

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL  
ZONE BENCH, BHOPAL**

**EA- 02/2022**

**IN**

**OA NO 23/2021**

**Swami Narhariyanand Sarovar Jirnodhar Samiti**

**Versus**

**State of Madhya Pradesh & Ors.**

**FACTUAL AND ACTION TAKEN REPORT ON BEHALF OF  
MPPCB (AS ON 08.08.2023)**

**Action Taken Report in compliance to the order dated 07/07/2023 issued by  
Hon'ble National Green Tribunal in the matter of Execution Application No. 02/2022(CZ)  
in O.A No. 23/2021 (CZ) (Swami Narhariyanand Sarovar Jirnordhar Samiti Vs State of  
Madhya Pradesh)**

The record reveals that Execution Application No. 02/2022(CZ) has been filed by the applicant seeking execution of the order dated 31.08.2021 passed by the Hon'ble Tribunal in OA No. 23/2021 (CZ).

Hon'ble National Green Tribunal, Central Bench, Bhopal has issued the following directions vide order dated 07/07/2023 in the Execution Application No. 02/2022(CZ) Swami Narhariyanand Sarovar Jirnordhar Samiti Vs State of Madhya Pradesh & ors:-

*"10. None has appeared on behalf of State PCB to explain as to whether the part of order passed by Tribunal which was to be complied with by it, has been complied or not.*

*11. in these facts and circumstances and also considering the fact that we have not been able to get any effective assistance on behalf of respondents and it is evident that Tribunal's order is still uncomplied with, we find no option but to call upon personal presence of Additional Chief Secretary/ Principal Secretary, Department of Urban Development, State of MP, Executive officer of Municipal Council of Saikheda, Collector of District Narsinghpur and Member Secretary, MPPCB who shall appear before Tribunal on the Next date. They shall also file latest status report and action taken/compliance status before the next date."*

At the outset it is most respectfully submitted that MPPCB has not been impleaded as a party neither in OA No. 23/2021 nor in EA No. 02/2022 and no intimation regarding the Execution Application has been received from the applicant or the Registry, therefore no one was present on behalf of MPPCB to assist the Hon'ble Tribunal during the hearings of the present matter.

As directed by the Hon'ble National Green Tribunal in para 11 of the order dated 07/07/2023 in the EA No. 02/2022 Swami Narhariyanand Sarovar Jirnordhar Samiti Vs State of Madhya Pradesh & ors, a visit was carried out by the MPPCB Officials on 28<sup>th</sup> July 2023, to assess the latest status with respect to the recommendations made during the last visit dated 16<sup>th</sup> June 2021. During visit Shri Murari, & Shri Vikas Parashar representatives from Municipal Council, Manoj Powar, Consultant Engineer from PMC, Furqan Qureshi, Sub Engineer PIU MPUDCL and Shri Jayvardhan Singh Bhadoria, Complainant were present at site.

*Ainex*

*Alh*

## Latest Status and Action Taken Report:

SN	Recommendation of visiting team during the visit dated 16 <sup>th</sup> June 2021	Present Status
1.	The local authority should expedite the work of STP construction and drain connectivity to ensure that no untreated effluent meet water bodies.	<p>During the inspection it was found that a STP with capacity of 2.6 MLD based on SBR technology is proposed and is under commissioning at Sainkheda.</p> <ul style="list-style-type: none"> <li>• About 80% work of STP is complete.</li> <li>• The STP has not yet been connected with the sewer line.</li> <li>• Pumping stations are yet to be commissioned. Household connectivity is still pending. Thus no sewage was found to be collected in STP. The detailed progress and timelines to be submitted by the UADD.</li> <li>• CTE has been granted by the MPPCB and UADD is yet to obtain Consent to Operate from Board before commissioning of STP.</li> </ul>
2.	District authority shall resolve the cases of identified encroachment as per the law.	Pertains to District Administration
3.	To stop direct discharge of domestic waste water in Sarovar, local authority may arrange to shift the domestic outlet drain of households towards road side (proposed sewer line) to avoid further deterioration of the pond water.	<ul style="list-style-type: none"> <li>• It was reported by the Municipal Council representatives that all the 73 households and the commercial constructions have been connected to the main sewer line and entire sewage has been diverted, resulting no direct discharge in the Sarovar.</li> <li>• No information has been provided by the Municipal Council regarding connectivity of deep-seated underground septic tanks with the main sewer line.</li> <li>• Physical verification of the work could not be done as the water level in the Sarovar was at full tank level and no space was available for movement along</li> </ul>



