

Item No. 01

Court No. 1

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

Original Application No. 116/2014  
(M.A. No. 01/2021, M.A. No. 02/2021 &  
M.A. No. 03/2021)

Meera Shukla

Applicant

Versus

Municipal Corporation, Gorakhpur & Ors.

Respondent(s)

Date of hearing: 12.01.2021

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

Applicant: Ms. Katyayni, Advocate

Respondent(s): Ms. Deep Shikha Bharti, Advocate for State of UP  
Mr. Raj Kumar, Advocate for CPCB  
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB  
Mr. I.K. Kapila, Advocate for UP Jal Nigam  
Mr. Atul Veer Chopra, Advocate in MA No. 01/2021  
Mr. Sumer Sodhi, Advocate in MA Nos. 02/2021 & 03/2021

**ORDER**

1. The issue for consideration is the remedial action for contamination of water bodies and ground water, specially Ramgarh Lake, Ami River, Rapti River and Rohani River in and around District Gorakhpur, Uttar Pradesh. In the course of proceedings certain associated issues have also been taken up for consideration including industrial pollution, encroachments, enforcement of Solid Waste and Bio Medical Waste Rules to which further reference will be made in the later part of this order.

**2. The matter has been pending for the last more than six years and was exhaustively reviewed vide order dated 23.08.2018.** The Tribunal noted the allegation that Ramgarh Lake and the Ami, Rapti and

Rohani Rivers in and around District Gorakhpur were severely polluted on account of discharge of untreated sewage and industrial effluents. It was also noted that the steps required to prevent contamination of water bodies and groundwater were not being taken. **This was affecting the farmers and inhabitants, flora, fauna and ecology of area and causing degradation of the environment. 103 water bodies are under threat. There was no proper management of solid waste and no designated scientific sanitary landfill. There was encroachment of the Ramgarh Taal. Common Effluent Treatment Plant (“CETP”) had not been set up. Industries were not complying with the environmental norms. There was high organic load in River Ami and Rapti. Sugar and Distillery units were also causing pollution. 557 persons died in the year 2012. About 50,000 persons died in the last 30 years. It was also noted that Ami, Rapti and Rohani Rivers are the tributaries of Ghaghara which ultimately terminated into River Ganga. For public health at Gorakhpur, clean water supply was necessary, apart from cleaning of water bodies and other steps for protection of environment.**

3. The Tribunal issued directions for the purpose and a Monitoring Committee was constituted headed by a former Judge of Allahabad High Court with representatives of the Central Pollution Control Board (“CPCB”), Uttar Pradesh Pollution Control Board (“UPPCB”) and State Jal Nigam to oversee compliance of directions of this Tribunal already issued on the subject of closing the sources of contaminated water (like handpumps) and taking steps for supply of potable water, to ensure proper waste management and deal with other issues mentioned above. The Committee was to carry out inspection of the industries causing pollution of water bodies, drains and rivers in the area and Effluent Treatment

Plants (“ETPs”), Sewage Treatment Plants (“STPs”), CETP and Solid Waste Management (“SWM”) sites. **Action plan was required to be prepared for solid waste processing, proper functioning of ETPs and CETP and also for making available potable water to the inhabitants, apart from undertaking rehabilitation program for compensating the victims who had suffered. The Committee was to furnish reports to this Tribunal for further action.**

4. The matter has been dealt with thereafter on several dates in the light of reports received from the Committee from time to time as will be shown in the later part of this order. **The Tribunal passed directions with regard to installation of STPs and CETP by Gorakhpur Industrial Development Authority (“GIDA”), closure of industries operating illegally, adding to the pollution of the Rivers or their tributaries, shifting of construction activities from the floodplain zones/catchment area, unscientific disposal of municipal and other wastes.** The orders include orders dated 25.10.2018, 17.12.2018, 07.03.2019, 29.04.2019, 19.07.2019, 27.09.2019 and 16.6.2020.

