BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 200/2014 (M.A. No. 205 of 2016, M.A. No. 206 of 2016, M.A. No. 224 of 2016, M.A. No.585 of 2016 & M.A. No.815 of 2016) (C.W.P. No. 3727/1985)

And

Original Application No. 501 of 2014 (M.A. No. 404 of 2015)

And

Original Application No. 146 of 2015

IN THE MATTER OF:

M.C. Mehta Vs. Union of India & Ors.

And

Anil Kumar Singhal Vs. Union of India & Ors.

And

Society for Protection of Environment & Biodiversity & Anr.

Vs.

Union of India & Ors.

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER

Present Applicant:

Mr. M. C. Metha, Petitioner in person with Ms. Katyani and Ms. Mehak, Advs.

Mr. Sanjay Up<mark>adhyay, M</mark>s. Divya Sharmaa and Mr. Shafique, Advs.

Mr. Pradeep Misra and Mr. Daleep Dhayani, Advs. for UPPCB

Mr. Mukesh Verma, Mr. Devesh Kr. Agnihotri, Advs. for UPCB

Mr. Anil Grover, AAG and Mr. Rahul Khurana, Adv., State of Haryana

Mr. I.K. Kapila, Adv. for UP Jal Nigam & UK Pey Jal Nigam

Mr. Abhishek Yadav, Adv. for State of U.P.

Mr. S.A. Zaidi, Adv. for Leather Industries.

Ms. Neelam Rathore and Mr. Shashank Singh, Advs. for Association of Textile Processors & Uttar Pradesh Dyes and Bleachers Association (Micro & Small) & MLA Group

Ms. Priyanka Sinha Advs for State of Jharkhand

Mr. Kundan Kumar Mishra, Mr. Atul Batra, Advs. for Mother Dairy Pilakhua Unit

Mr. Rudreshwar Singh and Mr. Gautam Singh, Advs.

Mr. Motish Kr. Singh with Mr. Saurabh Sachdeva, Adv. for IFFCO (Noticee No. 653)

Ms. Panchajanya Batra Singh, Adv. with Mr. Dinesh Runiwal Scientist D, for Ministry of Environment, Forest and Climate Change

Ms. Antima Bazaz, Advs.for AIDA

Mr. Gaurav Dhingra, Adv. for

State of UP

Mr. Suraj Prakash Singh and Ms. Pushpila Bisht, Advs. for AIDA & UPSMA

Mr. B.V. Niren, Adv. for CGWA

Mr. Sanjeev Ralli, Adv. with Mr. Dinesh Jindal, LO, Delhi Pollution Control Committee

Ms. Sushma Singh, Adv.

Ms. Yogmaya Agnihotri, Adv. for CECB

Mr. Atul Batra, Mr. Kundan Mishra Advs. for Mother

Dairy Pilakhuwa Unit

Ms. Alpana Poddar, Adv. and Mr. Bhupendra Kumar,

Dr. A.B. Akolkar, Member Secretary, Central Pollution **Control Board**

Mr. Motish Kr. Singh, Adv. and Mr. Saurabh Sachdeve, Adv. for Noticee No. 653 (IFFCO)

Mr. Sanjeev Ralli, Adv. Mr. Dinesh Jindal, LO, DPCC

Mrs. D. Bharthi Reddy, Adv. for Uttarakhand

Mr. Jayesh Gaurav, Adv. for JSPCB

Ms. D. Bharathi Reddy, Adv. for Uttarakhand

Mr. Ishwer Singh, Adv. with Mr. Sundeep and Dr. Parveen Kumar, Director for NMGC

Mr. I.K. Kapila, Adv. for UP Jal Nigam & UK Pey Jal Nigam

Mr. Abhishek Yadav, Adv

Mr. Ravi P. Mehrotra and Mr. Abhinav Kr. Malik, advs.

for UPSIDC

Ms. Panchajanya Batra Singh, Adv. with Mr. Dinesh Runiwal, Scientist D for Ministry of Environment,

Forest and Climate Change

Mr. Rajul Shrivastav with Ms. Ayushi Sharma, Advs.

for MPPCB

Present: Applicant: Mr. Gaurav Kr. Bansal, Adv.

Respondent No.3: Mr. Pradeep Misra and Mr. Daleep Dhayani,

Advs.

