

Item No. 05

(Court No. 1)

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

(By Video Conferencing)

I.A. No. 151/2022

IN

Original Application No.44/2022

(With report dated 18.05.2022)

Saket Girls Pg College

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 01.07.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB

ORDER

1. Present application has been filed with the grievance that there is incomplete drain left open by the respondents in front of the applicant college. Water logging in the said drain is serious health hazard for the students. Untreated water of the said drain is released in the Sai River as there is no STP to treat the same.

2. Considering the above, vide order dated 15.02.2022, the Tribunal constituted a joint Committee of State PCB, Commissioner, Municipal Corporation and the District Magistrate, Pratapgarh, U.P. to ascertain factual position.

3. Accordingly, State PCB has filed report dated 18.05.2022, after undertaking site inspection with its recommendations. The relevant extracts from the report are as follows:-

3. *The above mentioned committee with Sri Arvind Kumar Srivastava, Manager Saket Girls P.G College conducted a physical inspection on date 23/03/2022 of the entire area and recorded minutes which are as follows:-*
 - I. *The issue regarding the incomplete drain was taken under Consideration and upon enquiry it was found that the drain was build by the Gram Sabha which was having its own jurisdiction few years before.*
 - II. *That the drain is approx. 100 metre away from the said college and the college is build in a low lying area, therefore more accumulation of water is possible. That the drain was handed over to the Nagar Palika Parishad Pratapgarh in the year December 2020.*
 - III. *That after the expansion of Gram Panchayat to the Nagar Palika Parishad there were approx 200 small and big residential houses which have been found having their respective septic tanks for sewerage and domestic waste water.*
 - IV. *That upon inspection it was found that the plot next to the college was not constructed and it is also low lying (Approx 2-3 feet down from road), So the waste water coming out through incomplete drain is being discharged and accumulated there. Due to the low lying area, there is a strong possibility of accumulation of waste water coming out of the school along with the surrounding houses.*
 - V. *That it was also found that the averments regard if the water going into Sai River is incorrect and false.*
 - VI. *That the River is approx 1.0 Km away from the said site and no drain is constructed in upward direction.*
 - VII. *That a drain of approx 1.2 Km can be constructed in the opposite direction to cater the issue but unfortunately the DPR cost of the drain is approx. 2.96 Cr. prepared by Junior Eng. PWD, which is no financially feasible for Nagar Palika Parishad, Pratapgarh as the Nagar Palika cannot get the works done beyond the budget of Rs 25 lakh.*
 - VIII. *Immediately, as a remedial action the waste water is being suctioned through suction machine and taken to the near by Bhuliyapur drain where the bioremediation is already been implemented. In addition to the above, at present the collect effluent is also being pumped daily by water pump and sent*

to other drains at the water logging site. Due to the area being low lying and surrounded on all sides, no other solution other than pumping seems to be possible for immediate drainage.

- IX. For the construction of a total 1.2 KM long drain from the waterlogged area to the final disposal point by the Nagar Palika Parishad, Pratapgarh, a letter has been sent to the Secretary, Urban development, through the District Magistrate Pratapgarh by letter no. 991/LBC-2022 date 12.05.2022 for grant of budget required for drain construction.*
- X. Meanwhile, UPPCB Raebareli has send a notice vide letter no. 73/NGT-44/P/2022-23 dated 25.04.2022 to Nagar Palika Parishad Pratapgarh regarding compliance of Hon'ble NGT order date 15.02.2022 and to take immediate remedial action for water logging problem at the said location.*
- XI. UPPCB Raebareli has also send a notice to M/s Saket Girls P.G college vide letter no. 132/ NGT-44/P/ 2022-23 dated 06/05/2022 to inform about number of students studying in college and arrangements for treatment of sewerage/waste water generated from the college premises.*
- XII. Again UPPCB Raebareli has send a notice vide letter no.143/NGT-44/P/2022-23 dated 13-05-2022 to install a STP in college premises for effective treatment of sewerage/waste water generated from the college and to obtain CTE/CTO from State Pollution Control Board.*

That therefore, the said committee has following recommendations on the basis of inspection dated 23.03.2022:-

- I. The waste water being discharged by the college must be treated through STP. Since there is only septic tank/ soak pit for the treatment of sewage and waste water generated from the college Saket Girls P.G College, which is not sufficient for treatment of sewage/ waste water as there is approx 700 students studying in the college so the management committee may be decide to install the S.T.P or waste water treatment facility in college premises immediately by their own cost.*
- II. Nagar Palika Parishad Pratapgarh should pump the waste water being collected daily from water logged area through a water pump and pump it to nearby drain where Bio-remediation is already implemented till the completion of the construction of drain.*
- III. Nagar Palika Parishad Pratapgarh will coordinate with the Urban Development Department for the availability of necessary budget for the construction of the proposed drain at the earliest. Simultaneously the Nagar Palika Parishad Pratapgarh must develop a plan to establish treatment facility (either Bio-remediation or a new Sewage Treatment Plant or connectivity to existing 8.96 MLD STP) for the proposed drain which will have approx 0.5 MLD domestic waste water and quantity will increase in coming years.”*