5. Vide order dated 17.12.2018, the Tribunal directed:-

“1to6.....xxx.....xxx.....xxx

7. *We have heard Shri Pradeep Mishra, learned Counsel for the UPPCB and considered the matter. As regards the issue of taking action under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 by way of coercive measures against the industrial units/medical college for violation of statutory provisions and conditions for Consent to Operate, we direct the UPPCB to take appropriate action to ensure compliance and recover damages for the past violations. The amount suggested by the Committee may be treated as a proposal and final amount may be determined after following due procedure within one month. Steps for closure may be considered on merits. A report of compliance in this regard may be furnished to this Tribunal by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).*

8. **With regard to encroachments, the recommendations of the Committee may be treated as a proposal and on that basis appropriate action taken by the Principal Secretary, Urban Development, Government of Uttar Pradesh within two months and report furnished to this Tribunal by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).**

9. **With regard to functioning of Baba Raghav Das Medical College, the recommendations of the Committee may be treated as a proposal and appropriate action taken on that basis by the Principal Secretary, Health Department, Government of Uttar Pradesh within one month. A report in this regard be furnished to this Tribunal by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).**

10. **With regard to Ami River, UP Jal Nigam may take necessary steps with regard to installation of STPs and GIDA may take steps for installation of CETP within three months and report in this regard be furnished to this Tribunal by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).**

11. **Recommendation nos. (4), (5) and (9) may be acted upon by the Principal Secretary, Environment and Forest and the Principal Secretary, Irrigation Department, Government of Uttar Pradesh report in this regard be furnished to this Tribunal by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com) within two months.**

12. **Recommendation no. (6) may be acted upon by the District Magistrate, Siddharth Nagar and report in this regard be furnished to this Tribunal by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com) within two months.**

13. **Recommendation no. (7) may be acted upon by the Principal Secretary, Irrigation Department and Principal Secretary, Environment and Forest and report in this regard be furnished to this Tribunal by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).**

14. **Recommendation no. (8) may be acted upon by the Nagar Nigam, Gorakhpur within one month and report in this regard be furnished to this Tribunal by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).**

15. **Recommendation no. (10) may be acted upon by the State "River Rejuvenation Committee" constituted by this Tribunal in terms of the order dated 20.09.2018 in Original Application No. 673/2018.**

16. *The reports from the Committee are disposed of accordingly.*

17. *Compliance reports in terms of the above order, be put up for consideration in the last week of April, 2019."*

6. Against the above order, the Nagar Nigam Gorakhpur filed Civil Appeal No. 3957/2019, *Gorakhpur Nagar Nigam v. Meera Shukla & Ors.* and State of UP filed Civil Appeal No. 5414/2019, *State of Uttar Pradesh v.*

*Meera Shukla & Ors.* before the Hon'ble Supreme Court which were dismissed respectively on 08.04.2019 and 01.07.2019.

7. Vide order dated 27.09.2019, in the light of reports received and earlier orders, the matter was further reviewed. The issues were directed to be dealt with by the concerned authorities, **including a five-member Committee comprising Secretaries Urban Development, Environment and Forest, Irrigation and Flood Control, CPCB and the State PCB.**

Extracts from the order are:

***“6. Order dated 25.10.2018 dealt with the pollution caused by M/s. Yash Paper Mills, Faizabad by discharge in Tihura Drain affecting the agricultural lands as result of demolishing the clay barrier as per directions from the Sub Divisional Magistrate. Allegation of alleged collusion of SDM of the area was directed to be looked into by the Chief Secretary, UP. The stand of the SDM is that the barrier was removed to ensure flow of the drain, though the rain has to be kept clean and free from discharge of effluents.***

***7. Order dated 17.12.2018 dealt with the damage to the forest land by Bajaj Sugar Mill, Golagokaran Nath, District Lakhimpur, pollution by M/s Gallant Ispat Limited, Gorakhpur by discharging effluent into a drain joining Ami River, pollution by M/s Rungta Industries Pvt. Ltd. and M/s Crazy Snacks Ltd. discharging effluent in GIDA drain, pollution by M/s Yash Paper Mills, and pollution of Ami River by sewage generated in Gorakhpur, Sahjanwa, Unwal, Kauriram and Khajni, pollution by M/s Bajaj Hindustan Limited (Distillery Unit), illegal construction around Ramgarh lake and absence of sanitation, violation of environmental norms by Baba Raghav Das Medical College, Gorakhpur. The Tribunal directed the State PCB to take necessary action for enforcement of law by closing the polluting activity and recover compensation on “polluter pays principle” and report to this Tribunal. With regard to encroachment action was required to be taken by Principal Secretary, Urban Development and report was to be given to this Tribunal. With regard to violation of medical norms, report was to be given by Health Department. Jal Nigam was to take action for STPs and GIDA for CETPs. Other actions were to be taken by Environments and Irrigation departments, Nagar Nigam and District Magistrate, Siddharth Nagar and compliance reports furnished. Against this said order, appeal of the State of UP has been dismissed on 01.07.2019 by the Hon'ble Supreme Court, being Civil Appeal No. 5414/2019. Compliance reports have not been received from all the concerned authorities except from UPPCB to which reference will be made later.***

