

Item No. 07

Court No. 1

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

Original Application No. 370/2021

Manoj Kumar Rai

Applicant

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 13.09.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Amrit Abhijat, Principal Secretary, UD with Ms. Priyanka Swami,
Adv. for the State of Uttar Pradesh
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB
Mr. Atif Suhrawardy, Adv. for CPCB

ORDER

1. The issue involved in the Original Application is in respect of discharge of sewage and solid waste into *Katahal* drain connected to River Ganga in District Balia, Uttar Pradesh. Earlier, the Tribunal had issued directions to submit the action taken report and had considered the action taken report dated 09.02.2023 in the order dated 12.04.2023 and had recorded the following violations:-

*“6. It is seen that there is daily discharge of about 20 MLD of untreated sewage in Ganga which is a matter of concern. There is no information about performance of in-situ remediation claimed at 6 locations. Earlier report of the joint Committee showed that BoD of drain before confluence with river Ganga is 13.6 mg/l with total coliform (TC) of 110000 MPN/100ml. Water quality of river Ganga after confluence of drain is BOD 6.12 mg/l and TC was 130000 lakhs MPN/100 ml indicating the damage to the water quality of the river. **We record our dissatisfaction with the failure of the State Administration particularly failure to hold erring officers accountable for wastage of public money and preventing damage to river Ganga.** Thus, there is a need for involvement of higher level officers to fix accountability for continuing failure of officers involved who appear prima facie to have abused the funds at the cost of public interest. Further, it is seen that 3.37 lakh metric tons of legacy waste is yet to be remediated, besides ensuring waste processing on day today basis.”*

2. The Tribunal after detailed consideration of the matter had taken note of seriousness of the issue in respect of gap in generation and treatment of solid and liquid waste and had accordingly directed the Chief Secretary, UP to act in coordination with other concerned authorities and take remedial measures. The said direction of the Tribunal was as under:-

“8. The Tribunal, on detailed consideration of the matter, held that gaps in generation and treatment of solid and liquid waste are required to be addressed expeditiously considering timelines as per statutory Rules and Supreme Court judgement and officers responsible for failure were required to be made accountable. Progress report was to be filed after six months to this Tribunal.

*9. In the light of the said order and observations in the present case, the **Chief Secretary, U.P, in coordination with other concerned authorities in the State, may ensure remedial action in the present case also for which a special meeting of concerned officers be convened preferably within one month to plan and execute remedial measures, including fixing of responsibility of erring officers.** An action taken report be filed within four 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.”*

3. The action taken report dated 11.09.2023 has been filed before the Tribunal disclosing the action taken against the erring officials. The report further corroborates the earlier observations of the Tribunal relating to gap in the generation and treatment of the waste and the untreated legacy waste.

4. Mr. Amrit Abhijat, Principal Secretary, UD, State of UP has informed that seven hectare land has been acquired and the tender has already been floated for construction of the STP and that the work of construction of STP will start with effect from 15.11.2023. He has also submitted that though the timeline for completion of work is 18 months but, he will ensure that the construction of STP is completed and

becomes functional much before that. He has also submitted that the complete timeframe in respect of tackling the issue of Solid Waste Management, Management of Legacy Solid Waste and Sewage Management will be provided by way of the affidavit and he takes the personal responsibility to ensure that the said timeline will be adhered to. The other issue which is reflected in the action taken report is existence of the landfill zone near the Surhatal Bird Sanctuary. The Principal Secretary, present today, has assured that he will examine the said issue and also examine the feasibility of shifting the landfill zone away from the Bird Sanctuary and submit a report. Let the affidavit disclosing the timeline for completion of the above work in terms of the assurance given by the Principal Secretary be filed within a period of two weeks from today 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.

5. Authorities to ensure no waste water to be discharged in *Katahal* drain (storm water drain) joining river Ganga and all efforts be made to use treated waste water instead of discharging into river Ganga.

6. List this matter on 03.10.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

September 13, 2023
Original Application No. 370/2021
SN