

Item No. 01

(Court No. 1)

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

(By Video Conferencing)

Execution Application No. 28/2021  
IN  
Original Application No. 144/2017

K. P. Singh & Ors.

Applicant(s)

Versus

U. P. Pollution Control Board & Ors.

Respondent(s)

1. Amit Kishore  
R/o 16/246, Sector 16,  
Vasundhra, Ghaziabad, UP

2. Rajnish Yadav  
R/o Sundaram Khand, Sector 19,  
Vasundhra, Ghaziabad, UP

3. U.K. Aggarwal  
R/o 16-B/31, Sector 16,  
Vasundhra, Ghaziabad, UP

4. A.K. Sinha  
R/o 16-B/13, Sector 16,  
Vasundhra, Ghaziabad, UP

----- Applicant(s) in EA

Date of hearing: 18.10.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Prem Prakash, Advocate in E.A. No. 28/2021

**ORDER**

1. Grievance in this application is against non-compliance of order of this Tribunal dated 03.08.2018 in the above OA on the subject of preventing discharge of untreated sewer water from Prahlad Garhi village into storm water drain of Ghaziabad Nagar Nigam and also preventing dumping of MSW and other waste into said storm water drain in Sector 16, 17, 18 & 19 at Vasundra, Ghaziabad.

2. Case of the applicant is that failure to prevent discharge of polluted sewage in violation of the Water (Prevention and Control of Pollution) Act, 1974 is continuing which is also prohibited by the Hon'ble Supreme Court in *Paryavaran Suraksha v. UOI & Ors.*<sup>1</sup> This Tribunal in O.A. No. 593/2017, *Paryavaran Suraksha Samiti & Anr. v. UOI & Ors.* and other orders has laid down regime of compensation for failure to scientifically manage the sewage, to ensure clean environment.

3. While dealing with the OA, the Tribunal appointed a Court Commissioner and considering the report of the Court Commission, the Tribunal issued directions in the order dated 03.08.2018. Relevant part of the order is reproduced below:-

*“Looking to the issue raised the Tribunal had appointed a Court Commissioner who visited the site on 07-09-2017. A report of the visit was filed on 22-09-2017.*

*The suggestions made by the Court Commissioner are as under:*

***“Issue no.1 “As to whether the sewer drain from Prahlad Grahi Village is discharging sewage into the storm water drain maintained by Ghaziabad Nagar Nigam.”***

***Suggestions:*** *It is suggested that in order to prevent the overflow of water from runnel (naalis) of village, it shall be diverted to the main drain which will help the storm water drain to stay clean. There need to be a planned mechanism in place to ensure that the waste material is not thrown/disposed into the storm water drains and the same does not get accumulated in the future, especially during the rainy season when the drains overflow. Images of open runnel (naalis) which merges with Storm Water Drain are annexed herein as Annexure 2(colly).*

***Issue no.2 “Whether the directions of this Tribunal dated 18/05/2017 have been complied by the Ghaziabad Nagar Nigam.”***

***Suggestions:*** *That accumulation of cattle dung is causing serious obstacle in Drain due to which water is stagnated in*

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<sup>1</sup> (2017) 5 SCC 326

many part of the Main Drain in Prahlad Grahi Village, which causes the overflow of rain water during rainy season and it makes its way to the runnel(naalis) of Prahlad Grahi village. In order to restore the Drain to working condition, proper cleaning of Drain is required and suitable measures are needed to be taken for the disposal of cattle dung coming out of Illegal Dairies situated in the center of the Prahlad Garhi Village. The encroachment shall be removed.

**Issue no.3 “Whether the statement made by the Ghaziabad Nagar Nigam in para 10 of its reply affidavit reporting compliances is factually true and correct”**

**Suggestions:** That the area of Prahlad Grahi Village and Vasundra was inspected for the stretch of about 5 km. and to my utter shock no designated place for collection/storage of solid waste was notice. Further there is no designated place for dumping of waste at Vasundra. Upon quoting a query in regard to the dumping site, the officials staged that the designated site is encroached. In order to avoid any further piling of solid waste a suitable and impactful plan is required for the proper disposal of solid waste by the Development Authority. Once a place is designated the Solid Waste will not clog the Storm Water Drain as the same will be disposed at designated site. There was encroachment on the drain by the Residents which created problem for the proper cleaning of the Storm Water Drain. The same shall be removed for the free flow of water in the storm water drain and the drains shall thereafter be accessible for cleaning as well.

