

Item No. 04

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 1002/2018
(I.A. No. 137/2021)

Abhisht Kusum Gupta

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 30.07.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Abhisht Kusum Gupta, in person

Respondent(s): Mr. Balendu Shekhar, Advocate for EDMC
Mr. Ravindra Kumar, Advocate for NOIDA Authority
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB
Mr. Narender Pal Singh, Advocate for DPCC
Mr. Aman Bhalla, Advocate for CPCB

ORDER

1. The issue for consideration is the remedial action for preventing untreated sewage going to the "irrigation canal" in Sector 137, NOIDA. Sources of such discharge include non-functional/deficient STPs in 95 high rise buildings in Noida, industries as well waste water from upstream from Delhi and Ghaziabad from into the said canal which join Yamuna and then Ganga. NOIDA, Ghaziabad Nagar Nigam, Delhi Jal Board (DJB), East Delhi Municipal Corporation (EDMC) and Nagar Palika Parishad, Khoda Makanpur are the identified authorities required to take the remedial action based on the verification report to which reference will be made hereafter. It is established that there is huge amount of water

pollution much beyond prescribed norms to the detriment of environment and public health. Needless to say that the said water is used by living beings and for irrigation and pollution is source of deaths and diseases which are criminal offences under the law of the land and there are designated authorities entrusted with the task of stopping it. However, it is failure of the said authorities which has been matter of consideration in the matter.

2. The matter has been dealt with by various orders in the last more than two years, in the light of the reports of the Committee appointed by the Tribunal to ascertain the factual status. In the report of CPCB dated 01.11.2019, steps to be taken by NOIDA, Ghaziabad Nagar Nigam, Delhi Jal Board (DJB), East Delhi Municipal Corporation (EDMC) and Nagar Palika Parishad, Khoda Makanpur were recommended as follows:-

Sl. No	Department	Directions issued u/s 5 of EPA, 1986
1.	NOIDA	<ul style="list-style-type: none"> <i>i. To develop time bound action plan to stop discharge of untreated wastewater to 30 drains.</i> <i>ii. To intercept all drains and channelize wastewater to STPs so that no untreated wastewater is discharged to Noida drain.</i> <i>iii. To deposit an Interim Environmental Compensation of Z 1,00,00,000</i>
2.	Ghaziabad Nagar Nigam	<ul style="list-style-type: none"> <i>i. To establish sewerage network and treatment facility to treat sewage generated from Khoda village.</i> <i>ii. To Deposit an Interim Environmental Compensation of 1,00,00,000</i>
3.	DJB	<ul style="list-style-type: none"> <i>i. To initiate legal proceedings against the residents of GD colony, Gharauli village and Kondli village, Delhi having failed to take sewer connections.</i> <i>ii. To ensure that each building under their jurisdiction shall have sewer connection so that current practice of discharge of untreated sewage into storm water drainage system should be stopped.</i>

4.	EDMC	<p>i. To direct dairy farms to develop decentralized treatment facility so that their untreated waste shall not be discharged to DDA drainage system</p> <p>ii. To ensure that untreated dairy waste including animal dungs from Gharuli village should not be discharged into storm water drain. Challan / Legal action shall be initiated against such violators.</p>
5.	Nagar Palika Parishad Khoda Makanpur	Show cause notice issued to explain the reasons as to why action should not be taken against Nagar Palika Parishad Khoda including levying of Environmental Compensation for discharge of untreated sewage to drainage system of Delhi. Copy of directions is attached as Annexure-I

3. The report further stated that CPCB called a meeting of the concerned Authorities and conducted inspection noticing high level of water pollution in the drains as follows:-

Table 1: Analytical Results of Drain

Si. No.	Sample Location	Physico-Chemical Parameters				Bacteriological Parameters	
		pH	COD	BOD	TSS	Total Coliform (MPN/100m ¹)	Fecal Coliform (MPN/100m ¹)
Water Quality of Noida Drain at different locations							
1.	Budh Vihar, Sector-11, Noida	7.56	444	219	330	13 X10 ⁶	79 X10 ⁵
2.	S-14, New Kondli Road, Sector-11, Noida.	7.55	433	217	352	23 X10 ⁶	23 X10 ⁶
3.	Sector-50, Noida Link Road.	7.72	169	68	84	11 X10 ⁶	68 X10 ⁵
4.	Sector-137, India TV Metro Station, Noida.	7.78	186	71	65	13 X10 ⁶	13 X10 ⁶
5.	Noida drain at regulator	7.84	145	60	89	-	-
6.	Noida drain at before Confluence with river Yamuna	7.82	163	46	83	78 X10 ⁵	78 X10 ⁵
Water Quality of adjoining drains of Noida Drain							
7.	Khoda village	7.54	314	107	194	78	20 X10 ⁵

8.	Drain merges with Noida drain at Sector-142, Advant Navis Buisness IT Park, Noida.	7.70	182	100	63	46 X10 ⁶	46 X10 ⁶
<i>Note: All units are measured in mg/l except Fecal Coliform and pH.</i>							

BOD concentration at entrance of NOIDA, U.P is 219 mg/l whereas Fecal coliform count is 20 X 10⁵. However, concentration of BOD before confluence point is 46 mg/ l and Fecal coliform count is 78 X 10⁵ MPN/100 ml. The results indicate that although there is marginal improvement in water quality as the drain travels through NOIDA but still concentration level of BOD and Fecal Coliform at the confluence point of drain with Yamuna is quite high.”

4. The action taken report and recommended further action were in the form of following table:-

“4.0 SUMMARY OF ACTION TAKEN BY CONCERNED AGENCIES

Based on the inspection made, analytical results of the samples collected from drains and action taken report of concerned agencies, summarized report is placed below:

Si. No	Department	Directions of CPCB and NGT	Status report	Recommendations
1.	NOIDA	<ul style="list-style-type: none"> i. To develop time bound action plan to stop discharge of untreated wastewater to 30 drains. ii. To intercept all drains and channelize wastewater to STPs so that no untreated wastewater is discharged to Noida drain. iii. To deposit an Interim Environmental Compensation of Rs. 1,00,00,000 iv. Hon'ble NGT directed to submit furnish performance guarantees in the sum of Rs. 1 crore each to the satisfaction of CPCB undertaking to take remedial actions in terms of the directions of the CPCB, failing which the said amount will be forfeited 	<ul style="list-style-type: none"> i. Noida authority made representation against the direction and EC imposed by CPCB on 01/07/2019. Copy attached as Annexure-V. ii. Reply of representation was made on 19/07/2019 and hearing was conducted on 23/07/2019 and Noida authority was further directed to ensure compliance of CPCB directions. iii. Representative of NOIDA has informed during the meeting on 01.10.2019 that committees being constituted for identification and taking action on high rise buildings discharging untreated waste and to identify villages which are discharging waste into drain iv. Action plan in compliance to direction issued not submitted till date v. Environment Compensation was not submitted till date. vi. Performance Bank Guarantee not submitted till date. 	Noida authority shall prepare time bound action plan either to discharge of untreated waste through aforesaid 30 drains. Alternatively, all such drains be intercepted and taken to STPs so that no untreated wastewater flows to Noida drain.

