

Item No. 02

(Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL

(By Video Conferencing)

Execution Application No. 42/2019

IN

Original Application No. 124/2015

(M.A. No. 72/2020)

Sumitra Devi

Applicant

Versus

CPCB

Respondent

Date of hearing: 29.10.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Shivesh P. Singh, Advocate for Applicant in M.A 72/2020, intervenor supporting the Application

Respondent: Ms. Veenu Gupta, Chairperson, RSPCB with Mr. Brij B. Gupta, Senior Advocate & Mr. Adhiraj Singh, Advocate
Mr. Ashutosh A.T Pednekar, MD, RIICO with Mr. Pinaki Misra, Senior Advocate & Mr. Nikhil Jain, Advocate with
Mr. Rahul Khurana, Advocate for HSPCB
Ms. Prachi Mishra, Advocate for the State of Rajasthan
Mr. Pawan Upadhyay, Advocate for CETP, Bhiwadi

ORDER

1. This application has been filed by the Haryana State PCB for execution of order dated 12.12.2017 passed by this Tribunal, directing the Rajasthan State Industrial Development and Investment Corporation (RIICO) and the CETP operating society at industrial area Bhiwadi, Rajasthan Bhiwadi to take remedial measures against water pollution from the CETP. It is submitted that the authorities failed to perform their duties and order of this Tribunal dated 12.12.2017 has not been complied with, resulting in stagnation of untreated effluents and

domestic sewage affecting the inhabitants in and around border of Rajasthan and Haryana, particularly in Dharuhera in Haryana.

2. A factual and action taken report with reference to the status of compliance of directions of this Tribunal in order dated 12.12.2017 was sought from a joint Committee of MoEF&CC, CPCB and Rajasthan State PCB, with CPCB as the nodal agency.

3. The matter was considered on 28.01.2020 in the light of report of the CPCB (on behalf of the joint Committee) dated 13.12.2019, giving the compliance status of each of the directions. Considering the above, the Tribunal held that there was failure on the part of the State PCB in taking action against the violation of norms and also on the part of the RIICO in discharging its obligation to prevent continuing pollution which may call for coercive measures. The operative part of the order is reproduced below:-

*“5. From the above it is clear that even after two years of the order of this Tribunal, all necessary steps have not taken in right earnest. **ROs installed as far back as 11.02.2018 have still not being commissioned, without any valid reason. Work of STPs also remains incomplete even though financial assistance has been duly received from the Central Government for upgradation of the industrial effluent management. The industries which are violating the norms have not been closed, though it is stated that inspection was carried out and the report was sent to the head of the State PCB. Thus, the action taken by the concerned authorities is not consistent with the concern required for remedying the environment and for rule of law. There is no justification for not even adopting interim measures by way of phyto-remediation/ bio-remediation/ tapping of drains carrying pollutants and remedying the same. Since basic responsibility is of the RIICO, the said Corporation and its key office bearers must be made accountable and they may be liable to be prosecuted if there is continuous negligence and failures. This Tribunal may have no other option except to take appropriate coercive measures, including stopping of salary of the Managing Director and other senior officers of the Corporation. The Tribunal may also consider compensation to be recovered for the damage to the environment from the salaries of the said officers.”***

4. The matter was thereafter considered on 04.02.2021 in the light of further report of the joint Committee dated 03.11.2020, finding that violations were continuing. Violation continued in the manner mentioned in the report which has been quoted in detail in the order dated 04.02.2021, followed by recommendations which are reproduced below for ready reference:-

“Recommendations:

- A. ***The Santhalka 3MLD capacity STP and the 0.5 MLD capacity STP at RHB were non-operational due to silt deposition in main inlet lines, the Mundana Meo 2 MLD capacity STP was in operation with inlet flow of 0.7 MLD against the 2 :MLD designed capacity and the Housing Board Colony 3MLD capacity STP was operational with inlet flow of 0.4 MLD against the 3 MLD designed capacity. These STPs are not receiving the full quantity of domestic wastewater due to 20 % sewer connection only. Because of non-connectivity of 100% sewer lines and non-operation of these STPs, the part of untreated - sewage was going towards Dharuhera(Haryana). Therefore, directions may be issued to Municipal Corporation. Bhiwadi for submitting the time bound action plan for early completion of entire sewer connections and proper functioning of constructed STP's.***
- B. *During the visit the joint committee has also collected 3 drain samples from Nagina marriage Garden(pH-7.3, TSS-29mg/l, BOD-21mg/l and COD-143mg/l), Modern public School pH-7.44, TSS-41mg/l, BOD- 39mg/l and COD-193mg/l -) and Open drain at Bestech City Center(pH-7.25, TSS-28mg/l, BOD-60mg/l and COD-200mg/l). All the drain samples results are within the limits except the BOD values of Modern Public School and Bestech City Center drains whereas the accumulated*
- C. *wastewater sample values are 15 to 20 times higher than the drain samples values. The **higher concentrations (pH-4.77, TSS-357mg/l, COD- 2858mg/l, BOD-1420mg/l and Fluoride-0.56mg/l) of wastewater accumulated in the open land at the Dharuhera industrial area reveals that industrial effluent from Dharuhera industrial area also mixing with the accumulated wastewater.** Therefore directions may be given to HSPCB for identifying the industries which are contributing the industrial effluent accumulated at Dharuhera industrial area.*
- D. *During the visit the joint committee members collected the samples of treated waste water pumped from CETP to Khushkhera industrial area where the treated effluent is*

accumulated in open area and the analysis values found to be **pH-6.99, TSS-54 mg/1, TDS-1968 mg/l, COD-293 mg/1, BOD-65mg/1, Chlorides-627 mg/1, Sulphate-302 mg/1, Phosphate:-0.2158 mg/l, Fluoride- 1.1mg/l.** from the analysis report that it indicate that the COD, BOD and fluoride values are exceeding the discharge norms of CETP. Therefore directions may be issued to Bhiwadi Jal Pradushan Niwaran Association (BJPNA) for utilization of CETP treated waste water up to the maximum possible extant so that treated waste water may not get accumulated in Khushkhera.

