

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

Original Application No. 613/2018

Anand Vinay

Applicant(s)

Versus

State of Karnataka

Respondent(s)

Date of hearing: 19.12.2018

**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**

For Applicant(s):

For Respondent(s):

ORDER

1. The issue for consideration is the pollution of lake between Tumkur Road (NH-4) and Magadi Main Road on account of municipal sewage and untreated industrial effluents.
2. On 10.09.2018, on receiving e-mail from the aggrieved person, the Tribunal directed the Secretaries of Urban Development, PWD and Member Secretary, KSPCB to look into the matter and furnish a report.
3. Accordingly, report dated 14.12.2018 has been received from the KSPCB stating that efforts have been made by conveying a meeting with all concerned stake holders on the issue with regard to the pollution of the lake and short term and long terms action plans have been adopted in the meeting held on 22.11.2018. The measures proposed include survey of boundary

wall, identification of points of illegal discharge of waste, dumping and encroachment. The responsibilities have been assigned to the Panchayat, Development Authority, Mahanagar Palike, Nandi Infrastructure Corridor Enterprises Limited, KSPCB and Industrial Development Board. The measures proposed are as follows:

“Hence during the meeting the following Directions were given to the concerned Departments to act immediately with short term and long term action plans & submit an action taken report/ detailed updated report to the Board:

A. Short term measures and action plans to be taken:

1. Tahsildar- Bangalore North Taluk:

- It was directed to conduct surveying of boundary of each lake & to take provide fencing of these lakes especially Gangondanahalli Lake as immediate measures by conducting eviction of the encroachment lands.*
- It was also directed to identify illegal discharge/ dumping of sewage into Rajakaluve directly or indirectly with the help of village panchayat officials & to initiate action (if any) against the defaulters. (Action Tahsildar)*

2. Village Panchayat- Gangondanahalli Village:

- The PDO was directed to co-ordinate with Tahsildar, BOA & other concerned departments to ensure fixing of boundaries & to provide fencing to prevent encroachment as well as pollution.*
- It was also directed to identify illegal discharge/ dumping of sewage and C & D waste into Rajakaluve directly or indirectly and on tank areas & with storm water drains with the help of village panchayat officials & to initiate action (if any) against the defaulters.*
- Conduct awareness among villagers not to dump the wastes and also identify the culprits who are dumping.*
- To remove the blockage of wastewater on southern side & all the easy flow of water from the lake to avoid the stagnation of water with lake. (Action — PDO Gangondanahalli Village Panchayat)*

3. BDA:

- It is necessary to evolve proper zoning with sufficient buffer for converting the land into residential purpose. It was also directed to ensure the catchment area is not disturbed.*

- It was directed to submit the ownership details of these lakes. It was informed by the Officer who attended the meeting that these lakes have been handed over to BBMP & Gangondanahalli Lake to Panchayath.
- The cleaning of Storm water drains with BDA area which carry sewage with solid waste should be taken up on top priority. **(Action - BOA)**

4. BBMP:

- Directed to take steps for clearing solid wastes, the C & D wastes dumped in the storm water drains thereby causing pollution and obstructing the flow.
- It is necessary to evolve proper zoning with sufficient butler for converting the land into residential purpose. (Action - BUMP)

5. Nandi Infrastructure Corridor Enterprises Limited (NICE) Authorities:

- There was detailed deliberation with regard to the total area given by PWD for construction of the road to NICE authorities in Sy No. 41. It was clarified by NICE authorities that 7 acres 23 guntas of land has been handed over to them by Revenue Department & KIADB.
- It was observed during the presentation of Regional Officer that at two places, after crossing of NICE Road, sewage is entering into the lakes. However, it was observed that huge amount of stagnation at South East land is creating smell & pollution problem around the area. Hence, it was opined to create a natural channel to divert this sewage from entering into the Gangondanahalli lake by providing a bypass to cross the lake. Hence, this can avoid not only the pollution of the lake but also the stagnation at that particular low lying area.
- There was also suggestion to provide natural treatment system all along the sewage carrying channel by DEWAT system which can also treat the sewage through the process of natural aeration.
- NICE authorities were directed to explore the possibility of providing DEWAT system & also to take up diversion. Tahsildar, PDO of Village Panchayat & Zilla Panchayat Office can give technical inputs to NICE authorities. **(Action - NICE)**

6. Regional Officer, KSPCB- Dasarahalli & Peenya:

- It was directed to identify the industries which are discharging the effluents illegally into storm water drains, valley, sewers Rajakaluve and initiate further penal action following the procedure as per law. **(Action - KSPC Dasarahalli**

& Peenya)

B. Long Term Measures & Action Plans

I. BWSSB:

- *BWSSB should prepare an action plan & a detailed DPR for providing UGD to all those villages, which are falling under the catchment area of these lakes & STP to treat sewage implement the project without further delay so that the sewage flow in storm water drains could be completely estimated.*
- *BWSSB should identify those industries for which permission was given to connect the sewage to BWSSB sewer line wherein the industries are illegally discharging the trade effluent into BWSSB sewer. Action as deemed fit can be initiated for those defaulting industries from their side and also they write letters to KSPCB to initiate further penal action. (Action - BWSSB)*
- *BWSSB shall ensure that the discharge of sewage from the intermediate pumping station into Rajakaluve shall be diverted.*

2. KIADB:

- *The authorities shall provide proper infrastructure for the treatment of sewage, effluent, municipal solid waste within the already developed & proposed KIADB industrial area, so that any liquid effluent/ sewage can be prevented from going out from the industrial premises. They should earmark Land for handling MSW, Hazardous Waste & other wastes. (Action- KIADB)*

Finally, it was also resolved to constitute a Joint Monitoring committee consisting of Officers from the following departments/ organizations:

- 1. Tahsildar- Bangalore North Taluk*
- 2. Representative from local BWSSB Office.*
- 3. Representative from BDA*
- 4. Representative from BBMP*
- 5. Police Officer from Madanayakahalli Police Station*
- 6. Representative from KIADB*
- 7. PDO from Gangondanahalli Village Panchayat Office.*
- 8. Regional Officer- Bangalore Dasarahalli, Peenya (Jurisdictional R O) - Convener.*
- 9. Representative of NICE*
- 10. Representative- PIA*

The above committee shall regularly inspect the area to verify illegal discharge of industrial Effluent/Sewage/Dumping of trade effluent/ solid waste/ Construction & Demolition waste through Tankers/Trucks into the lake as well as the low lying Areas/ Valley lake bed areas and to take necessary steps to prevent the same.

The representatives present during the meeting were informed to take necessary steps immediately and submit the reports with action plan within 7 days to Board Office to take further

action & to submit the action taken report to Hon'ble NGT.”

4. Though we do find that the matter has been taken seriously in the meeting, as appears from the minutes of the meeting, it is necessary to fix time line and monitor the achieving of the targets indicated in the plan with necessary budgetary provisions. The review and monitoring must be done atleast once in a month.

5. A Report of further progress be sent on or before on 31.03.2019 to this Tribunal by e-mail at ngt.filing@gmail.com.

6. A copy of this order be sent to KSPCB, for being shared with all concerned authorities including Additional Chief Secretary, Urban Development, by e-mail.

List for further consideration on 03.05.2018.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

December 19, 2018
Original Application No. 613/2018