

Item No.01

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 544/2019

Dr. Kiran Ramdas Kamble & Anr.

Applicant(s)

Versus

State of Maharashtra

Respondent

Date of hearing: 18.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Mr. Manukumar Srivastava, Chief Secretary of Maharashtra
Mr. Mukesh Verma, Advocate for MPCB

ORDER

1. Question for consideration is the remedial action for failure of the Municipal Council Trimbak and other concerned authorities of the State of Maharashtra in preventing discharge of Municipal waste into river joining Godavari, in violation of judgement of the Hon'ble Supreme Court in *Paryavaran Suraksha v. UOI*, (2017) 5 SCC 326. The matter has been considered six times earlier – on 8.8.2019, 4.2.2020, 28.10.2020, 28.6.2021, 16.9.2021 and 11.2.2022 in the last more than two years, apart from orders in other cases on the subject, including an order in the presence of the Chief Secretary of the State on 24.01.2020 in O.A No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues. Each time finding apathy and

noncompliance on the part of the authorities, directions were issued for remedial action but unfortunately the situation remained unremedied to the detriment of environment and public health, forcing living beings to drink contaminated water with potential for water associated diseases at times leading to deaths, in flagrant violation of Constitutional mandate and binding directions of Hon'ble Supreme Court and this Tribunal, with no coercive action against such serious violators. Such attitude of the authorities was found to be disappointing and against human rights. This was found to be so though Trimbakeshwar is holy place of great significance, attracting devotees from all over the world, besides being the origin of river Godavari and lifeline of Maharashtra, Telangana, Andhra Pradesh, Chhattisgarh and Odisha.

2. Vide last order dated 11.02.2022, status of compliance was reviewed in the presence of Principal Secretary, Urban Development of the State and in the light of the report of Municipal Council Trimbak. It was found that the violations were continuing and untreated sewage was being directly discharged into river Godavari, in violation of judgment of the Hon'ble Supreme Court and the environmental norms, having adverse impact on Madhmeshwar Birds Sanctuary which is a Ramsar Site, created from the backwater of dam on Godavari in Nashik District. Accordingly, the Tribunal directed Chief Secretary, Maharashtra to ensure remedial action and to remain present in person by video conferencing. The operative part of the order is reproduced below:-

"1to4.....xxx.....xxx.....xxx"

*5. It is seen that generation of sewage is in the range of 4.5 – 5.0 MLD while arrangement for treatment is only for 1 MLD sewage. **Remaining untreated sewage is being discharged into the river which is not fit even for bathing purpose as per primary water quality criteria but may be drunk by human and other living beings to the detriment of their health and** in violation of*

environmental laws and judgment of the Hon'ble Supreme Court in *Paryavaran Suraksha* case¹ followed by directions of this Tribunal referred to above. We place on record our strong disapproval to the ki human conduct of the State of Maharashtra and its concerned officer for such situation and proposing action by August, 2023 inspite of repeated orders of this Tribunal in the last more than two years. We have not found any reason why such action could not have been taken earlier in view of Supreme Court orders of 2017 and why erring officers are not being prosecuted as directed by the Hon'ble Supreme Court. Disciplinary action appears to be an eye wash and wholly inadequate and not against senior officers who are real culprits for the situation. Regretfully, the authorities do not appear to have taken the trouble even to read the order. The report filed is incomplete. Information on cleaning of drains used for dumping sewage and garbage has not been given. Details of quantity of sewage generated from adjoining areas and the progress on underground sewerage needs to be ascertained so as to ensure remedial action. Comprehensive plan for Trimbakeshwar has to be in place, as directed earlier. No response has been given on these significant aspects.

6. Confronted with such failures, the Principal Secretary, UD, who is present by video conferencing has assured the Tribunal that immediate interim arrangements will be made to prevent untreated sewage being discharged into the river, pending permanent solution by way of setting up necessary STPs and directions earlier issued will now be complied with.

7. The Tribunal holds that direct discharge of sewage containing both organic and inorganic pollutant into the river Godavari is highly detrimental to the ecology and environment. The polluted water may also have serious negative impact on ecologically sensitive Madhmeshwar Birds Sanctuary in the area which is a Ramsar Site created from the backwater of dam on Godavari in Nashik District.

8. Let the Chief Secretary, Maharashtra ensure satisfactory action in the light of abovesaid observations, including meaningful coercive action against erring officers which may include prosecution, apart from disciplinary action as per directions of the Hon'ble Supreme Court, quoted earlier. Compliance affidavit of status as on 30.04.2022 be filed before this Tribunal 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. The District Magistrate, Nasik may, in coordination with concerned stakeholders, prepare and execute action plan for utilization of Rs. 1.0 crore deposited by the State Government for improving the environment consistent with the District Environment Plan. The Chief Secretary, Maharashtra may remain present in person on the next date by video conferencing."

¹ (2017) 5 SCC 326

3. In pursuance of the above, compliance affidavits have been filed on behalf of the State of Maharashtra as well as Municipal Council Trimbak and the Chief Secretary, Maharashtra is present by VC.