**Issue no. 4 “Inspect the other rain waster drain to report whether any sewage pipelines are connected and discharging sewage into the storm water drain.”**

**Suggestions:** It was observed that a drain parallel to the storm water drain was found closed/inoperative. The concerned department shall clean and put the said drain to use so that the load can be shared. Also the overflowing runnel(naalis) from the Prahlad Grahi shall be diverted to the main drain.

**Issue no.5 “Dumping of MSW and other waste has blocked storm water drain in sector 16, 17, 18 and 19.”**

**Suggestions:** The encroachment on the drain by the shopkeepers and residents needs to be kept in check in the area of Vasundra and there should be preventive measures implemented against any such future encroachment on the Storm Water Drain. Some images of encroached portion causing the obstruction in the flow of Drain area annexed herein as Annexure 5(colly).”

After having visited the site and looking to the states of affairs the Learned Court Commissioner has given various suggestions.

*In view of the grievance raised by the applicant and the report submitted by the Learned Court Commissioner, we are of the considered opinion that respondent shall comply with the suggestions given by the Commissioner in its later and spirit. For that purpose we grant four weeks time to the respondents if any work is required to be done and to restore the rain water drain to its original form. No obstacle/hindrance etc. should remain in the flow of water. It shall be the responsibility of Municipal Commissioner, Ghaziabad Nagar Nigam to ensure that the suggestion given by the Commissioner are carried out within time and he shall also file a report of compliance before the Tribunal by 10-09-2018. When the report is filed, the Office is directed to register the said report separately.”*

4. Thereafter, a status report was filed by the Municipal Corporation, Ghaziabad. The Applicants also filed execution application no. 10/2019 which was dealt with vide order dated 12.03.2019 directing the Commissioner, Municipal Corporation Ghaziabad to comply with the earlier directions. However, the discharge of untreated sewage in the storm water drain is continuing. The applicants also gave a legal notice dated 28.06.2021 to the Nagar Nigam Ghaziabad but the same has not been attended to.

5. We have heard learned Counsel for the Applicant and considered the matter in the light of orders passed in the present matter and orders of general applicability in other matters. The Tribunal considered the issue of scientific management of sewage in pursuance of directions of the Hon'ble Supreme Court in *Paryavaran Suraksha* case, supra. The Chief Secretaries of all the States/UTs, including Chief Secretary, UP appeared before the Tribunal in person. In view of the orders of the Hon'ble Supreme Court, the Tribunal directed adherence to the timeline for ensuring that no untreated sewage is discharged into any water body, failing which compensation is liable to be paid by the State and prosecution has to be initiated against the concerned violating officers,

apart from adverse entry in the ACR. Extracts from the orders of the Hon'ble Supreme Court and this Tribunal are reproduced below:-

***“Extracts from the judgement of the Hon'ble Supreme Court in Paryavaran Suraksha Samiti Vs. Union of India, supra***

***“7. Having effectuated the directions recorded in the foregoing paragraphs, the next step would be, to set up common effluent treatment plants. We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50%, that of the State Government concerned (including the Union Territory concerned) is 25%. The balance 25%, is to be arranged by way of loans from banks. The above loans, are to be repaid, by the industrial areas, and/or industrial clusters. We are also informed that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up “common effluent treatment plants”, according to the learned counsel, is not only financial, but also, the requirement of land acquisition, for the same.***

X.....X.....X.....

***10. Given the responsibility vested in municipalities under Article 243-W of the Constitution, as also, in Item 6 of Schedule XII, wherein the aforesaid obligation, pointedly extends to “public health, sanitation conservancy and solid waste management”, we are of the view that the onus to operate the existing common effluent treatment plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the municipalities (and/or local bodies) concerned, cannot be permitted to shy away from discharging this onerous duty. In case there are further financial constraints, the remedy lies in Articles 243-X and 243-Y of the Constitution. It will be open to the municipalities (and/or local bodies) concerned, to evolve norms to recover funds, for the purpose of generating finances to install and run all the “common effluent treatment plants”, within the purview of the provisions referred to hereinabove. Needless to mention that such norms as may be evolved for generating financial resources, may include all or any of the commercial, industrial and domestic beneficiaries, of the facility. The process of evolving the above norms, shall be supervised by the State Government (Union Territory) concerned,***

