

Item No. 01

Court No. 1

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

Original Application No. 32 (THC)/2014

(Arising out of CWP No. 9503/2012 on the file of the Rajasthan High Court)

With  
(I.A. No. 89/2020 & I.A. No. 95/2020)

Kishan Paryavaran Sangaharsh Samiti, Jaipur Applicant(s)

Versus

State of Rajasthan & Ors. Respondent(s)

Date of hearing: 07.12.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondents: Mr. Adhiraj Singh Advocate for RSPCB  
Mr. Vinay Kothari Advocate for R-5 CETP Management  
Mr. Sanyat Lodha Advocate for R-9 Industries associatioin  
Mr. Balendu Shekhar Advocate for MoEF & CC  
Mr. Raj Kumar Advocate for CPCB  
Mr. A.K Prasad Advocate for CGWA

**ORDER**

1. Proceedings in this matter arise out of D.B. Civil Writ Petition No. 9503/2012 on the file of the Rajasthan High Court at Jodhpur which has been transferred to this Tribunal for adjudication. The issue involves remedial action against discharge of untreated trade effluents by textile industries at Pali, in violation of environmental norms and orders of the High Court dated 09.03.2004 in D.B. Civil Writ Petition No. 759/2002, *Mahavir Nagar Vikas Samiti Pali vs. State of Rajasthan & Ors.* and order dated 11.04.2008 in S.B. Civil Writ Petition No. 5436/2007, *Shree Raja Ram Mills vs. State of Rajasthan & Ors.*, directing shifting of the industries

to the allocated industrial area set up by the Rajasthan State Industrial Development and Investment Corporation (RIICO) and also directing that no industry will discharge polluted water in the river Bandi.

2. Case of the applicant – Samiti is that dyeing and printing industries of Pali town are discharging effluents in Bandi river which is a tributary of Luni river, leading to water pollution which is a source of drinking water of the livestock as well as the inhabitants of the nearby villages. There is water scarcity in the area. Nehra Dam was set up as an irrigation project. The effluent has severely damaged the environment in the area. A study found that Common Effluent Treatment Plants (CETPs) do not have adequate capacity to treat the effluents. The number of factories is continuously increasing, without corresponding increase in the capacity to treat effluents. The State PCB initiated prosecution of Pali Water Pollution Control Treatment and Research Foundation, Mandia Road, Pali (CETP management), in terms of office order dated 01.06.2012 for violation of provisions of the Water (Prevention and Control of Pollution) Act, 1974 (The Water Act, 1974). There are many industrial units in non-conforming areas, in violation of environmental laws which need to be closed and shifted. The non-compliant industries need to be closed to give effect to the environmental norms in view of law laid down in *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647. There is need to prevent environmental degradation and to invoke the “Polluter Pays” principle. The State, under the Public Trust Doctrine, must take remedial action for protection of the environment and to give effect to right of citizens to clean environment.

3. This Tribunal, vide order dated 05.03.2014, sought response of the opposite parties and directed that the industries operating without

requisite consents under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 be closed and steps be taken to prevent pollution. The matter has thereafter been considered on several occasions in the last six years. For the purpose of this order, we may only refer to some of the significant orders.

4. Vide order dated 03.10.2016, the Tribunal directed joint inspection by the Central Pollution Control Board (CPCB) and the State PCB to ascertain the ground situation.

5. Accordingly, an inspection report was filed **on 26.10.2016** with regard to the status of six CETPs and 578 textile and dyeing industries. Vide order dated 26.05.2017, the Tribunal considered the report and since the CETP were not adequately treating the effluents, the Tribunal directed restricted working of the industries under a roaster, to be prepared, **and constituted a Monitoring Committee comprising of CPCB, State PCB, Member of faculty of IIT, Jodhpur and Dr. Brij Gopal, Environmental Specialist at Jaipur to further assess the functioning of the CETPs.** It was also directed that only industries having standalone ETPs be connected to the CETPs.

6. In compliance of the above, the Monitoring Committee submitted its report dated 15.04.2018 recommending as follows:

*“1. In view of the **grave situation of the water quality of the river and Nehda reservoir, ground water quality and land pollution, and in the overall interest of the health of the people of Pali, we recommend that no treated or untreated industrial effluent should be allowed to be discharged in river or on adjacent land in any form.** Further, considering not only the feasibility but also the economic viability and the environmental sustainability of CETP, even on a small to moderate scale, we recommend that:*

- a) *The industries should be required to recover water and reuse it from the tertiary treated effluent instead of discharging into the river.*

- b) *CETP-VI should adopt multi stage Reverse Osmosis System (RO Plant), of adequate capacity for recovery of water and its reutilization by the member units of CETP, followed by RO reject management system such as Multi Effect Evaporator, and residual salt management.*
- c) *The CETP management should also prevent the river and land from any damage from the RO reject generated from CETP.*
- d) *CETP-II, III and IV should also be upgraded to incorporate a tertiary treatment system together with the multi stage Reverse Osmosis System (RO Plant) of adequate capacity for reuse and reutilization of treated water along with the reject management system such as Multi Effect Evaporator, and residual salt management.*
- e) *The individual industries should periodically monitor the quality of effluent discharged from the primary treatment facilities for smooth and efficient operation of CETPs, and should comply with the consent conditions.”*

7. The Tribunal, vide order dated 28.05.2018., directed remedial action by the industries/CETPs as per above recommendations, to be verified by the Collector, Pali and the Divisional Commissioner, Jodhpur.

8. The matter was thereafter reviewed on 21.12.2018 and since the deficiencies had continued, **it was considered necessary to require an updated report of the status of compliance and further action required comprising of three-member expert Committee** comprising of Dr. A.P. Singh, Professor and Dean, BITS Pilani, Dr. A.B. Akolkar, Former Member Secretary, CPCB and Dr. A.B. Gupta, Professor, NIIT, Jaipur. The Committee visited the site and examined the compliance status with reference to the earlier action plan dated 15.04.2018. The issues noted in the report are:

**“3. Issues of concern:**

- i. *River Bandi is polluted due to discharge of industrial effluents and sewage disposal of Pali town.*
- ii. *Polluted water flowing in River Bandi is a constant threat for health of villagers and to the agriculture.*
- iii. *Installed CETPs not achieving zero liquid discharge (ZLD) and effluents still being discharged into River Bandi.*

*iv. Industries discharging effluents to CETPs without having primary effluent treatment plants (PETPs).”*

9. The Committee submitted its report on 15.01.2019. It was found that river Bandi was polluted by flow of coloured effluents in the Nehra Dam. There was deposit of green coloured sludge. Water quality was beyond norms. CETPs were deficient. There was loss to the farmers on account of damage to the soil. Ground water sources were depleted. Recommendations in the earlier report dated 15.04.2018 remained by and large uncomplished. The concluding observations and action plan in the said report are as follows:

