

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

(By Video Conferencing)

Original Application No. 41/2020

(With Report dated 18.06.2020)

Pushpendra Kumar

Applicant(s)

Versus

Nagarpanchayat, Kadaura & Ors.

Respondent(s)

Date of hearing: 23.06.2020

**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**

Applicant(s): Mr. Pushpendra Kumar, applicant in person
Respondent(s): Mr. Pradeep Mishra, Mr. Daleep Dhyani, Advocates for UPPCB
Mr. M.Z Chaudhary, Advocate

ORDER

1. Prayer in this application is for restoration of a water body called the main pond (Sadar Bazar) of Kadaura Town, District Jalaun, UP. Such restoration will help access to drinking water. Direction is also sought to stop continuous burning of solid plastic waste, garbage cans, electronics waste, glass inside the residential area of town Kadaura that emits poisonous gases causing severe air pollution.

2. Vide order dated 17.02.2020, a factual and action taken report was sought from the District Magistrate, Jalaun, Orai, U.P and the UP PCB.

3. Accordingly a report has been filed on 18.06.2020 by the UP PCB
inter alia as follows:

“

2. *The Sadar Talab Kadaura is fully covered by the vegetation of Jal Kumbhi. **Sewage of Kadaura Nagar Panchayat is being disposed off into Sadar Talab due to which the water quality of Sadar Talab is affected.** At the time of inspection a sample of stored talab water has been collected by the officers of above noted Joint committee. **As per analysis report, the characteristics of water pollutants parameters are above the limit of prescribed standards and the dissolved oxygen is 0.7 mg/l against prescribed limit of 2.0-14.0 mg/l. The water quality of Sadar Talab is very poor due to discharge of Sewage and domestic waste water** (Analysis report is attached).*
3. *U.P. Pollution Control Board has given notice to executive officer, Nagar Panchayat, Kadaura vide letter dated 03.03.2020 to take immediate steps for control of sewage and domestic effluent being discharge into Sadar Talab without effective treatment. In compliance of the directions, the Executive Officer, Nagar Panchayat, Kadaura vide letter No-575/NP Kadaura/2020 dated 03-03-2020 has informed that Nagar Panchayat Kadaura is a small local body and **will install STP as soon as budget is sanctioned in future.** Similarly, action plan for construction of MRF centre for solid **waste management has been sent to District Magistrate for approval.** Action will be taken as soon as action plan is approved. So that scientific disposal of solid waste could be ascertained.*
4. *The Executive Officer, Nagar Panchayat, Kadaura vide letter no. 690/NP Kadaura/2020-21 dated 17.06.2020 has informed that at present the drain carrying sewage and domestic waste water has been temporarily tapped and no effluent is being discharged into Sadar Talab of Kadaura. They have also issued notice to nearby habitants for removal of encroachment and **further steps regarding removal of encroachments could not be done due to covid-19 lockdown.***
5. *U.P. Pollution Control Board has also issued direction under section 33-A of Water (Prevention and Control of Pollution) Act 1974 vide letter dated 26.09.2017 to Executive Officer, Nagar Panchayat, Kadaura to setup STP of adequate capacity for treatment of domestic effluent generated from Nagar Panchayat, Kadaura. U.P. Pollution Control Board vide letter no. 99/OA-41/20 dated 18.06.2020 has issued show cause notice for imposition of environmental compensation of Rs. 1.82 Crores as Kadura Nagar Panchyat has not installed sewage treatment plant for the treatment of generated sewage. This is very likely that in coming rainy season the sewage mixed rain water can be disposed off in to Sadar*

Talab of Kadaura in case of overflow from temporary tapping arrangement of drain leading to Sadar Talab.”

4. In view of the pitiable condition of the water body as depicted in the report, remedial action has to be promptly. The State PCB in exercise of its functions and duties may prepare appropriate guidelines for restorations of such water bodies, particularly, in the light of directions of this Tribunal dated 02.06.2020 in O.A No. 325/2015, *Lt. Col. Sarvadaman Singh Oberoi v. Union of India & Ors.* Concerned State authorities may also perform their duties. It will also be appropriate to involve the village community for the purpose. The UP PCB may provide hand holding to the local body. The restoration of water bodies is significant for protection of environment, for availability of drinking water, recharge of ground water, harvesting of rain water and micro-climate.

5. Let the State PCB file a further action taken report in the matter before the next date. Report be sent 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.

List for further consideration on 01.12.2020.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

June 23, 2020
Original Application No. 41/2020
(I.A. No. 80/2020)

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