

Item No.3

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.510/2022

Ramnaresh

...Applicant

Versus

State of U.P. & Ors.

...Respondents

Date of hearing: 29.08.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the applicant.

Respondent: Ms. Priyanka Swami, Advocate for State of Uttar Pradesh.  
Mr. Arvind Kumar, Advocate for UPPCB.

**Application is registered based on a letter petition received by Email.**

**ORDER**

1. The grievance in the present application is regarding discharge of untreated sewage in Pameri drain which is adding to pollution of River Yamuna.

2. Vide order dated 30.08.2022, this Tribunal constituted a Joint Committee which submitted report vide email dated 19.01.2023 and thereupon this Tribunal vide order dated 28.02.2023 sought response from respondents no. 1 to 4.

3. In compliance of order dated 28.02.2023, replies have been filed by respondent no. 1 vide email dated 01.05.2023, respondent no. 2 vide speed post received on 13.04.2023 by respondent no. 3 vide email dated 25.05.2023 and by respondent no. 4 vide email dated 28.04.2023.

4. We have gone through the replies filed. We find the replies to be materially deficient with respect to the relevant aspects. As per Joint

Committee Report Nagar Palika, Tundla, had constructed permanent roof top slab over the Pamari drain and Toilets had been constructed over the same for which septic tank and soak pit were separately provided. In the replies filed by respondents it has been mentioned that toilets constructed over the drain have been removed but there is no mention as to whether the roof top slabs have also been removed or not. During inspection the Joint Committee also noticed that the domestic sewage is discharged into Pamari drain which travels around 12 Kilometers and on the way sewage mixed waste water of the drain is used by the local farmers so that the whole water is temporarily stopped by the local farmers and there is no waste water/sewage flowing into drain and there is no direct discharge in river Yamuna. However, in the replies it has been admitted that during monsoon season the water from the drain may meet river Yamuna on account of rains. The Pamari drain originates from village Pamari and plays an important role in filling a pond measuring about 2 hectare on its way but ultimately Pamari Drain meets river Yamuna which is a Tributary of Ganga. Treatment of sewage/waste water flowing in Pamari drain is essential for preventing/controlling pollution in river Yamuna. In the replies it has not been mentioned as to what quantity of sewage is generated and what steps have been taken for treating the same before its discharge in other waterbodies. In the replies nothing has been mentioned regarding management of solid waste. The aspects of the treatment of sewage/waste water and management of solid waste in accordance with the environmental laws governing the same and compliance with the directions issued by this Tribunal in **O.A. No. 606/2018 In reg. Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues** need to be addressed by the respondents.

5. Accordingly, the respondents are directed to take appropriate remedial action in accordance with the environmental laws and direction issued by this Tribunal within two months and file Action Taken Reports on or before 05.11.2023 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

6. In view of the facts and circumstance of the case, we also consider personal appearance of the Executive Engineer, Irrigation Department, Executive Officer, Nagar Palika Parishad, Tundla and District Magistrate, Firozabad on the next date of hearing through VC to be essential for producing the relevant documents and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on that date.

7. List for further consideration on 07.11.2023.

8. A copy of this order be forwarded to Executive Engineer, Irrigation Department, Executive Officer, Nagar Palika Parishad, Tundla and District Magistrate, Firozabad by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 29<sup>th</sup>, 2023

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