOC / Consent). The matter is pending in Hon'ble Supreme Court.
4.	Status of purchase of 262 vehicles for DTDC and implementation on of IT based adaptor for DTDC collection	Yes	The work of DTDC is being done by 110 newly purchased motorized Vehicles + 150 other motorized vehicles + 1700 Tricycles having 6 buckets + 1000 Hand carts with 4 dustbins.
5.	Status of installation of QR code in the respective households (earlier 3,50,000 households) installation of GPS in vehicles involved in transporting solid waste (earlier 98 vehicles) and dustbins equipped with RFID tag (earlier 1,044 dustbins)	Majority complied	As per information, 332,855 Households are tagged with QR Code. 150 Vehicles used for primary collection and transportation are equipped with the GPS monitoring system. Also, 1044 community bins are RFID Tagged for better monitoring of the solid waste management.
6.	Status of byelaws on user charges and spot fines	Yes (the enforcement of sanitation	Bye-Laws have been notified in Agra regarding User Charges and spot fines . The details of penalty collected are as

	etc.	practices is done regularly)	follows : -Rs. 320,556 through spot fines for violations under various offences related to sanitation, -Rs. 559,000 for littering, -Rs. 36,06,650 for violation of plastic ban and - Rs. 11,58,100 for Garbage Burning. The enforcement of sanitation practises is done regularly.												
7.	Status of closing of existing landfill sites and bio-mining legacy waste	Partially complied	The project of Bio-remediation of legacy waste costing Rs. 27.35 Cr. had been approved. Estimated legacy waste at Kuberpur dump site is 8 Lakh tons out of which 4 Lakh tons had been remediated and rest of the waste is shaped in windrows for primary treatment in the area of 12 Acres. The complete legacy waste remediation is planned to be completed by December 2020.												
8.	Status of Temporary Moratorium in ITZ area, establishment of STPs, Solid Waste, C & D waste and processing plants	Partially complied	To fill the gap of MSW processing a writ application no: 13381/1984 was submitted to Hon'ble Supreme Court for obtaining Consent/ NOC to set-up the waste to energy plant of 10MW Capacity. Agreement with the selected concessionaire M/s Spark Brason, done for the processing of MSW and Construction & Demolition waste. Processing plants shall be made operational as soon as the orders from Hon'ble Supreme Court are received. Thus, the status of setting up of various projects is still awaited due to temporary moratorium.												
9.	Gap deficit in Agra with reference to water supply	Partially complied	With the completion of various projects related to strengthening water supply system in city of Agra, the installed water treatment capacity is now 513 MLD, which is sufficient to cater to the demand till year 2032. Thus, the issue related to water supply in the city, is now confined to the proper distribution of the water only. The Govt. of U.P. has sanctioned following projects under AMRU Programme that are under various stages of planning and execution:-												
			<table border="1"> <thead> <tr> <th>S.</th> <th>Name of</th> <th>SAAP</th> <th>Cost of</th> <th>Proposed</th> <th>Present</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	S.	Name of	SAAP	Cost of	Proposed	Present						
S.	Name of	SAAP	Cost of	Proposed	Present										

No.	Scheme	Year	Scheme	work	status
1	2	3	4	5	6
1	Agra Water Supply Scheme (Phase -1)	2015-16	11.64	27263 no. water supply house connection	Completed and handed over to Jalkal Vibhag
2.	Agra Water Supply Scheme (Phase -3)	2016-17	11.379	OHT-3 no. CWR-4 no. ZFS - 4 RM 6.16 Km DS-85 Kt. HC 9461 no.	Work in progress and shall be completed upto year 2022
3.	Agra Water Supply Scheme (Phase -4)	2017-20	61.87	OHT-4 no. CWR-2 no. RM 11 Km DS-89 Kt. HC 11121 no.	Work in progress and shall be completed upto year 2022

Smart City Works (Agra Nagar Nigam, Agra)

S. No.	Name of Scheme	Project Year	Cost of Scheme	Proposed work	Present status
1	2	3	4	5	6
1	Pilot 24*7 water supply in ABD area	2019-21	140.67	OHTV7 no. 2PS - 2 RM 6.0 Km (1200 mm dia) DS-140.76 Km HC 17300 no.	work in progress and shall be completed upto year 2021

Thus, schemes of approx. Rs 328 Crore for coverage water supply have been sanctioned in recent past and the projects are being implemented.

10.	Status of Sewage treatment in Agra	Partially complied	<p>❖ Currently, the population of Agra city is about 19.90 lacs. The generation of sewage as per norms of CPHEEO is 80% of per capita water consumption. The per capita water consumption norm is 150 lpcd. So for 19.9 lacs population the requirement of sewage treatment capacity comes out to 238 MLD. But due to bulk consumers, floating population and private sources, discharge of 90 drains is about 286 MLD including sewer discharge.</p> <p>❖ The installed capacity of 9 STPs is 220.75 MLD. For proper sewage maintenance and operation of the installed STPs the state government</p>
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has introduced One City One Operator scheme and based on competitive bidding process the work in city of Agra has been awarded to M/s VA Tech Wabag Ltd.

❖ Under Namami Gange Programme a DPR of Rs. 1174.45 Crore was earlier prepared and approved by NMCG. But due to operation and maintenance work of existing assets been awarded to M/s VA Tech wabag Ltd., a revised DPR of Rs. 842.25 Cr. has been approved by NMCG, New Delhi on 06.05.2020 in which work of tapping of 23 nos untapped drains and const. of 177.60 MLD STPs (to meet the demand of year 2035) have been covered for which bid document & tendering process is being done by Transaction Advisor M/s Deloitte Touche Tohmatsu India LLP, Gurgaon appointed by NMCG. The above sanctioned project will be carried out on Hybrid Annuity based PPP mode, funded by World Bank.

❖ For improvement of the sewer network connectivity in the city of Agra the state government has sanctioned projects of Rs. 425.56 Crore under AMRUT scheme for laying new sewer line and house connections. Under this sanctioned amount five projects have been proposed out of which three projects related to Sewer House Connections are completed and two projects are under progress which are proposed to be completed by the year 2021. The work shall be monitored to be completed as per timeline proposed in DPR. (By the year 2021).

Present Status of Scheme under AMRUT

S. No.	Name of Schema	Proposed Work	Progress	Remarks
1	Sewer house connection Agra (part - I)	28079 Nos. (SHCs)	Completed	-
2.	Sewer house connection Agra (part - II)	11780 Nos. (SHCs)	Completed	-
3.	Construction of house connecting chambers and sewer connection from households to HCC in Agra City	13051 Nos. (SHCs)	Completed	-

			(Part - II)				
			4.	Sewer house connecting chambers in Agra City (part - IV)	7627 Nos. (SHCs)	62% Done	Work in progress
			5.	Agra Western Zone Sewerage Scheme	251.00 Km. (Sewer line 47827 Nos. (SHCs)	25% Work on sewer line completed	Work in progress
			<p>❖ Another project of Rs 100.04 Crore of Sewerage strengthening work in Tajganj area in the city has been sanctioned by Agra Municipal Corporation under its Smart City Mission programme and work is under progress to be completed by May 2021.</p> <p>❖ The Bio/ Phyto remediation work on the 11 drains started from the month of March 2020 and on 57 drains the EOI has been called through e-Tender, which is scheduled to be opened on 25th July 2020.</p>				
11	Status of Performance guarantee of Rs. 25 Crores	No.	A stay order has been granted in this matter. Past projects of almost approximately 1700 crore has been sanctioned under different schemes for complying to meet the norm related to water/sewer waste management.				

VI. RECOMMENDATIONS OF THE OVERSIGHT COMMITTEE

1. The Oversight Committee noted the status mentioned by Secretary, Urban Development, U. P. that there is an urgent need to augment the treatment capacity of Solid Waste in the Agra. The total solid waste generation in Agra is 712 TPD while the existing functional treatment capacity is 472.7 TPD (420TPD through Centralized treatment facility 300 TPD for wet waste & 120 TPD for dry waste, 35TPD through De-centralized treatment facilities and 17.7 TPD through home composting). The State Government must address the issue of infrastructure gaps by installation of more treatment plants/facilities.
2. In Agra ward wise action plan has been formulated and each ward in the Municipal Corporation, Agra was prepared comprising the micro level planning for comprehensive solid waste management in the city. At present approximately 52.7 TPD waste is being processed through de-centralized method. The Committee recommends the State

Government to implement the action plan effectively and within timelines.

3. As far as installation of QR code is concerned, the concerned department has tagged 332855 households thereby ensuring it in most of the households. However, the Committee directs all households to be tagged with QR code within a month.
4. The Committee directs complete remediation of legacy waste dump at Kuberpur site to be done within the timeline i.e. Dec, 2020 and if possible before that. Further, UPPCB to conduct an on-site inspection and submit the progress report to the Committee within one month.
5. Regarding the gap with reference to water supply, the total demand for year 2020 is 397 MLD while 360 MLD of water is being supplied to the people of Agra. With the completion of various projects related to strengthening water supply system in city of Agra, the installed water treatment capacity is now 513 MLD, which is sufficient to cater the demand till year 2032. Still, proper water supply is not ensured till date. While supply of water is no longer a problem, the problem lies in lack of water distribution network commensurate with the augmented supply. The construction on the new sanctioned distribution projects needs to be expedited. The Committee directs immediate action on this matter. District Magistrate must look into the issue personally and ensure compliance within stipulated timelines.
6. Phytoremediation in drains was to commence from 1.04.2020 and in case of noncompliance compensation to be paid. It has been informed that only in 11 drains work has started. The Committee directs CPCB to assess and impose EC accordingly as well as submit the report within one month.

The Member Secretary, UPPCB is directed to send this report to the Registrar General, National Green Tribunal, Principal Bench, New Delhi for placing the same before the Hon'ble Tribunal with a copy to the Chief Secretary, Government of Uttar Pradesh for necessary action. The report also be uploaded on the website of the Committee."

9. We are of view that while Bio/Phyto (*in-situ*) remediation work has commenced on 11 drains and is likely to commence on 57 drains as per above report, total drain being 90, the remaining drains also need to be

covered for such work at the earliest, as soon as current monsoon is over.

10. Let further action be taken, which may be overseen by the Oversight Committee. CPCB Regional Office Agra may visit the sites and examine whether remediation (bio-mining of legacy waste and *in-situ* remediation of drains) is being done as per norms and give its report to this Tribunal before the next date by email. The Oversight Committee may furnish its report as on 31.12.2020 before the next date 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. The Oversight Committee may also forward a copy of its report to the Chief Secretary so that monitoring at the level of Chief Secretary will also take place.

List for further consideration on 03.02.2021.

A copy of this order be sent to the Chief Secretary UP and Justice SVS Rathore, former Judge Allahabad High, and CPCB, Regional Office, Agra, by email.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

August 10, 2020
Original Application No. 306/2016
&
M.A. No. 380/2017 (I.A. No. 8/2007)
IN
W.P. (C) No. 426/1992
A

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

INTERLOCUTORY APPLICATION NO. 103908 OF 2019

IN

WRIT PETITION (CIVIL) NO. 13381 OF 1984

M.C. MEHTA

.....PETITIONER

VERSUS

UNION OF INDIA & OTHERS

.....RESPONDENT(S)

WITH

INTERLOCUTORY APPLICATION NOS. 87792 AND 105655 OF 2019

IN

WRIT PETITION (CIVIL) NO. 13381 OF 1984

AND

INTERLOCUTORY APPLICATION NOS. 87790 AND 105652 OF 2019

IN

WRIT PETITION (CIVIL) NO. 13381 OF 1984

ORDER

I.A. NO. 103908 OF 2019 :

This Interlocutory Application has been moved by the State of

Signature Not Verified
Digitally signed by
Rajesh Kumar
Date: 2019.12.06
18:06:51 IST
Reason: 

Uttar Pradesh seeking clarification of this Court's order of 22 March 2018

directing Status Quo. We have heard Ms. Aishwarya Bhati, Additional

Advocate General and Mr. M.C. Mehta, the petitioner-in-person. We have also perused our earlier Orders and the affidavit filed by the Commissioner, Agra Division and Chairman, Taj Trapezium Zone Pollution (Prevention and Control) Authority, Agra.

2. On 08 December 2017, this Court identified an urgent public interest in preparing a future-oriented comprehensive Vision Plan to preserve the Taj and its environs, being the Taj Trapezium Zone (for short, "TTZ") which is spread over six districts of Uttar Pradesh and one district (Bharatpur) in Rajasthan. Directions were issued to undertake such exercise with consultation of all stake holders as well as experts in heritage (both cultural and historical), environment, wildlife and pollution-prevention. Consultation with civil society was also mandated, including with Mr. M.C. Mehta who has dedicated numerous decades to protecting the Taj.

3. Thereafter on 22 March 2018, learned counsel for Uttar Pradesh submitted that a vision document was likely to be prepared in consultation with the School of Planning and Architecture and that a Project Committee had been constituted for such purpose. This information was directed to be conveyed to Mr. Mehta along with the terms of reference of the Committee so that he could suggest requisite modifications and solutions.

4. Since learned counsel for Uttar Pradesh informed that a first draft of the vision document would take approximately four months, this Court directed that “***Until then, there will be a status quo in the Taj Trapezium Zone (TTZ).***”

5. While seeking clarification of the above reproduced status quo order, it has been stated by the State of U.P. that the first draft of the vision document prepared by the School of Planning and Architecture, New Delhi was filed with the Registry on 24 July 2018. Thereafter, the matter was heard on 13 February 2019 when the State Government was allowed to give its suggestions within four weeks, which were so submitted on 03 April 2019. It has been further explained to us how various authorities are facing difficulties in deciding such environmental clearances, causing hardship to both the State Government and the public.

6. Learned Counsel for Uttar Pradesh thus submits that in view of compliance of the ‘conditional’ status quo order, the State Government and other statutory authorities may now be permitted to grant environmental clearances which are necessary for providing essential public facilities including drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc.

7. In light of the aforementioned amenities being crucial for

securing basic living conditions of TTZ's residents, we are of the opinion that there need not be any impediment for granting necessary clearances for the same. We are conscious of the fact that citizens have a fundamental right to such essential amenities; and how counter-intuitively, not allowing construction of such basic infrastructure can itself create new polluting waste and threaten the environment.

8. As regards permission for establishing non-polluting industrial units, it appears to us that only those small, micro and macro level industries which are both non-polluting and eco-friendly and which have necessary clearances from all statutory authorities as well as concurrence of the Central Empowerment Committee and NEERI, can be set-up within the notified industrial area.

9. We, thus, clarify that since the interim order dated 22nd March 2018 directing maintenance of status quo was passed to ensure timely submission of the Vision Plan by the State of U.P. and the said direction already stands complied with, there shall be no impediment for the authorities to consider pending environmental clearances which are necessary to secure essential amenities within TTZ. Simultaneously, the State and other statutory authorities are free to consider requests for relocating eco-friendly non-polluting industrial units, subject to them meticulously complying with environmental laws and all norms/conditions

laid down by this Court (including those in the main judgment of 30th December 1996). Concurrence with the Central Empowerment Committee and opinion of NEERI shall also be necessary before according such permission.

10. There shall, however, be an embargo on granting clearances to and/or shifting of any heavy industry until a final decision is taken on the vision document. The interlocutory application is accordingly disposed in above terms.

I.A. NOS. 87790, 87792, 105655 & 105652 OF 2019 :

11. In view of the order passed by us separately in IA No. 103908 of 2019, the instant interlocutory applications are disposed with a direction that let appropriate decisions be taken on the applicant industries' applications strictly as per law and prescribed norms within six weeks.

..... CJI.
(S. A. BOBDE)

..... J.
(B.R. GAVAI)

..... J.
(SURYA KANT)

NEW DELHI
DATED : 06.12.2019

ITEM NO.1501
(For orders)

COURT NO.1

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

IA 87790/2019,87792/2019,103908/2019,105652/2019,105655/2019, in Writ
Petition(s)(Civil) No(s). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([HEARD BY : HON. THE CHIEF JUSTICE, HON. B.R. GAVAI AND HON. SURYA
KANT, JJ.]

IA No. 87792/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 103908/2019 - CLARIFICATION/DIRECTION
IA No. 105652/2019 - EXEMPTION FROM FILING O.T.
IA No. 105655/2019 - EXEMPTION FROM FILING O.T.
IA No. 87790/2019 - INTERVENTION/IMPLEADMENT)

Date : 06-12-2019 These matters were called on for
pronouncement of judgment today.

Counsel for the parties :

Mr. M.C. Mehta, In Person (NP)

Mr. A.D.N. Rao, Adv.

Ms. Aiswarya Bhati, Sr. Adv.
Mr. Rajeev Kufmar Dubey, Adv.
Mr. Kamendra Mishra, Adv.

Mr. Praveen Swarup, Adv.

Mr. Vijay Panjawani, Adv.

Mr. G.S. Makker, Adv.

Order in the aforementioned applications was
pronounced.

I.A. No. 103908/2019

I.A. No. 103908/2019 is disposed of in terms
of the signed order.

I.A. No. 87790, 87792, 105655 & 105652/2019

In view of the order passed in IA No.
103908/2019, the instant applications are disposed of

with a direction that let appropriate decisions be taken on the applicant industries' applications strictly as per law and prescribed norms within six weeks.