2	Ghaziabad Nagar Nigam	<ul style="list-style-type: none"> i. To establish sewerage network and treatment facility to treat sewage generated from Khoda village. ii. To Deposit an Interim Environmental Compensation of 1,00,00,000 iii. Hon'ble NGT directed to submit furnish performance guarantees in the sum of Rs. 1 crore each to the satisfaction of CPCB undertaking to take remedial actions in terms of the directions of the CPCB, failing which the said amount will be forfeited 	<ul style="list-style-type: none"> i. Ghaziabad Nagar Nigam vide letter dated 24.06.2019 clarified that the Khora village falls under the jurisdiction of Nagar Palika Parishad Khoda Makanpur. Copy attached as Annexure-VI. ii. Accordingly, show cause notice issued to Nagar Palika Parishad Khoda Makanpur vide letter dated 24.09.2019. 	
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3.	DJB	<ul style="list-style-type: none"> i. To initiate legal proceedings against the residents of GD colony, Gharauli village and Kondli village, Delhi having failed to take sewer connections. ii. To ensure that each building under their jurisdiction shall have sewer connection so that current practice of discharge of untreated sewage into storm water drainage system should be stopped. iii. Hon'ble NGT directed to submit furnish performance guarantees in the sum of Rs. 1 crore each to the satisfaction of CPCB undertaking to take remedial actions in terms of the directions of the CPCB, failing which the said amount will be forfeited 	<ul style="list-style-type: none"> i. Action plan of DJB was received vide letter dated 22/07/2019. Copy of letter is attached as Annexure-VII. ii. Representative of Delhi Jal Board informed that special camps were organized residents to take sewer connection. iii. 732 number of notice issued to residents of Kondli and Gharauli. It was also informed that 3 drains of PWD carrying wastewater shall be tapped and conveyed to Kondli STPs for treatment. Interception of drains will be finished by December, 2019. v. Performance Bank Guarantee not submitted till date 	<ul style="list-style-type: none"> i. DJB shall expedite and complete the interception of 03 adjoining drain in Delhi segment by December, 2019. ii. DJB should initiate legal proceedings against residents of GD colony, Gharauli village and Kondli village on account of their reluctance and failure to take sewerage connections. iii. DJB shall ensure that each building under their jurisdiction shall have sewer connection so that current practice of discharge of untreated sewage into storm water drainage system should be stopped.
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4.	EDMC	<ul style="list-style-type: none"> i. To direct dairy farms to develop decentralized treatment facility so that their untreated waste shall not be discharged to DDA drainage system. ii. To ensure that untreated dairy waste including animal dungs from Gharuli village should not be discharged into storm water drain. Challan/Legal action shall be initiated against such violators. iii. Hon'ble NGT directed to submit furnish performance guarantees in the sum of Rs. 1 crore each to the satisfaction of CPCB undertaking to take remedial actions in the terms of the directions of the CPCB, failing which the said amount will be forfeited. 	<ul style="list-style-type: none"> i. EDMC has informed during the meeting that 591 Challan issued to residents of Kondli and Gharauli for disposing their wastewater into drain and Show-Cause notice is also issued to illegal dairies for discharging waste in drain. ii. East Delhi Municipal Corporation Veterinary Services Department Vide email dated 31/10/2019 provided the action taken report indicating action taken against the illegal dairy farms at Gharoli colony. Copy attached as Annexure-VIII. iii. Performance Bank Guarantee was not submitted. However, it was informed that same was approved by Competent Authority and will be submitted in one week time. 	<ul style="list-style-type: none"> i. EDMC should ensure that untreated dairy waste including animal dungs from Gharuli village should not be discharged into storm water drain. Challan / Legal action shall be initiated against such violators. ii. The dairy farms be shifted to outskirts of the area in a time bound manner.
5.	Nagar Palika Parishad Khoda Makanpur	Show cause notice issued to explain the reasons as to why action should not be taken against Nagar Palika Parishad Khoda including levying of Environmental Compensation for discharge of untreated sewage to drainage system of Delhi.	<ul style="list-style-type: none"> i. Executive officer of Khoda Nagar Parishad has informed during the meeting that at present there is no infrastructure facility to treat and tap waste from Khoda colony. ii. Further, no reply received till date. 	<ul style="list-style-type: none"> i. Khoda Nagar Palika should developed facility to tap untreated water of Khoda village and should discharge only treated water to drainage system of Delhi. ii. Directions for submission of performance guarantee in the sum of Rs. 1 crore by Ghaziabad Nagar Nigam to CPCB may refer to Nagar Palika Parishad Khoda Makanpur.

5. The Tribunal directed action to be taken by the concerned authorities accordingly and further observed as follows:-

“5. The CPCB has further recommended as follows:

“Based on observation made by the inspection team including Dr. C.R. Babu, it is further recommended that in-situ treatment of Noida drain in Noida stretch be carried out as immediate measure for treatment of wastewater of NOIDA drain.

As, the Noida drain falls under the jurisdiction of UP Irrigation Flood Control Department and it is suggested that in-situ treatment may be carried out jointly by NOIDA authority and UP Irrigation Flood Control Department in consultation with Dr. C.R. Babu.”

6. In view of above, UP Irrigation Flood Control Department and NOIDA Authority may take further remedial action expeditiously which may be overseen by the Principal Secretary, UP Irrigation and Flood Control Department and the Chairman, NOIDA Authority. The Chairman, NOIDA Authority will act as a nodal agency for coordination and compliance which may be further overseen and coordinated by the CPCB.

