

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

(By Hybrid Mode)

Execution Application No. 28/2021
IN
Original Application No. 144/2017
(With report dated 25.01.2023)

K. P. Singh & Ors.

Applicant(s)

Versus

U. P. Pollution Control Board & Ors.

Respondent(s)

Amit Kishore & Ors.

Applicants in EA No. 28/2021

Date of hearing: 30.01.2023

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

Applicant: Mr. Prem Prakash, Advocate for Applicant in E.A 28/2021

Respondents: Mr. Nitin Gaur, Municipal Commissioner, Ghaziabad with Mr. Raman
Yadav, Advocate for Ghaziabad Nagar Nigam

ORDER

1. Grievance in this application is against non-compliance of order of this Tribunal dated 03.08.2018 in the above OA on the subject of preventing discharge of untreated sewer water from Prahlad Garhi village into storm water drain of Ghaziabad Nagar Nigam and also preventing dumping of MSW and other waste into said storm water drain in Sector 16, 17, 18 & 19 at Vasundra, Ghaziabad.

2. Case of the applicant is that failure to prevent discharge of polluted sewage in violation of the Water (Prevention and Control of Pollution) Act, 1974 is continuing which is also against the orders of the Hon'ble Supreme Court in Paryavaran Suraksha v. UOI & Ors., orders of this Tribunal in O.A. No. 593/2017, Paryavaran Suraksha Samiti & Anr.v. UOI & Ors. and other orders requiring coercive measures against failure to scientifically manage the sewage, to ensure clean environment.

3. Vide order dated 18.10.2021, in the light of earlier orders on the subject, the Tribunal directed Commissioner, Ghaziabad Nagar Nigam (GNN) to ensure further action for preventing discharge of untreated sewage and dumping of waste in water bodies in violation of law and also for action against the erring officers. Status of connectivity of household/community latrines to the sewer lines, instead of storm water drain in question at Prahaladpuri and other similar locations and remedial measures was also sought. Interdepartmental issue for preventing cross contamination of storm water drain and sewer lines were directed to be resolved in coordination with the District Magistrate. Catchment of storm water drain was directed to be demarcated and monitoring mechanism for ensuring that septic tanks or digested material of pits attached with latrines being connected to the sewer lines was to be reviewed. Manual scavenging, if any, was to be discontinued.

4. The matter was also considered on 17.02.2022 and finally on 14.07.2022 in light of reports of the GNN about the progress in the matter of preventing discharge of untreated sewage in the drain. The Tribunal directed further remedial action and filing of action taken.

5. The operative part of the order is reproduced below:-

“9. Accordingly, further remedial action has to be taken by Ghaziabad Nagar Nigam which may be overseen by the ACS (UD), UP. An action taken report be filed within three months 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. The Commissioner Nagar Nigam Ghaziabad and ACS (UD) may remain present in person by Video Conferencing on the next date.

10. We also direct CPCB with the assistance of UPPCB to give an independent factual report about status of compliance about discharge of sewage in the storm water drain in question as per observations given in para 8 above within two months 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.”

6. In pursuance of above, CPCB has filed its report on 25.01.2023 that further remedial action is necessary. The findings and recommendations in the report are as follows:-

“3. FINDINGS AND RECOMMENDATIONS

Based on the inspection made, it can be concluded that storm water drainage system carries domestic wastewater / trade effluents generated from residential and commercial activities (illegal hutments, disposal of waste from dairy farms and wastewater discharges from service stations) in and around of Prahladgarhi village. The analytical results also support the fact that it carries wastewater other than storm water.

However, the wastewater generated in Prahladgarhi village flowing through the storm water drains finally merges with Sahibabad Drain. The Sahibabad drain diverted to 74 MLD Indirapuram STP for treatment. The sewage generated from households of Prahladgarhi village conveyed to 56 MLD STP at Indirapuram.

It means untreated wastewater discharges from Prahladgarhi village through storm water drains intercepted and treated.

*In view of above, it is recommended that **Ghaziabad Nagar Nigam shall take necessary action to remove such encroachments from the roads and drains, illegal settlements and discharges from dairy farms and service stations so that discharge of wastewater into the storm water drain can be stopped.**”*

7. As against above, the Commissioner, Municipal Corporation has pointed out that the report is with reference to earlier inspection on 03.11.2022 and thereafter necessary further steps have been taken, as

reported by the GNN to Additional Chief Secretary, Urban Development, Lucknow. There is now connectivity of wash waters and waste from dairies at three vulnerable points - Prahladgarhi crossing, opposite Vandana Farm and opposite Balaji Earth Movers. 158 houses which were unconnected to sewerage system have now been connected and hence no sewage is now being discharged into the drain.

8. We take on record the report about the remedial measures adopted by the Commissioner. However, CPCB may verify the statement that no sewage and other wastes are flowing in the storm water drains in question and file a compliance report with the Registrar General of this Tribunal by e-mail within one month from today at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. If found necessary, the Registrar General may place the matter before the Bench for further directions.

Subject to above, the application is disposed of.

A copy of this order be forwarded to CPCB by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

January 30, 2023
Execution Application No. 28/2021
In Original Application No. 144/2017
SN