

Item No. 01

Court No. 1

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

Original Application No. 6/2012

Manoj Mishra

Applicant(s)

Versus

Union of India &Ors.

Respondent(s)

Date of hearing: 23.08.2019

Date of uploading of order: 11.09.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

ORDER

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Introduction

1. The matter has been taken up to review the progress in execution of directions in the judgment of this Tribunal dated 13.01.2015 reported in *2015 ALL (I) NGT REPORTER (1) (DELHI) 139*. In the said judgment, the Tribunal dealt with the issue of control of pollution and

rejuvenation of River Yamuna in Delhi. The matter of enforcement of the said directions has been taken up from time to time in the last four years but the progress has been found to be far from satisfactory. Even today the situation is same.

Orders of the Hon'ble Supreme Court and this Tribunal

2. It is necessary to give a brief background of the case before issuing further directions. The issue of control of pollution and rejuvenation of river Yamuna was taken up by way of Writ Petition No. 725/1994 by the Hon'ble Supreme Court based on a news item published in Hindustan Times titled 'And Quite Flows the Maily Yamuna'. Grim situation of pollution and failure of authorities to take appropriate action was noted by Hon'ble Supreme Court in various orders¹. Vide order dated 10.12.2012, the Hon'ble Supreme Court noted "*despite heavy expenditure, in thousands of crores, having been incurred by the Central Government, Government of the States of Haryana and Uttar Pradesh and the local authorities in the National Capital Territory of Delhi, the pollution of river Yamuna has increased by the day*". It was further observed that the water quality of river Yamuna at the Nizammudin Bridge as shown from the analysis of the samples by the Central Pollution Control Board (CPCB) to be: BOD 37 mg/l (against permissible limit of 3 mg/l), faecal coliform 17,00,00,00,000 (against permissible limit of 500 MPN/100 ml). The situation was found to be similar at Kalindi Kunj, Okhla and even Palwal. The Hon'ble Supreme Court directed preparation of action plans and after continuing to monitor it for 23 years, on 24.04.2017, the proceedings were transferred to this Tribunal. In the meanwhile, O.A. No. 6/2012 was

¹ (1999) 1 SCC 161, (2000) 10 SCC 587, (2000) 9 SCC 440, (2004) 8 SCC 638, (2009) 17 SCC 708, 716, 718, (2012) 13 SCC 736, 786

filed before this Tribunal on which response was sought from Govt. of NCT of Delhi, DJB, DDA, DPCC and the States of Haryana and Uttar Pradesh. In the light of material furnished, vide order dated 13.01.2015, this Tribunal issued directions to take remedial steps to control the pollution and to rejuvenate the river Yamuna. Further directions were also issued in the light of order of the Hon'ble Supreme Court dated 24.04.2017. The said orders required time bound actions. Orders dated 13.01.2015 and 08.05.2015 divided the project of cleaning and rejuvenation into 2 phases. First Phase related to Nazafgarh, Delhi and supplementary drains. Second phase related to all other drains. Order dated 08.05.2015, accepted "Maily Se Nirmal Yamuna" Revitalization Plan, 2017 in principle subject to specific directions. It was further directed that environmental compensation will be recovered from every household generating sewage on polluter pays principle irrespective whether the household was sewered or not.

3. Finally, on 25.07.2018, after noticing the earlier proceedings, it was again noted that there was no meaningful progress in the last three years. The work for 14 STPs had not even begun for which no justification was furnished.² The Tribunal directed that the said work must commence positively by 01.12.2018. Coronation Pillar was to be completed by 11.04.2019. Work of Najafgarh drain was to be completed by 31.12.2018. 11 drains were said to have been tapped and work for trapping of 5 drains was to be awarded and completed by December 2020, except the one for which the work was to be completed by 2018. The State of Haryana was directed to file an

²Para 9

affidavit showing the steps taken to ensure that no untreated pollutants are discharged into Najafgarh drain and no untreated sewage flows from DD2 drain at Panipat.

Appointment of Monitoring Committee to Monitor Execution/Compliance of Orders of this Tribunal

4. In continuation of the said order, on 26.07.2018, a status report on sewage management was noted and it was found that at most of the places, BOD/SS levels were not meeting the required parameters.³ The Tribunal constituted a two Member Committee for time bound action plan and framework for implementation. The Committee was to draw up comprehensive, integrated and inclusive strategy with clear measurable indicators of progress and success. The action plans were also to include creation of biodiversity parks. The DDA was required to make the entire flood plains available to the Forest Department after demarcation. The Monitoring Committee was also required to lay down a plan for collection of funds on the 'Polluter Pays' principle and to deal with the problems of idol immersion in the river Yamuna. The States of Uttar Pradesh and Haryana were directed to constitute their own Monitoring Committees. The existing Committees were to function in tandem with the Committees so constituted. The Committee was to give interim report by 31.12.2018.

Action Plan prepared by the Committee

5. The Committee submitted its Core Action Plan dated 22.10.2018, identifying road map for monitoring the directions of this Tribunal activity wise and agency wise. The plan highlighted issues, present status and future actions. The sixteen action points identified are:

³Para 3

- “i) Environmental Flow*
- ii) DDA and Demarcation of the Flood Plains and Conservation Activities*
- iii) Quality of River water*
- iv) Sewage Treatment Plants*
- v) Interceptor Sewer Project (ISP)*
- vi. Repair and maintenance of Drains*
- vii) Polluter Pays principle*
- viii) Dredging and desilting*
- ix) . Industrial Pollution and CETPs*
- x) . Sewage and Faecal Sludge Management*
- xi) Online Monitoring of STPs, CETPs and Yamuna.*
- xii). Use of treated Waste Water*
- xiii). Idol Immersion*
- xiv). State of Haryana and pollution of the Yamuna*
- xv) State of Uttar Pradesh and Pollution of the River*
- xvi) Creating Public Awareness Through Information Dissemination Strategies and Management”*

First Report of the Committee dated 16.01.2019

6. The first report dated 16.01.2019 was furnished by the Committee which was considered vide order dated 29.01.2019. It was found that DDA was yet to undertake demarcation of the flood plains. There was a need to have a mechanism to stop dumping of debris by installing electronic surveillance system, aerial mapping to track debris, to set up check posts to track transportation of debris and for recovery of environmental compensation, setting up of more water quality monitoring stations, improvement and upgradation of STPs, setting up new STPs to bridge the gap between sewage generated and sewage treated, need for interceptors, maintenance of drains, improvement of CETPs and to set up sewerage network for unauthorized colonies. The Committee noted that the faecal coliform count was upto 6,400 times above the prescribed standards. Only 14% of the 1797 colonies had sewage pipelines. DDA had failed to remove the debris and to secure the area by erecting barbed wire fencing. The authorities in the State of Haryana were required to expedite action for reducing water

pollution load. The State of Uttar Pradesh was required to tap the drains, set up STPs and take action against the polluting industries releasing effluents into drains joining the river. The Tribunal noted that the situation was grim and that the regulatory authorities had failed to apply the 'Polluter Pays' principle to control the polluting activities. In spite of the serious damage being caused, the authorities were not acting against the offenders either by prosecuting them and/or recovering the cost of restoration. Apart from failure of the Delhi Government, there was failure on the part of DDA, UP Government as well as Haryana Government. The Delhi Government, UP Government as well as Haryana Government were required to furnish performance guarantees in the sum of Rs. 10 Crores each with the CPCB. The DDA was also required to furnish a performance guarantee in the sum of Rs. 50 Lakhs with the CPCB. This Tribunal directed that further report be furnished by 20.05.2019.

Second Report of the Committee dated 27.05.2019, supplementary reports 28.06.2019 and 02.07.2019 and further reports commenting upon compliance status by authorities in Delhi dated 13.08.2019 and states of Haryana and Uttar Pradesh dated 20.08.2019

7. Accordingly, the Second Report dated 27.05.2019 was furnished by the Committee followed by supplementary reports dated 28.06.2019 and 02.07.2019. The said reports were considered vide order dated 12.07.2019 as follows:

“12. The Committee has furnished second report dated 27.05.2019. The report deals with 16 core areas including the progress on projects, enforcement action and new initiatives agreed upon with the key agencies, supplementary cases incidental to the Manoj Mishra matter and specific matters where the Committee seeks intervention of the Tribunal. Apart from the said report, the Committee has also forwarded a supplementary report dated 28.06.2019 and

second supplementary report dated 02.07.2019. The supplementary report refers to the e-flow study report. The Committee also suggested flat rate for sewage connection and treatment which may be assessed by the National Institute of Financial Policy and Training.

13. Since unfortunately none of the Counsel is ready with their respective instructions and the authorities including heads of the Departments may be required to be held accountable for executing the orders of this Tribunal which continue to be defied and performance guarantees, may have to be forfeited and further compensation directed to be paid or performance guarantees required to be furnished, we give further opportunity to the States of Haryana, Uttar Pradesh, Delhi, DDA, DJB, DPCC and the Municipal Corporations to furnish their comments, if any, within two weeks from today.

14. We further direct the NCT Delhi, the States of Haryana and UP, DDA to file an affidavit of compliance of the directions of this Tribunal in a clear cut tabular statement indicating:

- i) Actions required to be taken,
- ii) Actions taken so far,
- iii) The target date prescribed in the Orders,
- iv) Reasons for the delay in execution and
- v) Expected date of completion.

All this information may be in quantifiable as well as qualitative terms with measurable indicators, also indicating reasons in detail in case of over-shooting of prescribed timelines. This statement should cover all the components of Yamuna Mailey se Nirmal Yamuna Revitalization plan, 2017 approved by this Tribunal which covers environment flow, interception of drainages to STPs, up-gradation of existing STPs to meet the standards, setting up of new STPs, utilization of treated sewage, identification and demarcation of Flood Plain Zone (FPZ), removal of encroachments from FPZ, Sewage Treatment Plants, repair and maintenance of drains, dredging and desilting, Industrial Pollution and trade effluent including performance of ETPs and CETPs, sewage and fecal sludge management, online monitoring of STPs, CETPs in river Yamuna, use of treated waste water, idol immersion, pollution of the river Yamuna in the State of Haryana, and pollution of River in the State of U.P., creating public awareness through information, dissemination strategies and management and polluter pays principle. A copy of this statement may also be provided by the NCT Delhi, the State of Haryana and Uttar Pradesh and DDA to the Monitoring Committee before 05.08.2019 and Monitoring Committee may provide consolidated status report by recording its comments/remarks by 10.08.2019.”