**“10. Concluding observations and Action Plan, (2019):**

*The present Team of Scientists has referred the available Inspection Reports placed on record of Hon'ble Tribunal on issues relating to pollution issues caused by textile units in Pali. The Team has also examined water quality data that is, of river Bandi at Nehda Dam, ground water report of CGWB and performance report of CETPs.*

*After assessing overall environmental status of the area and the nature of industries in existence (Textile) and remedial measures taken to control industrial pollution by installing CETPs, **the Committee considered to place the following suggestions which may be considered as an upgraded version of already existing action plan suggested by earlier Committees. The key observations with Action Points are given below:***

**10.1 The River Bandi and its Rejuvenation:**

- i. The River Bandi is not having its natural flow but, it is only carrying industrial waste water as well as domestic sewage.***
- ii. Water quality is "not-fit" for any use.***
- iii. The River water has been deteriorated to the worst quality. It has been reported that upstream location of river at Hemawas reservoir indicate pH 8.22, BOD 1.13 mg/l, COD 28 mg/l and TDS 470 mg/l against the downstream location of river at Nehda Dam with pH 7.9 to 8.61, BOD 9.9 to 44 mg/l, COD 94 to 313 mg/l and dissolved solids 4008 to 6624 mg/l.***

**The Action Plan:**

- i. The river may be dredged so to remove industrial and sewage sludge deposited.**
- ii. River may be canalised (earthen canal) at appropriate locations.**
- iii. Not allowing industrial (even treated) and sewage disposal into River Bandi. To monitor this, CCTVs be installed at strategic locations and monitored by District Collector and Regional Office of RSPCB.**
- iv. Tertiary treated industrial and sewage effluent after its utilisation and if surplus, may go into river but not exceeding value of BOD; 3mg/l, TDS/FDS; not more than 2100 mg/l and fecal coliform; less than 230 MPN/100ml.**
- v. To prohibit unauthorised/illegal discharges of industrial effluent through tankers and particularly from adjoining States should be monitored at inter-State borders and within the State also at various check-posts. Further, vigilance squad should also be deployed to check such incidences of discharging effluents in the River through tankers.**
- vi. RSPCB must monitor regularly river water quality and quantity at critical locations including NH bypass bridge location (with inflow and outflow) to apply mass balance of selected stretches so that illegal disposal of industrial wastewater into river can be monitored.**

#### **10.2 The Ground Water:**

- i. Industries are using ground water supplied by tankers through private parties.*
- ii. There is no regulation on supply of such ground water by private parties to the industries.**
- iii. Granting permission by CGWB to industries and those being done by private parties through tankers is not clear on permissions and many applications are pending with CGWB.*

#### **The Action Plan:**

- i. Through Industrial Association and State Government, some of the village wells having relatively less TDS, may be fitted with RO and Fluoride, Arsenic and other contaminant removal system and provide potable/usable water to villagers and farmers for their use. This plan may be proposed and executed within six months.**
- ii. To conserve ground water, in Pali town, dual piping system be enforced and waste water of kitchen and bath, be used for flushing of toilets. This can be planned and executed within residential (This may cover hotels, new residential one year. societies/complexes, and other Institutions).**

### **10.3 Sewage Treatment and its utilisation:**

- i. *The treated sewage (at secondary level) of 7.5 MLD plant is presently disposed into River Bandi.*
- ii. *M/S Pali Zila Dugdh Utpadak Sahakari Sangh Ltd. is sending its effluent to this STP for treatment,*
- iii. *The STP of 15 MLD located in the same premises is under construction and targeted for completion before March, 2019.*
- iv. *The 7.5 MLD plant is not receiving full sewage due to incomplete sewer line works and connections.*

#### **The Action Plan:**

- i. *The existing plant of 7.5 MLD should be provided with tertiary system to remove fecal coliforms to meet the standards.*
- ii. *Treated effluent be further refined and entire effluent from this plant be utilised by industries as process water and thereby prohibiting use of ground water being supplied by tankers.*
- iii. *Steps may be initiated at this stage to use 15 MLD treated sewage for industries.*
- iv. *In no case, effluents from both the plants to go into river. If it is required to be discharged as surplus then it should meet standards of BOD; less than 3.0 mg/ l and FC; less than 230 MPB/ 100 ml.*

### **10.4 Industrial Pollution Control:**

- i. ***None of the CETPs is meeting the standards***
- ii. ***No standards are given for CETP-2 and sending its effluent to CETP-6.***
- iii. ***CETP-2 has poor maintenance.***
- iv. ***No standards prescribed to CETP-3 and sending effluent to CETP-6.***
- v. ***CETP-4 has also not been given standards for disposal to CETP- 6. But, as per consent, effluent is consented for disposal of effluents to river.***
- vi. ***CETP-6 is disposing non-compliant quality of treated effluent to river. Facilities to recover water and supplying to the industries is not complied.***

#### **The Action Plan:**

- i. *CETP Association, RSPCB and RIICO, should review that why not receive all waste water of CETP 2, 3 and 4 directly at CETP-6 for treatment and dispense with the functioning of CETP 2,3 and 4 which for practical purpose not serving any purpose. Response to this action points may be provided in 4 weeks.*

- ii. *If, CETP 2, 3 and 4 are to be operated, then they should be provided with outlet norms which will become inlet norms of CETP-6. Consent granted to CETPs, be accordingly modified and consent may be granted within 4 weeks.*
- iii. *There should be regular inspection and maintenance schedule of closed pipeline carrying effluent to CETPs.*
- iv. *RIICO and industrial Association should clean all the storm water drains and no choking should be seen.*
- v. *In industrial area of Pali, no waste should be burnt.*
- vi. *RIICO with Industrial association, should work out for use of solar panel to energize the boilers and minimize use of wood or coal as fuel.*
- vii. *All the member industries be insisted to make pH correction particularly of units generating effluent less than 50 KLD.*

#### **10.5 Environmental Compensation:**

- i. ***Team could not get authentic official records on damages to agriculture, loss of ground water quality and health***

##### **The Action Plan:**

- i. *State Department of Agriculture and Health may provide information on status of agricultural loss, ground water conditions and health due to pollution by textile units.*
- ii. *Environment compensation and relief to villagers and farmer may be considered and at the same time, detecting factors of natural desertification effects. State Government may provide information within 2 months.*

