Item No.03 (Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH, NEW DELHI

(By Video Conferencing)

Execution Application No. 19/2021
IN
Original Application No. 324/2016
(I.A. No. 97/2022)

Shailesh Singh Applicant

Versus

State of U.P.& Ors. Respondent(s)

Date of hearing: 12.05.2022

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Respondent(s): Mr. Raj Kumar, Advocate for CPCB
Mr. Daleep Dhyani, Advocate for UPPCB
Mr. Sandeep Singh, Advocate for the State of UP
Mr. Pinaki Misra, Senior Advocate, Mr. Sanjeev Ralli, Senior Advocate & Ms. Vanita Bhargava, Advocate for Radico Khaitan (R - 2)

ORDER

Scope of proceedings – execution of order dated 18.3.2021 to remedy pollution of River Bhella which meets Kosi river in Rampur, which is a tributary of Ramganga, which in turn is a tributary of river Ganga inter alia caused by 14 industries as per report dated 6.1.2021 of joint Committee

1. This application seeks execution of order dated 18.03.2021 whereby directions were issued for remedial action against pollution by the polluting industrial activities discharging polluted effluents in River Bhella which meets Kosi river in Rampur, which is a tributary of Ramganga, which in turn is a tributary of river Ganga.

2. Before passing the order dated 18.03.2021, the matter was considered for about five years by three detailed orders - dated 20.05.2019, 23.07.2019 and 15.01.2020. The Tribunal found that pollution of river Bhella in Moradabad was taking place due to untreated discharge of pollutants by industries, apart from other sources. One of the major polluting industries was M/s Radico Khaitan Limited, impleaded as respondent No. 2 herein.

Report dated 6.1.2021

3. The Tribunal, considering the status of compliance of the polluting industrial units shown from the expert Committee inspection report and the report of Justice Arun Tandon, former Judge of the Allahabad High Court, who was at the relevant time heading the Ganga Pollution Monitoring Committee and of the CPCB dated 06.01.2021 based on inspection of 14 industries in the area, directed:-

> ***"****1to12…xxx……xxx……xxx*
>
> *13. We have considered the above reports and heard learned counsel for the appearing parties.* ***There is no objection to the report of the Oversight Committee in respect of the units in the State of UP or to the report of the joint Committee filed by the CPCB. We do not see any reason not to accept the same. Accordingly, the said reports are accepted. Action may accordingly be taken by the concerned units and the statutory regulators.***
>
> *14. The industries in the question in the State of UP as well as Uttrakhand may comply with the deficiencies noticed in the reports which may be overseen by a joint Committee of CPCB and the concerned State PCBs. The State PCBs may take necessary further action based on the observations of the joint Committee, which may include coercive measures like recovery of compensation and initiating prosecution, following due process of law.* ***An action taken report may be periodically provided by the State PCBs to the Chairman, CPCB for any further directions for the remedial action****. The State PCBs may recover compensation already assessed by taking suitable coercive measures, including closure. The State PCBs may impose appropriate conditions as part of consent conditions. Since the rivers in questions are finally*

meeting river Ganga, orders of this Tribunal in OA 200/2014, M.C. Mehta v. Union of India & Ors., wherein vide order dated 18.12.2019, the Tribunal directed the NMCG and concerned States, including Uttarakhand and UP to prevent discharge of industrial effluents in river Ganga and its tributaries by ensuring proper functioning of ETPs/CETPs, are attracted which need compliance. The Ganga matter was last considered on 08.2.2021 in the light of progress report and directions were issued for further remedial action to ensure prevention of pollution of river Ganga and its tributaries and to file a further progress report with the NMCG. ***Accordingly, the States of UP and Uttrakhand may include the present issue also in its progress report to the NMCG as the issue has bearing on pollution of Ganga.***

15. With regard to the affidavit filed by Radico Khaitan that it has a report from a private consulting agency, it is made clear that report of such agency cannot be treated as conclusive and needs to be evaluated by the statutory regulators based on ground verification.

16. Learned counsel for the UP State PCB submits that polluted water is being discharged from the Uttarakhand by the industries which is flowing to the State of UP. This may be looked into by the CPCB and based on observations of the CPCB, appropriate remedial action be taken to prevent such pollution by the State of Uttarakhand and its authorities. ***Regular vigilance may be maintained by the concerned SPCBs and other statutory regulators and impact on water quality of river Kosi, Dhela, Bhela, Ramganga and finally on Ganga may be overseen by CPCB and NMCG also."***

Current EA

4. According to the current Execution Application (EA), the State PCB, CGWA and other statutory authorities have failed to take necessary steps for enforcement of the order of this Tribunal. Apart from continued discharge of effluents, ground water extraction is taking place illegally. The applicant has impleaded State PCB, Rampur Distillery (Radico Khaitan), UPPCB, CPCB, CGWA and District Magistrate, Ghaziabad.