4. As against above, the applicant has filed I.A. No. 151/2022 making further submissions as follows:-

- “10. *That respondent no. 2 tried a face-saving act of temporarily blocking the Drainage and engaging a small pump to drain out the Drain waterlogged inside and around the applicant college, apparently just for a photoshoot, and misleading this Hon'ble Tribunal.*
11. *That post photo session, all setup of the photoshoot, including the pump, was immediately removed, and the applicant college was left to drown inside the Drain again.*
12. *That it is pertinent to mention here that Respondent no. 2, through its letter dated 15.07.2021, has admitted the guilt of leaving the drainage/natal incomplete and open-ended as alleged by the Applicant, causing the drain flooding of the area. A copy of the letter dated 15.07.2021 is **annexed herewith and marked as Annexure no. IA 1.***
13. *That the Photographs and Google Map image annexed with the OA is self-explaining the horrible situation of the area, which requires an immediate attention of this Hon'ble Tribunal. **A copy of the Image of Google Map is annexed herewith and marked as Annexure no. IA 2.***
14. *That instead of redressing the grievances of the Applicant as ordered by this Hon'ble Tribunal, the Regional Officer, SPCP, chose to shift the burden of Drain logging on the Applicant and intimidate it through his back-dated letters. A copy of back-dated letters dated 06.05.2022 posted on 10.05.2022 and 13.05.22 posted on 20.05.2022, the envelopes, and the Reply letters dated 14.05.2022 and 23.05.2022 by the Applicant are annexed with the Supplementary Affidavit as Annexure no. SA 7, SA 9 to the Supplementary Affidavit dated 18.05.2022 and Annexure no. S 2 and S 3 to the Supplementary Affidavit dated 24.05.2022*
15. *That a Daily Hindi National News Paper "Hindustan" in its report exposed the acts of Respondent no. 2 in this concerning issue raised by the Applicant before this Hon'ble Tribunal. **A copy of the News Report published by Daily Hindi National News Paper "Hindustan" is annexed herewith and marked as Annexure no. IA 3.***
16. *That the above-mentioned News Report substantiates the claims of Applicant and Anther establishes the guilt of respondents. The report highlights the concerning situation of the area flooded with drain water and how the irresponsible acts of Respondent no. 2 are causing the worsening of the same*
17. *That the regional Officer, SPCB, is apparently working hand in gloves with Respondent no. 2 and concerned officers*

responsible for the drain flooding of the area surrounding the applicant college. Instead of redressing the Applicant's grievances, the respondents are now harassing the Applicant and trying to pressurize and intimidate the Applicant for approaching this Hon'ble Tribunal.

18. *That Respondent no. 2, through his letter dated 15.07.2021, has admitted that the applicant college and the locality around it are flooded in Drain water because of open-ended/incomplete drainage/nalah. In light of the letter dated 15.07.2021, the claims made by the Regional officer expose the malign intent of the concerned officer.*
19. *That it's surprising how on both occasions, the concerned officer dispatched/posted back-dated letters to Applicant. The back-dating of letters being sent in pursuance of Order dated 15.02.2022 by this Hon'ble Tribunal exposes the malafide of Respondents. It is crystal clear that such acts are being done by the Respondents to harass and demoralize the Applicant and further mislead this Hon'ble Tribunal.*
20. *That it's rather amusing how the Regional Officer is directing the Applicant to set up an STP instead of directing Respondent no. 2, which has admitted the guilt in its letter dated 15.07.2021; it's the duty of Respondents to set up a STP to treat the Drainage of the city. Apparently, leaving Drainage/Nalah open-ended and Untreated is not an issue according to the concerned officer; rather, the public shall themselves set up STP and construct Drainage which is left incomplete by Respondents.*
21. *That it is pertinent to mention here that the applicant college is one of the oldest and most prestigious educational institution imparting quality education to the girls of Pratapgarh for the last 28 years and had never ever faced such issues in the past till the Respondent no. 2 decided to leave the main Drain of city open-ended and untreated near the Applicant college.*
22. *That it is pertinent to mention here that the Drain water logging issue got worsened during the Covid Lockdown Period when all educational institutions. including the Applicant College, were closed; therefore, any kind of domestic discharge was not possible at all, and still, the concerned officer is shamelessly claiming the domestic discharge of the College to be the cause for Drain Water Logging. It is an absurd and misleading averment dipped in malafide intentions of Respondents.*
23. *That the existence of an Open-Ended and Untreated Drainage is an undisputed fact, and hence the act of the Regional Officer of deviating from the ground realities is wholly unacceptable.*
24. *That it is reiterated that the Joint Committee constituted by this Hon'ble tribunal has never conducted any Survey/ Inspection of Applicant College, and subsequently, the Applicant is never approached by the committee to address and redress the Applicant's grievances.*