7. The CPCB may furnish a status report in the matter before the next date by e-mail at judicial-ngt@gov.in.”

6. The matter was last reviewed on 06.11.2020 in the light of the reports of the NOIDA Authority and CPCB. The Tribunal, noticing serious deficiencies and statutory violations, directed remedial action within three months. Operative part of the order is reproduced below:-

“1to5.....xxx.....xxx.....xxx

6. In pursuance of above, NOIDA has filed reports dated 15.09.2020 and 05.11.2020 while CPCB reports are dated 15.05.2020 and 29.10.2020. It will be suffice to refer to the last reports of NOIDA and CPCB. The report of the CPCB dated 29.10.2020 is as follows:-

“ACTION TAKEN BY CPCB

In compliance to the directions of Hon'ble NGT, CPCB has taken following action:

1. *Directions of Hon'ble NGT communicated to CEO, NOIDA vide letters dated 19/03/2020, 12/05/2020 and 13/08/2020 to provide progress report in the matter. Copy of letter is attached as Annexure-I.*
2. *NOIDA vide letter dated 15/09/2020 has submitted updated action taken report and future action plan to CPCB for abatement of pollution of NOIDA drain. Copy of letter is attached as Annexure II*
3. *Further, CPCB has examined the proposed action plan and observations communicated to NOIDA authority vide letter dated 28/09/2020. Copy of letter is attached as Annexure-III.*
4. *CPCB communicated to Principal Secretary, Urban Development, Uttar Pradesh vide letter dated 28/09/2020 for submission of action plan for treatment of wastewater discharging from Khora Nagar Palika. Copy of letter is attached as Annexure-IV. Reply is still awaited.*
5. *CPCB also requested Delhi Jal Board (DJB) and East Delhi Municipal Corporation vide letter dated 28/09/2020 to submit the status report on action plan of untreated sewage of Kondli and Gharoli area (Delhi Catchment area) into Kondli drain. Copy of letter is attached as Annexure-V*
6. ***Delhi Jal Board vide letter dated 15/10/2020 informed that as per action plan trapping of drains contributing wastewater discharge into Kondli drain from Delhi catchment was completed in January, 2020. Copy of letter is attached as Annexure-VI.”***

7.xxx.....xxx.....xxx

8. *Learned counsel for the NOIDA stated that only 57 societies have been inspected out of 95 and the remaining societies are to be inspected. Wherever deficiencies have been found, action has been initiated and reference has also been made to the State PCB. Learned counsel for the DJB states that action has been taken on its part. However, there is no response from the EDMC and the Secretary Urban Development, UP in respect of action at Khoda Nagar Parishad, Makanpur.*

9. *Learned counsel for EDMC, on instructions says, that there is a proposal to shift the dairies but that is not possible in absence of land. We find this excuse untenable only to avoid responsibility. The plea raised is not a justification for permitting violation of law by the dairies to the detriment of the rights of the citizens. To enforce rule of law and prevent the causing of pollution and hazard to the health of the inhabitants, activities operating in violation must be forthwith stopped and compensation recovered for the violations. Prosecution may be initiated and source of pollution may be closed. DPCC must also take necessary action on its part. If the EDMC remains non-compliant, the Commissioner will be personally held responsible. Let the compliance report be file within two months 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.*

10 *With regard to the action against erring high-rise buildings in Noida, further steps be taken expeditiously and compensation assessed by a joint Committee of CPCB, State PCB, NOIDA and District Magistrate, NOIDA within three months.*

11. *The Secretary, Urban UP may also ensure compliance of action by the Nagar Palika Parishad, Khoda Makanpur.”*

7. Matter has been reviewed today after almost eight months but it is a matter of great regret that no meaningful steps have been taken showing utter disregard to the Constitutional duties of the authorities to the human rights of the citizens and to the environment, apart from obligation to carry

out binding directions of this Tribunal though failure to comply is itself a criminal offence under the NGT Act punishable with imprisonment and fine of 25 crore, with head of the concerned government department being also responsible. Action taken reports filed by the NOIDA Authority and joint Committee comprising of EDMC, DPCC and CPCB establish violations clearly. NOIDA Authority has filed reports 15.02.2021, 19.03.2021 and 29.07.2021 which are almost repetition with no marked improvement except mechanical change of date. The reports do not even claim any improvement in water quality compared to the water quality two years ago. Also, there is no meaningful coercive action taken against law violators for continuing crime. The statutory regulator – State PCB has equally failed to perform statutory obligation inspite of rampant violations. So has the State Police failed to proceed against any one though cognizable IPC offences are being committed. We may refer to the report of the NOIDA Authority dated 29.07.2021 in tabular form:-

Sr. No	Action plant with proposed timelines as submitted before	Follow up action
1	<i>A Committee has been constituted to inspect high rise building's STP and to evaluate the performance of every STP. The Committee will examine whether the STP to perform standard parameter. It operates in a</i>	1).The committee as constituted by the NOIDA AUTHORITY has made:: inspection at 57 high rise societies. There are total 95 nos. of Grodpc Housing Societies out of which 43 nos. of project are completed and 52' nos. of societies have got partial occupancy certificate. The inspection of 55 percent high rise societies has been