E. **Ministry of Finance, Govt. of India has given a financial sanction of 146 Cores for construction of 6 MLD ZLD plant at CETP Bhiwadi on 11.12.2018. RIICO has invited bids for appointment of Project Management Consultant for the work on 23.10.2019 and rejected the bid due to exorbitantly higher rates and also a single bidder on 13.11.2019. later on retendering done by RIICO, after re-tender M/s Excel Tech Consultancy and Projects Pvt. Ltd. has been appointed as Project management Consultant on 10.01.2020 and the consultant has submitted DPR to RIICO in September 2020 for approval. As per SRM, RIICO Bhiwadi the Tenders for the work will be invited after approval from RIICO Head Office at Jaipur and after vetting from the experts of MNIT, Jaipur. Therefore directions may be issued to RIICO for submitting the time bound action plan for early completion of 6 MLD ZLD project to prevent further damage to the environment.**

F. *Out of 8 villages RO plants are installed in 7 villages but none of them found in operational and all the plants are damaged and the potable water is being supplied to the villagers through tankers as per the demand. As per the Executive Engineer, PITIED, Bhiwadi that the firm M/s. Fontus Water Pvt. Ltd. Delhi had not started work for O & M period, therefore contact has been rescind vide letter dated 7.8.2019. After re-tendering the work order for installation and commissioning of all 8 RO plants has been issued vide letter dated 27.08.2020 to M/s. Amera Agency, Tamil Naidu and work will be completed on or before 15.11.2020. In view of the above Additional Chief Engineer PHED NCR Alwar may be directed to submit the time bound action plan to complete the installation and commissioning of RO plants in all the identified villages.*

5. Considering continuing violations of serious nature and failure of the authorities to take remedial and coercive measures, the Tribunal held that State of Rajasthan and its authorities must take prompt emergency measure for compliance of Rule of Law and protection of public health

and environment. CPCB was directed to assess compensation for the violations for restoration of the environment and to verify the status of compliance as a result of remedial action, if any, taken, as on 30.04.2021. In view of continuing failure for a long time, the Tribunal also required the Chairman of State PCB and MD, RIICO to remain present by video conferencing with their compliance reports. The operative part of the order is reproduced below:-

“1to4..xxx.....xxx.....xxx

5. ***From the above, it is seen that STPs are non-functional due to silt deposition in the inlet lines. They were not receiving the full quantity of the waste because of non-connectivity of sewer-lines. Waste water was getting accumulated in the open land. Treated waste water was also not being utilized but was getting accumulated. RIICO has still not finalized the ZLD project plant at CETP inspite of sanction of funds on 11.12.2018. RO plants installed in seven villages were not operational. It is also seen that industrial effluent from Dharuheda industrial area is also mixing with the waste water.***

6. ***Response of the RIICO filed on 06.11.2020 is that the work of cleaning of drains in the industrial area has been taken up. Land has been provided for solid waste management, boundary wall has been constructed for dumping yard, letter has been written for setting up of waste treatment plant and for upgrading CETP to ZLD level. Steps are being taken to appoint consultant. Work order has been issued for installation and commissioning of RO. STP is to be provided by the Nagar Parishad. Additional affidavit has been filed by the State of Rajasthan on 07.11.2020 to the effect that there is no flow of effluent from Bhiwadi to the State of Haryana. Direction has been issued for closure of non-compliant polluting industrial units. The construction of new STP is being expedited. RO systems have become operational in three villages and in five villages the same was likely to be completed soon. Phyto/bio remediation and tapping of the drains is to be undertaken by a Special Purpose Vehicle - Bhiwadi Jal Pradushan Niwaran Association (BJPNA), under the Chairmanship of ACS Industries.***

7. ***HSPCB has filed its response on 03.02.2021 to the effect that on account of non-connectivity of sewer lines and non-operational of STPs, the untreated sewage was flowing to Dharuhera in Haryana. The HSPCB has already taken steps to prevent any effluent of Dharuhera industrial area flowing to residential area.***

8. ***M.A. No. 72/2020 has been filed on 05.10.2020 for intervention by one Rahul Maheshwari, resident of Bhiwadi, for***

intervention, disputing the version of the authorities in the State of Rajasthan that remedial action has been taken. According to him, unsatisfactory state of affairs continues on the ground. He has given following table of comments on the report of the joint Committee:

Report of Joint Committee	Actual ground position
Point No.1, page 4 says that CETP is compliant.	<p>The CETP is not complying consistently.</p> <p>In response to letter dated 06.02.2020 of Head Office, RSPCB the Regional Office sent the report admitting that out of 51 samples collected from 01.01.2018 to 31.01.2020, 15 samples were exceeding significantly. Copy of letter dated 06.02.2020 and report in reply there is annexed as Annexure-S/1 (Colly). However, as per report submitted vide letter dated 25.09.2019, out of 40 samples collected from 01.01.2018 & onwards, 22 samples were exceeding. Copy of letter dated 25.09.2019 consisting of report is annexed as Annexure-S/2 (Colly).</p> <p>Two different reports show that Regional Office, RSPCB is misguiding its Head Office also.</p> <p>The BJPNA was served with the Show Cause Notices dated 31.03.2020 and June, 2020 whereby it was directed to appear on 30.03.2020 and 31.06.2020 w.r.t. Environment Compensation. Copy of SCN dated 31.03.2020 and June, 2020 are annexed herewith as Annexure-S/3 (Colly). These letters further says that CETP neither has CTO nor Environmental Clearance as on date.</p>
Point No. 2, Page No.7 w.r.t. establishment of ZLD facility of 6 MLD CETP	Despite sanction of Rs.146 crore, no progress achieved. Infact, requisite legal permissions have not been obtained including the Environmental Clearance etc. BJPNA was asked on 06.05.2020 to withdraw the application of EC and to file it through proper channel but no step still has not been taken for last six months.
Point No. 2, Page No.7 w.r.t. utilization of treated effluents	Let M/s Honda Two vehicle Ltd. and M/s G-Takt India Pvt Ltd. may be asked to submit the affidavit in this regard. Reality is that effluent was of that quality which destroys the green park of M/s Honda Two vehicle Ltd. Therefore, it stopped to take the supply of CETP effluent stated to be treated.
Point No.3, Page No.8 w.r.t. Fecal Coliform treatment with Chlorine gas	The report of disinfection using Chlorine gas is beyond reality. Infact, no chlorine gas is being used. The BJPNA be called upon to submit the bills for procuring the Chlorine gas and payment thereto.
Point No. 15, Page-20	Contrary to report, SWM Rules, 2016 not complied within

9. It is further stated in the application:

“1. That 2400 tons of sludge was disposed of in open industrial plot situated at Neelam Chowk in the name of Jay Complex Pvt. Ltd. The applicant sent a complaint on 12.01.2020. Copy of email dated 12.01.2020 and Media Reports are annexed herewith as **Annexure-S/4 (Colly)**.