[CHARANJEET KAUR]
A.R.-CUM-P.S.

[INDU KUMARI POKHRIYAL]
ASST. REGISTRAR

[Signed order is placed on the file]

7

SURENDRA KUMAR GUPTA
Advocate

Ex. District Government Counsel (Civil)

CHAMBERS:

Room No. 19, Civil Courts, Agra
112, "Abhivadan", Old Vijay Nagar Colony
(Infront-Om Complex Marriage Home), Agra
Phone (0562) 2850636 (M-9412375011).
(Mail- advocatesurendraKgupta@gmail.com)
Dated/- 13.12.2019

To

Commissioner,
Agra Region, AGRA/
Chairman,
T T Z Authority, AGRA.

Subject:- LEGAL OPINION REGARDING THE ORDER DATED 6.12.2019 PASSED BY THE HON'BLE SUPREME COURT OF INDIA WHILE DISPOSING THE INTERLOCUTORY APPLICATION NO. 103908/2019 IN WRIT PETITION (CIVIL) NO. 13381/1984 SHRI M.C. MEHTA VERSUS. UNION OF INDIA AND OTHERS.

Sir,

Kindly refer your instructions dated 12.12.2019 for giving legal opinion in respect of the aforesaid order dated 6.12.2019 passed by Hon'ble Supreme Court of India.

The Hon'ble Supreme Court of India in the aforesaid Writ Petition on 22.3.2018 passed the following direction:-

It is stated by the learned Counsel of U.P. that the first draft of vision document will take about 4 month. Until then, there will be a status quo in the Taj Trapezium Zone (T T Z)

Thereafter the aforesaid an interlocutory application being No. 103908/2019 was filed on 16.7.2019 on behalf of the State of U.P. for the clarification of order of status quo dated 22.3.2018.

The Hon'ble Supreme Court of India has disposed of the said interlocutory application vide its order dated 6.12.2019 and in the said order para 7,8 and 9 are most important and perusing the aforesaid entire order dated 6.12.2019 it can be considered in the following parts:-

- (A) The learned Counsel of U.P. submits that the State Government and other statutory authorities now may be permitted to grant environmental clearance which are necessary for providing essential Public facilities including drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, common effluent treatment plant, Biomedical Waste treatment facilities and waste to energy plants etc.

SK

The Apex Court of India in para 7 of the said para clearly observed that in the light of aforesaid amenities being crucial for securing basic living conditions of T T Z's residents, we are of the opinion that there need not be any impediment for granting necessary clearance for the same. We are conscious of the fact that citizens have a fundamental right to such essential amenities and how counter intuitively, not allowing constructions of such basic infrastructure can itself create new polluting waste and threaten the environment.

In para 9 of the said order the Hon'ble Supreme Court of India has clarified that there shall be no impediment for the authorities to consider pending environmental clearances which are necessary to secure essential amenities within T T Z.

In conclusion it is very clear that the Hon'ble Supreme Court of India has observed that the Citizen have a fundamental right to such essential amenities including drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common effluent treatment plant, Buomedical waste treatment facilities and waste to energy plant etc. and not allowing construction of such basic infrastructure itself create pollution and threat to the environment. Therefore the Hon'ble Supreme Court of India vide the order dated 6.12.2019 has directed that there shall be no impediment for the authorities to consider pending environmental clearances for the project essential amenities within T T Z but concurrence with the Central Empowerment Committee and opinion of NEERI shall also be necessary before such permission, accordingly.

Therefore in my opinion now there is no restrictions for the authorities to consider pending environmental clearances to secure essential amenities subject to prior permission of Central Empowerment Committee and NEERI.

- (B) In para 8 of the said order the Hon'ble Supreme Court of India has observed that as regard permission for establishing non polluting industrial units it appears to us that only those small, micro and macro level industries which are both non polluting and eco-friendly and which have necessary clearances from all statutory authorities as well as concurrence of Central empowerment Committee and NEERI can be set up within the notified industrial area.

In my opinion the observations of Hon'ble Supreme Court of India in any order are in binding nature and this direction relates to establishment of non polluting industrial unit.

- (C) The Hon'ble Supreme Court of India also directed in para 9 of the said order that the State and other statutory authorities are free to consider request for relocating eco-friendly non polluting industrial unit subject to meticulously complying with environmental law and all laws/conditions laid down by this Court including those in the main judgment of 30 Dec. 1996.



Concurrence the Central empowerment Committee in opinion of NEERI shall also be necessary for according such permission.

Therefore in my opinion as per direction of Apex Court of India the State and other authorities are free to consider the request for relocating eco-friendly non polluting industrial unit subject to conditions as mentioned above.

- (D) In para 10 of the said order the Apex Court of India has clearly directed that there shall be an embargo on granting clearance to and/or shifting of any heavy industry until a final decision is taken on the vision document.

Therefore in my opinion no request can be considered for granting clearance in respect of heavy industries.

With thanks,

Yours Sincerely,


(S.K. GUPTA)
ADVOCATE.

Surendra Kumar Gupta
Advocate
19. Civil Court, AGRA

सं०- 89/81-7-2020-08(ताज)/2002

प्रेषक,

भारत प्रसाद,
अनु सचिव,
उ०प्र० शासन।

आ०२३३

इफ०प०, आ०२३३/३००/
से०३३ प्र०३३३३, इ००३३३३३३

सेवामें,

आयुक्त,
आगरा मण्डल एवं अध्यक्ष,
टी०टी०जेड प्राधिकरण,
आगरा।

3
अनुसूचित
21/1/20

पर्यावरण, वन एवं जलवायु परिवर्तन अनु-7 लखनऊ : दिनांक : 21 जनवरी, 2020

विषय-मा० उच्चतम न्यायालय में विचाराधीन रिट याचिका (सिविल) सं०-
13381/1984-एम०सी० मेहता बनाम यूनियन ऑफ इण्डिया व अन्य के
अंतर्गत पारित आदेश दिनांक 06.12.2019 को क्लेरिफाई कराये जाने के
संबंध में।

महोदय,

उपर्युक्त विषयक, अपने पत्र सं०-16/टी०टी०जेड(PMU)/SC Cases/
2020, दिनांक 15.01.2020 का कृपया संदर्भ ग्रहण करने का कष्ट करें।

2- इस संबंध में मुझे यह कहने का निदेश हुआ है कि मा० उच्चतम न्यायालय
में विचाराधीन रिट याचिका (सिविल) सं०- 13381/1984-एम०सी० मेहता बनाम
यूनियन ऑफ इण्डिया व अन्य के अंतर्गत पारित आदेश दिनांक 06.12.2019 के
संबंध में जो भी क्लेरिफिकेशन आवश्यक हो, उन्हें मा० सर्वोच्च न्यायालय से ही
स्पष्ट (क्लेरिफाई) कराने हेतु आवश्यक कार्यवाही कराने का कष्ट करें।

भवदीय,

(भारत प्रसाद)
अनु सचिव।

सं०- 89(1)/81-7-2020-08(ताज)/2002

प्रतिलिपि :- सदस्य सचिव, उ०प्र० प्रदूषण नियंत्रण बोर्ड को उक्त संदर्भित पत्र
दिनांक 15.01.2020 की प्रति सहित आवश्यक कार्यवाही हेतु प्रेषित।

आज्ञा से,

(भारत प्रसाद)
अनु सचिव।

F. No. H-11012/10/2015-CPA
Government of India
Ministry of Environment, Forest and Climate Change
(CP Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi- 110003

Telefax: 011-24695365
Email: yogendra78@nic.in

Date: 24th January 2020

To,

The Chairman TTZ Authority & Commissioner, Agra Division
Agra, Near Sale Tax Office Ratnamuni Marg Road
Jaipur House Colony, Agra – 282 010 (Uttar Pradesh)

**Subject: W.P. (C) 13381 of 1984 by M.C. Mehta Vs. UoI and Ors. – Hon'ble
Supreme Court Order dated 6.12.2019-reg.**

Sir,

Please refer to your letter no. 16/TTZ (PMU)/SC_Cases/2020 dated 15.01.2020 regarding the subject mentioned as above.

In this context, the undersigned is directed to inform that the Ministry vide letters dated 13.12.2019 and 6.01.2020 has already informed that the projects/activities in TTZ can be considered as per directions of the Hon'ble Supreme Court passed in IA No. 171139 & 171142 of 2019 in W.P. Civil No. 13381 of 1984 in the matter of M.C. Mehta v. Union of India. For further clarification, if any, the State Government of U.P. or TTZ Authority may approach directly to the Hon'ble Supreme Court.

Yours faithfully,


(Yogendra Pal Singh)
Scientist 'E'

Copy to:

1. Chief Secretary, Government of Uttar Pradesh, 101, Lok Bhawan, U.P. Civil Secretariat Vidhan Sabha Marg, Lucknow, U.P

SECTION PIL-N

17-03-2020

THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL/ORIGINAL/APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL/CRL) NO.....OF 201

WRIT/TRANSFER PETITION (CIVIL/CRL) NO. 13381.....OF ~~201~~ 1984

CIVIL/CRIMINAL APPEAL NO.....OF 201

IN THE MATTER OF M. C. Mehta PETITIONER(S)
APPELLANT(S)

VERSUS

Union of India & Ors RESPONDENT(S)

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3	Dated 12-2-19 & n		
4	Behalf of The State of U.P.		
5			
6			
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	APARAJITA SINGH Senior Advocate Supreme Court of India 16-A Super Deluxe Flats, Sector-15-A, Noida-201301	TOTAL	Rs

Mr. M.C. Mehta Adv.



13590002296IN INR:6968599902296
SP SUPREME COURT SQ (110001)
Counter No: 7, 05/03/2020, 12:47
To: SH. M. C. MEHTA ADV. LAJPAT NAGAR
PIN: 110024, Lajpat Nagar South Delhi SD
From: KAMLENDRA M. ADV SUPREME COUR
Wt: 225gms
Avt: 35.40 (Cash) Tax: 5.40
(Track on www.indiapost.gov.in)
(Call 1800 266 8989)

Filed on 16/3/2020

Meeta
At Payward
Jyoti Chelb
ID No. 3926
9871885906
(Hassam)

5/3/2020
Adv. Aparajita Singh
Mr. Harish Satish

Filled by

Kamendra
KAMLENDRA MISHRA
Advocate for the
Appellant(s), Petitioner (s)/Respo
B-23, Soyam A part me
6-Tilak Marg New D
Adv. Case: 1367
Mob: 9818209612

SURAJ
1.C. 626 Recd
mob 9210534135
5/03/2020

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) No. 13381 OF 1984

IN THE MATTER OF:

M.C. Mehta

...Petitioner

-Versus-

Union of India & Ors.

...Respondents

**APPLICATION FOR CLARIFICATION/MODIFICATION
OF ORDER OF DATED 06.12.2019 ON BEHALF OF
THE STATE OF U.P.**

PAPER - BOOK

{For Index Kindly See Inside}

KAMLENDRA MISHRA

Advocate-On-Record for the Respondent [Code 1367]

SL. NO.	PARTICULAR	PAGE NO.
1	Application for Clarification/ Modification of Order of Dated 06.12.2019 on behalf of the State Of U.P.	1-12
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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. NO. OF 2020

IN

WRIT PETITION (C) No. 13381 OF 1984

IN THE MATTER OF:

M.C. MehtaPetitioner

Versus

Union of India & Ors.Respondents

AND IN THE MATTER OF:

State of U.P.Applicant

Application for clarification/modification of Order of dt. 06.12.2019
on behalf of the State of U.P.

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS
COMPANION JUSTICES OF THE HON'BLE SUPREME
COURT OF INDIA.

THE HUMBLE APPLICATION OF THE
APPLICANT ABOVE-NAMED.

MOST RESPECTFULLY SHOWETH:-

1. That the present Application is being filed on behalf of the State of U.P. for the clarification and/or modification of the order passed by this Hon'ble Court on 06.12.2019 in this matter.

2. That on 22.03.2018, this Hon'ble Court was pleased to pass the *status quo* order in the Taj Trapezium Zone (TTZ) by directing as below: 2

"It is stated by learned counsel for the State of Uttar Pradesh that a vision document is likely to be prepared in consultation with the School of Planning and Architecture.

A Project Committee has also been constituted for this purpose. The details of the constitution of the Project Committee should be informed to Mr. M.C. Mehta, who is the petitioner in person along with the terms of reference, etc. Mr. Mehta may give his suggestions to learned counsel for the State of Uttar Pradesh in case any modifications or suggestions need to be made.

It is stated by learned counsel for the State of Uttar Pradesh that the first draft of the vision document will take about four months. Until then, there will be a *status quo* in the Taj Trapezium Zone (TTZ).

List the applications after four months."

A true and typed copy of order dated 22.03.2018 passed by this Hon'ble Court is annexed hereto and marked as ANNEXURE A/1. (From Page Nos. 11 to Page Nos. 13)

3. That in compliance of this Hon'ble Courts aforesaid orders dated 22.03.2018, the State Government of Uttar Pradesh filed its first draft of the Vision Document, prepared by the School of Planning and Architecture, New Delhi ("SPA") on 24.07.2018. Thereafter, the State Government has filed final Vision Document prepared by the SPA on 21.02.2019 and also submitted its suggestions on 3.4.2019 before this Hon'ble Court regarding the above Vision Document.
4. That, as above, the applicant complied with the orders passed by this Hon'ble Court in respect of the *status quo*.
5. That for clarification of the *status quo* order dated 22.03.2018, the State of UP moved the IA No. 103908 of 2019 on 16.07.2019 with the following prayers:-
- (a) "Clarify the *status quo* order dated on 22.03.2018 by this Hon'ble Court in Writ Petition (C) No. 13381 of 1984.
AND/OR.

(b) Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice." 3

6. That the above IA No. 103908 of 2019 was disposed of in terms of the order dated 06.12.2019, a true copy whereof is annexed hereto and marked as ANNEXURE A/2. (From Page Nos. 14 to Page Nos. 20.)
7. That the relevant paragraph no. 6,7,8 and 9 of the above order dated 06.12.2019 are being reproduced below for ready reference:-

"6. Learned Counsel for Uttar Pradesh thus submits that in view of compliance of the 'conditional' status quo order, the State Government and other statutory authorities may now be permitted to grant environmental clearances which are necessary for providing essential public facilities including drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc.

7. In light of the aforementioned amenities being crucial for securing basic living conditions of TTZ's residents, we are of the opinion that there need not be any impediment for granting necessary clearances for the same. We are conscious of the fact that citizens have a fundamental right to such essential amenities; and how counter-intuitively, not allowing construction of such basic infrastructure can itself create new polluting waste and threaten the environment.

8. As regards *permission for establishing non-polluting industrial units, it appears to us that only those small, micro and macro level industries* which are both *non-polluting* and *eco-friendly* and which have necessary clearances from all statutory authorities as well as *concurrence* of the Central Empowerment Committee and NEERI, can be setup within the notified industrial area.

- 4
9. We, thus, clarify that since the interim order dated 22nd March 2018 directing maintenance of status quo was passed to ensure timely submission of the Vision Plan by the State of U.P. and the said direction already stands complied with, there shall be no impediment for the authorities to consider pending environmental clearances which are necessary to secure essential amenities within TTZ. Simultaneously, the State and other statutory authorities are free to consider requests for relocating eco-friendly non-polluting industrial units, subject to them meticulously complying with environmental laws and all norms/ conditions laid down by this Court (including those in the main judgment of 30th December 1996). Concurrence with the Central Empowerment Committee and opinion of NEERI shall also be necessary before according such permission."
8. That since the functionaries of the State of U.P. are under the bounden duty to respectfully comply with the above order in its true letter and spirit.
9. That the applicant, having perused and examined the order dated 06.12.2019, finds certain practical difficulties in executing it and, therefore, the applicant is under a *bona fide* belief that it should seek clarification and/or modification of the order dt. 06.12.2019 so that in the light of the clarification/modification, the order in question is complied with in its true sense and sincerity, and no mistake is committed in its execution.
10. That, accordingly, the applicant craves leave to seek the following clarifications/modifications:-
- (a) That in para-8 of the Order, the word "macro" has been used. It may kindly be clarified to mean "medium", as the Ministry of Micro, Small and Medium Enterprises, Government of India, uses the word "medium" in place of "macro". The said Notification dated 29-09-2006 of Ministry is annexed hereto and marked as **ANNEXURE A/3** 21-22.

- (b) That in para-8 and 9 of the Order, the phrase “**non-polluting**” has been used, which may kindly be clarified to mean the industries which are “**compliant of all environment laws and norms in force**” or Hon’ble Court may pass suitable order to clarify non-polluting industries.
- (c) That in para-8 and 9 of the Order, the word “**eco-friendly**” has been used with reference to the industrial units. It would be appropriate if this Hon’ble Court may clarify that the term “**eco-friendly**” to mean “**use of natural gas as an industrial fuel**” as per judgment of 30th December 1996.
- (d) That in para-8 of the Order, the Hon’ble Supreme Court has required to seek “**concurrence**” of the Central Empowerment Committee (“**CEC**”) and NEERI.