8. **Order dated 07.03.2019 dealt with reports dated 08.02.2019 from the Committee with regard to the pollution caused by M/s Bharati Research and Breeding Farm, FL-27, Sector -13, GIDA, Gorakhpur, UP, M/s Mother Shree Dairy, D-1/3D, Sector 13, GIDA, Gorakhpur, UP, M/s Alkane Construction Equipment Pvt. Ltd., FL-24, Sector 13, GIDA, Gorakhpur, UP, M/s Burnet Pharmaceutical Pvt. Ltd., AL-1, Sector -13, GIDA, Gorakhpur, UP, M/s Gorakhnath Agro Industries Pvt. Ltd., FL-20/27, Sector-13, GIDA, Gorakhpur, UP, M/s Royal Savera Foods Pvt. Ltd., FL-28, Sector -13, GIDA, Gorakhpur, UP and M/s Dr. Sandhu Hatchery, FL-28, Sector -13, GIDA, Gorakhpur, UP. The same were referred to CPCB for comments with further directions to the state PCB to take action in the light of the said reports in accordance with law. UPPCB has filed an action taken report which will be dealt with in the later part of this Order.**

9. CPCB filed a report about the scale of compensation to be recovered which was considered vide order dated 29.04.2019. The report was directed to be acted upon by the State PCB. CPCB was to also deal with the remedial action against illegal drawal of groundwater. The compensation was to be revised based on actual period of violation. **The Tribunal also dealt with report dated 18.04.2019 dealing with the transfer of forest land by the GIDA.**

10. **Finally, vide order dated 19.07.2019, reports with regard to pollution by K.M Sugar Mills, and Malvika Cement Private Limited and also pollution of River Gomti and Ramgarh Lake were considered.** The reports were directed to be furnished to the CPCB and UPPCB for further action. Report on the issue of illegal construction in catchment area of Ramgarh Lake was directed to be dealt with by Urban Development Department of UP. **The pollution of River Gomti, reported by the Committee, in pursuance of a separate order of the Tribunal in O.A 24/2018, was to be dealt with by the Chief Secretary, UP. The Chief Secretary was directed to file an action taken report for consideration in the matter of pollution of river stretches, i.e O.A. No. 673/2018.** This aspect has to be considered in the said matter. The Urban Development Department was to file action taken report with regard to construction by GDA in catchment area of Ramgarh Lake which is still awaited. Review petition has been filed by GDA seeking liberty to place its view point before the Urban Development Department.

11. **It may be mentioned that apart from the reports relating to the pollution of the waterbodies in question directly or indirectly and other connected issues referred to above, the same learned Judge was also overseeing the subject of compliance of municipal solid waste in terms of order of this Tribunal dated 16.01.2019 in O.A. No. 606/2018 (which also covers compliance of Bio Medical Waste Management Rules, 2016 (BMW Rules)).In this regard, reports have been filed which have to be dealt with. In the same matter, Chief Secretaries of all the States were required to remain present before this Tribunal with the status of compliance on several important aspects of environment. After their appearance, directions have been issued requiring them to monitor such**

**compliances at their level at least once in a month and at the level of the Districts Magistrates, twice in a month. Reports of such monitoring are to be furnished by the Chief Secretaries periodically to this Tribunal.**

12. We may now note the reports which have been put up for consideration:

*I. Reports have also been filed by the Central Pollution Control Board (CPCB) and the State Pollution Control Board (SPCB) in pursuance of earlier orders, as follows:*

**A. Action taken report filed by the CPCB on 17.09.2019 (Pp 2503-2517) in respect of M/s Malvika Cement Pvt. Ltd., Raebareli, Uttar Pradesh.**