It is important to note that a platform has been constructed using hazardous sludge into CETP premises to execute Brick manufacturing plant. **If sample is being taken from underneath of that land and their surrounding thereof, the analysis report will reveal the presence of hazardous waste therein.**

2. The spent acid of Pickling Units is not being treated scientifically. There is no authorization under hazardous Waste Management Rules with CETP Operator i.e BJPNA. The photographs of fumes of spent acid are annexed herewith as Annexure-S/5 (Colly). It shows that how the life of residents is under threat and unsafe. The spent acid is being transported without taking preventive measures.”

10. Further statement has been filed on 05.11.2020 by the said Rahul Maheshwari in continuation of the application alleging discharge of untreated effluents on open land in Bhiwadi. Further comments with regard to the joint Committee report have also been filed by him as follows:

“2. xxxxxxxxx

- 1) Point No.1- Page No.4:- CETP is not functioning and effluents at the discharge point are not within the prescribed limits. However, report submitted before the Hon'ble NGT is not showing this clear picture.
- 2) Page No.7 Point No. 2:- The Plan to setup a **RO project has not** been effectively implemented as amended/new application for Environmental Clearance has not been filed after **rejection of previous** application in May, 2020. Further, there is no place for establishment of RO project in CETP premises as shown in Layout Plan by BJPNA and as shown in application of EC. The application for EC has not been resubmitted in last 6 months. The modalities between RIICO and BJPNA are still on the ground level **and they are just doing basic discussions to shift the responsibility.**
- 3) **Page No.8 Point No.2:- Further no treated effluents are being used at industrial area Tapukara as said in the report as after the trial it damaged their green park. As committed in the Affidavit Cum Action Plan by Secretary, Department of Environment, Rajasthan in OA 124/2015 on 12th September, 2017 the plan to setup CETP in the nearby industrial areas of Bhiwadi is not at all implemented**
- 4) Page 8: - No Chlorine dosing is clone for treatment of fecal coliform

- 5) *Dumping Ground of waste: No Compliance of SWM Rules, 2020. No Compliance or any other work is either done by RIICO or CETP administration/BJPNA.*
- 6) *Page 22:- Point No. 19 & 20. No reports are being updated in public domain. Even after regular complaints RSPCB is reluctant in taking any action irrespective of issuing show cause notices. None of these Show Cause notices are being answered by CETP administration/BJPNA.”*

11. Further statement filed by the said intervener on 27.01.2021 is as follows:

“2. xxx xxxxxx.....

(a) *In regard to Solid Waste Management mentioned at page no.9, 10 of affidavit, the applicant submits as under:*

- (i) ***The RIICO cannot get rid of from its liabilities to ensure compliance of SWM Rules, 2016. Merely allotting land is not the compliance of SVVM Rules, 2016. It is further submitted that after allotment of land in 24.01.2018, no development has been carried out in compliance of SWM Rules, 2016 except construction of boundary wall of dumping yard. The State of Rajasthan and the RIICO are merely shifting their responsibilities towards BJPNA which itself is not interested for environmental safeguards. This fact is clear from the letter dated 04.11.2020 issued by the RIICO to Managing Director, BJPNA requesting him to take over Dumping Yard site. Copy of letter dated 04.11.2020 and 04.09.2020 of RIICO addressed to MD, BJPNA are annexed with additional affidavit of State of Rajasthan as Annexure-R112 (Colly) at page No.132-133.***
- (ii) ***That establishment of Dumping Yard is not the compliance of SWM Rules, 2016. The Rules requires scientific processing of waste on which the State is silent. No timelines given for establishment of Waste Treatment process. Even, MRF Centre has not been constructed.***
- (iii) ***The agreement purported to be executed for Solid Waste Management itself titled as 'For Recycle Plastic Waste management' under the head 'Agreement'. It appears that a third party agreement is executed with some Plastic Waste Management unit. All this is just to create a third party interference for delaying the work and shifting their own responsibility. The RIICO has allocated the plot for Solid Waste Management to the SPV***

managing CETP and that SPV has signed an MOU with a Plastic Waste Management Company. (Refer Annexure 13 Page 134).

- (b) **Admittedly, even after 3 years from passing of order dated 12.12.2017 (under execution), no CETP has been established in Chopanki Industrial Area and Khushkhera industrial Area. Even, no timelines prescribed in Additional Affidavit dated 07.11.2020. [Refer page 10, 11 of Addl. Affidavit].**
- (c) **The RIICO is misleading about up gradation of existing CETP to ZLD Level. The applicant submits as under:**

(i) **Gol sanctioned Rs. 146 Crores on 11.12.2018 for the above project. However, RIICO took more than 1 year in only appointing a consultant.**

(ii) **The RIICO is taking shelter of obtaining Environmental Clearance without taking sincere steps in this regard. Firstly, BJPNA files application for Amendment in ToR for Environmental Clearance for the RO project only on 29.02.2020. Secondly, said application has been rejected on technical grounds on 06.05.2020. After rejection of EC, no fresh step has been taken to obtain EC.”**

12. We have heard learned Counsel for the Haryana State PCB, State of Rajasthan and RIICO and also the intervenor and considered the rival submissions. **From the above, it is seen that even though the funds were made available to the State of Rajasthan by the Government of India in the year 2018, the upgradation of CETP has not been even started though more than two years have passed thereafter and after more than three years of the order of this Tribunal. Only progress is said to be acquisition of land which by itself is not a solution of the problem. When a serious situation of water pollution has been found and directions issued by this Tribunal in the year 2017 and inspite of funds being available, the problem remains untackled, it may be a clear case of failure of the authorities to perform their duties, to the detriment of the citizens for which accountability needs to be fixed.**

13. **Accordingly, while directing the State of Rajasthan and its authorities to take prompt emergency measures in the matter for compliance of rule of law and protection of public health and the environment, we direct the CPCB to assess compensation for the damage caused to the environment so far, after giving due opportunity to the representatives of the State of Rajasthan and its authorities and also to the representatives of State of Haryana and undertaking site**

visit, if necessary. This process may be completed within three months. The status of compliance as on 30.04.2021 may be verified by the joint Committee and report furnished by 15.05.2021 by e-mail with a copy to the States of Rajasthan and Haryana to enable them to file their response, if any, before the next date. While verifying the compliance, status of member unit in meeting the PETP norms/standards may also be verified and the mechanism setup for regular monitoring. In view of continuing violation of law inspite of repeated orders of this Tribunal and the funds allotted by the Central Government more than two years ago, the Chairman, Rajasthan State PCB and MD, RIICO may remain present in person by video conference on the next date with their version so that final responsibility for the failure can be fixed in the light of status of compliance on the next date.”