#### **11. Surveillance and Monitoring:**

*The Team suggests that there is need to have a regular surveillance mechanism to monitor the compliance of Action Plan as well as ground level checking. **For this purpose, a District Level Task Force under the chairmanship of District Collector with representatives of State Pollution Control Boards, RIICO, Transport Department and Police and also be represented by District Legal Services Authority. The task force may meet and review the progress of implementation of Action Plan on weekly basis and also carryout random checks. It would also be appropriate to have a Monitoring Committee under chairmanship of Divisional Commissioner (Jodhpur) to monitor progress of implementation of Action Plan for Pali as well as Jodhpur industries including CETPS as has already been directed by the Hon'ble Tribunal.***



10. The Tribunal considered the matter vide order dated 31.01.2019. **In view of serious violation of environmental norms, in violation of earlier orders, the Tribunal required the CETP operator to pay compensation of Rs.1 Crore and the State to pay compensation of Rs.20 crore on polluter pays principle** for restoration of the environment and also directed remedial action to control pollution and to provide relief to the victims, as follows:

- I. *The concerned authorities in the state **should implement the upgraded/revised Action Plan suggested by the Committee.***
- II. *The Secretary, Department of Agriculture, Government of Rajasthan shall **get an assessment done on loss of agriculture to the farmers/villagers, on the damages caused to agriculture land by use of contaminated water of river Bandi as well as to the wells in nearby area and submit a report within one month, suggesting compensation to the farmers (one time ex-gratia).***
- III. *The Secretary, Department of Health of the State shall **file a report on status of health of villagers in the area due to use of contaminated water within one month and also report on health check-up camps organized. He will also report on action taken on any previous work/reports on such incidences.***
- IV. *The Secretary for Water Resources of the State Government and Central/State ground water agencies will **file, through its Secretary, report on status of ground water reserves, and quality in the catchment of Bandi. The report should clearly highlight status of ground water contamination in context of industrial and sewage discharge in the open. Report should also be filed in context of providing potable water to the affected villagers, including setting up of water purification/treatment plants through Polluters. Action taken report to this effect should be filed within one month.***
- V. *The Secretary of the State Environment Department should **file a report on actions taken on the report of National Productivity Council prepared in the year 2010 relating to "Study of Health and Environment impact due to pollution from textile units in Pali". This report was prepared at the instance of Department of Environment, Government of Rajasthan. The status report should be filed within one month.***
- VI. ***We direct the State Transport Department to keep vigil at different check-posts within the districts of Pali to control and prohibit discharge of unauthorized effluents through***

**tankers into river Bandi or at any other locations. This action should also include prohibiting entry of any unauthorized tankers from the neighbouring districts. The daily report to this effect should be e-mailed to the office of the Collector (Pali) and to the Regional Office of State PCB.**

- VII. We direct Central Ground Water Board (CGWB) to file status of ground water scenario in Pali district indicating; (a) pendency of applications for grant of permissions received from industries (b) ground water level and its quality in the Pali district.
- VIII. We direct Rajasthan Pollution Control Board to grant consents under the Water Act to the industries and disseminate the status on its website. No industries should be allowed to operate without having valid consent. **The action should also be taken so that the member units to the CETP should have at least, pH correction before letting out the effluent in a closed conduit reaching to CETP. We further direct RSPCB to resolve the issue relating to granting of consent to CETP (Unit No.6) stipulating zero liquid discharge with reference to river Bandi and ensuring that the treated effluent is supplied to the Member Units. RSPCB should ensure that no industrial and sewage effluent is discharged into the river (even treated) and instead, it should be utilized by the industries. The Board should take coercive action against the defaulting industries including imposing environment compensation as well as launching prosecution. A report to this effect, shall be filed before 1st of March, 2019. In case of failure, the Tribunal will take coercive action against the Board.**
- IX. RSPCB should monitor the compliance and file reports to the tribunal. First such report should be filed before 01.03.2019.
- X. Further, the new STP of 15 MLD which is reported to have been under constructions, should also be equipped so that treated effluents are supplied to the industries.
- XI. **We direct CETP operator to set up system for proper treatment and recovery of water for supply to the Member Units and minimizing use of ground water to almost zero level, within two months.**
- XII. We direct the Commissioner, Pali Nagar Nigam to set up the required system to meet the standards for 7.5 MLD sewage treatment plant and not to discharge treated effluents into river Bandi.
- XIII. **The Divisional Commissioner (Jodhpur), will have a plan prepared for dredging of river Bandi and also canalising it at an appropriate locations within one month. While issuing such directions natural conditions and ecology should be protected.**

XIV. *We further direct RSPCB and RIICO and the Industrial Association of Pali to use the treated effluents for industrial purpose. Any further requirement of finished water, may be undertaken at the cost of industries. This action should be completed within one month.*

XV. ***We direct the Chief Secretary of the State of Rajasthan to deposit Rupees twenty Crores as an interim amount, within one month, towards environment compensation to CPCB, which may be recovered from the polluters. Chief Secretary will also ensure that the aforesaid Reports called for on Health, Agriculture and Ground Water are filed by the concerned Secretaries, within time.***

XVI. ***We impose environment compensation of Rupees One Crore on CETP operators for discharging effluents into river Bandi and not setting up system for reuse of treated water for supplying to the industries to be deposited with CPCB, within one month.***

XVII. *We direct Collector, Pali to review the status of compliance of directions of the Tribunal weekly and the same be reviewed by the Divisional Commissioner, (Jodhpur) in one month.”*

11. **By further order dated 18.10.2019, the Tribunal directed verification of status of compliance by the CETPs and the industries, in comparison to the earlier status, by an expert (Prof. AP Singh from BITS Pilani). The report 27.11.2019 was considered on 18.12.2019.** It was found that the functioning of the CETPs was still not satisfactory. The industrial effluents from the units connected to the CETPs were not being treated and were being discharged in open fields or in the river. Relevant extracts from the order dated 18.12.2019 are as follows:

*“6. The Court Commissioner had made following observations on the functioning of the Common Effluent Treatment Plants (CETPs) at Pali, Rajasthan:*

**“ CETP – 1:**

- *It is non-operative.*

**CETP-2:**

- *This CETP is meant for receiving effluents from 282 textile units of Mandia road industrial area, Pali. At the time of inspection on 11th November, 2019 following observations were noted:*

*o The permitted operated capacity of CETP-2 has been prescribed as maximum up to 5.4 MLD by the State Pollution Control Board against its designed capacity of 8.4 MLD). It is surprising how the plant is running underflow at the time of inspection, especially when 282 textile units are to be served from Mandia road industrial area, Pali.*

*o Though the provision of an electromagnetic meter has been provided after the equalization tank (in transfer line to flash mixer section), it was initially non-functional and was installed recently just few days before the inspection visit of Commissioner. It is to be noted that the flowmeter is required to be installed at the inlet point of conveyance influent system (before Conduit Termination Pit) rather than providing it after the equalization tank (in transfer line to flash mixer section). Also, flow and effluent quality data are not being monitored through SCADA system at CETP-2 which is the violation of condition no. 16 stipulated in CTO order no. 2017-2018/PLG/1025 dated 19/06/2017.*

