

Item No. 05

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 85/2016/EZ  
(Earlier O.A. No. 110/2013)  
(M.A. No. 97/2017 & I.A. No. 27/2019)

Subhas Datta

Applicant(s)

Versus

Union of India Board & Ors.

Respondent(s)

Date of hearing: 14.08.2020

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

For Applicant (s): Mr. Subhas Datta (in person)

For Respondent(s): Mr. Debasish Ghosh, Advocate for  
Respondent No. 2.  
Mr. Deepak Kumar Pani, ASC for  
Respondents No. 3, 4, 5 and 16-18.  
Mr. Nemani Srinivas, Advocate for  
Respondent No. 6.  
Mrs. Papiya Banerjee Bihani,  
Advocate for Respondent No. 8.  
Mr. Prasanna Kumar Bhuyan,  
Advocate for Respondent No. 11.  
Mr. Ashok Prasad, Advocate for  
Respondent No. 12.  
Mr. Surendra Kumar, Advocate for  
Respondent No.9.

**ORDER**

1. Case taken up by video conference on *Vidyo App*.

2. Briefly stated this case primarily relates to construction of STP, laying of sewage line and improvement of the cremation ground in Puri as well as removal of sheds and unauthorized and illegal structures raised in the CRZ area. However, further questions that arose for consideration during the course of the proceedings were the implementation of the Solid Waste Management Rules, 2016, mitigation measures to be taken for protection and conservations of the aquifers, measures to deal with the depletion of the ground water in Puri municipal area which included adopting rain water harvesting system, etc. Directions were issued from time to time on these aspects. The Tribunal had also constituted a high level committee comprising of the Chief Secretary as the Chairperson and the Secretary, Environment & Forests, the Member Secretary, State Pollution Control Board, the Secretary, Public Health, representative of the Lord Jagannath Temple, the Chairman, Puri Municipality and two experts as Members vide order dated 22.10.2013 to deal with the various issues arising in the case. Another Committee was constituted vide order dated 20.04.2018 for monitoring

the health of the aquifers/sweet water comprising of experts from the following organizations:

- i. PKDA (Puri Konarak Development Authority).
  - ii. Water Resources Department, Government of Odisha.
  - iii. Odisha Ground Water Supply and Sewerage Board.
  - iv. Puri Municipality.
  - v. Central Ground Water Board, Government of India
  - vi. CPCB
  - vii. Odisha PCB.
3. The authorities had been granted liberty to nominate one senior Expert each on the subject to carry out the task. Vide the said order, the Committee was directed to submit quarterly reports first of which was the one ending on 21.07.2018. That apart there were other issues pertaining to laying of the pipeline for supply of surface drinking water to the residents and sewage networks to be connected to the STPs, etc.
4. During the course of the proceedings question had arisen relating to implementation of the Solid Waste

Management Rules, 2016, towards which establishment of Integrated Solid Waste Treatment Plant had been proposed as it was noted that there was only one composting unit which was considered to be inadequate to deal with the solid waste being generated.

5. We may also observe that various directions were issued and reports called for from time to time on the questions involved in the case. Pursuit by the Applicant and the directions issued by the Tribunal broke the slumber of the concerned authorities who were activated to take up the issues proactively. Having found the committee chaired by the Chief Secretary inactive, another one comprising of experts from (i) the PKDA (Puri Konarak Development Authority); (ii) the Water Resources Department, Government of Odisha; (iii) the Odisha Ground Water Supply and Sewerage Board; (iv) the Puri Municipality; (v) the Central Ground Water Board, Government of India (vi) the CPCB and, (vii) the Odisha PCB was constituted *vide* order dated 20.04.2018 to look into the matter for an effective mitigation of the issues. Although by order dated 05.06.2020, the Puri Municipality and the Odisha Ground Water Supply and

Sewerage Board were also directed to submit a report on the status of various aspects, it would not be necessary to await for them to do so as the one filed by the Committee would be sufficient as it covers the aspects for which such report was called for. Moreover, the two authorities are also members of the Committee. The status report filed by the Committee is reproduced below:

***“Hon’ble National Green Tribunal have passed orders on dated 05.06.2020 to submit a status report by the respondents more particularly, the Puri Municipality, Odisha Water Supply and Sewage Board, Respondent No. 6 and the Committee constituted vide order dated 20.04.2018. A meeting of the Monitoring Committee held under the Chairmanship of Collector, Puri on 08.07.2020. The progress of the Environment Management Plan and the status of other activities as per the proceedings of the Committee is annexed herewith.*”**

**1. Preparation of EMP:**

- I. A Committee of monitoring the health of the aquifer/ Sweet water has been constituted by the Govt. in H&UD Deptt. Vide letter No. 11006 dated 09.05.2018 as per direction of the Hon’ble NGT for preparation of the Comprehensive Environment Management Plan (EMP).**
- II. Accordingly all related departments have submitted their plan of action and the draft EMP plan has been submitted to Hon’ble NGT on 20.04.2018.**
- III. As per proceeding on dated 18.11.2018 chaired by the Chairman EMP Committee- cum-Collector & Vice Chairman, PKDA, Puri the Member Secretary, SPCB has been requested to prepare the draft RFP/TOR for engagement of technical expert organization Sector/Agency to prepare draft EMP.**
- IV. Accordingly the RFP for preparation of EMP for Puri, Odisha was published vide this office RFP No. 1634/27.02.2020 where the RFP opening date was 04<sup>th</sup> April 2020. But no bid was received by this office due to lock down of the State in view of the Covid - 19 pandemic situation.**

V. *After relaxation of the lock down process the RFP was once again put to the web for publication vide this office RFP No. 4170/16.06.2020. The opening of the bid is fixed to dated 27.07.2020.*

2. **MONITORING OF SWEET WATER AQUIFER:** *Sweet water aqua area was jointly surveyed by CPCB and SPCB. They finalized 8 locations for monitoring of sweet water wells to get the representative samples of entire sweet water zone. The Committee reiterated that entire sweet water zone should be free from any kind of encroachment to preserve the sweet water aquifers. Sub-Collector and Tehsildar, Puri were instructed to keep strict vigil in those areas.*

**Action initiated for protection of sweet water aquifer:**

I. *Due to reduction of Yield and water quality deterioration the ground water tapping form 5 nos. of large dia bore well are stopped from following points.*

- *UMP chamber No. 17-1 no borewell.*
- *Puri Central School from pump chamber - 1 nos. bore well.*
- *Pump chamber no. 13-3 nos. of bore well.*

II. *Under AMRUT scheme in the package (AMRUT/OD/PURI/WS/05) the ground water recharge work amounting Rs. 13.51 crore of sweet water zone is under progress. Ground water will be recharged through recharge ponds.*

III. *Unlike drawl of 28 MLD of ground in previous year, only 10 MLD ground water is utilized currently as 18 MLD surface is supplied from WTP. Gradually water extraction will be minimized. Ground water extraction will be reduced and ground recharge will happen which will protect the sweet water aquifer.*

IV. *To avoid drawl of water near Shree Jagannath Temple, one 350 mm dia alternate pipe line is being laid to meet the Temple demand and of adjoining areas by surface water in place of ground water.*

V. *C.G.W.B. has drilled out test bore wells one each at both the sweet water zones to study the aquifer characteristic.*

3. **Overflow of sewage/ drainage water onto the Puri Beach and Functioning of Bankimuhan sewage treatment process which is stated to have been made de-functional now by floating garbage etc:-**

*The Waste Water Treatment Plant (WWTP) of 5 MLD capacity is functioning well at Bankimuhan to treat the waste water flowing in the storm water drain*

*before discharge to the sea. 2 Nos. of pumping stations are functional at present towards diversion of waste water flowing in Sea Beach drain to the inlet point of Bankimuhan WWTP. Presently the treated effluent from WWTP is discharged at the outfall point and then discharged to Sea by its own course. The effluent quality is being monitored with regard to approved standard regularly by JUSCO in in-house laboratory as well as State Pollution Control Board at intervals. The floating material of the storm water drain are being arrested at the wet wells at two pumping stations i.e. one in women's college site and second near WWTP wet well by which no floating materials is discharged into the sea. Further the annual maintenance of the WWTP is being done by JUSCO through an agreement with PHEO.*