Order seeking Status of compliance

5. Vide order dated 12.08.2021, Tribunal considered the matter and found it necessary to seek a status report in the matter from the CPCB and the State PCB. The operative part of the order is reproduced below:-

"*7. The averments in the execution application may call for an appropriate response based on verification of facts on the ground.*

*8. Accordingly, to enable the Tribunal to proceed further, the CPCB and State PCB may furnish a status report in the matter with regard to the compliance status of order of this Tribunal dated 18.03.2021. The report may be furnished before the next date 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.***"**

Order dated 9.12.2021

6. The matter was further considered on 09.12.2021 in the light of reports of the CPCB and State PCB dated 07.12.2021 to the effect that water quality had deteriorated at some places due to pollution and illegal extraction of ground water. However, the reports did not give adequate details on account of which a joint Committee of CPCB, UPPCB and Uttarakhand State PCB was required to give a further report. Extracts from the said order are:-

"

6. In *pursuance of above, reports have been filed separately by CPCB and UPPCB. Report of CPCB dated 07.12.2021 states that CPCB along with Uttarakhand State PCB and UPPCB carried out monitoring of water quality of the rivers in question. At few stretches water quality was found deteriorated as compared to other stretches. Vide letter dated 02.09.2021, the reports of water quality were forwarded to the concerned State PCBs to take remedial measures. A meeting was also held on 09.11.2021 with the said PCBs and they were directed to ensure compliance of recommendations of the joint Committee and the Oversight Committee. Uttarakhand State PCB provided compliance report with reference to 7 industries:-*

1) M/s Multiwal Pulp and Board Mills (P) Ltd., Bazpur Road, Kashipur, Dist.: U. S. Nagar, Uttarakhand.

2) M/s Multiwal Duplex Pvt. Ltd., Kundeshwari Road, Kashipur, Dist.: U. S. Nagar, Uttarakhand

3) M/s Kashi Vishwanath Textile Mill Ltd. (SPNG Group), 5th Km Stone, Ramnagar Road, Kashipur-244713, Uttarakhand

4) M/s Cheema Papers Ltd, 9 km stone Bazpur Road, Kashipur, Dist. U.S. Nagar, Uttarakhand

5) M/s Banwari Paper Mill Ltd., 4th km stone, Rampur Road, Kashipur, U.S. Nagar, Utarakhand

6) *M/s India Glycols Limited (Chemical Unit), A-1, Industrial Area, Bazpur Road, Kashipur, District-U.S. Nagar, Uttarakhand*

7) *M/s India Glycol Ltd (Distillery Plant), Kashipur, Uttarakhand*

7. UP PCB has furnished status report with reference to 6 industries:-

1) *M/s Radico Khaitan Ltd, Rampur*

2) *M/s Damyaa (P.J.) Foods Pvt Ltd, Rampur*

3) *M/s Usha Steel Process, Ajeetpur*

4) *M/s Swati Menthol Allied Chemical Ltd, Rampur*

5) *M/s Rana Sugars Ltd, Moradabad*

6) *M/s Rana Sugars Ltd (Distillery unit), Moradabad*

8. Apart from report of CPCB, UPPCB has filed its separate report dated 03.12.2021 giving the compliance status in conflict with the report of the CPCB with regard to the pollution and extraction of groundwater by the industries. The said report does not mention the details with regard to extraction of ground water and compliance of consent conditions meant for preventing pollution of rivers in the vicinity.

9. In view of above, ***we consider it appropriate to require a joint report by a joint Committee of CPCB, UPPCB and Uttarakhand State PCB within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF which may also be uploaded on the website of CPCB simultaneously for further response of the concerned parties. The joint Committee may also furnish details of ground water extraction, compliance of conditions for preventing pollution of rivers in the vicinity, extent of discharge of pollutants and compensation assessed and recovered in the past and also recommend further remedial action, if necessary****.*

*List for further consideration on 14.03.2022.***"**

Consideration of matter today – report about water quality for determining pollution status, ground water extraction and Compensation for past violations

7. In pursuance of above, joint Committee has filed its report dated 09.05.2022. The report mentions the monitoring of the water quality at

relevant locations jointly by CPCB, Uttarakhand PCB and UP State PCB. The Committee also undertook field visit to verify compliance status of individual units. The compliance status of individual units has been annexed to the report. Compliance verification report as on 08-09.03.2022 has been also given in respect of following industries:-