*o There is no recording of effluent flow at the outlet of CETP-2. No flow meter exists at the outlet which is violation of condition no. 7 stipulated in CTO order no. 2017-2018/PLG/1025 dated 19/06/2017. It is very essential that the flow at the outlet of CETP-2 be measured accurately with proper flowmeter to ensure that the same flow is being discharged into the inlet of CETP-6 especially when both CETPs are located far away and not in the same premise.*

*o Scrapper of oil & grease trap was nonfunctional.*

*o CETP-2 is non-complying with respect to input parameter quality parameters such as pH (=11.1), total suspended solids (848 mg/L). Similarly, as per RSPCB test results of samples, lead concentration was found 1.08 mg/L at the outlet of CETP-2 which is also non-complying.*

*o Log book of operation, electric meter/water meters'/chemicals consumption etc. are not maintained properly. From the examinations of the produced log book, it has been inferred that artificial data have been created with instant entry in the log book. Consumptions of chemicals and utilities are not recorded.*

*o CETP-2 is non-compliance with respect to conditions numbers 16, 17, and 18 stipulated in the CTO order no. 2017-2018/PLG/1025 dated 19/06/2017.*

*o Records of generation and disposed sludge are not being maintained in the prescribed format for the last six months.*

*o Condition of secondary treatment units was clearly revealing that biological treatment is very poor and failed.*

*o Neither run hour meters are provided nor any log book is maintained for operation of influent/effluent handling pumps*

*installed with different units of CETP. In absence of same, regulated operation of CETP may not be ascertained.*

*o Records related with routine engineering maintenance are not being maintained.*

*o Though CETP-2 is physically present, it is essentially being used as a pumping station to receive the wastewater from industries and pump the same to CETP-6 without any effective treatment.*

*o Due to above deficiencies and observations made, it is inferred that CETP-2 is noncomplying with respect to various conditions stipulated in the CTO.*

**CETP- 3:**

*• The consent granted for this CETP is valid till 31st March,2022 for install capacity of 9.080 million litres per day (MLD). Though the plant has been planned to cater to the needs of 62 units located in RIICO industrial area and Mahavir Udyog Nagar, it is not in operation for the last six (6) months.*

**CETP-4:**

*• This plant is presently operational without any formal CTO letter because consent to operate under Water Act, 1974 was valid upto 30th September, 2018 and the CETP IV still needs to get consent to operate.*

*• This CETP has an installed capacity of 12.0 MLD to cater to the needs of 215 industries located in Punayata industrial area.*

*• The treated effluent from this plant goes to CETP-6 for further treatment.*

*• No correlation could be established between effluent discharged from CETP-4 into CETP-6 and influent received at CETP-6 from CETP-4 due to lack of appropriate flowmeters at proper location though there exists a flowmeter at the outlet of CETP-4. It is very essential that the flow coming from the outlet of CETP-4 be measured accurately at the inlet of CETP6 with proper flowmeter to ensure that the same flow is being discharged into the inlet of CETP-6 especially when flexible pipes are being used and both CETPs are located far away and not in the same premise. There is no proper layout of piping systems/signage at the plant which ascertain whether these pipes are coming from a particular treatment unit (e.g. CETP-2, CETP-4 etc.) or coming directly from industrial units.*

*• Aeration system in equalization tanks has not been found effective at the time of inspection.*

*• Sludge drain facility has not been provided in equalization tanks.*

- *In the absence of metering arrangements at appropriate location in inlet of Conduit Termination Pit of CETP-4, actual quantum of influent could not be assessed /recorded accurately. Thus, it is difficult to ensure whether plant is running within the prescribed flow capacity as given in the CTO or not.*
- *Log book of operation, electric meter/ water meters'/chemicals consumption etc. are not maintained properly. From the examinations of the produced log book, it has been inferred that artificial data have been created with instant entry in the log book. Analysis of treated water quality is clear indicator of poor O & M of CETP.*
- *Records of generation and disposed sludge are not being maintained in the prescribed format for the last six months.*
- *Filter Press has not been provided for dewatering of sludge.*
- *The Programmable Logic Controller (PLC) based chemical dosing facilities have not been provided. During inspection related operations are being performed manually by unskilled labour in an unscientific manner. In the absence of any surveillance and automated system, usage of appropriate chemicals with optimum dose for treatment cannot be ascertained.*
- *Condition of secondary treatment units was clearly revealing that biological treatment is very poor and failed.*
- *Record of Total Suspended Solids (inlet and outlet) and sludge drains etc. are not being maintained for primary clari-flocculator.*
- *Controlling parameters like dissolved Oxygen (D.O.) & Mixed Liquor Suspended Solids etc. are not monitored in the aeration tank.*
- *Record of sludge drains was not being maintained for secondary clarifier. In the absence of such monitoring efficiency of clarification at secondary (biological sludge) treatment could not be established.*
- *Performance of centrifuge was poor. Sludge (in Slurry form) was being filled in tractor trolley.*
- *Neither run hour meters are provided nor any log book is maintained for operation of influent/effluent handling pumps installed with different units of CETP.*
- *Bulk quantity of sludge was stored in shaded storage area. Sludge is also stored in open space as shades provided for storage of sludge are not of sufficient capacity.*
- *General house keeping all around sludge storage area was very poor. Even the yard site and other area were becoming greenish due to spillage of sludge. The dried sludge was becoming air born with movement of vehicles.*

- *Records of sludge generation and disposal are not being maintained in prescribed FORM-3 in HWMR2016.*
- *Examination of past data revealed that disposal of sludge is almost equal to daily generation and, if a large quantity of hazardous sludge is stored in yard and lying in open lagoon over the years, it clearly indicates that sludge is not being disposed at same rate as it is being generated. It is clear indication of violation of Rule 8 of the HWMR 2016, if large quantity of sludge is continuously being stored in the yard since long.*
- *Referring to quantity of sludge stored in yard and on basis of details of sludge disposal it was concluded that final disposal of sludge, to SLF or for Co-processing, is not being done as per provisions of Rule 8 of the Hazardous and Other Waste (Management and Transboundary Movement) Rules 2016.*
- *Accumulated (Stored) sludge in the yard may become a cause of severe environmental degradation & water pollution in that vicinity.*
- *Online treated effluent quality monitoring analyzers were not in operation.*
- *Though CETP-4 is physically present, it is essentially being used as a pumping station to receive the wastewater from industries and pump the same to CETP-6 without any effective treatment.*
- *CETP-4 is non-complying with respect to water quality parameters. The samples taken from inlet and outlet of CETP-4 were tested by Rajasthan State Pollution Control Board, Head Office, Central laboratory, Jaipur.*
- *This plant is 'non-complying' with respect to:*
  - o *Not meeting the standards (condition given in the consent attached as Annexure R-8, page 2966-2971 of earlier report submitted on 16th January 2019). In fact, at present this CETP is operating without valid consent of State Board as the consent granted was expired on 30.09.2018.*
  - o *Not utilizing effluent with high rate transpiration system (HRTS) as specified under condition 8 of the consent.*
  - o *Upgradation of CETP for ZLD and tertiary system (condition 20 and 21 of the consent).*
  - o *In addition, CETP-4 is not complying with the condition no. 9, 10, 11, 16, 22, 24 & 25 of the consent.*

