

Item No. 04

Court No. 1

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

(By Video Conferencing)

Original Application No. 125/2017

(With report dated 15.02.2021)

Court on its own Motion

Applicant

Versus

State of Karnataka

Respondent

Date of hearing: 12.03.2021

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

Applicant/  
Amicus Curie:

Mr. Raj Panjwani, Senior Advocate with Mr. Saransh Jain,  
Advocate

Respondent(s):

Ms. Madhvi Divan, Additional Solicitor General with Mr.  
KM Darpan, Advocate for State of Karnataka  
Mr. Brijendra Chahar, Senior Advocate with Mr. Kashi  
Vishweshwar, Advocate for BBMP  
Mr. Raj Kumar, Advocate for CPCB  
Mr. Balaji Srinivasan, Advocate for BWSSB

**ORDER**

1. The issue for consideration is **remedial action for restoration of Bellandur, Agara and Varthur lakes at Bangalore, including preventing discharge and dumping of pollutants, removing encroachments from catchment area and other steps for restoration.**

2. The matter has been dealt with by this Tribunal on several occasions in the last almost four years. The Tribunal earlier constituted a Committee headed by Shri Raj Panjwani, Senior Advocate (now assisting the Tribunal

as Amicus) to visit the site to assess the factual position and to suggest further course of action.

**Report dated 31.5.2018 about the status of degradation of lakes and further orders for remedial action – appointment of monitoring Committee headed by Justice Santosh Hegde**

3. Accordingly, the Committee gave its report dated 31.05.2018 which was dealt with by this Tribunal, vide order dated 06.12.2018. While accepting the report, the Tribunal directed preparation of an action plan with timelines and budgetary support under the overall supervision of Additional Chief Secretary, Urban Development Department (UDD), Karnataka and the Bruhat Bengaluru Mahanagara Palike (BBMP). Execution of the action plan was to be overseen by the Monitoring Committee headed by Justice Santosh Hegde, former Judge of the Hon'ble Supreme Court.

**Order of the Tribunal dated 21.10.2019 and Supreme Court order dated 22.11.2019**

4. The matter was thereafter considered by this Tribunal on 21.10.2019 in the light of reports of the Monitoring Committee dated 27.05.2019 and 20.09.2019. **The Tribunal found continuing violation of environmental norms and required the personal presence of the Additional Chief Secretary, Urban Development, Karnataka, Commissioner, BBMP, Commissioner, Bangalore Development Authority (BDA), Chairman, Bangalore Water Supply and Sewerage Board (BWSSB) and the Member Secretary, State PCB with compliance reports and explanation for violation of earlier orders of the Tribunal. The said order was affirmed by the Hon'ble Supreme Court vide order dated 22.11.2019 in Civil Appeal No. 9666-68 of 2019, State of Karnataka v. D. Kupendra Reddy & Ors.**

**Further order dated 18.12.2019 considering compliance status**

5. The matter was thereafter considered on 18.12.2019 in the personal presence of the officers and in the light of status report furnished under 37 headings, including steps for preventing discharge of solid and liquid waste into the lake, removing encroachments, removing illegal construction inside the lake, de-silting and de-weeding etc. The Tribunal discussed all the relevant aspects in paras 14 to 27 of the order and finally issued following directions:

“28. *We may now sum up our directions as follows:*

- i. **Timelines for execution of projects for setting up of STPs and laying of sewerage network may not be extended beyond 30.09.2020.** If the works remains incomplete even till 30.09.2020, compensation will be liable to be paid @ Rs. 10 lakh per STP per month which may be liable to recovered from the erring officers, apart from adverse entries in their service records and other adverse action.*
- ii. **Bangaluru Water Supply and Sewerage Board (BWSSB) must ensure that no sewage/effluent is discharged into the lakes** and till setting up of STPs, interim remediation must be done forthwith. Any default in this regard will result in requirement to pay compensation of Rs. 5 lakh per month per inlet into the lakes from 01.02.2020.*
- iii. **BSWWB may further ensure that treated water is not discharged into the UGB network.** Action may be taken against persons responsible for having allowed this to be done earlier resulting into loss of Rs. 2 Lakhs per day i.e. Rs. 60 Lakhs per month and more than Rs. 7 Crore per year without any justification whatsoever.*
- iv. Sources of discharge of sewage be controlled/regulated and electricity and water supplies to the defaulting establishments be stopped for enforcement of law till remedial steps are taken for compliance.*
- v. **Encroachments which are still continuing be removed by using force wherever necessary.** If any injunction has been granted by any Court which is considered erroneous, higher forum can be moved so that law is upheld.*

- vi. *Action against erring officers which has not yet been taken must be initiated forthwith as already directed. Failures of officers still in service should be duly reflected in their ACRs.*
- vii. ***The State PCB itself may lay down standards for phosphorus instead of waiting for notification by MoEF&CC.***
- viii. ***The State of Karnataka may either resolve the issue of fencing with the Defence establishment or put such establishments to notice to place their objections before this Tribunal within one month of such notice after which the State of Karnataka will be at liberty to proceed with the fencing and such Defence establishment will stand restrained from interfering unless otherwise directed by this Tribunal or any other authority.***
- ix. *Compensation already assessed be recovered by adopting coercive measures such as disconnection of electricity and water supplies.*
- x. ***Steps be taken expeditiously for de-silting, de-weeding. Analysis of sludge and silt may be carried out before its disposal based on the result of such analysis, the mode of disposal and protocol be determined in accordance with laid down principles under the relevant Rules.***
- xi. *The State PCB may develop a robust water quality monitoring progame for monitoring of water quality of drains leading to the lakes and also undertake water quality monitoring at atleast 5 locations for each lake.*
- xii. *Steps may be taken to explore development of wetlands and bio-diversity parks apart from other remedial action for reducing the pollution load on the recipient water bodies.*
- xiii. ***C&D waste processing facility be commissioned expeditiously and steps be taken to ensure that the timeline proposed is adhered to.***
- xiv. *Real time water quality system be commissioned by 31.01.2020 as proposed.*
- xv. ***The issue of removing 1.5 km road laid upon the lake bed, within the boundary of Varthur lake, by dumping of C&D debris be finalized as per directions of Justice Hegde Committee in terms of para 26 above.***

29. ***The Monitoring Committee headed by Justice Hegde may also review the progress made in terms of all the issues***

***considered in the order of this Tribunal dated 06.12.2018 and submit its report on or before 06.03.2020 by e-mail at judicial-ngt@gov.in. The Monitoring Committee may also give its findings to the Chief Secretary of Govt. of Karnataka. Considering that the entire exercise requires inter sectional and inter departmental coordination, Chief Secretary, Karnataka may steer the action of different departments and bodies. We extend the tenure of Monitoring Committee till 31.03.2020.”***

**Order dated 13.8.2020 considering further progress**

6. The matter was last considered on 13.08.2020 in the light of the report of the Monitoring Committee dated 06.03.2020 and response of the State dated 11.06.2020 and by way of earlier affidavit. The summary of compliance status was filed by the State of Karnataka on 04.08.2020 during the last hearing. The Tribunal considered the compliance status so presented and also the report of the Monitoring Committee and directed that the leftover work may be expeditiously completed, which may be reviewed by the Monitoring Committee and status of compliance as on 31.12.2020 be furnished to this Tribunal by 15.01.2021 with a copy to the Chief Secretary, Karnataka. It was further directed that the Chief Secretary, Karnataka may file consolidated report covering the steps taken by various departments. The concluding part of the above order of the Tribunal is as follows:

*“10. The steps taken by the BBMP or other departments can be looked into by the Monitoring Committee. Objections/suggestions of individuals including letter dated 13.02.2020 from A.N. Yellappa Reddy, Chairman, Bangalore Environment Trust need not be considered by the Tribunal as the same can be considered by the Monitoring Committee.*

***11. In view above, the left-over work may be expeditiously completed which may be reviewed by the Monitoring Committee. The status of compliance as on 31.12.2020 may be compiled by the Monitoring Committee and report furnished to this Tribunal by 15.01.2021 with a copy to the Chief Secretary, State of Karnataka. The Chief Secretary, State of Karnataka may furnish a consolidated report covering the steps taken by all the concerned Departments. The individual Departments need not file separate reports before***

*this Tribunal once the same are filed before the Monitoring Committee and the Chief Secretary, Karnataka. The Chief Secretary, Karnataka may give its own report by 31.01.2021 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.”*

**Latest reports of the Monitoring Committee as on 31.1.2021 and the Chief Secretary**

7. Accordingly, the Monitoring Committee has filed its report on 15.02.2021 giving the progress upto 31.01.2021 in a tabular form as follows:

Contd. at next page

Sl. no	Directions of Hon'ble NGT vide orders dated 06.12.2018, 18.12.2019 and 13.08.2020	Progress up to 31.01.2021 and Committee observations		
1	Relevant para	3		
1.	<p><b>Para 28(i)</b>  <b>Order dated 18.12.2019:</b>  <i>Timelines for execution of projects for setting up of STPs and laying of sewerage network may not be extended beyond 30.09.2020. If the works remains incomplete even till 30.09.2020, compensation will be liable to be paid @Rs.10 lakh per STP per month which may be liable to recovered from the erring officers, apart from adverse entries in their service records and other adverse action.</i></p> <p><i>Further, the NGT vide order dated 13.08.2020 has directed that, the works may be expeditiously completed and to be reviewed by the Monitoring Committee.</i></p>	In regard to the construction of STPs and their commission, the details are given as under (BWSSB):		
		<b>Sl. no</b>	<b>Name of the STP / others</b>	<b>Compliance</b>
		i.	Sarakki – 5 MLD STP	Completed and commissioned on 08.11.2019
		ii.	Chikkabeguru - 5 MLD STP	Completed and commissioned on September 2020.
		i.	Hulimavu – 10 MLD STP	Completed and commissioned on 31.03.2020
		ii.	Agram – 35 MLD STP	Completed and commissioned on 31.03.2020
		iii.	Madivala – 4 MLD STP	24.5% work completed
		iv.	K&C Valley – 150 MLD STP	90.01 % works completed as on 31.01.2021. Primary treatment is in progress and likely to be completed by 31.03.2021 and expected to treat 83MLD sewage (with this augmentation, 536 MLD (92%) would be treated as against 583 MLD)
		v.	Construction of 210 MLD capacity ISPS at Koramangala at sports complex	The work is completed and ready for operation. The water will be pumped to 150 MLD STP, once the remaining pipe network is completed, (yet to complete 252 Rmt)
		vi.	Laying of 800 mm UGD from 210 MLD ISPS to 150 MLD STP	Against the 5315-running meter; 5063 running meter is completed. Likely to be completed by 31.03.2021.
		vii.	Waste water wet well – 32.5 MLD Capacity near the premises of 90 MLD Bellanduru Amanikhane STP to augment sewage from the adjoining areas of Bellanduru Amanikhane STP (date fixed for completion 30.09.2020)	The overall progress as on 31.01.2021 is 45.75 % against the planned target of 100.00%. This work will be completed before 31.03.2021. However, the temporary arrangement has been made for pumping sewage to Bellandur Amanikhane STP.

2.	<p><b>Para No.14</b>  <b>Order Dated 18.12.2019</b>  <i>We also found that timelines fixed by this Tribunal have been unilaterally extended without any valid justification and no action has been taken against the erring officers on a specious plea that it was difficult to fix responsibility. Such approach is hardly compliant with the Rule of Law. We particularly disapprove the timeline for upgradation of STPs with Biological Nutrient Removal (BNR) at 248. MLD STP at K&amp;C Valley. The same must not go beyond 30.09.2020 but preferably be completed before 30.06.2020 although earlier timeline fixed by this Tribunal was 30.06.2019. No substantial work has been done in the last one year on this aspect.</i></p>	<p>The BWSSB submits that, STPs of 90 MLD at Bellandur Amanikere; 60 MLD at K&amp;C Valley; 5 MLD at Sarakki; 5 MLD at Chikkabegur; 10 MLD Hulimavu; 35 MLD at Agram and 150 MLD at K&amp;C Valley (under construction) are complied with Biological Nutrient Removal treatment.</p> <p>The BWSSB further submits that for the 248 MLD STP at K&amp;C Valley, certain modifications in the process of treatment have been made in consultation with the IISc, Bengaluru, for removal of nutrients. On sample analysis it is found that the biological nitrates have been reduced substantially (nitrogen 6.4 mg per ltr and phosphates 0.85 mg per ltr). It is noted that, the treated water from these STPs is being transmitted to the tanks in Kolar Districts for recharge of ground water for irrigation purpose. However, the upgradation of the system has not been completed but is in process.</p>
3.	<p><b>Para 28(ii)</b>  <b>Order dated 18.12.2019:</b>  <i>Bengaluru Water Supply and Sewerage Board (BWSSB) must ensure that no sewage/effluent is discharged into the lakes and till completing of STPs, interim remediation must be done forthwith. Any default in this regard will result in requirement to pay compensation of Rs.5 lakh per</i></p>	<p>It is submitted that, the sewage water has been diverted through the peripheral temporary diversion channels and no sewage water enters in these lakes (Agram, Bellanduru and Varthur).</p> <p>Further, the BWSSB has installed aerating systems in these temporary diversion channels at, 1) HAL side and Kempapura inlet, 2) Agaram inlet, 3) Koramangala inlet, 4) Iblur inlet coming under Bellandur Lake, 5) Northern and 6) Sothern side of Varthur lake for inline treatment of sewage.</p> <p>The artificial floating islands have also been installed at certain places. The committee has suggested to augment phytoremediation options at locations, where the water flow is slow or stagnant to enhance the treatment efficacy, which is yet to be implemented.</p>

	<i>month per inlet into the lakes from 01.02.2020.</i>	
4.	<p><b>Para 28(iii)</b>  <b>Order dated 18.12.2019:</b>  <i>BSWWB may further ensure that treated water is not discharged into the UGD network. Action may be taken against persons responsible for having allowed this to be done earlier resulting into loss of Rs.2 Lakhs per day i.e.Rs.60 Lakhs per month and more than Rs.7 Crore per year without any justification whatsoever. <b>BY BWSSB</b></i></p>	<p>There are about 496 buildings having STPs as per the KSPCB records. The BWSSB submits that, wherever there was connectivity with the UGD for flowing of treated water; all have been disconnected (109 buildings). For the remaining areas there is no access to networking of UGD.</p> <p>The BWSSB submits that, treated water was allowed as per the conditions stipulated in the order issued by KSPCB. In view of these facts and circumstances, it is requested by BWSSB not to initiate action against their officials.</p>
5.	<p><b>Para No.16</b>  <b>Order Dated 18.12.2019</b>  <i>We are informed that about 256.7 MLD untreated sewage is entering the lake from five locations which is nothing but a criminal offence which is required to be checked on war footing and violators of law brought to justice, erring officer being appropriately dealt with under the civil, criminal and service law with a view to uphold the Rule of Law. There is large scale breach of public duties by concerned Authorities dealing with the subject and earlier observations of this Tribunal have fallen on deaf ears and blatantly flouted.</i></p>	<p>The BWSSB submits that to check the flow of sewage water into the lakes, following works have been completed.</p> <ol style="list-style-type: none"> <li>1. <b>HAL SWD (Challaghatta Valley)</b> – Totally 23 works are to be taken up for augmenting this flow, out of which 23 works are completed as on 23.12.2020.</li> <li>2. <b>Koramangala and Agram Valley</b> -Totally 48 works are to be taken up for augmenting this flow out of which 48 works are completed on 23.12.2020.</li> <li>3. <b>Iblur Catchment area-</b> Completed and Commissioned on 23.12.2020.</li> <li>4. <b>Kempapura Catchment area-</b> BWSSB has taken up work of laying 300 mm RCC NP3 sewer line for a length of 1000 RMT to convey the sewage generated in the area of Bellanduru Amanekhane STP. The work is completed and commissioned in the month of May 2020.</li> </ol> <p>The BWSSB submits that, the combined treatment capacity in the catchment of these lakes will be around 664.50 MLD against the presently measured flow of 553 MLD. Presently, about 453.50 MLD of sewage is being treated. Additional treatment of 83 MLD would be augmented by commissioning of new STP (end of March 2021). Therefore, there will be treatment of 536.50 MLD (92 %) as against the measure flow of 583 MLD.</p> <p>The Committee observes that the BWSSB has to take steps to treat the remaining 8 to 10 % of sewage to stop completely the flowing of sewage into the lakes after rejuvenation. It is submitted here that, as per the earlier recommendations of the Committee, the water level in these lakes will be maintained by supplying treated water from the STPs daily to compensate evaporation and seepage losses. Only the surplus treated water should be allowed to flow to Kolar, Chikkaballapur, Anekal etc.</p>