	<p>compliance manner and discharges only the treated effluent in the passing drain, post utilizing the treated waste-water at their end. The defaulters are to be identified and recommended for environment compensation for non-compliance of NGT orders. More stringent action will be taken against the builders as per Noida Authority rules (Time required – 1 year)</p>	<p>completed. Status report of their STPs are as follows:-</p>																							
<table border="1"> <thead> <tr> <th data-bbox="889 380 954 432">Sr. No.</th> <th data-bbox="954 380 1143 432">Name of Societies</th> <th data-bbox="1143 380 1268 432">Location</th> <th data-bbox="1268 380 1474 432">STP Status</th> </tr> </thead> <tbody> <tr> <td data-bbox="889 432 954 730">1.</td> <td data-bbox="954 432 1143 730">M/s Granite Great Properties Ltd. C-23, Greater Kailash Enclave, Part – I, New Delhi</td> <td data-bbox="1143 432 1268 730">GH-03 Sector - 100</td> <td data-bbox="1268 432 1474 730">Sewage is being discharge in open drain. Notice has been issued by Noida authority and discharge of untreated sewage has been stopped.</td> </tr> <tr> <td data-bbox="889 730 954 1079">2.</td> <td data-bbox="954 730 1143 1079">M/s Paras Season Haven Pvt. Ltd. GH01D, Sector 168, Noida (Paras Season Society)</td> <td data-bbox="1143 730 1268 1079">GH-01D Sector – 168</td> <td data-bbox="1268 730 1474 1079">Discharging sewage in open drain. Penalty of Rs. 80,000/- has been imposed for violation of NGTs Environmental norms. Discharge of untreated sewage has been stopped.</td> </tr> <tr> <td data-bbox="889 1079 954 1304">3.</td> <td data-bbox="954 1079 1143 1304">M/s Supertech Ltd. plot No. B 28&29, Sector 58, NOIDA (Supertech Capetown)</td> <td data-bbox="1143 1079 1268 1304">GH-1A Sector- 74</td> <td data-bbox="1268 1079 1474 1304">STP is functional but not performing standard norms. EC recommended for Rs. 2,45,000/-</td> </tr> <tr> <td data-bbox="889 1304 954 1528">4.</td> <td data-bbox="954 1304 1143 1528">M/s Skytech Construction Pvt. Ltd. Plot No. GH-01D Sector 76 NOIDA (Skytech Matrott)</td> <td data-bbox="1143 1304 1268 1528">GH 01D Sector – 76</td> <td data-bbox="1268 1304 1474 1528">STP Construction is not completed so non-functional and locked. EC recommended for Rs. 90,00,000/-</td> </tr> <tr> <td data-bbox="889 1528 954 1780">5.</td> <td data-bbox="954 1528 1143 1780">M/s Amrapali Silicon City</td> <td data-bbox="1143 1528 1268 1780">Sector 76</td> <td data-bbox="1268 1528 1474 1780">Untreated sewage is being discharged into drain from back side of society through long pipeline. EC recommended</td> </tr> </tbody> </table>	Sr. No.	Name of Societies	Location	STP Status	1.	M/s Granite Great Properties Ltd. C-23, Greater Kailash Enclave, Part – I, New Delhi	GH-03 Sector - 100	Sewage is being discharge in open drain. Notice has been issued by Noida authority and discharge of untreated sewage has been stopped.	2.	M/s Paras Season Haven Pvt. Ltd. GH01D, Sector 168, Noida (Paras Season Society)	GH-01D Sector – 168	Discharging sewage in open drain. Penalty of Rs. 80,000/- has been imposed for violation of NGTs Environmental norms. Discharge of untreated sewage has been stopped.	3.	M/s Supertech Ltd. plot No. B 28&29, Sector 58, NOIDA (Supertech Capetown)	GH-1A Sector- 74	STP is functional but not performing standard norms. EC recommended for Rs. 2,45,000/-	4.	M/s Skytech Construction Pvt. Ltd. Plot No. GH-01D Sector 76 NOIDA (Skytech Matrott)	GH 01D Sector – 76	STP Construction is not completed so non-functional and locked. EC recommended for Rs. 90,00,000/-	5.	M/s Amrapali Silicon City	Sector 76	Untreated sewage is being discharged into drain from back side of society through long pipeline. EC recommended	
Sr. No.	Name of Societies	Location	STP Status																						
1.	M/s Granite Great Properties Ltd. C-23, Greater Kailash Enclave, Part – I, New Delhi	GH-03 Sector - 100	Sewage is being discharge in open drain. Notice has been issued by Noida authority and discharge of untreated sewage has been stopped.																						
2.	M/s Paras Season Haven Pvt. Ltd. GH01D, Sector 168, Noida (Paras Season Society)	GH-01D Sector – 168	Discharging sewage in open drain. Penalty of Rs. 80,000/- has been imposed for violation of NGTs Environmental norms. Discharge of untreated sewage has been stopped.																						
3.	M/s Supertech Ltd. plot No. B 28&29, Sector 58, NOIDA (Supertech Capetown)	GH-1A Sector- 74	STP is functional but not performing standard norms. EC recommended for Rs. 2,45,000/-																						
4.	M/s Skytech Construction Pvt. Ltd. Plot No. GH-01D Sector 76 NOIDA (Skytech Matrott)	GH 01D Sector – 76	STP Construction is not completed so non-functional and locked. EC recommended for Rs. 90,00,000/-																						
5.	M/s Amrapali Silicon City	Sector 76	Untreated sewage is being discharged into drain from back side of society through long pipeline. EC recommended																						

				for Rs. 91,25,000/-
6.	Assotech Windsor Court	Sector 78		STP not constructed. EC recommended for Rs. 53,00,000/-
7.	M/s Antkriksh Developers and Promoters Pvt. Ltd., Plot no. GH - 05A, Sector 78, NOIDA (Antriksh Golf View - II)	GH -05A Sector 78		STP functional but not properly maintained. EC recommended for Rs. 3,20,000/-
8.	M/s Sunshine Infrawell Pvt. Ltd. Plot No. GH-05B Sector 78, Noida (Sunshine Helion)	GH-05B Sector 78		Constructed but not functional. Notice sent. Reply received.
9.	M/s G.S. protors Pvt. Ltd. GH-01 C, Sector 78 Noida (Sikka Karmik)	GH-01C, Sector 78		STP under construction no maintenance staff available. EC recommended for Rs. 55,05,000/-
10.	M/s Orian infrabuild Pvt. Ltd. Plot no. GH-01/B, Sector 78, Noida (Aditya Urban Casa)	GH-01/B Sector 78		STP not constructed. EC recommended for Rs. 91,25,000/-
11.	M/a Aims Max Gardenia Developers Pvt. Ltd. GH-01, Ecocity Sector 75, NOIDA	GH-01, Sector 75		STP not functioning properly. EC recommended for Rs. 3,25,000/-
12.	Aims Max Gardenia Developers Pvt. Ltd. GH-08, Sector - 75, NOIDA	Sector 75		STP Not functional. EC recommended for Rs. 89,55,000/-
13.	Aims Max Gardenia Developers Pvt. Ltd. GH-12, Ecocity,	GH 12 Sector 75		STP functional but not maintained properly. EC recommended

			Sector - 75, Noida		for Rs. 3,25,000/-
		14.	M/s Valuent Developers Pvt. Ltd. Plot No.H - 169, Sector 63, NOIDA (Valuent infra developers)	GH-16 Sector - 75	Applied for Jal/Sewer connection. Compliance not received
		15.	M/s Maxbils Construction Pvt. Ltd. Plot No. 17, Eco city, Sector - 75, NOIDA (Max Villas GH-17)	GH-17 Sector 75	STP not properly, notice sent. Compliance received.
		16.	M/s Paramount Towers Pvt. Ltd, plot no. GH-06, Sector 137. Noida, Paramound floraville	GH-06 Sector - 137	STP Found working. Compliance not received
		17.	M/s Gulshan Homes Pvt. Ltd. Plot No. GH 07A, Sector 137 Noida (Gulshan Vivante)	GH-07A Sector 137	STP found working. Compliance not received.
		18.	M/s Imperaial Housing Ventures Pvt. Ltd. 11th Floor, Paras Twin Tower, Sector 54, Gurgaon, Haryana (paras Tierra)	GH-01 Sector 137	STP Not working properly. Compliance not received
		19.	M/s Logix Infrastructure Pvt. Ltd. GH- 02 Sector 137 (Blossom County)	GH-02 Sector - 137	STP not found working in full capacity. EC recommended for Rs. 2,90,000/-
		20.	M/s Supertech Ltd, Plot no, GH 3 Sector 137, Noida (Supertech GP housing)	GH-03 Sector - 137	STP found working. Compliance received
		21.	Purvanchal Society GH-4	Sector 137	STP found working. Compliance not received