8. Reports were filed by the National Capital Territory of Delhi (NCTD), Delhi Jal Board (DJB), Delhi Development Authority (DDA), Delhi Pollution Control Committee (DPCC) and the States of Haryana and Uttar Pradesh. The Monitoring Committee on its part furnished status reports dated 13.08.2019 and 20.08.2019 with comments on the said status reports/affidavits.

Summary of Status of compliance

9. We heard the learned Additional Solicitor General appearing on behalf of GNCTD and learned Counsel appearing on behalf of DJB, DDA, DPCC and the States of Haryana and Uttar Pradesh on 23.08.2019. After the arguments were concluded on 23.08.2019, the following order was passed:

“We have heard learned Additional Solicitor General appearing on behalf of GNCTD, learned Senior Advocate appearing on behalf of the DJB and the learned Counsel appearing on behalf of States of Haryana and Uttar Pradesh, DDA and DPCC.

We have perused the reports furnished by the Monitoring Committee and the affidavits/reports filed by States of the Haryana and Uttar Pradesh, DDA and DPCC.

Order will be uploaded on the website on or before 06.09.2019.

In the meanwhile, learned Counsel for all the authorities may give specific timelines for the actions to be undertaken in terms of orders of this Tribunal. Learned ASG may compile such information and suggest extended timelines wherever timelines have already expired. It is made clear that the Tribunal will finalize the fresh timelines with clear adverse consequences of violating such revised timelines. This is necessary as repeated timelines have not been adhered to in the last 30 years and pollution of river Yamuna is continuing. Such pollution needs to be controlled at the earliest for protection of environment and public health and having regard to unique significance of the river Yamuna which is a major tributary of river Ganga.”

The date of uploading was later notified to be 11.09.2019 as Hon'ble member was not available till that day. No compilation was filed by

the Learned ASG in above terms. However, e-mail dated 09.09.2019 had been sent hard copy of which was filed on 11.09.2019 after the order was ready for uploading leaving no opportunity for the Tribunal to look into the same. As the matter had already been fully considered, we have thus proceeded to consider the matter on the available materials.

10. We may notice the observations of the Monitoring Committee with regard to the progress on each of the above heads with reference to which compliance of directions of this Tribunal is to be monitored:

STATUS IN RESPECT OF DELHI

I. Environmental Flow:

It has been reported by Monitoring Committee under the subject of Environmental Flow that the 2nd Interim Report had referred to the Principal Committee's report dated 6.5.2015 which had *inter alia* recommended creation of off-river shallow reservoirs along the floodplains of river Yamuna. The IFCD of Govt of NCT Delhi has in its report submitted that the pilot project could not commence as the land for the project could not be finalised.

II. Demarcation and Rejuvenation of the Flood Plain:

It has been commented by the Monitoring Committee with regard to the subject of Demarcation and Rejuvenation of the Flood Plain that following steps are required:

1. Physical demarcation of the entire floodplain to be done by DDA (Para 5A, Page 82)
2. No construction activity in the demarcated floodplain.
3. Repossessing the floodplain area under illegal and unauthorized possession. No activity of edible crop/ cultivation on the floodplain.
4. No activity of edible crop/ cultivation on the floodplain (Para E, Page 87)

5. No person/ authority shall dump any kind of construction debris on the floodplain area. There shall be prohibition of any kind of dumping of malba/ material in and around River Yamuna. (Para 6B, Page 88)
6. Polluter Pays Principle: Compensation of 50,000 INR. This compensation will be utilized for Restoration and Rejuvenation work. (Page 86)
7. Prohibition of throwing Pooja material or any kind of other material in River Yamuna except only the designated sites. Violators to pay 5,000 INR on 'Polluter Pays Principle' (Para D, Page 88)
8. Existing wetlands and water bodies should be deepened and enlarged and provide more water bodies. (Para A, Page 90)
9. Floodplains shall be restored, preserved and beautified in accordance with the reports of the experts committee. (Para xi, Page 91)
10. Restricted activities of Floriculture/ Silviculture can be carried-out subjected to permission. (Para xii, Page 91)

The Committee noted details from DDA's Report giving status and area where action is required: Total area of 5128 ha area of zone O (Reference page 15 of DDA's Action Taken Report)-Area 1.Old Railway Bridge to ITO Barrage (Western Bank)-Asita, Area 2.Geeta Colony Bridge to ITO Barrage (Western Bank) Eco-Tourism, Area 3.Old Railway Bridge to ITO Barrage (Eastern Bank) - Asita East, Area 4. NH24 to DND Flyway (Western Bank)- Project area: 263 Ha., Area 5. DND to proposed Kalindi By-pass (Western Bank) - Khijrabad Area 6. NH-24 to DND Flyway (Eastern Bank) Part Area- I, Area 7. NH-24 to DND Flyway Eastern Bank) Part Area- II- Hindon Cut Wetlands I&II, Area 8. Wazirabad Barrage to ISBT Bridge (Eastern Bank) around Garhi Mandu Village & Usmanpur Village, Area9.Wazirabad to Old Railway Bridge (Western Bank) Area 10. ITO to NH-24 (Eastern Bank)- Commonwealth Games Village Area.

III. Quality of River Water:

The quality of river water needs to be monitored continuously.

IV. Sewage Treatment Plants:

1. As per DJB, Delhi generates 720 MGD of sewage(though it could be an underestimation as a large number of illegal bore wells have not been accounted for in this estimate) but the actual treatment is only 500 MGD(69%).
2. Capacity Utilisation of STPS: As many as 13 STPs have capacity utilisation of less than 70%, some even having capacity utilisation of 10 %(Ghittorni).
3. **Addition/Upgradation of STPs:** At present only five STPs have design parameters of TSS/BOD: 10/10 mg/L and three plants with design parameters of TSS/BOD: 10/15 mg/L. All the other 27 STPs have design parameters of 20/30 or 30/50. Although by 2022, DJB plans to add 90 MGD of capacity (with TSS/BOD: 10/10 mg/L) and upgrade 20 MGD STP at Rithala. However, bulk of the existing plants will continue to work at TSS/BOD parameters that are higher than 10/10.
4. **Setting of 14 STPs as per the Sewer Master Plan (SMP) 2031:** It has been reported by Monitoring Committee that the NGT orders dated 13.1.15 had directed setting up 32 STPs as per the SMP 2031. None of these STPs have so far come up. Out of these, 14 were proposed in the Najafgarh basin. Seven projects were sanctioned by NMCG and funds released in 2017. However, land is available for only 2 out of these 7 so far. The Committee of NMCG had recommended only 7 out 14 STPs to be recommended for approval. Work order was also issued in favour of Larsen & Toubro in 2017 for seven projects sanctioned by NMCG although land was available only for two. In 2018 a study was undertaken through WAPCOS to assess the quantum of flow in all the 14 drains. Till date no work has commenced for any of the 14 STPs. It has been reported by Monitoring Committee that it has not received any definitive milestone and timeline and is not sure if at all these 14 projects will commence on the ground. It has been reported that the Monitoring Committee is of the view that DJB has failed to fulfill its commitment to the National Green Tribunal.

5. **Decentralised STPs:** DJB had proposed 46 decentralized STPs with a total capacity of 158 MGD.

V. Interceptor Sewerage Project (ISP):

1. It has been reported by Monitoring Committee that The ISP is divided into six packages which together seek to trap 108 drains in the catchment area of Najafgarh and Shahdara drains which together contribute 550 MGD of flow in the Yamuna and account for almost 85 percent of waste water flowing into Yamuna within the Delhi stretch of the river. A total of 242 MGD of sewage is targeted to be trapped and treated once the ISP is commissioned.
2. It has been reported by monitoring committee that there is no effective project monitoring within DJB. Resultantly, timelines are not being adhered to and accountability fixed for default.

VI. Maintenance of Drains:

1. Out of the 18 drains, 11 drains claimed to have been trapped by DJB Tonga Stand Drain, Civil Military and Dr. Sen Nursing Home drain were found to carry sewage on an inspection by DTU team. DJB has now claimed that except for the Dr Sen Nursing Home drain, the other two drains have been completely trapped. Overflow has been observed from the gates on the Dr Sen Nursing Home nallah installed by the agency operating the STP. DJB has proposed a weir on the drain to trap it by December 19. It has been recommended by Monitoring Committee that DJB and NDMC have been asked to identify and plug source of sewage.
2. Trapping of Drains: Out of the remaining 6 drains two drains, namely, Kalkaji and Tekhand drains have been trapped. As regards the other 4 drains, the position is as under:
 - (a) Qudasiabagh+ Mori Gate drain(Flow: 43.2 MLD).
 - (b) Barapula Drain (Flow: 145.15 MLD).
 - (c) Maharani Bagh Drain (30.24 MID)
 - (d) Najafgarh drain (2056 MID) and Shahdara outfall drain (475 MID)

The Monitoring Committee has reported that these plains are linked to ISP and sewage treatment is linked to commissioning of ISP and the connected STPs. It has also been stated that there is a mismatch between timelines for commissioning of the STPs and commissioning of ISP. About 227 MLD of sewage from UP flows into Shahdara drain and 477 MLD into Najafgarh Drain from Haryana.

3. Status of other storm water drains carrying sewage:

It has been reported by the Monitoring Committee that a total of 79 water drains in Sewered areas were found to be carrying sewage. In respect to this DJB has stated 39 have been plugged and 40 would be plugged as per the action plan submitted by them.