Respondent No.8: Mr. Mukesh Verma, Mr. Devesh Kr. Agnihotri, Advs.

for UPCB

Mr. B.V. Niren, Adv. Mr. Abhishek Yadav, Adv

Present: Applicant: Mr. Rahul Choudhary with Ms. Meera Gopal, Advs.

Respondent No.2: Mr. Pradeep Misra and Mr. Daleep Dhayani, Advs.

Respondent No. 5: Mr. Sudhir Kulshrestha, Adv.

Respondent No.8: Mr. Mukesh Verma, Mr. Devesh Kr. Agnihotri, Advs.

for UPCB

Respondent Nos. 11 and 12:Mr. Ravindra Kumar, Adv. SPENBIO

Mr. Abhishek Yadav, Adv

Ms. Panchajanya Batra Singh, Adv. with Mr. Dinesh Runiwal, Scientist D for Ministry of Environment,

Forest and Climate Change

Mr. Rajkumar, Adv. and Mr. Bhupendra Kumar,

LA, CPCB

Date and	Orders of the Tribunal
Remarks	CEN TRIBUNA
Item Nos.	
05 to 07	The hearing of this case is going on day-to-day. The
October 19, 2016	Learned counsel appearing for various Ministries, State
ss	Government and State Authorities have prayed for time to
	seek instructions on the matter in the issue before the
	Tribunal.
	We are really disappointed to note that during the
	course of hearing none of the parties could inform the
	Tribunal as to how many drains carrying sewage, treated

Item Nos. 05 to 07 October 19, 2016

effluent, waste and domestic discharge or others join river Ganga or its main tributary i.e. East Kali, Kosi and Ram Ganga falling in Segment 'B' of Phase-I in terms of the Judgement of the Tribunal. This area already for our consideration has been extended from Haridwar to Unnao instead of Haridwar to Kanpur. According to the Member Secretary, CPCB who has stated to have personally visited the area, there are 30 main drains which join river Ganga directly and are matter of serious concern from the point of pollution of river Ganga. According to the Learned Counsel appearing for the U.P. Pollution Control Board there are 172 drains out of which 150 drains directly join river Ganga or its main tributaries as aforestated. According to the Learned Counsel appearing for the U.P. Jal Nigam, there are 151 drains out of which 83 drains directly terminate into river Ganga. However, it is commonly stated that it cannot be identified if the drain in particular carry industrial, domestic or sewage alone. Most of them are carrying mixed effluent and whether they are even connected to STP/CETP or not cannot be determined unless there is proper inspection of the drains.

We are primarily concerned with Segment 'B' and as already noticed the industrial, domestic and sewage pollution are inseparable and cannot be quantified under their respective head. Thus we have to deal with this issue of pollution of river Ganga collectively in Segment 'B' of Phase-I.

The Tribunal cannot come to any definite conclusion till the time the quantum of pollution and quality of

Item Nos. 05 to 07 October 19, 2016 ss pollution is brought before the Tribunal by the concerned authorities. Furthermore, providing of appropriate advise for prevention and control of pollution would directly depend upon the number of drains that are going to river Ganga and its tributaries in Segment 'B' of Phase-I. The uncertainty created reflects upon functioning of these authorities who are obliged to perform different statutory duties and maintain record before it could carry out any project of laying of CETP/STP. Officer present from various departments, Ministries and Government are also unable to assist the Tribunal.

We direct that the Member Secretary, CPCB, Chief Engineer of U.P. Jal Nigam, Senior most Chief Environmental Officer of U.P. Pollution Control Board and representative from the Ministry of Water Resources shall personally visit the area falling in Segment 'B' of Phase-I in terms of our Judgement and as aforestated. They will identify how many drains join river Ganga or its tributaries and make observations in relation to quantum and quality of effluent that is going to river Ganga or its main tributaries through them. Let this report be submitted before the next date of hearing.

List these matters on 20th October, 2016.

,CF)
(Swatanter Kumar)	
JM	[
(U.D. Salvi)	

Item Nos.	
05 to 07 October 19, 2016	JM (Dr. Jawad Rahim)
ss	,EM
	(Bikram Singh Sajwan)
	,EM (Dr. Ajay A Deshpande)

