

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

Original Application No. 1002/2018

Abhisht Kusum Gupta

Applicant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

(Report filed in O.A. No. 1002/2018)

Date of hearing: 30.07.2019

**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):

Mr. Mahaling Pandarge, Advocate

For Respondent (s):

Mr. Pradeep Misra with Mr. Daleep  
Dhyani, Advocates for UPPCB  
Mr. Rajkumar, Advocate for CPCB  
Mr. Balendu Shekhar, Advocate for EDMC

**ORDER**

1. The issue for consideration is discharge of untreated sewage in the irrigation canal near Sector 137, NOIDA at village Kondli, in violation of the provisions of Water (Prevention and Control of Pollution) Act, 1974.
2. Under the orders of this Tribunal, a joint report dated 14.02.2019 was furnished by the NOIDA Authority and the Uttar Pradesh Pollution Control Board (UPPCB) as follows:

*“1. Kondli Drain originates from Kondli village, Delhi and enter into the NOIDA at the place of Hari darshan Police Chowki, Sector11, (Entry point of NOIDA) and after travelling (about 17km) in NOIDA region of Sector-11, Sector-12, Sector-22, Sector-50 and Sector-168 it submerge into Yamuna River near Chak Mangrola Sector – 168, NOIDA.*

*2. Kondli Drain is not connected to any river or canal before meeting in Yamuna River and has no source of fresh water.*

*3. During inspection it was found so many drains are connected to Kondli drain from Delhi side before entering into NOIDA.*

*4. The pollutant parametes in Kondli drain, (Entry Point at NOIDA) is found above the norms.*

*5. Delhi’s polluted water comes into NOIDA (Kondli drain), for which NOIDA Authority has send letter from time to time to the Chief Secretary, Delhi Government to get the treated effluent.*

*6. All the villages, industrial, residential and institutional areas of NOIDA Authority areas are connected to the sewer line network.*

*7. Sewage generation from the NOIDA is approximately 200 MLD and it is treated in STP of capacity 231 MLD. Standards are being achieved by STP.”*

3. After considering the above, vide order dated 19.02.2019, the Tribunal directed as follows:

*“5. In view of the above, action is also required to be taken by the authorities at Delhi including the Delhi Pollution Control Committee (DPCC), Delhi Jal Board (DJB), and East Delhi Municipal Corporation. The coordination will be required by a central agency as two States are involved in dealing with the matter.*

*6. Accordingly, we direct the Central Pollution Control Board (CPCB), DPCC, DJB, East Delhi Municipal Corporation, NOIDA Authority and UPPCB to have a joint meeting within one month and to prepare an action plan in respect of action in respective States to check the water pollution which may also include action to be taken for prohibiting the discharge of effluents, for prosecuting the polluters and recovering the compensation for the damage being caused to the environment. The Nodal Agency will be CPCB for coordination and compliance. The report of the action taken be furnished to this Tribunal within two months by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).”*

4. Accordingly, a further report dated 18.04.2019 has been furnished by the Central Pollution Control Board (CPCB) recording its findings and recommendations as follows:

### **“3.0 MAJOR FINDINGS**

*Based on the inspection made and analytical results of the samples collected from drains, it is observed that sources of pollution of the drain are located both in Delhi as well as in Noida. Accordingly, following observations are made:*

#### **i. MAJOR ISSUES PERTAINING TO DELHI REGION**

- *Unauthorized colonies namely GD colony, Gharauli village and Kondli village are discharging their untreated sewage to drainage system of PWD, DDA, EDMC and contributing to pollution to NOIDA drain.*
- *DJB has laid sewerage system to convey sewage from said colonies to Kondli STP. However, residents of said colonies are reluctant to take sewerage connection which resulting in discharge of untreated sewage to storm water drainage system*

#### **ii. MAJOR FINDINGS PERTAINING TO NOIDA (U.P REGION)**

##### **• Ghaziabad:**

*Khoda village, Ghaziabad discharges untreated waste water to drainage system of PWD Delhi near CRPF camp which finally merges with Kondli drain.*

##### **• NOIDA:**

*30 drains are discharging untreated wastewater to Kondli / Noida drain and contributing to its organic and hydraulic loading.*

### **4.0 RECOMMENDATIONS**

***In view of above facts and findings, following recommendations are made:***

- i. DJB and EDMC should initiate legal proceedings against residents of GD colony, Gharauli village and Kondli village on account of their reluctance and failure to take sewerage connections.*
- ii. DJB and EDMC shall ensure that each building under their jurisdiction shall have sewer connection so that current practice of discharge of untreated sewage into storm water drainage system should be stopped.*

- iii. PWD and DDA should carry out de-silting of drains frequently.
- iv. EDMC shall direct dairy farms at Gharuli village to develop Decentralized treatment facility so that their untreated waste shall not be discharged to DDA drainage system.
- v. EDMC should ensure that untreated dairy waste including animal dungs from Gharuli village should not be discharged into storm water drain. Challan / Legal action shall be initiated against such violators.
- vi. The dairy farms be shifted to outskirts of the area in a time bound manner.
- vii. Ghazibad Nagar Nigam should developed facility to tap untreated water of Khoda village and should discharge only treated water to drainage system of Delhi.
- viii. Noida authority shall prepare time bound action plan either to stop discharge of untreated waste through aforesaid 30 drains. Alternatively, all such drains be intercepted and taken to STPs so that no untreated wastewater flows to Noida drain.
- ix. Noida authority shall ensure that the available sewage treatment facility be fully utilized.”