4. Status of Punctured Sewers:

It has been reported by the Monitoring Committee that at 344 locations sewer were punctured and drains connected to the sewer network. It has been reported that out of 344 locations 252 punctured sewers have the repaired.

5. Ameliorative measures for cleaning drains & Constructed Wetlands and *in-situ* Bioremediation Technology: Controlled Dredging in River Yamuna is required.

VII. Industrial Pollution:

1. Action against Water Polluting Industries.
2. Action against the Industries in Bawana, Narela and SMA&SSI Industrial areas.
3. EC imposed for dumping of Solid waste in drains and river Yamuna.

VIII. Sewage and Faecal Sludge Management and Levy of Environmental Compensation

1. Septage Management

As reported by Monitoring Committee, the progress with regard to Septage Management from April to July 2019 has been reported as under:

- a). 96 Licenses issued for collection, transportation and disposal of septic tank waste.
- b). 2 Crore Litres of Septic Tank Waste has been collected/ treated from the unsewered/ un-authorized areas in 4 months.
- c). Coverage has expanded from Rohini to now cover Dwarka, Uttam Nagar, Najafgarh and Yamuna Vihar.
- d). Claim of BOD reduction load in river by about 2.5 metric tonnes per day.

The Monitoring Committee reports that it is necessary to expand the coverage to all collectors of sewage operating in the unauthorised colonies. It also states that coordination with the DMCs is still weak and ineffective.

It has been commented that the mushroom growth of unauthorized colonies has been the bane of urban planning and has resulted in giving rise to a grave situation. Environmental pollution and destruction of the river Yamuna is the direct consequence of haphazard growth in unauthorized colonies. This phenomenon is not confined to Delhi but is also happening in UP and Haryana.

The experience of the last 20 years shows how the unchecked expansion of unauthorised colonies has led to haphazard proliferation of vast habitations of populations bereft of roads, drainage or sewerage. Apart from sewage all such households also eke out living through home-based activities many of which have been found to be hazardous and which exacerbate pollution in the drains and river. No amount of STPs and professional management inputs, repair of drains and interception of sewage will result in making the Yamuna cleaner unless the most major among the causes of pollution are confronted. In a city of 20 million if over 7 million inhabitants of unauthorised colonies live without sewerage it will affect the environment of all citizens.

It states that while the implementation of the Septage Management Regulations has to continue it will not address the basic problem. Forward planning is necessary keeping the future population growth in mind. Laying sewer lines and drains needs to be forecast and attended to well in advance to avoid the present situation in which most unauthorised colonies have no outlet for sewage.

2. Sewage from Sewered areas

The DJB has reported that sewer network has been extended from 255 unauthorised colonies in 2015 to 384 in 2019 and that work is in progress to extend sewer network to another 432 unauthorised colonies covering a population of 21.60 lacs. Even in the existing 951 KMs of new sewer lines have been added.

The M.C. has stated that while the coverage of sewer network has been increased considerably during the last four years, it is a matter of concern that the individual household connectivity of sewer network is very low. On DJB's own admission, although entire East Delhi is sewered, only about 60% households have taken sewer connections. In fact, there are colonies like West Jyoti Nagar Shahdara, which was notified as a sewered colony in 2015, for 1446 active Water connections, only 167 households (11.5%) have taken the sewer connections. DJB's reply has not spelt out any policy measures or forceful steps that are envisaged to compel households in the sewered areas to take household connections.

Enforcement and Levy of Environmental Compensation-Polluter Pays Principle:

The Monitoring Committee report states that NGT order of 8th May 2015 that dealt with Environmental Compensation (EC) under Polluter Pays Principle (PPP) on all households 'whether in sewered areas or unsewered areas', has not been given effect to by GNCT/DJB. It states that "this sort of prevarication appears to be deliberated to find alibis for not using the Polluter Pays Principle to levy user charges or charge upfront for sewage collection and treatment".

It states that in the case of unauthorized colonies there is reluctance to recover even nominal charges. Since August 2018 DJB has been assuring MC that a policy to give free or extremely cheap sewer connections is in the offing but on ground no such thing has happened. Compounded with the refusal of households to take house connections even where sewers have been provided, tens of thousands of households spew their sewage into the storm water drains and pay nothing for the environmental damage caused.

It states that the whole of East Delhi has a sewer network but only 60% households are connected to the sewer system. It further states that officers and engineers accept no responsibility for compelling each household to take sewer a connection which amounts to dereliction of DJB's statutory functions under the DJB Act.

IX. Online Monitoring of STPs and CETPs

1. OLMS in Sewage Treatment Plants:
2. OLMS in CETPs.

X. Use of treated waste water

DJB uses only 90 MGD of treated waste water against 500 MGD of waste water treated at its 35 operational STPs. This is only 18% utilisation of treated waste water. The MC had highlighted that some of the treated waste water is of very good quality with BOD as low as 5-6 mg/L. Not utilising this water results in wasteful expenditure besides wasting a scarce natural resource treated at a very high cost of about Rs 11.90 per KLD (as per the information furnished by DJB). MC had asked the DJB and the Park owning agencies like the DDA, DMC and PWD to use treated waste water from STPs for all the parks within 5 Km radius of STPs and pending laying pipelines to have water transported through tankers. This has not been implemented by the authorities, despite DJB having pursued the matter with the DMCs, DDA, PWD and others. The DJB has now reported to NGT that it has done the following:

- 1) Plotted all the Parks located within 5 Km radius of all the DJB STPs and shared details with the Park Owning agencies

- ii) Installed filling points at all the STPs for tankers lifting water. Notices issued to DDA, NDMC, All DMCs, CPWD, DMRC, PWD, DSUIB to submit ATR for utilisation of treated waste water failing which Advisory Committee shall be asked to seal the bore wells.

XI. Pollution due to Idol Immersion

The Divisional Commissioner and the DMCs which have the responsibility and accountability for implementation of mandate with respond to idol immersion must ensure that such activities are scientifically regulated and non-compliance strictly dealt with by imposition of Environmental Compensation to be decided jointly by CPCB and DPCC.

STATUS IN RESPECT OF STATE OF HARYANA

The MC had reported that the total quantity of waste water was 1238 MLD despite the urban areas having sewage treatment capacity to treat 80% of the sewage generated. Further, there is an absence of proper maintenance of STPs and the bulk of the sewage being generated is not being conveyed to the STPs on account Malfunctioning STPs and an absence of sewer network. It has been stated that multiplicity of agencies/departments in different cities/towns of rural areas has resulted in poor coordination and a single supervisory authority is needed at the state level for monitoring and implementation.

A. Status of STP.

1. It has been stated that 33 Nos. of Towns in the catchment area of River Yamuna is generating 1290 MLD sewage. There are 82 Nos. of STP with cumulative treating capacity of 1562.7 MLD. Out of these 82 No's of STPs, 39 No's of STPs are existing whereas 43 No's of STPs are either under construction, under upgradation or replacement with cumulative treatment capacity 766.2 MLD and 796.5 MLD respectively. The State of Haryana has planned their action for construction of new STPs, upgradation of existing STPs

and treatment of sewage generated from these towns by 31.12.2023 for abatement of Pollution in River Yamuna.

2. The affidavit appending the status report of the line department indicates that 31 Nos. of STP are complying and 08 Nos. of STPs as not complying. These averments of the line departments are not corroborating with the facts at site. The RYMC, Haryana observed that out of 39 Nos. of existing STPs only 06 Nos. of STPs are now found complying. The reasons for non compliance in the existing STPs have been elaborated in the report. Standard operating procedure for STPs is not being followed.

The RYMC, Haryana has observed that 1127.5 MLD of untreated/partially treated sewage is being discharge from Yamuna Nagar, Karnal, Panipat, Sonipat, Rohtak, Bahadurgarh, Faridabad and Gurugram to River Yamuna through 11 Nos. of drains mainly because of the reasons that the sewage generated from the town is not reaching the existing treatment plants and is being discharged into the drain by-passing the STPs and multiple agencies are working for construction and operation of the STPs, laying of sewer lines for diversion of sewage with no coordination amongst these agencies.

B. Status of Diversion of Sewage in approved areas

It has been reported that out of the proposal to lay 1789 KM Sewage from the approved areas of 33 No's towns to divert the sewage to the STP, 580 KM (31%) sewage has been laid till date. The RYMC, Haryana observed that the work of laying sewage in Yamuna Nagar, Karnal, Panipat, Sonipat, Bahadurgarh, Rohtak, Faridabad, Nuh and Palwal is being done by the ULB Department which was proposed to be completed by 31.03.2020. However, the department has now informed that the work will be delayed by 3 months and will be completed only by 30.06.2020.

C. Status of Diversion of sewage in unapproved areas

1. The affidavit submitted by the State Government indicates that 90MLD sewage is required to be intercepted in 31 Towns in the

catchment area of River Yamuna. No Action Plan has been submitted for Faridabad Town. The plan for Gurugram has been incorporated in the Action Plan for diversion of sewage from Strom Water Drain, Leg-I, Leg-II and Leg-III (Badshapur Drain).

It has been reported that 28MLD sewage has already been intercepted and rest 62 MLD shall be tapped by 31.12.2020.

D. Status of Sewage Treatment and laying of sewer line in Faridabad.

1. It has been reported that 300 MLD sewage is generated from Faridabad & town. It has further been reported that 04 Nos. of existing STPs are not working. Untreated Effluent is being discharged into River Yamuna through Budia Nalluh and Gouchi Drain.
2. The report states that as per the Action Plan submitted by the ULD Department, 293 MLD sewage shall be treated by rectification/upgradation of existing 45 MLD STP at Badshapur and replacing 50 MLD STP at Partapgarh and 45 MLD STP at Mirzapur respectively with new 130 MLD and 108 MLD STPs. A new STP of 10 MLD capacity at Sector 21-A Faridabad is being constructed by the Department.
3. The Department has intimated that only administrative approval has been accorded for construction of 02 Nos. of new STP (130 MLD and 108 MLD) and shall be completed by 31.12.2021 which according to Monitoring Committee seems unachievable.
4. It has been reported that a separate sewer for carrying industrial effluent to the CETP proposed to be constructed by the HSIIDC.
5. Also that HSVP is constructing 1 No. of STP of 7.5 MLD and there is a proposal to construct another 30 MLD STP in the Grater Faridabad area. The report states that it seems that untreated effluent from Grater Faridabad areas will continue to be disposed through tankers in low lying areas till both the

STPs are installed. It is recommended trunk sewer should be made functional and sewer connection be provided for the colonizers wherever required.

