

Item No. 01

Court No. 1

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

Original Application No. 41/2020  
(I.A. No. 80/2020 & I.A. No. 04/2021)

(With report dated 08.01.2021)

Pushpendra Kumar

Applicant

Versus

Nagarpanchayat, Kadaura & Ors.

Respondent(s)

Date of hearing: 13.01.2021

**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: Mr. Pushpendra Kumar, Applicant in person

Respondent: Mr. Pradeep Misra, Advocate for UPPCB

**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. It is stated that such restoration is necessary for 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. The matter was last considered on 23.06.2020 in light of the report the State PCB dated 18.06.2020 as follows:-

“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.”*

4. Accordingly, a further report has been filed by the UP State PCB on 08.01.2021 stating that an action plan has been prepared by the District Magistrate for restoration of the pond to be executed through a Joint Committee. An inspection was carried out on 21.11.2020 and it was found that some encroachments had been removed. The water sample is being tested. The status of implementation has been given as follows:-

#### **“4.0 Action Plan**

<b>Sr. No.</b>	<b>Activity</b>	<b>Strategy</b>	<b>Status of Implementation</b>
1.	Identification and removal of encroachment around the pond.	In compliance of Hon'ble NGT order and direction of D.M. Jalaun, a committee constituted by S.D.M. has identified 18 permanent encroachments, which should be removed. Notices have also been issued to 41 temporary encroachments for removing the same. If encroachments are not removed then legal action will be taken.	Nagar Panchayat, Kadaura has filed case under PPD Act against the permanent encroachers. 04 Encroachers have filed case in the Court of Judicial District, Kalpi. Nagar Panchayat Kadaura is effectively contesting these cases through their counsels. All the 41 temporary encroachments have been removed on 27.09.2020.
2.	Removal of hyacinth and plastic.	It was planned to remove hyacinth and plastic with the support of District Administration and cooperation	Special drive was started by Nagar Panchayat, Kadaura, NGO, Local residents from dated 27.09.2020 to 20.10.2020 for

		<i>of local residents</i>	<i>removal and effective disposal of hyacinth and plastic. This resulted in complete removal of hyacinth and plastic.</i>
3.	<i>Identification and tapping of drains to curtail pollution sources at inlet.</i>	<i>Identification of storm water drain and domestic sewer drain will be done. Thereafter, domestic sewer drain will be tapped/diverted. Only storm water drain will be allowed to enter the pond.</i>	<i>Two inlet points were identified towards market side in east direction and 03 inlet points were identified in the north direction towards residential area. It has been decided all these inlet points will be diverted through constructing peripheral drain all around the pond in time bound manner with financial assistance from State Govt.</i>
4.	<i>Removal of Polluted water of the pond.</i>	<i>Removal of polluted water from the pond and desilting of bottom sludge,</i>	<i>Polluted water was pumped out to Ramlila Ground through three constructed drains and some water was used by farmers for irrigation and thus most of the polluted water has been removed.</i>
5.	<i>Rejuvenation/beatification of pond.</i>	<ol style="list-style-type: none"> <li>1. Refilling of fresh water in the pond after removal of polluted water and bottom sludge.</li> <li>2. After refilling continuous treatment of pond water with enzyme and aeration based treatment to maintain its water quality.</li> <li>3. Construction of pucca embankment all around the pond.</li> <li>4. Development of old bathing ghats i.e. Ramghat and Shyamghat and its beautification.</li> </ol>	<ol style="list-style-type: none"> <li>1. Refilling of fresh water will be started as soon as polluted water and bottom sludge are completely removed from the pond.</li> <li>2. Continuous treatment of pond water after refilling will be done as per treatment plan costing around Rs. 8.50 Lac.</li> <li>3. Wired fencing all around the sadar pond will be done in 1<sup>st</sup> year.</li> <li>4. Domestic sewer drain will be tapped and treatment will be done through oxidation pond method.</li> <li>5. Construction of Ramghat and Shyamghat will be done, so that pond could be used by all.</li> <li>6. Green belt will be developed all around the pond through dense environment friendly trees.</li> </ol>