It is respectfully submitted that the most of the industrial units, to be established in the TTZ, are micro, small and medium. Their proposals to establish are examined by the U.P. Pollution Control Board while granting the “*consent to establish*” in accordance with the Environment Laws and Norms. In addition, the projects which have substantial environmental concerns already require the Environmental Clearance (“**EC**”) as per the Environmental Impact Assessment (EIA) Notification, 2006 as amended issued by Ministry of Environment, Forest and Climate Change (MOEF&CC). Such projects are examined by the State or Central Committees. As such, adequate safeguards are inbuilt in the system for regulating the establishment of new projects. In view of the foregoing submissions, the applicant most humbly submits that it would be appropriate, if this Hon’ble Court may be pleased to dispense with the ‘concurrence’ of the CEC and NEERI.

It is further submitted that the examination of each and every project of six districts of the TTZ may not be feasible at NEERI’s level and hence granting permission/

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environmental clearances to these industrial units may get delayed.

Similarly, the examination of each project by the CEC may not be feasible. So far the CEC normally examines the issue of the felling of trees and, therefore, if a question arises of felling of trees on the Government land, it would be appropriate to get it examined by the CEC.

The Applicant, further, submits that where it would be found that the particular sector/industry requires special guidance of the NEERI and CEC on account of want of adequate norms of that sector/industry, the guidance/concurrence of the NEERI and CEC shall be obtained before granting any permission/environmental clearance.

In this view, the applicant humbly submits that this Hon'ble Court may dispense with **the requirement to obtain the concurrence of the CEC and NEERI.**

- (e) That in para-9 of the Order, the Hon'ble Court has required to seek "concurrence" of the CEC and "opinion" of NEERI in the matters relating to the re-locating eco-friendly non polluting industrial units and also essential amenities within TTZ.

It is respectfully submitted that the most of the essential amenities, to be established in the TTZ, are also examined by the U.P. Pollution Control Board while granting the "consent to establish" in accordance with the Environment Laws and Norms as stated in aforesaid para. In addition, the projects which have substantial environmental concerns already require the Environmental Clearance ("EC") as per the Environmental Impact Assessment (EIA) Notification, 2006 as amended issued by Ministry of Environment, Forest and Climate Change (MOEF&CC). Such projects are examined by the State or Central Committees. As such, adequate safeguards are inbuilt in the system for regulating the establishment of new projects. In view of the foregoing

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submissions, the applicant most humbly submits to dispense with the 'concurrence' of the CEC and NEERI.

It is further submitted that the examination of each and every project of six districts of the TTZ may not be feasible at NEERI's level and hence granting permission/environmental clearances to these project may get delayed.

Similarly, the examination of each project by the CEC may not be feasible. So far the CEC normally examines the issue of the felling of trees and, therefore, if a question arises of felling of trees on the Government land, it would be appropriate to get it examined by the CEC.

The Applicant, further, submits that where it would be found that the particular sector/project/activity requires special guidance of the NEERI and CEC on account of want of adequate norms of that sector/project/activity, the guidance/ concurrence of the NEERI and CEC shall be obtained before granting any permission/environmental clearance.

In this view, the applicant humbly submits that this Hon'ble Court may dispense with **the requirement to obtain the concurrence of the CEC and opinion of NEERI.** It would also thereby help the concerned public bodies to execute the essential amenities projects expeditiously to bring the desired relief in pollution mitigation.

11. That in the interest of justice, this IA is being moved with a view to seek kind clarification of this Hon'ble Court regarding the aforesaid order dated 06.12.2019 and, if necessary, also seek modification of the order so that the State Government and its functionaries take decision accordingly.
12. That, this application is made *hona fide* and in the interest of justice.

P R A Y E R

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It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- (a) Allow the present application and, as respectfully mentioned in para-10 above of this application, to clarify and/or modify, the order passed on 06.12.2019 by this Hon'ble Court in IA No. 103908 of 2019,
- (b) Pass any other or further order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

Drawn & Filed by:

(Kamlendra Mishra)
ADVOCATE FOR THE APPLICANT

Drawn on: ____ .01.2020

Filed on: ____ .01.2020

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. NO. OF 2020

IN

WRIT PETITION (C) No. 13381 OF 1984



★ IN THE MATTER OF:

M.C. Mehta

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

AND IN THE MATTER OF:

State of U.P.

.....Applicant

AFFIDAVIT

I, Anil Kumar, S/o Shri R.C. Meena Aged about 45 Years, presently serving as Commissioner, Agra Division and Chairman, Taj Trapezium Zone Pollution (Prevention and Control) Authority, Agra, presently at Agra, do hereby solemnly affirm and declare as under: -

1. That in my official capacity being working as Commissioner, Agra Division, Agra (U.P), I am fully conversant with the facts and circumstances of this case, hence am competent to swear this affidavit. I am also properly authorized to swear this affidavit.
2. That the contents of accompanying I.A. (Pages to), are true and correct to the best of my knowledge and belief.

3. That the Annexures annexed to the accompanying I.A. are true and correct copies of their respective originals.

DEPONENT

VERIFICATION

Verified at Agra on this the, 2020 that the contents of my above affidavit are true and correct to my knowledge and belief.



DEPONENT

No. 67
Explained to: Mr. J. Kumar
Read by: Sh. P. S. Meena
Who Understand the Content
Solemnly Affirmed and declared
an oath on My Commission
at 3/2/2020 Agra Division
Identified by: Agra
Who is Known to me: 25th 3/2020

ITEM NO.13

COURT NO.4

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).13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(1) IN RE.: FELLING OF TREES IN THE AREA OF TAJ TRAPEZIUM ZONE

(i) I.A. NOS. 57183/2017 (APPLNS. FOR DIRECTIONS/PERMISSION ON BEHALF OF STATE OF U.P.

(vii) I.A. NO. 460 ON B/O STATE OF U.P. (ALLOWED & DISPOSED OF) FOR PLACING STATUS REPORTS.

Date : 22-03-2018 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

Mr. A.N.S. Nadkarni, ASG
Mr. S.W.A. Qadri, Adv.
Mr. Ritesh Kumar, Adv.
Mr. D.L. Chidanand, Adv.
Mr. G.S. Makker, AOR
Mr. Zaid Ali, Adv.
Mr. Tamim Qadri, Adv.
Mr. Mudasir Nabi, Adv.
Mr. Saeed Qadri, Adv.
Mr. Syed Faizan Ali, Adv.
Mr. Amit sharma, Adv.
Mr. Raj Bahadur Yadav, Adv.

Validly unknown
Digitally signed by
M.C. MEHTA
Date: 2018.03.24
13:30:52
Reason:

Mr. A.D.N. Rao, Adv.
Mr. Sudipto Sircar, Adv.
Ms. Tulika Chikker, Adv.

Ms. Anil Katiyar, AOR

Mr. L.R. Singh, AOR

Mr. M.K. Maroria, AOR

Mr. Mridula Ray Bhardwaj, AOR

Mr. Rakesh K. Mudgal, AAG
Mr. Vishwapal Singh, Adv.

Mr. S.N. Terdal, AOR

Mr. Ravi Prakash Mehrotra, AOR
Mr. Ankit Agarwal, Adv.
Mrs. Deepti R. Mehrotra, Adv.

Mr. Ajay Kumar Mishra, Sr. Adv.
Mr. Rohit Kumar Singh, Adv.
Mr. Ashutosh K. Singh, Adv.
Mr. Ankur Prakash, AOR

Mr. Rajiv Tyagi, Adv.
Mr. Divakar Kumar, Adv.
for Mr. Rajiv Tyagi and Associates

Mr. Pradeep Misra, Adv.
Mr. Suraj Singh, Adv.

Ms. Aishwarya Bhati, AAG
Ms. Rachna Gupta, AOR
Mr. Shrish Kumar Misra, Adv.
Mr. Siddhant S. Malik, Adv.
Mr. Shashank Shekhar Singh, Adv.
Mr. Rajeev Kumar Dubey, Adv.
Mr. Kamendra Mishra, adv.

Mr. Vijay Panjwani, AOR

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

It is stated by learned counsel for the State of Uttar Pradesh that a vision document is likely to be prepared in consultation with the School of Planning and Architecture.

A Project Committee has also been constituted for this purpose. The details of the constitution of the Project Committee should be informed to Mr. M.C. Mehta, who is the petitioner in person along with the terms of reference, etc. Mr. Mehta may give his suggestions to learned counsel for the State of Uttar Pradesh in case any modifications or suggestions need to be made.

It is stated by learned counsel for the State of Uttar Pradesh that the first draft of the vision document will take about four months. Until then, there will be a *status quo* in the Taj Trapezium Zone (TTZ).

List the applications after four months.

Compliance of judgment dated 30th December, 1996

Mr. M.C. Mehta says that the order dated 30th December, 1996 has not been fully complied with. He says that he will give a detailed note in this regard. Liberty is granted to the petitioner to file this Note.

After the Note is filed, the Note may be treated as an interlocutory application and be listed accordingly.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER

14

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

INTERLOCUTORY APPLICATION NO. 103908 OF 2019

IN

WRIT PETITION (CIVIL) NO. 13381 OF 1984

M.C. MEHTA

.....PETITIONER

VERSUS

UNION OF INDIA & OTHERS

.....RESPONDENT(S)

WITH

INTERLOCUTORY APPLICATION NOS. 87792 AND 105655 OF 2019

IN

WRIT PETITION (CIVIL) NO. 13381 OF 1984

AND

INTERLOCUTORY APPLICATION NOS. 87790 AND 105652 OF 2019

IN

WRIT PETITION (CIVIL) NO. 13381 OF 1984

— ORDER

I.A. NO. 103908 OF 2019 :

Signature Not Verified

Doc No: 103908
Date: 20/04/2019
18:06:51:15

This Interlocutory Application has been moved by the State of Pradesha seeking clarification of this Court's order of 22 March 2018 directing Status Quo. We have heard Ms. Aishwarya Bhati, Additional

Advocate General and Mr. M.C. Mehta, the petitioner-in-person. We have also perused our earlier Orders and the affidavit filed by the Commissioner, Agra Division and Chairman, Taj Trapezium Zone Pollution (Prevention and Control) Authority, Agra.

2. On 08 December 2017, this Court identified an urgent public interest in preparing a future-oriented comprehensive Vision Plan to preserve the Taj and its environs, being the Taj Trapezium Zone (for short, "TTZ") which is spread over six districts of Uttar Pradesh and one district (Bharatpur) in Rajasthan. Directions were issued to undertake such exercise with consultation of all stake holders as well as experts in heritage (both cultural and historical), environment, wildlife and pollution-prevention. Consultation with civil society was also mandated, including with Mr. M.C. Mehta who has dedicated numerous decades to protecting the Taj.

3. Thereafter on 22 March 2018, learned counsel for Uttar Pradesh submitted that a vision document was likely to be prepared in consultation with the School of Planning and Architecture and that a Project Committee had been constituted for such purpose. This information was directed to be conveyed to Mr. Mehta along with the terms of reference of the Committee so that he could suggest requisite modifications and solutions.

4. Since learned counsel for Uttar Pradesh informed that a first draft of the vision document would take approximately four months, this Court directed that "**Until then, there will be a status quo in the Taj Trapezium Zone (TTZ).**"

5. While seeking clarification of the above reproduced status quo order, it has been stated by the State of U.P. that the first draft of the vision document prepared by the School of Planning and Architecture, New Delhi was filed with the Registry on 24 July 2018. Thereafter, the matter was heard on 13 February 2019 when the State Government was allowed to give its suggestions within four weeks, which were so submitted on 03 April 2019. It has been further explained to us how various authorities are facing difficulties in deciding such environmental clearances, causing hardship to both the State Government and the public.

6. Learned Counsel for Uttar Pradesh thus submits that in view of compliance of the 'conditional' status quo order, the State Government and other statutory authorities may now be permitted to grant environmental clearances which are necessary for providing essential public facilities including drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc.

7. In light of the aforementioned amenities being crucial for

securing basic living conditions of TTZ's residents, we are of the opinion that there need not be any impediment for granting necessary clearances for the same. We are conscious of the fact that citizens have a fundamental right to such essential amenities; and how counter-intuitively, not allowing construction of such basic infrastructure can itself create new polluting waste and threaten the environment.

8. As regards permission for establishing non-polluting industrial units, it appears to us that only those small, micro and macro level industries which are both non-polluting and eco-friendly and which have necessary clearances from all statutory authorities as well as concurrence of the Central Empowerment Committee and NEERI, can be set-up within the notified industrial area.

9. We, thus, clarify that since the interim order dated 22nd March 2018 directing maintenance of status quo was passed to ensure timely submission of the Vision Plan by the State of U.P. and the said direction already stands complied with, there shall be no impediment for the authorities to consider pending environmental clearances which are necessary to secure essential amenities within TTZ. Simultaneously, the State and other statutory authorities are free to consider requests for relocating eco-friendly non-polluting industrial units, subject to them meticulously complying with environmental laws and all norms/conditions

laid down by this Court (including those in the main judgment of 30th December 1996). Concurrence with the Central Empowerment Committee and opinion of NEERI shall also be necessary before according such permission.

10. There shall, however, be an embargo on granting clearances to and/or shifting of any heavy industry until a final decision is taken on the vision document. The interlocutory application is accordingly disposed in above terms.

I.A. NOS. 87790, 87792, 105655 & 105652 OF 2019 :

11. In view of the order passed by us separately in IA No. 103908 of 2019, the instant interlocutory applications are disposed with a direction that let appropriate decisions be taken on the applicant industries' applications strictly as per law and prescribed norms within six weeks.

..... CJJ.
(S. A. BOBDE)

..... J.
(B.R. GAVAI)

..... J.
(SURYA KANT)

NEW DELHI
DATED : 06.12.2019

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ITEM NO.1501
(For orders)

COURT NO.1

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

IA 87790/2019, 87792/2019, 103908/2019, 105652/2019, 105655/2019, in Writ
Petition(s)(Civil) No(s). 13381/1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([HEARD BY : HON. THE CHIEF JUSTICE, HON. B.R. GAVAI AND HON. SURYA
KANT, JJ.]

IA No. 87792/2019 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 103908/2019 - CLARIFICATION/DIRECTION
IA No. 105652/2019 - EXEMPTION FROM FILING O.T.
IA No. 105655/2019 - EXEMPTION FROM FILING O.T.
IA No. 87790/2019 - INTERVENTION/IMPLEADMENT)

Date : 06-12-2019 These matters were called on for
pronouncement of judgment today.

Counsel for the parties :

Mr. M.C. Mehta, In Person (NP)

Mr. A.D.N. Rao, Adv.

Ms. Aiswarya Bhati, Sr. Adv.
Mr. Rajeev Kufmar Dubey, Adv.
Mr. Kamendra Mishra, Adv.

Mr. Praveen Swarup, Adv.

Mr. Vijay Panjawani, Adv.

Mr. G.S. Makker, Adv.

Order in the aforementioned applications was
pronounced.

I.A. No. 103908/2019

I.A. No. 103908/2019 is disposed of in terms
of the signed order.

I.A. No. 87790, 87792, 105655 & 105652/2019

In view of the order passed in IA No.
103908/2019, the instant applications are disposed of

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with a direction that let appropriate decisions be taken on the applicant industries' applications strictly as per law and prescribed norms within six weeks.

[CHARANJEET KAUR]
A.R.-CUM-P.S.