E. Status of Sewage Treatment and laying of sewer line in Gurugram

1. It has been reported that the GMDA has again submitted a revised Action Plan for sewage generation, construction and operational STP and diversion of sewage presently being disposed through Storm Water Drain, Leg-I, Leg-II and Leg-III (Badshapur Drain) leading to Najafgarh Drain.
2. Further, the quantum of present sewage generation as per the revised Action Plan is 408 MLD whereas the projected sewage generation for 2023 is 471 MLD. The existing treating capacity is 388 MLD out of which 68 MLD STP at Dhanwapur and 50 MLD STP at Behrampur are under upgradation. The effective treatment capacity at present is 270 MLD.
3. The MCG has proposed to install additional 13 MLDSTP by 31.12.2020, whereas GMDA has proposed to install 20 MLD STP and 50 MLD STP by 31.12.2021 and 31.12.2023 respectively.
4. The cumulative capacity of STP by 31.12.2023 will be 471MLD. The Monitoring Committee states quantum of sewage generation and treatment facility should be critically assessed so that untreated effluent should not be discharge into River Yamuna at any given time.
5. There is a proposal to install 20 MLD CETP at Sector 34 Gurugram for 20 MLD industrial discharges from the area by GMDA.
6. Presently the quantum of sewage discharged into Storm Water Drain, Leg-I is 12.1 MLD, Leg-II is 23.75 and Leg-III (Badshapur Drain) is 49.35 MLD i.e., 85.2 MLD in total. The GMDA had submitted target dates in the previous Action Plan to divert of sewage from Leg I and Leg II to be 30.05.2019 and 30.06.2019 respectively but, the untreated sewage is still flowing in these Storm Water Drains. The revised target date submitted by GMDA to plug untreated domestic effluent being

discharged into the Storm Water Drain Leg I, Leg II and Leg III (Badshapur Drain) is 31.12.2020.

Observations:

- i. The GMDA to consider the quantum of sewage generated by the floating population in the town and other unspecified sources which are discharging into Storm Water Drain Leg I, Leg II and Leg III (Badshapur Drain).
- ii. The GMDA should ensure that the Storm Water Drain should not carry any discharge during dry weather after the diversion of sewage.
- iii. The target date for diversion of sewage from these drains is being extended many times since 2015. GMDA must ensure that the work of diversion of sewer from Storm Water Drains shall be completed by 30.06.2020.

F. Status of Industrial Waste Water Pollution:

a) Status of CETP

1. It has been reported that there are 16 Nos. of CETPs out of which 14 Nos. of CETPs are existing ones and 02 Nos. of CETPs are proposed to be constructed and there is no change in the status of Existing CETPs submitted earlier to the Tribunal. 140 MLD Untreated/Partially treated effluent is being discharged to the adjoining drains.
2. It has been reported that there are compliance issue with regard to functioning of CETPs of Industrial Estate at Bari, Rai, Kundli, Murthal, IMT Faridabad, IMT Manesar, IMT Rohtak, Manak Pura, Yamunanagar and Panipat. Operational and design deficiencies have been highlighted in the report of Monitoring Committee.
3. There is a proposal to install 20 MLD CETP at Sector 34, Gurugram. In the meanwhile, discharge from the industrial

sector is being illegally disposed into the adjoining sewage systems.

4. The ULB Department in its Action Plan for Faridabad Town indicates that 86MLD Industrial Effluent is presently being discharged through the STPs/Drains. The Municipal Corporation Faridabad (MCF) proposed to install 3 New CETPs with the capacity of 50 MLD, 24 MLD and 12 MLD respectively in Zone I, Zone II and Zone III. These CETPs shall be installed by the HSIIDC whereas the separate industrial sewer line and Main Pumping Station (MRS) by MCF. The Government of Haryana should ensure that these 03Nos. of CETPs got installed on priority in the Faridabad Town.

b) Status of Stand Alone ETPs

1. There is 1930 Nos. of Stand Alone ETPs discharging their 108 MLD of treated effluent to the receiving environment.
2. The HSPCB is mandated to ensure that all the Stand Alone ETPs should comply with the provision of Water Act, 1974 through regular, effective monitoring. Imposition of Environmental compensation and Closure action Under Section 33-A of Water Act, 1974, against the violating units is being taken.

c) Septage Management Policy

The Government of Haryana has published a Septage Management Policy for Gurugram Town on 23.07.2019 according to which all the Municipal Committees and Corporations in Haryana are to notify Septage Management Policy on the same guidelines with modifications to suit their local conditions.

d) Diversion and reutilization of Domestic Sewage generated from villages

The Development and Panchayat Department of Haryana submitted revised action plan stating that 193 villages in

the catchment area of River Yamuna are generating 40MLD sewage. The sewage will be treated by using Phytoid Technology with three pond and five pond technology in 169 villages. The Department informed that the work of installation of sewage treatment plant is in progress in 15 villages. The effluent generated from rest 24 villages will be diverted to the nearby sewage system.

G. Status of Online Monitoring Devices (OMD) in Industries, STPs and CETPs

1. There are 26 No. of OMD installed in the existing STPs and 08 No. of OMD installed in the CETPs connected to HSPCB Server.
2. The RYMC, Haryana observed that the installed OMD in STPs and CETPs are not serving any purpose for which they have been installed.
3. No mechanism in place with the line department to monitor the efficacy of these OMD. The OMDs are neither cleaned and calibrated regularly nor placed at appropriate locations for effective monitoring.

No mechanism in place with Haryana State Pollution Control Board to monitor these data generated from the OMDs and to take appropriate action in case of failure.

STATUS IN RESPECT OF STATE OF UTTAR PRADESH

It has been reported by the Monitoring Committee that there are four drains, namely Sahahibad, Indirapuri, and Banthala drains originating in Ghaziabad district of UP which carry sewage and industrial effluent into river Yamuna. Both Sabahibad and Indira puri drains also carry industrial effluent from Loni and Sahibabad industrial areas both in conforming and non-conforming areas. The report has also brought out the status of non

functional 30 MLD STP at Ioni, and 74 MLD STP at Sahibabad which is running below its installed capacity.

a) Sewage Management:

1. Discharge in Sahibabad drain has been shown as 90 MLD based on measurements done in May 2019, whereas in previous reports, the flow measured was stated to be 166 MLD. The flow in other two drains, namely, Indirapuri and Banthala have been shown at 78 MLD and 10 MLD respectively. This needs to be correctly assessed.
2. The reply submitted by the State of UP has stated that there is a 74 MLD STP at Indirapuram to treat the sewage in Sahibabad drain. It has also been stated that the plant is not running to the full capacity as the outfall drain where treated sewage is released also receives treated sewage from 56 MLD STP operated by Ghaziabad Development Authority and another 56 MLD STP operated by Ghaziabad Nagar Nigam at Indirapuram. It has been stated that unless the capacity of the outfall drain is enhanced or a separate outlet provided for the entire 74 MLD capacity STP the plant would continue to operate at reduced capacity. The Action plan for this lacks clarity in terms of milestones and timelines.
3. Regarding interception and diversion of Banthala Canal drain and Indirapuri drain, current status of implementation of DPR is not clear and further timelines for execution have not been specified.
4. Since the catchment area of these drains include both sewerage areas as well as unsewered areas, two pronged strategy one for the sewerage areas where leakages in the sewer network need to be fixed and the other for the unsewered areas where sewer network combined with septage management needs to be planned.
5. Since, waste water of Sahibabad drain is mixture of domestic & industrial waste, the present STP of 74 MLD (running at considerably reduced capacity) may not be able to reduce COD and other chemical pollutants. Therefore, there is a need for upgradation of STPs which was not meeting the norms.

6. It is also evident from the reply that different authorities/agencies, namely, Ghaziabad Development Authority, Ghaziabad Nagar Nigam and UP Jal Nigam are responsible for Sewage management in Ghaziabad district. Due to this multiplicity of authorities, accountability for managing sewage and sewerage in Ghaziabad has been ineffective despite the MC pursuing the matter with the state of UP for more than a year now.

b) Industrial Pollution: On control of industrial pollution, the State has taken some action. It has been reported that out of 150 water polluting industries identified in Sahibabad and 88 in Loni, 20 industries have been issued show cause notices. Closure order are being issued against 4 defaulting units in Rajendra nagar area in Ghaziabad and 545 illegal industries in nonconforming areas have been closed. The Report also states that an amount of Rs 89,69,375 has been levied by way of EC. However, it is not clear if all the EC levied by the State has been realized.

c) Demarcation, Protection and Rejuvenation of Floodplains: A portion of Yamuna floodplains on the Eastern bank of the river, measuring 708 acres, falls within the State of UP. Some area out of this is embroiled in litigation. Some land has also allotted to different organizations like DMRC, PWD etc. The DDA has informed that after discussion on with Principal Secretary Irrigation of UP it was agreed that DDA would create Biodiversity Park on the UP portion of the floodplains and the state of UP would reimburse the cost thereof to the DDA.