		22.	<i>M/s Exotica Housing, Pvt. Ltd. GH-05A, Sector 137, (Frexco PRasco)</i>	<i>GH-05A Sector - 137</i>	<i>STP found working. Notice sent. Compliance received</i>
		23.	<i>M/s M.P.G. Realty Pvt. Ltd. Plot No. GH-07B, Sector - 137, Noida (Ajnara Home)</i>	<i>GH-07B Sector - 137</i>	<i>STP not found working. Notice Sent. Compliance not received.</i>
		24.	<i>M/s I.V. County Pvt. Ltd, Plot No. GH-05, Sector - 121, Noida (Cleo Country)</i>	<i>GH-05 Sector - 121</i>	<i>STP is functional but not performing standard norms.</i>
		25.	<i>M/s Ajnara India Pvt. Ltd. Plot no. GH-01B Sector 74, Noida (Ajnara grand heritage)</i>	<i>GH-01B Sector 74</i>	<i>STP is functional but not performing standard norms</i>
		26.	<i>M/s J.M. Housing Ltd. Plot No. GH 01C, Sector 76, NOIDA (JM Orchid)</i>	<i>GH-01C Sector 76</i>	<i>STP functional</i>
		27.	<i>Antriksh Forest</i>	<i>Sector 77</i>	<i>STP not functional</i>
		28.	<i>M/s Great Value Projects India Ltd. plot no. GH-02, Sector 107, NOIA (Great Value Sharnam Society)</i>	<i>GH -02 Sector - 107</i>	<i>STP functional</i>
		29.	<i>M/s Sunworld Developers Pvt. Ltd. Plot No. GH-01B, Sector 107) Noida (Sunworld Vanalika Society)</i>	<i>GH-01B Sector - 107</i>	<i>STP not functional</i>
		30.	<i>Prateek Infraprojects India Pvt. Ltd. GH-01A (Beta-2), Sector - 107, Noida (Prateek</i>	<i>GH-01A Beta-02 Sector 107</i>	<i>STP functional</i>

			Edifice Society)	
		31.	Lotus Boulevard Plot no. 3	Sector 100 STP functional
		32.	M/s Claud-9 Projects Pvt. Ltd. Plot no. 229, Okhla Industrial Estate, New Delhi (Lotus Spacia Plot No. GH-02)	GH-02 Sector 100 STP not functioning properly
		33.	M/s Sethi Buildwell Pvt. Ltd. Plot NO. GH-01B, Sector 107, NOIDA(Shathi Max')	GH-02B Sector 76 STP not functional
		34	M/s Logix Infratech Pvt. Ltd. No. GH-01, Sector - 143, NOIDA (Logix Blossom Green)	GH-01 Sector - 143 STP not functional
		35.	M/s Logix City Developers Pvt. Ltd. Plot No. GH-02, Sector 143, NOIDA (Logix Blossom Zest)	GH-02 Sector - 143 STP not functional
		36.	M/s Amrapali Zodiac Developers Pvt. Ltd. Plot No. GH-03 Sector 120 NOIDA Amrapali Zodiac	GH-03 Sector - 120 STP is not working
		37.	M/s RG Residency Pvt. Ltd. Plot NO. GH-02 NOIDA, RG Buildtech	GH-02 Sector 120 STP is not working
		38.	M/s Gaursons India Pvt. Ltd. Plot No. GH-04 Sector 119, NOIDA (Gaur Grandeur)	GH-04 Sector- 119 STP Not constructed
		39.	M/s Eldeco Infrastructure & Properties Ltd. Plot No.	GH-03 Sector - 119 STP is in running condition but maintenance

			GH-03, Sector 119 NOIDA (Eldco Amantran)		<i>records are not provided</i>
		40.	Gulshan Ikwana Sector, 143, NOIDA	Sector - 143	<i>STP functional</i>
		41.	Aditya Celebration Sector - 76 NOIDA	Sector 76	<i>STP not constructed sewer line of society connected to main sewer line of NOIDA Authority</i>
		42.	Prateek Winsteria Sector - 77, NOIDA	Sector 77	<i>STP working properly</i>
		43	Elite Homez Sector -77 NOIDA	Sector 77	<i>STP found in proper functional</i>
		44.	Civitech Sampriti Sector -77 NOIDA	Sector 77	<i>STP not functioning properly</i>
		45.	Grahpraresh Sector 77 NOIDA	Sector 77	<i>STP found in proper functional</i>
		46.	Ajnara Defodril Sector - 137, NOIDA	Sector 137	<i>STP found not working</i>
		47.	Supertech Ecocity, Sector - 137, NOIDA	Sector 137	<i>STP found working</i>
		48.	Prateeck Stylon	Sector 45	<i>STP functional. Samples of treated water collected.</i>
		49.	NRI city Homes	Sector 45	<i>STP functional. Samples of treated water collected.</i>
		50.	Gardenia	Sector 46	<i>STP found working</i>
		51.	Jalvayu Tower	Sector 47	<i>STP found working</i>
		52.	Eldeco Ananda Apartment	Sector 48	<i>STP found working</i>
		53.	Pearls Gateway Towers	Sector 44	<i>STP functional. Samples of treated water collected.</i>

		54. Assotech	Sector 44	STP not constructed
		55. Steller Green	Sector 44	STP not constructed. Inspection on 18.03.2021
		56. Antkrish Kanball	Sector 77	STP under construction
		57. Amrapali Shaphire-I, GH-01	Sector - 45	STP not constructed
		58. Mahagun Society, Sec-78	Sector 78	Notice Sent by NOIDA
		59. Golf City, Sec-75	Sector 75	Notice sent by NOIDA
		60. Antriksh Golf View-I, Sec-78	Sector-78	Notice sent by NOIDA
		61. Amrapali Platinum	Sector-119	STP was operational. Sample of treated water collected for testing. Notice Sent.
		62. Prateek Loreal	Sector-120	STP was operational. Sample of treated water collected for testing. Notice Sent.
		63. Ananya, Sector 119	Sector-119	STP under construction. 50 units occupied so far. Notice Sent.
		64. ATS One Hemlet	Sector-104	STP was operational. Sample of treated water collected for testing. Notice Sent.
		65. Homes-121	Sector-121	STP was operational. Sample of treated water collected for testing. Notice Sent.
		66. Victory Crossward	Sector-143	STP was operational. Sample of treated water collected for testing. Notice Sent.