6. In pursuance of above, reports have been filed by the joint Committee dated 13.10.2021 and 20.10.2021 giving status of compliance and assessment of compensation payable by the authorities of States of Rajasthan and Haryana for the violations so far. Response of the Rajasthan State, RIICO and State of Rajasthan is dated 21.10.2021, 27.10.2021 and 28.10.2021 respectively and Response of Haryana State PCB is dated 29.10.2021, disowning liability even without showing compliance in past or even now.

7. We may make brief reference to the above reports to consider the matter further.

8. The joint Committee reports filed by the CPCB dealing with the issue of compliance status gives item wise compliance status. Reference may be made to items where non compliance is continuing which is as follows:-

S. No	Directions	work progress in the field as on 03-05.08.2021 as per the joint inspection team (RSPCB, CPCB and MoEF&CC)	Remarks																																																								
14.	Similarly the projects in relation to establishment and construction of STP should also be given priority by the State Government and they should be installed without any undue delay.	<p>As informed by the Nagar Parishad, Bhiwadi they have taken up the work of laying of sewer lines and constructing 5 STPs under AMRUT Yojana of 11.5MLD capacity. The 5 Sequential Batch Reactor (SBR) STPs which were under construction at Rajasthan Housing board (1.5MLD), Mundana Mev (2MLD), Khanpur (2MLD), Santhalka (3MLD) & near existing one (3MLD). The present status of STPs collected from Nagar Parishad, Bhiwadi is enclosed at Annexure-X.</p> <p>The details of Final Out let samples collected is as given below: Analysis Report enclosed at Annexure- XI.</p> <table border="1" data-bbox="792 820 1774 1421"> <thead> <tr> <th>Drain Sampling locations</th> <th>pH</th> <th>TSS mg/l</th> <th>COD mg/l</th> <th>BOD mg/l</th> <th>Chloride mg/l</th> <th>Oil & Grease</th> <th>Faecal Coliform MPN/100ml</th> </tr> </thead> <tbody> <tr> <td>1.5 MLD RHBA</td> <td>7.44</td> <td>28</td> <td>63</td> <td>14</td> <td>82</td> <td>1.8</td> <td>370</td> </tr> <tr> <td>3.0 MLD BIDA near Existing</td> <td>7.13</td> <td>40</td> <td>47</td> <td>11</td> <td>78</td> <td>2.1</td> <td><1.8</td> </tr> <tr> <td>2.0 MLD Mundana Mev</td> <td>7.47</td> <td>95</td> <td>78</td> <td>54</td> <td>44</td> <td>2.2</td> <td>410</td> </tr> <tr> <td>3.0 MLD Santhalka</td> <td>7.08</td> <td>16</td> <td>39</td> <td>08</td> <td>52</td> <td>1.6</td> <td><1.8</td> </tr> <tr> <td>Santhalka Discharge at near Baba Mohan Ram Mandir (Proposed Biodiversity Park)</td> <td>7.58</td> <td>19</td> <td>55</td> <td>06</td> <td>57</td> <td>--</td> <td>---</td> </tr> <tr> <td>CTO discharge Standard</td> <td>6.5-9.0</td> <td>30</td> <td>100</td> <td>20</td> <td>---</td> <td>10</td> <td>230</td> </tr> </tbody> </table>	Drain Sampling locations	pH	TSS mg/l	COD mg/l	BOD mg/l	Chloride mg/l	Oil & Grease	Faecal Coliform MPN/100ml	1.5 MLD RHBA	7.44	28	63	14	82	1.8	370	3.0 MLD BIDA near Existing	7.13	40	47	11	78	2.1	<1.8	2.0 MLD Mundana Mev	7.47	95	78	54	44	2.2	410	3.0 MLD Santhalka	7.08	16	39	08	52	1.6	<1.8	Santhalka Discharge at near Baba Mohan Ram Mandir (Proposed Biodiversity Park)	7.58	19	55	06	57	--	---	CTO discharge Standard	6.5-9.0	30	100	20	---	10	230	Not complied
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NGT Order dated							
30.04.2019							
2.0 MLD Khanpur	Incomplete due to Stay of Rajasthan High Court						

1.5 MLD STP at RHB:-The SBR technology based STP was found Operation during the visit on 04.08.2021 and inlet flow was noted as 0.6 m³/hr., The sample was collected and the analysis results are within a limit as per CTO. It was informed that heavy rain fall occurred in Bhiwadi one day before the visit of the committee.

2.0 MLD STP at Mundana Mev:-The 2 MLD capacity SBR technology based STP was in operation with inlet flow of 0.7 MLD against the 2 MLD designed capacity, It is because of out of 5 villages (Mundana Mev, Bilaheri, Rampura, Nayagoam, and Kairani) only Mundana Mev village domestic wastewater is coming to STP and in other 4 villages, sewer connection is not done. The sewer connection could not be done due to railway line construction and no NOC from DFC. During the visit railway line earth bund raising work was under progress. Presently the treated wastewater from STP is being discharged in to RIICO drain just in front of STP, During the visit collected the samples and the analysis result of TSS & BOD are higher than limits given in CTO.

2 MLD STP at Khanpur:-47% construction work has been completed and further no progress done by the construction agency i.e. M/s L&T due to stay order from Rajasthan High Court, Jaipur from May 2018. As per the Nagar Parishad officials that there is a dispute regarding title of the land of STP at Khanpur.

