

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

(By Video Conferencing)

Original Application No. 307/2022

In re : News item published in The Hindu dated 26.04.2022 titled **“Flow of industrial effluents into Phalguni results in fish kill”**

Date of hearing: 29.04.2022

**CORAM: HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. The matter has been put up in the light of captioned media report to the effect that hundreds of fishes were found dead and floating in Phalguni (Gurupura) river, downstream the Malavoor vented dam, following the flow of industrial and domestic effluent into the river. The administration has remained mute to the happening. The photographs in the media report suggest that color of the River has turned black due to the effluents released by the industries in Baikampady industrial area in Mangalore, Dakshina Kannada, Karnataka.

2. We have considered the matter. *Prima facie*, it appears that untreated effluents are being discharged in the river in question by the industries in the area, without any regulation by the concerned statutory authorities in violation of the Water (Prevention and Control of Pollution) Act, 1974.

3. Accordingly, it appears to be necessary to ascertain facts and ensure remedial action for enforcement of Rule of Law, protection of environment and bio-diversity. The stretch of Phalguni river may be treated as polluted river stretch for formulation and execution of restoration plan, defining timelines and budgetary backup. Field survey be conducted to identify sewage and industrial effluent entering into the said river. Target for restoration of water quality is required to be at level of Class B of Primary Water Quality Criteria.

4. We constitute a five-member joint Committee comprising of the Regional Officers of MoEF&CC and CPCB Bengaluru, State PCB, Director, Fisheries, Karnataka and District Magistrate, Dakshina Kannada District. The State PCB will be the nodal agency for coordination and compliance. The Committee may meet within two weeks and undertake visit to the site. It will be open to members of the Committee to participate online except for site visit. The Committee may interact with the stakeholders, ascertain the cause of the incident and suggest remedial measures. If polluters are identified, they may be put to notice so that they can file their response, if any, before this Tribunal. Based on the observations during the proceedings of the Committee, the statutory regulators may take remedial action, following due process of law. A factual and action taken report may be filed within two 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 with a copy to the identified polluters for their response.

List for further consideration on 01.08.2022.

A copy of this order be forwarded to the Regional Officers of MoEF&CC and CPCB Bengaluru, State PCB, Director, Fisheries,

Karnataka and District Magistrate, Dakshina Kannada District by email
for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

April 29, 2022
Original Application No. 307/2022
AB