**CETP-5:**

- *This plant is yet to be completed.*

**CETP-6:**

- Consent to operate to this Plant under Section 25/26 of Water Act, 1974 and under Section 21 of Air Act, 1981 was granted on 27.02.2019 and is valid up to 31.01.2023 with the condition of zero liquid discharge with scientific arrangement for disposal of RO rejects to achieve the status of Zero Liquid Discharge (ZLD). The work for installation of Zero Liquid Discharge facility is yet to be started.
- This CETP is meant to treat the waste water being received from CETP 2, 3 (non-functional at the time of inspection on 10.11.2019) and 4 with a total installed capacity of 12.0 MLD.
- The CETP-6 is based upon physico-chemical, secondary biological treatment technology followed by Tertiary treatment facility. Tertiary treatment facility is comprised of Pressure Sand Filters and Activated carbon columns only. (At the time of surprise inspection on 21.11.2019, Pressure Sand Filters and Activated carbon columns were non-operational).
- As per consent granted to CETP-6; no waste water is to be disposed and it should be based on ZLD. However, it has been found that effluent wastewater from CETP-6 is being discharged and getting stored in a pool of temporary arrangement of earthen walls constructed on the bed of river Bandi itself.
- Neither run hour meters are provided nor any log book is maintained for operation of influent/effluent handling pumps installed with different units of CETP.
- The electromagnetic meter provision has been made after the equalization tank (in transfer line to flash mixer section), which is not appropriate location for capturing inflow of the plant. It should be installed at the inlet point of conveyance influent system (before Conduit Termination Pit or receiving inlet sump). Also, it is not being monitored through SCADA system at CETP-6.
- No correlation could be established between effluent coming from CETP-2, CETP-3 & CETP-4 into CETP-6 due to lack of appropriate flowmeters at proper location. It is very essential that the flow coming from the outlets of CETP-2, CETP-3 & CETP-4 be measured accurately at the inlet of CETP-6 with proper flowmeter to ensure that the same flow is being discharged into the inlet of CETP-6 especially when flexible pipes are being used and both CETPs are located far away and not in the same premise. There is no proper layout of piping systems/ signage at the plant, which can ascertain whether these pipes are coming from a particular treatment unit (e.g. CETP-2, CETP-4 etc.) or coming directly from the industrial units.
- Online effluent quality monitoring system is not being operated and maintained. Also, for exact metering of discharge water, outlet meter is to be installed into the discharge line of ACF & PSF section.
- The Programmable Logic Controller (PLC) based chemical dosing facilities have not been provided. During inspection, related



*operations are being performed manually by unskilled labor in an unscientific manner.*

- *Record of Total Suspended Solids (inlet and outlet) and sludge drains etc. are not being maintained for primary clari-flocculator. In the absence of such monitoring efficiency of clarification of primary (chemical sludge) effective treatment could not be ascertained.*

- *As per technical design of this CETP, clarified water tank has not been provided before SBR.*

- *Designed/Original PLC based operation of SBR is not in use. Different operations of SBR section are controlled manually.*

- *Records of regular back washing of tertiary treatment units as well as replacement of sand filter media and activated carbon columns is not being maintained.*

- *Record of replacement of filter media is not available with CETP operator. It was reported that the media was replaced long back. Further, the result of treated effluent is clear indicator of poor efficiency of ACF & MGF.*

- *Sludge generation from CETP-6 unit is about 700 MT/month. Examination of the past data revealed that disposal of sludge is almost equal to daily generation. However, about 6750 MT sludge has been found stored at common sludge yard of CETPs at time of inspection, which is a clear indication that generation and disposal data provided in the record is not authentic. It was told that even more than 10000 MT of sludge have been stored in similar manner for a very long time, which is violation of provisions of Haz. Waste (M, H & TBM) Rules 2016. The Management of CETPs does not has any action-plan for the lifting & disposal of the stored sludge in prescribed time frame under H & OW (M & TM) Rules, 2016.*

- *Records of generation and disposed sludge are not being maintained in prescribed format.*

- *Filter Press has not been provided for dewatering of sludge.*

- *Bulk quantity of sludge was stored in shaded storage area. Sludge is also stored in open space as shades provided for storage of sludge are not of sufficient capacity.*

- *General house keeping all around sludge storage area was very poor. Even the yard site and other areas were becoming greenish due to spillage of sludge. The dried sludge was becoming air born with movement of vehicles.*

- *Accumulated (Stored) sludge in the yard would become a cause of severe environmental degradation & water pollution in that vicinity.*

- As per R.O., Pali, CETP authorities are not maintaining and sharing complete record of effluent treated, chemicals consumed, energy consumption, records of sludge disposal and disposal etc. They do not share such data on monthly basis which is violation of point no. 10 & 16 stipulated in the CTO order dated 27/02/2019.

- o The quality of treated effluent is not within the prescribed standards limit. For example, concentration of Chloride is 2560 mg/L and Fluoride is 3.78 mg/L which are noncomplying to the standards.

- o Observations made by the RSPCB in last few months reveal that quality of treated effluent from CETP-6 is not complying with respect to other parameters as well.

- o Also, online treated effluent quality monitoring analyzers were not in operation. o The working different treatment units at CETP-6 has been found poor. Also, Routine maintenance of the plant is very poor. Records related with routine engineering maintenance are not being maintained properly.

- o A lot of noise pollution occurs if D.G. sets are functioning. Intense noise was observed from compressor house. Acoustic enclosure for control noise level has not been provided.”

7. The Court Commissioner also made a surprise visit to CETP-6 on 21.11.2019 and has observed as follows:

“• Just after arrival at the plant, all incoming pipes coming to the inlet sump were running full of flow. However, just within 5 minutes, inlet flow from one of the pipes was stopped and flow was reduced in other pipes. It is felt that it was done intentionally to reduce the inflow. The flow meter reading was observed as 420 m<sup>3</sup>/hr. Surprisingly there was no variation observed in the flow meter during this time. Probably it is because it is placed at the wrong location to capture inlet flow or flowmeter might not be working accurately or it might have been calibrated to show a particular fixed range of flow only. It may be recalled that flowmeter was recording similar range of flow of (about 427 m<sup>3</sup>/hr) during the inspection on 10.11.2019 when there was low inlet flow observed as compared to that during the surprise visit on 21.11.2019. The difference in water level in inlet sump can be seen on both inspection dates.