6.	<p><b>Para 28(iv)</b>  <b>Order dated 18.12.2019:</b>  Sources of discharge of Sewage be controlled/ regulated and electricity and water supplies to the defaulting establishments be stopped for enforcement of law till remedial steps are taken for compliance.</p>	<p>The KSPCB has identified 91 units in total that are required to be installation of STP. The details of progress are given as under:-</p> <table border="1" data-bbox="862 256 2381 451"> <tr> <td>No. of units Installed STP</td> <td>42</td> </tr> <tr> <td>No. of units connected to BWSSB</td> <td>06</td> </tr> <tr> <td>No. of units with STP under construction</td> <td>07</td> </tr> <tr> <td>No. of units issued with Closure orders for either not having STPs or not connected to UGD and letting the raw sewage into the storm water drain</td> <td>10</td> </tr> <tr> <td>Action yet to be taken</td> <td>26</td> </tr> </table>	No. of units Installed STP	42	No. of units connected to BWSSB	06	No. of units with STP under construction	07	No. of units issued with Closure orders for either not having STPs or not connected to UGD and letting the raw sewage into the storm water drain	10	Action yet to be taken	26		
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7.	<p><b>Para 28(v)</b>  <b>Order dated 18.12.2019:</b>  Encroachments which are still continuing be removed by using force wherever necessary. If any injunction has been erroneous, higher forum can be moved so that law is upheld.</p>	<p>An area of 5.20 Acres in Sy.No.319 was granted to a person from the village of Amani Bellanduru kane during 1976-77 and a new survey number 477 have been formed. This survey number was the part of Varthur lake. The matter is under process for cancelation of grant and pending before the concerned Assistant Commissioner. The other encroachments are stated as removed.</p> <p>Illegal constructions in Ballandur lake (named as Ambedkar Nagar slum) are yet to be evicted</p>												
8.	<p><b>Para 28(vi)</b>  <b>Order dated 18.12.2019:</b>  Action against erring officers which has not yet been taken must be initiated forthwith as already directed. Failures of officers still in service should be duly reflected in their ACRs.</p>	<p>The Additional Chief Secretary, Urban development Department, has submitted the following details in regard to action initiated in the subject matter. The same is produced here for further needful.</p> <p><b>1) Bengaluru Development Authority :</b></p> <table border="1" data-bbox="862 943 2381 1325"> <thead> <tr> <th>Sl. No</th> <th>Name of erring officer/ official</th> <th>Designation and Period</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Rizwan Baig</td> <td>Executive Engineer From 2010 to 2011 &amp; 2015 to 2016</td> </tr> <tr> <td>2.</td> <td>S.Mallikarjuna Swamy</td> <td>Executive Engineer from 2010 to 2011 &amp; 2015 to 2016</td> </tr> <tr> <td>3.</td> <td>Ravi Narayana Reddy</td> <td>Executive Engineer from 2010 to 2011 &amp; 2015 to 2016</td> </tr> </tbody> </table>	Sl. No	Name of erring officer/ official	Designation and Period	1.	Rizwan Baig	Executive Engineer From 2010 to 2011 & 2015 to 2016	2.	S.Mallikarjuna Swamy	Executive Engineer from 2010 to 2011 & 2015 to 2016	3.	Ravi Narayana Reddy	Executive Engineer from 2010 to 2011 & 2015 to 2016
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Notices were served to erring officials on 19.02.2020 seeking their replies within 15 days. Replies were received from all the above mentioned officials. On scrutiny of the explanations given by them, the Additional Chief Secretary (ACS), submits that the replies are found acceptable.

**2) BBMP : Period from 20.09.2008 to 03.05.2011**

Sl. No	Name of erring officer/ official	Designation and Period	Present Dept
1.	J.C.Prakash Murthy	Assistant Engineer (1.10.2008 to 30.11.2009)	PWD
2.	H.P.Mohan Kumar	Assistant Executive Engineer (2.03.2009 to 3.1.2011)	PWD
3.	H.Chandrappa	Assistant Engineer, K.R.Puram Sub- Division, (2.12.2009 to 11.1.2012)	PWD
4.	J.C.Prakash Murthy	Assistant Executive Engineer, (after promotion) (2.12.2009 to 7.7.2010)	PWD

The State Government vide No.UDD/91/MNJ/2017, Dated.11.12.2020 directed BBMP to take necessary action on the erring officials as per the directions of the Hon'ble NGT and to submit a compliance report by 20.12.2020. The draft charges memo has been submitted to the concerned Administrative Department i.e., PWD for further necessary action.

**3) BWSSB**

Sl. No.	Name	Designation
1.	S.M. Basavaraju	Chief Engineer (14.11.2006 to 08.04.2013) & 10.05.2013 to 29.03.2014)
2.	S.M. Ramakrishna	Chief Engineer (29.03.2014 to 11.06.2013) & as Chief Engineer WWM (I/c) & (11.06.2014 to 31.07.2014) as Chief Engineer WWM
3.	S.R. Roopa Kumar	Additional Chief Engineer (31.01.2007 to 05.06.2008)
4.	S.P. Rudra Murthy	Additional Chief Engineer (05.06.2008 to 13.06.2012)
5.	V. Mahesh	Additional Chief Engineer (27.03.2013 to 10.07.2015)
6.	K.R. Manjunath	Additional Chief Engineer (10.07.2015 to 28.10.2016)
7.	B.M. Purushotham	Executive Engineer (29.10.2007 to 23.05.2008)
8.	C. Abdul Nazir	Executive Engineer (23.05.2008 to 04.01.2012)
9.	B.N. Sidda Gangaiah	Executive Engineer (04.01.2012 to 31.08.2012) & from 31.08.2012 to 15.11.2012
10.	C.C. Putta Mallappa	Executive Engineer (15.11.2012 to 26.08.2013)
11.	B.S.C. Soma Shekar	Executive Engineer (26.08.2013 to 07.06.2014)

		<p>The ACS submits that officers who have worked in the specified period have been identified and show cause notices have been issued to them. The replies obtained from these officers have been reviewed and found to be not acceptable. Hence, the formal approval of the Government has been sought vide letter dated.26.05.2020 for initiating disciplinary proceedings on all the concerned retired officers of BWSSB. In this regard, the State Government in letter dated.27.10.2020 has accorded approval to conduct department enquires on all the concerned retired officers of the Board. As per rule 214 (2)(B)(i) and (ii) of KCSR, action has been initiated to conduct Departmental enquiry and for this purpose show-cause notices have been issued to all the retired officers on 18.12.2020 giving 15 days' time to submit their replies. All the retired officers have sought many details and additional time for furnishing their replies. After getting their replies, further action will be initiated.</p>
9.	<p><b>Para 28(vii)</b>  <b>Order dated 18.12.2019:</b>  <i>The State PCB itself may lay down standards for phosphorus instead of waiting for notification.</i></p>	<p>The KSPCB submits that the Bureau of Indian Standards has issued notification for limiting the Phosphorus content in household laundry detergents powders, household laundry detergents bars and synthetic detergents of washing woollen and silk fabrics.</p> <p>Further they submit that some follow up action has been taken as listed below:-</p> <ol style="list-style-type: none"> <li>1. A public notice is issued by KSPCB in this regard in the print media.</li> <li>2. Letters are addressed to all the State PCB's to directly implement the order.</li> <li>3. Letters are addressed to all the soap/detergent manufacturers in the state of Karnataka for the restriction of Phosphorus content.</li> <li>4. Letter is addressed to MOEF for making a final notification.</li> </ol>
10.	<p><b>Para 28(viii)</b>  <b>Order dated 18.12.2019:</b>  <i>The State of Karnataka may either resolve the issue of fencing with the Defence establishment or put such establishments to notice to place their objections before this Tribunal within one month of such notice after which the State of Karnataka will be at liberty to proceed with the fencing and such Defence establishment will stand restrained from interfering unless otherwise</i></p>	<p>The issue of raising of fencing towards the Defence area have been resolved. The Commissioner, BDA, submits that an estimate is prepared and sent for 4(G) exemption to the Government for the construction of fence. Further, in regard to desilting a portion of the lake, there is a dispute pending with the Defence.</p>

	<i>directed by this Tribunal or any other authority.</i>							
11.	<p><b>Para 28(ix)</b>  <b>Order dated 18.12.2019:</b>  <i>Compensation already assessed to be recovered by adopting coercive measures such as disconnection of electricity and water supplies.</i></p>	<p>In regard to this para, the KSPCB submits as under:-</p> <table border="1"> <tr> <td>Total No. of units issued with notice for EC and Amount.</td> <td>376 units (Rs.19.85 Crores)</td> </tr> <tr> <td>No. of units paid EC and Amount</td> <td>40 units (Rs.2.10 Crores)</td> </tr> <tr> <td>Action yet to be taken for recovery</td> <td>336 units</td> </tr> </table> <p>M/s. Durga rainbow flat owner's welfare association has filed an impleading application before the Hon'ble NGT on 30.08.2020.</p>	Total No. of units issued with notice for EC and Amount.	376 units (Rs.19.85 Crores)	No. of units paid EC and Amount	40 units (Rs.2.10 Crores)	Action yet to be taken for recovery	336 units
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No. of units paid EC and Amount	40 units (Rs.2.10 Crores)							
Action yet to be taken for recovery	336 units							
12.	<p><b>Para 28(x)</b>  <b>Order dated 18.12.2019:</b>  <i>Steps be taken expeditiously for de-silting, de-weeding. Analysis of sludge and silt may be carried out before its disposal based on the result of such analysis, the mode of disposal and protocol be determined in accordance with laid down principles under the relevant Rules.</i></p>	<p>KSPCB has collected series of samples of Silt/sludge at different depth with grid manner on 25<sup>th</sup>, 26<sup>th</sup> &amp; 27<sup>th</sup> of December 2020. Besides sample collected on 16/09/2020, 18/09/2020, 12/11/2020, 19.12.2020 &amp; 5.1.2021</p> <p>The CPCB has given a report for Varthur lake based on TCLP and STLC analyses of silt samples. As per the protocol based on TCLP and STLC analyses, the soil is non-hazardous and accordingly the permission is accorded to BDA by KSPCB to dispose silt from the locations showed in the grid map based on local demand. As regards to Bellandur Lake, the analysis of sediment samples for leachability tests is under progress.</p> <p><b>Desilting of Varthur lake:</b> work order issued on 23.11.2020 to the Agency M/s Star Infra Tech Pvt Ltd. It is submitted that, more soil / silt / sludge samples were collected from the lake bed areas and was analysed. The sediment analysis results based on the screening levels on soil quantity para meters prescribed for agriculture use have been examined by the CPCB and a report is given. Based on the recommendations of CPCB, the KSPCB issued a letter for disposal of the silt for agriculture and other uses. The work of de-silting has commenced by M/s Star Infra Tech Pvt Ltd as per the direction of KSPCB/BDA. Further, the BDA claims that approximately in an area of 100 Acres, silt is removed and stocked in the lake area. This work of removal of silt (100 Acres) is carried out under the 4 (G) exemption.</p> <p><b>Desilting of Bellandur lake:</b> work order issued on 23.11.2020 to M/s RMN Infrastructure Pvt Ltd. Lake bed pre level survey is done, removal of seepage water and others in the Bellandur lake is completed. BDA claims that under 4(G) exemption, an area of 158 Acres (Bellandur lake) silt is removed and stocked at some places inside the lake. The BDA further submits that the stocked silt will be disposed as per the protocol.</p>						

13.	<p><b>Para 28(xi)</b>  <b>Order dated 18.12.2019:</b>  <i>The State PCB may develop a robust water quality monitoring program for monitoring of water quality of drains leading to the lakes and also undertake water quality monitoring at atleast 5 locations for each lake.</i></p>	<p>The KSPCB has a well-equipped laboratory to analyse the samples in house. Samples are being analysed for pH, BOD, COD, TSS, Ammoniacal Nitrogen, Iron and Manganese, Total Nitrogen, Cyanide, Hexavalent Chromium, Cadmium, Copper, Lead, Nickel, Zinc and Total Chromium at KSPCB's sophisticated Central Laboratory. KSPCB has been advised to undertake water quality monitoring at regular intervals in these lakes and drains (connecting these lakes) and upload (on monthly basis) the water quality information at KSPCB website.</p>
14.	<p><b>Para 28(xii)</b>  <b>Order dated 18.12.2019:</b>  <i>Steps may be taken to explore development of wetlands and biodiversity parks apart from other remedial action for reducing the pollution load on the recipient water bodies.</i></p>	<p>Provision is made in the estimate for construction of wetland Bellandur and Varthur lakes. Once the identified wetland area within the lake is de-silted, wetland will be developed.</p> <p>Letter has been received from the ADLR (East) dated.06.11.2020 stating that Government land is not available along the periphery of the lake boundary in buffer zone.</p>
15.	<p><b>Para 28(xiv)</b>  <b>Order dated 18.12.2019:</b>  <i>Real time water quality system be commissioned by 31.01.2020 as proposed.</i></p>	<p>The Board has already installed the Real Time Water Quality Monitoring systems at three locations and continuously monitoring. The results are uploaded on the website.</p>
16.	<p><b>Para 28(xv)</b>  <b>Order dated 18.12.2019:</b>  <i>The issue of removing 1.5 km road laid upon the lake bed, within the boundary of Varthur lake, by dumping of C&amp;D debris be finalized as per directions of Justice Hegde Committee in terms of para 26 above.</i></p>	<p>The Hon'ble NGT vide order dated 13.08.2020 has held that enquiry should be conducted about the illegality in laying the pipeline by the Minor Irrigation Department. Accordingly, Minor Irrigation department has taken steps as stated in para 21 in this report.</p>
17.	<p><b>Para 19(16) of order</b>  <b>Order dated 06.12.2018:</b>  <i>Post removal of waste from the Lake and from the Rajakaluves, the State ought to prepare a</i></p>	<p>As regard to removal of waste from the lake area, the desilting work is in progress and once it is completed the left-out waste shall have to be removed. Meanwhile, the BBMP has to prepare a detail project report for the disposal for the same.</p> <p>In regard to removal of waste from the Rajakaluves, the BBMP submits that against approximately 218.0 kms of Rajakaluves (SWD), about 105.149 kms are being maintained. The maintenance includes removal of silt, floating</p>