4. The affidavit filed on behalf of the State gives the compliance status in tabular form as follows:-

Sr. No.	Point	Action taken Report and Current Status
1.	Refurbishment of existing STP (Capacity 1 MLD) in the area of Trimbakeshwar Municipal Council	<ul style="list-style-type: none"> • The Trimbak Municipal Council completed the work of refurbishment of the existing 1 MLD STP through Maharashtra Suvarn Jayanti Nagaratthan Mahabhiyan (District Level). This work costs to the tune of Rs. 0.94 Crore and the entire cost is paid by the Government of Maharashtra. • Now, this STP is working as per standards.
2.	Augmentation of STP capacity through New Scheme (Capacity 4.5 MLD)	<ul style="list-style-type: none"> • A sewage project of Rs. 34.60 Cr. With additional 4.5 MLD STP capacity is sanctioned for intermediate stage requirement for the year 2038, by the State Government on 24.06.2021 under Maharashtra Suvarn Jayanti Nagarotthan Mahabhiyan. • The Trimbakeshwar Municipal Council has issued work order on 02.12.2021 accordingly. • The work of the project has been started and current progress is 10%. The expected date of completion of the said sewage project is August, 2023. • The said sewage scheme is 100% funded by the State Government (90% from State Scheme and 10% from Tribal Sub Plan) • Accordingly, the State Government has already released first installment of Rs. 11.33 Cr to the Trimbakeshwar Municipal Council.
3.	Interim compensation of Rs. 1.0 Cr.	<ul style="list-style-type: none"> • This Hon. Tribunal has directed the State Government of Maharashtra to deposit a sum of Rs.1 Cr as interim compensation with the Collector of District Nashik for utilization towards the restoration of water quality of the river at Trimbakeshwar, District Nashik. • Accordingly, the State Government has deposited Rs. 1 Cr. With the District Collector, Nashik on 15.11.2021. • The District Collector, Nashik has finalized the ozonization technology for augmentation of sewage treatment and restoration of water quality of the river at Trimbakeshwar.

		<ul style="list-style-type: none"> The work order for ozonization was issued on 14.02.2022 and the work is completed 100%. The said work will be commissioned by 10.05.2022 and 40% more sewage will be treated i.e. total 1.4 MLD.
4.	Taking action against concerned erring officers	<ul style="list-style-type: none"> The State Government has identified following officers as erring officers- <ol style="list-style-type: none"> Mr. Praving Nikam, the then Chief Officer, Trimbak Municipal Council. Mrs. Chetana Kerure, the then Chief Officer, Trimbak Municipal Council. Mr. Sanjy Jadhav, Chief Officer (Present), Trimbak Municipal Council Mr. Umesh Rathod, the then Engineer, Trimbak Municipal Council, Mr. Abhijeet Inamdar, Engineer (Present), Trimbak Municipal Council The State Government has instituted disciplinary proceedings against the above mentioned 5 officers/ engineers.
5.	Keeping copy of NGT order dated 16.09.2021 in the ACR folders and personal files of concerned erring officers	<ul style="list-style-type: none"> As per the directions of this Hon'ble Tribunal, a copy of the order dated 16.09.2021 this Hon'ble Tribunal has been placed in the ACR folders and personal files of the concerned above mentioned officers.
6.	Preparation of Standard DPRs for sewerage projects in the State.	<ul style="list-style-type: none"> Government of Maharashtra through Urban Development Department has directed the Maharashtra Jeevan Pradhikaran to prepare as Standard DPR- (Detailed Project Report) for sewage Projects in the State. Accordingly, Maharashtra Jeevan Pradhikaran has submitted the Standard DPR for sewerage projects. The said Standard DPR has been provided to all the ULBs.
7.	Interim arrangements to prevent discharge into river	<ul style="list-style-type: none"> The State Government has asked the Maharashtra Jeevan Pradhikaran to submit a report about generation and treatment of sewage in the area of Trimbakeshwar Municipal Council. As per report submitted by MJP, current sewage generation is not 4.5 to 5.0 MLD but it is 1.78 MLD. The existing established treatment capacity is 1 MLD which will be increased upto 1.4 MLD as a result of ozonization. This will be achieved by 10.05.2022. Thus, gap in treatment capacity to treat current generated sewage is 0.38 MLD. To bridge this gap, the State Government has sanctioned installation of 0.5 MLD Pre Fabricated STP. Administrative and financial approval for the same is given on 31.03.2022. The work order for the same is issued on 16.04.2022 and its installation

		<p>and commissioning is expected to be completed before 31.05.2022.</p> <ul style="list-style-type: none"> • In the meanwhile, the Trimbakeshwar Municipal Council has also identified temporary measure of treating effluents using eco-technology (bio-catalyst for treating both Kailas Raja Nagar Nala and Dobadwadi Nala. • As a result of these interim arrangements, no untreated sewage will be discharged in to river Godavari from 10.05.2022. • Also, Prefabricated STP work is being fast tracked to achieve complete treatment at the earliest. • Thus, all the requisite interim arrangements to prevent discharge of untreated sewage are ensured.
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5. In view of affidavit of the State, it is not necessary to refer to the affidavit of the Municipal Council.

6. We have interacted with the Chief Secretary, Maharashtra present before the Tribunal by VC. From the affidavit filed, quoted above, it is seen that the STP is now working and steps have been taken for augmentation of its capacity, interim compensation has been deposited, ecotechnology has been adopted as interim measure and ozonization technology has been finalized as permanent measure for treatment of effluents for which work order has been issued. Action has been taken against some of the erring officers. Gap in generation of effluents and treatment capacity is proposed to be bridged by installing pre-fabricated STP and taking temporary measures. It is also stated that no untreated sewage will henceforth be discharged into the Godavari.

7. In view of the above, no further action appears to be necessary at this stage except that the compensation deposited may be utilized by the Collector, Nashik for restoration of environment in accordance with the District Environment Plan. Further, steps be taken to ensure connectivity to the STP to fully utilized its capacity. Plan be prepared for

utilizing the treated water for secondary purposes, consistent with the directions of this Tribunal on the subject. CPCB may verify compliance status as on 30.11.2022.

The application is disposed of.

A copy of this order be forwarded to the CPCB by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 18, 2022
Original Application No. 544/2019
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