		<table border="1"> <tr> <td data-bbox="881 289 954 464">67.</td> <td data-bbox="954 289 1141 464">Sikka Karnam Greens, Plot No. 1(A) Sector-143B</td> <td data-bbox="1141 289 1268 464">Sector-143</td> <td data-bbox="1268 289 1463 464">STP was operational. Sample of treated water collected for testing. Notice Sent.</td> </tr> <tr> <td data-bbox="881 464 954 638">68.</td> <td data-bbox="954 464 1141 638">Gulshan Ikebana</td> <td data-bbox="1141 464 1268 638">Sector-143</td> <td data-bbox="1268 464 1463 638">STP was operational. Sample of treated water collected for testing. Notice Sent.</td> </tr> <tr> <td data-bbox="881 638 954 812">69.</td> <td data-bbox="954 638 1141 812">Aakriti Shanti Niketan</td> <td data-bbox="1141 638 1268 812">Sector-143</td> <td data-bbox="1268 638 1463 812">STP was operational. Sample of treated water collected for testing. Notice Sent.</td> </tr> <tr> <td data-bbox="881 812 954 890">70.</td> <td data-bbox="954 812 1141 890">Amrapali Shaphire-II GH-03</td> <td data-bbox="1141 812 1268 890">Sector-45</td> <td data-bbox="1268 812 1463 890">STP not constructed.</td> </tr> </table>	67.	Sikka Karnam Greens, Plot No. 1(A) Sector-143B	Sector-143	STP was operational. Sample of treated water collected for testing. Notice Sent.	68.	Gulshan Ikebana	Sector-143	STP was operational. Sample of treated water collected for testing. Notice Sent.	69.	Aakriti Shanti Niketan	Sector-143	STP was operational. Sample of treated water collected for testing. Notice Sent.	70.	Amrapali Shaphire-II GH-03	Sector-45	STP not constructed.
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70.	Amrapali Shaphire-II GH-03	Sector-45	STP not constructed.															
2.	<p><i>In compliance with Hon'ble NGT directions and Water Prevention Act-1976, joint inspections with UPPCB team will be conducted at different sections/location and violators to be appropriately prosecuted. Committee shall also check untapped sewer lines of individuals/builders/villagers and same shall be informed to concerned department for necessary action. (Time Required- 1 year)</i></p>	<p><i>Inspection of societies has been affected due to Covid-19, that is the reason of slow progress, so it is requested to kindly grant extra time in addition to compliance period. Inspection report and photographs enclosed (Annexure-A).</i></p> <p><i>Joint Inspection with UPPCB team is carried out as per norms prescribed by State Pollution Control Board at different industries</i></p> <p>Location:-</p> <ol style="list-style-type: none"> M/s Sandeep Paper Mill, Sector-06: STP found functional and performing standard norms prescribed by CPCB copy of the consolidated report is attached herewith for your kind perusal please. M/s Body Care International Ltd., D-247/13, sector-63: There was no arrangements for treatment of untreated effluent. Untreated effluent was discharging into Noida drain. A sample of untreated effluent analyzed and found not match the prescribed limits. Report sent to board head office to penalize the industries for non-compliance of Water (Pollution control) article 1974. 																

		<p>3. M/s Halidram Snacks Pvt. Ltd., Plot no. A-11, Sector-68: ETP found functional and report of treated water analyzed and found according to norms as prescribed by CPCB.</p> <p>4. M/s Anand Electro Platers, B-87-88, Sector-10: ETP found functional and sample of treated water has been analyzed at regional office and found as per norms as prescribed by CPCB.</p> <p>5. Location Village-Harola, Notice has been issued to villagers to stop discharging polluted water in drains. They are directed connect to waste water pipes into existing sewer lines. Notice issued to 1. House No.V-71, 2. House No. V-68, 3. House No. V-17 of village Harola.</p> <p>6. M/s. Nitya Electro Controls Pvt. Ltd. Plot No. C-47, Sector 81, Phase-II, Noida: ETP not installed. CTO not obtained. Notice sent by UPPCB. Letter sent to E.E.(PVVNL) for electric disconnection.</p> <p>7. Inspection made on 14 nos. washing/dyeing plants in village-Bahlolpur, Sector-65, Noida: ETP no installed C.T.O. not obtained. Letter sent to E.E. (PVVNL) for electric disconnection.</p> <p>8. Inspection made on 3 nos. washing/dyeing plants in village-Asagarpur, Sector-128, Noida: ETP no installed C.T.O. not obtained. Letter sent to E.E. (PVVNL) for electric disconnection.</p> <p>(Annexure-B)</p>
3.	Proposals for strengthening of existing sewerage network amounting to Rs. 19.77 Cr. Have been submitted and same are to be executed on priority basis. (Time Required-2 years)	There are total 10 (ten) identified, sewer strengthening works. Five works out of ten are almost completed that is of 75 percent of the targeted. The updated information sheet having details of works is attached herewith as (Annexure-C)
4.	Noida Authority in anticipation of future projected load has already	Noida has 6 nos. of STPs constructed at different places. Existing Capacity of STPs is

	<p>planned to put more STPs of capacity 180MLD as planned by WAPCOS in place to accommodate the future load of sewerage effluent discharge of city. (Time Required-4 years)</p>	<p>231 MLD. Sewage generation on an average is 215 MLD. (Present) The STP project having capacity 180 MLD is in progress. Vide C.B. No mention below C.B. No. 14/GM®/AO/SM (OA)/2020-21 Dt. 03.09.2020 for 80 MLD C.B. No. 15/GM®/AO/SM (OA)/2020-21 Dt. 03.09.2020 for 100 MLD</p> <p>Physical progress 6.00% and 20% respectively. Work is expected to be completed in two years.</p>
5.	<p>100 Nos. of Public Toilets and 56 Nos. of Community Toilets have been constructed. In addition to that mobile toilets have been installed at slum/remote areas under ODF scheme of Govt. of India. All Toilets are regularly monitored for proper functioning and maintenance. All the community/Public Toilets are connected with the existing sewerage network. (Work completed.)</p>	<p>(Work completed) The inspection of these public and community toilets is conducted on a regular basis. The copy of these weekly inspection reports is attached herewith as Annexure-D.</p> <p>Here, we would like to assure the Hon'ble Bench that all the toilets are fully functional and operating in a compliant manner.</p> <p>Nos of Public Toilets :- 104 Nos of Pink Toilets :- 08 (for ladies specially) Nos. of Community Toilets:- 56 Nos. of Urinals :- 104</p> <p>All above are fully functional.</p>
6	<p>Total 22 Nos of desludging points have been constructed at last sewer manhole near SPS (Sewage Pumping Station). Sewage from different public Toilets/slum areas is collected and discharged in these decanting points by registered sewage decanters heavy vehicles fitted with GPS. (Work Completed)</p>	<p>Work Completed Report already placed before with the Hon'ble bench vide the afore referred letter dated 20.12.2019 already submitted.</p>
7	<p>We are in process of developing in situ treatment using constructed wetland technique for Noida drain in</p>	<p>Action Plan for the In-situ remediation and rejuvenation of Noida drain using Constructed Wetland System and by development of biodiversity park has been</p>