S.No.	Name & Address of industry
1.	M/s Radico Khaitan Limited, Bareilly Road, Rampur, U.P.
2.	M/s Damya (PJ) Foods, Pvt. Ltd. Village- Chikna Shahbad Road, Rampur, U.P.
3.	M/s Usha Steel Process, D-22, 23 &29. Ajeetpur Industrial Estate, Ajeetpur, Rampur, U.P.
4.	M/s Swati Menthol & Allied Chemicals Ltd. 4.5kms. Bareilly Road Rampur, U.P
5.	M/s Rana Sugars Ltd. Khasra No.318-320, Manpur, Belwara, Distt- Moradabad, U.P.
6.	Mis Rana Sugars Ltd.(Distillery Unit), Khasra No.318-3 Manpur. Belwara, Distt- Moradabad, U.P.
7.	M/s India Glycol Ltd (Distillery Plant), Kashipur, Uttarakhand
8.	M/s India Glycols Limited (Chemical Unit) A-1, Industrial Area, Bazpur Road. Kashipur, District-U. S. Nagar, Uttarakhand
9.	M/s Kashi Vishwanath Textile Mill Ltd, (SPNG Group) 5th Km Stone, Ramnagar Road, Kashipur-244713,
10.	M/s Vishvakarma Paper Be Boards Ltd.. 4.5 km, Ramnagar Road, Kashipur, Dist. U. S. Nagar, Uttarakhand
11.	M/s Banwari Paper Mill Ltd., 4th km stone, Rampur Road, Kashipur, U.S. Nagar, Utarakhand
12.	M/s Cheema Papers Ltd, 9 km stone Bazpur Road, Kashipur, Dist. U.S. Nagar, Uttarakhand
13. 13.	M/s Multiwal Duplex Pvt. Ltd. Kundeshwari Road. Kashipur, Dist.: U. S. Nagar, Uttarakhand
14.	M/s Multiwal Pulp and Board Mills (P) Ltd., Bazpur Road, Kashipur, Dist.: U. S. Nagar, Uttarakhand

8. The report gives a status of payment of environmental compensation as follows:-

"4.0 Environmental Compensation Deposited by Industries

1. ***M/s Radico Khaitan Limited, Bareilly Road, Rampur, Uttar Pradesh -244901***

   - *Unit has deposited EC amount of Rs 7.29 crores in compliance to the CPCB direction dated 16.08.2019**.***

2. ***M/s Damya (PJ) Foods, Pvt. Ltd. Village- Chikna Shahbad Road, Rampur- 244901 (U.P.)***

   - *Unit has deposited EC amount of Rs. 2.5 lacs in compliance to the UPPCB direction dated 19.07.2019.*

3. ***M/s Usha Steel Process, D-22, 23 and 29, Ajeetpur Industrial Estate, Ajeetpur, Rampur, Uttar Pradesh***

   - *Unit has deposited EC amount of Rs. 2.5 lacs **in compliance to the UPPCB** direction dated 19.07.2019.*

4. ***M/s Rana Sugars Ltd., (Distillery Division), Khasra No. 318, 319, 320, Village-Belwara, Post- Manpur, Tehsil & District- Moradabad, Uttar Pradesh***

   - *Unit has deposited EC amount of Rs 70.50 lacs in compliance to the CPCB direction dated 08.03.2021.*

5. ***M/s Rana Sugars Ltd.,** (Sugar Division), Village- Belwara, Post- Manpur, Tehsil &**District- Moradabad,** Uttar Pradesh*

   - *Unit has deposited EC amount of Rs 11.70 lacs in compliance to the CPCB direction dated 08.03.2021.*

6. ***M/s Indian Glycol Ltd. (Chemical Division) Bazpur Road, Kashipur, Uttarakhand***

   - *Performance **Guarantee of Rs.** 10.0 lacs submitted by the unit in compliance **of UKPCB letter dated 15/04/2021.***

7. ***M/s Indian Glycol Ltd. (Distillery Division) Bazpur Road, Kashipur, Uttarakhand***

   - ***Performance Guarantee of Rs.** 10.0 lacs **submitted by the unit** in compliance of UKPCB letter **dated** 15/04/2021.*

8. ***M/s Kashi Vishwanath Textile Mill Ltd. (SPNG Group), Kashipur***

   - *Unit has deposited EC amount of Rs 12.06 lacs in compliance to the UKPCB direction dated 01.12.2021."*

9. Assessment of water quality of rivers (Ramganga, Kosi, Dhela, Bahela and Gangan) and adjoining drains (Pachhana drain, Dhandi drain and Rampur drain) is mentioned as follows:-

"*River water quality was assessed for primary water quality criteria notified for outdoor bathing in terms of pH (6.5-8.5), DO 5 mg/L), Bio-chemical Oxygen Demand (BOD (< 3 mg/L) and Faecal Coliform (FC) (< 2500 MPN/ 100 ml).*

Water quality of rivers Ramganga (at 03 locations), Kosi (at 03 locations), Dhela (at 04 locations), Bahela (at 03 locations) and Gangan (at 01 location) and 03 drains namely Pachhana drain, Dhandi drain and Rampur drain were monitored. Location map showing monitoring locations on rivers and adjoining drains.

