

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

**Original Application No. 116 of 2014
(M.A. No. 1054 of 2015)**

And

**Original Application No.156 of 2015
(M.A. No. 474 of 2015)**

And

**Original Application No. 437 of 2015
(M.A. Nos. 1022 of 2015 & 1023 of 2015)**

In the matter of :-

Meera Shukla Vs. Municipal Corporation, Gorakhpur & Ors.

And

Mrs. Sunita Pandey & Anr. Vs. Union of India & Ors.

And

Vishwa Vijay Singh Vs. U.P. Pollution Control Board & Ors.

**CORAM : HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present: **Applicant:** Ms.Mehak Rastogi and Ms. Katyayni, Advs.
Respondent No. 1 Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Advs.
Respondent No. 2 Mr. Sanjay Kumar Vishen, Adv.
Mr. Raj Kumar Adv. and Mr. Bhupender Kumar, LA for Central Pollution Control Board
Ms. Alpana Pandey, Adv.
Mr. Varun Thakur, Mr. Brajesh Pandey Adv., for National Mission for Clean Ganga
Mr. Gaurav Dhingra, Adv. GIDA
Mr. I.K. Kapila, Adv. for Uttar Pradesh Jal Nigam
Mr. A.K. Prasad, Mr. Shshnak Saxena, Adv. for CGWB
Mr. Aakash Singh for Ms. Priyanka Swami adv for State of Uttar Pradesh
CGWA Mr. B. V. Niren and Mr. Vinyak Gupta Adv.
Mr. Abhishek Paruthi and Ms. Niti Choudhary, LA

Present: **Applicant:** Mr. Mithlesh Kumar Pandey, Adv.
Respondent No. 1 Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Advs.
Mr. A.K. Prasad and Mr. Shashank Saxena, Adv. for CGWB
Dr. Abhishek Atrey and Mr. Harshit Kaushik, Adv.,
Mr. Raj Kumar Adv. and Mr. Bhupender Kumar, LA for Central Pollution Control Board
CGWA Mr. B. V. Niren and Mr. Vinyak Gupta Adv.

Present: **Applicant:** Mr. D. K. Pandey adv
Respondent no. 2 Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Adv
Mr. B.V. Niren, Adv. and Mr. Vinayak Gupta, Adv. for CGWA and Ministry of Water Resources
Mr. Sanjay Upadhyay, Mr. Saumitra Jaiswal and Ms. Upama Bhattacharjee, Adv. for R-11
Mr. Aakash Singh for Ms. Priyanka Swami adv for State of Uttar Pradesh

Respondent No. 12 & 13: Mr. Mayank Bughani and Mr. Sanjeev Kumar Singh, Mr. Sighra Kumar Adv.
 Mr. Raj Kumar Adv. and Mr. Bhupender Kumar, LA for Central Pollution Control Board
 Mr. Anil Kumar Singh and Mr. Yogendri Dagar, Adv.
 Mr. Alok K. Agarwal, Mr. Sanjeev Kr.Singh, Mr. Shighra Kumar and Mr. Mayank Bhaghami, Adv.
 CGWA Mr. B. V. Niren and Mr. Vinyak Gupta Adv.

	Date and Remarks	Orders of the Tribunal
	<p>Item Nos. 24-26</p> <p>March 22, 2018 A</p>	<p>On 30th January, 2018 having taken into consideration the factual aspects and the issues relating to sever adverse impact on the environment in the air in territorial jurisdiction of Gaurakhpur Nagar Nigam specific directions were issued for compliance.</p> <p>We had considered the status report filed on 06th November, 2017 and noticed the pathetic condition of the affair regarding municipal solid waste, sewage and trade effluent management in the said City. We have also noticed, despite grant of Environmental Clearance to the Gaurakhpur Nagar Nigam with regard to 32 acres of land to be utilized for municipal solid waste management and processing facility, the Gaurakhpur Nagar Nigam had taken no steps and consequent to which the waste generated was not being handled in accordance with the relevant Rules.</p> <p>We had therefore directed Gaurakhpur Nagar Nigam to place before us an action plan with a definite timeline for each activity that is municipal solid waste, sewage and trade effluent, collection of municipal solid waste, transportation and segregation and disposal. The status report on 06th November, 2017 also revealed that 66.43 MLD of domestic sewage was generated in the city of Gaurakhpur which was left untreated and discharged into</p>

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15 drains into river Rohini as well as River Rapti which finally meet the river Ganga.