[INDU KUMARI POKHRIYAL]
ASSTT. REGISTRAR

[Signed order is placed on the file]

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भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

आधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 11521
No. 11521नई दिल्ली, शनिवार, सितम्बर 30, 2006/आश्विन 8, 1928.
NEW DELHI, SATURDAY, SEPTEMBER 30, 2006/ASHWINA 8, 1928

सूक्ष्म उद्योग मंत्रालय

अधिसूचना

नई दिल्ली, 29 सितम्बर, 2006

क्र.आ. 1582(अ).—केन्द्रीय सरकार, सूक्ष्म, लघु और मध्यम उद्यम विकास अधिनियम, 2006 की धारा 7 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस अधिनियम की धारा 7 की उप-धारा (4) के अधीन सलाहकार समिति की सिफारिश को प्राप्त करने के पश्चात् उद्यमों को चाहे वे स्वामित्वधारी, हिन्दु अविभक्त कुटुम्ब, व्यक्ति संगठ, सहकारी संस्थानों, भागीदारी व्यवस्था या कोई अन्य विधिक इकाई हो, तथा किन्हीं भी नाम से जानकी, अधिसूचित करती है:-

(1) उद्योग (विकास और विनियमन) अधिनियम, 1951 की परंपरी अनुसूची में विनिर्दिष्ट किसी उद्योग में संबन्धित माल को विनिर्माण या उत्पादन में लगे उद्यमों की दशा में, जैसे-

- (क) एक सूक्ष्म उद्यम, जहाँ संयंत्र और मशीनरी में विनिर्माण पच्चीस लाख रुपये से अधिक न हो ;
- (ख) एक लघु उद्यम, जहाँ संयंत्र और मशीनरी में विनिर्माण पच्चीस लाख रुपये से अधिक हो किन्तु पांच करोड़ रुपये से अधिक न हो; या
- (ग) एक मध्यम उद्यम, जहाँ संयंत्र और मशीनरी में विनिर्माण पांच करोड़ रुपये से अधिक हो परंतु दस करोड़ रुपये से अधिक न हो;
- (ii) प्रोवार्ड प्रदान करने या उपलब्ध करने में लगे उद्यमों की दशा में,
- (क) एक ऐसे सूक्ष्म उद्यम को रूप में जहाँ उपकरण में विनिर्माण दस लाख रुपये से अधिक न हो;

(ख) एक ऐसे लघु उद्यम को रूप में जहाँ उपकरण में विनिर्माण दस लाख रुपये से अधिक हो किन्तु दो करोड़ रुपये से अधिक न हो; या

(ग) एक ऐसे मध्यम उद्यम को रूप में जहाँ उपकरण में विनिर्माण दो करोड़ रुपये से अधिक हो किन्तु पांच करोड़ रुपये से अधिक न हो।

[फा. सं. 4(1)/2006-एनएसएमई/निति]

अन्वय-संस्कार, अपर सचिव

MINISTRY OF SMALL SCALE INDUSTRIES NOTIFICATION

New Delhi, the 29th September, 2006

S.O. 1582(A).—The Central Government, in exercise of the powers conferred by Sub-section (1) of Section 7 of the Micro, Small and Medium Enterprises Development Act, 2006, after having obtained the recommendations of the Advisory Committee under Sub-section (4) of Section 7 of the Act in this regard, hereby notifies the following enterprises, whether proprietorship, Hindu undivided family, association of persons, co-operative society, partnership or undertaking or any other legal entity, by whatever name called :-

(i) in the case of the enterprises engaged in the manufacture or production of goods pertaining to any industry specified in the First Schedule to the Industries (Development and Regulation) Act, 1951, as—

- (a) a micro enterprise, where the investment in plant and machinery does not exceed twenty five lakh rupees;

- (b) a small enterprise, where the investment in plant and machinery is more than twenty five lakh rupees but does not exceed five crore rupees; or
- (c) a medium enterprise, where the investment in plant and machinery is more than five crore rupees but does not exceed ten crore rupees;
- (ii) in the case of the enterprises engaged in providing or rendering of services, as—
- (a) a micro enterprise, where the investment in equipment does not exceed ten lakh rupees;
- (b) a small enterprise, where the investment in equipment is more than ten lakh rupees but does not exceed two crore rupees; or
- (c) a medium enterprise, where the investment in equipment is more than two crore rupees but does not exceed five crore rupees.

[F. No. 4(1)/2006-MSME Policy]
JAWHAR SIRCAR, Addl. Secy.

प्रेषक,
उपाध्यक्ष, आगरा विकास प्राधिकरण एवं
सदस्य-संयोजक, टी0टी0जैड0प्राधिकरण,
आगरा।

सेवा में,
नगर आयुक्त,
नगर निगम, आगरा।

संख्या: 210 /TTZ(PMU) / 53rd_Meeting / 21

दिनांक- 08 / 01 / 2021

विषय- 500 टी.पी.डी. (Extended upto 750 एम.टी.डी.) कूड़े से 10 मेगावाट (Extendable upto 15 मेगावाट) विद्युत उत्पादन, 140 टी.पी.डी. सी. एण्ड डी. वेस्ट प्लाण्ट स्थापित किये जाने हेतु अनापत्ति प्रमाण पत्र विषयक एजेण्डा को टी.टी.जैड. की आगामी बैठक बिन्दुओं में सम्मिलित किये जाने के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक अपने पत्रांक-189/डी/एसबीएम/2020 16.12.2020 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा वेस्ट टू एनर्जी पॉवर प्रोजेक्ट तथा 140 टी.पी.डी. सी.एण्ड डी. वेस्ट प्लाण्ट एट कुबेरपुर, आगरा परियोजना की आपत्ति निर्गत किये जाने हेतु बैठक के एजेण्डा बिन्दुओं में सम्मिलित कराने का अनुरोध किया गया है।

तत्काल में उल्लेखनीय है कि दिनांक 15.12.2020 को मण्डलायुक्त/अध्यक्ष महोदय, टी0टी0जैड0 प्राधिकरण, आगरा की अध्यक्षता में सम्पन्न "ताज ट्रेपेजियम जोन प्रदूषण (निवारण और नियंत्रण) प्राधिकरण" की 53वीं बैठक, जिसका कार्यवृत्त विभागीय पत्रांक-198 दिनांक 31.12.2020 के साथ संलग्न कर ई-मेल के माध्यम से आपको प्रेषित किया गया है, में ठोस अपशिष्ट निस्तारण के बिन्दु के अन्तर्गत निम्नवत् निर्णय पारित किये गये हैं-

"आगरा नगर निगम द्वारा वेस्ट टू एनर्जी प्लाण्ट की स्थापना हेतु मा0सर्वोच्च न्यायालय में दाखिल की गयी आई0ए0 सं0 172361, 172378, 172379/2018 में प्रभावी पैरवी सुनिश्चित की जाये। चूंकि नगर निगम द्वारा दाखिल उक्त आई0ए0 वर्तमान में मा0सर्वोच्च न्यायालय में विचाराधीन है, ऐसी स्थिति में प्लाण्ट की स्थापना हेतु टी0टी0जैड0 प्राधिकरण की अनुमति के सम्बन्ध में निगम द्वारा मा0सर्वोच्च न्यायालय के आदेश दिनांक 06.12.2019 के क्रम में अपनी आई0ए0 के अन्तर्गत मा0सर्वोच्च न्यायालय के संज्ञान/अनुमति से टी0टी0जैड0 प्राधिकरण में पुनः आवेदन प्रस्तुत किया जा सकता है।"

अतः कृपया उक्त बैठक दिनांक 15.12.2020 के उक्तांकित निर्णयानुक्रम में विषयगत प्रकरण में नियमानुसार आवश्यक कार्यवाही करने का कष्ट करें।

भवदीय
08/01/21

उपाध्यक्ष/सदस्य-संयोजक

प्रतिलिपि-मण्डलायुक्त/अध्यक्ष महोदय, टी0टी0जैड0प्रा0, आगरा को अवलोकनार्थ प्रेषित।

उपाध्यक्ष/सदस्य-संयोजक

कार्यालय, नगर आयुक्त, नगर निगम, आगरा।

प्रेषक,

नगर आयुक्त,
नगर निगम आगरा।

सेवा में,

श्री अनूप चन्द्र पाण्डेय,
मा0 सदस्य
ओवर साइट कमेटी(एनर्जीटी),
लखनऊ।

पत्रांक : 211/D/SBM/2021

दिनांक : 16/01/2021

विषय :- 500 टी.पी.डी. (Extended upto 750 एम.टी.डी. क्यूडे से 10 मेगावाट (Extended upto 15 मेगा वाट) विद्युत उत्पादन, 140 टी.पी.डी. सी.एण्ड डी. वेस्ट प्लांट स्थापित किये जाने हेतु अनापत्ति प्रमाण पत्र विषयक एजेण्डा को टी.टी.जैड की अगामी बैठक बिन्दुओ मे सम्मिलित किये जाने के सम्बन्ध में।

महोदय,

कृपया अवगत हो कि नगर निगम आगरा क्षेत्र में कुल 712 टी.पी.डी. कचरा प्रतिदिन उत्पन्न होता है जिसमें से कुल 17.7 टी.पी.डी. कचरे का निस्तारण होम कम्पोस्टिंग, डेरी कम्पोस्टिंग पार्क में किया जाता है, इस प्रकार शेष कुल 694.30 टी.पी.डी. कचरे का कलैक्शन एवं ट्रांसपोटेशन नगर निगम द्वारा किया जाता है, जिसमें कुल गीला कचरा 291.60 टी.पी.डी. (42 प्रतिशत) सुखा कचरा 122.40 टी.पी.डी. (43 प्रतिशत) ट्रांसपोटेशन किया जाता है। नगर निगम के पास वर्तमान में गीला कचरा के निस्तारण हेतु 335 टी.पी.डी. क्षमता के एवं सुखा कचरा हेतु 120 टी.पी.डी. क्षमता का एम.आर.एफ. प्लांट संचालित है, वर्तमान में टोस अपशिष्ट प्रवन्धन हेतु जो प्लांट संचालित है तथा प्रतिदिन उत्पन्न कचरा के गैप का अध्ययन किया गया जो निम्न प्रकार से है -

म्यूनिसिपल सॉलिड वेस्ट में गैप के सम्बन्ध में आख्या

GAP (MSW)	Total Waste Transported - Installed Capacity
	694.30 - 455
	239.50 टी.पी.डी.
GAP C&D waste	140 टी.पी.डी.

MSW GAP को कवर करने के लिए Consent/NOC प्राप्त किये जाने हेतु मै. स्पार्क ब्रेशन प्रा0 लि0 500 टी.पी.डी. (Extended upto 750 एम.टी.डी. क्यूडे से 10 मेगावाट (Extended upto 15 मेगा वाट) विद्युत उत्पादन हेतु पी.पी.ए. अनुबन्ध होने के उपरान्त टी.टी.जैड. के समक्ष प्रस्ताव प्रस्तुत किया गया है। टी.टी.जैड. समिति द्वारा प्रकरण पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार को अनापत्ति हेतु अपनी संस्तुति सहित अग्रसारित किया जा चुका है। उक्त के सम्बन्ध में निदेशक, नीति आयोग के दिनांक 12.3.2018 को आगरा भ्रमण के दौरान प्लांट स्थापित करने के लिए भी निर्देशित किया गया था तथा अनापत्ति प्रमाण पत्र प्राप्त करने को कहा गया था। पर्यावरण वन एवं जलवायु परिवर्तन भारत सरकार द्वारा पत्रांक 17012/03/2013-CPA (Vol-V) दिनांक 15 जून 2018 के द्वारा अवगत कराया गया है, कि It was informed by Municipal Commissioner, Agra that waste to energy plant under solid waste management is proposed to be established in Agra. PPA has been done with UP Power Corporation Ltd. to sale them 15 MW electricity generated from 750MT waste in the city. In the meeting held on TTZ Authority, permission/clearance to the plant in question has been granted with the condition to obtain approval from the MoEF&CC, Govt. of India in this regard. It was directed that only guidelines will be issued by MoEF&CC and according to which no objection may be issued by TTZ Authority. यह भी अवगत कराना है, कि पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार के पत्र दिनांक 15.6.2018 के क्रम में अध्यक्ष टी.टी. जैड. अर्थोरेटी को अनापत्ति प्रमाण पत्र जारी किये जाने हेतु दिनांक 04.8.2018 को अनुरोध पत्र प्रेषित किया जा चुका है। साथ ही ताज ट्रेपेजियम जोन प्रदूषण (निवारण तथा नियंत्रण) प्राधिकरण की 40वीं बैठक दिनांक 06.2.2018 में टी.टी.जैड. प्राधिकरण द्वारा वेस्ट टू एनर्जी प्लांट की स्थापना हेतु इस शर्त के साथ अनापत्ति/क्लियरेंस प्रदान की गयी है, कि मै. स्पार्क ब्रेशन प्रा.लि. द्वारा निर्माण प्रारम्भ करने से पूर्व पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार तथा अन्य समस्त सम्बन्धित विभागों से वांछित अनापत्ति प्राप्त की जाये। अतः पुनः टी.टी.जैड. से अनुमति लेने हेतु अनुरोध पत्र अनुस्मारक दिनांक 04.8.2018 एवम् 29.8.2018 को भी प्रेषित किया गया है, जिस पर



Sange Pradhan (511)

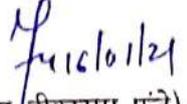
ताज ट्रेपेजियम जोन प्रदूषण (निवारण तथा नियंत्रण) प्राधिकरण की 44वीं बैठक दिनांक 05.10.2018 में टी.टी.जैड. प्राधिकरण द्वारा निर्णय लिया गया, कि मै. स्पाक ब्रेसन प्रा.लि. को वेस्ट टू एनर्जी पावर प्रोजेक्ट एट कुबेरपुर आगरा परियोजना हेतु टी.टी.जैड. प्राधिकरण की अनुमति/क्विलयरेस प्रदान किये जाने पर विचार- आगरा नगर के सॉलिड वेस्ट मैनेजमेन्ट के अन्तर्गत कूड़े के वैज्ञानिक निस्तारण हेतु वेस्ट टू एनर्जी प्लांट की स्थापना के सम्बन्ध में चर्चा उपरान्त सर्वसम्मति से यह निर्णय लिया गया, कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा वर्गीकृत उद्योगों की सूची के अनुसार उक्त क्रिया रेड श्रेणी के अन्तर्गत आच्छादित है, इस कारण वर्तमान में प्रस्ताव को स्थगित रखा जाये। नगर निगम द्वारा टी.टी.जैड. अथोरिटी के इस निर्णय परिप्रेक्ष्य में मा. सर्वोच्च न्यायालय में रिट याचिका संख्या 13381/1984 में आई.ए. नं. 172361, 172378, 172379 ऑफ 2018 दिनांक 29.11.2018 आवेदन किया गया। जिस पर मा. सर्वोच्च न्यायालय द्वारा दिनांक 22.02.2019 को CPCB एवम् नीरी की संयुक्त समिति को निरीक्षण कर रिपोर्ट प्रस्तुत किए जाने हेतु निर्देश दिए गए। तत्क्रम में संयुक्त कमेटी द्वारा दिनांक 03.4.2019 को अपनी रिपोर्ट मा. सर्वोच्च न्यायालय में प्रस्तुत की गयी। तत्पश्चात मा. सर्वोच्च न्यायालय द्वारा निगम को दिनांक 22.11.2019 को इन्वायरमेंटल ईम्पैक्ट अस्समेंट (EIA) दाखिल करने के निर्देश दिये गये तथा दिनांक 04.12.2019 को मा. सर्वोच्च न्यायालय द्वारा नीरी को ई.आई.ए. का परीक्षण कर नीरी दिल्ली को मा. न्यायालय में प्रस्तुत की गयी। आदेश दिनांक 17.12.2019 को मा. सर्वोच्च न्यायालय द्वारा ई.आई.ए. Put on record हेतु निर्देशित किया गया, जिसके क्रम में दिनांक 23.01.2020 को नगर निगम आगरा द्वारा ई.आई.ए. एफिडेविट के माध्यम से दाखिल किया गया, मा. सर्वोच्च न्यायालय द्वारा राज्य सरकार की सहमति एफिडेविट के माध्यम से दाखिल किये जाने के आदेश निर्गत किये गये। तदनुसार राज्य सरकार द्वारा मण्डलायुक्त/अध्यक्ष टी.टी. जैड. अथोरिटी को एफिडेविट दाखिल करने हेतु निर्देशित किया गया, निर्देश के परिप्रेक्ष्य में दिनांक 19.02.2020 को एफिडेविट दाखिल किया गया, 140 टी.पी.डी. सी.एण्ड.डी. वेस्ट प्लांट की स्थापना हेतु NOC मा. सर्वोच्च न्यायालय में रिट याचिका संख्या 13381/1984 में आवेदन/अनुरोध किया गया है, जिस पर अभी सुनवाई की कोई तिथि आनलाइन निर्धारित/प्रदर्शित नहीं है। नगर निगम अधिवक्ता द्वारा मा. सर्वोच्च न्यायालय में केस की सुनवाई कराये जाने हेतु लगातार प्रयास किये जा रहे हैं, परन्तु अभी तक सफलता प्राप्त नहीं हो पायी है।

यह भी अवगत कराना है, कि ताज ट्रेपेजियम क्षेत्र हेतु विजन डाक्यूमेंट एस.पी.ए. द्वारा तैयार किया गया है, जिसे मा. सर्वोच्च न्यायालय में प्रस्तुत कर दिया गया है, लेकिन विजन डाक्यूमेंट के सम्बन्ध में मा0 सर्वोच्च न्यायालय से स्पष्ट आदेश पारित होने तथा रिट याचिका (सिविल) संख्या-13381/1987-एम.सी. मेहता बनाम यूनियन ऑफ इंडिया व अन्य में दिनांक 22.03.2018 को Status quo के आदेशों पर अन्तिम निर्णय पारित होने तक दिनांक 05.10.2018 के मुख्य एजेण्डा बिन्दु संख्या 3 में मै. स्पाक ब्रेसन प्रा.लि. को "वेस्ट टू एनर्जी पावर प्रोजेक्ट तथा 140 टी.पी.डी. सी.एण्ड.डी. वेस्ट प्लांट एट कुबेरपुर, आगरा" परियोजना हेतु टी.टी.जैड. प्राधिकरण की अनुमति/क्विलयरेस प्रदान किये जाने पर विचार-आगरा नगर के सॉलिड वेस्ट मैनेजमेन्ट के अन्तर्गत कूड़े के वैज्ञानिक निस्तारण हेतु वेस्ट टू एनर्जी प्लांट की स्थापना के सम्बन्ध में चर्चा उपरान्त सर्वसम्मति से यह निर्णय लिया गया कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा वर्गीकृत उद्योगों की सूची के अनुसार उक्त क्रिया रेड श्रेणी के अन्तर्गत आच्छादित है, इस कारण वर्तमान में प्रस्ताव को स्थगित रखा जाये। दिनांक 06.12.2019 को माननीय उच्चतम न्यायालय द्वारा Status quo हटा दिया गया है। उक्त दोनों परियोजना की अनापत्ति निर्गत किये जाने हेतु बैठक के एजेण्डा बिन्दुओं में सम्मिलित किये जाने हेतु सदस्य संयोजक, टी.टी.जैड प्राधिकरण, आगरा को पत्रांक 189/डी/एसबीएम/2020 दिनांक 16.12.2020 को प्रेषित किया गया था। तद्वक्रम में सदस्य संयोजक, टी.टी.जैड. प्राधिकरण आगरा द्वारा पत्र संख्या 210/TTZ(PMU)/53rd_Meeting/21 दिनांक 08.01.2021 के माध्यम से अवगत कराया गया है, कि दिनांक 15.12.2020 को मण्डलायुक्त/अध्यक्ष महोदय, टी0टी0जैड0 प्राधिकरण आगरा की अध्यक्षता में सम्पन्न "ताज ट्रेपेजियम जोन प्रदूषण (निवारण और नियंत्रण) प्राधिकरण" की 53वीं बैठक, जिसका कार्यवृत्त विभागीय पत्रांक 198 दिनांक 31.12.2020 के साथ संलग्न कर ई-मेल के माध्यम से आपको प्रेषित किया गया है, में ठोस अपशिष्ट निस्तारण के बिन्दु के अन्तर्गत निम्नवत् निर्णय पारित किये गये हैं-