3 MLD STP near existing BIDA STP :-The STP is located near existing old 4.0MLD STP, which is just adjacent to the CETP. It is a SBR technology based STP and 100% construction work completed and commissioned on 28/09/2020. During visit, STP was operational with inlet flow of 0.50 MLD against the 3 MLD designed capacity. Presently only about 20

	<p><i>% sewer connection is done by the Nagar Parishad. STP Outlet sample collected during visit and the analysis results are within the limits.</i></p> <p><i>Due to significant non connection of sewer line, some part of untreated sewage is going towards Dharuhera along with the untreated domestic wastewater of Maheshwari (village situated in Haryana) and Dharuhera and flowing towards Bestech shopping Centre at Dharuhera. During visit, the committee has collected the drain samples at Nagina Garden (Rajasthan), Modern public school after mixing with domestic effluent of Maheshwari village(Haryana) and Flowing waste water near Bestech and accumulated wastewater at Dharuhera industrial area has been collected for analysis of general parameters and heavy metals to identify and to know the industrial effluent is mixing in domestic drain or not. However it was observed by the team that quantity of waste water flowing toward Bestech (Dharuhera) was very less compared to previous visit in the month of October 2020.</i></p> <p><i><u>3.0 MLD STP at Santhalka:-</u> It is a SBR technology based STP and 100% construction work completed and commissioned on 17/09/2020. During the visit sample was collected at final outlet.</i></p> <p><i>In addition to above 5 new STP's and one old 4 MLD capacity existing STP, Nagar Parishad Bhiwadi is also constructed 3 Septage treatment systems with a 1.2 MLD Capacity. During the visit commissioning and trial run was under progress.</i></p> <p><i><u>The combined effluent (Domestic and Industrial)</u> generated from Bhiwadi Industrial Area is being treated in a 9 MLD CETP and treated waste water pumped to Khushkhera industrial area where the treated effluent is accumulated in open plot.</i></p> <p><i><u>Domestic waste water drain:</u> Domestic waste water generated from village Akera (Harayana) Narayan vihar, (Harayana), Karankunj, Ghatal (Harayana) is discharged in to RIICO drain through which it reached to CETP, Bhiwadi</i></p>	
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The details of drain samples collected is as given below:

Drain Sampling locations	pH	TSS mg/1	COD mg/1	BOD mg/1	Chloride mg/1	Sulphate mg/1	Fluoride mg/1
Nagina marriage Garden	7.69	129	157	67	157	98	0.47
Modern public School	7.49	150	314	97	131	56	0.39
Open drain at Bestech City Center, Dharuhera	7.77	41	188	24	129	49	0.54
Domestic & Industrial effluent accumulated at Dharuheda Industrial Area near M/s. AmulSagar	8.36	61	173	18	75	33	0.59
Domestic waste water drain at Haryana-Bhiwadi border NaryanVihaar (HR)	8.29	92	392	43	157	30	1.1
Domestic waste water drain at Haryana-Bhiwadi	7.62	2662	627	144	138	31	0.36

		<table border="1"> <tr> <td>border Karanpur (HR)</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>CETP Inlet open drain bypass near UTI , Thana</td> <td>7.75</td> <td>461</td> <td>54 9</td> <td>28 9</td> <td>421</td> <td>709</td> <td>2.22</td> <td></td> </tr> </table> <p>Note: All values are in mg/l except pH. Lab Analysis Report enclosed at Annexure- XII</p>	border Karanpur (HR)									CETP Inlet open drain bypass near UTI , Thana	7.75	461	54 9	28 9	421	709	2.22		
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CETP Inlet open drain bypass near UTI , Thana	7.75	461	54 9	28 9	421	709	2.22														
15.	<p>The waste collected on the dredged materials shall be deposited at the site which is to be identified by the State Government. The State should identify the site within four weeks from today and it will be the responsibility of the RIICO to ensure that the dredged material or any other waste collected from the industrial cluster is stored in accordance with law and relevant waste rules at that site. The waste should be stored in accordance with law with the relevant waste rules.</p>	<p>RIICO has allotted land measuring 34729m² near Rampura Mundana, Bhiwadi for dumping of non- hazardous industrial solid waste to Bhiwadi Jal Pradhushan Niwaran Trust (BJPNT) vide letter dated 24.01.2018 but the BJPNT has not taken the possession of the land.</p> <p>It was informed by Senior Regional Manager RIICO Bhiwadi-1, the work order for dumping yard Boundary wall has been awarded on dated 30.01.2020 in favour of M/s Kapoor Singh & Company & the work has been completed on dated 09.09.2020. The SPV has entered in an agreement with Sarthak Samudayik Vikas Avam Jan Kalyan Sansthan (SARTHAK) on dated 25.09.2020. As per the agreement, Sarthak will run the project with installation of plant & machinery for segregation and recycling of waste, collection of solid waste material from the industries etc.</p> <p>RIICO has awarded work order for construction of shed of size 3000 sqft. at disposal site for setting up MRF (Material Recovery Facility), work has also completed on 05.04.2021. The representative of SARTHAK has informed to Sr. Manger RIICO, Bhiwadi, that necessary machine has reached to Bhiwadi and they will start installation work from 15.08.2021. Status note Copy of letter enclosed at Annexure-XIII.</p>	Not Complied																		
16.	<p>The RIICO and the State Government shall work out on</p>	<p>As informed by SRM, RIICO, to utilize 100% of the CETP treated effluent, a preliminary project report of amount Rs. 146 Crores for up-gradation of existing</p>	Not Complied																		

	<p><i>the proposal for reuse of the treated effluent of water from the CETPs/STPs. It shall be the duty of all concerned including the industries that under no circumstances any water or effluent is permitted to be collected around the industrial clusters or inside the cluster.</i></p>	<p><i>CETP to 6MLD ZLD facility, laying of closed conduit pipeline for carrying untreated effluent from industries to CETP & reverse pipeline for supplying treated effluent back to industries has been prepared by BJPNA Bhiwadi. On request of State Government, Ministry of Finance, GOI, New Delhi has been issued financial sanction of 146 Crores vide sanction order No. F.No.44(1)PF.S/2018-19/1377 dated 11/12/2018. RIICO has invited bids for appointment of Project Management Consultant for this work on 23.10.2019 but could not be succeeded due to exorbitantly higher rates and also a single bidder. Accordingly bid was rejected by RIICO on 13.11.2019. After re-tender, M/s Excel Tech Consultancy and Projects Pvt. Ltd. has been appointed as Project management Consultant on 10.01.2020. PMC has submitted DPR to RIICO in September 2020 for approval of report. After approval from RIICO Head Office and after vetting from the experts of MNIT Tender for said work will be invited.</i></p> <p><i>Present Status:- NIT for “Up-gradation of existing CETP by installing 6.0 MLD ZLD plant with reject management system including conveyance system to collect effluent from industries and reuse of treated water system at Bhiwadi industrial area including O&M for 10 Years” bid had been invited on 15.04.2021 amounting to Rs. 162.32 Cr.</i></p> <p><i>The end date for submission of tender was 23.07.2021 and the bids has been opened on 28.07.2021, Total 5 nos. of bidders has participated and the Technical evaluation of bids is under process. The financial bids of Technically qualified bidders shall be opened immediately after.</i></p> <p><i>Status note Copy of letter enclosed at Annexure-XIII.</i></p>	
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9. Other observations and recommendations are as follows:-