*detailed project report with respect to disposal of the same.*

tresses, vegetation and other organics and transported to the Anjanapura abandoned stone quarries. A list of drains of 105.149 kms has been provided here as under:

Sl. No	Drain No	Drain Name		Length in M
1	MD 342A	Boganahalli	Panattur Kere	300
2	MD 425	Ramgondanahalli Adarsha Houses	MD 428 @ Chainage 0.00m	100
3	MD 428	Varthur Kere	MD 431 @ Chainage 0.00m	200
4	MD 413	Pattanduru Agrahara	Nalluralli Kere	250
5	MD 414	Saibaba Hospital	Nalluralli Kere	450
6	MD 415	Pioneer Software	Nalluralli Kere	400
7	MD 416	Nalluralli	Nalluralli Kere	450
8	MD 349	End Point of MD 322 & MD 334 Near ADA Compound Wall	Varthur Kere	400
9	MD 365A	End Point of MD 363 & MD 364	MD 369 @ chainage 0.00	400
10	MD 322	RHB Colony	Garudacharyapalya Kere	150
11	MD 322A	Garudacharyapalya Kere	Mahadevpura Kere	400
12	MD 322C	ITPL Road	Ramakka Layout	100
13	MD 325	Outter Ring Road	Doddanenkundi Kere	300
14	MD 325A	Vinayaka Nagara 8th Cross	MD 325 @ Chainage 0.00	500
15	MD 363	Chinnappanahalli Layout	MD 365 @ Chainage 0.00	500
16	MD 369	End Point of MD 365 & MD 368	Varthur Kere	500
17	MD 371	Tules CADCAM Technology	Kundalahalli Kere	500
18	MD 372	BEML Layout	Kundalahalli to Siddapura	300
19	MD 374	Tuberahalli BEML Layout	MD 375 @ Chainage 0.00m	230
20	MD 375	End Point of MD 374 & MD 373	Siddapura Kere	450
21	MD 292B	Vijaya Lakshmi Colony via Sai Baba Ashram	Dakshina Pinakini River	350
22	MD 292	Patalamma Layout	Dakshina Pinakini River via Sidhartha Layout	500

		23	MD 292A	Kashi Vishwanatha Temple	Outer Channel of YMC Kere near Railway Culvert	1050
		24	MD 294	Alembic Glass	MD 388 @ Chainage 0.00m near Channasandra Circle	1150
		25	MD 296	Channasandra Circle	Dakshina Pinakini River on Chikka Thirupathi Road	1300
		26	MD 388A	Plantation near Gunjar	MD 388 @ Chainage 0.00m	150
		27	MD 387	End point of MD 385	MD 382 @ Chainage 1840.00m	300
		28	MD 451A	Gandhipura	MD 451 @ Chainage 560.00m	360
		29	MD 451	Gandhipura	MD 453 @ Chainage 0.00m @ Immadihalli	300
		30	MD 453	End Point of MD 451	MD 454 @Chainage 0.00	360
		31	BH 628	Kaikondanahalli Kere	SowlTank	800
		32	BH 627	Kasavanalli Kere	Kaikondanahalli Kere	300
		33	BH 629	Arloor Kere	Kaikondanahalli Kere	500
		34	BH 629	Arloor Kere	Kaikondanahalli Kere	200
		35	BH627A	Bellandur	Ecospace	500
		36	BH-599	Iblur Lake	Bellandur Lake	769
		37	C 200	Doordarshan, Jayamahal Extn,	Ulsoor Tank	4150
		38	C-100	From Palace Grounds, Vasanthnagar	Wind Tunnel Road	9650
		39	C-101	Sudhamnagar	Inside HAL Airport	1875
		40	C-102	Sweepers colony, Kadirenapalya	Shastrinagar Joining C-100	1600
		41	C-103	Krishnamurthynagar	Kadirenapalya	1600
		42	C-104	Kadirenapalya	Kadirenapalya tank	2500
		43	C-105	Hanumannagar	Kodihally, Near Domlur Flyover	3000
		44	C-106	New Thippasandra	ISRO Complex	650
		45	C-107	Kaggadasapura Lake	Kaggadasapura Main Road / Doodanekkundi tank	900

46	C-108	Airport South East Corner	NAL	600
47	C-109	Adj. To Airport Compound	Bellandur Lake	675
48	N4 Drain	Nagammanagar	3rd Cross Domlur	1580
49	-	Domlur AK colony	Natasha Apartment	920
50	C-201	Ganapathy Temple, near Ulsoor Tank	MEG near Ulsoor Tank	250
51	C-202	Richards Town	Gymkhana Club	1170
52	C-203	Sagayapuram	Cleve town	750
53	C-204	Orion Mall, Marutisevanagar	Ulsoor Tank	2000
54	-	Upper Byrasandra lake - Baghmane Tech Park	Lower Byrasandra Lake - Baghmane techpark	560
55	-	Lower Byrasandra Lake - Baghmane techpark	Kaggadasapura Lake	930
56	-	KrishnaiahnaPalya	Kaggadasapura Lake	2600
57	-	Kasturinagar Park	Outer Ring Road	1000
58	-	Kasurinagar Railway track	Outer Ring Road	600
59	K-100	K.R.Market	Bellandur Lake	10200
60	K-200	Sanatorium	Bellandur Lake	7600
61	K-103	Church Street	via Austin town & Vivek nagar joining to K-100	3400
62	K-104	Jayangara 1st Block	Via Lakkasandra joining to K-100	1700
63	K-107	Lang ford town	Jalakanteshwara pura	770
64	K-108	Venkatareddy Layout	Willson Garden	1925
65	K-109	Kanteerava Stadium	via R.R. Mohan Ray & joining to K-100	2000
66	K-110	Hosur road	Sudhamanagara	625
67	K-111	South End road near Jayangara 2nd Block	Lalbh Tank	950
68	K-112	Parvathi Pura	Kumbargundi	725
69	K-114	Lang ford road	via St Michael's Church & Joining to K-100	1100
70	K-201	Vanaganahalli	Agara Lake	1350
71	K-202	Ellukunte	venkatapura	950
72	K-203	Crompton Greeves Road	Ring Road	1200
73	K-204	Madivala Tank	Hosur Road	705

74	K-205	Mudduram Nagar	Bismillah Nagar	525
75	K-206-	Tayappanahalli	Bovi Colony	1245
76	K-207	Bairsandra Ext	Bannerugatta road	1225
77	K-208	Tilaknagar	Krishnappa Garden	425
78	K-209	J P Nagara 6th Phase	Madiwala Tank	9500
79	K-210	J P Nagara 6th Phase	Joining K-200	1700
<b>Total Length</b>				<b>105149 meters</b>

It is stated here that the above details are submitted for the first time now hence Committee could not cross verify at the field level.

Further, the State Government is developing Rajakaluve K-100 for the length of 11.4 kms from Chikkalalbagh to Bellanduru lake. No Objection Certification was given in compliance with IA No.392/2020 in OA No.125/2017 subject to the conditions. Copy of the said letter dated 24.12.2020 was also submitted to the Hon'ble NGT by the Committee. The outcome of the development of this Rajakaluve should be placed before the Hon'ble NGT by the State Government.

BBMP is yet to submit the detailed report on the status of the drains (with details of encroachments) and buffer zones.

18.	<b>Para 6 of order Order dated 13.08.2020:</b> <i>Details of amount to be recovered from the units operating without STPs and the stage of proceedings pending before the State PCB</i>	<p>KSPCB has identified 91 units for recovery of Rs .271.50 Crores . The stages of proceedings are as under:-</p> <table border="1"> <tr> <td>No. of units Installed STP</td> <td>42</td> </tr> <tr> <td>No. of units connected to BWSSB</td> <td>06</td> </tr> <tr> <td>No. of units with STP under construction</td> <td>07</td> </tr> <tr> <td>No. of units issued with Closure orders</td> <td>10</td> </tr> <tr> <td>Action yet to be taken</td> <td>26</td> </tr> </table> <p>No recovery is made from the defaulting units.</p>	No. of units Installed STP	42	No. of units connected to BWSSB	06	No. of units with STP under construction	07	No. of units issued with Closure orders	10	Action yet to be taken	26
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19.	<b>Para 6 of order Order dated 13.08.2020:</b> <i>Vacation of interim order passed by the High Court (present status)</i>	A WP No. 50953/2019 regarding unauthorised occupation of the Bellanduru lake land (Ambedkar Colony) is pending before the Hon'ble High Court.										
20.	<b>Para 6 of order Order dated 13.08.2020:</b> <i>The BDA has wrongly understood that biodiversity parks are to be set up within the lake boundary. Such parks are</i>	<p>The BDA submits that no Bio-Diversity parks are developed within the periphery of the lake after Hon'ble NGT observations. The BDA submits that Government land is not available along the periphery of the lake boundary in buffer zone.</p> <p>BDA submit that Contour Survey is being done for both the lakes to demarcate the area between maximum flood levels and the lake periphery. So, identified/demarcated area which is beyond the maximum water level where water does</p>										

	<p><i>to be set up along the periphery of the lake boundary. (Possibility of such Biodiversity parks).</i></p>	<p>not reach to lake periphery, such area may be developed as Bio-diversity parks without compromising total water holding capacity of lake and only on approval from competent Authority.</p> <p>Alternative land for disposal of silt or/and formation of Bio-diversity park in being explored near Defence land abutting to the Bellandur lake and also other open land available with Defence establishment within Bangalore city. Negotiation with Defence authorities are in progress. If it materialises, further action will be taken by following the protocol of disposal as per Rules.</p>																												
<p>21.</p>	<p><b>Para 6 of order Order dated 13.08.2020:</b> <i>Enquiry should be conducted about the illegality in laying the pipeline by the Minor Irrigation Department (Present status).</i></p>	<p>The Additional Chief Secretary, Urban development Department, has submitted the following details in regard to action initiated against the officials in the subject matter.</p> <table border="1" data-bbox="1032 475 2198 894"> <thead> <tr> <th>SL No</th> <th>Name of the Erring Official</th> <th>Designation</th> <th>Period</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Devaraj B</td> <td>Chief Engineer</td> <td>23-09-2015 to 31-08-2017</td> </tr> <tr> <td>2.</td> <td>M Ravindrappa</td> <td>Superintending Engineer</td> <td>26-06-2014 to 18-11-2019</td> </tr> <tr> <td>3.</td> <td>S N Krishnappa</td> <td>Executive Engineer</td> <td>11-06-2015 to 27-08-2018</td> </tr> <tr> <td>4.</td> <td>Venkatesh</td> <td>Assistant Executive Engineer</td> <td>27-03-2017 to 04-11-2018</td> </tr> <tr> <td>5.</td> <td>Lakshmu</td> <td>Assistant Executive Engineer</td> <td>18-07-2016 to 26-03-2017</td> </tr> <tr> <td>6.</td> <td>Ashok H Bhagi</td> <td>Assistant Engineer</td> <td>07-12-2016 to 22-07-2019</td> </tr> </tbody> </table> <p>Officers who have worked in the specified period have been identified and show cause notices were issued to them vide dtd. 04.03.2020, giving 15 days' time to submit their replies. The replies submitted by them have been reviewed and found unacceptable. Further at Sl. No 04 Shri Venkatesh, Assistant Executive Engineer expired on 04/11/2018.</p> <p>The Additional Chief Secretary submits that a proposal will be sent to DPAR for obtaining formal approval for initiating disciplinary proceedings against the concerned retired officers and after getting approval from DPAR to conduct department enquiry action will be initiated as per rule 214 (2)(B)(i) and (ii) of KCSR.</p>	SL No	Name of the Erring Official	Designation	Period	1.	Devaraj B	Chief Engineer	23-09-2015 to 31-08-2017	2.	M Ravindrappa	Superintending Engineer	26-06-2014 to 18-11-2019	3.	S N Krishnappa	Executive Engineer	11-06-2015 to 27-08-2018	4.	Venkatesh	Assistant Executive Engineer	27-03-2017 to 04-11-2018	5.	Lakshmu	Assistant Executive Engineer	18-07-2016 to 26-03-2017	6.	Ashok H Bhagi	Assistant Engineer	07-12-2016 to 22-07-2019
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22.	<p><b>Para 6 of order Order dated 13.08.2020:</b> Construction of retaining wall should not result in reduction of width of the water bodies/Rajakaluves.</p>	<p>The BBMP submits that the Construction of retaining walls to storm water drains is temporarily suspended in the Bellandur and Varthur catchment areas. To ascertain the actual width of these drains, the help of Cadastral maps is being taken in collaboration of Revenue Department and the Karnataka State Satellite Remotes Sensing Centre. They submit that the exercise will be completed by the end of March 2021. Once these exercises are completed the encroachments shall be identified at field and should be removed. The works of construction of retaining walls should be recommenced accordingly. The excess area outside the retaining walls, tree park should be developed. The BBMP is expected to consider entire lengths of SWDs in the catchment areas.</p>																												
23.	<p><b>Para 6 of order Order dated 13.08.2020:</b> Details of action taken by the BBMP against illegal structures (rajakaluves and 30 meter buffer zone around the lakes)</p>	<p>The BBMP submits a detail of the encroachment removed in Mahadevapura Zone of the catchment of these lakes which were identified in the past. The details are as under:-</p>																												
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		<p>Further, BBMP submits that, following Writ Petitions in the matter of encroachment are filed and pending before the Hon'ble High Court.</p>																												
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		<p>The details of encroachments of other zones for the catchment of Varthur, Bellanduru and Agram have not been submitted by the BBMP.</p>																												
		<p>The BBMP further submits that 30 meter buffer zone have been demarcated all along the outer boundary of Bellanduru lake with the help of Additional Director of Land Records. In the 30 meter buffer zone of Bellanduru lake, 22 unauthorised structures have been identified. The process up to demolition order, has been completed. Against the demolition order 13 persons have appealed before the Karnataka Administrative Tribunal; one Writ Petition has been</p>																												