**through the Secretaries, Urban Development and Local Bodies, respectively (depending on the location of the respective common effluent treatment plant). The norms for generating funds for setting up and/or operating the “common effluent treatment plant” shall be finalised, on or before 31-3-2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the State Governments (or the Union Territories) concerned, shall cater to the financial requirements, of running the “common effluent treatment plants”, which are presently dysfunctional, from their own financial resources.**

11. *Just in the manner suggested hereinabove, for the purpose of setting up of “common effluent treatment plants”, the State Governments concerned (including, the Union Territories concerned) will prioritise such cities, towns and villages, which discharge **industrial pollutants and sewer, directly into rivers and water bodies.***
12. *We are of the view that in the manner suggested above, **the malady of sewer treatment, should also be dealt with simultaneously.** We, therefore, hereby direct that “sewage treatment plants” shall also be set up and made functional, within the timelines and the format, expressed hereinabove.*
13. ***We are of the view that mere directions are inconsequential, unless a rigid implementation mechanism is laid down.** We, therefore, hereby provide that the directions pertaining to continuation of industrial activity only when there is in place a functional “primary effluent treatment plants”, and the setting up of functional “common effluent treatment plants” within the timelines, expressed above, shall be of the Member Secretaries of the Pollution Control Boards concerned. **The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default. The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board concerned, as may be required, for the implementation of the above directions.** They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional **National Green Tribunal.***

14. To supervise complaints of non-implementation of the instant directions, the Benches concerned of the National Green Tribunal, will maintain running and numbered case files, by dividing the jurisdictional area into units. The abovementioned case files will be listed periodically. **The Pollution Control Board concerned is also hereby directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters.**

X.....X.....X.....

16. It however needs to be clarified, that the instant directions and time lines, shall not in any way dilute any time lines and directions issued by Courts or Benches of the National Green Tribunal, hitherto before, wherein the postulated time lines would expire before the ones expressed through the directions recorded above. **It is clarified, that the time lines, expressed hereinabove will be relevant, only in situations where there are no prevalent time line(s), and also, where a longer period, has been provided for.”**

**(emphasis supplied)**

**Extracts from orders of this Tribunal in OA 593/2017 :  
Order dated 21.05.2020**

26. Summary of directions:

- i. All States/UTs through their concerned departments such as Urban/Rural Development, Irrigation & Public Health, Local Bodies, Environment, etc. may ensure formulation and execution of plans for sewage treatment and utilization of treated sewage effluent with respect to each city, town and village, adhering to the timeline as directed by Hon'ble Supreme Court. STPs must meet the prescribed standards, including faecal coliform.

CPCB may further continue efforts on compilation of River Basin-wise data. Action plans be firmed up with Budgets/Financial tie up. Such plans be overseen by Chief Secretary and forwarded to CPCB before 30.6.2020. CPCB may consolidate all action plans and file a report accordingly.

Ministry of Jal Shakti and Ministry of Housing and Urban Affairs may facilitate States/UTs for ensuring that water quality of rivers, lakes, water bodies and ground water is maintained.

As observed in para 13 above, **100% treatment of sewage/effluent must be ensured and strict coercive action taken for any violation to enforce rule of law. Any party is free to move the Hon'ble Supreme Court for continued violation of its order after the**

**deadline of 31.3.2018. This order is without prejudice to the said remedy as direction of the Hon'ble Supreme Court cannot be diluted or relaxed by this Tribunal in the course of execution. PCBs/PCCs are free to realise compensation for violations but from 1.7.2020, such compensation must be realised as per direction of this Tribunal failing which the erring State PCBs/PCCs will be accountable."**

#### **Order dated 21.09.2020**

*"11. The Tribunal has already issued directions vide orders dated 28.08.2019 and 21.05.2020 for ensuring that no untreated sewage/effluent is discharged into any water body and for any violation compensation is to be assessed and recovered by the CPCB so that the same can be utilized for restoration of the environment, complying with the principle of 'Polluter Pays' which has been held to be part of 'Sustainable Development' and part of right to life. Control of such pollution is crucial for environment, aquatic life, food safety and also human health. .."*