"आगरा नगर निगम द्वारा वेस्ट टू एनर्जी प्लांट की स्थापना हेतु मा0 सर्वोच्च न्यायालय में दाखिल की गयी आई0ए0 सं0 172361, 172378, 172379/2018 में प्रभावी पैरवी सुनिश्चित की जाये। चूंकि नगर निगम द्वारा दाखिल उक्त आई0ए0 वर्तमान में मा0 सर्वोच्च न्यायालय में विचाराधीन है, ऐसी स्थिति में प्लांट की स्थापना हेतु टी0टी0जैड0 प्राधिकरण की अनुमति के सम्बन्ध में निगम द्वारा मा0 सर्वोच्च न्यायालय के आदेश दिनांक 06.12.2019 के क्रम में अपनी आई0ए0 के अन्तर्गत मा0 सर्वोच्च न्यायालय के संज्ञान/अनुमति से टी0टी0जैड0 प्राधिकरण में पुनः आवेदन प्रस्तुत किया जा सकता है।"

अतः टी.टी.जेड. अर्थोरिटी के उपरोक्त निर्णय के क्रम में आगरा नगर निगम मा0 सर्वोच्च न्यायालय में वेस्ट टू एनर्जी प्लांट तथा 140 टी.पी.डी. सी.एण्ड.डी. वेस्ट प्लांट की एन.ओ.सी./अनुमति को प्रदान किये जाने हेतु मेन्शन कराने का पुनः लगातार प्रयास करेगा। कृपया उक्त से अवगत होने का कष्ट करें।

भवदीय


(निखिल/टीकाराम फुंडे) L.A.S.
नगर आयुक्त,
नगर निगम आगरा



सी.एस.आई.आर. - राष्ट्रीय पर्यावरण अभियांत्रिकी अनुसंधान संस्थान
CSIR-National Environmental Engineering Research Institute
 (वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद् / Council of Scientific & Industrial Research)



(वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, विज्ञान एवं प्रौद्योगिकी मंत्रालय, भारत सरकार के अंतर्गत स्वायत्त संघटन)
 (Autonomous Organisation under the Dept. of Scientific and Industrial Research, Ministry of Science & Technology, Govt. of India)

डॉ. राकेश कुमार
 निदेशक
 Dr. Rakesh Kumar
 Director

D/9/2020
 December 31, 2020

To

The Chairman
 TTZ Authority
 And the Commissioner
 Agra
 Email: ttzpmu2@gmail.com

Sub: Concurrence of NEERI for various Projects/Activities in TTZ Area – Clarification regd.

Ref: Hon'ble Supreme Court Order dated **December 6, 2020** in the Interlocutory Application No. 103908 OF 2019 in Writ Petition (Civil) No. 13381 OF 1984 With Interlocutory Application Nos. 87792 AND 105655 OF 2019 In Writ Petition (Civil) No. 13381 OF 1984 And Interlocutory Application Nos. 87790 And 105652 of 2019 In Writ Petition (Civil) No. 13381 of 1984; M.C. Mehta Petitioner Versus Union of India & Others Respondent(s)

Dear Sir,

This has with reference to your letters No. 24/TTZ (PMU)/2020 dated 20/01/2020 (copy attached for ready reference), and subsequent letters seeking concurrence of NEERI for various projects/activities proposed under TTZ Area, in compliance to the Hon'ble Supreme Court Order dated December 6, 2019. The order is reproduced below for ready reference (also copy of order attached): -

Point No. "6" *Learned Counsel for Uttar Pradesh thus submits that in view of compliance of the 'conditional' status quo order, the State Government and other statutory authorities may now be permitted to grant environmental clearances which are necessary for providing essential public facilities including drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc.*

Point No. "7" *In light of the aforementioned amenities being crucial for securing basic living conditions of TTZ's residents, we are of the opinion that there need not be any impediment for granting necessary clearances for the same. We are conscious of the fact that citizens have a fundamental right to such essential amenities; and how counter-intuitively, not allowing construction of such basic infrastructure can itself create new polluting waste and threaten the environment.*

नेहरू मार्ग, नागपुर 440 020 भारत - Nehru Marg, Nagpur 440 020 INDIA

Ph(O) : 91-712-2249999 Fax : 2249900 Email : director@neeri.res.in URL : www.neeri.res.in

सतत विकास की ओर / Towards Sustainable Development

Point No. "8" *As regards permission for establishing non-polluting industrial units, it appears to us that only those small, micro and macro level industries which are both non-polluting and eco-friendly and which have necessary clearances from all statutory authorities as well as concurrence of the Central Empowerment Committee and NEERI, can be set-up **within the notified industrial area.***

Point No. "9" *We, thus, clarify that since the interim order dated 22nd March 2018 directing maintenance of status quo was passed to ensure timely submission of the Vision Plan by the State of U.P. and the said direction already stands complied with, **there shall be no impediment for the authorities to consider pending environmental clearances which are necessary to secure essential amenities within TTZ.** Simultaneously, the State and other statutory authorities are free to consider requests for **relocating eco-friendly non-polluting industrial units**, subject to them meticulously complying with environmental laws and all norms/conditions laid down by this Court (including those in the main judgment of 30th December 1996). Concurrence with the Central Empowerment Committee and opinion of NEERI shall also be necessary before according such permission.*

Point No. "10" *There shall, however, be an embargo on granting clearances to and/or shifting of any heavy industry until a final decision is taken on the vision document. The interlocutory application is accordingly disposed in above terms. "*

This is to inform you that NEERI has received few letters from your office which were mainly regarding essential services/facilities like CETP, MSW processing facility, bio-medical waste treatment facility etc. Further, individual project proponents are approaching NEERI seeking concurrence, quoting the Hon'ble Supreme Court order dated 06.12.2019, whereas, it was expected that industrial projects having high air pollution potential (which may affect the Taj Mahal and other important monuments/ structures) would be referred to NEERI.

In this regard, it is to submit that in order to concur a project, NEERI requires to review all the documents of proposed project, discuss with the project proponent and also undertake site visit (if required, in some cases) etc. which may take considerable time.

Perusal of the requests received so far can be categorized as:

- (a) Essential facilities/basic amenities
- (b) Non-polluting industries under white/green category (referred by UPPCB, RO, Agra)

Whereas, the perusal of the order of the Hon'ble Supreme Court dated 06.12.2019, clearly mentions that Environmental Clearance ('EC') can be granted within TTZ for securing basic living conditions of TTZ's residents which include drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc. **Therefore, such projects may not require concurrence of NEERI.**

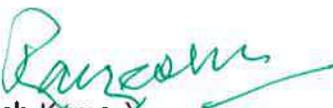
Further as per point no. 9 above, concurrence of NEERI shall be required in case of relocating eco-friendly non-polluting industries in the notified industrial area (please refer point 8). It is submitted that every individual case / project falling within the six districts of TTZ may not require concurrence of NEERI.

"Thus, it is clear from para 8 and 9 of the Hon'ble Supreme Court that **concurrence of NEERI is required only in case of industries**. Further, Central Pollution Control Board vide its direction no. B-29016/ROGW/IPC-VI/2020-21 dated 30.04.2020 has directed to consider Activities/Facilities/Infrastructure Services under non-industrial operation, which therefore may be decided at the Department levels itself" (Copy attached for ready reference).

In view of above, only the industrial projects having high air pollution potential may be referred to NEERI for concurrence. Further, it will be desirable that NEERI representative may be included as Member in the Environmental Appraisal Committee of MoEF&CC on the TTZ related matters, wherein the projects are appraised in a holistic and time-bound manner, rather than separately reviewing the project, as applicable.

Looking forward to the clarification on the above to take appropriate decision on the requests received and being received from different project proponents for concurrence of NEERI.

With best regards,


(Rakesh Kumar)

Encls.

1. Copy of TTZ Authority Letter dated 20.01.2020
2. Copy of Hon'ble Supreme Court Order dated 06.12.2019
3. Copy of CPCB direction to SPCBs/PCCs dated 30.04.2020

Copy to (through email):

1. Member Secretary, UPPCB, Lucknow (email: ms@uppcb.in)
2. Shri M.C. Mehta, Sr. Advocate, Supreme Court, New Delhi (mcmeha@mcmeef.org)

Appendix- IV

POINTS OF DISCUSSION

[IN O.A. NO. 306/2016 (M.A. NO. 562/2016 & M.A. NO. 1237/2018) WITH M.A. NO. 380/2017 (I.A. NO. 8/2007) IN W.P. (C) NO. 426/1992 IN RE: *SOCIAL ACTION FOR FOREST AND ENVIRONMENT (SAFE) VS. UNION OF INDIA & ORS. (EARLIER TITLED AS D. K. JOSHI Vs. UNION OF INDIA & ORS)* ISSUES

S.N.	Point	Compliance
1	What is the status of installation of the Screens to prevent dumping of solid waste into the River Yamuna along with arrangements for regular collection of waste?	All the drains which are directly falling into river Yamuna has screens installed 100% with the regular cleaning arrangements. The pictures of the same are attached here as Annexure-1 .
2	Present Status of Treatment capacity of Solid Waste.	The total waste generated in Agra Municipal Corporation is 712 TPD. Existing functional treatment capacity is 472.7TPD (420TPD through Centralised treatment facility 300 TPD for wet waste & 120 TPD for dry waste, 35TPD through De-centralised treatment facilities and 17.7 TPD through home composting). The untreated waste is being transported and stored at site after spraying the culture to remove bad smell and faster de-composition of organic waste. The existing gap in the treatment is 239 TPD, which shall be covered through waste to energy plant of 500TPD sanctioned and approved but the work couldn't be started due to NOC / Consent and the matter is pending in Hon'ble Supreme Court.
3	Present Status of Ward wise action plan with regards to Treatment capacity of Solid Waste.	A detailed action plan for each ward in the Municipal Corporation Agra was prepared comprising the micro level planning for comprehensive solid waste management in the city, which includes the 100% door to door collection and transportation along with the route/Map dedicated for the designated vehicle. AMC is developing centralised processing capacity as well as its promoting onsite decentralised processing methods and at present approximately 52.7 TPD waste is being processed through de-centralised method.
4	As per earlier status, 262 vehicles required for DTDC have been purchased and IT based adaptor for DTDC collection has been implemented. Present status?	The work of DTDC is being done by 110 newly purchased motorised Vehicles + 150 other motorised vehicles + 1700 Tricycles having 6 buckets + 1000 Hand carts with 4 dustbins. The photographs of these activities is depicted in Annexure- II
5	Present status of installation of QR code in the respective households (earlier 3,50,000	350000 Households are tagged with QR Code. 150 Vehicles used for primary collection and transportation are equipped with the GPS monitoring system. Also, the 1044

	households), installation of GPS in vehicles involved in transporting solid waste (earlier 98 vehicles) and dustbins equipped with RFID tags (earlier 1,044 dustbins)	community bins are RFID Tagged for the better monitoring of the solid waste management. The relevant photographs is attached as Annexure- III
6	Present status of Byelaws on user charges and spot fines etc.	Bye-Laws in the Municipal corporation Agra has been notified for User Charges and spot fine. The details of penalty collected is as : Rs. 7,22,550 through spot fine for violations under various offences related to sanitation, Rs. 3,97,806 for littering, Rs. 17,57,600 for violation of plastic ban and Rs. 70,000 for Garbage Burning. The enforcement of sanitation practises is done regularly.
7	What is the status of closing of existing landfill sites and bio-mining of legacy waste?	The project of Bio-remediation of legacy waste costing Rs. 27.35 Cr. had been approved. Estimated legacy waste at Kuberpur dump site is 8 Lakh tons out of which the 5.8 Lakh tons has been remediated and rest of the waste is shaped in windrows for primary treatment in the area of 4 Acres. The complete legacy waste remediation is planned to be completed by February 2021. The comparative (before & after) pictures of ongoing work are attached here as Annexure-IV
8	As per information, the project of bio-remediation of legacy waste costing Rs. 27.35 Cr. had been approved. Estimated legacy waste at Kuberpur dumpsite is 8 Lakh tons out of which 4 Lakh tons had been remediation and rest of the waste is shaped in windrows for primary treatment in the area of 12 Acres. The Committee had directed that complete remediation of legacy waste dump at Kuberpur site to be done within the timeline i.e. December, 2020. Further, UPPCB to conduct an on-site inspection and submit the progress report to the Committee within one month.	<p>Currently, the windrow has been formed in cluster form by concessionaire for winter preparation and about 15 acres of land has been reclaimed. Due to Covid-19 outbreak the efficiency of processing was reduced but till date about 5.8 lakhs MT of legacy waste has been processed.</p> <p>The screening of legacy waste is being carried out after following stabilization of organic fraction followed by addition of inoculum. The different EMP activities like water sprinkling, wind break net, green area development and leachate management plan has been implemented at site.</p> <p>The entire process of biomining is being recorded through 14 different cameras and third party PMC.</p>
9	Present status of Temporary Moratorium in TTZ area, establishment of STPs, Solid Waste, C & D waste and processing plants.	To fill the gap of MSW processing a RIT application no: 13381/1984 was submitted to Hon'ble Supreme Court for opting Consent/ NOC to set-up the waste to energy plant of 10MW Capacity. Hon'ble Supreme Court directed to CPCB and NEERI to present a joint inspection report. In the view of the report submitted by joint inspection of CPCB and NEERI for setting up the plant at Kuberpur site, the 10 Acres of land out of total 72

		<p>Acres for waste to energy plant set-up on the date 13.02.2019. Agreement with the selected concessionaire M/s Spark Bresson, has been done for the processing of MSW and Construction & Demolition waste. In the above matter the report of ELA was sent to NEERI from Hon'ble Supreme Court on 22.11.2019 and a revised draft report was submitted to NEERI through the letter No: 1347/D/SBM/19 Dated 23.12.2019 for further vetting/ review. The next date of hearing on the above matter is not yet listed. Processing plants shall be made operational as soon as the orders from Hon'ble Supreme Court are received.</p> <p>Thus the status of setting up of various projects is still awaited due to temporary moratorium.</p> <p>Under the scheme of National Clean Air Programme of MoEF&CC, Govt the amount of INR 345 Lac has been sanctioned in which the first instalment of INR 90.00 lacs for establishment and operation of C&D plant has been received against the 150 Lacs. On dated 24.06.2020 through webinar Secretary, UDD, GoUP has emphasized for Decentralised C&D waste management and accordingly we have floated tender for 5.TPD for designing, installation, commissioning and operation and maintenance for 3 years. Based on LCS method, M/s- Rise Eleven Eco Green Pvt. Ltd become the successful bidder with total project cost of 4.24 Cr in which CapEx- 1.25 Cr and O&M for 1st year- 90.50 Lacs, 2nd Year-99.50 Lacs and for 3rd year- 1.09 cr. The cost of O&M includes the entire management of site facility, machinery & tools and monthly electrical bill. The commissioner, Agra Nagar Nigam has approved the same on dated 20.08.2020. The LoA has been awarded to firm on dated 29.09.2020. The total concession period for this project is 3.5 years in which 6 months is construction period while 3 years in O&M period. It is envisaged that the proposed 5 TPD C&D plant will be ready by 30.04.2021 for processing of collected C&D waste.</p>
10	As per the earlier information, the gap deficit in Agra with reference to water supply was 156 MLD. Present status?	It is respectfully submitted that the Population of Agra city is about 19.90 lacs as on date. The generation of sewage as per the norms of CPHEEO is 80% of the per capita water consumption. The per capita water consumption norm is 150 Lpd. So far 19.90 lacs population the generation of sewage comes out to be 238 MLD. But due to bulk consumers, floating population and private sources, sewage generation through 90 drains and sewer network is about 286 MLD.