		<p>filed in the High Court; 4 persons have gone to the City Civil Court. Action has to be initiated against the remaining 4 persons.</p> <p>It is further submitted that along the periphery of the Bellanduru lake 177 mild steel tubular poles and 160 LED lights have been installed and commissioned. 23 poles and 40 LED lights are yet to be installed. As regard to CCTV cameras, 51 numbers have been installed and functioning and 11 numbers are yet to be installed.</p> <p>Further, 30-meter buffer zone has been demarcated along the outer boundary of Varthur lake with the help of Additional Director of Land Records. In this buffer zone, 12 unauthorised structures have been identified. The process up to demolition orders has been completed. Against the demolition order, one person has appealed before the Karnataka Administrative Tribunal; one structure has been demolished and remaining 10 structures are yet to be demolished.</p> <p>It is further submitted that along the periphery of the Varthur lake, 184 poles and 143 LED lights have been installed and commissioned. 16 poles and 57 LED lights are yet to be completed. As regard to CCTV cameras, 24 numbers have been installed and functioning and 26 numbers are yet to be installed.</p>
24.	<p><b>Para 6 of order Order dated 13.08.2020:</b> <i>BBMP should survey and notify the rajakaluves for purposes of buffer zones of 50, 25 and 15 meters</i></p>	<p>The Storm water drains are classified into the Primary, Secondary and Tertiary SWDs with the buffer zones of 50, 25 and 15 meters respectively on certain technical parameters.</p> <p>The details of length in each category have not been submitted by the BBMP. The Committee has convened several meetings in this regard but no satisfactory desired results are achieved.</p> <p>To ascertain the actual width of these drains and encroachments, the help of Cadastral maps is being taken in collaboration of Revenue Department and the Karnataka State Satellite Remotes Sensing Centre. They submit that the exercise will be completed by the end of March 2021. Once this exercise is completed, the further action of demarcating of encroachments at field should be done and to be removed. The BBMP is expected to consider entire lengths of SWDs in the catchment areas.</p>

25.	<p><b>Para 8 of order Order dated 13.08.2020:</b> <i>We have given due consideration to the rival opinions. We are of the view that some more sampling may be got carried out with regard to de-silted debris/sludge at appropriate representative locations for comprehensive database and thereafter disposal protocol may be finalized in consultation with the CPCB. This will avoid unnecessary delay and cost (action taken in this regard by KSPCB for sample analysis).</i></p>	<p>More silt sampling in both lakes have been carried out jointly (by CPCB and KSPCB) and analysed for essential parameters including heavy metals. The standard protocol for assessing the hazardous (if any) is being followed through TCLP (Toxicity characteristic leaching procedure) and STLC (Soluble Threshold Limit Concentration) investigations of soil samples in Varthur and Bellandur Lakes.</p> <p>Based on this, CPCB has given a report for Varthur lake. As per the protocol based on TCLP and STLC analyses, the soil is non-hazardous and hence permission is accorded to BDA by KSPCB to dispose silt, based on the local demand</p> <p>As regards to Bellandur Lake, the analysis of sediment samples for leachability tests is under progress and is expected to be completed early. Based on the test results CPCB, will submit a report suggesting silt disposal mechanism.</p>
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This report is submitted to the Hon'ble National Green Tribunal for appropriate order.”

8. The State of Karnataka has filed its affidavit dated 09.03.2021 with a compliance report in tabular form which is reproduced below:

Contd. at next page

Sl. no	Directions of Hon'ble NGT vide orders dated 06.12.2018, 18.12.2019 and 13.08.2020	Observations of Monitoring Committee on progress up to 31.01.2021		Remarks/explanations on behalf of State of Karnataka
1	Relevant para	3		
26.	<p><b>Para 28(i) Order dated 18.12.2019:</b> Timelines for execution of projects for setting up of STPs and laying of sewerage network may not be extended beyond 30.09.2020. If the works remains incomplete even till 30.09.2020, compensation will be liable to be paid @ Rs.10 lakh per STP per month which may be liable to be recovered from the erring officers, apart from adverse entries in their service records and other adverse action.</p> <p>Further, the NGT vide order dated 13.08.2020 has directed that, the works may be expeditiously completed and to be reviewed by the Monitoring Committee.</p>	In regard to the construction of STPs and their commission, the details are given as under (BWSSB):		<p><b>i. Sarakki – 5 MLD STP</b> Presently, the treated water is let into Sarakki Lake. <b>Photographs enclosed in Annexure-R-1 (Vide Pg No. 48 to 51)</b></p> <hr/> <p><b>ii. Chikkabeguru – 5 MLD STP</b> Presently, the treated water is let into Chikka Begur Lake. <b>Photographs enclosed in Annexure- R-2 (Vide Pg No. 52 to 55)</b></p> <hr/> <p><b>i. Hulimavu – 10 MLD STP</b> Presently the treated water is let into Hulimavu Lake.</p>
Sl. no	Name of the STP / others	Compliance		
iii.	Sarakki – 5 MLD STP	Completed and commissioned on 08.11.2019.		
iv.	Chikkabeguru - 5 MLD STP	Completed and commissioned on September 2020.		
viii.	Hulimavu – 10 MLD STP	Completed and commissioned on 31.03.2020		

					<p><b>Photographs enclosed in Annexure- R-3 (Vide Pg No. 56 to 60)</b></p> <hr/> <p><b>ii.Agaram STP</b></p> <p>Presently the treated water is let into Agaram Lake.</p> <p><b>Photographs enclosed in Annexure –R-4 Vide Pg No. 61 to 66)</b></p> <hr/> <p><b>v. Madiwala STP</b></p> <ul style="list-style-type: none"> <li>Initially, Construction of this STP was taken up by the Karnataka Lake Conservation and Development Authority with funds from KSPCB.</li> <li>Due to poor progress, this work was handed over to BWSSB.</li> <li>BWSSB has taken up the up-gradation of this STP and the overall progress as on 22.02.2021 is 33.00 % against the planned target of 100.00%.</li> <li>Due to Covid-19 pandemic there is delay, however, the work will be completed by December 2021.</li> </ul>
		ix.	Agram – 35 MLD STP	Completed and commissioned on 31.03.2020	
		x.	Madiwala – 4 MLD STP	24.5% work completed	

					<ul style="list-style-type: none"> <li>As an interim measure, to avoid sewage entry into the Madivala lake, the sewage which was earlier augmented to this STP is now diverted to Agarm ISPS by linking this network to ISPS through 900mm dia sewer link line, <b>Photographs enclosed in Annexure R-5 (Vide Pg No. 67-70)</b></li> </ul> <hr/> <p><i>iv) In spite of effects of Covid19, pandemic effects, the overall progress as on 22.02.2021 is 91% against the planned target of 100.00%.</i></p> <ul style="list-style-type: none"> <li>Due to Covid 19 pandemic conditions like, Migration of Labour, Shutdown of industries of specialised equipment's manufacturing units, non-availability of construction materials like cement, steel, aggregates, etc., the shortfall is mainly in civil works and installation of plant and machineries.</li> <li>At present, the facilities for augmenting the sewage have been completed and intake of sewage has been taken on 31.12.2020 and primary treatment is in progress.</li> </ul>
		xi.	K&C Valley – 150 MLD STP	90.01 % works completed as on 31.01.2021. Primary treatment is in progress and likely to be completed by 31.03.2021 and expected to treat 83MLD sewage (with this augmentation, 536 MLD (92%) would be treated as against 583 MLD)	

				<ul style="list-style-type: none"> <li>Action is in progress to commission the balance line of treatment in a phased manner by 31-03-2021.</li> </ul> <p><b>Photographs enclosed in Annexure -R-6 (Vide Pg No. 71 to 83)</b></p> <hr/> <p>v) The ISPS is ready for operation. The sewage will be pumped after completion of the 150 MLD STP and. Laying of pipe network, which are in progress. <b>Photographs enclosed in Annexure R-7 (Vide Pg No. 84 to 85)</b></p> <hr/> <p>vi) As the location of the work lies at the end of the valley the SWD carries huge quantity of storm water. Hence, laying of pipelines in the storm water drains (SWD) is very difficult and time consuming At present, 5295 RMT of pipeline work is completed against 5315 RMT (excluding TT &amp; Bend length).</p> <ul style="list-style-type: none"> <li>Due to COVID-19 pandemic, the firm lost time to tackle the work in SWD from 23.03.2020 to May 2020.</li> </ul>
		xii.	Construction of 210 MLD capacity ISPS at Koramangala at sports complex	The work is completed and ready for operation. The water will be pumped to 150 MLD STP,once the remaining pipe network is completed, (yet to complete 252 Rmt)
		xiii.	Laying of 1800 mm UGD from 210 MLD ISPS to 150 MLD STP	Against the 5315-running meter; 5063 running meter is completed. Likely to be completed by 31.03.2021.

				<ul style="list-style-type: none"> <li>• Further, the work was delayed due to the monsoon which set in from June 2020 and lasted up to 10<sup>th</sup> of December 2020.</li> <li>• The work will be commissioned on or <b>before 31st March 2021.</b></li> </ul> <p><b>Photographs enclosed in Annexure- R-8 (Vide Pg No. 86 to 92)</b></p> <hr/> <p><b>vii)</b> The overall progress as on 22.02.2021 is 55% against the planned target of 100.00%.</p> <ul style="list-style-type: none"> <li>• Due to Covid 19 pandemic conditions like, Migration of Labour, non-availability of construction materials like cement, steel, aggregates, etc., there is Delay.</li> <li>• Also, the strata met with is in Wet well is hard rock, excavation. In hard rock wedging and chiselling is time consuming.</li> <li>• However, temporary arrangement has been made for pumping sewage to BellandurAmanikhane STP.</li> <li>• <b>This work will be completed before 31.03.2021.</b></li> </ul>
		xiv.	Waste water wet well – 32.5 MLD Capacity near the premises of 90 MLD BellanduruAmanikhane STP to augment sewage from the adjoining areas of BellanduruAmanikhane STP (date fixed for completion 30.09.2020)	The overall progress as on 31.01.2021 is 45.75 % against the planned target of 100.00%. This work will be completed before 31.03.2021. However, the temporary arrangement has been made for pumping sewage to BellandurAmanikhane STP.

			<b>Photographs enclosed in Annexure-R-9 (Vide Pg No. 93 to 97)</b>
27.	<p><b>Para No.14</b> <b>Order Dated</b> <b>18.12.2019</b></p> <p><i>We also found that timelines fixed by this Tribunal have been unilaterally extended without any valid justification and no action has been taken against the erring officers on a specious plea that it was difficult to fix responsibility. Such approach is hardly compliant with the Rule of Law. We particularly disapprove the timeline for upgradation of STPs with Biological Nutrient Removal (BNR) at 248.MLD STP at K&amp;C Valley. The same must not go beyond 30.09.2020 but preferably be completed before 30.06.2020 although earlier timeline fixed by this Tribunal was 30.06.2019. No substantial work has been done in the last one year on this aspect.</i></p>	<p>The BWSSB submits that, STPs of 90 MLD at Bellandur Amanikere; 60 MLD at K&amp;C Valley; 5 MLD at Sarakki; 5 MLD at Chikkabegur; 10 MLD Hulimavu; 35 MLD at Agramand 150 MLD at K&amp;C Valley (under construction) are complied with Biological Nutrient Removal treatment.</p> <p>The BWSSB further submits that for the 248 MLD STP at K&amp;C Valley, certain modifications in the process of treatment have been made in consultation with the IISc, Bengaluru, for removal of nutrients. On sample analysis it is found that the biological nitrates have been reduced substantially (nitrogen 6.4 mg per ltr and phosphates 0.85 mg per ltr). It is noted that, the treated water from these STPs is being transmitted to the tanks in Kolar District for recharge of ground water for irrigation purpose. However, the upgradation of the system has not been completed but is in process.</p>	<ul style="list-style-type: none"> <li>• No response was received for the tenders floated due to COVID conditions.</li> <li>• To comply, based on inputs from the IISc, Bengaluru and the consultants viz M/s CH2M Hill India Pvt. Ltd., modifications in the processes have been made to ensure removal of nutrients in the two STP's i.e. 30 MLD STP &amp; 218 MLD STP.</li> <li>• Samples were collected jointly by CPCB, KSPCB and I.I.Sc. The results furnished by them are annexed.</li> <li>• The treated effluents from all the three above STPs and one more 90 MLD STP at Bellandur Amanikere are eventually conveyed to the Minor Irrigation Jack Well situated near Bellandur Amanikere, from where the effluent is finally discharged into Lakshmi Sagar Lake of Kolar District.</li> <li>• As per the test reports, the Total Nitrogen is 6.4 mg/ltr and the Total Phosphates is 0.85 mg/ltr, which is within the ranges as suggested by Hon'ble NGT Monitoring Committee.</li> </ul>

			<ul style="list-style-type: none"> <li>• The professors of IISc (who are entrusted with the studies of Environmental Impact due to augmentation of treated water from K&amp;C Valley STP's into Kolar District Lakes have shared the results of the samples collected to at Lakshmi Sagar Lake</li> <li>• As reported by them, the Biological Nutrients in the ultimate discharge point of Lakshmi Sagar Lake are well within the stipulations.</li> </ul>
28.	<p><b>Para 28(ii)</b> <b>Order dated</b> <b>18.12.2019:</b> <i>Bengaluru Water Supply and Sewerage Board (BWSSB) must ensure that no sewage/effluent is discharged into the lakes and till completing of STPs, interim remediation must be done forthwith. Any default in this regard will result in requirement to pay compensation of Rs.5 lakh per month per inlet into the lakes from 01.02.2020.</i></p>	<p>It is submitted that, the sewage water has been diverted through the peripheral temporary diversion channels and no sewage water enters in these lakes (Agram, Bellanduru and Varthur).</p> <p>Further, the BWSSB has installed aerating systems in these temporary diversion channels at, 1) HAL side and Kempapura inlet, 2) Agaram inlet, 3) Koramangala inlet, 4) Iblur inlet coming under Bellandur Lake, 5) Northern and 6) Southern side of Varthur lake for inline treatment of sewage.</p> <p>The artificial floating islands have also been installed at certain places. The committee has suggested to augment phytoremediation options at locations, where the water flow is slow or stagnant to enhance the treatment efficacy, which is yet to be implemented.</p>	<p><b>BWSSB:</b></p> <p>The aerating systems in the 6 locations were installed before 31.01.2020.</p> <p>Subsequently, in order to enhance the interim remediation artificial floating islands have also been installed.</p> <p><b>Photographs and Test Reports enclosed in Annexure R-10 (Vide Pg No. 98 to 103)</b></p>
29.	<p><b>Para 28(iii)</b> <b>Order dated</b> <b>18.12.2019:</b></p>		<p>In view of the facts and circumstances explained to the</p>