## **5.0 Proposed treatment after cleaning of pond.**

- 5.1 When Swach Plus Enzyme is applied to the contaminated water on open drain, the molecular structure begins to breakdown immediately, and in a short time, visually disappear. This is caused through the action of bio surfactants that connect with the hydrocarbon molecules and breakdown the covalent and ionic bonds creating small micelles. This process rapidly reduces the toxicity of the hydrocarbon making it more bio-available to indigenous bacteria that utilize the hydrocarbon as a food source.
- 5.2. Simultaneous with the bio-surfactant action breaking down the hydrocarbon into a more manageable form, enzymes form protein binding sites that attract the bacteria to induce or trick them into

*utilizing the detoxified oil as a food. The food-source droplets are called micelles—liken these to being self-contained separated units where bacteria can safely live. Swach Plus Enzyme also changes the density of the oil to cause it to float, and reduces the adhesion properties so the oil will no longer adhere to shorelines, vegetation or man-made structures.*

- 5.3. *The Biosurfactants breakdown the polar compounds in oil/hydrocarbons and thus change the polarity, disengaging the covalent and ionic bonds enabling oil and water to mix. While this is occurring the enzymes and micro-nutrients bond to the micelles forming an enzyme nutrient complex package. The affinity that certain enzymes have for various chain hydrocarbons make it possible for these small packets of micro-nutrients, (containing the three basic building blocks for growing bacteria; carbon, nitrogen, and phosphorous) to bond or adhere to the micelles through specialized covalent and ionic bonds until they are digested to CO<sub>2</sub> and water by bacteria*

## **6.0 Process of Implementation**

- *Works in temperature range of -2.2 to 48.8 degree Celsius and hence throughout year and in all regions*
- *It is proposed to undertake cleaning of the portion of Talab as initially identified in this phase.*
- *Inlet drains to this portion of the pond would be closed off so that new sewage is not introduced during the cleaning phase.*
- *The floating solids would be removed using nets through a manual operation.*
- *The Entire pond will be dosed with the solution prepared and then different forms of aeration would be used to mix the enzymes with the lake water.*
- *The enzyme application will be done 3-4 times in a interval of 15 days.*
- *This will ensure that the pollutants would be bio-remediated within a period of 60-90 days in the pond.*
- *Two fountains will be installed for aeration purpose.*
- *Fishes will be released once favorable conditions are achieved.*

## **7.0 Achievement of targets after implementation**

*It is understood that the target to be met in respect of various contaminants are as under:*

- *BOD -20 mg/l*
- *COD -50 mg/l”*

5. The applicant in person has however, filed objections to the above report on 11.01.2021 in the form of following table:-