		<p>the bank of sarovar.</p> <ul style="list-style-type: none"> <li>• Two open drains on eastern bank of the water body have been checked by way of construction of wall.</li> <li>• Water sampling from the Sarovar was carried out and the analysis results are enclosed. The water body (Swami Narhariyanand Sarovar) falls under category 'C' as revealed from current water quality report of the sarovar (<b>Annex. 1</b>).</li> </ul>
4.	The local authority may provide in-situ bioremediation to treat the effluent drains till the STP work is ongoing.	<ul style="list-style-type: none"> <li>• No work pertaining to bio-remediation could be observed.</li> <li>• A park has been developed on the Northern bank of the Sarovar.</li> </ul>
5.	A moving fountain may be installed in Sarovar to improve the dissolved oxygen	Not yet installed.



Google Map of the site

**Other points / observations:**

1. Presently MSW dumps were not observed on the banks of the water body. Floating Lotus and fishes were observed in the water body.

2. Based on the violations of environmental laws for the past period an Environmental Compensation of Rs 258.0 Lac has been imposed on Municipal Council Sainkheda vide letters dated 13/05/2022 The same has not yet been deposited by the Municipal Council. **Annexure 2**
3. Photographs of the site captured during the visit are enclosed as **Annexure 3**.
4. Water quality of the sarovar falls under category 'C', which indicates that water body is polluted due to sewage in-flow.

**Action taken by MPPCB against the Municipal Council for violations and non-compliances:**


1. Based on the violations of environmental laws for the past period an Environmental Compensation of Rs 258.0 Lac has been imposed on Municipal Council Sainkheda the same has not been deposited yet. A letter for recovery of the same has been written to the Collector, Narsinghpur (**Annexure 4**).
2. Criminal Prosecution has been initiated against the Municipal Council Sainkheda for the violation of Water (Prevention and Control of Pollution) Act, 1974.

**Recommended time-bound actions for conservation of Sarovar:** The Municipal Council is required to submit & implement time bound action plan to conserve the Sarovar covering following activities –

1. Installation of fountains in the Sarovar should be taken up for immediate remediation.
2. Completion of the work pertaining to connectivity of households' sewer lines with the city STP and STP operations should be taken up on priority by the Municipal Council.
3. De-silting of water body to be taken up.
4. Construction of at least three-meter-wide pathway along the west-southern bank (encroached area) of the water body.

Enclosures: **Annex. 1- Water quality report.**  
**Annex. 2 – Letter imposing Environmental compensation**  
**Annex. 3- Photographs.**  
**Annex. 4- Letter to Collector Narsinghpur**

  
**(Dr Avinash Karera)**  
**Chief Chemist**  
**RO, MPPCB Jabalpur**

  
**(Alok K Jain)**  
**Regional Officer**  
**RO, MPPCB, Jabalpur**

**M.P. POLLUTION CONTROL BOARD**

Annexure- 1

Plot No. :455,456,,Vijaynagar, Jabalpur ( M.P. )

**LIQUID SAMPLE ANALYSIS REPORT**

Sample from :- Narhariyanand Talab Saikheda, Narsinghpur (M.P.)

Sample details 1. Talab Water, Near Narhariyanand park North Side.  
2. Talab Water, Near Nagar Parishad Office behind residential area South Side.

Date of Collection :- 28 / 07 / 2023

Date of Receipt :- 29 / 07 / 2023

Date of Analysis :- 29 / 07 / 2023

Analysed by :- Mahesh Puraiya (JS)

Analysis No. 109-110/723

Bill No. Dt.