	<ul style="list-style-type: none"> ❖ The installed capacity of 9 STPs is 220.75 MLD. Out of which 7 STPs of 180.25 MLD capacity are being operated and maintained by M/s VA Tech Wabag Ltd. under one city one operator scheme of State Govt. The state government has introduced one city one operator scheme based on competitive bidding process. The work in city of Agra has been awarded to M/s VA Tech Wabag Ltd. for 10 year extendable up to 15 years. Rest 2 STPs of 40.50 MLD capacity are being operated and maintained by Agra Development Authority, Agra. ❖ Under Namami Gange Programme a DPR of Rs. 1174.45 Crore was earlier prepared and approved by NMCG. But due to the operation and maintenance work of existing assets has been awarded to M/s VA Tech wabag Ltd., a revised DPR of Rs. 842.25 Cr. has been approved by NMCG, New Delhi on 06.05.2020 in which work of tapping of 23 nos untapped drains and const. of 177.60 MLD STPs (to meet the demand of year 2035) have been covered for which bid document & tendering process is being done by Transaction Advisor M/s Deloitte Touche Tohmatsu India LLP, Gurgaon appointed by NMCG. The above sanctioned project will be carried out on Hybrid Annuity based PPP mode, funded by World Bank. Apart from above estimate for balance work related existing assets, tapping of 38 nos. untapped drains & excess discharge of partially tapped drains amounting of Rs. 78.86 Cr. had been sent to State Govt. for approval. Now as per instruction of Head Quarter U.P. Jal Nigam, Lucknow, revised estimate amounting Rs. 78.95 Cr. is being sent in Namami Gange Programme. ❖ For improvement of the sewer network connectivity in the city of Agra the state government has sanctioned projects of Rs. 443.56 Crore under AMRUT scheme
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for laying new sewer line and house connections. Under this sanctioned amount six projects have been proposed out of which four projects related to Sewer House Connections are completed and two projects are under progress which are proposed to be completed by the year 2021. The work shall be monitored to be completed as per timeline proposed in DPR. (By the year 2021).

Present Status of Schemes under AMRUT

S.No	Name of scheme	Proposed work	Progress	Remarks
1	Sewer house connection Agra (Part-I)	28079 Nos. (SHCs)	Completed	-
2	Sewer house connection Agra (Part-II)	11780 Nos. (SHCs)	Completed	-
3	Construction of House connecting chambers and sewer house connection from house hold to HCC in Agra city (Part-III)	13051 Nos. (SHCs)	Completed	-
4	Sewer house connecting chambers in Agra city (Part-IV)	7627 Nos. (HCCs)	Completed	-
5	Agra Western Zone Sewerage scheme.	251.00 Km. (Sewer line) 47827 Nos. (SHCs)	33 % Work of sewer line completed	Work in progress
6	Septage Management Solution (Co-Treatment 75KLD) in Agra Town.	1. Collection Tank / Settling Chamber - 01 No. 2. Screw Press & Pumps - 01 No.	3%	Work in progress

					3. Compost Pits - 12 Nos. 4. AC Room for SCADA System etc. - 01 No. 5. Desluding vehicles - 10 Nos.		
11	Present Status of Sewage Treatment in Agra	<p>Population of Agra city is about 19.90 lacs as on date. The generation of sewage as per the norms of CPHEEO is 80% of the per capita water consumption. The per capita water consumption norm is 150 lpcd. So far 19.90 lacs population the requirement of sewage treatment capacity comes out 238 MLD. But due to bulk consumers, floating population and private sources, discharge of 90 drains is about 286 MLD including sewer discharge.</p> <ul style="list-style-type: none"> ❖ The installed capacity of 9 STPs is 220.75 MLD. For proper sewage maintenance and operation of the installed STPs the state government has introduced once city one operator scheme and based on competitive bidding process the work in city of Agra has been awarded to M/s VA Tech Wabag Ltd. ❖ Under Namami Gange Programme a DPR of Rs. 1174.45 Crore was earlier prepared and approved by NMCG. But due to the operation and maintenance work of existing assets has been awarded to M/s VA Tech wabag Ltd., a revised DPR of Rs. 842.25 Cr. has been approved by NMCG, New Delhi on 06.05.2020 in which work of tapping of 23 nos untapped drains and const. of 177.60 MLD STPs (to meet the demand of year 2035) have been covered for which bid document & tendering process is being done by Transaction Advisor M/s Deloitte Touche Tohmatsu India LLP, Gurgaon appointed by NMCG. The above sanctioned project will be carried out on Hybrid Annuity based PPP mode, funded by World Bank. ❖ For improvement of the sewer network connectivity in the city of Agra the state government has sanctioned projects of Rs. 425.56 Crore under AMRUT scheme for laying new sewer line and house connections. Under this sanctioned amount five projects have been proposed out of which three projects related to Sewer House Connections are completed and two projects are under progress which are 					

proposed to be completed by the year 2021. The work shall be monitored to be completed as per timeline proposed in DPR. (By the year 2021).

Present Status of Schemes under AMRUT

S. No	Name of scheme	Proposed work	Progress	Remarks
1	Sewer house connection Agra (Part-I)	28079 Nos. (SHCs)	Completed	-
2	Sewer house connection Agra (Part-II)	11780 Nos. (SHCs)	Completed	-
3	Construction of House connecting chambers and sewer house connection from house hold to HCC in Agra city (Part-III)	13051 Nos. (SHCs)	Completed	-
4	Sewer house connecting chambers in Agra city (Part-IV)	7627 Nos. (HCCs)	62% Done	Work in progress.
5	Agra Western Zone Sewerage scheme.	251.00 Km. (Sewer line) 47827 Nos. (SHCs)	25 % Work on sewer line completed	Work in progress.

❖ Another project of Rs 100.04 Crore of Sewerage strengthening work in Tajganj area in the city has been sanctioned by Agra Municipal Corporation under its Smart City Mission programme and work is under progress to be completed by May 2021.

❖ The Bio/ Phyto remediation work on the 57 drains started from 22.10.2020

12	Present status of Performance guarantee of Rs. 25 crores to the satisfaction of CPCB to comply with the timelines in the action plan.	It is humbly that a stay order has been granted in the matter (copy attached herewith as Annexure -V). In this regard it is also humbly submitted that the state government is making all its efforts to improve the condition of various basic amenities and sanitation environment in city of Agra. In recent past projects of almost approximately 1700 Crores plus has been sanctioned under different schemes for complying to meet the norms related to water/sewer/ waste management and the endeavour is continued with utmost sincerity and commitment to comply with the orders of Hon'ble Green Tribunal.
13	As per the earlier information that only in 11 drains works has started. The Committee	The work on all drain has been completed. The CPCB has also visited these drains and they shall submit the report accordingly.

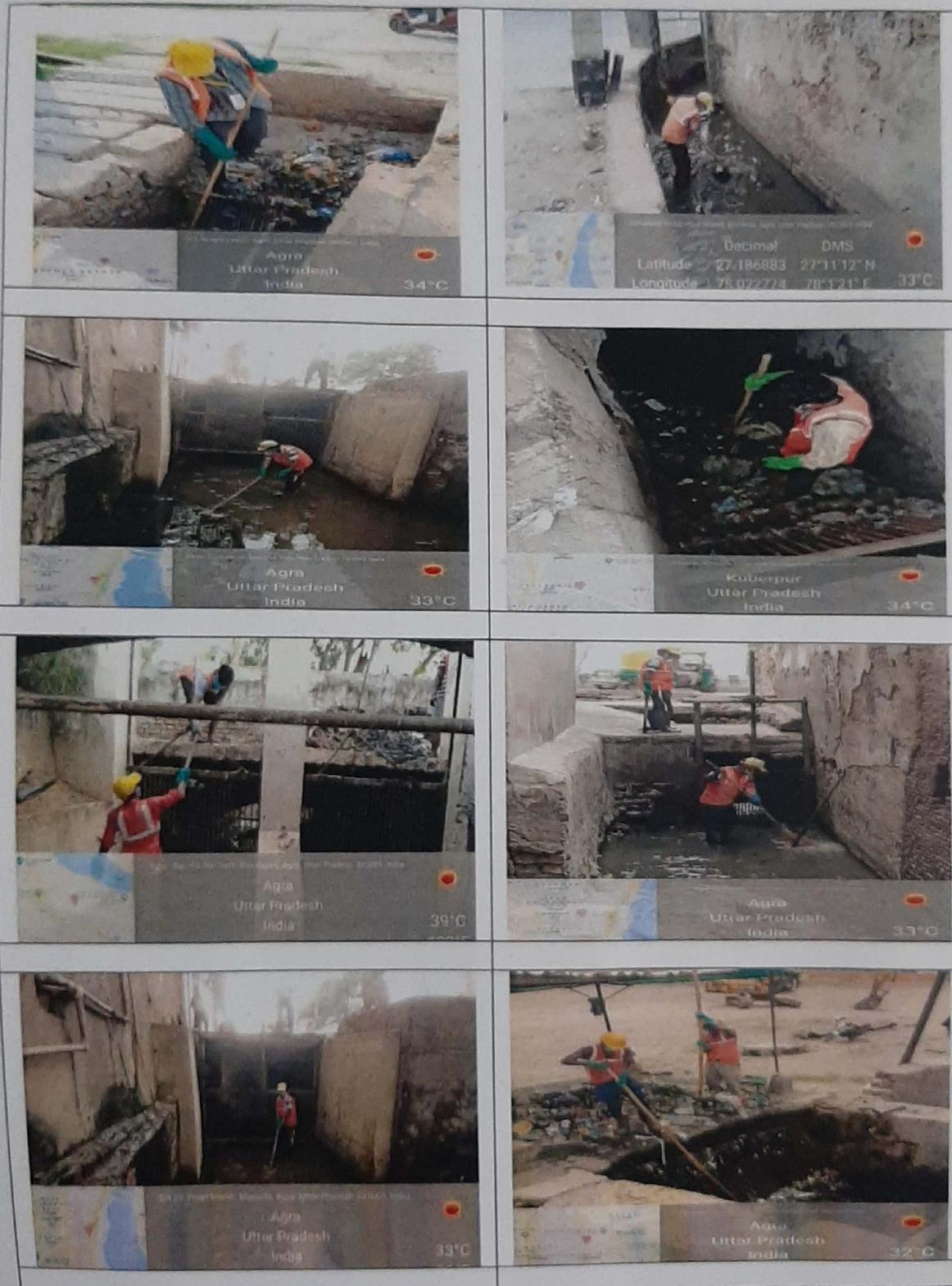
	<p>director CPCB to assess and impose EC according as well as submit the report within one month. What is the present status in the regard?</p>	
14	<p>Present status of Starting up of Waste to Energy Plant (500 TPD).</p>	<p>For treatment of Solid Waste generated from Agra Nagar Nigam M/s- SPAAK BRESSON PVT. LTD. has presented a proposal of producing electricity of 10 MW (Extended upto 15 MW) from the waste of 500 TPD extended to 750 MTD before TTZ after signing of PPA .</p> <p>A committee of TTZ has forwarded its recommendation along with this proposal to get NOC from MOEF & CC, GoI regarding this it was directed & recommended to establish the plant during the visit of director NEETI AYOOG dated on 12.3.2018 after receiving the NOC of same. The MOEF & CC, GoI has issued a letter 17012/03/2013-CPA (VOL-V) dated 15th June 2018 which states that</p> <p>It was informed by Municipal Commissioner, Agra that waste to energy plant under solid waste management is proposed to be established in Agra. PPA has been done with UP Power Corporation Ltd to sale them 15 MW electricity generated from 750 MT waste in the city . In the meeting held on TTZ Authority, Permission/Clearance to the plant in question has been granted with the condition to obtain approval from the MoEF&CC, Govt. of India in this regard. It was directed that only guidelines will be issued by MoEFF&CC and according to which no objection may be issued by TTZ Authority.</p> <p>It was also acknowledged that request letter on dated 14/08/2018 has been sent to the TTZ authority to issue NOC as per the letter of MOEF & CC dated 15/06/2018</p> <p>In the 40th meeting of TTZ authority that was held on 06/02/2018 it was cleared to set-up waste to energy plant by THE SPAAK BRESSON PVT. LTD. along with the condition that all the requisite documents for NOC from MOEF & CC and other concerned departments prior to constructions works.</p> <p>So again a request letter on 04/08/2018 & on 29/08/2018 has been sent to TTZ to have permissions.</p>

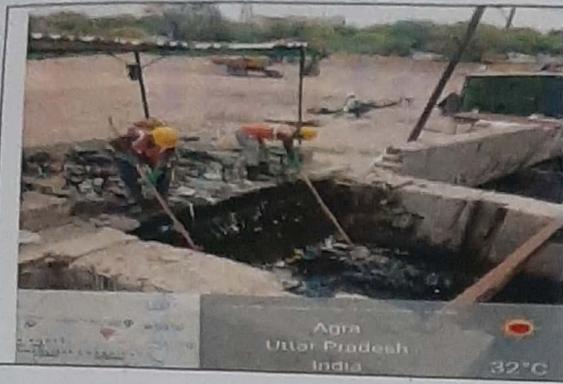
		<p>In the 44th meeting of TTZ on 05/10/2018 the authority has taken the decision after a good deliberation regarding to issue NOC for waste to energy plant to THE SPAAK BRESSON PVT. LTD. Which comes under Kuberpur Agra SOLID WASTE MGT. For scientific disposal. It was unanimously taken the decision that it comes under Red zone According to the categorized Industries by CPCB (Central Pollution Control Board) due to this sole reason, to issue the NOC must be currently kept on hold.</p> <p>Thereafter a request letter on 29/11/2018 was filed to honourable Supreme Court for NOC which is already under consideration in the Supreme Court that 13381/1984 M.C. Mehta vs Union of India & others, on which the decision has to be taken by honourable Supreme Court.</p> <p>It is said that the honourable Supreme Court has directed to file and Environmental Impact Assessment (EIA) on 22/11/2019 and also on 4/12/2019 directed to NEERI (Delhi) to inspect the EIA and submit the report to Supreme Court.</p> <p>The order of 17/12/2019 was put on record as per the direction of Honourable Supreme court. In this connection on 23/01/2020 on EIA affidavit was filed by Nagar Nigam Agra. The Supreme Court has directed to the president of TTZ to file an affidavit. According to direction of affidavit that was filed on 19/02/2020 on which online hearing date hasn't yet determined. The letter of same is attached as ANNEXURE- VI</p>
15	<p>As per earlier information, Bio/Phyto (in-situ) remediation work has commenced on 11 drains and is likely to commence on 57 drains as per the report, total drain being 90, the remaining drains also need to be covered for such work at the earliest, as soon as current monsoon is over. Provided the present status of phytoremediation of 57 drains.</p>	<p>Total 90 Nallhas exists within municipal jurisdiction of Agra Nagar Nigam in which 29 No. are tapped while 69 no. are un tapped which carry about 18 MLD of waste water and its directly falls under river Yamuna. Based on direction of state govt. Phytoremediation and bioremediation will be adopted in which civil construction will be integral part. At state level, on dated 18th February 2020 in organized workshop Prof. C.R.Babu of Delhi University Shri, Anurag Yadav secretary UDD, GoUP, Dr. Anup Chandra Pandey Ex- Chief Secretary and Chairman of Oversight Committee of Hon'ble NGT, Shri S.K.Singh, Retd.. Judge has recommended this technology.</p> <p>Based on recommendations, initially on ten drains this technology has been implemented which approval from Municipal Commissioner was received through letter no. 117 (6B) dated 14.03.2020. The successful bidder for this project was M/s- Lion & Bravo Organization which LoA has been issued by Agra Nagar Nigam via letter no. - 39/D/SBM/2020 dated 16.03.2020. The firm has started work on these all</p>

	<p>ten drain (7 partially tapped and 3 untapped). The implementation work has been executed by firm by 22.10.2020 and after that regular dosing is being practiced at strategic locations. The check dam on these 10 drains has been completed while on remaining nallahs, it's almost completed.</p> <p>Further, for treatment of untapped drains (total no. 57) the EoI had been invited in which 4 firms has been participated in which M/s-Sun-Age India Pvt. Ltd has quoted lower cost and become the successful bidder for execution of this project. The total estimated CapEx for this project is INR 19]51]290-00 (883 INR/MLD+GST) while OpEx is estimated about INR 58]01]310-00 (INR 297.00+GST) The total project cost arrived on INR 77,52,600.00 which approval from Municipal Commissioner has come on dated 20.08.2020. The letter of Award has been allocated to successful bidder and agreement has been signed on dated 30.09.2020. The work off required infrastructure has been started from 06.10.2020 and its completed on dated 22.10.220. After that, the exercise of dosing is being carried out at strategic locations from 22.10.2020. The completion of work of check dam is on corner and it's expected to get completed in next upcoming weeks. The work of plantation will be started after completion of check dam. The UPPCB has collected water sample of raw and treated sewerage from different nallahs for their analysis on dated 14.12.2020. The details work of phytoremediation/bioremediation on 67 nallahs is annexed as Annexure-VII for your ready reference.</p>
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- Annexure 4- as received by Commissioner Agra regarding status of case for seeking relaxation for various projects (STP/SWM Plants/C&D Waste Plants etc.) and temporary moratorium enforced in city of Agra.