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Verification point	UPPCB Comment	Petitioner Objections
<p>HasEncroachment is present at land of Sadar Talab demolished by Nagar Panchayat, kadaura ,Jalaun</p>	<p>1. 41 Nos temporary encroachment has been removed.</p> <p>2. 18 Nos constructed encroachment is under process.</p>	<p><b>Not even a single brick of temporary and constructed encroachment has been removed. On January 7, 2021,</b> Nagar Panchayat , Kadaura issued notices to the temporary encroachers vide letter no 1138/NPKadaura/Notice/2020-21, 1141/NPKadaura/Notice/2020-21, 1142/NPKadaura/Notice/2020-21 ,1144/NPKadaura/Notice/2020-21 <b>(true copy of not ices annexed hereto &amp; marked as Annexure 1) , this clearly proofs UPPCB has made false and wrong statement before the tribunal. UPPCB officers</b> must be punished and penalized for the same by the honorable tribunal.</p> <p>In the latest report filed by <b>UPPCB ON NOVEMBER 27, 2020 , Page no 4, Point no. 1.1, UPPCB</b> itself accepted encroachment all around the pond and sewage going into the pond. Page <b>no 4 , Point no 1.1</b> inter alia <b>"at present lot of encroachment has taken place all around the pond and sewer outlets of nearby residents are connected to this pond"</b>, Nagar Panchayat itself illegally allotted the land of sadar pond on rent and issued notice just to fulfil the formality . <b>(Rent Receipt and entroachment notice both issued by Nagar Panchayat to the illegal occupants (true copy of same is annexed hereto and marked as Annexure 7).</b> Other encroachments was not removed under influence of <b>Jameer Alam president of Nagar Panchayat,Kadaura</b> who is very close to <b>Dr Mannan Akhtar, District Magistrate of Jalaun.</b></p> <p>Certified true copy of map of Sadar Pond <b>(certified copy of map is annexed hereto and marked as Annexure 2)</b> clearly shows there is a road ( path) around the Sadar Talab but CCTV footage ,photographs and Google Image of pond as on date January 7, 2021 clearly shows huge encroachment of buildings and shops around and inside the Sadar pond <b>(true cctv footage, photo of pond and google map is annexed here as Annexure 2).</b> CCTV footage and photographs of V.K. Dubey (AEE), UPPCB standing in front of temporary encroachment on Sadar Talab during inspection on November 21,2020 <b>(true CCTV footage and photograph of same is annexed here and marked as Annexure 3).</b> <b>This proofs encroachment is not removed and UPPCB has made incorrect, false and wrong report before the honorable tribunal.</b></p>

Total number of drains which falls in Sadar Talab kadaura Jalaun in previous	To main drains are joining pond, 1) Ramghat drain  2- chatela Marg drain near Balwant Singh house	<b>All four big drains</b> 1 .Ramghat drain, 2.Chtela Marg drain near Balwant Singh house 3.main market drain 4. purana Bajar drain <b>including the sewage of illegal occupant's shops and houses are still falling into the Sadar Talab</b> , even after one year of your first order vide dated February 17,2020.
Number of drains which has been ped at present	Main market purana Bajar drain.	<b>No drain is tapped</b> . all drains of town and sewage and westage water of illegal buildings on Sadar pond is directly falling in to the sadar talab even after one year of order of honorable tribunal.
Number of inlet drains by which sewage of kadaura meets Sadar Talab kadaura, Jalaun at present	Two Drains	<b>Four big drains</b> 1. Ramghat drain, 2.Chtela Marg drain near Balwant Singh house 3.main market drain 4. Purana Bajar drain including the sewage of illegal occupant 's shops and houses.
photographs with executive officer Nagar Panchayat kadaura Jalaun	Enclosed	<b>Not Enclosed by UPPCB</b> as executive officer of Nagar Panchayat, Kadaura was not present at the site of inspection i.e. at Sadar pond on December 21, 2020.
Imposed environmental compensation money deposited or not if not then reason statement of executive officer nagar panchayat kadaura	Environmental compensation money not deposited matter is related to UP government for funding.	<b>No deliberate efforts were made by UPPCB to recover the environmental compensation from the Executive Officer of Nagar Panchayat, Kadaura &amp; District Magistrate of Jalaun .</b> " The matter is not related to UP government for funding" in letter ref no 99/OA-41/20 vide dated June 18, 2020 <b>(True copy of same is annexed Hereto and marked as Annexure 6).</b> UPPCB has written <b>As per Polluter Pays principle the Environmental compensation must be recovered by the Officers &amp; organization responsible for environmental damage</b> .but now to give safe escape to Executive Officer of Nagar Panchayat Kadaura & District M agistrate of Jalaun , UPPCB has made this government fund issue and kept recovery pending for indefinite time . <b>This shows UPPCB officers are very lenient to polluter and negligent towards environment.</b>