Sample collected by :- Shri Umesh K Dwivedi

Sr.No	Parameters	Unit	Result I	Result II	Result III	Result IV
<b>A - PHYSICAL PARAMETERS</b>						
1.	Temperature	<sup>o</sup> C	24.9	24.8		
2.	Turbidity	N.T.U.				
3.	Colour	-				
4.	Odour	-				
5.	Specific Conductivity	umho/cm				
<b>B - CHEMICAL PARAMETERS</b>						
6.	pH	-	7.65	7.62		
7.	Total Alkalinity	mg / l				
8.	Total Hardness ( as CaCO <sub>3</sub> )	mg / l				
9.	Calcium Hardness ( as CaCO <sub>3</sub> )	mg / l				
10.	Magnesium Hardness ( as CaCO <sub>3</sub> )	mg / l				
11.	Chloride	mg / l	38.0	38.0		
12.	Total Solids	mg / l				
13.	Dissolved Solids	mg / l	352.0	432.0		
14.	Suspended Solids	mg / l				
15.	Ammonical Nitrogen ( as N )	mg / l				
16.	Nitrite Nitrogen ( as NO <sub>2</sub> )	mg / l				
17.	Nitrate Nitrogen ( NH <sub>3</sub> )	mg / l	2.6	3.4		
18.	Total Kjeldahl Nitrogen ( as N )	mg / l				
19.	Fluoride	mg / l				
20.	Dissolved Oxygen	mg / l	6.8	4.2		
21.	B.O.D. ( 3 days, 27 <sup>o</sup> C )	mg / l	3.4	4.0		
22.	C.O.D.	mg / l	20.0	40.0		
23.	Oil & Grease	mg / l				
24.	Phosphate ( as P )	mg / l				
25.	Sulphate ( as SO <sub>4</sub> )	mg / l				
26.	Chromium ( Cr <sup>+6</sup> )	mg / l				
27.	Copper ( Cu )	mg / l				
28.	Zinc ( Zn )	mg / l				
29.	Iron ( Fe )	mg / l				
30.	Boron ( B )	mg / l				
31.	Sodium	Ppm				
32.	Potassium	ppm				
<b>C - BIOLOGICAL PARAMETERS</b>						
33.	Total Coliform	MPN/100ml	920	>1600		
34.	Feacal Coliform	MPN/100ml				
<b>D - ANY OTHER TEST</b>						
35.	Calcium ( as Ca )					
36.	Magnesium ( as Mg )					

INDICATION : PARAMETER DOES NOT CONFIRM TO :-

 Standard prescribed by M.P.P.C.B.in M.P.Gazette notification, dated 25/03/1988

2. IS: 10500-1991 ( Specification for Drinking Water )

3. Standard prescribed in Bio-Medical Waste ( Management &amp; Handling ) Rules 1988

GENERAL MARKS :- BDL = Below Detectable Limit

NOTE :- No statutory liability accepted for samples not collected by M.P.P.C.B.

*Mahesh*  
Analyst

*Umesh*  
Lab Incharge



# MADHYA PRADESH POLLUTION CONTROL BOARD

Paryawaran Parisar, E-5, Arera Colony, BHOPAL - 462 016

{0755} 2464428, 2466191 Fax : {0755} 2463742 e-mail: [mswmppcb18@gmail.com](mailto:mswmppcb18@gmail.com)

No. 1679 MSW/HOPCB/2022

Bhopal, Date: / /2022 13 MAY 2022

To,

The Chief Municipal Officer,  
Nagar Parishad,  
Saikheda,  
Distt.- Narshingpur (M.P.)

**Sub:** Execution of the directions passed by Hon'ble National Green Tribunal dated 31/08/2021 in O.A. 23/2021 (CZ) Swami Narhariyanand Sarovar Jirnodhar Samiti Vs. State of MP & Ors for imposing Environment Compensation.