**B. Report filed by UPPCB dated 13.09.2019 (Pp 2535-2567) in respect of M/s K.M. Sugar Mills (Distillery & Sugar Units), Masaudha, Ayodhya.**

**C. Action taken report filed by the UPPCB dated 23.09.2019 (Pp 2568-2590) in respect of M/s Yash Paper Ltd. and the conduct of the SDM, Ayodhya in dealing with the matter.**

**D. Report of the UPPCB (Pp 2467-2471) on the subject of environmental compensation payable by M/s B.R.D. Medical College & Hospital (Nehru Chikitsalay), Gorakhpur.**

**E. Report dated 17.07.2019 (Pp 2087-2092) on the subject of environmental compensation furnished by the UPPCB in respect of:**

**i. M/s Bharti Research and Breeding Firm, FL-27, Sector-13, GIDA, Gorakhpur, UP**

**ii. M/s Mother Shree Dairy, D-1/3D, Sector-13, GIDA, Gorakhpur, UP**

**iii. M/s Alkane Construction Pvt. Ltd., FL-24, Sector-13, GIDA, Gorakhpur, UP**

**iv. M/s Burnet Pharmaceutical Pvt. Ltd., FL-1, Sector-13, GIDA, Gorakhpur, UP**

**v. M/s Gorakhnath Agro Industries Pvt. Ltd., FL-20/27, Sector-13, GIDA, Gorakhpur, UP**

**vi. M/s Royale Savera Foods Pvt. Ltd., FL-28, Sector-13, GIDA, Gorakhpur, UP**

**vii. M/s Dr. Sandhu Hatchery, FL-28, Sector-13, GIDA, Gorakhpur, UP Report dated 29.07.2019 (Pp 2115-2132) on the subject of sand mining in District Jalaun and Hamirpur, Uttar Pradesh based on complaint of one Anchal Dwivedi to the effect that such sand mining was resulting in crisis of underground water and contamination of groundwater, e-flow of the river was adversely affected and damage was being caused to the river banks and river eco-system.**

**II. Additional Report of the Committee dated 03.08.2019 (page no. 2446) in respect of M/s Yash Paper Mills Ltd. & Rajepur Villaage Darshan Nagar, Ayodhya, Faizabad, Uttar Pradesh on the subject of industrial pollution alongwith report of the CPCB with regard to**

- Tihura Drain near Yash Paper Mills Ltd. (Pp 2440-2445)*
- III. *Summary of discussions and decisions of the Committee on the subject of wetlands dated 18.07.2019 (Pp 2093-2113)*
- IV. *Summary of discussions and decisions of the Committee on the subject of compliance of Solid Waste Management Rules by M/s Amko, Bulandshahr Road, Ghaziabad, Radisson Blue Hotel, Kaushambi, Ghaziabad, Uttar Pradesh, Cantonment, Ayodhya, Sand Mining in Jalaun and Hamirpur, discharge of effluents in Gomti, recovery of compensation from hotels and industries in terms of order of this Tribunal dated 17.01.2019, in O.A No. 24/2018 and storage of 10 crore liters of effluent by Sardar Nagar Distillery and river pollution at Pilibhit, Lakhimpur Kheri, Hardoi, Sitapur, Lucknow, Raebareli, Pratapgarh, Jaunpur, Ghazipur, River Sai, River Sai Tributary of River Gomti dated 29.07.2019 (Pp 2245-2256).*
- V. *Reports of the Committee regarding solid waste management (including Bio-medical waste):*
- a) *dated 31.07.2019 (Pp 2135-2174) in respect of Agra;*
- b) *dated 31.07.2019 (Pp 2177-2244) in respect of Mathura;*
- c) *dated 31.07.2019 regarding Common Bio Medical Waste Treatment Facility (CBWTF) in respect of M/s JRR Waste Management, Khasara No. 670, Mauja Dherera, Etmadpur, District Agra, U.P. (Pp 2258-2273)*
- d) *dated 31.07.2019 on the subject of Bio Medical Waste Management at Sahara Hospital, Gomti Nagar, Uttar Pradesh (Pp 2275-2310)*
- e) *dated 31.07.2019 on the subject of Bio Medical Waste Management at Dr. Ram Manohar Lohia Combined Hospital, Vibhuti Khand Gomti Nagar, Lucknow, Mayo Medical Centre, Vikas Khand-II, Gomti Nagar, Lucknow, St. Joseph's Hospital, Vishal Khand-5, Gomti Nagar, Lucknow, Nova (FORD) Hospital, Vikash Khand-1, Patrakarpuram, Gomti Nagar, Lucknow, Uttar Pradesh. (Pp 2312-2363)*
- f) *dated 01.08.2019 on the subject of Bio Medical Waste Management at S.N. Medical College & Hospital District Agra, Uttar Pradesh. (Pp 2305-2391)*
- g) *dated 05.08.2019 on the subject of Bio Medical Waste Management at (i) Super Specialty Pediatric Hospital & PG Teaching Institute, Sector-30, Noida and (ii) Jaypee Hospital (A Unit of Jaypee Healthcare Ltd.), Sector-128, Noida Uttar Pradesh. (Pp 2394-2438)*