Based on the above recommendations and findings, following action plan is formulated for compliance by the concerned Authorities for abatement of pollution of Kondli / Noida drain:

| Sl. No. | Task / Action Plan Suggested   | Organizations                                 | Time Frame |
|---------|--|---|------------|
| 1.      | Legal proceedings against the residents of GD colony, Gharauli village and Kondli village, Delhi having failed to take sewer connections | EDMC and DJB                                  | 02 months  |
| 2.      | Development of decentralized treatment facility for dairy farms  | EDMC / Dairy farms at Gharauli village, Delhi | 03 months  |
| 3.      | Challan / Legal action against Dairy farms at Gharauli village   | EDMC  | 01 month   |
| 4.      | To develop sewerage network and facility for Khoda Village, Ghaziabad  | Ghaziabad Nagar Nigam                         | 03 months  |
| 5.      | To stop discharge of untreated waste to 30 drains or to intercept 30 drains and conveying to STPs.                                       | NOIDA authority                               | 03 months  |

*CPCB is in the process of issuing directions to EDMC, DJB, Ghaziabad Nagar Nigam and Noida Authority for implementation of the aforesaid action plan so as to prohibit the discharge of effluents, for prosecuting the polluters and recovering the compensation for the damage being caused to the environment.”*

5. The supplementary report dated 08.07.2019 refers to directions of the CPCB under Section 5 of the Environment (Protection) Act, 1986 for implementation of the above action plan. The directions have been issued to the East Delhi Municipal Corporation (EDMC), Delhi Jal Board, Ghaziabad Nagar Nigam, NOIDA Authority respectively as follows:

**“1. Directions issued to EDMC:**

- 
- i. To direct dairy farms to develop decentralized treatment facility so that their untreated waste shall not be discharged to DDA drainage system.*
  - ii. To ensure that untreated dairy waste including animal dungs from Gharuli village should not be discharged into storm water drain. Challan / Legal action shall be initiated against such violators.*

**2. Directions issued to DJB:**

- i. To initiate legal proceedings against the residents of GD colony, Gharauli village and Kondli village, Delhi having failed to take sewer connections.*
- ii. To ensure that each building under their jurisdiction shall have sewer connection so that current practice of discharge of untreated sewage into storm water drainage system should be stopped.*

**3. Directions issued to Ghaziabad Nagar Nigam:**

- 1. To establish sewerage network and treatment facility to treat sewage generated from Khoda village.*
- 2. To Deposit an Interim Environmental Compensation of 1,00,00,000 (Rupees One Crore only) in CPCB Account no.: 532702010009078, IPSC Code: UBIN0553271, UBI, I.P Extension Branch, Delhi as per Environment Compensation policy framed in Compliance of NGT order dated 06.12.2018 in Original Application No. 125/2017 and MA No. 1337 /2018 within 07 days from date of receipt of directions.*

**4. Directions issued to NOIDA Authority:**

- i. To develop time bound action plan to stop discharge of untreated wastewater to 30 drains.*
- ii. To intercept all drains and channelize wastewater to STPs so that no untreated wastewater is discharged to Noida drain.*
- iii. To deposit an Interim Environmental Compensation of 1,00,00,000 (Rupees One Crore only) in CPCB Account no.: 532702010009078, IFSC Code: UBIN0553271, UBI, LP Extension Branch, Delhi as per Environment Compensation Policy framed in Compliance of NGT order dated 06.12.2018 in Original Application No. 125/2017 and MA No. 1337 /2018 within 07 days from date of receipt of directions.”*

6. Learned Counsel appearing for the SPCB states that since pollution is originating from Delhi, the DJB and the EDMC should also be liable to pay environmental compensation for the damage to the environment in the same way as NOIDA Authority and Ghaziabad Nagar Nigam, have been held to be liable by the CPCB.
7. CPCB may consider this aspect and pass appropriate orders. Having regard to the seriousness of the issue, we direct the EDMC, DJB, NOIDA Authority and the Ghaziabad Nagar Nigam to furnish performance guarantees in the sum of Rs. 1 crore each to the satisfaction of CPCB undertaking to take remedial actions in terms of the directions of the CPCB, failing which the said amount will be forfeited.
8. The Committee may also measure the faecal coliform content in the water samples which is a relevant factor for determining the water pollution. Such samples may be taken from each of the drains in question.
9. Further report may be furnished to this Tribunal by 31.10.2019 by the CPCB by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

List for further consideration on 04.11.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 30, 2019  
Original Application No. 1002/2018  
DV