- One additional flexible pipe line discharging raw influent into inlet sump has also been observed during the surprise visit which was not there during a visit on 10-11th November 2019. On enquiry, it was told that it is laid down from Punayata Industrial Area to inlet sump of CETP-6 to carry the industrial wastewater influent directly to CETP-6 without pretreatment in CETP-4, which is violation of the order of Hon'ble NGT Dated 26/05/2017.

- Samples were taken at inlet, just after secondary clarifier (ACF & PSF units) and at the outlet of CETP-6. Few critical parameters were tested in the Laboratory by the Commissioner. The results

were quite alarming as shown in Table 1. The analysis report of treated wastewater of CETP collected at the final outlet of CETP-6 indicates that six important parameters out of eight, which were tested, are exceeded much beyond the prescribed limit of design parameters. These are COD with observed value of 940 mg/L against the prescribed limit of 250 mg/L; Chloride value of 3757 mg/L against the prescribed limit of 1000 mg/L; Total Suspended solids (TSS) value of 155 mg/L against the prescribed limit of 100 mg/L; Oil and grease value of 30 mg/L against the prescribed limit of 10 mg/L. BOD<sub>3</sub> (at 27 °C) value of 320 mg/L against the prescribed BOD limit of 20 mg/L; The values of other parameters were found to be pH = 8.0 (within limit); Total Dissolved Solids = 11140 mg/L, Total Hardness = 280 mg/L. The detailed analysis report is given in Table 1.

- Immediately, observations were made at the outlet to get effluent flow data. It was further surprising to note that the flow meter reading of outflow which was observed as 124 m<sup>3</sup>/hr reduced to 111 m<sup>3</sup>/hr which was further reduced to 92 m<sup>3</sup>/hr within 3-4 minutes. The colour of effluent at the outlet was also changed very dramatically from dark green to pale yellow within 3-4 minutes. At the time of surprise inspection, the sudden change in outlet flow and its colour from dark green to pale yellow within 3 to 4 minutes shows that-

- o The outlet treated effluent flow was possibly diverted and some clear water of same TDS might be introduced.

- o The flow was possibly reduced by sludge decanting from secondary clarifier to reduce the surface over flow rate.

- o Chances of introduction of any bleaching agent (Like sodium hypochlorite etc.) in the outlet pipe at the time of inspection may not be ruled out.

- o As stated earlier, the sludge generation is out of limit so probably, a part of the sludge might be recirculated to raw water or equalization tank or somewhere in the process of flow through pipes, which might be one of the reason of high COD at the outlet.

- o The BOD is also too high at the inlet of CETP6, hence reduction is not as per the stipulated limits. The main cause of BOD might be that some waste water stream be fed directly to the pipe/stream coming from primary CETPs (CETP-4 or CETP-2).

- o As the treated water has high COD in the test samples taken during the surprise visit as shown in Table 1, it shows that the chemical treatment is ineffective. Probably only pH correction might have been done at the site using some acid. The parameter reduction is only due to settling of the sludge in the clarifiers etc. PSF/ACF are initially nonoperative at the time of sudden inspection and were operated partially after some time, it was not clear whether they were in line or NOT. There is no pressure gauge/flow monitoring device available in

*PSF/ACF, which is essential in order to keep regular watch of working conditions of tertiary treatment units (basically it is only primary unit of tertiary treatment). Also at the time of sudden inspection, effluent at the outlet was having typical smell which was disappeared within 3-4 minutes at the time of inspection itself probably due to reduction in flow as stated earlier.*

• *Above observations clearly shows that CETP-6 is ‘noncomplying’ with respect to:*

*o Not meeting the effluent standards and several other conditions given in the consent.*

*o As per the technical data of CETP-6 provided at Annexure R-10 (page 2973-2977 of earlier report submitted to Hon. NGT on 16.01.2019). It is inferred that though this CETP-6 is designed based on raw water characteristics with BOD 700-1000 mg/L; COD 3000-3500 mg/L, Oil and grease 100 mg/L, the actual average values of these parameters at the inlet sump during the surprise visit has been found as 2360 mg/L (BOD); 4351 mg/L (COD); 460 mg/L (Oil & Grease) respectively (Table 1). These values are much higher than the designed values of parameters which clearly shows that the flow coming from CETP-2 and CETP-4 to inlet sump of CETP-6 is not complying the standards. Not only CETP-2 & CETP-4 are noncompliance with respect to their effluent (outlet) meeting requirement standards but also CETP-6 does not meet its input design parameters. CETP-3 was also found nonfunctional at the time of inspection.*

*o Similarly, CETP-6 does not meet its effluent design parameters standards as explained under item no. (iv) mentioned above (Table 1). It clearly indicates that the all CETPs are not complying with the standards.”*

8. *The Court Commissioner has also made observations on the status of River Bandi (Jodhpur by-pass) from a site located at NH-62 Jodhpur By-pass Bridge (upstream location of the river in Pali town) where ditches/pools in the river bed were seen.*

9. *Channelization work was going on to separate out effluent of industrial wastewater with natural river flow. From the By-pass Bridge, ponding of industrial treated effluents were observed in large area.*

10. *It has been found that effluent wastewater from CETP-6 is being discharged and getting stored in the pools (4 Nos.) of temporary arrangement of earthen walls (Dhora) construction on the bed of river Bandi itself. As this storage facility is spread in the area of about 107650 m<sup>2</sup> without any lining, the possibilities of leakage and seepage of stored effluent from earthen pool into the river cannot be denied, in addition to its seepage into the groundwater. This is vulnerable to contamination of fresh water resources especially when it accumulates highly contaminated treated effluent as can be*

observed in sampling test results conducted by RSPCB on 11.11.2019.

11. Interestingly, the concentration of some of the parameters of the sample taken from the Cess Pool (located at back side of plot no. 18, PIA Pali) is of similar order of magnitude as was measured by the commissioner for a sample taken at the final outlet of CETP-6 (within the premise) on 21.11.2019 during his surprise visit.