नालो पर लगायी गयी जाली की सफाई के फोटोग्राफ





Agra
Uttar Pradesh
India
32°C



Agra
Uttar Pradesh
India
32°C



Agra
Uttar Pradesh
India
39°C



Mathura
Uttar Pradesh
India
34°C



Mathura
Uttar Pradesh
India
34°C



Kuberpur
Uttar Pradesh
India
34°C



मै. साइन एज द्वारा 57 नालों पर किये जा रहे फाइटरिमेडियेशन/बायोरेमेडियेशन के कार्य के फोटोग्राफ

क्र 0 सं 0	ड्रेन का नाम	क्षमता	कार्य प्रारम्भ करने की तिथि	फोटो	
				Before	After
1	कैलाश मन्दिर	0.013	06.10.20		
2	के.के.नगर	0.6	06.10.20		
3	मऊ नाला-1	0.113	06.10.20		
4	मऊ नाला-2	0.575	06.10.20		

5	कामायनी हॉस्पिटल	0.404	06.10.20	
6	गैलाना	0.242	06.10.20	
7	अलमारी फेवट्री	0.04	06.10.20	
8	जसवंत सिंह की छतरी-1	0.029	06.10.20	
9	जसवंत सिंह की छतरी-2	0.016	06.10.20	

10	जसवंत सिंह की छतरी-3	0.012	06.10.20	
11	खेम चन्द टॉफी फैक्ट्री	0.033	06.10.20	
12	लोहिया नगर बांके बिहारी बगीची	0.097	06.10.20	
13	न्यू राधा नगर	0.06	06.10.20	
14	राधा नगर	0.31	06.10.20	

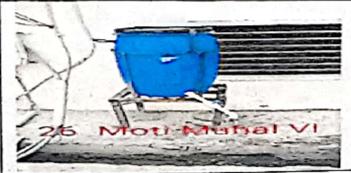
15	बाई पुर	1.436	06.10.20	
16	मोती महल 2	0.051	08.10.20	
17	मोती महल 1	0.044	08.10.20	
18	कटरा बजीरखॉ 1	0.017	08.10.20	
19	गली अन्तराम की बगीची 2	0.01	08.10.20	

20	गली अन्तराम की बगीची 1	0.084	08.10.20		
21	चीनी का रोजा 1	1.033	08.10.20		
22	चीनी का रोजा 2	0.031	08.10.20		
23	सिकसरिया	1.91	08.10.20		
24	मोती महल 3	0.005	08.10.20		

25	भत्ता जी के मकान वाली	0.13	08.10.20	
26	एकलव्य वाटर प्लांट	0.022	08.10.20	
27	बहादूर पुर गांव	0.037	08.10.20	
28	दयानन्द आश्रम	0.209	09.10.2020	
29	घार वाले बाबा 1	0.166	09.10.2020	

30	धार वाले बाबा-2	0.003	09.10.2020		
31	गली सूबेदार नगर नाला	0.147	09.10.2020		
32	गनेश नगर नाला	0.239	10.10.2020		
33	गोकुल नगर नाला	0-387	10.10.2020		
34	इन्द्रा मेमोरियल स्कूल यमुना त्रिज नाला	0.15	10.10.2020		

35	इस्लाम नगर नाला	0.494	10.10.2020		
36	जलामा नाला	0.52	10.10.2020		
37	पोइया घाट 2 नाला	0.014	11.10.2020		
38	अम्बेडकर पार्क नाला	0.78	11.10.2020		
39	अरतोनी नाला	0.21	11.10.2020		

40	खैराती टोला	1.352	11.10.2020	
41	लोहिया नगर	0.381	12.10.2020	
42	मोती महल 4	0.129	12.10.2020	
43	मोती महल 5	0.025	15.10.2020	
44	मोती महल 6	0.001	16.10.2020	

45	भोली महल 7	0.271	16.10.2020	
46	नर्सरी मन्दिर 1	0.065	17.10.2020	
47	नर्सरी मन्दिर 2	0.008	17.10.2020	
48	रामबाग 3	0.779	18.10.2020	
49	शम्भूनाथ जूनियर हाईस्कूल	0.015	18.10.2020	

50	श्याम लाल विद्या मन्दिर	0.138	19.10.2020	
51	मनोहरपुर	1.312	19.10.2020	
52	न्यू राधा नगर	0.045	20.10.2020.	
53	पोइया घाट	0.034	20.10.2020	
54	पिली पोखर नाला	0.189	21.10.2020	

55	कटरा बजीर खॉ	0.011	21.10.2020	
56	मोतीमहल 8	0.185	22.10.2020	
57	लेहिया नगर राठौर वाली गली	0.201	22.10.2020	
	योग	15.427		

Total Drains allotted 57.

Completed: 57

Photographs of DTDC at Agra



Agra
Uttar Pradesh
India
10°C



Agra
Uttar Pradesh
India
10°C



Agra
Uttar Pradesh
India
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Agra
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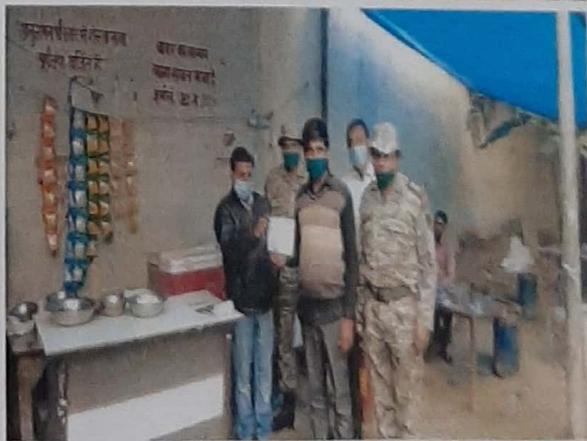


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India
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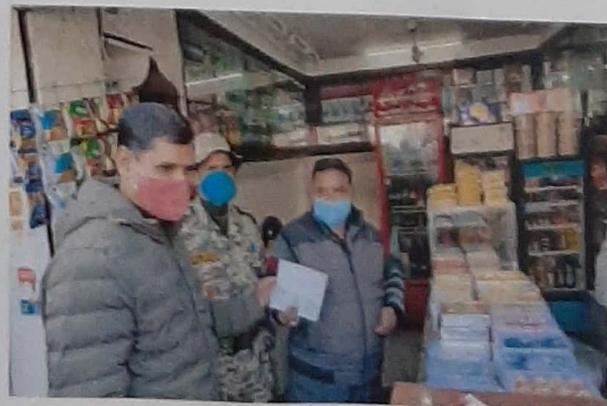
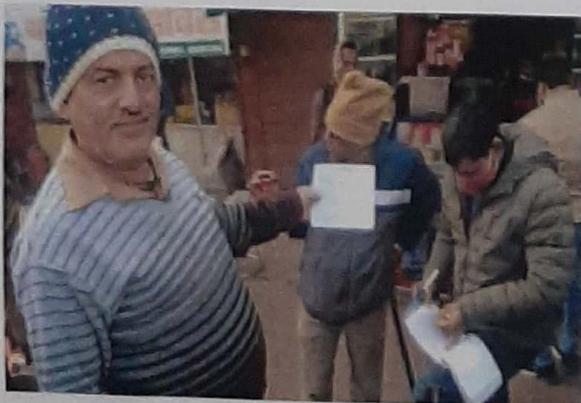
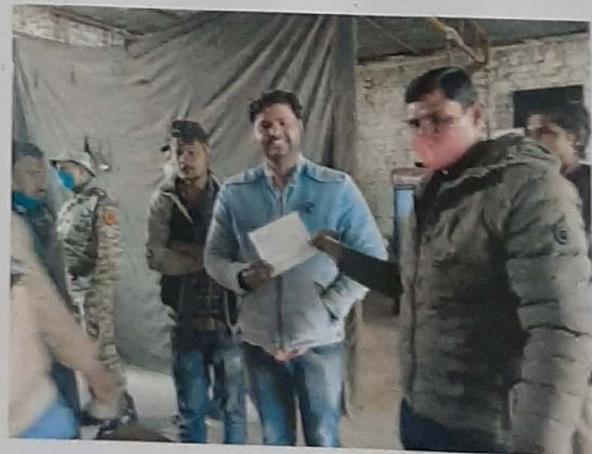
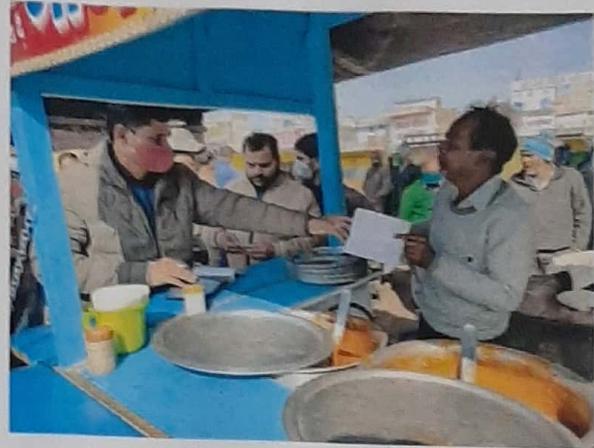
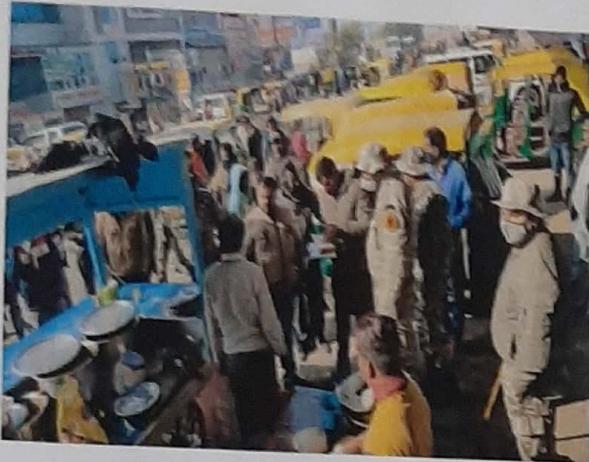


Agra
Uttar Pradesh
India
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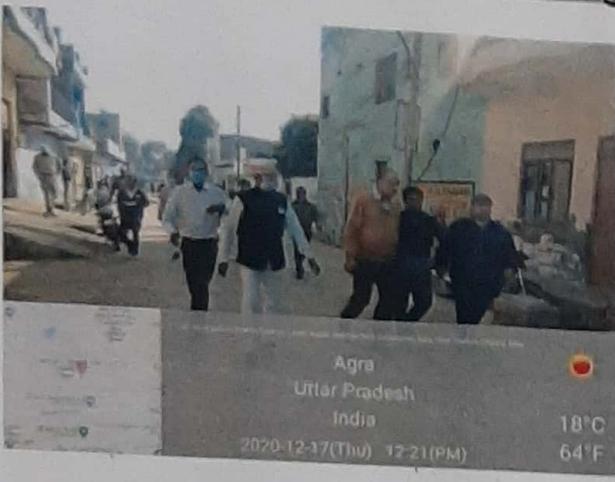
दिनांक 26.11.2020 को निर्भय नगर, गैलाना मोड़ के आस पास प्रतिबन्धित पॉलिथीन /प्लास्टिक को जब्त करते एवं जुर्माना वसूलते हुये।



दिनांक 30.12.2020 भगवान टॉकिज पुल के नीचे गन्दगी फैलाने से रोकते हुये एवं जुर्माना वसूली।

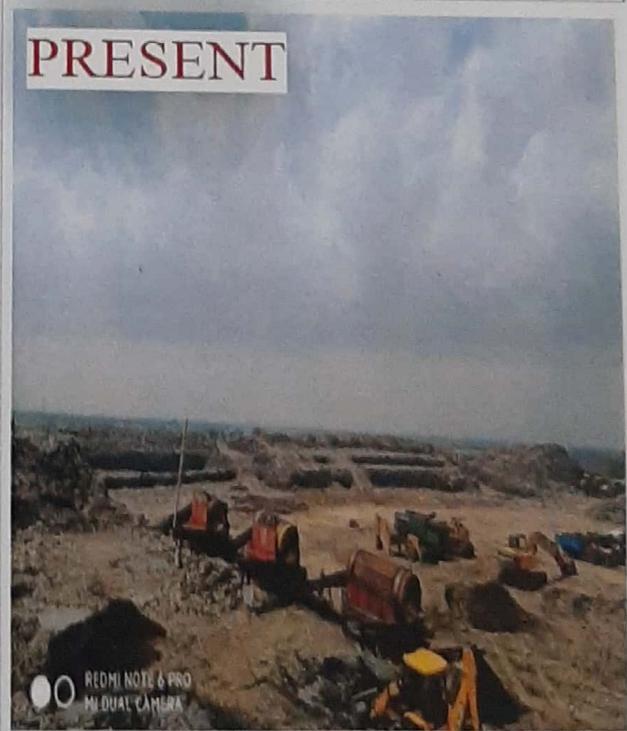
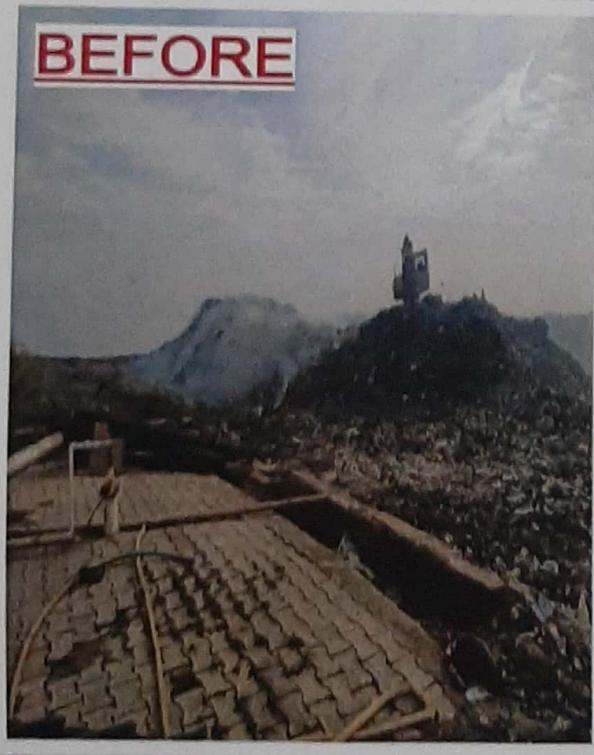
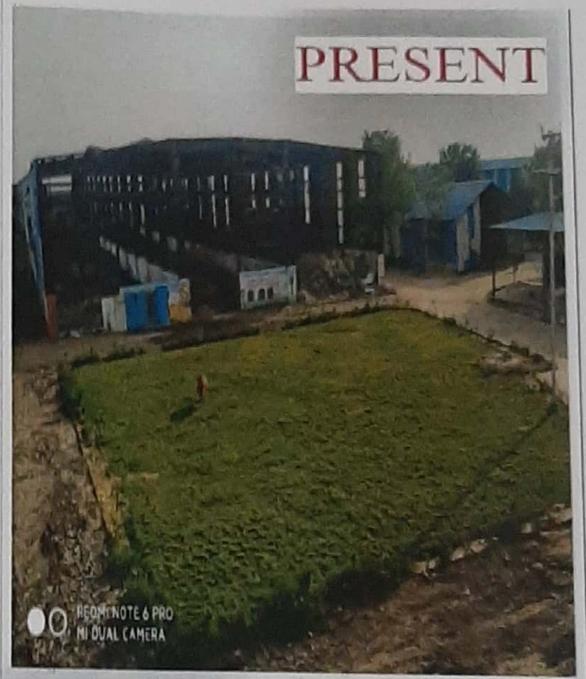


दिनांक 17.12.2020 को जगदीशपुरा स्थित प्रभु टॉकिज के पीछे लक्ष्मी नगर में अवैध रूप से संचालित हो रही डेयरी/तबेलों को बन्द कराने एवं जुर्माना वसूली।



दिनांक 05.01.2021 को मदिया कटरा चौराहे के आस पास प्रतिबन्धित पॉलिथीन को जब्त करते एवं जुर्माना वसूलते हुये।