Further consideration

11. Having noticed the status of compliance of directions of this Tribunal in NCT Delhi, State of Haryana and Uttar Pradesh, we may now consider further directions to be issued in respect of each of the identified action points. As already noted in the order dated 23.08.2019, in view of repeated failure of the timelines earlier, fresh

timelines have to be laid down with accountability for failure in the interest of protection of environment and public health and for rejuvenation of the river Yamuna, which is a major tributary of river Ganga and has its unique significance. This is also necessary to comply with the mandate of directions of the Hon'ble Supreme Court referred to earlier. It may be noted that there are 351 polluted river stretches in the country identified as such by CPCB' which include all major rivers and their tributaries⁴. This Tribunal is also dealing with the pollution of River Ganga and several directions have been issued including that no untreated sewage or effluents are discharged in the river and floodplains are protected.⁵ Yamuna flows through the National Capital and its rejuvenation can be a model to be followed for all other polluted river stretches. Restoration of the river is a matter of grave environmental urgency that also concerns the prestige of the country.

12. One of the major concerns of this Tribunal is that repeated directions remain un-complied and inspite of largescale failures, no accountability is fixed. There is huge loss to public exchequer for which no action is taken. Timelines are conveniently and unilaterally changed. Officers indulge in blame game in shifting responsibility from one to another. There is failure at higher levels in monitoring and taking actions. If this continues, it is difficult to expect any positive change for long. This requires paradigm shift in approach adopted so far. The approach to be adopted is to have clear time-

⁴ The said matter is being separately dealt with by this Tribunal in O.A. No. 673/2018. All the States/UTs have been required to prepare and execute action plan for remedying the said pollution. Chief Secretaries of all the States/UTs have been required to remain present in person with progress reports in the matter, along with other vital issues. All the 35 Chief Secretaries have already appeared once and are scheduled to appear again.

⁵ O.A. No. 200/2014 order dated 22.08.2019.

bound plan with flexibility and due to accountability for failure by way of departmental action and monetary compensation. The rescheduled timelines have to be compressed so as to complete every action by December, 2020 except where shorter timelines are specified in this order or are otherwise possible. If any contract permits longer timeline, it is clearly in violation of binding orders of the Tribunal which has attained finality. Violation thereof is per se criminal offence. Such longer timeline has to be consistent with orders of the Tribunal and compressed within 31.12. 2020. Failing to do so may invite criminal prosecution NMCG may also monitor the compliance. The Chief Secretaries of Delhi, Haryana and U.P. have to personally see the compliance and have to set up Monitoring Cell directly under them. Vice Chairman, DDA can also monitor and coordinate with Chief Secretary, Delhi. All other departments can monitor subject to overall directions of the Chief Secretaries. This can avoid shifting of responsibilities once ownership is with highest authorities in the State. Monthly review reports may be shared with the Monitoring Committee and also placed on websites of concerned States. Failure and successes of the individual involved may be specifically recorded and reflected in service record of the concerned officer. Stock taking may be done by the Chief Secretaries of the failure and successes so far and appropriate actions be initiated against those who have been responsible for the failure. Nodal Officers may be identified in respect of different projects clearly defining the responsibilities. Wherever there is misappropriation of funds, criminal case has to be registered. Posting of Officers entrusted with the responsibility may be reviewed from time to time

depending on their responsibility. Procedure for giving of contracts may be shortened and standardized at State level and if possible at National level by NMCG and CPCB. Giving of contracts should be based on successful credentials instead of mere lowest rates. Pollution load at entry and exist point of each concerned State may or at entry points of each drains need to be recorded periodically. The Chief Secretaries of Delhi, Haryana and U.P. may furnish action taken reports in this regard at the time of their personal appearance before this Tribunal in O.A. 606/2018.

13. Priorities need to be planned. The first step is to ensure that no pollutant is discharged into the river or drains connected thereto. Projects of setting up and upgradation of STPs including setting up of interceptors, laying of sewerage line network etc. have to be completed within strict timelines. Pending such action, immediate bioremediation and/or phytoremediation or any other alternative remediation measure may be undertaken as an interim measure. Pollution of river or water bodies is a criminal offence which needs to be checked by setting up ETPs/CETPs/STPs. The Hon'ble Supreme Court has directed⁶ that establishment and proper functioning of ETPs/CETPs/STPs in the country be ensured. This is to enforce the right of access to water. It has been noted by the Hon'ble Supreme Court that water pollution is the cause of various diseases and also affects food safety apart from affecting the environment as such. Following the said judgment, this Tribunal has directed⁷ that "*All the local bodies have to ensure 100% treatment of the generated sewage*

⁶ (2017) 5 SCC 326

⁷ Order dated 28.08.2019 in Paryavaran Suraksha Samiti &Anr. Vs. Union of India &Ors., O.A No. 593/2017

and in default to pay compensation which is to be recovered by the States/UTs, with effect from 01.04.2020. In default of such collection, the States/UTs are liable to pay such compensation. The CPCB is to collect the same and utilize for restoration of the environment.” While dealing with the pollution of river Ganga, this Tribunal directed

“Bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.11.2019, failing which the State may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB. This however, is not to be taken as an excuse to delay the installation of STPs. For delay of the work, the Chief Secretary must identify the officers responsible and assign specific responsibilities. Wherever there are violations, adverse entries in the ACRs must be made in respect of such identified officers. For delay in setting up of STPs and sewerage network beyond prescribed timelines, State may be liable to pay Rs. 10 Lakhs per month per STP and its network. It will be open to the State to recover the said amount from the erring officers/contractors.

With regard to works under construction, after 01.07.2020, direction for payment of environmental compensation of Rs. 10 lakhs per month to CPCB for discharging untreated sewage in any drain connected to river Ganga or its tributaries and Rs. 10 lakhs per month to CPCB per incomplete STP and its sewerage network will apply. Further with regard to the sectors where STP and sewerage network works have not yet started, the State has to pay an Environmental Compensation of Rs. 10 lakhs per month after 31.12.2020. The NMCG will also be equally liable for its failure to the extent of 50% of the amount to be paid. Till such compliance, bioremediation or any other appropriate interim measure may start from 01.11.2019.”⁸

14. Second important issue pertains to demarcation and protection of flood plains and preventing dumping of any waste. Other significant issues have already been identified by way of action points noted above. On some of these aspects, further specific directions are necessary.

Directions

15. Accordingly, apart from direction in paras 12 & 13 above, we proceed to issue following further directions:

⁸O.A No. 200/2014 order dated 22.08.2019

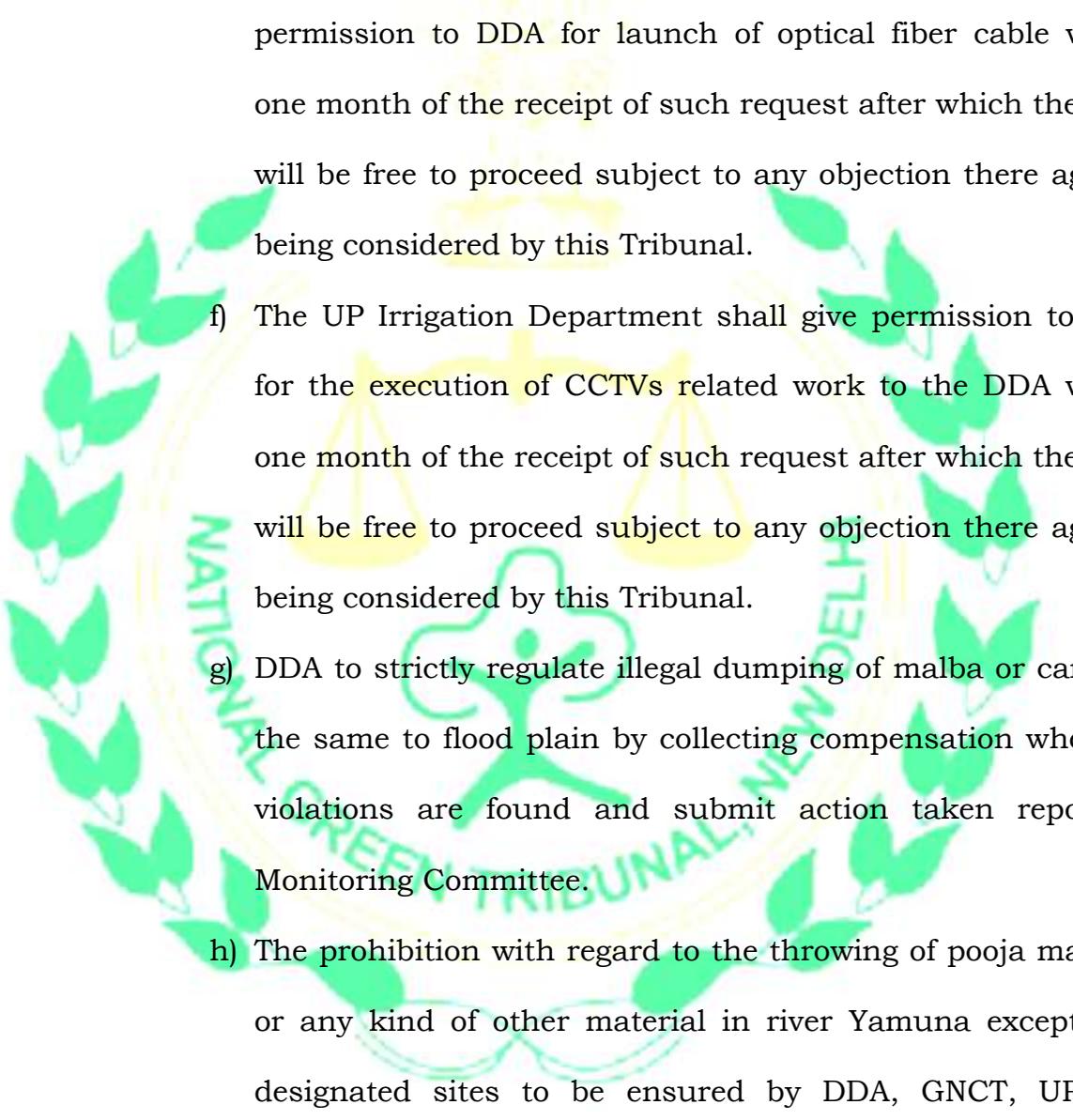
A. IN RESPECT OF NCT DELHI

(i) Environmental Flow:

- a) The impact on ground water regime due to pilot project may be monitored by CPCB, DPCC and CGWA. The study being carried out by the National Instituted of Hydrology, Roorkee (NIH) on directions of NMCG may be completed as per schedule by March 2020. An interim report be furnished by December 2019.
- b) The current regime of Environmental flows may be augmented especially in lean seasons by way of coordination amongst member states stakeholders.