S.No	Activity	Strategy	Status of implementation	Petitioner Comments
1	Identification and removal of encroachment around the pond.	In Compliance of honorable NGT order and direction of DM Jalaun, a committee constituted by SDM has identified 18 permanent encroachments which should be removed. Notices have also been issued to 41 temporary encroachments for removing the same. If encroachments are not removed then legal action will be taken.	Nagar panchayat kadaura has filed case under ppd act against the permanent encroachers.  04 encroaches have filed case in court of Judicial district Kalpi nagar panchayat kadaura is effectively contesting these cases through their counsels. All the 41 temporary encroachment have been removed.	<b>Not even a single temporary and constructed encroachment has been removed.</b> In the report filed by <b>UPPCB on November 27, 2020</b> , Page no. 4, point no. 1.1, UPPCB itself accepted encroachment all around the pond and sewage going into the pond. Page no. 4, point no. 1.1 inter alia "at present lot of encroachment has taken place all around the pond and sewer outlets of nearby residents are connected to this pond"  Nagar Panchayat itself illegally allotted the land of sadar pond on rent and issued rent receipt to the tenants. Post Honorable Tribunal order nagar panchayat and issued notices to the tenants, and provoked the encroachers to go to civil court of Judicial Magistrate, Kalpi on the basis of rent receipt to avoid removal of encroachment. Under section 29 of the NGT Act, no other court can pursue the matter already running in honorable tribunal Nagar Panchayat & UPPCB knows this but just to put the removal of encroachment of Sadar Pond on hold and pending UPPCB & Executive Officer of Nagar Panchayat is providing bad excuses before the honorable tribunal. (Rent Receipt and encroachment notice both issued by nagar Panchayat to the illegal occupants (True copy of same is annexed hereto and marked as Annexure 7). Rest encroachment was not removed under influence of Jameer Alam president of Nagar Panchayat, Kadaura.

				Government Certified true copy of map of Sadar Pond (True copy of same is annexed hereto and marked as Annexure 2) clearly shows there is a road (path) around the Sadar Talab but photographs and Google Image of pond as on date January 7, 2021 (the same is annexed hereto and marked as Annexure 2) clearly shows buildings and shops inside the Sadar pond. CCTV footage and photographs of V.K. Dubey (AEE), UPPCB standing in front of temporary encroachment on Sadar Talab (the same is annexed hereto, and marked as Annexure 3) during inspection on December 21, 2020. This proofs encroachments is not removed and UPPCB has made incorrect, false and misleading report before the honorable Tribunal.
2	Removal of hyacinth and plastic.	It was planned remove hyacinth and plastic with the support of district Administration and cooperation of local residents.	Special drive was started by nagar panchayat kadaura, NGO local residents from 27.09.2020 dated To 20.10.2020 for removal and effective disposal of Hyacinth and plastic. This resulted in complete removal of hyacinth and plastic.	At present dated January 5, 2021. The Sadar pond is full of hyacinth, jalkumbhi, algal and garbage. (Latest Photographs of sadar pond along with newspaper is annexed hereto and marked as Annexure 2). Completely False and Misleading statement made by UPPCB and Nagar Panchayat

3	<p>Identification and tapping of drains to curtail pollution sources at inlet.</p>	<p>Identification of storm water drain and domestic sewer drain will be tapped/diverted. Only storm water drain will be allowed to enter the pond.</p>	<p>Two inlet points were identified towards marketside in east direction and 03 inlet points were identified in the north direction towards residential area. it has been decided all these inlet points will be diverted through constructing peripheral drain all around the pond in time bound manner with financial assistance from state government.</p>	<p><b>Since your order vide dated February 17, 2020, it's been almost year but Nagar Panchayat, Kadaura and District Administration of Ja laun took one year to only identify the drains and sewage outlets falling in to the Sadar Talab .Only GOD knows when these drains and sewage inlets will be tapped. Here UPPCB and Nagar Panchayat itself admitted that drains and sewage outlets of town are going directly into the Sadar Talab, heavy penalty must be imposed by tribunal to the Dr. Mannan Akhtar District Magistrate of Jalaun and Executive Officers of Nagar Panchayat to dishonor the order of honorable tribunal. Chief Secretary of government of UP must be directed to follow the order of honorable tribunal as District Magistrate of Jalaun, Executive Officer of Nagar Panchayat, Kadaura along with UPPCB officers have become rigid and disobedient to the Tribunal order and Directions.</b></p>
4	<p>Removal Polluted water of Pond</p>	<p>Removal of polluted water from the pond and resulting of bottom sludge,</p>	<p>Polluted water was pumped out to Ramlila Ground through three constructed drains and some water was used by farmers for irrigation and thus most of the polluted water has been removed</p>	<p><b>Latest photo graph of Sadar Talab taken on January 5, 2021 shows the pond is full from polluted and poisonous water and garbage. In Previous point (point no 3) mentioned above UPPCB and Nagar Panchayat itself stated "Two inlet points were identified towards marketside in east direction and 03 inlet points were identified in the north direction towards residential area." Since all the drainge of town carrying waste water and sewage of town is going into the pond so it is proved that p and is full from polluted and poisonous water.</b></p>