- Ref:**
1. NGT orders dated 25.02.2020, 28.02.2020 & 14.12.2020 in OA No. 606/2018 "Compliance of Municipal Solid Waste Management rules, 2016".
  2. This office letter No. 174/MSW/HOPCB/2021 Bhopal Dated 24/12/2021
  3. NGT order dt. 31/08/2021 in O.A. 23/2021 (CZ) Swami Narhariyanand Sarovar Jirnodhar Samiti Vs. State of MP & Ors
  4. NGT order dated 15.03.2022 in execution application no.02/2022 (CZ) Swami Narhariyanand Sarovar Jirnodhar Samiti Vs. State of MP & Ors.

WHEREAS MP Pollution Control Board (MPPCB) is a statutory body constituted under section 4 of the Water (Prevention & Control of Pollution) Act, 1974 and has been entrusted with the responsibilities of enforcement of the Environment Laws in the State.

WHEREAS, the power to issue directions under section-5 of the Environment (Protection) Act, 1986 has been delegated to the Chairman, MPPCB vide notification dated 10.04.2001.

WHEREAS, you are the Nagar Parishad and it is the mandatory duty of Urban Local Bodies/ Cantonment Board to comply with the Solid Waste Management Rules, 2016, as well as management & treatment of sewage of the town & to protect the natural water bodies from pollution.

WHEREAS, you have not obtained authorization as per the provision of Solid Waste Management Rules, 2016 from the MPPCB.

WHEREAS, in OA No. 606/2018, "Compliance of Solid Waste Management Rules, 2016 and other environment issues", Hon'ble National Green Tribunal, Principal Bench, New Delhi has directed on 17/01/2020 & 25/02/2020 that :-

1. After 31.03.2020 failure to comply with Rule 22 of SWM Rules, from Serial No. 1 to 10, every local body shall be liable 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.
2. 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.
3. Commencement of setting up of STPs by 31.03.2020 - Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned local bodies/State (in terms of orders dt

4. *Interim measures for phytoremediation/bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies shall be undertaken by 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned local bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.*
5. *Commissioning of STPs by 31.03.2021- Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/State (in terms of order dated 28.08.2019 in O.A. No. 593/2017 and 06/12/2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.*

WHEREAS, State PCB has been directed by NGT vide order dated 28.02.2020 to assess and recover the amount of compensation liable to be paid by the Urban Local Bodies on the basis of above criteria.

WHEREAS, NGT vide its order dated 14/12/2020 has extended the time line for levy of compensation from 01/04/2020 to 01/07/2020.

*WHEREAS, MPPCB vide this office letter No. 174 dt. 24/12/2021 has already directed you to pay Environment Compensation of Rs.66 Lakhs for period of violation from 01.07.2020 to 31.12.2020 within 15 days from the date of issue of the directions, in the P.D. account number 051/1121/2109 of Additional Secretary Environment Department in Vindhyachal Treasury, Vindhyachal Bhawan Bhopal.*

*WHEREAS Hon. NGT in its order dated 31/08/2021 in O.A. 23/2021 (CZ) have directed the State PCB to take necessary action for the realisation of the pending environment compensation. An execution application no. 02/2022 (CZ) in the matter is due for hearing before the Hon'ble NGT on 18.05.2022.*

WHEREAS, as per inspection dated 18.08.2021 carried out by Regional Office, MPPCB, Jabalpur, it is observed that you have not complied with the tasks & timelines given by the Hon'ble NGT for period 01.01.2021 to 30.06.2021 as per details given below :-

Non Compliance									
ULB Name	District	Rule 22of SWM Rules 2016		Legacy Waste disposal Compensation (Rs In lakh)	Bioremediation of Drains		Commencement of STP installation		Total (Rs In lakh)
		S.No of Non Compliance	Compensation (Rs In lakh)		No of Drains	Compensation (Rs In lakh)	No of STPs	Compensation (Rs In lakh)	
Saikheda	Narshingpur	2, 3, 8, 10	6	0	2	60	0	0	66

WHEREAS, as per inspection dated 23.02.2022 carried out by Regional Office, MPPCB, Jabalpur, it is observed that you have not complied with the tasks & timelines given by the Hon'ble NGT for period 01.07.2021 to 31.12.2021 as per details given below :-