The water quality of rivers Ramganga, Kosi, Gangan, Dhela and Bahela is as follows:

River Ramganga

The Ramganga is a main tributary river of River Ganga. Itoriginates from Chamoli town (Uttarakhand) and flows through the Corbett National Park near Ramnagar of Nainital district from where it descends upon the plains and traverses through Bijnor, Moradabad, Ranipur, Bareitly, Budaun, Shahjahanpur and Hardoi districts of Uttar Pradesh and finally merges with river Ganga in district Kannauj (Uttar Pradesh). The river flows approximately 510 km, predominantly in a southerly direction and finally joins river Ganga at Tehra Ghat village, Kannauj.

River Ramganga was monitored at 03 locations at Agwanpur, Katghar and Shahbad. In river Ramganga, DO ranged as 6.61-931 mg/ 1, pH as 7.9-8.2, BOD as 3-6 mg/ 1, Faecal coliform as 450 — 23 x 10^3 MPN/ 100 ml.

1. River Ramganga at Agwanpur (U.P.)

Samples were collected on Ramganga bridge on Dilari-Moradabad road (28.89436 N, 78.744476 E). River Dhela meets river Ramganga at d/s of this location. Agricultural activity was observed in the vicinity of the sampling location. Dissolved oxygen in river Ramganga at Agwanpur (U.P.) was found 9.31 mg/I at 14.1° C. River water quality at this location is meeting the bathing criteria w.r.t. pH (8.2), DO (9.31 mg/I), BOO (3 mg/ 1) and FC (450 MPN/ 100 ml).

2. River Ramganga at Katghar (U.P.)

Samples were collected from river Ramganga at Katghar bridge (28.823230 N, 78.800285 E) after confluence with river Dhela, outlet of 58 MLD STP at Gulab Bari, Moradabad (U.P.) and drains of Moradabad city. Dissolved oxygen in river Ramganga a/c river Dhela at Katghar (U.P.) was 8.1 mg/l at 16.3° C. ***River water quality at this location is meeting the bathing criteria w.r.t. pH (8.0) and DO (8.1 mg/1) except BOD (06 mg/1) and FC (23000 MPN/100 ml).***

3. River Ramganga at Shahbad (U.P)

Sample of river Ramganga was collected on the bridge on Road MDR 53W (28.553650N, 79.047972E). River Kosi meets river Ramganga at u/s of this location. Agricultural activities were observed near the bank of the river. Dissolved oxygen in river Ramganga at Shahbad was 6.6 mg/1 at 15.3° C. River ***water quality at this location is meeting the bathing criteria w.r.t. pH (7.9), DO (6.6 mg/1) and FC (2000 MPN/100 ml) except BOD (05 mg/1).***

River Kosi

River Kosi or Kosila (local name) is one of the major sub-tributary of River Ramganga. It originates from a spring source in the middle Himalayas of Kumaon region, Uttarakhand, India. The river is 240 km long with a catchment area of 3420 km^2 starting from Almora District in Uttarakhand. As it traverses through Uttarakhand and Uttar Pradesh, it passes through the districts of Almora, Nainital, Udham Singh Nagar, Rampur and joins River Ramganga in Soopa town (28.634001 N, 79.029054 E), District Rampur, U.P. River Kosi is an important sub-tributary of the Ganga River system that provides water supply for irrigation and public supply. Major water infrastructures along the river are the Ramnagar-Kosi Reservoir in Ramnagar and the Kosi River Dam.

River Kosi was monitored at 03 locations and 01 adjoining drain namely Rampur drain. In river Kosi, DO ranged as 6-7.6 mg/ 1, pH - 8.0, BOD ranged as 3-4 mg/l, and FC ranged as 780 - 20,000 MPN/ 100 ml

1. River Kosi at NH-74, Sulthanpur Patti, Kashipur Bazpur Road

Sample collected from river Kosi at NH-74, Sulthanpur Patti, Kashipur Bazpur Road (29.158742N, 79.039550E). ***Water quality of river Kosi at NH-74, Sulthanpur Patti in Uttar Pradesh was meeting bathing criteria w.r.t. pH (8.0), DO (7.6 mg/1), BOD (3 mg/1) except FC (20,000 MPN/100 ml).***

2. River Kosi at Dariyal Road, Kashipur

Sample collected from river Kosi at Dariyal Road, Kashipur (29.052809N, 79.019420E). ***Water quality of river Kosi at Dariyal Road in Uttar Pradesh was meeting bathing criteria w.r.t. pH (8.0), DO (6 mg/l) and FC (780 MPN/100 ml) except BOD (4 mg/l).***

3. River Kosi at Rampur-Moradabad Road, U.P.

Samples were collected from bridge on Kosi river (28.786360 N, 78.986083 E). Agricultural activity was observed in the vicinity of the sampling location. Rampur drain meets river Kosi after this location. Water quality of river Kosi was meeting bathing water quality criteria w.r.t. pH (8.0) and DO (7.1 mg/l) except BOD (4 mg/ 1) and FC (7800 MPN/ 100 ml).