“The matter was filed by the Haryana State Pollution Control Board in the Hon’ble NGT vide Execution Application No. 42/2019 in the matter of Original Application No. 124 of 2015 (Sumitra Devi Vs. CPCB & Ors.) for which directions were given to the RIICO and CETP to take remedial measures against water pollution from CETP. During the visit it was found that:

- 1. The treated water of the STPs are also collected in cess pools and low lying areas and are not being utilized or recycled for plantation or by industries.**
- 2. It is imperative that treated waste water of STP should be recycled and arrangements for the reuse is RO systems should be established for the recycling of the same by water intensive industries of the industrial area.**
- 3. There is a proposal for installation of RO system at the CETP 9 MLD combined with 03 MEEs after the same for which bid has been finalized by RIICO for which amount of Rs. 146 Crores has been allotted by Govt. of India and the same is proposed to be completed in 18 months.**
- 4. The treated waste water of the CETP is discharged through a conduit line which is installed till the Sabiriver. However the line is broken in Khushkhera industrial area opposite M/s Sai Enterprises, Plot No. F-37,47 RIA Khushkhera, the treated waste water is discharged through a drain into the RIICO plots and other nearby areas. It is worthwhile to note that the problem can be solved if the water intensive industries or any other industry which are abstracting ground water are bound to use this treated waste water of the CETP which is actually being waste or creating nuisance/pollution in the area. The industries of Khushkhera should be directed as above and RIICO be directed to lay any connectivity pipelines if need be for example, The industry M/s Honda Cars India Pvt. Ltd. is already utilizing 1 MLD from the same & others should follow.**
- 5. During the visit information was gathered from the local people and Municipal Authorities and the following was received:**
 - a. Domestic waste water generated from some area of Suraj cinema, Village –Harchandpur, Santhalka, Ghatal Nayagoan and commercial establishments which falls in between them is discharged in to RIICO drain through which it reached to CETP, Bhiwadi**

- b. *Domestic waste water generated from village Akeria (Harayana) Narayan Vihar, (Harayana), Karankunj, Ghatal (Harayana) is discharged in to RIICO drain through which it reached to CETP, Bhiwadi*
 - c. *Domestic waste water generated from Housing board sector 1,2, 3, Bhiwadi village, Neelam Chowk and Samtal Chowk and also the commercial establishments which fall in between them flow through drains and meet at nallah near bus stand Bhiwadi, from there it flow through gravity to Dharuhera.*
6. *It may be please be noted that although the case has been filed by State Pollution Control Board, Haryana regarding discharge of waste water into Dharuhera it was found that waste water from Dharuhera also enters the Rajasthan boundary at certain points and sample were taken at such points.*
 7. *During the visit of Dharuhera it was founded the industries of the area may not be on ZLD and it must be investigated as to how the sewage waste water of Dharuhera and the industrial waste water is being treated and it was gathered on visual observations that the problem is aggregated due to waste water (sewage/industrial) of Dharuhera itself.*
 8. *It needs be mentioned that looking to the fact that domestic waste water is also either reaching to CETP or flowing towards Dharuhera due to poor progress in sewer line confectioning with the newly installed STPs at Santhalka, RHB Arravali Vihar, near existing BIDA STP and Mundana Mev STP. For example, STP near the existing STP (BIDA) has a capacity of 03 MLD and as per the observations during inspection only 0.5-0.8 MLD waste water is being received there, The municipal authorities should check the reason of the same vis -à-vis the DPR prepared and the area which should contribute waste water to the STP above and such areas which should but not conveying waste water should be connected. All the above points were also discussed with the CEO BIDA, Bhiwadi Sh. Rohitashav Singh Tomar (IAS) who assured to take up the matter and as such coordinates with different department. He immediately gave directions to the Municipal Officers to calculate the total volume of water generated based on the thumb rule and compare it with the capacities of STP installed.*
 9. *During the visit the joint committee has also collected 3 drain samples from Nagina Marriage Garden (pH-7.69, TSS-129mg/l, BOD-67mg/l and COD-157mg/l), Modern Public School (pH-7.49, TSS-150 mg/l, BOD- 97mg/l and COD-314mg/l) and Open drain at Bestech City Center (pH-7.77, TSS-41mg/l, BOD-24mg/l and COD-188mg/l). All*

the drain samples results are within the limits except the BOD values of Modern Public School and Bestech City Center drains whereas the accumulated wastewater sample values are near to lower than the drain samples values. The lower concentrations (pH-8.36, TSS-61 mg/l, COD-173 mg/l, BOD-18 mg/l and Fluoride-0.59 mg/l) of wastewater accumulated in the open land at the Dharuhera industrial area reveals that industrial effluent from Dharuhera industrial area also mixing with the accumulated wastewater as well as rain water.