(ii) Demarcation and Rejuvenation of the Flood Plains:

- a) DDA may undertake physical demarcation of the entire floodplain within three months and thereafter, after taking re-possession within next three months, fence such areas and convert them into bio-diversity parks as per the action plan proposed by them. DDA will be liable to pay a sum of Rs. 5Lakh per month till compliance of this direction from 01.04.2020 which may be recovered from the erring officers and deposited with the CPCB for restoration of the environment. The Monitoring Committee will look into the compliance.
- b) No activity of edible crop/ cultivation on the floodplain may be undertaken. The DDA may ensure compliance in the same manner as direction (a) above with regard to accountability of officers.

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- c) The DDA to assign the task of demarcation, re-possession, fencing and development of bio-diversity park thereon to an appropriate and dedicated institutional set up.
- d) DDA shall complete the work of putting of CCTVs and keep the area secure from further encroachments as such.
- e) The agencies (Railways, NHA and GAIL) shall give requisite permission to DDA for launch of optical fiber cable within one month of the receipt of such request after which the DDA will be free to proceed subject to any objection there against being considered by this Tribunal.
- f) The UP Irrigation Department shall give permission to DDA for the execution of CCTVs related work to the DDA within one month of the receipt of such request after which the DDA will be free to proceed subject to any objection there against being considered by this Tribunal.
- g) DDA to strictly regulate illegal dumping of malba or carrying the same to flood plain by collecting compensation wherever violations are found and submit action taken report to Monitoring Committee.
- h) The prohibition with regard to the throwing of pooja material or any kind of other material in river Yamuna except only designated sites to be ensured by DDA, GNCT, UP and Haryana.
- i) The Transports Departments of GNCT, UP and Haryana need to enforce the said polluter pays principle so that no malba is dumped on the flood plains.

j) In view of comments of the Monitoring Committee, the DDA is directed to undertake the work of restoration of flood plains so that such flood plains undertakes or performs the requisite ecological functions and DDA submits an action plan with timelines to Monitoring Committee in this regard, within one month from today.

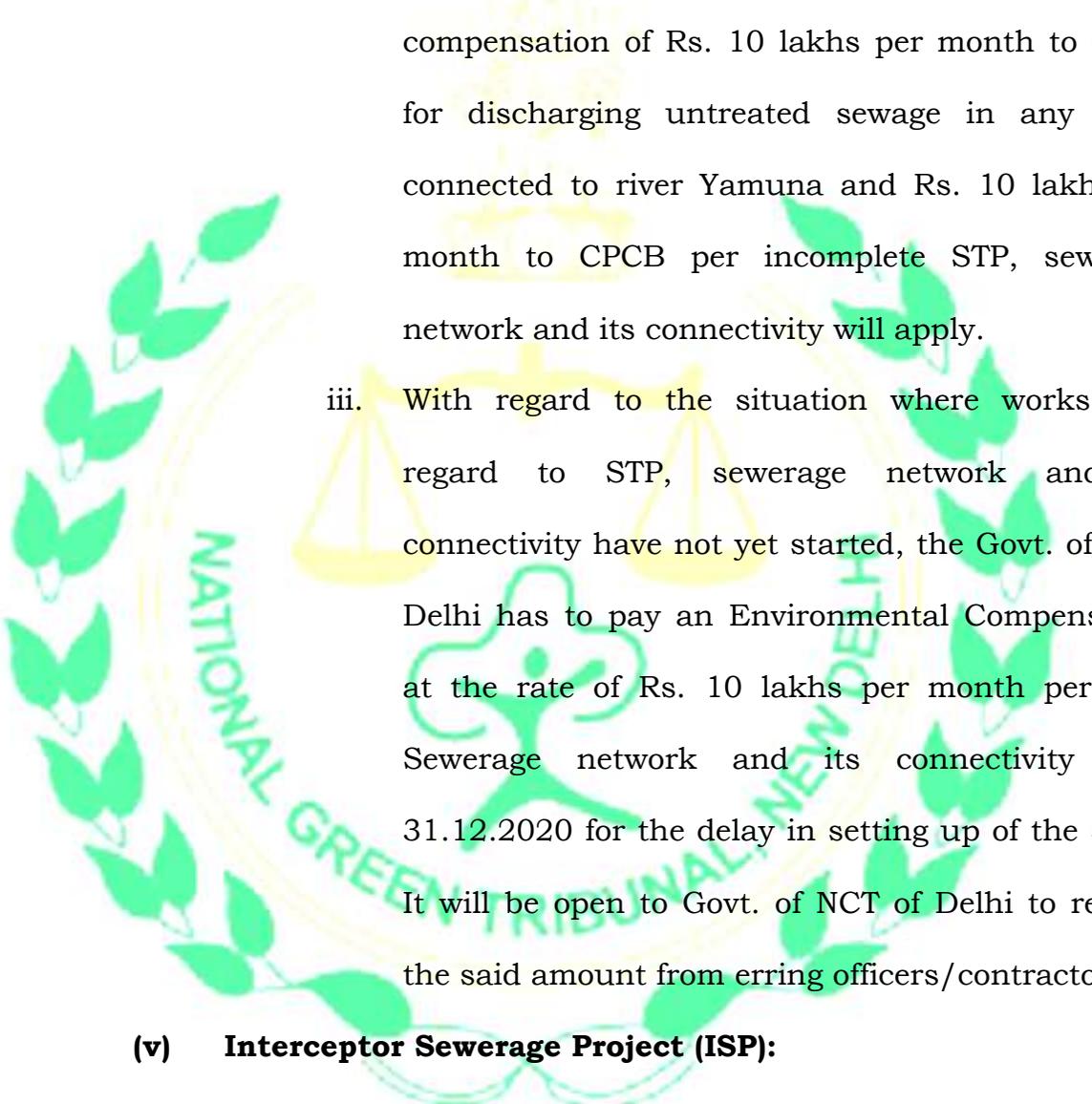
(iii) Quality of River Water:

Monthly reports on the water quality be furnished by DPCC to the Monitoring Committee which must also contain data on faecal coliform and till the time DPCC establishes its own laboratory network, the samples may be got analyzed either from CPCB laboratory or other accredited laboratory with respect to aforesaid parameter. Such reports must be placed on the website of DPCC and CPCB. For failure to comply with this direction, DPCC will be liable to pay environment compensation of Rs. 2lakh per month to CPCB for restoration of environment with effect from 01.10.2019. The amount can be recovered from the erring officers apart from appropriate entries in their service records.

(iv) Sewage Treatment Plants:

- a) DJB has to give definite milestones and timelines to bridge the gap in terms of poor capacity initialization within one month.
- b) The DJB to prepare an Action Plan with timelines for better capacity utilization of STPs by tapping the drain as a short term measure to reduce pollution in River Yamuna within one month.

- c) DJB to prepare an action plan with specific timelines and implement the same in terms of bridging the capacity gap and upgradation of existing STPs that are functioning on old parameters.
- d) DJB to take concerted steps in terms of actions not taken so far and fix the accountability of erring officials.
- e) DJB to complete the task of setting up of STPs by 31.12.2020.
- f) The DJB needs to spell out action to be taken with specific timelines within one month.
- g) Bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.01.2020, failing which the Govt. of NCT of Delhi may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB. This however, is not to be taken as an excuse to delay the installation of STPs, sewerage network and its connectivity. For delay of the work, the Chief Secretary, Govt. of NCT Delhi must identify the officers responsible and assign specific accountability. Wherever there are violations, adverse entries in the ACRs must be made in respect of such identified officers for delay in setting up of STPs, sewerage network and its connectivity by the concerned head of the department.
- h) The Govt. of NCT, Delhi will be liable to pay Environment Compensation if defaults take place as under:

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- i. The operational deficiencies of the existing STPs must be rectified within three months failing which Environmental compensation of Rs. 5 Lacs per month for STP shall be deposited with CPCB.
 - ii. With regard to works under construction, after 01.07.2020, direction for payment of environmental compensation of Rs. 10 lakhs per month to CPCB for discharging untreated sewage in any drain connected to river Yamuna and Rs. 10 lakhs per month to CPCB per incomplete STP, sewerage network and its connectivity will apply.
 - iii. With regard to the situation where works with regard to STP, sewerage network and its connectivity have not yet started, the Govt. of NCT, Delhi has to pay an Environmental Compensation at the rate of Rs. 10 lakhs per month per STP, Sewerage network and its connectivity after 31.12.2020 for the delay in setting up of the same. It will be open to Govt. of NCT of Delhi to recover the said amount from erring officers/contractors.

(v) Interceptor Sewerage Project (ISP):

- a) DJB to put the systems in place for project monitoring so that timelines are adhered to.
- b) DJB is directed to adhere to the timelines with regard to ISP and treat all the 242 MGD sewage by 31.12.2019.
- c) For failure to comply with the above directions compensation will be payable at the rate of Rs. 5 Lakhs per

month till compliance from 01.01.2020. Entries be also made in the service records of the erring officers to fix their responsibility.