12. The following concluding observations were made with respect to performance of the CETPs:

*“ None of the CETPs is meeting the standards. These plants are ‘non-complying’ with respect to designed influent and effluent characteristics as described in section 6.0.*

*a. Not meeting the standards with respect to some parameters such as BOD, COD, Oil & Grease, Chloride etc.*

*b. The consent granted to CETP-2 for Collection, Generation, Reception, Storage of Chemical Sludge (Cat-34.3) @ 10 TPD was valid up to 31/07/2019.*

*c. CETP-4 is presently operational without any formal CTO letter because consent to operate under Water Act, 1974 was issued vide letter dated 26.11.2015 and the same was valid up to 30.09.2018. Agency has applied for renewal of consent to operate vide online application dated 30.06.2018. Agency has applied for renewal of consent to operate vide online application dated 30.06.2018.*

*d. Plantation in the CETP premises was not found adequate.*

*e. Untreated wastewater discharged from RIICO drain has been contaminating Bandi river. RSPCB should ensure that no industrial and sewage effluent is discharged into the river (even treated) and instead, it should be utilized by the industries as directed by the Hon’ble Tribunal vide its order dated 31.01.2019.*

*f. Six out of total eight parameters tested by the Commissioner during his surprise visit on 21.11.2019, have alarming values, much beyond the permissible one, in the effluent of CETP-6 at the outlet. Trade effluent after treatment by the CETPs do not meet the prescribed standards as was noticed during the surprise visit on 21st November 2019.*

*g. In fact, all the CETP units have been found as prolonged noncompliance of consent conditions. These plants are ‘non-complying’ with respect to designed influent and effluent characteristics, and Operation and Maintenance issues, such as chemical’s consumption, energy usage, handling, disposal and management of sludge, acoustic for D.G. sets etc. as described in Section 6.*

*h. The electromagnetic meter provision has been made after the equalization tank (in transfer line to flash mixer section), which is not appropriate location for capturing inflow of the plant. It has to be installed at the inlet point of conveyance influent system (before Conduit Termination Pit or receiving inlet sump).*

*i. The present tertiary treatment available at CETP-6 and provision of PSF & ACF at the plant is eyewash.*

*j. SCADA online monitoring system in any of the CETPs are non-functional.*

*k. As per the earlier CTO issued dated 23.03.2015, CETP trust, Pali was asked to install Reverse Osmosis (R.O.) Plant of adequate capacity supported with scientific arrangement for disposal of RO rejects to achieve the status of ZLD within 10 months to ensure compliance of E.C. conditions and consent conditions, which was not fulfilled and the earlier time frame given for installing ZLD system was expired in January 2016. The deadline to achieve the status of ZLD has been extended in the revised CTO upto 31.08.2020.*

*l. As per consent granted to CETP-6; no waste water is to be disposed and it should be based on ZLD. However, it has been found that effluent wastewater from CETP-6 is being discharged and getting stored in a pool of temporary arrangement of earthen walls (Dhora) constructed on the bed of river Bandi itself. The accumulated effluent received from the outlet of CETP-6 at Cess Pool (Dhora) is highly contaminated and has noncompliant quality as discussed in Table 2. The temporary and non-engineered structure of such kind would be vulnerable to both groundwater contamination and river Bandi due to seepage of stored effluent.*

*m. The Programmable Logic Controller (PLC) based chemical dosing facilities have not been provided at any of the CETPs. During inspection related operations are being performed manually by unskilled labor in an unscientific manner. In the absence of any surveillance and automated system, usage of appropriate chemicals with optimum dose for treatment cannot be ascertained.*

*n. Neither run hour meters are provided nor are any log book is maintained for operation of influent/effluent handling pumps installed with different units of CETP.*

*o. Accumulated (Stored) sludge in the yard has become a cause of severe environmental degradation & water pollution in the vicinity.*

*p. General house keeping all around sludge storage area was very poor. Even the yard site and other area were becoming greenish due to spillage of sludge. The dried sludge was becoming air born with movement of vehicles.*

*q. Examination of past data revealed that disposal of sludge is almost equal to daily generation and, if a large quantity of hazardous sludge is stored in yard and lying in open lagoon over the years, it clearly indicates that sludge is not being disposed at same rate as it is being generated. Sludge generation from CETP-6 unit is about 700 MT/month. Examination of the past data revealed that disposal of sludge is almost equal to daily generation. However, about 6750 MT sludge has been found stored at common sludge yard of CETPs at time of inspection, which is a clear indication that generation and disposal data provided in the record is not authentic. The Management of CETPs does not has any action-plan for the lifting & disposal of the stored sludge in prescribed time frame under H & OW (M &TM) Rules, 2016.*

*r. There is no pressure gauge/flow monitoring device available in PSF/ACF, which is essential in order to keep regular watch of working conditions of tertiary treatment units.*

*s. There is no proper layout of piping systems/signage at the plant, indicating details of inflows/outflows carrying out by the piping system. It is not clear whether some of these pipes are coming from a particular treatment unit (e.g. CETP-2, CETP4 etc.) or coming directly from the industrial areas.”*

**The Tribunal directed the CETP to pay further compensation of Rs. 10 crores for the damage to the environment to the CPCB. The State PCB was directed to impose compensation of Rs. 10 lac each against the non-compliant units.**

12. In view of above background, question for consideration is further course of action.

13. In compliance of order dated 18.12.2019, an additional affidavit filed by the Additional Chief Secretary (ACS), Industries, on 31.01.2020, stating that interaction session was held with the local entrepreneurs and office bearers of the CETP foundation on 02.01.2020. A visit to the CETPs was undertaken on 03.01.2020. The deficiencies were found in CETPs 1,2, 3, 4 and 6. Further meetings were held on 10.01.2020, 13.01.2020 and 21.01.2020. The CETP operator was directed to prepare a time bound action plan to remedy the deficiencies pointed out by the Court

Commissioner, appointed by this Tribunal vide order dated 18.10.2019. The affidavit mentions the proposal to remedy the deficiencies in functioning of the CETPs in terms of suggestions of the Court Commissioner. Further mention is made to the action plans submitted by the Municipal Council, Pali, the District Industries Centre, Pali and the RIICO Limited, Pali.

14. The State PCB has filed its affidavit on 31.01.2020 in respect of compliance status by the industrial units. According to the affidavit, out of 569 industries, there were deficiencies in 95 for which show cause notices were given. Out of the industries having ETPs, two were closed. Nine were found closed. Further report of compliance with regard to environmental compensation and inspection of the remaining units will be given later. However, no further report has been filed even though 10 months have passed since filing of the above affidavit nor learned Counsel appearing for the PCB is aware of current factual position.

15. Affidavit filed by the Divisional Commissioner on 01.02.2020 purports to give the status of interaction with the concerned departments. The affidavit filed by the Collector on 01.02.2020 also mentions the dates of meetings held with the concerned departments.

16. The Respondent No. 5 (CETP Operator) has filed its affidavit on 14.02.2020 giving the action plan which was filed before the ACS, Industries. The synopsis of the work done mentions the disposal of sludge, SCADA online monitoring systems in the CETPs, SCADA for member units, electromagnetic flow meter, achievement of operational standards, appointment of technical advisor, implementation of ZLD at CETP unit 6, plantation in CETP. Status/Compliance report has also been filed with



regard to the implementation of suggestions of the Court Commissioner dated 18.12.2019.