	<p>consultation with Prof. C R Babu (CEMDE, University of Delhi). Six constructed wetland system each covering a stretch of 500 meter length have been proposed for abatement of organic load of Noida drain (Time Required – 1.5 years)</p>	<p>submitted by Dr. C R Babu. Detailed Project Report (DPR) has been framed by Irrigation Department accordingly, which is vetted by Dr. C. R. Babu with reference to CPCB letter file no. A-14011/1/2020 UPC-1 dated 28.09.2020. Work awarded vide Agreement No. 31/SE/2020-20201 dated 03.04.2021, date of start 03.04.2021 dated of completion 02.07.2021. Work in progress in physical progress of 20 %. Photograph enclosed</p>
8	<p>Special drivers have been carried out against encroachers on embankment of drains and same has been maintained so disposal of untreated waste water into drains has been stopped. All encroachments on the embankment of these 30 drains will be removed within next one year. (Time Required-1 year)</p>	<p>(Work completed) The drives to ensure encroachment free drains embankments are carried by the respective Work Circle Incharge. The copy of the recent summarized reports with photographs as carried by the respective work circles indicate no encroachment on the drain's embankments are placed</p>
9	<p>Noida will arrange further study by WAPCOS/EIL to evaluate feasibility of intercepting sewer scheme as a long-term remedial measure based on the study report further action will be taken accordingly. (Time Required- 3 Years)</p>	<p>Noida has invited WAPCOS vide letter no. Noida/DGM(Jal)/2020/139 Dt. 07.09.2020 to carry out feasibility study to intercept 30 drains and connect these drains to main Sewer lines. Further WAPCOS has assessed volume of work and estimate has been approved by competent authority for the same Draft M.O.U. has been submitted for approval from competent authority. Some small drains to be intercepted by Noida as its own end. and for other major drains design/data system study is in progress. Work will be completed in further Six months.</p>

8. Similar is the situation in Delhi and other concerned locations. Though EDMC on behalf of the joint Committee has filed a report 08.07.2021 mentioning steps of sealing dairies but there is no report on water quality from which control of pollution can be established. No

concerned officer is present and on repeated questions during the hearing, no Counsel is able to state that there is any improvement on the issue of control of pollution. Withholding of such vital information from which progress could be measured in hearing taking place after eight months, gives rise to the only inference that attempt is to conceal inaction in taking steps to prevent and control pollution. Thus, crime is continuing without meaningful action on the part of statutory authorities, including the police.

The report is as follows:-

“3. During the meeting dated 02.06.2021, officers/officials of DPCC, CPCB & EDMC (Nodal Agency) had unanimously decided to conduct joint survey for Gharoli Dairy colony, Gharoli Village and Kondli Village on three different dates i.e., 04.06.2021, 05.06.2021 & 07.06.2021 and then to start sealing action against the illegal dairies.

*4. That as decided in the meeting dated 02.06.2021, team consisting officers of three different authorities jointly conducted inspection survey in GHAROLI DAIRY COLONY, GHAROLI VILLAGE & KONDLI VILLAGE on 04.06.2021, 05.06.2021 & 07.06.2021. It is submitted that while conducting the survey, some of the dairy owners had created massive hindrance and forcefully deleted the photographs taken of illegal dairy from the official's Mobile of the team. The incident was brought to the knowledge of SHO, P.S. Ghazipur and thereafter adequate assistance of police personnel helped in conducting the survey peacefully. Copy of the inspection report dated 04.06.2021, 05.06.2021 and 07.06.2021 are attached herewith as **ANNEXURE B (from page 11 till, ANNEXURE C (from page 12 to 15) respectively.***

Details of the inspected unit of illegal dairies in three various areas are as follow:

A. GHAROLI DAIRY COLONY:

Unit details given in the earlier filed EDMC's		51
ATR:		
(Filed on 25.05.2021)		
(i)	Sealed / vacant dairy units due to EDMC's action	22
	(a) Sealed by EDMC -04	(04+18)
	(b) Premises were found vacant during sealing drive of EDMC - 18	
(ii)	Action was expected by EDMC post lockdown:	29
	Dairy Units found during inspection of 3 different authorities	58
	(a) Sealed by EDMCs' action : 04	(04+18)
	(b) Premises which were found vacant during earlier sealing drive of EDMC:	18
	(c) Existing dairies :	36

B. GHAROLI Village

Dairy units found during inspection of 3 different authorities : 5

C. Kondli Village:

Dairy units found during inspection of 3 different authorities : 1

5. After conducting inspection, sealing action were carried out on 10.06.2021 & 11.06.2021 by the joint team in the light of minutes of meeting dated 09.06.2021. Copy of the minutes of meeting dated 09.06.2021 is attached herewith as ANNEXURE D (from page 16 to 18).

6. That based upon the inspection report of all three authorities, sealing action drive was conducted by EDMC on two dates i.e., 10.06.2021 & 11.06.2021 on the basis of joint survey report in the presence of DPCC & CPCB with the assistance of local police forces. During sealing drive, wherever illegal dairies were not functional and the operators had removed their cattle from the respective places, affidavits and photographs were taken from the occupier so that same place may not be used for dairy purposes in any manner in future. However, wherever dairy activity were found running, premises were

sealed immediately. Copy of the affidavits were taken from the occupier are attached herewith as ANNEXURE E (from page 19 to 162).

Details of the sealed and vacant premises in three various areas are as follow:

A) Gharoli Dairy Colony:

Sealing action drive by 3 different authorities for total: 58
(04+18+36)

(a) Sealed dairy units due to EDMC's action: 04

(b) Premises which were found vacant sealing drive of EDMC: 18

(c) Existing dairies were closed: 36

(All 36 owners also gave affidavit for not using the premises for dairy purposes even in future:

B) Gharoli Village

**SEALING action drive by 3 different authorities for total: 7
(While doing the sealing drive, 1 more unit was found having dairy activities thus earlier 6 unit increased to 7)**

(a) Sealed by the committee consisting by 3 different authorities: : 6

(b) Existing dairy found closed : 1

(01 (one) owner gave affidavit for not using the premises for dairy purposes ever in future).

C KONDLI VILLAGE

SEALING action drive by 3 different authorities for total: 1

(a) Existing dairy found closed: 1

(01(one) owner gave affidavit for not using the premises for dairy purposes ever in future).