10. *During the visit the joint committee members collected the samples of treated waste water pumped from CETP to Khushkhera industrial area where the treated effluent is accumulated in open area and the analysis values found to be pH-7.71, TSS-38 mg/l, TDS-1005 mg/l, COD-88 mg/l, BOD-19 mg/l, Chlorides-122 mg/l, Sulphate-168 mg/l, Fluoride- 0.07 mg/l. from the analysis report that it indicate rain water mixing that the COD, BOD and fluoride values are under the discharge norms of CETP.*
11. **Compliance status of member unit in meeting the PETP norms/standards:** *In order to verify the compliance of PETP standards sample was taken from the inlet to CETP where the combined effluent from all the member industries is reaching after the PETPs individually installed, the parameters in the analysis report meets the CETP inlet standards/ PETPs discharge standards hence it can be said that member industries as a whole comply with the CETP inlet standards/ PETPs discharge standards.*
12. **Mechanism setup for regular monitoring of industries by RSPCB:** *Samples are being taken fortnightly from the CETP inlet to verify the PETP standards and the list of parameters in the analysis report is enclosed. It can be seem from the same that the PETP standards/CETP standards are being met.”*

10. In the 2nd report of the CPCB dealing with the environmental compensation, after undertaking field visit, compensation has been assessed is as follows:-

“5.0 The Environmental Compensation assessed for the damage caused to the Environment

The assessed environmental compensation for the major 05 non-compliances is as tabulated below with the responsible authority/ department:

S.No.	Major non-compliance issue	Assessed EC in Lacs Rs.	Responsible authority/ department liable to pay
1	The CETP control the discharges at the outlet points by Bhiwadi Jal Pradushan Niyantran Trust (BJPNT)	107.5	RIICO & CETP Trust
2	Construction of the 05 STPs Municipal Council, Bhiwadi	2233.03	Department of Local Self Government, through Municipal Council, Bhiwadi
3	Solid waste management by RIICO & Municipal Council, Bhiwadi	145.99	RIICO and Municipal Bhiwadi Council,
4	Reuse of the treated effluent of the water from CETPs/STPs by RIICO	672	RIICO
5	Discharge of sewage of Sector 4A & Sector 6 towards Dharuhera before the commissioning of SMLD STP at Dharuhera i.e. before 1 st July 2019	382.85	HSVP, Rewari Haryana

11. We may now note the response of the authorities in Rajasthan in the reports filed by the Rajasthan State PCB, RIICO and the Rajasthan. The stand of the State PCB merely gives number of STPs in Bhiwadi and construction of waste disposal facility. It is further stated that RIICO is in the process of upgrading CETP. The affidavit filed on behalf of the State PCB is quite vague and does not fully address the issue of remedial action against the violations noted in the order of this Tribunal and even the current report of the joint Committee filed through the CPCB. The Affidavit of the RIICO is that responsibility for operation of the CETP is of the operator thereof. With regard to the compensation, the stand of the RIICO is that it has contributed Rs. 21.99 Crores for waste processing

facilities. Project of upgradation of CETP is in the process and for utilizing treated effluent the steps for giving contract are in the process and will be completed within 18 months from the date of the work order (for which no date is indicated). The stand of the State of Rajasthan is that STP has been created for managing sewage and RIICO is to take steps for utilization of treated effluent. The said works are in the process of being awarded. The work for setting up of the STP by the Municipal Council is also in the process. Some steps for the waste management are mentioned. There is nothing in the said reports which can rebut the findings in the reports of the joint Committee to the extent of continuing violations or question the assessment of compensation which is infact based on very conservative approach and may need upward revision so as to ensure that cost of restoration is met. Likewise, the response of the Haryana State PCB merely states that steps are required to be taken in terms of joint Committee report without disputing the violations found and liability for compensation, as assessed.

12. We have interacted with the MD, RIICO and Chairman who are present in person to ascertain why such sorry state of affairs has been allowed to continue for such a long time and even now there is lack of commitment to remedy the situation expeditiously. We find in them unwillingness to take ownership and effort to just disown and shift responsibility, which is unfortunate. Their approach shows lack of concern for the environment and to their statutory obligations. They appear to be satisfied with the unsatisfactory state of affairs. The State PCB has not taken any meaningful action against such established violations. Similarly, RIICO thinks its responsibility is only to set up industrial area and if industries cause pollution, it is none of its concerns, to stop it. We are unable to follow such lack of concern and

perhaps this attitude is responsible for damage to the environment for which the officers have to held accountable by way of criminal prosecution and civil liability in appropriate proceedings.

13. Enactment of regulatory provisions and appointing statutory regulators is not enough unless such positions are manned by persons of commitment and competence with concern for environment. We hope higher authorities in the State of Rajasthan with take further remedial action in terms of our observations for protection of environment and public health if they have respect for the rule of law. There is need to fix accountability for gross failure in the past and also for prompt timebound remedial measures for future. Timelines suggested are certainly in violation of mandate under the Water (Prevention and Control of Pollution) Act, 1974 (Water Act, 1974), the Public Trust Doctrine and the provisions of Article 243 W read with XII Schedule of the Constitution and law laid down in *Paryavaran Suraksha v. UOI & Ors*¹ and orders of this Tribunal as follows:-

“Extracts from the judgement of the Hon’ble Supreme Court in Paryavaran Suraksha Samiti Vs. Union of India, supra

7. *Having effectuated the directions recorded in the foregoing paragraphs, the next step would be, to set up common effluent treatment plants. **We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50%, that of the State Government concerned (including the Union Territory concerned) is 25%. The balance 25%, is to be arranged by way of loans from banks. The above loans, are to be repaid, by the industrial areas, and/or industrial clusters. We are also informed that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up “common effluent treatment plants”, according to the learned counsel, is not only***

¹ (2017) 5 SCC 326

financial, but also, the requirement of land acquisition, for the same.

X.....X.....X.....

- 10.** *Given the responsibility vested in municipalities under Article 243-W of the Constitution, as also, in Item 6 of Schedule XII, wherein the aforesaid obligation, pointedly extends to “public health, sanitation conservancy and solid waste management”, we are of the view that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the municipalities (and/or local bodies) concerned, cannot be permitted to shy away from discharging this onerous duty. In case there are further financial constraints, the remedy lies in Articles 243-X and 243-Y of the Constitution. It will be open to the municipalities (and/or local bodies) concerned, to evolve norms to recover funds, for the purpose of generating finances to install and run all the “common effluent treatment plants”, within the purview of the provisions referred to hereinabove. Needless to mention that such norms as may be evolved for generating financial resources, may include all or any of the commercial, industrial and domestic beneficiaries, of the facility. The process of evolving the above norms, shall be supervised by the State Government (Union Territory) concerned, through the Secretaries, Urban Development and Local Bodies, respectively (depending on the location of the respective common effluent treatment plant). The norms for generating funds for setting up and/or operating the “common effluent treatment plant” shall be finalised, on or before 31-3-2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the State Governments (or the Union Territories) concerned, shall cater to the financial requirements, of running the “common effluent treatment plants”, which are presently dysfunctional, from their own financial resources.*
- 11.** *Just in the manner suggested hereinabove, for the purpose of setting up of “common effluent treatment plants”, the State Governments concerned (including, the Union Territories concerned) will prioritise such cities, towns and villages, which discharge **industrial pollutants and sewer, directly into rivers and water bodies.***

12. We are of the view that in the manner suggested above, **the malady of sewer treatment, should also be dealt with simultaneously.** We, therefore, hereby direct that “sewage treatment plants” shall also be set up and made functional, within the timelines and the format, expressed hereinabove.