Non Compliance									
ULB Name	District	Rule 22of SWM Rules 2016		Legacy Waste disposal Compensation (Rs In lakh)	Bioremediation of Drains		Commencement of STP installation		Total (Rs In lakh)
		S.No of Non Compliance	Compensation (Rs In lakh)		No of Drains	Compensation (Rs In lakh)	No of STPs	Compensation (Rs In lakh)	
Saikheda	Narshingpur	2, 3, 8, 10	6	0	2	60	1	60	126

You are hereby further directed to pay Environment Compensation of Rs.66 Lakhs for period of violation from 01.01.2021 to 30.06.2021, and Rs. 126 lakhs for period of violation from 01.07.2021 to 31.12.2021 along with the earlier amount of environmental compensation of Rs. 66 lakhs, for period of violation from 01.07.2020 to 31.12.2020, totaling Rs.258 lakhs, within 15 days from the date of issue of these directions, in the P.D. account number 051/1121/2109 of Additional Secretary Environment Department in Vindhyachal Treasury, Vindhyachal Bhawan Bhopal.

This issues with the approval of the competent authority. Kindly acknowledge the receipt of this letter.

For and On Behalf of  
M.P. Pollution Control Board

  
(A.A. Mishra)  
Member Secretary  
o/c

Copy to :-

- 1- Principal Secretary, Urban Development & Housing Department, Govt. of MP, Mantralaya, Vallabh Bhawan, Bhopal, the copy of the NGT order is attached herewith. You are requested to direct the Local Body to deposit the environmental compensation of Rs. 258 lakhs before 18.05.2022 as mentioned here in above, in compliance of the order dated 31.08.2021 of Hon'ble NGT in OA 23/2021 (CZ).
- 2- The Commissioner, Urban Administration and Development Department, Palika Bhavan, Shivaji Nagar, Bhopal for information & necessary action to ensure the compliance of NGT order please and direct the local body to deposit the EC of Rs. 258 lakhs before 18.05.2022 in compliance with the Hon'ble NGT order.
- 3- Collector, Narshingpur (M.P.) for information and necessary action for realisation of total amount of environmsation Rs. 258 Lakhs from the Nagar Parishad Saikheda at the earliest.
- 4- The Regional Officer, M. P. Pollution Control Board, Jabalpur for information & necessary action please.



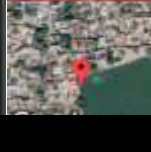
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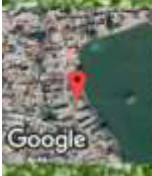


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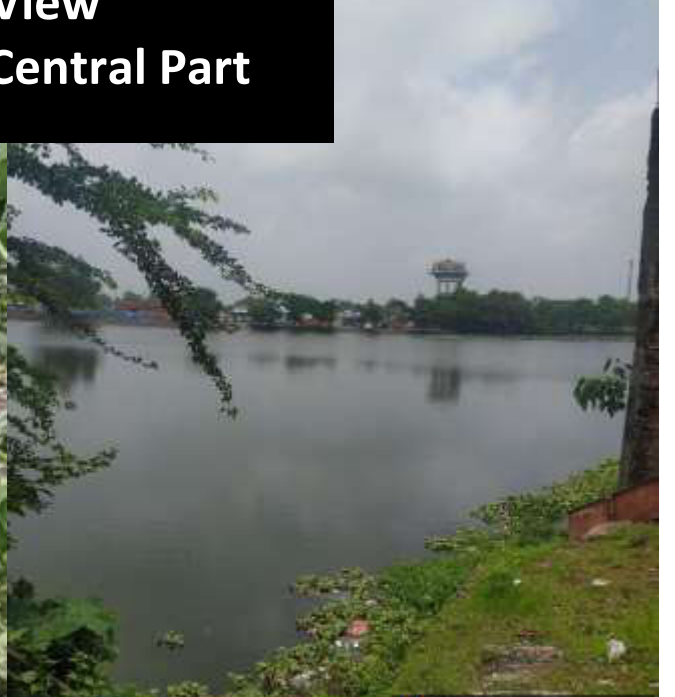
# Over View Northern & Central Part