	<p><i>BSWWB may further ensure that treated water is not discharged into the UGD network. Action may be taken against persons responsible for having allowed this to be done earlier resulting into loss of Rs.2 Lakhs per day i.e.Rs.60 Lakhs per month and more than Rs.7 Crore per year without any justification whatsoever. BY BWSSB</i></p>	<p>There are about 496 buildings having STPs as per the KSPCB records. The BWSSB submits that, wherever there was connectivity with the UGD for flowing of treated water; all have been disconnected (109 buildings). For the remaining areas there is no access tonetworking of UGD.</p> <p>The BWSSB submits that, treated water was allowed as per the conditions stipulated in the order issued by KSPCB. In view of these facts and circumstances, it is requested by BWSSB not to initiate action against their officials.</p>	<p>Monitoring Committee, it is requested not to initiate action against the officials.</p>
30.	<p><b>Para No.16 Order Dated 18.12.2019</b>  <i>We are informed that about 256.7 MLD untreated sewage is enteringthe lake from five locations which is nothing but a criminal offencewhich is required to be checked on war footing and violators of lawbrought to justice, erring officer being appropriately dealt with underthe civil, criminal and service law with a view to uphold the Rule ofLaw. There is large scale breach of public duties by concernedAuthorities dealing with the subject</i></p>	<p>The BWSSB submits that to check the flow of sewage water into the lakes, following works have been completed.</p> <ol style="list-style-type: none"> <li>5. <b>HAL SWD (Challaghatta Valley)</b> – Totally 23 works are to be taken up for augmenting this flow, out of which 23 works are completed as on 23.12.2020.</li> <li>6. <b>Koramangala and AgramValley</b>-Totally 48 works are to be taken up for augmenting this flow out of which 48 works are completed on 23.12.2020.</li> <li>7. <b>Iblur Catchment area</b>- Completed and Commissioned on 23.12.2020.</li> <li>8. <b>Kempapura Catchment area</b>- BWSSB has taken up work of laying 300 mm RCC NP3 sewer line for a length of 1000 RMT to convey the sewage generated in the area ofBellanduruAmanekhane STP. The work is completed and commissioned in the month of May 2020.</li> </ol> <p>The BWSSB submits that, the combined treatment capacity in the catchment of these lakes will be around 664.50 MLD against the presently measured flow of 553 MLD.Presently, about 453.50 MLD of sewage is being treated. Additionaltreatment of 83 MLD would beaugmented by commissioning of new STP (end of March 2021). Therefore, there will be treatment of 536.50 MLD (92 %) as against the measure flow of 583 MLD.</p> <p>The Committee observes that the BWSSB has to take steps to treat the remaining 8 to 10 % of sewage to stop completely the flowing of sewage into the lakes after rejuvenation. It is submitted here that, as per the earlier recommendations of the Committee, the water level in these lakes will be maintained by supplying treated water from the STPsdaily to compensate evaporation and seepage losses. Only the surplus treated water should be allowed to flow to Kolar, Chikkaballapur, Anekal etc.</p>	<p>The flow in the SWDs was measured in the month of April-2019 and the details of flow are as below:</p> <p>HAL-48.60 MLD</p> <p>Agaram &amp; Koramangala (Y-Junction)-179.50 MLD  Total-228.10 MLD</p> <p>The flow details of STPs at K&amp;C Valley, Bellandur on the day of measurement were:</p> <p>218 MLD-170 MLD  60 MLD-22 MLD  30 MLD-26MLD  90 MLD-30 MLD  Total-248 MLD</p>

	<p><i>and earlier observations of this Tribunal have fallen on deaf ears and blatantly flouted.</i></p>		<p>After carrying out major interlinking/new pipeline works on the upstream side, the flow was measured in the 1<sup>st</sup> week of March-2020. The details are as follows:</p> <p>HAL-31.4 MLD</p> <p>Agaram&amp;Koramangala</p> <p>(Y-Junction)-114.26 MLD Total-145.66 MLD</p> <p>The flow details of STPs at K&amp;C Valley, Bellandur on the day of measurement were:</p> <p>218 MLD-180 MLD 60 MLD-51 MLD 30 MLD-30 MLD 90 MLD-70 MLD Total-331 MLD</p> <p>At present, the flow details of STP at K&amp;C valley measurement were:</p> <p>218 MLD-194 MLD 60 MLD-60MLD 30 MLD- 30MLD 90 MLD -90 MLD 50 MLD-45MLD 2MLD-1.50MLD 1.50MLD-1.50MLD 4MLD-2MLD 5MLD-4.50MLD 10MLD-5MLD 5MLD-2MLD 35MLD-18MLD Total=453.50 MLD.</p>
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			<ul style="list-style-type: none"> <li>As can be seen from the above the flow in the SWD has been reduced to an extent of 159 MLD and is being augmented to STPs</li> <li>The combined treatment capacity of the above plants will be 664.50 MLD against the measured flow of 583 MLD. Presently, 453.50 MLD of sewage is being treated and 83 MLD will be augmented to new STP which is under construction and will be completed by <b>Last week of March 2021.</b></li> <li>The total treated sewage will be 536.50 MLD (92%) by the last week of March 2021 as against the measured flow of 583 MLD (The detail report is enclosed as <b>Annexure- R-11). (Vide Pg No. 104 to 110)</b></li> </ul>										
31.	<p><b>Para 28(iv) Order dated 18.12.2019:</b> Sources of discharge of Sewage be controlled/regulated and electricity and water supplies to the defaulting establishments be stopped for enforcement of law till remedial steps are taken for compliance.</p>	<p>The KSPCB has identified 91 units in total that are required to be installation of STP. The details of progress are given as under: -</p> <table border="1"> <tr> <td>No. of units Installed STP</td> <td>42</td> </tr> <tr> <td>No. of units connected to BWSSB</td> <td>06</td> </tr> <tr> <td>No. of units with STP under construction</td> <td>07</td> </tr> <tr> <td>No. of units issued with Closure orders for either not having STPs or not connected to UGD and letting the raw sewage into the storm water drain</td> <td>10</td> </tr> <tr> <td>Action yet to be taken</td> <td>26</td> </tr> </table>	No. of units Installed STP	42	No. of units connected to BWSSB	06	No. of units with STP under construction	07	No. of units issued with Closure orders for either not having STPs or not connected to UGD and letting the raw sewage into the storm water drain	10	Action yet to be taken	26	<p>As on 20.03.2020, there were 61 units which had not installed STP, out of which 25 units have installed STP; and the remaining 36 units have not installed STP units. Closure orders have been issued to 10 units which have not installed STP units and closure orders for the remaining units are under consideration.</p>
No. of units Installed STP	42												
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Action yet to be taken	26												
32.	<p><b>Para 28(v)</b></p>												

	<p><b>Order dated 18.12.2019:</b>  <i>Encroachments which are still continuing be removed by using force wherever necessary. If any injunction has been erroneous, higher forum can be moved so that law is upheld.</i></p>	<p>An area of 5.20 Acres in Sy.No.319 was granted to a person from the village of Amani Bellandurukaneduring 1976-77 and a new survey number 477 have been formed. This survey number was the part of Varthur lake. The matter is under process for cancelation of grant and pending before the concerned Assistant Commissioner. The other encroachments are stated as removed.</p> <p>Illegal constructions in Ballandur lake (named as Ambedkar Nagar slum) are yet to be evicted</p>	<p>Out of 228 dwellers in Ambedkar Slum, 128 have shifted to Marathahalli.</p> <p>These 128 sheds have been demolished on 16.11.2019. The remaining occupants have filed PIL in the Hon'ble High Court of Karnataka, Bengaluru on 20.11.2019 vide Writ Petition No.50953/2019 (CM-RES) and obtained stay order on 20.11.2019.</p> <p>The Hon'ble High Court of Karnataka, Bengaluru through interim orders has given relief to the petitioners till next date of hearing on 13.01.2021. Next Date of hearing is on 08/03/2021 (Copy enclosed). Further action will be taken as per the Order of Hon'ble High Court of Karnataka.</p>												
33.	<p><b>Para 28(vi) Order dated 18.12.2019:</b>  <i>Action against erring officers which has not yet been taken must be initiated forthwith as already directed. Failures of officers still in service should be duly reflected in their ACRs.</i></p>	<p>The Additional Chief Secretary, Urban development Department, has submitted the following details in regard to action initiated in the subject matter. The same is produced here for further needful.</p> <p><b>4) <u>Bengaluru Development Authority:</u></b></p> <table border="1" data-bbox="715 1036 2104 1382"> <thead> <tr> <th>Sl. No</th> <th>Name of erring officer/ official</th> <th>Designation and Period</th> </tr> </thead> <tbody> <tr> <td>4.</td> <td>Rizwan Baig</td> <td>Executive Engineer From 2010 to 2011 &amp; 2015 to 2016</td> </tr> <tr> <td>5.</td> <td>S.Mallikarjuna Swamy</td> <td>Executive Engineer from 2010 to 2011 &amp; 2015 to 2016</td> </tr> <tr> <td>6.</td> <td>Ravi Narayana Reddy</td> <td>Executive Engineer from 2010 to 2011 &amp; 2015 to 2016</td> </tr> </tbody> </table>	Sl. No	Name of erring officer/ official	Designation and Period	4.	Rizwan Baig	Executive Engineer From 2010 to 2011 & 2015 to 2016	5.	S.Mallikarjuna Swamy	Executive Engineer from 2010 to 2011 & 2015 to 2016	6.	Ravi Narayana Reddy	Executive Engineer from 2010 to 2011 & 2015 to 2016	
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5.	S.Mallikarjuna Swamy	Executive Engineer from 2010 to 2011 & 2015 to 2016													
6.	Ravi Narayana Reddy	Executive Engineer from 2010 to 2011 & 2015 to 2016													

Notices were served to erring officials on 19.02.2020 seeking their replies within 15 days. Replies were received from all the above mentioned officials. On scrutiny of the explanations given by them, the Additional Chief Secretary (ACS), submits that the replies are found acceptable.

5) **BBMP**: Period from 20.09.2008 to 03.05.2011

Sl. No	Name of erring officer/ official	Designation and Period	Present Dept
5.	J.C.PrakashMurthy	Assistant Engineer(1.10.2008 to30.11.2009)	PWD
6.	H.P.MohanKumar	Assistant ExecutiveEngineer (2.03.2009 to3.1.2011)	PWD
7.	H.Chandrappa	Assistant Engineer,K.R.Puram Sub- Division,(2.12.2009 to 11.1.2012)	PWD
8.	J.C.PrakashMurthy	Assistant ExecutiveEngineer, (after promotion)(2.12.2009 to 7.7.2010)	PWD

The State Government vide No.UDD/91/MNJ/2017, Dated.11.12.2020 directed BBMP to take necessary action on the erring officials as per the directions of the Hon'ble NGT and to submit a compliance report by 20.12.2020. The draft charges memo has been submitted to the concerned Administrative Department i.e., PWD for further necessary action.

6) **BWSSB**

Sl. No.	Name	Designation
12.	S.M. Basavaraju	Chief Engineer (14.11.2006 to 08.04.2013) & 10.05.2013 to 29.03.2014)
13.	S.M. Ramakrishna	Chief Engineer (29.03.2014 to 31.07.2017) as Chief Engineer WWM
14.	S.R. Roopa Kumar	Additional Chief Engineer (31.010.2007 to 05.06.2008)
15.	S.P. Rudra Murthy	Additional Chief Engineer (05.06.2008 to 13.06.2012)
16.	V. Mahesh	Additional Chief Engineer (27.03.2013 to 10.07.2015)
17.	K.R. Manjunath	Additional Chief Engineer (10.07.2015 to 28.10.2016)
18.	B.M. Purushotham	Executive Engineer (29.10.2007 to 23.05.2008)
19.	C. Abdul Nazir	Executive Engineer (23.05.2008 to 04.01.2012)
20.	B.N. SiddaGangaiah	Executive Engineer (04.01.2012 to 31.08.2012) & from 31.08.2012 to 15.11.2012
21.	C.C. PuttaMallappa	Executive Engineer (15.11.2012 to 26.08.2013)
22.	B.S.C. Soma Shekar	Executive Engineer (26.08.2013 to 07.06.2014)

Some of the retired officers of BWSSB have approached the Hon'ble High Court. In response to this, the Hon'ble High Court has issued an interim order of stay.

		The ACS submits that officers who have worked in the specified period have been identified and show cause notices have been issued to them. The replies obtained from these officers have been reviewed and found to be not acceptable. Hence, the formal approval of the Government has been sought vide letter dated.26.05.2020 for initiating disciplinary proceedings on all the concerned retired officers of BWSSB. In this regard, the State Government in letter dated.27.10.2020 has accorded approval to conduct department enquires on all the concerned retired officers of the Board. As per rule 214 (2)(B)(i) and (ii) of KCSR, action has been initiated to conduct Departmental enquiry and for this purpose show-cause notices have been issued to all the retired officers on 18.12.2020 giving 15 days' time to submit their replies. All the retired officers have sought many details and additional time for furnishing their replies. After getting their replies, further action will be initiated.	
34.	<b>Para 28(vii) Order dated 18.12.2019:</b> <i>The State PCB itself may lay down standards for phosphorus instead of waiting for notification.</i>	The KSPCB submits that the Bureau of Indian Standards has issued notification for limiting the Phosphorus content in household laundry detergents powders, household laundry detergents bars and synthetic detergents of washing woollen and silk fabrics.  Further they submit that some follow up action has been taken as listed below:-  5. A public notice is issued by KSPCB in this regard in the print media. 6. Letters are addressed to all the State PCB's to directly implement the order. 7. Letters are addressed to all the soap/detergent manufacturers in the state of Karnataka for the restriction of Phosphorus content. 8. Letter is addressed to MOEF for making a final notification.	<ul style="list-style-type: none"> <li>• BIS has released revised standards on the Phosphorus content in soaps/detergents during August, 2020.</li> <li>• Follow up action has been taken by the Board as also noted by the Monitoring Committee. Public notice/letters attached as <b>Annexures-R-12. (Vide Pg No. 111 to 114)</b></li> </ul>
35.	<b>Para 28(viii) Order dated 18.12.2019:</b> <i>The State of Karnataka may either resolve the issue of fencing with the Defence establishment or put such establishments to notice to place their objections before this Tribunal within one month of such notice after which the State of Karnataka will be at liberty to proceed with the fencing and such Defence establishment will stand restrained from</i>	The issue of raising of fencing towards the Defence area have been resolved. The Commissioner, BDA, submits that an estimate is prepared and sent for 4(G) exemption to the Government for the construction of fence. Further, in regard to de-silting a portion of the lake, there is a dispute pending with the Defence.	<p>The Finance Department approved the proposal of BDA for undertaking the left over fencing work under 4(G) exemption and issued orders vide FD 57 EXP -12/2021 dated 05.02.2021.</p> <p>Commissioner, BDA has written a letter No BDA/Com/EM/T-296/2020-21, Dated 08.02.2021 to Lt. Gen, Commandant &amp; Colonel Commandant ASC, ASC Centre &amp; College, Bangalore and also had a meeting with him.</p> <p>During the meeting, the Commissioner requested for permission to make use of the defence area for desilting in the defence portion of lake and also</p>