4. Rampurdrain at Ajeetpur (U.P.)

Rampur drain carried dark grey colored wastewater and solid waste dumping along the drain was observed. Flow in Rampur drain (87.09 MLD) was measured using Ball-Float method as per CPHEEO manual on sewerage and sewage management. Analysis report showed pH-7.0, Conductivity-1567 µmho/cm, Color-I19 Hazen, BOD-274 mg/1, COD-575 mg/1, TDS-884 mg/l and FC-35x 10^6 MPN/100 ml. ***Drain carries sewage from Rampur city. Dumping of solid waste along the drain was also observed***

River Gangan

River Gangan is a tributary of river Ramganga which originates near Bijnor district of Uttar Pradesh and meets river Ramganga d/s Moradabad city near Sultanpur village. Water quality of river Gangan was monitored at Moradabad-Delhi Road in Uttar Pradesh, which is approximately 28 Km beforeconfluence with river Ramganga. Water quality of river Gangan was meeting bathing criteria w.r.t. pH (8.3) and DO (84 mg/l) except BOD (04 mg/) and FC (79000 MPN/100 ml).

River Dhela

River Dhela is a tributary of river Ramganga. It originates from north of Kashipur tehsil oft Uttarakhand and flows through west of Kashipur city via tehsil. Thakurdwara then enters Uttar Pradesh and confluence into River Ramganga near Moradabad city. The River covers an entire length of 110 km. The study area lies between latitude 29.4213 N to 28.8715S N and the longitude 79.001 06 E to 78.77732 E.

1. River Bhela near Beljudi village

Water sample was collected from river Dhela near Beljudi, upstream of Kashipur (29.220271N, 78.945054E). Sample analysis results showed color-BDL, pH-8.1l, DO- 8.8 mg/1, BOD-02 mg/1, COD-08 mg/l and ***FC-1700 MPN/100ml.*** *River was meeting bathing criteria w.r.t. pH (8.1), DO (8.8 mg/l), BOD (2 mg/l) and* ***FC (1700 MPNA100 ml)*** *near Beljudi village i.e. b/c with Pachhana drain and Dhandi drain.*

2. Pachhana drain, near Videocon Industry, Kashipur

Sample was collected near Videocon Industry (29202066N, 78.913602E). Flow in Pachhana drain (9.61 MLD) was measured using Ball-Float method as per CPHEEO manual on sewerage and sewage management. Sample analysis results showed color-05 Hazen. pH-6.9: BOD-03 mg/l and COD-11 mgl. TSS-25 mg1, TDS-648 mg/l and FC-21000 MPN/100 ml.

3. Dhandi drain, at Dhandi bridge, Moradabad-Kashipur Road

In Dhandi drain, sample was collected from Dhandi bridge on Moradabad-Kashipur road near Gurudwara Nanaksar Dhandipul at Kashipur (29.I94892N, 78.887374E). Flow in Dhandi drain (55.83 MLD) was measured using Ball-Float method as per CPHEEO manual on sewerage and sewage management. ***Sample analysis results showed color-35 Hazen, pH-6.9, BOD-57 mg/1 and COD-139 mg/1, TSS-35 mg/l, TDS-352 mg/1 and FC-45000 MPN/100 ml****.*

4. River Dhela at d/s Faridnagar

After confluence of Pachhana drain and Dhandi ***drain with river Dhela and receiving sewage from Faridnagar town,*** *samples of river Dhela were collected at d/s Faridnagar (29.176953N, 78.895959E). Water quality of river Dhela at d/s Faridnagar was not meeting bathing criteriaW.r.t. DO (3.9 mg/l), BOD (15 mg/l), and FC (450000 MPN/ 100 ml) however (7.6 pH) was meeting the bathing criteria*

5. River Dhela near Bhojpur bridge

Sample was collected from river Dhela near Bhojpur bridge, Uttar Pradesh (28.972066N 78.824380E), Water quality of river Dhela near Bhojpur bridge in Uttar Pradesh ***was not meeting bathing criteria w.r.t. DO (0.6 mg/1), BOD (17 mg/) and FC (22000 MPN/100 ml)however pH(7.7) was meeting the bathing criteria.***