17. From the above resume of proceedings, it is patent that **four independent fact-finding reports (dated 26.10.2016, 15.4.2018, 15.1.2019 and 27.11.2019) have shown continuous and rampant violation of industrial norms by the industries in discharging untreated effluents in water bodies or on land. This has resulted in contamination of water, damage to the soil and adverse impact on environment and public health. There is no authentic and updated status of compliance available.** The affidavit of the ACS Industries merely mentions proposal for remedial action. Same is the position of the affidavit of the CETP operator. The PCB has still not taken action against the polluting industries as per directions in order dated 18.12.2019. Review applications of the CETP Operator and the Industries Association, being Review applications 3 and 6 of 2020 were dismissed on 19.2.2020. Still, compensation of Rs.10 crore has not been deposited as per order dated 18.12.2019. IA 89/2020 has been filed for modification of order dated 18.10.2019 by the Rajasthan Textile Hand Processing Association with regard to environment compensation of Rs. 10 lacs against the non-compliant units on the ground that the compensation is exorbitant. IA 95/2020 has been filed by the CETP operator for review of direction to deposit Rs. 10 crores as compensation with the CPCB in terms of order dated 18.12.2019 on the ground of financial difficulties. The applications are untenable in view of the said order having attained finality, after dismissal of review applications and will stand rejected. The order dated 18.12.2019 is based on expert verification reports about the deficiencies in the functioning of the CETPs and violation of environmental norms by discharge of untreated effluents in the water bodies and in the soil. **The**

**amount required to be deposited in terms of order dated 18.12.2019 be now deposited within one month, failing which the Tribunal will have no option except to take coercive measures under section 25 of the NGT Act read with section 51 CPC, which may include civil imprisonment of the office bearers of the management of the CETP.**

The CETP will be at liberty to recover 50% of the compensation to be paid from its members proportionate to the load, if found viable. The recovery will be as per law, only from member units who exceeded the prescribed load. It is, however, made clear that the Tribunal is not concerned with the inter-se dispute of CETP and its members. CETP will, in any case, be liable to pay compensation, already determined irrespective of whether it recovers the amount from its members or not. **The State PCB must comply with directions in the order dated 18.12.2019 against concerned polluting units failing which coercive measures will have to be taken against the Member Secretary and Chairman of the PCB. The Chief Secretary, Rajasthan may look into their failure so far as inaction being result of collusion is not ruled out, in absence of any explanation during today's hearing. For default in payment by the erring units in question, State PCB and the District Magistrate, Pali must ensure disconnection of the electricity and water supply of the erring units. The compliance report may be filed by the CPCB, State PCB and the District Magistrate, Pali before the next date.**

**Likewise, the Chief Secretary, Rajasthan must also comply with the direction in the order dated 18.12.2019 to deposit Rs. 20 crores with the CPCB within one month, failing which the Tribunal may have to take coercive measures. The State will be at liberty to recover the amount from the erring officers/units.**

The amount recovered is to be spent for restoration of the environment as per restoration plan to be prepared in terms of this order.

18. We are also of the view that though the problem of water pollution by the textile and other industries in the area has been in issue first before the High Court and then before this Tribunal, for the last more than 15 years, the first order relied upon in the proceedings is the order of the High Court dated 9.3.2004 and non-compliance has continued, as already noted. There is thus need for stringent approach and continuous monitoring of directions already issued by this Tribunal at the ground level. While the Tribunal has determined interim environmental compensation on ad hoc basis, the final compensation needs to be assessed as per laid down parameters.

19. Having regard to the factual position noted above, we direct constitution of a Monitoring Committee to be headed by Justice Prakash Chandra Tatia, (former Chief Justice of Jharkhand High Court), presently stationed at Jodhpur, who is also heading another Committee for monitoring compliance of pollution norms at Jodhpur, in terms of recent order of this Tribunal dated 23.11.2020 in *OA 329/2015, Gram Panchayat ARABA vs. State of Rajasthan & Ors.* The Committee will also have as its members

- i. Nominee of CPCB
- ii. Nominee of State PCB
- iii. District Magistrate, Pali
- iv. Dr. Ajit Pratap Singh, Prof. BITS Pilani, District Jhunjhunu, Rajasthan

20. The State PCB will be the nodal agency for coordination and compliance. The District Magistrate may facilitate the functioning of the

Committee by providing logistics and such other facilities as may be necessary. The Chairman of the Committee will be entitled to remuneration/honorarium to be determined in consultation with the Chief Secretary, Rajasthan. It will be permissible to have consolidated remuneration for the task to be executed in *O.A. No. 329/2015* (supra), in the present matter as well as in *O.A. No. 34(THC)/2014, Digvijay Singh vs. State of Rajasthan & Ors.* wherein a separate order is being passed today. This will be payable out of the consent funds of the State PCB.

21. It will be open to the Committee to conduct proceedings by video conference, if so required. The Committee will be at liberty to associate any other independent Expert or Institution. The Committee may take stock of compliance of environmental norms with reference to status found in the earlier studies and the status which may be found on the ground now particularly with reference to orders dated 31.01.2019 and 18.12.2019 and other associated issues. The Committee may interact with all concerned stakeholders, including the villagers through their panchayats and give its recommendations for future course of action, including the final quantum of compensation to be recovered on "Polluter Pays" principles and plan for restoration. The Committee may hold its first meeting within one month and, after taking stock of the situation, may update the action plan within one month thereafter which may propose to remedy the ground situation within six months. The Committee may give its first action taken report as on 31.03.2021 before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. While furnishing the report to this Tribunal, a copy thereof may be furnished to the Chief Secretary, the Additional Chief Secretary, Industries, Rajasthan and other stakeholders, who are required to take remedial steps.

22. Any party aggrieved by the report can put forward its submissions to this Tribunal before the next date. The concerned authorities will be at liberty to carry out the recommendations of the Committee, if and to the extent there is no objection to such recommendations. It will no longer be necessary for the MoEF&CC and CGWA to appear in these proceedings till further orders.

List for further consideration on 20.04.2021.

A copy of this order be forwarded to Chief Secretary and Additional Secretary, Industries, Rajasthan, Justice Prakash Chandra Tatia, (former Chief Justice of Jharkhand High Court), now at Jodhpur, the CPCB, the State PCB, the District Magistrate, Pali and Dr. Ajit Pratap Singh, Prof. BITS Pilani, District Jhunjhunu, Rajasthan, MoEF&CC and CGWA by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

December 07, 2020  
Original Application No.32 (THC)/2014  
(CWP No. 9503/2012)  
(I.A. No. 89/2020&I.A. No. 95/2020)  
DV