	<i>interfering unless otherwise directed by this Tribunal or any other authority.</i>		sought approval for depositing the desilted muck in the low-lying areas of the defence land. Lt. Genhas agreed in principle to allow only non-hazardous silt to be deposited in the defence land where it will be beneficial in development of army training areas & reclaiming of low-lying land.  On receipt of a formal permission from the defence authority, the work of chain link fencing and de-silting in the defence area will be taken up and completed.						
36.	<b>Para 28(ix) Order dated 18.12.2019:</b> <i>Compensation already assessed to be recovered by adopting coercive measures such as disconnection of electricity and water supplies.</i>	In regard to this para, the KSPCB submits as under:- <table border="1" data-bbox="715 740 2099 841"> <tr> <td>Total No. of units issued with notice for EC and Amount.</td> <td>376 units (Rs.19.85 Crores)</td> </tr> <tr> <td>No. of units paid EC and Amount</td> <td>40 units (Rs.2.10 Crores)</td> </tr> <tr> <td>Action yet to be taken for recovery</td> <td>336 units</td> </tr> </table> M/s. Durga rainbow flat owner's welfare association has filed an impleading application before the Hon'ble NGT on 30.08.2020.	Total No. of units issued with notice for EC and Amount.	376 units (Rs.19.85 Crores)	No. of units paid EC and Amount	40 units (Rs.2.10 Crores)	Action yet to be taken for recovery	336 units	Where recovery is due, action is being taken to request the Deputy Commissioners concerned to recover the amounts from the concerned as arrears of land revenue. <b>ANNEXURE-R-13 (Vide Pg No. 115 to129)</b>
Total No. of units issued with notice for EC and Amount.	376 units (Rs.19.85 Crores)								
No. of units paid EC and Amount	40 units (Rs.2.10 Crores)								
Action yet to be taken for recovery	336 units								
37.	<b>Para 28(x) Order dated 18.12.2019:</b> <i>Steps be taken expeditiously for de-silting,de-weeding. Analysis of sludge and silt may be carried out before its disposal based on the result of such analysis, the mode of disposal and protocol be determined in accordance with laid</i>	KSPCB has collected series of samples of Silt/sludge at different depth with grid manner on 25 <sup>th</sup> , 26 <sup>th</sup> & 27 <sup>th</sup> of December 2020. Besides sample collected on 16/09/2020, 18/09/2020, 12/11/2020, 19.12.2020 & 5.1.2021  The CPCB has given a report for Varthur lakebased on TCLP and STLC analyses of silt samples. As per the protocol based on TCLP and STLC analyses, the soil is non-hazardous and accordingly the permission is accorded to BDA by KSPCB to dispose silt from the locations showed in the grid map based on local demand. As regards to Bellandur Lake, the analysis of sediment samples for leachability tests is under progress.	KSPCB has collected series of samples of silt/sludge at different depths on 25 <sup>th</sup> , 26 <sup>th</sup> & 27 <sup>th</sup> of December 2020. Besides sample collection done on 16/09/2020, 18/09/2020&12/11/2020 <b>(Annexure-14). (Vide Pg. No. 130-145)</b>  The CPCB has given a report stating that other than the areas where the heavy metals are found to be managed as per the Hazardous Waste						

	<p><i>down principles under the relevant Rules.</i></p>	<p><b>De-silting of Varthur lake:</b> work order issued on 23.11.2020 to the Agency M/s Star Infra Tech Pvt Ltd. It is submitted that, more soil / silt / sludge samples were collected from the lake bed areas and was analysed. The sediment analysis results based on the screening levels on soil quantity parameters prescribed for agriculture use have been examined by the CPCB and a report is given. Based on the recommendations of CPCB, the KSPCB issued a letter for disposal of the silt for agriculture and other uses. The work of de-silting has commenced by M/s Star Infra Tech Pvt Ltd as per the direction of KSPCB/BDA. Further, the BDA claims that approximately in an area of 100 Acres, silt is removed and stocked in the lake area. This work of removal of silt (100 Acres) is carried out under the 4 (G) exemption.</p>	<p>Management rules and the balance silt can be used over the agricultural land.</p> <p><b>Varthur Lake:</b> On a pilot basis, silt was removed under 4 (G) exemption over an area of 100 acres and stacked in the lake area.</p> <p>Work order was issued on 23.11.2020 to M/s Star Infratech Pvt. Ltd.</p> <p>Silt has been removed over an area of 128 acres for an average depth of 1 metre. The total quantity of silt removed and stacked till 22.02.2021 is approximately 8.75 lakhs cubic metre.</p> <p>The KSPCB has sent a letter dated 12.02.2021 which is received on 22.02.2021 informing the steps for disposal of the silt in Varthur lake (copy of the letter is enclosed herewith at page no.7). Action is being taken to stack the useful silt on the lake boundary for interested farmers to collect the required quantity till a certain time.</p>
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		<p><b>Desilting of Bellandur lake:</b> work order issued on 23.11.2020 to M/s RMN Infrastructure Pvt Ltd. Lake bed pre level survey is done, removal of seepage water and others in the Bellandurlake is completed. BDA claims that under 4(G) exemption, an area of 158 Acres (Bellandur lake) silt is removed and stocked at some places inside the lake. The BDA further submits that the stocked silt will be disposed as per the protocol.</p>	<p>Thereafter, it will be transported to the designated place. Photographs enclosed herewith as Annexure R-15 (Vide Pg No. 146 to 152)</p> <p><b>Bellandur Lake:</b> On a pilot basis, silt was removed under 4 (G) exemptions over an area of 158 acres and stacked in the lake area.</p> <p>Work order was issued on 23.11.2020 to M/s RMN Infrastructure Pvt. Ltd. Silt has been removed for an average depth of 1 metre over an area of 65 acres. The total quantity of silt removed and stacked till 22.02.2021 is approximately 9.2 lakhs cubic metre. The stacked and recently removed silt /muck will be disposed of as per the protocol. The letter from KSPCB is awaited. Photographs enclosed herewith as Annexure R-15 (Vide Pg No. 153 to 157)</p>
38.	<b>Para 28(xi)</b> <b>Order dated 18.12.2019:</b>	The KSPCB has a well-equipped laboratory to analyse the samples in house. Samples are being analysed for pH, BOD, COD, TSS, Ammoniacal Nitrogen, Iron and Manganese, Total Nitrogen, Cyanide, Hexavalent Chromium, Cadmium, Copper, Lead, Nickel, Zinc and Total Chromium at KSPCB's sophisticated Central Laboratory. KSPCB has been advised to undertake water quality	The KSPCB has a well-equipped laboratory to analyze the samples in house. Samples are being

	<i>The State PCB may develop a robust water quality monitoring program for monitoring of water quality of drains leading to the lakes and also undertake water quality monitoring at atleast 5 locations for each lake.</i>	monitoring at regular intervals in these lakes and drains (connecting these lakes) and upload (on monthly basis) the water quality information at KSPCB website.	analyzed for pH, BOD, COD, TSS, Ammoniacal Nitrogen, Iron and Manganese, Total Nitrogen, Cyanide, Hexavalent Chromium, Cadmium, Copper, Lead, Nickel, Zinc and Total Chromium at KSPCB's sophisticated Central Laboratory, out of which 6 are heavy metals. <b>(Annexure-R-7).</b> <b>(Vide Pg No. 158 to 188)</b>
39.	<b>Para 28(xii)</b> <b>Order dated 18.12.2019:</b> <i>Steps may be taken to explore development of wetlands and biodiversity parks apart from other remedial action for reducing the pollution load on the recipient water bodies.</i>	Provision is made in the estimate for construction of wetland Bellandur and Varthur lakes. Once the identified wetland area within the lake is de-silted, wetland will be developed.  Letter has been received from the ADLR (East) dated.06.11.2020 stating that Government land is not available along the periphery of the lake boundary in buffer zone.	Identified wetland will be developed after desilting.
40.	<b>Para 28(xiv)</b> <b>Order dated 18.12.2019:</b> <i>Real time water quality system be commissioned by 31.01.2020 as proposed.</i>	The Board has already installed the Real Time Water Quality Monitoring systems at three locations and continuously monitoring. The results are uploaded on the website.	The Board has already installed the Real Time Water Quality Monitoring systems at 3 locations and continuously monitoring. The results are uploaded on the website. <b>(Annexure—R-18).</b> (Vide Pg. No. 189-191)
41.	<b>Para 28(xv)</b> <b>Order dated 18.12.2019:</b> <i>The issue of removing 1.5 km road laid upon the lake bed, within the boundary of Varthur lake, by dumping of C&amp;D debris be finalized</i>	The Hon'ble NGT vide order dated 13.08.2020 has held that enquiry should be conducted about the illegality in laying the pipeline by the Minor Irrigation Department. Accordingly, Minor Irrigation department has taken steps as stated in para 21 in this report.	<ul style="list-style-type: none"> <li>Show cause notices were issued to them vide dated. 04.03.2020, giving 15 days' time to submit their replies. The replies submitted by them have been reviewed and found unacceptable.</li> <li>A proposal will be sent to DPAR for obtaining formal approval for</li> </ul>

	<p>as per directions of Justice Hegde Committee in terms of para 26 above.</p>		<p>initiating disciplinary proceeding against the concerned retired officer and after approval from DPAR to conduct Departmental Enquiry, action will be initiated as per rule 214(2)(B)(i) and KCSR.</p> <ul style="list-style-type: none"> <li>Disciplinary Proceedings has been initiated against the serving official by issuing a Show Cause Notice along with article of charges under rule 12(1)(A) of KCS (CCA)rules dated 05.02.2021 to erring officials who are responsible for the execution of the work. Further, ShriVenkatesh, Assistant Executive Engineer at Sl. No 04 expired on 04/11/2018.</li> </ul>																																																				
<p>42.</p>	<p><b>Para 19(16) of order dated 06.12.2018:</b>  <i>Post removal of waste from the Lake and from the Rajakaluves, the State ought to prepare a detailed project report with respect to disposal of the same.</i></p>	<p>As regard to removal of waste from the lake area, the desilting work is in progress and once it is completed the left-out waste shall have to be removed. Meanwhile, the BBMP has to prepare a detail project report for the disposal for the same.</p> <p>In regard to removal of waste from the Rajakaluves, the BBMP submits that against approximately 218.0 kms of Rajakaluves(SWD),about 105.149kmsare being maintained. The maintenance includes removal of silt, floating tresses, vegetation and other organics and transported to the Anjanapura abandoned stone quarries. A list of drains of 105.149kmshas been provided here as under:</p> <table border="1" data-bbox="715 1019 2099 1393"> <thead> <tr> <th>Sl.No</th> <th>Drain No</th> <th colspan="2">Drain Name</th> <th>Length in M</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>MD 342A</td> <td>Boganahalli</td> <td>PanatturKere</td> <td>300</td> </tr> <tr> <td>2</td> <td>MD 425</td> <td>Ramgondanahalli</td> <td>Adarsha Houses</td> <td>MD 428 @ Chainage 0.00m</td> <td>100</td> </tr> <tr> <td>3</td> <td>MD 428</td> <td>VarthurKere</td> <td></td> <td>MD 431 @ Chainage 0.00m</td> <td>200</td> </tr> <tr> <td>4</td> <td>MD 413</td> <td>Pattanduru</td> <td>Agrahara</td> <td>NalluralliKere</td> <td>250</td> </tr> <tr> <td>5</td> <td>MD 414</td> <td>Saibaba Hospital</td> <td></td> <td>NalluralliKere</td> <td>450</td> </tr> <tr> <td>6</td> <td>MD 415</td> <td>Pioneer Software</td> <td></td> <td>NalluralliKere</td> <td>400</td> </tr> <tr> <td>7</td> <td>MD 416</td> <td>Nalluralli</td> <td></td> <td>NalluralliKere</td> <td>450</td> </tr> <tr> <td>8</td> <td>MD 349</td> <td>End Point of MD 322 &amp; MD 334 Near ADA Compound Wall</td> <td></td> <td>VarthurKere</td> <td>400</td> </tr> </tbody> </table>	Sl.No	Drain No	Drain Name		Length in M	1	MD 342A	Boganahalli	PanatturKere	300	2	MD 425	Ramgondanahalli	Adarsha Houses	MD 428 @ Chainage 0.00m	100	3	MD 428	VarthurKere		MD 431 @ Chainage 0.00m	200	4	MD 413	Pattanduru	Agrahara	NalluralliKere	250	5	MD 414	Saibaba Hospital		NalluralliKere	450	6	MD 415	Pioneer Software		NalluralliKere	400	7	MD 416	Nalluralli		NalluralliKere	450	8	MD 349	End Point of MD 322 & MD 334 Near ADA Compound Wall		VarthurKere	400	<ul style="list-style-type: none"> <li>The details of remaining length of drains with encroachments are being surveyed. The help of Karnataka State Remote Sensing Centre has been taken in identifying the details of SWD widths as per revenue maps. The work is in progress.</li> </ul>
Sl.No	Drain No	Drain Name		Length in M																																																			
1	MD 342A	Boganahalli	PanatturKere	300																																																			
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8	MD 349	End Point of MD 322 & MD 334 Near ADA Compound Wall		VarthurKere	400																																																		

		9	MD 365A	End Point of MD 363 & MD 364	MD 369 @ chainage 0.00	400	
		10	MD 322	RHB Colony	GarudacharyapalyaKere	150	
		11	MD 322A	GarudacharyapalyaKere	MahadevpuraKere	400	
		12	MD 322C	ITPL Road	Ramakka Layout	100	
		13	MD 325	Outer Ring Road	DoddanenkundiKere	300	
		14	MD 325A	VinayakaNagara 8th Cross	MD 325 @ Chainage 0.00	500	
		15	MD 363	Chinnappanahalli Layout	MD 365 @ Chainage 0.00	500	
		16	MD 369	End Point of MD 365 & MD 368	VarthurKere	500	
		17	MD 371	Tules CADCAM Technology	KundalahalliKere	500	
		18	MD 372	BEML Layout	Kundalahalli to Siddapura	300	
		19	MD 374	Tuberahalli BEML Layout	MD 375 @ Chainage 0.00m	230	
		20	MD 375	End Point of MD 374 & MD 373	SiddapuraKere	450	
		21	MD 292B	Vijaya Lakshmi Colony via Sai Baba Ashram	DakshinaPinakini River	350	
		22	MD 292	Patalamma Layout	DakshinaPinakini River via Sidhartha Layout	500	
		23	MD 292A	Kashi Vishwanatha Temple	Outer Channel of YMC Kere near Railway Culvert	1050	
		24	MD 294	Alembic Glass	MD 388 @ Chainage 0.00m near Channasandra Circle	1150	
		25	MD 296	Channasandra Circle	DakshinaPinakini River on ChikkaThirupathi Road	1300	
		26	MD 388A	Plantation near Gunjar	MD 388 @ Chainage 0.00m	150	
		27	MD 387	End point of MD 385	MD 382 @ Chainage 1840.00m	300	
		28	MD 451A	Gandhipura	MD 451 @ Chainage 560.00m	360	
		29	MD 451	Gandhipura	MD 453 @ Chainage 0.00m @ Immadihalli	300	

		30	MD 453	End Point of MD 451	MD 454 @Chainage 0.00	360
		31	BH 628	KaikondanahalliKere	SowITank	800
		32	BH 627	KasavanalliKere	KaikondanahalliKere	300
		33	BH 629	ArluurKere	KaikondanahalliKere	500
		34	BH 629	ArluurKere	KaikondanahalliKere	200
		35	BH627A	Bellandur	Ecospace	500
		36	BH-599	Iblur Lake	Bellandur Lake	769
		37	C 200	Doordarshan, Jayamahalextn,	Ulsoor Tank	4150
		38	C-100	From Palace Grounds, Vasanthnagar	Wind Tunnel Road	9650
		39	C-101	Sudhamnagar	Inside HAL Airport	1875
		40	C-102	Sweepers colony, Kadirenapalya	Shastrinagar Joining C-100	1600
		41	C-103	Krishnamurthynagar	Kadirenapalya	1600
		42	C-104	Kadirenapalya	Kadirenapalya tank	2500
		43	C-105	Hanumannagar	Kodihally, Near DomlurFlyover	3000
		44	C-106	New Thippasandra	ISRO Complex	650
		45	C-107	Kaggadasapura Lake	Kaggadasapura Main Road / Doodanekkundi tank	900
		46	C-108	Airport South East Corner	NAL	600
		47	C-109	Adj. To Airport Compound	Bellandur Lake	675
		48	N4 Drain	Nagammanagar	3rd Cross Domlur	1580
		49	-	Domlur AK colony	Natasha Apartment	920
		50	C-201	Ganapathy Temple, near Ulsoor Tank	MEG near Ulsoor Tank	250
		51	C-202	Richards Town	Gymkhana Club	1170
		52	C-203	Sagayapuram	Cleve town	750
		53	C-204	Orion Mall, Marutisevanagar	Ulsoor Tank	2000
		54	-	Upper Byrasandra lake - Baghmane Tech Park	Lower Byrasandra Lake - Baghmanetechpark	560
		55	-	Lower Byrasandra Lake - Baghmanetechpark	Kaggadasapura Lake	930
		56	-	KrishnaiahnaPalya	Kaggadasapura Lake	2600
		57	-	Kasturinagar Park	Outer Ring Road	1000
		58	-	Kasurinagar Railway track	Outer Ring Road	600
		59	K-100	K.R.Market	Bellandur Lake	10200
		60	K-200	Sanatorium	Bellandur Lake	7600