#### **From OA 673/2018**

Order dated 6.12.19:

6. *The Hon'ble Supreme Court noticed the level of degradation of rivers in India and apathy of the authorities as follows:*

***"58. Rivers in India are drying up, groundwater is being rapidly depleted, and canals are polluted. Yamuna in Delhi looks like a black drain. Several perennial rivers like Ganga and Brahmaputra are rapidly becoming seasonal. Rivers are dying or declining, and aquifers are getting over pumped. Industries, hotels, etc. are pumping out groundwater at an alarming rate, causing sharp decline in the groundwater levels. Farmers are having a hard time finding groundwater for their crops e.g. in Punjab. In many places there are serpentine queues of exhausted housewives waiting for hours to fill their buckets of water. In this connection John Briscoe has authored a detailed World Bank Report, in which he has mentioned that despite this alarming situation there is widespread complacency on the part of the authorities in India."***<sup>2</sup>

***"4. We see Yamuna river virtually turned into a sullage. We take judicial notice of this situation. Similar is the position with Ganges. As it proceeds, industrial effluents are being poured in rivers. Sewage is also being directly put in rivers contributing to the river water pollution. We direct the Pollution Control Boards***

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<sup>2</sup> State of Orissa v. Govt. of India, (2009) 5 SCC 492

**of the various States as well as the Central Pollution Control Board and various Governments to place before us the data and material with respect to various rivers in the concerned States, and what steps they are taking to curb the pollution in such rivers and to management as to industrial effluents, sewage, garbage, waste and air pollution, including the water management. We club the ending case of water management with this matter.<sup>3</sup>**

XXX.....XXX.....XXX

11. In spite of above, in flagrant violation of law of the land, polluted water in the form of sewage, industrial effluents or otherwise has continued to be discharged in the water bodies including the rivers or the canals meeting the rivers. Violation of law is not only by private citizens but also statutory bodies including the local bodies and also failure of the regulatory authorities in taking adequate steps. There is no corresponding coercive action posing danger to rule of law when large scale violation of law is not being remedied. This leads to lawlessness.

12. It will be appropriate to note the crisis situation in the country on the subject of availability of potable water. The matter has been considered in the report of Niti Aayog on Composite Water Management Index (CWMI).<sup>4</sup> Following further information also needs to be noted:

- (i) India is suffering from the worst water crisis in its history and millions of lives and livelihoods are under threat. Currently, 600 million Indians face high to extreme water stress and about two lakh people die every year due to inadequate access to safe water<sup>5</sup>. The crisis is only going to get worse. By 2030, the country's water demand is projected to be twice the available supply, implying severe water scarcity for hundreds of millions of people and an eventual ~6% loss in the country's GDP<sup>6</sup>. As per the report of National Commission for Integrated Water Resource Development of MoWR, the water requirement by 2050 in high use scenario is likely to be a milder 1,180 BCM, whereas the present-day availability is 695 BCM. The total availability of water possible in country is still lower than this projected demand, at 1,137 BCM. Thus, there is an imminent need to deepen our understanding of our water resources and usage and put in place interventions that make our water use efficient and sustainable.
- (ii) India is undergoing the worst water crisis in its history. Already, more than 600 million people<sup>7</sup> are facing acute water shortages. Critical groundwater resources – which account for

<sup>3</sup> M.C. Mehta Vs Union of India- W.P. (Civil) No. 13029/1985 dated 25.11.2019

<sup>4</sup> Niti Ayog on "Composite Water Management Index", June 2018, [https://niti.gov.in/writereaddata/files/document\\_publication/2018-05-18-Water-Index-Report\\_vS8-compressed.pdf](https://niti.gov.in/writereaddata/files/document_publication/2018-05-18-Water-Index-Report_vS8-compressed.pdf).

<sup>5</sup>Source: WRI Aqueduct; WHO Global Health Observatory

<sup>6</sup>Source: McKinsey & WRG, 'Charting our water future', 2009; World Bank; Times of India

<sup>7</sup> Source: World Resource Institute

40% of our water supply – are being depleted at unsustainable rates.<sup>8</sup>

- (iii) Most states have achieved less than 50% of the total score in the augmentation of groundwater resources, highlighting the growing national crisis—54% of India’s groundwater wells are declining, and 21 major cities are expected to run out of groundwater as soon as 2020, affecting ~100 million people<sup>9</sup>.
- (iv) With nearly 70% of water being contaminated, India is placed at 120th amongst 122 countries in the water quality index.

