

Item No. 03

(Bhopal Bench)

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

(By Video Conferencing)

Original Application No. 103/2020 (CZ)

Harish Solanki

Applicant

Versus

Central Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 09.03.2021

**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(s): Mr. Naveen Ahuja, Advocate

ORDER

1. Prayer in this application is for closure of industries discharging industrial waste in rivers Tapti and Kshipra in Burhanpur, Ujjain and Dewas Districts, Madhya Pradesh. Further prayer is to control pollution by discharge of municipal waste. There is also prayer for initiation for prosecution, which is not maintainable before this Tribunal.

2. We have heard learned Counsel for the applicant. The application appears to have been drafted without fully knowing the facts and the law. However, substance of the grievance appears to be against pollution of rivers by industrial and domestic discharge.

3. The issue of control of municipal and industrial effluents is a matter covered by provisions of the Water (Control of Pollution) Act, 1974 and Article 243 W of the Constitution read with 12th Schedule. Further, the same has been dealt with by the Hon'ble Supreme Court in

Paryavaran Suraksha Samiti v. UOI.¹ The matter was also monitored by this Tribunal in O.A. No. 593/2017, *Paryavaran Suraksha Samiti & Anr. v. UOI & Ors.* Finally, the matter was dealt with alongwith the issue of river pollution in O.A. No. 673/2018, *In re: News item published in "The Hindu" authored by Shri Jacob Koshy titled "More river stretches are now critically polluted: CPCB"* vide order 22.02.2021, directing further monitoring by the Chief Secretaries of the States, in the light of the directions in the said order. The operative part of the order is as follows:-

“1to38..xxx.....xxx.....xxx

39. Our directions are summed up as follows:

- (i) In the light of observations in Para 38 above, MoJS may devise an appropriate mechanism for more effective monitoring of steps for control of pollution and rejuvenation of all polluted river stretches in the country. The said mechanism may be called “National River Rejuvenation Mechanism” (NRRM) or given any other suitable name. NRRM may also consider the observations with regard to setting up of National/State/District Environment Data Grid at appropriate levels as an effective monitoring strategy.
- (ii) Chief Secretaries of all States/UTs and PCBs/PCCs must work in mission mode for strict compliance of timelines for commencing new projects, completing ongoing projects and adopting interim phyto/bio-remediation measures, failing which compensation in terms of earlier orders be deposited with the MoJS, to be utilised in the respective States as per action plan to be approved by the NRRM. Other steps in terms of action plans for abatement of pollution and rejuvenation of rivers, including preventing discharge or dumping of liquid and solid waste, maintaining e-flow, protecting floodplains, using treated sewage for secondary purposes, developing bio-diversity parks, protecting water bodies, regulating ground water extraction, water conservation, maintaining water quality etc. be taken effectively. The process of rejuvenation of rivers need not be confined to only 351 stretches but may be applicable to all small, medium and big polluted rivers, including those dried up.
- (iii) The Chief Secretaries of all States/UTs may personally monitor progress at least once every month and the NRRM every quarter.
- (iv) Directions of this Tribunal in earlier order, the last being dated 21.9.2020 are reiterated.

¹ (2017) 5 SCC 326

- (v) *The NRRM and the Chief Secretaries of all the States/UTs may take into account the observations in Paras 24 to 38 above.*
- (vi) *In view of discussion in para 38 above, it is made clear that accountability for failure to comply with the direction for payment of compensation will be of the concerned Chief Secretaries under Sections 25, 26, 28 and 30 of the NGT Act, 2010. The MoJS or any other aggrieved person will be free to take remedies by way of initiating prosecution or execution.”*

4. In view of the above, a copy of the application, along with a copy of this order, be forwarded to the Chief Secretary, MP by e-mail, for being dealt with in accordance with the above directions.

The application is disposed of.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 09, 2021
Original Application No. 103/2020 (CZ)
A