		61	K-103	Church Street	via Austin town & Viveknagar joining to K-100	3400		
		62	K-104	Jayangara 1st Block	Via Lakkasandra joining to K-100	1700		
		63	K-107	Lang ford town	Jalakanteshwarapura	770		
		64	K-108	Venkatareddy Layout	Willson Garden	1925		
		65	K-109	Kanteerava Stadium	via R.R. Mohan Ray & joining to K-100	2000		
		66	K-110	Hosur road	Sudhamanagara	625		
		67	K-111	South End road near Jayangara 2nd Block	Lalbh Tank	950		
		68	K-112	Parvathi Pura	Kumbargundi	725		
		69	K-114	Lang ford road	via St Michael's Church & Joining to K-100	1100		
		70	K-201	Vanaganahalli	Agara Lake	1350		
		71	K-202	Ellukunte	venkatapura	950		
		72	K-203	Crompton Greeves Road	Ring Road	1200		
		73	K-204	Madivala Tank	Hosur Road	705		
		74	K-205	Mudduram Nagar	Bismillah Nagar	525		
		75	K-206-	Tayappanahalli	Bovi Colony	1245		
		76	K-207	Bairsandra Ext	Bannerugatta road	1225		
		77	K-208	Tilaknagar	Krishnappa Garden	425		
		78	K-209	J P Nagara 6th Phase	Madiwala Tank	9500		
		79	K-210	J P Nagara 6th Phase	Joining K-200	1700		
		<b>TotalLength</b>					<b>105149 meters</b>	
		<p>It is stated here that the above details are submitted for the first time now hence Committee could not cross verify at the field level.</p> <p>Further, the State Government is developing RajakaluveK-100 for the length of 11.4 kms from Chikkalalbagh to Bellanduru lake. No Objection Certification was given in compliance with IA No.392/2020 in OA No.125/2017 subject to the conditions. Copy of the said letter dated 24.12.2020 was also submitted to the Hon'ble NGT by the Committee. The outcome of the development of this Rajakaluve should be placed before the Hon'ble NGT by the State Government.</p> <p>BBMP is yet to submit the detailed report on the status of the drains (with details of encroachments) and buffer zones</p>						
43.	<b>Para 6 of order Orderdated 13.08.2020:</b>	KSPCB has identified 91 units for recovery of Rs.271.50 Crores . The stages of proceedings are as under:-						<ul style="list-style-type: none"> <li>• KSPCB has identified 91 Units for violation of non-installation of</li> </ul>

	<i>Details of amount to be recovered from the units operating without STPs and the stage of proceedings pending before the State PCB</i>	<table border="1"> <tr> <td>No. of units Installed STP</td> <td>42</td> </tr> <tr> <td>No. of units connected to BWSSB</td> <td>06</td> </tr> <tr> <td>No. of units with STP under construction</td> <td>07</td> </tr> <tr> <td>No. of units issued with Closure orders</td> <td>10</td> </tr> <tr> <td>Action yet to be taken</td> <td>26</td> </tr> </table> <p>No recovery is made from the defaulting units.</p>	No. of units Installed STP	42	No. of units connected to BWSSB	06	No. of units with STP under construction	07	No. of units issued with Closure orders	10	Action yet to be taken	26	<p>STP and assessed Environmental Compensation of Rs 271.50 Crores.</p> <ul style="list-style-type: none"> <li>Out of 91 Units, 42 Units have installed STP, 6 units have connected to BWSSB / UGD and 16 units STP are under construction. Accordingly 55 units are at different stages of compliance and 27 Units have not complied. Closure Orders have been issued for these 27.</li> </ul>
No. of units Installed STP	42												
No. of units connected to BWSSB	06												
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Action yet to be taken	26												
44.	<b>Para 6 of order Order dated 13.08.2020:</b> <i>Vacation of interim order passed by the High Court (present status)</i>	A WP No. 50953/2019 regarding unauthorised occupation of the Bellanduru lake land (Ambedkar Colony) is pending before the Hon'ble High Court.	<ul style="list-style-type: none"> <li>The Hon'ble High court extended the stay order till the next date of hearing on 13.01.2021. Next Date of hearing is on 08/03/2021 Further action will be taken after vacation of the stay order.</li> </ul>										
45.	<b>Para 6 of order Order dated 13.08.2020:</b> <i>The BDA has wrongly understood that biodiversity parks are to be set up within the lake boundary. Such parks are to be set up along the periphery of the lake boundary. (Possibility of such Biodiversity parks).</i>	<p>The BDA submits that no Bio-Diversity parks are developed within the periphery of the lake after Hon'ble NGT observations. The BDA submits that Government land is not available along the periphery of the lake boundary in buffer zone.</p> <p>BDA submit that Contour Survey is being done for both the lakes to demarcate the area between maximum flood levels and the lake periphery. So, identified/demarcated area which is beyond the maximum water level where water does not reach to lake periphery, such area may be developed as Bio-diversity parks without compromising total water holding capacity of lake and only on approval from competent Authority.</p> <p>Alternative land for disposal of silt or/and formation of Bio-diversity park in being explored near Defence land abutting to the Bellandur lake and also other open land available with Defence establishment within Bangalore city. Negotiation with Defence authorities are in progress. If it materialises, further action will be taken by following the protocol of disposal as per Rules.</p>	<ul style="list-style-type: none"> <li>Setting up of Bio-diversity park in both the lakes within the area available between boundary of lake and Full Tank Level (FTL) is being explored.</li> <li>Proposal submitted to Karnataka Tank Conservation Development Authority (KTCDA) for their opinion which will be submitted to Hon'ble NGT for consideration.</li> <li>The Full Tank Level will be maintained through the arrangement of sluice gates at Bellandur and Varthur lake.</li> </ul>										

46.	<p><b>Para 6 of order Order dated 13.08.2020:</b>  <i>Enquiry should be conducted about the illegality in laying the pipeline by the Minor Irrigation Department (Present status).</i></p>	<p>The Additional Chief Secretary, Urban development Department, has submitted the following details in regard to action initiated against the officials in the subject matter.</p> <table border="1" data-bbox="862 326 1956 764"> <thead> <tr> <th>SL No</th> <th>Name of the Erring Official</th> <th>Designation</th> <th>Period</th> </tr> </thead> <tbody> <tr> <td>7.</td> <td>Devaraj B</td> <td>Chief Engineer</td> <td>23-09-2015 to 31-08-2017</td> </tr> <tr> <td>8.</td> <td>M Ravindrappa</td> <td>Superintending Engineer</td> <td>26-06-2014 to 18-11-2019</td> </tr> <tr> <td>9.</td> <td>S N Krishnappa</td> <td>Executive Engineer</td> <td>11-06-2015 to 27-08-2018</td> </tr> <tr> <td>10.</td> <td>Venkatesh</td> <td>Assistant Executive Engineer</td> <td>27-03-2017 to 04-11-2018</td> </tr> <tr> <td>11.</td> <td>Lakshmu</td> <td>Assistant Executive Engineer</td> <td>18-07-2016 to 26-03-2017</td> </tr> <tr> <td>12.</td> <td>Ashok H Bhagi</td> <td>Assistant Engineer</td> <td>07-12-2016 to 22-07-2019</td> </tr> </tbody> </table> <p>Officers who have worked in the specified period have been identified and show cause notices were issued to them vide dtd. 04.03.2020, giving 15 days' time to submit their replies. The replies submitted by them have been reviewed and found unacceptable. Further at Sl. No 04 Shri Venkatesh, Assistant Executive Engineer expired on 04/11/2018.</p> <p>The Additional Chief Secretary submits that a proposal will be sent to DPAR for obtaining formal approval for initiating disciplinary proceedings against the concerned retired officers and after getting approval from DPAR to conduct department enquiry action will be initiated as per rule 214 (2)(B)(i) and (ii) of KCSR.</p>	SL No	Name of the Erring Official	Designation	Period	7.	Devaraj B	Chief Engineer	23-09-2015 to 31-08-2017	8.	M Ravindrappa	Superintending Engineer	26-06-2014 to 18-11-2019	9.	S N Krishnappa	Executive Engineer	11-06-2015 to 27-08-2018	10.	Venkatesh	Assistant Executive Engineer	27-03-2017 to 04-11-2018	11.	Lakshmu	Assistant Executive Engineer	18-07-2016 to 26-03-2017	12.	Ashok H Bhagi	Assistant Engineer	07-12-2016 to 22-07-2019	
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47.	<p><b>Para 6 of order Orderdated 13.08.2020:</b>  <i>Construction of retaining wall should not result in reduction of width of the water bodies/Rajakaluves.</i></p>	<p>The BBMP submits that the Construction of retaining wallsto storm water drains is temporarily suspended in the Bellandur and Varthur catchment areas. To ascertain the actual width of these drains, thehelp of Cadastral maps is being taken in collaboration of Revenue Department and the Karnataka State Satellite Remotes Sensing Centre. They submit that the exercise will be completed by the end of March 2021. Once these exercises are completed the encroachments shall be identified at field and should be removed.The works of construction of retaining walls should be recommenced accordingly. The excess area outside the retaining walls, tree park should be developed. The BBMP is expected to consider entire lengths of SWDs in the catchment areas.</p>	<ul style="list-style-type: none"> <li>As per the instructions of the monitoring committee, the entire length of SWDs in the Catchment area is taken up for survey.</li> </ul>																												
48.	<p><b>Para 6 of order Orderdated 13.08.2020:</b>  <i>Details of action taken by the BBMP against</i></p>	<p>The BBMP submits a detail of the encroachment removed in Mahadevapura Zone of the catchment of these lakes which were identified in the past.The details are as under:-</p>	<p>It is submitted that the regard to in regard to the encroachments pertaining to Bellandur lake, Out of 22 encroachments, 18 cases are</p>																												

<p><i>illegal structures (rajakaluves and 30 meter buffer zone around the lakes)</i></p>	<p><b>Sl. No</b></p>	<p><b>Zone</b></p>	<p><b>Total encroachments Identified in each Zone</b></p>	<p><b>Details of the encroachments removed by doing survey in the year 2016-17</b></p>	<p><b>Details of the encroachments removed /resolved by doing survey in the year 2018-19 on-wards</b></p>	<p><b>Balance Encroachments to be removed as on 24.12.2020</b></p>	<p>pending in KAT and Hon'ble High court and City Civil Court. The remaining four encroachments will be removed by 15.03.2021.</p> <p>It is further submitted that along the periphery of the Bellanduru lake. The remaining 23 poles and 40 LED lights and 11 CC TV Camera installation works will be completed before 15.04.2021.</p> <p>Regarding encroachments pertaining to Varthur lake, out of 12 encroachments, 1 case is pending in KAT and 1 demolition is completed. The remaining 10 encroachments will be removed within 15.03.2021.</p> <p>Along the periphery of the Varthur lake, the remaining 16 poles and 57 LED lights and 26 CCTV camera installation works will be completed before 15.04.2021.</p>																		
	1	Mahadevapura	1101	98	864	139																			
	1a	Mahadevapura-New	45	0	0	45																			
		<b>TOTAL</b>	<b>1146</b>	<b>98</b>	<b>864</b>	<b>184</b>																			
<p>Further, BBMP submits that, following Writ Petitions in the matter of encroachment are filed and pending before the Hon'ble High Court.</p> <table border="1"> <thead> <tr> <th>Sl.no</th> <th>Writ Petition Number</th> <th>Number of cases</th> </tr> </thead> <tbody> <tr> <td>5.</td> <td>W.P No.27287/2019</td> <td>3 cases</td> </tr> <tr> <td>6.</td> <td>W.P No.26150/2019 &amp; 26835-26842/19</td> <td>1 Case</td> </tr> <tr> <td>7.</td> <td>W.P No.29873/19 &amp; 29874-876/19</td> <td>3 Cases</td> </tr> <tr> <td>8.</td> <td>W.P No.30399-30414/2019</td> <td>45 Cases</td> </tr> <tr> <td colspan="2"><b>Total</b></td> <td><b>52 Cases</b></td> </tr> </tbody> </table> <p>The details of encroachments of other zones for the catchment of Varthur, Bellanduru and Agram have not been submitted by the BBMP.</p> <p>The BBMP further submits that 30 meter buffer zone have been demarcated all along the outer boundary of Bellandurulake with the help of Additional Director of Land Records. In the 30 meter buffer zone of Bellanduru lake, 22 unauthorised structures have been identified. The process up to demolition order, has been completed. Against the demolition order 13 persons have appealed before the Karnataka Administrative Tribunal; one Writ Petition has been filed in the High Court; 4 persons have gone to the City Civil Court. Action has to be initiated against the remaining 4 persons.</p> <p>It is further submitted that along the periphery of the Bellanduru lake 177 mild steel tubular poles and 160 LED lights have been installed and commissioned. 23 poles and 40 LED lights are yet to be installed. As regard to CCTV cameras, 51 numbers have been installed and functioning and 11 numbers are yet to be installed.</p> <p>Further, 30-meter buffer zone has been demarcated along the outer boundary of Varthur lake with the help of Additional Director of Land Records. In this buffer zone, 12 unauthorised structures have been identified. The process up to demolition orders has been completed. Against the demolition order, one person has appealed before the Karnataka Administrative Tribunal; one structure has been demolished and remaining 10 structures are yet to be demolished.</p>								Sl.no	Writ Petition Number	Number of cases	5.	W.P No.27287/2019	3 cases	6.	W.P No.26150/2019 & 26835-26842/19	1 Case	7.	W.P No.29873/19 & 29874-876/19	3 Cases	8.	W.P No.30399-30414/2019	45 Cases	<b>Total</b>		<b>52 Cases</b>
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		It is further submitted that along the periphery of the Varthur lake, 184 poles and 143 LED lights have been installed and commissioned. 16 poles and 57 LED lights are yet to be completed. As regard to CCTV cameras, 24 numbers have been installed and functioning and 26 numbers are yet to be installed.	
49.	<p><b>Para 6 of order Order dated 13.08.2020:</b></p> <p><i>BBMP should survey and notify the rajakaluves for purposes of buffer zones of 50, 25 and 15 meters</i></p>	<p>The Storm water drains are classified into the Primary, Secondary and Tertiary SWDs with the buffer zones of 50, 25 and 15 meters respectively on certain technical parameters.</p> <p>The details of length in each category have not been submitted by the BBMP. The Committee has convened several meetings in this regard but no satisfactory desired results are achieved.</p> <p>To ascertain the actual width of these drains and encroachments, the help of Cadastral maps is being taken in collaboration of Revenue Department and the Karnataka State Satellite Remotes Sensing Centre. They submit that the exercise will be completed by the end of March 2021. Once this exercise is completed, the further action of demarcating of encroachments at field should be done and to be removed. The BBMP is expected to consider entire lengths of SWDs in the catchment areas.</p>	As per the instructions of the Monitoring Committee, the entire length of SWDs in the Catchment area is undertaken for survey.
50.	<p><b>Para 8 of order Order dated 13.08.2020:</b></p> <p><i>We have given due consideration to the rival opinions. We are of the view that some more sampling may be got carried out with regard to de-silted debris/sludge at appropriate representative locations for comprehensive database and thereafter disposal protocol may be finalized in consultation with the CPCB. This will avoid unnecessary delay and cost (action taken in this regard by KSPCB for sample analysis)</i></p>	<p>More silt sampling in both lakes have been carried out jointly (by CPCB and KSPCB) and analysed for essential parameters including heavy metals. The standard protocol for assessing the hazardous (if any) is being followed through TCLP (Toxicity characteristic leaching procedure) and STLC (Soluble Threshold Limit Concentration) investigations of soil samples in Varthur and Bellandur Lakes.</p> <p>Based on this, CPCB has given a report for Varthur lake. As per the protocol based on TCLP and STLC analyses, the soil is non-hazardous and hence permission is accorded to BDA by KSPCB to dispose silt, based on the local demand</p> <p>As regards to Bellandur Lake, the analysis of sediment samples for leachability tests is under progress and is expected to be completed early. Based on the test results CPCB, will submit a report suggesting silt disposal mechanism.</p>	Comments from the CPCB with regard to disposal Protocol is awaited.