We are informed on behalf of the Uttar Pradesh Jal Nigam that DPR of 75 MLD STP in addition to 54 MLD STP within the limits of the Gaurakhpur Nagar Nigam was placed before the National Mission for Clean Ganga and National Mission for Clean Ganga it was not inclined to consider the DPR. For the other reasons assigned in the said order, we had directed that DPR be submitted to the Department of Urban Development, State of Uttar Pradesh and further directed the Department of Urban Development and State of Uttar Pradesh to consider the DPR and get it finally approved for sanction. We note with regret that counsel on record State of Uttar Pradesh is absent. Counsel Mr. Aakash Singh submits that he is proxy on counsel on behalf of Ms. Priyanka Swami for State of Uttar Pradesh and he has been instructed by the said counsel to seek time. There is non-compliance to the directions issued consequently we shall hold State Government responsible for causing delay and default. Further, Gaurakhpur Nagar Nigam was directed to file a statement as to why the site allotted 32 acres was not being utilized for the purpose of municipal solid waste management and what action it had taken regarding preventing of sewage discharge as stated above and to give us the action plan.

Learned counsel for the Gaurakhpur Nagar Nigam submits that they had filed an Affidavit and refer to the Affidavit dated May, 2017 which was undoubtedly an Affidavit filed much prior to the order passed on 30th

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January, 2018. Therefore, we record failure on the part of Gaurakhpur Nagar Nigam to comply with our direction dated 30th January, 2018.

Besides the CGWA was directed to collect the ground water sample from borewells in the City of Gaurakhpur and get it analysed, to suggest the action in respect of the borewells from which the water sample was taken to avoid contamination etc. The said report is also not filed. Besides the Health Department of city Gaurakhpur had to carry out a health survey within the city of Gaurakhpur and place before us which also is not complied. Therefore, Gaurakhpur Nagar Nigam has failed more than one account and not even bothered to file statement. Learned counsel tried to explain based on the Affidavit which can hardly be appreciated. We record consequent to failure on the part of Gaurakhpur Nagar Nigam to manage municipal solid waste to prevent pollution of rivers and failure to properly maintain and manage the sewage, polluting the rivers in question, the Gaurakhpur Nagar Nigam has exposed citizens to severe health hazards bends State of Uttar Pradesh who was directed to get medical checkup done of the people has also failed equally. We may further record that the CGWA was directed to examine the water samples which has also failed. Cumulatively all the Authorities have failed to ensure health of the people resulting in severe risk to life.

In the circumstance we impose cost of Rs. 5 lacs on Gaurakhpur Nagar Nigam for not only failure to comply our direction issued on 30th January, 2018 but it has failed to file statement.

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As far as State of Uttar Pradesh is concerned it has also failed to do the needful hence cost of Rs. 1 lac is imposed. As far as CGWA is concerned cost of Rs. 1 Lac is also imposed for failing to comply with our directions issued on 30th January, 2018.

Therefore, they do not wish to comply with our order dated 30th January, 2018 that we have issue today they would be liable to be proceeded against apart from imposition of heavy environmental cost by the next date of hearing.

As far as Uttar Pradesh Pollution Control Board it has filed its reply, we will take it into consideration after receiving the response from the other. We give two weeks time to the Gaurakhpur Nagar Nigam, State of Uttar Pradesh and CGWA comply with our order and pay costs within that period.

25% of the cost shall be deposited with the Central Pollution Control, 50% with the Uttar Pradesh Pollution Control Board and remaining 25% with the Legal Aid Committee, National Green Tribunal, New Delhi.

This order shall be apply in the cases listed at serial numbers 25 and 26.

List these matters on 10th May, 2018.

.....,JM
(Dr. Jawad Rahim)

.....,JM
(S.P. Wangdi)

.....,EM
(Dr. Nagin Nanda)

22.03.2018