Copy of the sealing action drive carried on 10.06.2021 & 11.06.2021 in the presence of all three authorities are attached herewith as **ANNEXURE F (from page 163 to 166...)** and **ANNEXURE G (from page 167 to 167)** respectively.

7. That based upon the inspection and sealing drive carried out by all three authorities, DPCC also issued closure direction and Show Cause Notice for imposing EDC on dated 16.06.2021. As per report of DPCC furnished to the answering corporation, Prosecution process is also being launched against 66 dairy units. Copy of the DPCC's ATR

dated 16.06.2021 is attached herewith as ANNEXURE H (from page 168 to 234).”

9. We have heard learned counsel for the parties and considered the reports. It is clear from the report of the NOIDA Authority that inspection has been carried out only on 12 more high rise societies out of 95, even though more than eight months have passed after the last order when this Tribunal was informed that 57 societies had been inspected. The report clearly shows that serious violation of law is continuing in the form of discharge of untreated sewage in open drain by many of the societies - some have not constructed STPs and some have not functional STPs. Thus, the Irrigation canal in question which is coming from Delhi (Kondli) and joining river Yamuna after crossing from Village Khoda and NOIDA, continues to be polluted due to sewage disposal. As per action taken report in Delhi, Dairies causing disposal of waste water and dung have been sealed. Impact of such action on recipient drains is not mentioned in absence of which claim of sealing of dairies is difficult to be accepted. There is no statement that the drains in question have been intercepted and diverted to STP and that no waste water is being discharged from Delhi. This needs to be ensured by the DJB/EDMC/DPCC. In case of Khoda Parishad, the waste water in the area needs to be collected and diverted to the STP. In Noida, treatment of

sewage generated by the Societies has to be ensured and treated effluents utilised for secondary purposes. Standards for disposal of sewage into irrigation or storm water canal have to be of fresh water to give effect to the mandate of the Water Act. Noida drain joins river Yamuna and thus untreated sewage cannot be discharged therein.

10. There is no meaningful action of registering criminal cases and arresting concerned violators, blacklisting the entities, withdrawing statutory consents, recovering compensation for restoration measures. Many industries are discharging untreated sewage with impunity as if law of the land does not exist and crime is free. As already mentioned, such pollution is criminal offence not only under the Water (Prevention and Control of Pollution) Act, 1974 but also under Chapter XIV of the IPC. Adverse effect in terms of deaths and diseases is well known. The violations are not only of statutory provisions but also judgments of the Hon'ble Supreme Court inter-alia in *Paryavaran Suraksha case*¹ prescribing timeline within which water treatment plant have to be in place as also direction of this Tribunal requiring coercive measures against violators in the form of stopping the polluting activities, initiating prosecution and recovering of compensation. Unfortunately, not a single person is shown

¹ (2017) 5 SCC 326

to have been prosecuted inspite of categorical observations in the reports of the statutory regulators. There is no dearth of statutory powers of NOIDA Authority, District Magistrates, SEIAA, UP and State PCB as well as UP Police. Surprisingly, counsel for NOIDA stated that NOIDA is helpless as it has no power. There is, thus, clear failure of constitutional obligation of the said authorities, rendering the heads of such institutions personally accountable for such failure for the punishable crime. The said authorities have failed to realise that they are occupying the position of high trust and are meant to protect the public health and environment and not to just enjoy position and perks at the cost of miseries of the innocent citizens. By their own showing they have continued to be mute spectators of serious crimes against humanity. Sufferers are helpless citizens whose constitutional right to clean environment remain on paper. We alert the higher authorities of the State to remedy the situation by action against failing heads of statutory authorities in performing their responsibility in the interest of protection of environment and public health and constitution rights of the citizens and as a measure of good governance.

11. In view of above grim situation, we direct Additional Chief Secretary, Forest and Environment, UP, Secretary, Urban Development, UP, CEO,

NOIDA Authority, District Magistrate, NOIDA, Vice Chairman, GDA, Police Commissioner, NOIDA, IG, Meerut (with regard to area falling in UP) and Chief Secretary, Delhi and Special Commissioner of Police, East Delhi (for area in Delhi) to hold in house meeting in coordination with concerned departments within fifteen days to take stock of the situation and plan remedial action. Action should include accountability of the erring officers, preventing discharge of pollution in the drain, coercive measures against violators - housing societies or others by registering criminal cases, initiating prosecution, assessment and recovery of compensation for the past violations, black listing of the concerned entities such as construction companies, in exercise of their statutory powers, following due process of law. The Tribunal expects meaningful improvement in the situation to prevent serious violations affecting the right to life, which violations have been continuing since long, without any meaningful action. In Delhi, claim of EDMC/DPCC of sealing of Dairies needs to be verified with reference to destination of effluents. DJB needs to confirm that due to interceptions of drains, no sewage or any other effluent is discharged into drain entering Noida. Water quality of drain/ irrigation canal before entry in UP needs to be checked. In UP, it needs to be verified whether management of sewage by the Societies and by the Noida Authority and its utilization in

quantifiable terms is as per norms and if not, what is remedial action and coercive measures against the violators. The efficacy of treatment may be assessed in terms of Fecal Coliform also. UP PCB has to clarify whether permission has been granted by Irrigation Department for discharge of sewage and industrial effluents into the drain and on what conditions. If so, how such conditions are being enforced. Noida has to explain Sewage management status for the area including the sewage generated by the Societies. CPCB has to file a separate report on standards applicable to discharge in drains/canals and whether standards of fresh water/ flood water apply to such situation in the light of the Water Act. Further, status of sewage management in Khoda area is also to be verified.

12. The Additional Chief Secretary, Forest and Environment, UP, Secretary, Urban Development, UP, CEO, NOIDA Authority, District Magistrate, NOIDA, Vice Chairman, GDA, Police Commissioner, NOIDA, IG, Meerut and Chief Secretary, Delhi and Special Commissioner of Police, East Delhi may remain present in person by video conference along with their action taken reports.

List for further consideration on 15.11.2021.

A copy of this order be forwarded to Additional Chief Secretary, Forest and Environment, UP, Secretary, Urban Development, UP, CEO, NOIDA Authority, District Magistrate, NOIDA, Vice Chairman, GDA, Police Commissioner, NOIDA, IG, Meerut, Chief Secretary, Delhi and Special Commissioner of Police, East Delhi, DPCC, EDMC and DJB by email for compliance.

We do not find any merit in I.A. No. 137/2021 seeking direction to use untreated sewage for agriculture which is dismissed.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

July 30, 2021
Original Application No. 1002/2018
A