6. River Dhela at d/s Bhojpur bridge

Sampling was carried out at d/s Bhojpur bridge and b/c with river Ramganga near Pipalsana village (28.932370N, 78.810594E). Water quality of river Dhela d/s of Bhojpur bridge in Uttar Pradesh ***was not meeting bathing criteria w.r.t. DO (0.71 mg//), BOD (29 mg/l) and FC (110000 MPN/100ml)*** *however pH (8.0) was meeting thebathingcriteria.*

River Bahela

River Bahela is one of the tributaries of River Kosi which is a tributary of River Ramganga. River Bahela originates from forest of Hempur near Tumariya Dam in Udham Singh Nagar District, Uttarakhand and confluences with River Kosi near Khabariya Bhur Mustahkam village, District Rampur, Uttar Pradesh. River Bahela covers a distance of approx. 80 km from its origin to its confluence with River Kosi.

1. River Bahela at Ramnagar Road (NH-121)

Sample was collected from river Bahela at Ramnagar road (NH-121), u/s of Kashipur, in Uttarakhand (29.278845N, 79.022170E). Water quality of river Bahela at Ramnagar road (NH-121) in Uttarakhand ***was meeting bathing criteria w.r.t. pH (7.8), DO (7.8 mg/1) and BOD (2 mg/1) except FC (3400 MPN/100 ml).***

2. River Bahela at Lohiya bridge, Kashipur-Darhiyal Road

Sample was collected from river Bahela at Lohiya bridge Kashipur-Darhiyal Road, Uttarakhand (29.147160N, 78.982814E). Water quality of river Bahela at Lohiya bridge, u/s of Rajpura Tanda village, ***was not meeting bathing criteria****w.r.t. DO (3.2 mg/1), BOD (5 mg/1) and FC (23000 MPN/100 ml) however pH (7.6) was meeting the bathing criteria.****Water quality of river Bahela at Lohiya bridge deteriorated which could be due to sewage from Kashipur city and nearby villages.***

3. River Bahela at d/s Tanda town, Moradabad-Tanda bridge, Uttar Pradesh

Sample was collected from river Bahela d/s Tanda town in Uttar Pradesh (29.147160 N,78.982814 E). Water quality of river Bahela at d/s ***Tanda town was not meeting bathing criteria w.r.t. DO (0.5 mg/1), BOD (58 mg/1) and FC (200000 MPN/100 ml) however pH (7.5) was meeting the bathing criteria***

Conclusions

- *River Ramganga was monitored at 03 locations at Agwanpur, Katghar and Shahbad. Water quality of river Ramganga at Agwanpur, which is upstream of Moradabad, was meeting bathing criteria w.r.t. pH (8.2), DO (9.3 mg/1), BOD (3 mg/1) and FC (450 MPN/100 ml). After approximately 12.5 kms downstream, samples were collected from river Ramganga at Katghar bridge after confluence with river Dhela, outlet of 58 MLD STP at Gulab Bari, Moradabad (U.P.) and drains of Moradabad city. In the stretch from Agwanpur to Katghar, 18 drains meet river Ramganga out of 20 drains carrying wastewater from Moradabad city. CPCB monitored these drains during post-monsoon season in 2021 and found that out of these 18 drains, 01 was found dry, 08 were tapped and 09 were untapped. Flow in these drains ranged as 2.51-43.5 MLD, color as 15-65 Hazen, BOD as 25-254 mg/1 and COD as 99-594 mg/l.* ***Solid waste dumping was observed along the drains. The water quality of river Ramganga at Katghar was meeting the bathing criteria w.r.t. pH (8.0) and DO (8.1 mg/1) except BOD (06 mg/1) and FC (23000 MPN/100 ml).*** *Further, river Gangan meets river Ramganga in Moradabad after approximately 14 km. Further downstream, river Kosi also meets river Ramganga after approximately 43 km downstream from the confluence of rivers Gangan and Ramganga. Thereafter, water samples of river Ramganga were collected at Shahbad, Uttar Pradesh which is located approximately 72 km downstream of Katghar in Uttar Pradesh. River water quality at Shahbad (Uttar Pradesh) was meeting the bathing criteria w.r.t. pH (7.9), DO (6.6 mg/1) and FC (2000 MPN/100 ml) except BOD (05 mg/1).*

- *River Kosi was monitored at 03 locations and 01 adjoining drain namely Rampur drain was also monitored.* ***Water quality of river Kosi at NH-74, Sulthanpur Patti in Uttarakhand was not meeting bathing criteria w.r.t. FC***