13. As per statistics mentioned before the Lok Sabha on April 6, 2018, waterborne diseases such as cholera, acute diarrhoeal diseases, typhoid and viral hepatitis continue to be prevalent in India and have caused 10,738 deaths, over the last five years since 2017. Of this, acute diarrhoeal diseases caused maximum deaths followed by viral hepatitis, typhoid and cholera.<sup>10</sup>

14. As per ‘National Health Profile’ published by Central Bureau of Health Investigation, Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India, a total of 1535 Deaths due to Acute Diarrhoeal Diseases was reported during the year 2013.<sup>11</sup>

### **Main Causes of Pollution of Rivers**

15. As already noted, well known causes of pollution of rivers are dumping of untreated sewage and industrial waste, garbage, plastic waste, e-waste, bio-medical waste, municipal solid waste, diversion of river waters for various purposes affecting e-flow, encroachment of catchment areas and floodplains, over drawl of groundwater, river bank erosion on account of illegal sand mining. In spite of directions to install Effluent Treatment Plants (ETPs), Common Effluent Treatment Plants (CETPs), Sewage Treatment Plants (STPs), and adopting other anti-pollution measures, satisfactory situation has not been achieved. As per CPCB’s report 2016<sup>12</sup>, it has been estimated that 61,948 million liters per day (mld) sewage is generated from the urban areas of which treatment capacity of 23,277 mld is currently existent in India. Thereby the deficit in capacity of waste treatment is of 62%. There is no data available with regard to generation of sewage in the rural areas.

xxx.....xxx.....xxx

33. We may note the observations of the Hon’ble Supreme Court:

**“26.** Enactment of a law, but tolerating its infringement, is worse than not enacting a law at all. The continued infringement of law, over a period of time, is made possible

<sup>8</sup> Source: World Resource Institute

<sup>9</sup> Source: UN Water, ‘Managing water under uncertainty and risk’, 2010; World Bank (Hindustan Times, The Hindu).

<sup>10</sup> <https://www.indiaspend.com/diarrhoea-took-more-lives-than-any-other-water-borne-disease-in-india-58143/>

<sup>11</sup> <http://pib.nic.in/newsite/PrintRelease.aspx?relid=106612>

<sup>12</sup> [http://www.sulabhenvi.nic.in/Database/STST\\_wastewater\\_2090.aspx](http://www.sulabhenvi.nic.in/Database/STST_wastewater_2090.aspx) July 16, updated on December 6, 2016

*by adoption of such means which are best known to the violators of law. Continued tolerance of such violations of law not only renders legal provisions nugatory but such tolerance by the enforcement authorities encourages lawlessness and adoption of means which cannot, or ought not to, be tolerated in any civilized society. Law should not only be meant for the law-abiding but is meant to be obeyed by all for whom it has been enacted. A law is usually enacted because the legislature feels that it is necessary. It is with a view to protect and preserve the environment and save it for the future generations and to ensure good quality of life that Parliament enacted the anti-pollution laws, namely, the Water Act, Air Act and the Environment (Protection) Act, 1986. These Acts and Rules framed and notification issued thereunder contain provisions which prohibit and/or regulate certain activities with a view to protect and preserve the environment. When a law is enacted containing some provisions which prohibit certain types of activities, then, it is of utmost importance that such legal provisions are effectively enforced. If a law is enacted but is not being voluntarily obeyed, then, it has to be enforced. Otherwise, infringement of law, which is actively or passively condoned for personal gain, will be encouraged which will in turn lead to a lawless society. Violation of anti-pollution laws not only adversely affects the existing quality of life but the non-enforcement of the legal provisions often results in ecological imbalance and degradation of environment, the adverse effect of which will have to be borne by the future generations.<sup>13</sup>*

xxx.....xxx.....xxx

*“61. .... If the laws are not enforced and the orders of the courts to enforce and implement the laws are ignored, the result can only be total lawlessness. It is, therefore, necessary to also identify and take appropriate action against officers responsible for this state of affairs. Such blatant misuse of properties at large-scale cannot take place without connivance of the officers concerned. It is also a source of corruption. Therefore, action is also necessary to check corruption, nepotism and total apathy towards the rights of the citizens.”<sup>14</sup>*

xxx.....xxx.....xxx

35. *Vide order dated 22.08.2019 in Original Application 200/2014, dealing with the pollution of river Ganga, the Tribunal issued directions and laid down coercive measures to be taken for discharge of untreated sewage in river Ganga:-*