5	Rejuvenation/ beautification of pond.	<p>1. Refilling of fresh water in the pond after removal of polluted water and bottom sludge.</p> <p>2. After refilling continuous treatment of pond water with enzyme and aeration based treatment to maintain its water quality.</p> <p>3. Construction of pucca embankment all around the pond.</p> <p>4. Development of old bathing ghats I.e. Ramghat and Shyamghat and its beautification.</p>	<p>1. Refilling of fresh water will be started as soon as polluted water and bottom sludge are completely removed from pond.</p> <p>2. Continuous treatment of pond water after refilling will be done as per treatment plan costing around Rs 8.50 Lac.</p> <p>3. Wired fencing all around the sadar pond will be done in 1st year.</p> <p>4. Domestic sewer drain will be tapped and treatment will be done through oxidation pond method</p> <p>5. Construction of Ramghat and Shya ghat will be done so that pond could be used by all.</p> <p>6. Green belt will be developed all around the pond through dense environment friendly trees.</p>	<p><b>It's been almost 1 year since the first order of honorable tribunal vide dated February 17, 2020 but Nagar Panchayat ,adaura and District Administration of Jalaun was unable to take out the polluted water of Seder pond reason being inlets carrying waste water and sewage of town has not been tapped yet as admitted by UPPCB in point no 3 of action plan mentioned above . At point no 1.1 of latest UPPCB report dated November 27, 2020 inter alia "at present lot of encroachment has taken place all around the pond and sewer outlets of nearby residents are connected to this pond" so it is practically impossible to restore the pond till all the encroachment around the pond is not removed honestly and inlets are tapped</b></p> <p><b>Removing encroachment and tapping does not need any government fund but till UPPCB is nodal agency and corrupt and dishonest</b></p> <p><b>District Magistrate of Jalaun Dr Mannan Akhtar and Sunil Kumar Singh Executive Officer of Nagar Panchayat are not punished and penalized by the honorable tribunal under section 26 and 28 of NGT act and penalty on daily for dishonoring the orders of tribunal and putting false status report before the tribunal.</b></p>
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6. In view of above disputed versions, we direct that the factual position be verified and further remedial steps taken by the District Magistrate, Jalaun, Uttar Pradesh. The Oversight Committee constituted

by the Tribunal for environmental issues in UP, headed by Justice SVS Rathore, a former Judge of the Allahabad High Court at Lucknow may oversee the compliance. The District Magistrate, Jalaun may furnish a further action taken report with regard to execution of the action plan already prepared or which may now be revised to the Oversight Committee within two months.

The application is disposed of.

A copy of this order be forwarded to the District Magistrate, Jalaun and Justice SVS Rathore, Former Judge of the Allahabad High Court at Lucknow by e-mail for compliance.

With the above order, all pending IAs will stand disposed of accordingly.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

January 13, 2021  
Original Application No. 41/2020  
(I.A. No. 80/2020 & I.A. No. 04/2021)  
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