(20,000 MPN/100 ml). After approximately 18 km downstream, water quality of river Kosi at Dariyal Road, Kashipur was meeting bathing criteria w.r.t. DO (6 mg/1), pH (8.0) and FC (780 MPN/100 ml) however water quality was not meeting bathing criteria w.r.t. BOD (4 mg/1). Thereafter, at approximately 46 km downstream, water samples from river Kosi were collected at Rampur-Moradabad Road, Uttar Pradesh after confluence with river Bahela and water quality of river Kosi was meeting bathing water quality criteria w.r.t. pH (8.0) and DO (7.1 mg/l) except BOD (4 mg/1) and FC (7800 MPN/100 ml) which may be attributed to discharge of sewage from nearby villages and towns*. Thereafter, at approximately 33 km downstream, Rampur drain (Flow- 87.09 MLD, BOD-274 mg/1 and COD-575 mg/1) meets river Kosi at the left bank. After confluence with Rampur drain, river Kosi meets river Ramganga after approximately 2 km.*

- ***River Dhela being non-perennial is fed by drains carrying effluents from industrial units/clusters and sewage from residential areas. Fresh water in the river is diverted to Tumaria dam from the barrage constructed on the river Dhela at upstream of Kashipur, resulting in lack of natural flow in the river except during the monsoon months. Thereafter, the river mostly carries wastewater received from drains and has less quantity of fresh water. The water quality of river Dhela near Beljudi village, Uttarakhand (downstream of barrage) was meeting bathing criteria w.r.t. pH (8.1), DO (8.8 mg/1), BOD (2 mg/1) and FC (1700 MPN/100 ml). After approximately 6.6 km downstream, Pachhana drain (Flow- 9.61 MLD, BOD-03 mg/1) meets river Dhela.*** *Further, after traversing a distance of approximately 2.3 km, Dhandi drain (Flow- 55.83 MLD, BOD- 57 mg/1) meets river Dhela. After confluence of Pachhana drain and Dhandi drain, water samples from river Dhela were collected at D/s Faridnagar (Uttar Pradesh). It has been observed that the water quality of river Dhela deteriorated at d/s Faridnagar (DO-3.9 mg/l, BOD-15 mg/1, FC-45x104MPN/100 ml). The deterioration in water quality of river Dhela is attributed to discharge of wastewater from Pachhana drain and Dhandi drain & sewage from Kashipur city. After approximately 41 km downstream, water samples of river Dhela were collected near Bhojpur bridge (Uttar Pradesh) and water quality of river Dhela was not meeting bathing criteria w.r.t. DO (0.6 mg/1), BOD (17 mg/1), FC (22000 MPN/100 ml) which may be attributed to discharge of sewage from nearby villages. Further, at approximately 9 km downstream, water samples of river Dhela were collected near Pipalsana village (Uttar Pradesh) and* ***water quality of river Dhela was not***

meeting bathing criteria w.r.t. DO (0.71 mg/1), BOD (29 mg/1) and FC (110000 MPN/100 ml).

- *River Bahela being non-perennial is fed by drains carrying effluents from industrial units/ clusters and sewage from residential areas.* ***Fresh water in the river is diverted from Moteshwar Barrage (29.211038, 78.985787) constructed on river Bahela to Moteshwar Mahadev canal. The river Bahela at d/s of the Barrage carries mostly wastewater received from various drains and have less quantity of fresh water and therefore, the water quality does not meet the bathing water quality criteria at downstream of barrage****. Water samples of river Bahela were collected at Ramnagar Road (upstream Kashipur) and water quality was meeting bathing water quality criteria w.r.t. pH (7.8), DO (7.8 mg/1) and BOD (2 mg/1) except FC (3400 MPN/100 ml). After approximately 20 km, water samples werecollected at Lohiya bridge, Kashipur-Dariyal Road. Water quality of river Bahela at Lohiya bridge, u/s of Rajpura Tanda village, was not meeting bathing criteria w.r.t. DO (3.2 mg/1), BOD (5 mg/1) and FC (23000 MPN/100 ml) however pH (7.6) was meeting the bathing criteria.* ***The deteriorated water quality of river Bahela was attributed to discharge of sewage from Kashipur city and nearby villages into river Bahela. After approximately 51 km, water quality of river Bahela at D/s Tanda town was not meeting bathing criteria w.r.t. DO (0.5 mg/I). 130D (58 mW1) and FC (20x104 MPN/100 ml). The deterioration in water quality of river may be attributed to discharge of sewage from Tanda town and nearby villages adjacent to river.***

<u>Action taken for rejuvenation of rivers Bahela, Kosi and Dliela:</u>

- *River Bahela is enlisted as Polluted River Stretch, Priority-I, by River Rejuvenation Committee (RRC) constituted in pursuance of Honorable NGT order in the matter of O.A. No. 673/2018. The RRC recommended the installation of STPs (02 Nos.) and interception and diversion of drains to STPs by Uttarakhand Pey Jal Nigam for sewage management in the catchment of river Bahela.*