*“16. xxx.....xxx.....xxx*

**17. Wherever the work has not commenced, it is necessary that no untreated sewage is**

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<sup>13</sup> INDIAN COUNCIL FOR ENVIRO-LEGAL ACTION Vs. UNION OF INDIA AND OTHERS (1996) 5 SCC 281

<sup>14</sup> M.C. Mehta v. Union of India, (2006) 3 SCC 399 – Public functionaries

**discharged into the River Ganga. Bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.11.2019, failing which the State may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB. This however, is not to be taken as an excuse to delay the installation of STPs. For delay of the work, the Chief Secretary must identify the officers responsible and assign specific responsibilities. Wherever there are violations, adverse entries in the ACRs must be made in respect of such identified officers. For delay in setting up of STPs and sewerage network beyond prescribed timelines, State may be liable to pay Rs. 10 Lakhs per month per STP and its network. It will be open to the State to recover the said amount from the erring officers/contractors.**

36. *Vide order dated 28.08.2019, the Tribunal held:-*

*“15. xxx.....xxx.....xxx*

*“16. xxx.....xxx.....xxx*

**17. As already noted, prevention of pollution of water is directly linked to access to potable water as well as food safety. Restoration of pristine glory of rivers is also of cultural and ecological significance. This necessitates effective steps to ensure that no pollution is discharged in water bodies. Doing so is a criminal offence under the Water Act and is harmful to the environment and public health. ‘Precautionary’ principle of environmental law is to be enforced. Thus, the mandate of law is that there must be 100% treatment of sewage as well as trade effluents. This Tribunal has already directed in the case of river Ganga that timelines laid down therein be adhered to for setting up of STPs and till then, interim measures be taken for treatment of sewage. There is no reason why this direction be not followed, so as to control pollution of all the river stretches in the country. The issue of ETPs/CETPs is being dealt with by an appropriate action against polluting industries. Setting up of STPs and MSW facilities is the responsibility of Local Bodies and in case of their default, of the States. Their failure on the subject has to be adequately monitored. Recovery of compensation on ‘Polluter Pays’ principle is a part of enforcement strategy but not a substitute for compliance. It is thus necessary to issue directions to all the States/UTs to enforce the compensation regime, latest with effect from 01.04.2020. We may not be taken to be condoning any past violations. The States/UTs have to enforce recovery of compensation from 01.04.2020**

***from the defaulting local bodies. On failure of the States/UTs, the States/UTs themselves have to pay the requisite amount of compensation to be deposited with the CPCB for restoration of environment. The Chief Secretaries of all the States may furnish their respective compliance reports as per directions already issued in O.A. No. 606/2018.”***

6. In view of the above, the Commissioner, Nagar Nigam Ghaziabad may ensure further action in the matter of compliance of above directions for preventing discharge of untreated sewage and dumping of waste in water bodies in violation of law and right of the citizens and also for action against the erring officers by way of entries in ACRs, initiating prosecution and payment of compensation. Status of connectivity of household/community latrines to the sewer lines, instead of storm water drain in question at Prahaladpuri and other similar locations and remedial measures may be mentioned. Interdepartmental issue for preventing cross contamination of storm water drain and sewer lines may be resolved in coordination with the District Magistrate. Catchment of storm water drain may be demarcated as per law and monitoring mechanism for ensuring that septic tanks or digested material of pits attached with latrines is connected to the sewer lines be reviewed. Manual scavenging, if any, be discontinued.

7. Compliance report may be filed within three months 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. The Commissioner, Nagar Nigam Ghaziabad may remain in person by video conferencing on the next date.

List for further consideration on 17.02.2022.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

October 18, 2021  
E.A. No. 28/2021 in O.A. No. 144/2017  
A