

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

Original Application No. 627/2018
(I.A. No. 282/2019)

Awasiya Jan Kalyan Samiti (Regd.)

Applicant(s)

Versus

State of Haryana

Respondent(s)

Date of hearing: 16.05.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

For Respondent(s):

Mr. Raj Kumar, Advocate for CPCB
Mr. Anil Grover, AAG, Mr. Rahul Khurana,
Advocates for MCF and HSPCB
Mrs. Anita Yadav, Commissioner, MCF

ORDER

1. The issue for consideration is the remedial action for discharge of untreated sewage causing contamination of underground water and adversely affecting the public health in Sector - 48, Faridabad.
2. In the light of the complaint received on the subject, vide order dated 17.09.2018, this Tribunal directed the Haryana State Pollution Control Board (HSPCB) to verify the facts and

furnish a report. A report of action taken was also sought from the Municipal Corporation Faridabad (MCF).

3. After considering the report dated 13.01.2019, acknowledging that sewer line in Sectors 48 and 49, Faridabad was choked causing overflow of sewer and no adequate remedial measures had been taken, this Tribunal directed the State to take preventive and remedial measures and also required the Chief Secretary to furnish an action taken report. The CPCB was directed to constitute a Committee to examine extent of damage and the manner in which the accountability should be fixed. Pending such assessment, the MCF was required to deposit a sum of Rs. 50 Lakhs by way of interim compensation to meet the cost of restoration of the environment.
4. As per report of the CPCB dated 06.05.2019, untreated waste water from Badkal village as well as from drainage system of Sainik Colony near Sectors 48-49, Faridabad was being disposed of into the open. Sewer line was choked. De-silting process was being carried out and vacant land has been filled with soil for temporary arrangement for bye pass of overflow of the sewage. Cleaning of sewage network has not been done for a long time and now a temporary arrangement has been made. Solid waste and demolition waste was also being dumped on the open land. Accountability was of the MCF as polluter and the Haryana Urban Development Authority (HUDA). The MCF should carry out the work of cleaning/de-

silting of sewerage network and ensure that no untreated sewage is discharged into the drainage system. HUDA should ensure fencing of open land area so that it is not used for disposal of waste.

5. According to the report of the Chief Secretary, there is failure of the Department for which direction to initiate prosecution has been issued. The stand of the MCF is that a stretch of sewer line was identified as choked. The main sewer line is being cleaned. The work for providing sewerage system in the area in question has been awarded. An interim arrangement has been made to collect the waste water and pumped the same to sewer line. Vigilance is being maintained against cow dung dumping. A chart of proceedings taken against employees of the MCF has been filed. It is stated that interim compensation of Rs. 50 Lakhs has been deposited with the CPCB by the MCF.
6. Learned counsel for the MCF states that 40% work has been completed. By 30.09.2019 all remedial steps will be completed.
7. We find that the report of the Committee appointed by the CPCB has not assessed the damages to be recovered even after holding the MCF responsible and accountable. The MCF or the State of Haryana has also not identified the polluters or the erring officers from whom compensation for the damage to

the environment and cost of restoration is to be recovered. Let the report in this regard be furnished by e-mail at ngt.filing@gmail.com. An affidavit be also filed by the MCF and the HSPCB about the steps taken for recovering of cost of restoration of damage to the environment from identified polluters and erring officers by e-mail at ngt.filing@gmail.com.

8. The MCF may take steps to install net traps to capture any solid waste or plastic waste from the waste water flowing into the drain.

List for further consideration on 09.10.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

May 16, 2019
Original Application No. 627/2018
(I.A. No. 282/2019)
A