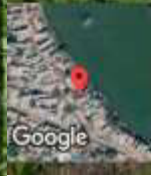
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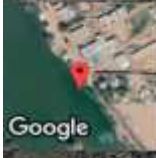


**Work carried out by the Municipal Council to prevent direct discharge from**





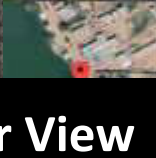
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# Over View Northern & Central Part



GPS Map Camera



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GPS Map Camera



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# City STP



## मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड

पर्यावरण परिसर, ई-5, अरेरा कालोनी, भोपाल

(0755) 2463742 e-mail: directorenv-pcb@mp.gov.in

क्रमांक 193 तक/प्रनिबो/2023 भोपाल, दिनांक 07/08/2023  
प्रति,

कलेक्टर,  
जिला-नरसिंहपुर ।

विषय:- नगर परिषद, साईंखेड़ा, जिला-नरसिंहपुर पर अधिरोपित पर्यावरण क्षतिपूर्ति राशि रूपये 258 लाख की भूराजस्व के रूप में वसूली करने बावत् ।

संदर्भ:- इस कार्यालय का पत्र क्रमांक 1679 दिनांक 13 मई 2022।

माननीय नेशनल ग्रीन ट्रिब्यूनल, सेण्ट्रल जोनल बेंच, भोपाल द्वारा प्रकरण क्रमांक 23/2021 स्वामी नरहरियानंद सरोवर जीर्णोद्धार समिति विरुद्ध मध्य प्रदेश शासन व अन्य में दिनांक 31/08/2021 को पारित आदेश के तारतम्य में संदर्भित पत्र द्वारा नगरीय ठोस अपशिष्ट नियम, 2016 तथा जल(प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 के प्रावधानों के उल्लंघन के कारण राशि रूपये 258 लाख की पर्यावरण क्षतिपूर्ति नगर परिषद, साईंखेड़ा, जिला-नरसिंहपुर पर अधिरोपित की गई थी, जिसकी प्रति आपको पृष्ठांकित करते हुये पर्यावरण क्षतिपूर्ति राशि रूपये 258 लाख वसूली कर जमा कराये जाने हेतु लिखा गया था (संदर्भित प्रति एवं एनजीटी के आदेश की प्रति संलग्न है) । नगर परिषद, साईंखेड़ा द्वारा उक्त राशि लगभग एक वर्ष से अधिक का समय व्यतीत होने के बावजूद जमा नहीं की गई है ।

नगर परिषद, साईंखेड़ा जिला नरसिंहपुर के विरुद्ध अधिरोपित पर्यावरण क्षतिपूर्ति की वसूली भूराजस्व के रूप में कर सदस्य सचिव, म.प्र.प्रदूषण नियंत्रण बोर्ड एन्वायरमेंट प्रोटेक्शन फंड एनजीटी एकाउंट पंजाब नेशनल बैंक, शाहपुर, भोपाल IFSC Code PUNB0631000, A/C No. 6310001200000043 में जमा कराने का कष्ट करें ।

माननीय एनजीटी में दिनांक 09/08/2023 को प्रकरण में Execution Application पर सुनवाई हेतु नियत है ।

संलग्न:- उपरोक्तानुसार ।

( चन्द्रमोहन ठाकुर )  
सदस्य सचिव

पृ0 क्रमांक 194 तक/प्रनिबो/2023  
प्रतिलिपि:-

भोपाल, दिनांक -07/08/2023

1. प्रमुख सचिव, नगरीय प्रशासन एवं विकास विभाग, मध्य प्रदेश शासन, मंत्रालय, भोपाल ।
  2. आयुक्त, जबलपुर संभाग, जबलपुर ।
  3. आयुक्त, नगरीय प्रशासन एवं विकास विभाग, शिवाजी नगर, भोपाल ।
- की ओर माननीय नेशनल ग्रीन ट्रिब्यूनल, सेण्ट्रल जोनल बेंच, भोपाल में चलायमान प्रकरण क्रमांक 23/2021 के संदर्भ सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित ।