

Item No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE BENCH, BHOPAL  
(Through Video Conferencing)**

**Original Application No. 11/2022(CZ)**

Bakir Ali Rangwala

Applicant

Vs.

State Of Madhya Pradesh & Ors.

Respondents

Date of Hearing: **09.11.2023**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s):

Mr. Rohit Sharma, Adv.

For Respondent(s):

Mr. Prashant M. Harne, Adv.

Mr. Dharamvir Sharma, Adv.

Ms. Parul Bhadoria, Adv.

Mr. Swapnil Chaturvedi, Adv.

**ORDER**

1. Issue of removal of encroachment on the water body and to ensure that untreated water will not be discharge into the water body this Tribunal directed the State Pollution Control Board to submit the factual and action taken report.
2. ADM, Ujjain has filed the reply and status and progress for removal of encroachment and submitted that it is being done in accordance with the rules and to ensure to finalise within a time frame.
3. Next issue is the discharge of untreated water into the water body. It is reported that the State Pollution Control Board has calculated the compensation to the tune of Rs. 150 Lacs (Rupees One Crore Fifty Lacs).
4. It is not clear that the environmental compensation has been calculated on the date of violation found, or from any other date. The matter has already been finalised in Original Application No. 606/2018 which is quoted below :-

“1. On the issue of liquid waste management, vide judgment of the Hon’ble Supreme Court in *Paryavaran Suraksha* (2017) 5 SCC 326, the Hon’ble Supreme Court fixed deadline for setting up of treatment plants within three years which was to be monitored by this Tribunal. Apart from the said judgment, issues of pollution of Ganga and Yamuna were transferred to this Tribunal for monitoring remedial action.

2. The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public Health/In-charge Department to take action for treatment of sewage in terms of observations in Para 36 above will result in liability to pay compensation as already noted above which are reproduced for ready reference:

- i. Interim measures for phytoremediation/bioremediation etc. in respect of 100% sewage to reduce the pollution load on recipient water bodies – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.**
- ii. Commencement of setting up of STPs – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.**
- iii. Commissioning of STPs – 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.**

3. Compensation in above terms may be deposited with the CPCB for being spent on restoration of environment which may be ensured by the Chief Secretaries’ of the States/UTs.

4. An ‘Environment Monitoring Cell’ may be set up in the office of Chief Secretaries of all the States/UTs within one month from today, if not already done for coordination and compliance of above directions which will be the responsibility of the Chief Secretaries of the States/UTs.

*5. Compliance reports in respect of significant environmental issues may be furnished in terms of order dated 07.01.2020 quarterly with a copy to CPCB.”*

5. In other formula which has been decided by CPCB is in accordance with the population i.e. Rs. 25,000 per day w.e.f. 01.04.2020 as contained in D(1).
6. State Pollution Control Board is directed to calculate the environmental compensation in accordance to the rules proceed to realise it and to submit the report and further action taken by the authorities concerned for remedial action.

List it on **29<sup>th</sup> November, 2023.**

**Sheo Kumar Singh, JM**

**Dr. A. Senthil Vel, EM**

09<sup>th</sup> November, 2023  
O.A. No. 11/2022 (CZ)  
PN