25. *That this act of Respondents calls for Criminal Contempt of this Hon'ble Tribunal for willfully disobeying the Order dated 15.02.2022 and attempting to befool and mislead Hon'ble Tribunal, had they really tried to resolve the Applicant's grievances in accordance with the Order dated 15.02.2022 the issue would have been resolved months ago. Today there would have been no reason for them to stage this Photo Shoot.*
26. *That it is reiterated that to date, neither any positive site visit has been conducted by the Joint Committee constituted by this Hon'ble Tribunal nor has taken any substantiate action to redress the Applicant's grievances within the time period fixed by this Hon'ble Tribunal. As such, the Respondents have caused enormous mental agony and financial loss to the Applicant and deliberately committed contempt of this Hon'ble Tribunal by not complying with the Order dated 15.02.2022 passed by this Hon'ble Tribunal.*
27. *That all requests, prayers, letters, and applications of the Applicant have been unheard and grossly ignored for years. The Applicant is left in agony to witness its surroundings and premises getting destructed and deteriorated due to the misdeeds of Respondents.*
28. *That on seeing this unreasonable, disinterested, apathetic, and insensitive behavior of the Respondents and the Joint Committee constituted by this Hon'ble Tribunal; the Applicant feels the concerned authorities have turned deaf to the people's pleas and, as such, have no hope for any positive action to be taken from them.*
29. *That the applicant fears worsening of situations as Monsoon may strike any time, and the whole campus of applicant college will drown in the Drain if nothing substantial is done immediately.*
30. *That the Respondents have shown deliberate disobedience and turned deaf towards the Order passed by this Hon'ble Tribunal and hence deserve to be dealt u/s 26, National Green Tribunal Act, 2010, and an independent high-level committee needs to be constituted to redress the grievances of the Applicant on expedited manner.*
31. *That if no strict action is taken against the Respondents and immediate redressal of the Applicant's grievances is done urgently, then it will set a bad precedent for others, and undoubtedly the Applicant will suffer an irreparable loss.*
32. *That since there is evident bias and malafide intentions in actions of Regional Officer, SPCD, Raeberally, UP, the Applicant prays before this Hon'ble Tribunal to kindly restrain the Respondents and SPCB from harassing the Applicant through coercive actions, threats, and intimidations. Further, the concerned officer may be restrained from investigating the issue; rather, an independent authority and preferably an independent committee may be constituted by this Hon'ble Tribunal to redress the Applicant's grievances”*

5. Though the main matter was scheduled to come up for hearing on 18.07.2022, on the request of the applicant the matter was listed today. Consideration of the I.A. listed today involves consideration of the whole matter and we have accordingly considered the entirety of the matter with the assistance of the learned Counsel for State PCB, preponing hearing to today. None has appeared for the applicant. We have heard learned Counsel for the PCB.

6. As shown from the above narrative, there appears to be violation of environmental norms in leaving the drains incomplete, in front of the College, requiring remedial action. While the stand of the State PCB is that the College has failed to install STP and is discharging waste water, stand of the Applicant College is that it is the failure of authorities in remedying the blockage of the drains.

7. Report of the Executive Officer, Municipal Council, Bela, Pratapgarh addressed to the Applicant College is that reason for blocking of the drain was illegal construction.

8. On due consideration of the issue, we find it difficult to accept the stand that the College is required to take CTE/CTO or to install STP. Remedial action needs to be taken to complete the drain and to prevent and control of water logging by the District Magistrate, Pratapgarh and the Municipal Council, Pratapgarh. The Applicant College or other stake holders may also be associated in the process. Budget is not our concern which is to be dealt with by the concerned authorities, environment protection being absolute liability of the State.

9. Remedial measures for proper drainage and carrying sewage and sullage to the STP, avoiding inundation and such other areas as may be

found necessary may accordingly be planned and executed under the supervision of the District Magistrate and action taken report furnished to the Secretary, Urban Development, UP. The Applicant College will be at liberty to move the District Magistrate and the Secretary Urban Development for redressal of any further grievance.

The IA and the main matter are disposed of.

A copy of this order be forwarded to the Secretary, Urban Development, UP and District Magistrate by e-mail for compliance.

Adarsh Kumar Goel, CP

Arun Kumar Tyagi, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

July 01, 2022
I.A. No. 151/2022In
Original Application No. 44/2022
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