

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

(By Video Conferencing)

Original Application No. 544/2019

(With Report dated 27.10.2020)

Dr. Kiran Ramdas Kamble & Anr.

Applicant

Versus

State of Maharashtra

Respondent(s)

Date of hearing: 28.10.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent(s): Mr. Mukesh Verma, Advocate for MPCB

ORDER

1. The issue for consideration is remedial action against discharge of untreated sewage into the river Trimbakeshwar, District Nasik, in view of law.
2. The matter has been earlier considered on several occasions and lastly on 04.02.2020, after considering report of the State PCB dated 26.12.2019 to the effect that pollution was being caused on account of failure of the Municipal Council, the Tribunal observed:-

“2. Accordingly, a report has been filed on 26.12.2019 by the Urban Development Department furnishing action plan for sewage treatment for the Trimbakeshwar Municipal Council and for augmentation of STP capacity-new scheme STP (5 MLD).

3. With regard to the timelines mentioned item no. 8, 9 & 10 i.e. 31.08.2020, 31.08.2022 and 30.06.2023 for administrative approval, completion of work and 100% treatment of generation of sewage and achieving effluent discharge standards for STP, we direct that the said timelines be preponed in accordance with the

directions of this Tribunal vide order dated 24.01.2020 in O.A No. 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016, passed in presence of the Chief Secretary, Maharashtra is as follows:

“

37. xxx xxx xxx

d. *The compensation regime already laid down for failure of the Local Bodies and/or Department of Irrigation and Public Health/In-charge Department to take action for treatment of sewage in terms of observations in para 33 above will result in liability to pay compensation as already noted above which is reproduced for ready reference:*

- i. *Interim measures for phytoremediation/ bioremediation etc in respect of 100% sewage to reduce the pollution load on recipient water bodies – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per drain by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.*
- ii. *Commencement of setting up of STPs – 31.03.2020. Compensation is payable for failure to do so at the rate of Rs. 5 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2020.*
- iii. *Commissioning of STPs – 31.03.2021. Compensation is payable for failure to do so at the rate of Rs. 10 lakh per month per STP by concerned Local Bodies/States (in terms of orders dated 28.08.2019 in O.A. No. 593/2017 and 06.12.2019 in O.A. No. 673/2018) w.e.f. 01.04.2021.”*

4. **Let a further status report be filed after three weeks by email at judicial-ngt@gov.in.”**

3. In pursuance to above, a report has been filed on 27.10.2020 by the State PCB referring to its direction dated 28.08.2020 and observations during the visit of the officers of the State PCB on 27.08.2020. The directions are:-

“(i) *The existing STP having capacity of 1 MLD was not found in operation due to temporary electricity failure, however, no back up is provided for operation of STP.*

- (ii) *No flow meter was provided at the inlet of STP for ascertaining the incoming flow of sewage to STP for treatment and overflow from inlet sump of STP was observed, which was meeting directly to Godavari river.*
- (iii) *Trimbak Municipal Council is directly discharging sewage in the Godavari river through two other nallas i.e. Neelganga Nalla and Mhatarroad Nalla.*
- (iv) *No in-situ treatment such as phytoremediation or bio-remediation is provided on the said nallas etc.”*

4. Observations during the visit are:-

- “(i) During visit STP of capacity 1 MLD was found in operation. The said STP is based on FAB technology.*
- (ii) In this STP about 2 to 2.5 MLD domestic effluent is received for treatment.*
- (iii) There is no underground drainage system in the Council area. The effluent received for treatment is through nallas.*
- (iv) Total generation of domestic effluent at present is about 3 MLD as informed by Council representative. However, it is not confirmed as to how much quantity of effluent has been treated in the current STP because from the inlet concreted nalla of STP overflow meeting to Godavari river directly without any treatment.*
- (v) During visit, it was raining in Trimbakeshwar.”*

5. The above shows acknowledged unsatisfactory state of affairs and only remedial measure mentioned is engagement of NEERI for preparation of DPR for two drains wherein untreated sewage is discharged.

6. We find that the stand is against repeated orders of this Tribunal to have standard DPRs at the State level for such purposes as the problems are of general nature and these directions were duly conveyed to the Chief Secretaries of all the States during their personal presence before this Tribunal. In spite of that, repeated plea is being taken by the Municipal Council that they are engaging some consultant for preparation of DPR with a view to justify continued violations of law. In

spite of the repeated directions, the State PCB is failing in its duty and recovery compensation on 'Polluter Pay' principle and taking other coercive measures. There is also a failure of State Administration in fixing personal accountability of the law violators to the detriment of the citizens. These actions are directly hit by the judgement of the Hon'ble Supreme Court in Paryavaran Suraksha v. UOI, (2017) 5 SCC 326 mandating that all steps for requisite treatment plants must be completed by 31.3.2018 after which coercive measures must be taken against the Secretary to the Govt., Urban Development.

7. In view of the above, we direct Chief Secretary, Maharashtra to look into the matter and take remedial action including action against the erring officers of the State and file an affidavit of compliance before the next date 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 again on 23.02.2021.

A copy of this order be forwarded to the Chief Secretary, State of Maharashtra by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. S.S. Garbyal, EM

Dr. Nagin Nanda, EM

October 28, 2020
O.A. No. 544/2019
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