**4. Laying of Water supply pipe line and house service connection:-**

*Laying of Pipeline towards drinking water purpose is taken up under AMRUT scheme in Puri Municipality. Out of the proposed length of 168.42 KM pipe to be laid, 157.58 KM has been laid and charged towards water supply connection.*

**5. Total target fixed to achieve Universal House Service Connection in Puri Municipality is 24351 where 11270 nos. is proposed to be covered under AMRUT scheme and 1300 to be covered under BASUDHA scheme. Out of which 7012 nos. has been covered through AMRUT & 2500 nos. covered through BASUDHA scheme. Against this target 10500 nos. of house service connection is proposed to be covered under BASUDHA water supply scheme for 32 nos. of wards in Puri Municipality which is in progress and scheduled to be completed by December 2020.**

**6. Elevated Service Reservoirs:**

*Similarly 24x7 water supply scheme is under progress. Out of 6 nos. of ESRs proposed in AMRUT scheme in Puri Municipality ranging from 0.133 MLD to 2.00 MLD, 4 nos. have already been completed and other 2 nos. will be completed by September 2020.*

**7. MUNICIPAL SOLID WASTE MANAGEMENT:**

*Regarding solid waste management of Puri Town, the Solid Waste from households are being collected in segregated manner like dry waste and wet waste through 40 nos. Swachha Sabaris (TATA ACE) type vehicle engaged for collection of dry waste & wet waste from all households of Puri Town. 80 nos. Swaccha Sathi & 20 nos. Supervisors are engaged to help people motivate to segregate the household wastes and put it in vehicles running in front of their houses in appointed time. Two Micro Compost Centers are already in operation where wet solid wastes are converted to organic compost. 15 self-help group members are working in these MCCs. Three more MCCs been scheduled to be operational in the month of July. In addition the old Solid Waste plant is also*

*functioning from 03.04.2020. Now Puri Municipality has changed its stand from dumping of solid waste to converting the Solid Waste to compost and other value added materials.*

**8. As regards the action taken against the unauthorized and illegal structures within CRZ-II area of Puri, it is relevant to mention that as per the CRZ notification 2011 Para-8(I), the State Coastal Zone Management Authority, Odisha is the appropriate authority to regulate the development or construction activities in different categories of CRZ as per the prescribed norms of the said CRZ notification. In this regard an affidavit has been filed by the Principal Secretary, H&UD Deptt. Govt. of Odisha before the Hon'ble NGT EZ, Kolkata on dtd. 17.08.2015. Besides Hon'ble High Court of Odisha in the matter of Hotel Association, Puri Vs- State of Odisha has restrained PKDA to exercise the section 91 & 92 of Odisha Development Authority Act, 1982 and directed PKDA to act strictly in terms of Municipal Act & Rule and CRZ notification which is still in force. This has already been submitted before Hon'ble NGT.**

**9. Rain Water Harvesting Structure**

*PKDA has made mandatory provision for implementation of Rain Water Harvesting System while considering the approval of building plan as per the Planning and building Standard Regulation 2017 of PKDA.*

**10. Swargadwar:**

*Renovation of Swargadwar has been taken up by OBCC Ltd. Odisha. Work order has been issued in favour of Preeca Solution India Pvt. Ltd. Hyderabad at a bid price of Rs 1,16,63,095/-(rupees one core sixteen lakh sixty three thousand Ninety five) only. The schedule date of completion of the work is 05.10.2020."*

6. It will appear from the above, that steps are being taken on all the crucial matters raised by the Applicant and those which had emerged during the course of the proceedings. For implementation of the steps, the case need not be kept pending.

7. Accordingly, the O.A. stands disposed off directing the Committee to ensure that all the steps indicated in the



status report shall be completed without fail in terms of the timeline stated therein. Special attention shall be given to the preparation of the EMP for Puri the process of which shall be completed expeditiously and, as far as it may be practicable, within one year from hence. We further direct that the Committee shall continue to monitor execution of the actions proposed in the report reproduced above.

8. The Applicant shall be at liberty to approach the Tribunal in the event of failure on the part of the Respondents to comply with the directions.
9. A copy of this order be transmitted to the Chief Secretary, Government of Odisha for compliance.
10. No order to costs.

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

14<sup>th</sup> August, 2020  
O.A. No. 85/2016/EZ  
avt