- *River Kosi is enlisted as Polluted River Stretch, Priority-IV, by RRC constituted in pursuance of Honorable NGT order in the matter of Q.A. No. 673/2018. The RRC proposed/recommended interception and diversion of drains to proposed 110 KLD STP at Mukundpur for sewage management in the catchment of river Kosi.*

- *River Dhela is enlisted as Polluted River Stretch, Priority-I, by RRC constituted in pursuance of Hon'ble NGT order in the matter of Q.A. No. 673/2018. The RRC recommended two STPs of capacity 18 MLD and 14 MLD at different locations in the stretch of River Dhela to cater sewage load of Kashipur City. Civil work of 18 MLD STP is completed.***"***

10. With regard to groundwater extraction it is stated that necessary permissions are granted and conditions were being complied with. However, water table has depleted as shown by the depth from which groundwater is being drawn.

Finding and Direction

11. As already mentioned, there are three issues for consideration – preventing pollution, checking illegal extraction of ground water and recovering compensation for past violations. Compensation is said to have been recovered for past violations as was already assessed. Currently, industries are said to be compliant.

Water pollution

12. From the above, it is seen that there is high level of Faecal coliform and other waste in Rivers/drains in question. River Bahela is not meeting the bathing criteria and water quality had deteriorated at River Bahela at Lohiya bridge, Kashipur-Darhiyal Road and at d/s Tanda town, Moradabad-Tanda bridge, Uttar Pradesh. Rivers Bahela, Kosi and Dhela are polluted river stretches in respect of which this Tribunal in *O.A No. 673/2018, In re: News item published in "The Hindu" authored by Shri Jacob Koshy titled "More river stretches are now critically polluted: CPCB* has issued several directions including preparation and execution of action plans by River Rejuvenation Committees constituted for the purpose. Such action plans have been prepared and approved by CPCB

but it is patent that execution remains inadequate calling for remedial action. The water quality of river Dhela, Bhela and Ramganga are under stress conditions on account of sewage and industrial waste being discharged. Since the Tributaries in question ultimately meet river Ganga, stern steps for rejuvenation of Ramganga and East Kali carrying waste of the catchment, having agro based industries are required to be taken. Discharge of untreated sewage has to be stopped. **Let Chief Secretary UP look into the matter and take remedial action.**

Groundwater Extraction and replenishment

13. With regard to ground water extraction, it is seen that the area is deficient in terms of groundwater availability. Water tables are low. Thus, caution is required to be adopted for permitting extraction of groundwater and conditions subject to which it is to be allowed. Conditions may include collaboration for treating sewage and utilising treated water as far as possible. Further, compliance of condition for replenishment has to be strictly monitored. Industrial units have been declared to be compliant in terms of replenishment of the ground water on the basis contribution in terms of water in ponds which is farce. Ponds are pre-existing and replenishment by ponds is not replenishment by Industries as wrongly assumed as it does not add to the replenishment which is necessary for permitting extraction. Water in pond is given by the nature and not by the industries. Extracting scarce resource of fresh ground water for commercial purpose, at the cost of drinking water and river flow has to be on strict conditions and duly monitored which is not shown to be happening. The authorities may thus review this aspect to avoid irreversible situation being reached due to excessive ground water extraction. Improvement in water table by their

contribution should be visible. On that basis, there is need to constantly review permissions granted for extraction of ground water in such areas.

14. In view of above, l**et the monitoring norms be reviewed accordingly and for the past violations, further remedial action taken in terms of recovery of compensation for the violations for being used for restoration of environment and augmentation of ground water levels.** Integrated water management approach may include water shed management, adopting of ZLD policies and recycling/reuse of treated water for secondary/industrial purposes to save potable water for drinking purposes and other such steps as result in maintaining balance of water extracted and replenished. Imbalance as is being caused today needs to be remedied to prevent threatening reduction of flow in the rivers. **This may be done by a joint Committees in States of UP and Uttrakhand, headed by Additional Chief Secretary, Agriculture with nominees of Departments of Soil Conservation, Forest, Water Resources and Panchayati Raj and Rural Development**. They may hold meetings on monthly basis to review the level of the water tables and effectiveness of the measures taken and remedial action required. They will be free to interact with any other experts/institutions for a coordinated and concerted action in the matter. Any project by way of remedial action recommended by the joint Committee may be undertaken jointly by the concerned industries and the State in such manner as may be decided. Quarterly progress reports may be provided to CGWA which is engaged in mapping of the relevant data on the subject, to be placed on the website of the CGWA.

The Application will stand disposed of.

A copy of this order be forwarded to the Chief Secretaries, U.P. and Uttarakhand and CGWA by e-mail for compliance.

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Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

May 12, 2022
Execution Application No. 19/2021
IN Original Application No. 324/2016
(I.A. No. 97/2022)
AB