

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL

Original Application No. 115/2014 (CZ)
Kishore Deepak Kodwani Vs. State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER

PRESENT : Applicant : In person
Respondent 1 & 4 : Shri Sachin K. Verma, Advocate
Respondent No. 3 : Shri Om Shankar Shrivastav, Advocate
Respondent 5 : Shri Vijay Shahni, Advocate
Shri Rakesh Sharma, EE
Respondent No. 6 : Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate

Date and Remarks	Orders of the Tribunal
Order No. 12 12th March, 2015	<p>Learned Counsel for the Municipal Corporation Indore has submitted a compliance report along with flow chart and other documents with estimates for the works proposed to be done by the Indore Municipal Corporation in the Kanh & Saraswati rivers for ensuring better management, flow and effluent/sewage treatment of the water flowing in the two rivers in city of Indore. Copy of the same has been furnished to the Learned Counsel for the State.</p> <p>The Learned Counsel for the Municipal Corporation, Indore pointed out that while the estimates for approval and sanctions have been sent to the Government in the UADD Department, the response of the Government is yet to be received. Learned Counsel for the State is accordingly directed to submit the response of the State to the project estimates submitted by the Municipal Corporation, Indore and also the stand of the State with regard to the manner and extent to which the Government proposes to sanction the amount for the aforesaid works.</p> <p>We had earlier directed that the District Collector, Indore shall be responsible for the overall execution and completion of the works which have been undertaken by the Indore Municipal Corporation.</p>

Shri Sachin K. Verma, Learned Counsel appearing for the State submitted that he has received the communication/report through the SDM, Indore wherein it has been submitted that the Collector is supervising and also conducting review meetings with regard to the ongoing works. While he has placed before us the said communication, we find that the reports which are required to be submitted before this Tribunal are required to be in much greater detail.

After conducting the meeting which is to be presided over by the District Collector, Indore on every Monday for taking stock of the works executed in the previous week the concerned officials of the District Administration as well as the Municipal Corporation shall carry out the inspection of their respective jurisdiction and segments which may be assigned to them for this purpose by the District Collector/Municipal Commissioner. As has been placed before us the Indore Municipal Corporation has divided the work of cleaning of Kanh & Saraswati rivers in various segments. This needs to be assigned to specific officers with the responsibility to ensure proper execution of the work within the scheduled time and also ensure that the ongoing work for the coming week is planned out well in advance so that the time schedule can be worked out. In the meetings, the officers concerned shall also discuss the problems that may be faced or being faced and the issues must be resolved in such meetings. As was suggested before us, the District Collector shall also take into account the ongoing works for the coming week and issue directions to the concerned officers and ensure the plan of work and any modification / change of work that may be required in this behalf looking to the ground reality of works going on. The Minutes of Meetings shall be placed before us with the resultant output and the tasks achieved.

Shri Sachin K. Verma, Learned Counsel has also placed

before us the response of the District Collector, Indore/Respondent No.4. The same is ordered to be taken on record. It has been submitted by him that he is personally looking into the matter and also inspected the ongoing cleaning work. The issue needs to be addressed by the Collector by taking into account a realistic time frame within which the entire task needs to be completed.

While, we find that before us, it has been submitted by the Learned Counsel for the Municipal Corporation that the Indore Municipal Corporation in the flow chart is undertaking the cleaning of the rivers Kanh and Saraswati combinedly to the extent of roughly 18.10 km but we find that a total length of various rivers and nallahs flowing through the city of Indore as mentioned in the letter dated 23.02.2015, is roughly 210 kms. As such, the Municipal Corporation intends to carry out the entire task which will have to increase/strengthen its infrastructure and the required manpower taking into account the aforesaid situation also as it may not only negate the entire effort of cleaning of just 18.10 kms length if the remaining areas are not cleaned. This is something which the experts and technicians need to take into account.

The Collector shall also contact the concerned officers of the UADD for ensuring free and smooth flow of funds and financial sanctions in favour of Indore Municipal Corporation as submitted by the Indore Municipal Corporation on 23.02.2015. This issue shall also be taken into account by the Collector and depute a responsible officer, if necessary, for pursuing the matter with the Government in this behalf.

Let the matter be listed on 15.04.2015. On the said date, we expect the District Collector, Indore to be personally present before us and show the progress made in these four weeks commencing today. We may also add that in our previous orders, directions have already been issued for removal of tress-passers and encroachers

residing within the nallahs and river banks and a deadline of 31.03.2015 was fixed for the purpose. The progress made by the District Administration, local authorities and Indore Municipal Corporation in this behalf shall be submitted by the Indore Municipal Corporation and District Collector, Indore.

List the matter on **15th April, 2015.**

.....,JM
(DALIP SINGH)

.....,EM
(P.S.RAO)