(vi) Maintenance of Drains:

a) The DJB and NDMC to identify and plug the sources of sewage within two months positively and report compliance to Monitoring Committee.

b) Tapping of Drains :

i. Qudasiabagh+ Mori Gate drain (Flow: 43.2 MLD): DJB to make an assessment of sewage coming from sewered areas and prepare an action plan with timelines for plugging the discharge into storm water. New STPs be established only for non-sewered areas.

ii. Barapula Drain (Flow: 145.15 MLD): DJB to submit action taken on Action Plan which it had submitted to NGT in 2014 in terms of actions on short term, medium term and long terms measures envisaged.

iii. Maharani Bagh Drain (30.24 MID): DJB to indicate proposal to stop the flow in the drain with specific timelines in terms of tapping or laying of sewer lines in un-authorized colonies.

iv. Najafgarh drain (2056 MID) and Shahdara outfall drain (475 MID): The DJB is directed to attend to the observation of Monitoring Committee so that all the intercepted sewage is treated. The States of

Haryana and UP are directed to submit their Action Plan with specific timeline to attend the flow of untreated sewage into said drains.

v. Status of other storm water drains carrying sewage: The DJB is directed to submit a specific timelines with specific accountability so that no sewage finds its ways from sewerred areas into the storm water drain.

vi. Status of Punctured Sewers: DJB to ensure that such instances are attended on priority with specific accountability.

vii. Ameliorative measures for cleaning drains & Constructed Wetlands and In-situ Bioremediation Technology: The Irrigation and Flood Control Department to develop a mechanism of third party verification report on the ameliorative measures undertaken by it.

viii. Controlled Dredging in River Yamuna: The finding of the study undertaken by NEERI to assess slug deposition on river bed of Yamuna be evaluated and appropriate decisions by undertaken by IFCB (The Irrigation and Flood Control Department).

c) For failures in tapping the drains, environmental compensation at the rate of Rs. 5 lakh per drain per month will be paid by the DJB or concerned department to the CPCB for environmental restoration. Entries in the record of

the erring officers also be recorded consistent with the earlier directions.

(vii) Industrial Pollution:

a) DPCC is directed to continue with the survey and monitoring of industries both in confirming and non-confirming areas and take action in accordance with law against polluting units and file report of action three months besides recovery of EC. In case of non-compliance Delhi Govt will be liable to pay Rs. 5 lakh per month from 01.01.2020

b) As there are 13 Departments responsible for regulating illegal dumping of solid waste and C & D waste in Yamuna and drains leading to Yamuna. The Chief Secretaries, GNCT Delhi is directed to coordinate so an effective mechanism is evolved for stopping of said waste in Yamuna or its drains. In case of non-compliance Delhi Govt will be liable to pay Rs. 1 lakh per month from 01.11.2019 to the CPCB in the manner mentioned earlier. Accountability of the officers may be determined in the manner mentioned earlier. The Committee may monitor this aspect.

(viii) Sewage and Faecal Sludge Management and Levy of Environmental Compensation:

a) An incremental progress of collecting 2 MGd of septage in 120 days needs to be quantified by DJB in terms of the number of households with pit latrines, map the SPS' where the collected septage has to be deposited colony wise and sub-district wise and monitor licenses issued at a

disaggregated level. DJB to assign responsibility to an organisation which can collect and furnish incremental progress.

- b) DJB may prepare an Action Plan for providing unauthorized colonies with sewerage systems.
- c) Govt. of NCT Delhi, DJB, DMCs and DDA to collectively undertake advance planning for location of STPs, SPS', peripheral and trunk lines before new populations settle in.
- d) Chief Secretary, Govt. of NCT Delhi make it mandatory for those provided with piped water supply and those having a sewage conveyance system in the vicinity to take sewer connections.
- e) Chief Secretary, Govt. of NCT Delhi, DJB and DMCs to introduce the regime of levy sewerage charges as presently no such charges are being levied within two months including areas where network has been laid (whole of East Delhi).
- f) Considering that tens of thousands of households spew their garbage into the storm water drains and pay nothing for the environmental damage caused, the CEO, DJB and DMCs to ensure sewer connectivity where sewer network has been laid before 31.12.2019 failing which both these agencies shall be saddled with environment compensation to the tune of Rs. 10 lakh per month and disciplinary action against the Zonal Officer responsible for his zone.
- g) The Chief Secretary, GNCT Delhi, DJB and DMCs to ensure that a mechanism is evolved where by raw sewage from

unauthorized colonies gets collected and taken to some central STP facility for treatment till the time sewer line network is laid in unauthorized colonies within three months and six months thereafter ensure implementation of laying of sewer line network failing which Environmental Compensation of Rs. 10 lacs per month shall be levied on each of them.

h) An institutional mechanism be established by the Chief Secretaries, GNCT Delhi, DJB and DMCs whereby the collection, transportation and disposal of septic tank waste is monitored.

i) Accountability of the officers may be determined in the manner mentioned earlier. The Committee may monitor this aspect.

(ix) Online Monitoring of STPs and CETPs

Regular calibration of OLMS in Sewage Treatment Plants and CETPs to validate sensor results with lab results to be overseen by DPCC and DJB and report submitted to the Chief Secretary, Delhi and Monitoring Committee on quarterly basis.

(x) Use of treated waste water

DJB and park owning societies like DDA, DMCs, PWD to mandatorily use the treated water from STPs for all parks within 5 km radius of STPs and pending laying of pipelines, such treated water to be transported through tankers. Compliance be reported by 31.12.2019 failing which DJB,

DDA, DMCs, PWD and others shall each be charged Environmental Compensation at the rate of Rs. 5 lakh per month till compliance is reported. This shall be overseen by the Chief Secretary, Govt. of NCT, Delhi and the Monitoring Committee as this colossal waste of treated water cannot be allowed

(xi) Pollution due to Idol Immersion

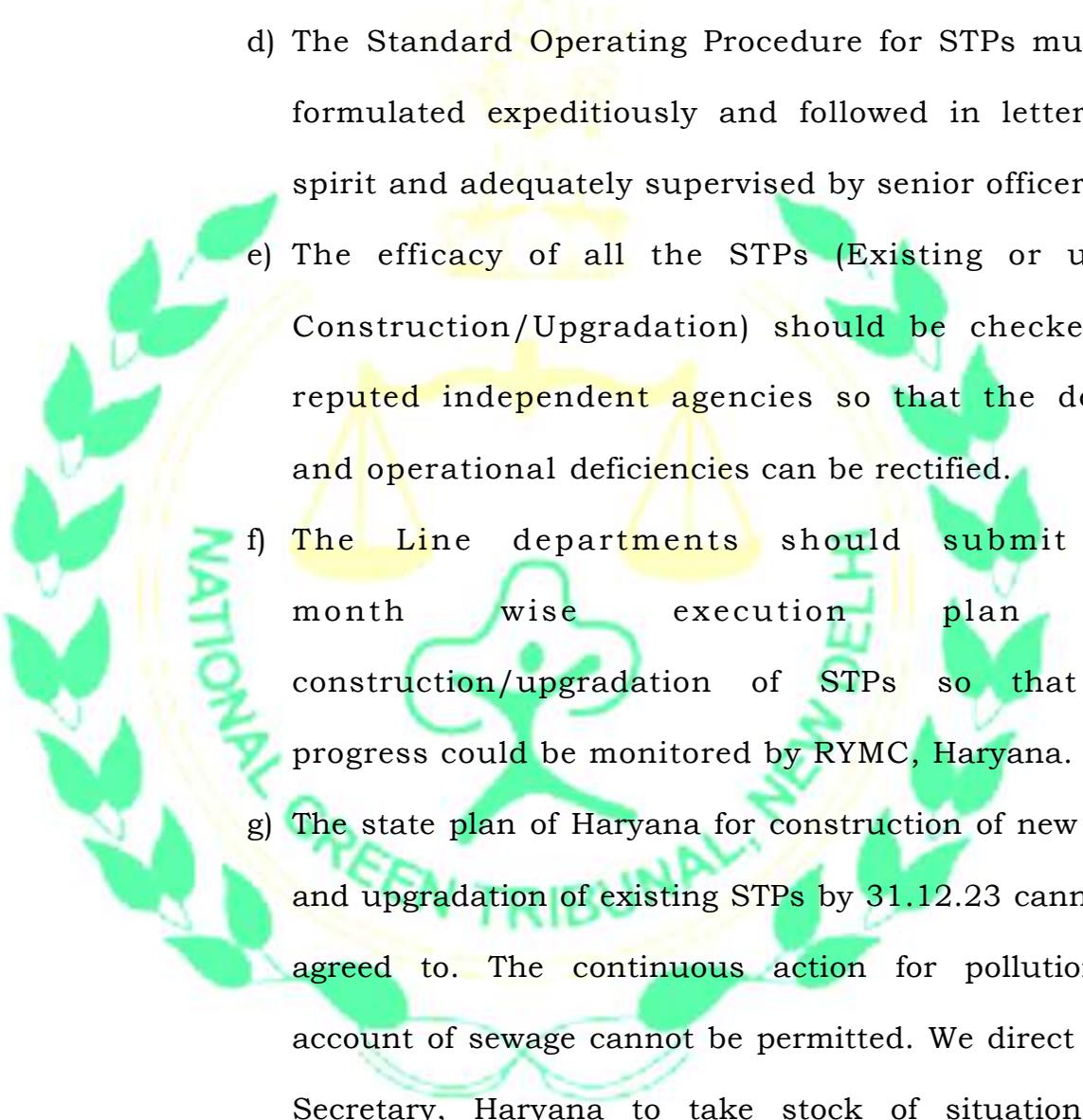
The Chief Secretary Delhi to oversee and monitor and quarterly submit the report in terms of quantitative and qualitative improvement in this regard to the Monitoring Committee.

xii) The DDA is not shown to have to furnished performance guarantee in terms of order dated 29.01.2019. The same may now be furnished with additional sum of Rs. 5 lakhs for the delay within one month failing which coercive method have to be adopted for enforcement of the order

B. IN RESPECT OF THE STATE OF HARYANA

(i) Status of STP:

a) A single supervisory authority be made responsible for monitoring and implementation and proper coordination be ensured by the Chief Secretary, Haryana as multiple agencies are functional in STP construction, operation and implementation and maintenance etc.