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**Consideration of status report, objections of the Amicus and further directions**

9. We have heard learned Amicus Curie Shri Raj Panjwani, Senior Advocate and Ms. Madhvi Divan, learned ASG appearing for the State of Karnataka.

10. **Shri Raj Panjwani submitted that progress in the matter has been very slow and at a snail pace. The problem is continuing for the last about four years. The Tribunal has been monitoring the matter for the last more than two years with the assistance of Monitoring Committee, headed by a former Supreme Court judge. On significant aspects, the State Authorities have not come up to the expectations.**

**Inter alia it is pointed out:**

- (I) Against item nos. 8 and 16, there is practically no progress in taking action against erring officers
- (II) Against item no. 6, action taken against industrial units for discharging the industrial waste without treatment by not installing requisite STPs is inadequate. Out of 61 defaulting units, action has been taken only against 10, while compliance is only by 25. Action is yet to be taken against 26.
- (III) Against item No. 18, the progress shown is inadequate. Though compensation of Rs. 271.50 crores has been assessed against the defaulting units, no recovery has been made even though non-compliance is continuing. The State PCB ought to take coercive measure of disconnecting electricity supply, if the assessed compensation is not paid without valid reason, to enforce the "Polluter Pays" principle.
- (IV) Against item No. 11, there is similar position with regard to recovery of compensation. Instead of disconnecting

electricity/water supply, the State is merely referring to the matter to the Deputy Commissioner, with no progress.

- (V) Against Item No. 17, on the subject of removal of the waste and encroachments, there is no action taken with reference to 79 drains mentioned therein. It is further mentioned that the State Government is developing Rajakaluve K-100 for the length of 11.4 kms from Chikkalalbagh to Bellanduru lake. I.A. No. 392/2020 filed by the State before this Tribunal was disposed of on 15.12.2020 with the observation that the issue should be first looked into by the Monitoring Committee. The Monitoring Committee has left the issue to be gone into by this Tribunal, in absence of entire information being available with the Committee. **Learned Amicus Curiae submitted that in the garb of development of the Rajakaluve in question the width and capacity of the drains should not be reduced.**
- (VI) Under Item No. 12, on the subject of desilting, progress shown is that a part of the silt has been removed and stacked. **Learned Amicus submitted that the silt can be used in the abandoned mines consistent with the SOP with underneath lining or can also be used on the embankment of flyovers as per CPCB guidelines on the subject. Safeguards be taken to prevent silt re-entering the lake till it is removed.**
- (VII) Under Item No. 10, on the issue of desilting of the lake falling in the defence area, the progress is that **non-hazardous silt can be deposited on the defence land for development of army training areas and reclaiming of low-lying land.**

Learned Amicus submitted that **reclaiming of low-lying land will alter the character of the wetland, against established environmental norms. The low-lying land in question is wetland and needs to be maintained as such.**

- (VIII) Progress against item No. 20 with reference to setting up of bio-diversity park is not satisfactory. It is pointed out that the BDA has again taken a wrong stand for **demarcating area between maximum flood level and the lake periphery instead of doing so along the periphery of the lake boundary i.e. ensuring that area of lake is not used in the process.** The proposal of the BDA appears to be to develop the bio-diversity park within the boundary of the lake and the full tank level which will adversely affect the lake.
- (IX) The progress against Item No. 23 with reference to removing the illegal encroachments in the catchment areas of the lakes is not satisfactory. It is mentioned that the BBMP has still not given details of the encroachments. It is only submitted that certain cases are pending before the Karnataka Administrative Tribunal (KAT), the High Court and the City Civil Court.
- (X) Huge amount of C&D waste has been dumped and road made inside the lake itself which has to be undone, as directed earlier.
- (XI) Compensation amount determined by the Tribunal needs to be credited to a separate account and utilised for restoration and if necessary, recovered from the polluters/erring officers

11. Learned ASG, without joining issue with the above submissions of learned Amicus, which are otherwise well founded, submitted that substantial progress has taken place and the same is continuing. Further steps are being taken and even after filing of progress report, closure orders have been passed against 26 industrial units. Boundaries are being constructed. There are constraints in the form of interim orders by various Courts. **She has assured that further steps will be taken expeditiously and points made by learned Amicus will be addressed in the course of further working.**

#### **Analysis and further Directions**

12. We have given due consideration to the issue. We do find some progress but we agree with learned Amicus that the progress is very slow and inadequate. The remaining work needs to be executed on war footing by remedying the deficiencies pointed out above by learned Amicus. We also permit learned Amicus to file a supplementary note directly to the Chief Secretary or to this Tribunal. If filed with the Tribunal, the same may be forwarded to the Chief Secretary, Karnataka for being addressed in positive spirit, in the light of observations already made and assurance of learned ASG.

13. Remedial steps to be taken so far for restoration of pristine ecology of the lakes in question have been discussed in earlier orders dated 6.12.2018, 21.10.2019, 18.12.2019 and 13.8.2020 and comments on some of the issues have been made hereinabove. Justice Hegde Committee has monitored the execution of the action plan on the subject for the last more than two years. **We place on record our gratitude to Justice Hegde for the outstanding contribution in the matter.**

14. However, **monitoring by a Tribunal or Tribunal appointed Committee cannot be for indefinite period and ownership of execution of action plan for restoration of pristine ecology of the lakes/wetlands must be finally owned and taken over by the State authorities, headed by the Chief Secretary.** Governance deficit has to be made up by further action in mission mode. The road-map has already been laid down by the orders of this Tribunal. We may note that apart from the present matter, **issues of solid and liquid waste disposal generally and of polluted river stretches, water bodies, lakes and wetlands have been dealt with by this Tribunal in the light of Hon'ble Supreme Court decisions.<sup>1</sup> Copies of such orders have been duly sent to the Chief Secretary, Karnataka and Chief Secretary also appeared in person twice before this Tribunal for interaction on these issues in OA 606/2018. There are 17 polluted river stretches in Karnataka including Tungabhadra which has been identified by the State to be model of compliance. Detailed guidelines have been laid down on all aspects of restoration of lakes and water bodies and several issues are overlapping with restoration of polluted river stretches. Specific directions cover the present matter on subjects of preventing discharge of sewage and effluents and solid waste, removing encroachments from catchment areas, desilting and dewatering, maintaining lake free from any constructions inside and all other matters covered by different headings of the progress report quoted**

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<sup>1</sup> (2000) 2 SCC 679 Almitra Patel, Tribunal orders in OA 606/2018, last order 2.7.2020: Solid Waste (2017) 5 SCC 326 Paryavaran Suraksha, Tribunal last order dated 22.2.2021 in OA 593/2017: Liquid waste, including 351 polluted river stretches (OA 673/2018), coastal pollution (OA829/19), re-use of treated water (OA148/2016). (2017) 5 SCC 805, Tribunal order dated 27.8.2020, [OA 351/2019](#), Raja Muzaffar Bhat v J & K: Wetlands and lakes: *M.K. Balakrishnan and Ors. v. UOI*, Tribunal order dated 18.11.2020 Lt Col Sarvadaman OA 325/2015, Water bodies, (1997) 1 SCC MC Mehta v. Kamal Nath, (2001) 6 SCC 496 Hinch Lal Tiwari vs. Kamala, (2006) 3 SCC 549 Intellectual Forum vs. State of AP

**above.** In the present context, we may specifically note need to remedy foaming and fire incidents, attributed to detergents containing Phosphates, sewage entering the lake needs to be diverted and treated sewage utilised for non-potable use. The lake is to be maintained with required oxygen levels for survival of aquatic life.

15. Protection of lakes and water bodies and preventing pollution is part of 'public trust' doctrine obligating the State authorities to take stern measures for enforcing the basic constitutional right of citizens to clean environment. Without this being done in a meaningful manner, there can be no sustainable development. There is need for stringent enforcement by way of adverse measures, including recovery of compensation for continuing violation and adverse entries in the record of defaulting officers. Accountability for those who are entrusted the responsibility to comply with these directions must be fixed on the principle of good governance, to enforce rule of law to protect rights of citizens.

16. In spite of the fact that Water (Prevention and Control of Pollution) Act, 1974 was enacted 47 years back, to give effect to the decision in Stockholm Conference in the year 1972, the water pollution remains rampant. Though a serious criminal offence under the law of the land, the authorities have failed to take stringent action against the violators. In a way the State-authorities, who are constitutionally under obligation to ensure treatment of sewage before the same is discharged into the water bodies, have to take the blame. The adverse effect of water pollution on health and environment is well known. **Water bodies, including lakes and wetlands, have great role in sustaining aquatic life, attract migratory and other birds, add to the natural aesthetics, help**

**harvesting rain water, maintain micro climate, recharge ground water and perform other ecological services.**

The Hon'ble Supreme Court in its judgment in *Paryavaran Suraksha vs. Union of India & Ors.*, (2017) 5 SCC 326 discussed the need to remedy water pollution and fixed a firm deadline of 31.03.2018 by which all necessary CETPs/STPs/ETPs should be in place failing which coercive action, including prosecution of State authorities was mandated. It also indicated sources of funding. The said direction continues to be violated. This situation can hardly be held to be conducive to the environmental rule of law. The sewage treatment is less than 50% (the sewage generation from the urban population of the country is reported to be about 70000 MLD and treatment capacity about 27000 MLD)<sup>2</sup> which is a matter of serious concern. The Tribunal has issued repeated directions on the subject. Till it is remedied, the goal of sustainable development is far cry. Similarly, directions have been given for protection of water bodies and wetlands, referred to earlier in para 14, supra.

The environmental law principles, which this Tribunal is mandated to apply under sections 20 and 15 of the NGT Act, 2010, are – 'sustainable development', 'precautionary' and 'polluter pays'. These principles, accepted in Stockholm conference, have been held to be part of right to life under article 21 of the Constitution in *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 SCC 647. In *Hanuman Laxman*, (2019) 15 SCC 401, (paras 142-156), significance of environmental rule of law has been highlighted to achieve sustainable development goals for prosperity, health and well-being. This requires filling of gap between law and enforcement. In *T.N. Godavarman Thirumulpad v. Union of India*, (2002) 10 SCC 606,

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<sup>2</sup> As per report of the CPCB dated 30.09.2020 quoted in the order of this Tribunal dated 05.02.2021 in OA 95/2018, *Aryavart Foundation v. M/s Vapi Green Enviro Ltd. & Ors.*

at page 621, it was observed that the State has to forge in its policy to maintain ecological balance and hygienic environment. Article 21 protects right to life as a fundamental right. Enjoyment of life and its attainment including the right to life with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance free from pollution of air and water and providing sanitation, without which life cannot be enjoyed. Any contra acts or actions would cause environmental damage. Therefore, hygienic environment is an integral facet of right to healthy life and it would be impossible to live with human dignity without a humane and healthy environment. Environmental protection has now become a matter of grave concern for human existence. Promoting environmental protection implies maintenance of the environment as a whole comprising the man-made and the natural environment. Therefore, there is constitutional imperative on the Central Government, State Governments and bodies like municipalities, not only to ensure and safeguard proper environment but also an imperative duty to take adequate measures to promote, protect and improve the man-made environment and natural environment.

17. Accordingly, there is need for further continuous action and effective monitoring at the highest level in the Government. Consistent with earlier orders on the subject, such monitoring needs to be taken over by the Chief Secretary, Karnataka who may take over the record from the Monitoring Committee and take stock of all the left-over issues, with the assistance of other identified authorities and experts (which may include Indian Institute of Science, Bangaluru). He may inter alia interact with the State Lake Conservation and Development Authority and Forest, Ecology and Environment Departments. First meeting may be held latest by March 31, 2021. Thereafter, review meetings may be held atleast once in a month to

monitor further progress and completion of targets, already fixed or which may be further fixed. It will be open to all persons interested in restoration and maintenance of the lakes in question to give their suggestions and offer assistance which may be duly considered by the Chief Secretary, Karnataka on its merits. All pending projects for setting up of STPs, fencing of lake, removal of encroachments, etc. may be executed expeditiously. Particular attention may be given to preventing formation of foam and fire incidents. Directions in earlier orders and current order be duly carried out and overseen by the Chief Secretary, as already mentioned, atleast once a month. In pursuance of order of this Tribunal dated 18.11.2020 in OA 325/2015, Lt. Col. Sarvadaman Singh Oberoi v. Union of India & Ors., the steps for protection of water bodies have been directed to be taken and quarterly reports sent by the Chief Secretaries of States to the Secretary Ministry of Jal Shakti. Similarly, a quarterly report is to be given by the Chief Secretaries in respect of steps taken for protection of lakes and wetlands to the National Wetlands Authority, as earlier directed in OA 351/2019, Raja Muzaffar Bhat, supra, vide order dated 27.8.2020 and also placed on the website of the State Wetland Authority, for information of all the stake holders. The lakes in question are undoubtedly of great significance for the Bengaluru city and are glory and pride of the city. We do hope the administration will appreciate the need for stringent action and efforts for maintaining the said Lakes.

18. Before parting, we place on record our deep appreciation for the invaluable services rendered by learned Amicus.

The application is disposed of accordingly.

A copy of this order be forwarded to the Secretary, MoEF&CC as Chairperson of National Wetland Authority and to Secretary, MoJS, GoI, CPCB and the Chief Secretary, Karnataka by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 12, 2021  
Original Application No. 125/2017  
DV