13. **We are of the view that mere directions are inconsequential, unless a rigid implementation mechanism is laid down.** We, therefore, hereby provide that the directions pertaining to continuation of industrial activity only when there is in place a functional “primary effluent treatment plants”, and the setting up of functional “common effluent treatment plants” within the timelines, expressed above, shall be of the Member Secretaries of the Pollution Control Boards concerned. **The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default. The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board concerned, as may be required, for the implementation of the above directions.** They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional **National Green Tribunal.**

14. To supervise complaints of non-implementation of the instant directions, the Benches concerned of the National Green Tribunal, will maintain running and numbered case files, by dividing the jurisdictional area into units. The abovementioned case files will be listed periodically. **The Pollution Control Board concerned is also hereby directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters.**

X.....X.....X.....

16. It however needs to be clarified, that the instant directions and time lines, shall not in any way dilute any time lines and directions issued by Courts or Benches of the National Green Tribunal, hitherto before, wherein the postulated time lines would expire before the ones expressed through the directions recorded above. **It is clarified, that the time lines, expressed hereinabove will be relevant, only in situations where there are no prevalent time line(s), and also, where a longer period, has been provided for.”**

(emphasis supplied)

14. This position has also been dealt with by this Tribunal *inter-alia* in OA No. 593/2017 in Paryavaran Suraksha Samiti v. UOI & Ors. is as follows:-

“26. *Summary of directions:*

- i. *All States/UTs through their concerned departments such as Urban/Rural Development, Irrigation & Public Health, Local Bodies, Environment, etc. may ensure formulation and execution of plans for sewage treatment and utilization of treated sewage effluent with respect to each city, town and village, adhering to the timeline as directed by Hon'ble Supreme Court. STPs must meet the prescribed standards, including faecal coliform.*

CPCB may further continue efforts on compilation of River Basin-wise data. Action plans be firmed up with Budgets/Financial tie up. Such plans be overseen by Chief Secretary and forwarded to CPCB before 30.6.2020. CPCB may consolidate all action plans and file a report accordingly.

Ministry of Jal Shakti and Ministry of Housing and Urban Affairs may facilitate States/UTs for ensuring that water quality of rivers, lakes, water bodies and ground water is maintained.

As observed in para 13 above, 100% treatment of sewage/effluent must be ensured and strict coercive action taken for any violation to enforce rule of law. Any party is free to move the Hon'ble Supreme Court for continued violation of its order after the deadline of 31.3.2018. This order is without prejudice to the said remedy as direction of the Hon'ble Supreme Court cannot be diluted or relaxed by this Tribunal in the course of execution. PCBs/PCCs are free to realise compensation for violations but from 1.7.2020, such compensation must be realised as per direction of this Tribunal failing which the erring State PCBs/PCCs will be accountable.”

Order dated 21.09.2020

“11. *The Tribunal has already issued directions vide orders dated 28.08.2019 and 21.05.2020 for ensuring that no untreated violation compensation is to be assessed and recovered by the CPCB so that the same can be utilized for restoration of the environment, complying with the principle of*

‘Polluter Pays’ which has been held to be part of ‘Sustainable Development’ and part of right to life. Control of such pollution is crucial for environment, aquatic life, food safety and also human health. ..”

15. In view of the above, the reports of the joint Committee dated 13.10.2021 on the issue of compliance status and dated 20.10.2021 and assessment of environmental compensation have to be accepted, without prejudice to further compensation being required to be paid to meet the cost of restoration of the environment and also obligation to promptly remedy the situation by coercive measures against polluters by way of closure of polluting activity till appropriate treatment capacity is available and by positive steps as per mandate of law. The amount assessed as of compensation may be deposited by the States of Rajasthan and Haryana respectively with the CPCB within one month which will be responsibility of the Chief Secretaries of the said States. The amount may be utilised for restoring the environment as per plan to be prepared as per directions in the next para. The Chief Secretaries may also consider the situation at their level in the light of above observations so that the authorities are manned by persons of competence and sincerity.

16. Since the issue involved herein relates to the compliance of CETP in terms of adequacy and with respect to consented mode of disposal as well as of the STPs, apart from both the States individually monitoring compliance, CPCB is required to resolve inter-state issues under the Water Act. As held by the Tribunal on earlier occasions, CETP' non-compliance is considered default of its members, rendering them liable, a Joint Committee needs to be constituted in the matter to deal with the inter-state issues as well as all other issues already noted earlier.

17. Accordingly, we constitute a six-member joint Committee to be headed by Chairman CPCB with other members being Member Secretary, CPCB, nominee of MoEF&CC, Chairmen Rajasthan and Haryana State PCBs, Secretary Industries Rajasthan, to prepare an action plan for restoration of the environment. The Member Secretary, CPCB will be the nodal agency for coordination and compliance. The meeting of the Committee may be held within 15 days and remedial action plan prepared within one month thereafter. The Committee will be free to co-opt any other expert/institution and any other concerned Departments of the States such as local bodies and District Magistrates. The Committee will also oversee execution of the action of plans, with the assistance of concerned Departments, District Magistrates or any other agencies. This direction is without prejudice to personal criminal and civil liability of the violators as well as regulators for their gross failure, resulting in continued damage to the environment.

18. The above joint Committee may now file report of status of compliance as on 31.03.2022 by 15.04.2022 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.

List for further consideration on 04.05.2022.

A copy of this order be forwarded to the CPCB, MoEF&CC, Chief Secretaries Rajasthan and Haryana, and State PCBs by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

October 29, 2021
E.A. No. 42/2019 in O.A. No 124/2015
(M.A. No. 72/2020)
A