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- b) The operational deficiencies of the existing STPs must be rectified within 03 months incorporating the observations of RYMC, Haryana.
- c) The accountability of the responsible senior officer for each STP is required to be fixed by the Department. They must regularly evaluate the efficacy of the STP.
- d) The Standard Operating Procedure for STPs must be formulated expeditiously and followed in letter and spirit and adequately supervised by senior officers.
- e) The efficacy of all the STPs (Existing or under Construction/Upgradation) should be checked by reputed independent agencies so that the design and operational deficiencies can be rectified.
- f) The Line departments should submit the month wise execution plan for construction/upgradation of STPs so that the progress could be monitored by RYMC, Haryana.
- g) The state plan of Haryana for construction of new STPs and upgradation of existing STPs by 31.12.23 cannot be agreed to. The continuous action for pollution on account of sewage cannot be permitted. We direct Chief Secretary, Haryana to take stock of situation and complete all works by 31.12.2020.

(ii) Status of Diversion of Sewage in approved areas:

The Chief Secretary, Haryana to ensure that the Line departments must be adhered to the target date as no further extension of time is permitted and the Line departments should also submit the month wise execution plan for laying of sewer so that the progress could be monitored by RYMC, Haryana.

(iii) Status of Diversion of sewage in unapproved areas:

- a) The ULB Department will ensure that the diversion of sewage from unapproved area of 31 Nos. of Towns must be completed along with the laying of sewer in approved area. No further extension of time will be permitted.
- b) The Chief Secretary, Haryana to ensure that the Line departments must adhere to the target dates as no further extension of time is permitted and the Line Departments should also submit the month wise execution plan for laying of sewer to divert the sewage to the STP so that the progress could be monitored by RYMC, Haryana.

(iv) Status of Sewage Treatment and laying of sewer line in Faridabad:

- a) Comprehensive date bound Action Plan is required to be submitted by the ULB Department for treatment and diversion of sewage from approved areas and unapproved areas of Faridabad Town. This is the only town where no planning has been made so far and entire sewage generated is being disposed without any treatment.

- b) The State ULB and HSVP to submit the time bound Action Plan for treatment and diversion of sewer from approved and unapproved areas within 02 months.
- c) The Principal Secretary, Urban Local Bodies Department (ULB) and Chief Administrator, Haryana Shahari Vikas Pradhikaran (HSVP) is directed to give administrative and financial sanction for the same in a time bound manner.
- d) The Line departments should submit the month wise execution plan for laying of sewer to divert the sewage to the STP so that the progress could be monitored by RYMC, Haryana.

(v) Status of Sewage Treatment and laying of sewer line in Gurugram:

- a) Chief Secretary, Haryana to coordinate and submit a time bound action to stop the discharge of untreated effluent into the Storm Water Drain, Leg-I, Leg-II and Leg-III (Badshapur Drain) leading to Najafgarh Drain as this has been pending with the GMDA/State Government despite assurance given by the State since 28.07.2015.
- b) The detail Acton Plan for construction of 20 MLD at Jhajgarh and 50 MLD STP at Dhanwapur shall be submitted within 01 month.

(vi) Status of Industrial Waste Water Pollution:

- i. Status of CETP

- a) Chief Secretary Haryana, to Coordinate and enforce the work so that the ongoing works are completed in shortest possible time.
- b) Managing Director of HSIIDC to upgrade the existing STP at different locations on the basis of influent characteristics and submit revised Action Plan within one month and execute the same within next three month.
- c) Chief Administrator HSVP and Chief Administrator, GMDA to take appropriate corrective measures in their respective CETPs and report compliance to Monitoring Committee.
- ii. Status of Stand Alone ETPs
State PCB to monitor all stand alone ETPs thereafter effective monitoring of Air and Water Norms and impose Environmental Compensation as per the protocol fixed by CPCB
- iii. Septage Management Policy
The Chief Secretary, Haryana to ensure necessary action and compliance within three months positively.
- iv. Diversion and reutilization of Domestic Sewage generated from villages.
The Additional Chief Secretary, Development and Panchayat Department of Haryana to complete the work of treatment of sewage in all 169 villages by 31.03.2019.
- v. Status of Online Monitoring Devices (OMD) in Industries, STPs and CETPs
a) The State Pollution Control Board, Haryana to ensure necessary action as regards effective

functioning of OMD in Industries, STPs and CETPs.

b) The Chief Secretary, Haryana to take concrete steps to strengthen Haryana State PCB in terms of the order of Tribunal in O.A No. 95/2018 order dated 28.08.2019.

vi. **Compensation and accountability:** Directions on the subject in respect of NCT Delhi will apply to the State of Haryana also. Bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.01.2020, failing which the Govt. of Haryana may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB. This however, is not to be taken as an excuse to delay the installation of STPs, sewerage network and its connectivity. For delay of the work, the Chief Secretary, Govt. of Haryana must identify the officers responsible and assign specific accountability. Wherever there are violations, adverse entries in the ACRs must be made in respect of such identified officers for delay in setting up of STPs, sewerage network and its connectivity by the concerned head of the department.

i) The Govt. of Haryana will be liable to pay Environment Compensation if defaults take place as under:

a). The operational deficiencies of the existing STPs must be rectified within three months failing which Environmental compensation of Rs. 5 Lacs per month for STP shall be deposited with CPCB.

b). With regard to works under construction, after 01.07.2020, direction for payment of environmental compensation of Rs. 10 lakhs per month to CPCB

for discharging untreated sewage in any drain connected to river Yamuna and Rs. 10 lakhs per month to CPCB per incomplete STP, sewerage network and its connectivity will apply.

c). With regard to the situation where works with regard to STP, sewerage network and its connectivity have not yet started, the Govt. of Haryana has to pay an Environmental Compensation at the rate of Rs. 10 lakhs per month per STP, Sewerage network and its connectivity after 31.12.2020 for the delay in setting up of the same. It will be open to Govt. of Haryana to recover the said amount from erring officers/contractors.

d). The state of Haryana is not shown to have to furnished performance guarantee in terms of order dated 29.01.2019. The same may now be furnished with additional sum of Rs. 1 crore for the delay within one month failing which coercive method have to be adopted for enforcement of the order.

C. IN RESPECT OF STATE OF UTTAR PRADESH

(i) Sewage Management:

- a) The Principal Secretaries, Environment and Forest and Urban Developments are required to prepare short and long term plans to control flow of sewage from UP into the river Yamuna at Ghaziabad with time lines for execution. U.P. Chief Secretary to monitor it.

- b) Chief Secretary U.P to ensure that clarity in terms of execution of time lines are given and action taken on ground with regard to interception and diversion of Banthala and Indira Canal drains.
- c) Chief Secretary, U.P to review the matter with regard to sewerage area, un-sewered areas and leakages in the sewer networks etc. and fix timelines for execution of same.
- d) Chief Secretary U.P to review the matter with regard to upgradation of STPs which are not meeting the norms and ensure coordination amongst departments.

(ii) Industrial Pollution:

- a) State PCB to evolve a mechanism to recover the EC from those refusing to pay.
- b) Complete inventory of industries both in conforming and non-conforming areas be prepared by State PCB within one month
- c) Report be submitted on performance of CETPs and ETPs of industries by UPSIDC and PCB.

(iii) Demarcation, Protection and Rejuvenation of Floodplains

The floodplain should be demarcated and developed through wetlands and biodiversity parks. Vice Chairman DDA and Principal Secretary, Irrigation, U.P to give specific timelines for setting up of same. The Chief Secretary UP shall supervise and monitor the same.

(iv) Compensation and Accountability: Directions on the subject in respect of NCT Delhi and Haryana will apply to the State of Uttar Pradesh also. Bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.01.2020, failing which the State of Uttar Pradesh may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB. This however, is not to be taken as an excuse to delay the installation of STPs, sewerage network and its connectivity. For delay of the work, the Chief Secretary, State of Uttar Pradesh must identify the officers responsible and assign specific accountability. Wherever there are violations, adverse entries in the ACRs must be made in respect of such identified officers for delay in setting up of STPs, sewerage network and its connectivity by the concerned head of the department.

i). The State of Uttar Pradesh will be liable to pay Environment Compensation if defaults take place as under:

a). The operational deficiencies of the existing STPs must be rectified within three months failing which Environmental compensation of Rs. 5 Lacs per month for STP shall be deposited with CPCB.

b). With regard to works under construction, after 01.07.2020, direction for payment of environmental compensation of Rs. 10 lakhs per month to CPCB for discharging untreated sewage in any drain connected to river Yamuna and Rs. 10 lakhs per month to CPCB per

incomplete STP, sewerage network and its connectivity will apply.

c). With regard to the situation where works with regard to STP, sewerage network and its connectivity have not yet started, the State of Uttar Pradesh has to pay an Environmental Compensation at the rate of Rs. 10 lakhs per month per STP, Sewerage network and its connectivity after 31.12.2020 for the delay in setting up of the same. It will be open to State of Uttar Pradesh to recover the said amount from erring officers/contractors.

d). The State of UP is not shown to have furnished performance guarantee in terms of order dated 29.01.2019. The same may now be furnished with additional sum of Rs. 1 crore for the delay within one month failing which coercive method have to be adopted for enforcement of the order.

e). The State of UP may cooperate and coordinate with the committee constituted by this Tribunal in absence of any satisfactory mechanism constituted by the State.

16. The Monitoring Committee may continue to monitor compliance of directions of this Tribunal and furnish its next status report as on 31.12.2019 by 31.01.2020 with comments on the affidavits of the concerned authorities. The same may also be uploaded on its website. We further direct the NCT Delhi, the States of Haryana and UP, DDA to file affidavits of compliance of the directions of this Tribunal as on 31.12.2019 before the Committee as well as this Tribunal on or before 15.01.2020. The registry may upload them on

website as soon as received so that all concerned can access the same before the hearing to avoid the situation which arose on 12.7.2019 as noted in para 7 above.

List for further consideration in the third week of February, 2020.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

September 11, 2019
Original Application No. 6/2012