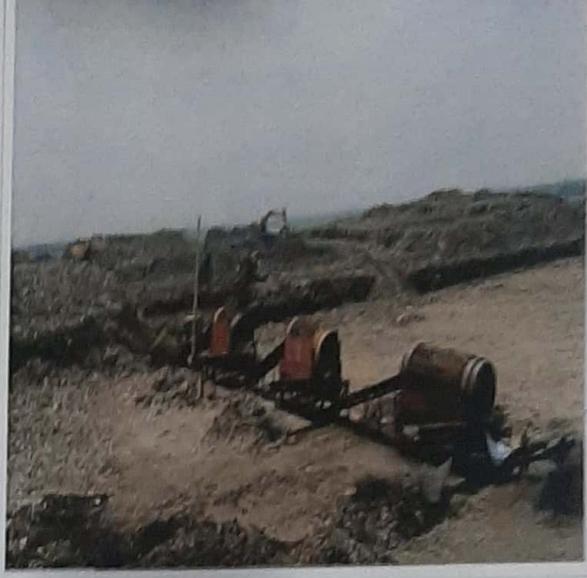




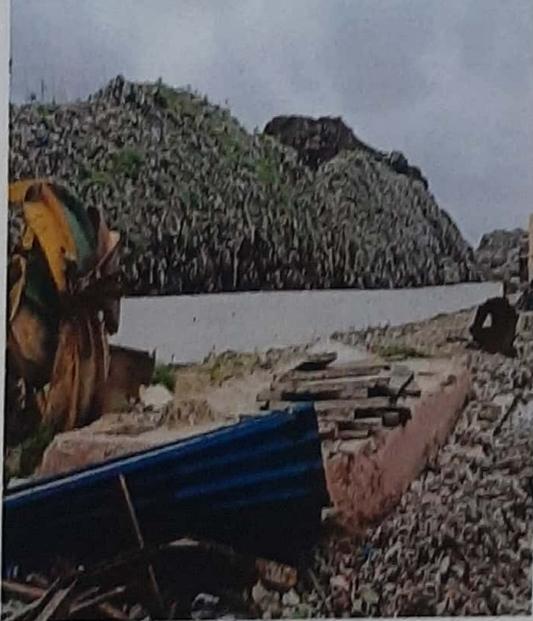
BEFORE



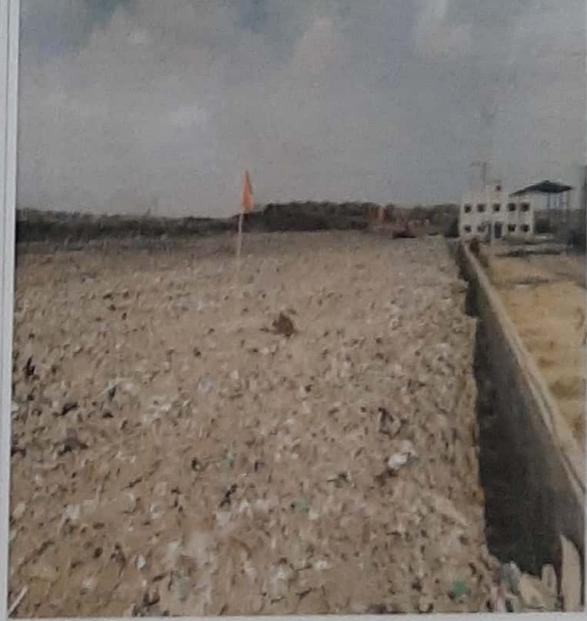
PRESENT



BEFORE



PRESENT





ITEM NO.20+57

COURT NO.7

SECTION XVII

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

CIVIL APPEAL Diary No(s). 25275/2019

(Arising out of impugned final judgment and order dated 29-01-2019 in OA No. 306/2016 02-05-2019 in RA No. 32/2019 passed by the National Green Tribunal)

THE STATE OF UTTAR PRADESH & ORS.

Appellant(s)

VERSUS

DK JOSHI & ORS.

Respondent(s)

(IA No.117529/2019-CONDONATION OF DELAY IN FILING)

WITH

DIARY NO.25388/2019

FOR ADMISSION AND IA NO.121811/2019 - EXEMPTION FROM FILING O.T.
AND IA NO.121810/2019 - CONDONATION OF DELAY IN FILING APPEAL)

Date : 16-08-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s)

Mr. Tushar Mehta, S.G.
Ms. Madhavi Divan, ASG
Ms. Aishwarya Bhati, AAG
Mr. Ravindra Raizada, Sr. Adv.
Mr. Mukesh Kumar Singh, Adv.
Mr. Merusagar Samantary, Adv.
Mr. Nachiketa Joshi, Adv.
Smita Choudhury, Adv.
Mr. K. Lvikang Michael, adv.
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ghanshyam Singh, Adv.
Mr. Ashiwan Mishra, Adv.
Mr. G.S. Makar, AOR
Mr. Kamendra Mishra, AOR

Respondent(s)

UPON hearing the counsel the Court made the following

ORDER

CIVIL APPEAL Diary No(s). 25275/2019

Delay condoned.

Admit.

There shall be stay of the direction to furnish performance guarantee of Rs.25 crores to the satisfaction of the Central Pollution Control Board, in the meanwhile.

DIARY NO.25388/2019

Delay condoned.

Admit.

There shall be an interim stay of operation of the para 15 of the impugned order, in the meanwhile.

(GEETA AHUJA)
COURT MASTER (SH)

(SUNIL KUMAR RAJVANSHI)
BRANCH OFFICER

कार्यालय, नगर आयुक्त, नगर निगम, आगरा।

प्रेषक,

नगर आयुक्त,
नगर निगम आगरा।

सेवा में,

सदस्य संयोजक
टी.टी.जैड प्राधिकरण, आगरा/
उपाध्यक्ष,
आगरा विकास प्राधिकरण, आगरा।

पत्रांक :- 189/D/SBM/2020

दिनांक :- 16/12/2020
Extendable

विषय :- 500 टी.पी.डी. (Extended upto 750 एम.टी.डी. कूड़े से 10 मेगावाट (Extendable upto 15 मेगा वाट) विद्युत उत्पादन, 140 टी.पी.डी. सी.एण्ड डी. वेस्ट प्लांट स्थापित किये जाने हेतु जनापत्ति प्रमाण पत्र विषयक एजेण्डा को टी.टी.जैड की अगामी बैठक बिन्दुओं में सम्मिलित किये जाने के सम्बन्ध में।

महोदय,

कृपया अवगत हो कि नगर निगम आगरा क्षेत्र में कुल 712 टी.पी.डी. कचरा प्रतिदिन उत्पन्न होता है जिसमें से कुल 17.7 टी.पी.डी. कचरे का निस्तारण होम कम्पोस्टिंग, डेरी कम्पोस्टिंग पार्क में किया जाता है, इस प्रकार शेष कुल 694.30 टी.पी.डी. कचरे का कलैक्शन एवं ट्रांसपोर्टेशन नगर निगम द्वारा किया जाता है, जिसमें कुल गीला कचरा 291.60 टी.पी.डी. (42 प्रतिशत) सुखा कचरा 122.40 टी.पी.डी. (43 प्रतिशत) ट्रांसपोर्टेशन किया जाता है। नगर निगम के पास वर्तमान में गीला कचरा के निस्तारण हेतु 335 टी.पी.डी. क्षमता के एवं सुखा कचरा हेतु 120 टी.पी.डी. क्षमता का एम.आर.एफ. प्लांट संचालित है, वर्तमान में दोस अपशिष्ट प्रबन्धन हेतु जो प्लांट संचालित है तथा प्रतिदिन उत्पन्न कचरा के गैप का अध्ययन किया गया जो निम्न प्रकार से है -

म्यूनिसिपल सॉलिड वेस्ट में गैप के सम्बन्ध में आख्या

GAP (MSW)	Total Waste Transported - Installed Capacity
	694.30 - 455
	239.50 टी.पी.डी.
GAP C&D waste	140 टी.पी.डी.

MSW GAP को कवर करने के लिए 10 मेगावाट क्षमता (Extended upto 15 मेगावाट) के वेस्ट टू एनर्जी प्लांट को स्थापित किए जाने हेतु Consent/NOC मा. सर्वोच्च न्यायालय में रिट याचिका संख्या 13381/1984 में आई.ए. नं. 172361, 172378, 172379 ऑफ 2018 दिनांक 29.11.2018 आवेदन किया गया। जिस पर मा. सर्वोच्च न्यायालय द्वारा दिनांक 22.02.2019 को CPCB एवम् नीरी की संयुक्त समिति को निरीक्षण कर रिपोर्ट प्रस्तुत किए जाने हेतु निर्देश दिए गए। तत्क्रम में संयुक्त कमेटी द्वारा दिनांक 03.4.2019 को अपनी रिपोर्ट मा. सर्वोच्च न्यायालय में प्रस्तुत की गयी। तत्पश्चात मा. सर्वोच्च न्यायालय द्वारा निगम को दिनांक 22.11.2019 को इन्वायरमेंटल इम्पैक्ट अस्समेंट (EIA) दाखिल करने के निर्देश दिये गये तथा दिनांक 04.12.2019 को मा. सर्वोच्च न्यायालय द्वारा नीरी को ई.आई.ए. का परीक्षण कर नीरी दिल्ली को मा. न्यायालय में प्रस्तुत की गयी। आर्डर दिनांक 17.12.2019 को मा. सर्वोच्च न्यायालय द्वारा ई.आई.ए. Put on record हेतु निर्देशित किया गया, जिसके क्रम में दिनांक 23.01.2020 को नगर निगम आगरा द्वारा ई.आई.ए. एफिडेविट के माध्यम से दाखिल किया गया, जिस पर मा. सर्वोच्च न्यायालय द्वारा राज्य सरकार की सहमति एफिडेविट के माध्यम से दाखिल किये जाने के आदेश निर्गत किये गये। तदनुसार राज्य सरकार द्वारा मण्डलायुक्त/अध्यक्ष टी.टी. जैड. अर्थोरिटी को एफिडेविट दाखिल करने हेतु निर्देशित किया गया, निर्देश के परिपेक्ष्य में दिनांक 19.02.2020 को एफिडेविट दाखिल किया गया, 140 सी.एण्ड.डी. वेस्ट की स्थापना हेतु NOC मा. सर्वोच्च न्यायालय में रिट याचिका संख्या 13381/1984 में आवेदन/अनुरोध किया गया है, जिस पर अभी सुनवाई की कोई तिथि आनलाइन निर्धारित/प्रदर्शित नहीं है। नगर निगम अधिवक्ता द्वारा मा. सर्वोच्च न्यायालय में केस की सुनवाई कराये जाने हेतु लगातार प्रयास किये जा रहे हैं, परन्तु अभी तक सफलता प्राप्त नहीं हुई।

यह भी अवगत कराना है कि मा० एन०जी०टी० Original Application No. 106/2016 Social Action for Forest and Environment (SAFE) Versus Union of India & Ors. (Earlier titled as D.K. Joshi Vs. Union of India & Ors.) को सुनवाई/आदेश दिनांक 10.8.2020 के बिन्दु संख्या 6,7,8,9 जिसका विवरण निम्नवत् है :-

“6. Learned Counsel for Uttar Pradesh thus submits that in view of compliance of the 'conditional' status quo order, the State Government and other statutory authorities may now be permitted to grant environmental clearances which are necessary for providing essential public facilities including drinking water supply, sewerage treatment plant, drainage system, solid waste disposal, Common Effluent Treatment Plant, Bio Medical Waste Treatment Facility, and Waste to Energy Plants etc.

7. In light of the aforementioned amenities being crucial for securing basic living conditions of TTZ's residents, we are of the opinion that there need not be any impediment for granting necessary clearances for the same. We are conscious of the fact that citizens have a fundamental right to such essential amenities; and how counter intuitively, not allowing construction of such basic infrastructure can itself create new polluting waste and threaten the environment.

8. As regards permission for establishing non-polluting industrial units, it appears to us that only those small, micro and macro level industries which are both non-polluting and eco-friendly and which have necessary clearances from all statutory authorities as well as concurrence of the Central Empowerment Committee and NEERJ, can be setup within the notified industrial area.

9. We, thus, clarify that since the Interim order dated 22nd March 2018 directing maintenance of status quo was passed to ensure timely submission of the Vision Plan by the State of U.P. and the said direction already stands complied with, there shall be no impediment for the authorities to consider pending environmental clearances which are necessary to secure essential amenities within TTZ. Simultaneously, the State and other statutory authorities are free to consider requests for relocating eco-friendly non-polluting industrial units, subject to them meticulously complying with environmental laws and all norms/conditions.”

In view of above clear orders of the Hon'ble Supreme Court, the authorities may expeditiously take further action in the matter.

वर्तमान में ताज ट्रेजेजियम क्षेत्र हेतु विजन डॉक्यूमेंट एन.पी.ए. द्वारा तैयार किया गया है, जिसे मा. सर्वोच्च न्यायालय में प्रस्तुत कर दिया गया है, लेकिन विजन डॉक्यूमेंट के सम्बन्ध में मा० सर्वोच्च न्यायालय से स्पष्ट आदेश पारित होने तथा रिट याचिका (सिविल) संख्या-13381/1987-एम.सी. मेहता बनाम यूनियन ऑफ इंडिया व अन्य में दिनांक 22.03.2018 को Status quo के आदेशों पर अन्तिम निर्णय पारित होने तक दिनांक 05.10.2018 के मुख्य एजेण्डा बिन्दु संख्या 3 में मा. स्याक ब्रेसन प्रा.लि. को "वेस्ट टू एनर्जी पॉवर प्रोजेक्ट तथा 140 टी.पी.डी. सी.एण्ड.डी. वेस्ट प्लांट एट कुन्दरपुर, आगरा" परियोजना हेतु टी.टी.जैड. प्राधिकरण की अनुमति/क्लियरेंस प्रदान किये जाने पर विचार-आगरा नगर के सोलिट वेस्ट मैनेजमेंट के अन्तर्गत कूड़े के वैज्ञानिक निस्तारण हेतु वेस्ट टू एनर्जी प्लांट की स्थापना के सम्बन्ध में चर्चा उपरान्त सर्वसम्मति से यह निर्णय लिया गया कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा वर्गीकृत उद्योगों की सूची के अनुसार उक्त क्रिया रेड श्रेणी के अन्तर्गत आच्छदित है, इस कारण वर्तमान में प्रस्ताव को स्थगित रखा जाये।

दिनांक 06.12.2019 को माननीय उच्चतम न्यायालय द्वारा Status quo हटा दिया गया है। अतः आपसे अनुरोध है, कि आगामी आयोजित होने वाली बैठक में उक्त दोनों परियोजना की अनापत्ति निर्गत किये जाने हेतु बैठक के एजेण्डा बिन्दुओं में सम्मिलित करने का कष्ट करें।

संलग्नक :- उपरोक्तानुसार।

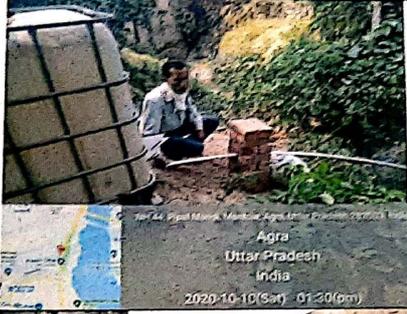
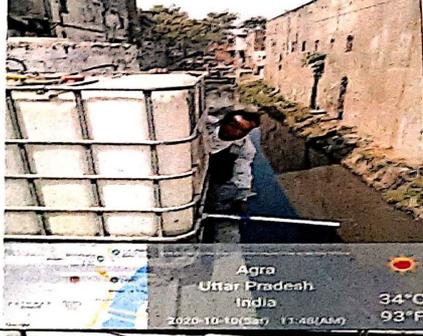
प्रतिलिपि:-

1. प्रमुख सचिव, नगर विकास उत्तर प्रदेश शासन को अवलोकनार्थ।
2. मण्डलायुक्त/अध्यक्ष टी.टी.जैड. प्राधिकरण आगरा को अवलोकनार्थ।

AD
11/12/2020
(निधिल टीकाराम फुडे) L.S.
नगर आयुक्त,
नगर निगम आगरा

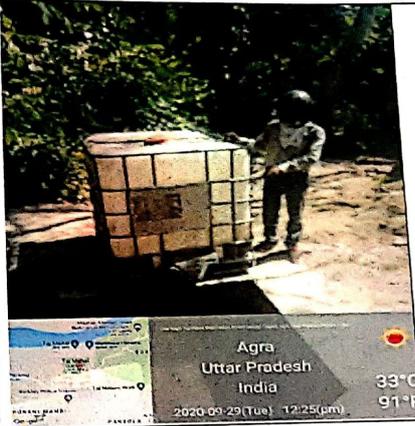
नगर आयुक्त,
नगर निगम आगरा

s.no	Drain name and Location	Flow in mld as per nigam sheet	Actual flow	Date of start	Qty. of culture used	Dilution ratio	Drain photo	Remark			
								Cod	Cod	TSS	pH
1	Montella Drain And Balu Ganj Drain Near Fort	3.222 (montella) N/A Balu ganj	Yet to monitored	July 2020	3-4 ltrs	1;1000		Before samples taken sent to lab for testing			
2	Thanna chatta	0.300 mld	More than 0.800	29.9.20	1 ltr	1;1000					

3	Pipal mandi drain	1.300 mld		7.10.20	1.5 ltrs	1;1000	
4	Belan ganj drain	0.600		2.10.20	1.0 ltr	1;1000	
5	Bhalro drain	0.500 mld		3.10.20	1 ltr	1;1000	

6	Transport nagar	1.708 mld					 <p>Farans port nagar drain</p> 
7	Jeevani mode	.05mld		2.10.20	1 ltr	1,1000	 

8	Water works	0.6mld		5.10.20	1 ltr	1;1000	
9	Krishana colony	1.0 mld		6.10 20	1 ltr	1;1000	

10	West gate taj flows from parking to samshan ghat	1.1mld					
----	--	--------	--	--	--	--	---

LAYERS ENVIRO AND ORGANICS

Total Drains allotted 10.

Completed : 10

चैक डेम





Kk Nagar



Moti Mahal 24



Moti Mahal 23



Baipur



Chini Roja 13+12



Kamani Hospital



Kadi



Islamnagar



seksata drain