13. We have heard learned Counsel representing applicant, learned Counsel for CPCB, UPPCB, UP Jal Nigam and learned Counsel for the



*Yash Paper Mill. We have also heard learned Counsel appearing on behalf of the Gorakhpur Development Authority (GDA) in Review Application No. 47/2019 seeking review of order dated 19.07.2019.*

**14. While we propose to deal with the reports directly connected to the pollution of water bodies and other connected issues at Gorakhpur, or otherwise connected thereto, which have been dealt with in earlier orders, other issues such as Solid Waste Management at places other than Gorakhpur, sand mining and pollution of River Gomti may have to be dealt with in the first instance by concerned administrative authorities and report furnished to this Tribunal for further consideration.**

*15. The reports relating to Solid/Bio-medical Waste Management indicate violations. Such violations need to be remedies and action taken as per law for compliance of statutory Rules, including recovery of compensation on Polluter Pays principle. In order to do so, we direct that reports relating to Solid Waste Management (including Bio-medical wastes) be forwarded to Chief Secretary, UP for appropriate further action and monitoring and a compliance report being filed in O.A No. 606/2018 (Compliance of Municipal Solid Waste Rules by Uttar Pradesh) within one month by e-mail. Further consideration of the matter by this Tribunal will be in the said case. As regards reports relating to sand mining are concerned, the same may also be forwarded to the Chief Secretary U.P for appropriate further action with a direction that action taken report be furnished in O.A No. 360/2015 (dealing with the subject of Sand Mining) within one month via e-mail. The reports mentioned above at items IV and V stand dealt with accordingly, as far as this order is concerned, pending further separate consideration as above.*

*16. We may now deal with reports at items I, II and III mentioned above.*

**I. Reports filed by the CPCB and the SPCB**

A. Action taken report filed by the CPCB on 17.09.2019 (Pp 2503-2517) in respect of M/s Malvika Cement Pvt. Ltd., Raebareli, Uttar Pradesh.

**17. In view of report of the CPCB that the unit is functioning without consent to operate and it has also installed tubewells without NOC, SPCB may take appropriate further action by way of stopping illegal activity, recovering compensation and initiating prosecution in accordance with law.**

**18. The Chief Secretary, Uttar Pradesh may have it examined as to how electricity connections are given without consent to operate merely on consent to establish and why tubewells are being allowed to be dug without permission of the CGWA. An appropriate mechanism be evolved to remedy such illegalities in future anywhere in the State.**

B. Report filed by UPPCB dated 13.09.2019 (Pp 2535-2567) in respect of M/s K.M. Sugar Mills (Distillery & Sugar Unit), Masaudha, Ayodhya.

**19. The Distillery and Sugar units of the industry have been found to be non-compliant. In view of the facts found, the units need to be immediately closed by the SPCB under Section 31(1)(c) of the Water (Prevention and Control of Pollution) Act, 1974 in accordance with law in view of the recommendations of the joint Committee.**

C. Action taken report filed by the UPPCB dated 23.09.2019 (Pp 2568-2590) in respect of M/s Yash Paper Ltd. and the conduct of the SDM, Ayodhya in dealing with the matter.

20. Effluents have been found to be discharged in the drain connecting the river for which the State Pollution Control Board (SPCB) has proposed environmental compensation of Rs. 40 lakhs. It is stated that earlier defaults by the unit were considered by this Tribunal in the year 2016 and now notice under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 has been issued by the SPCB proposing closure for the violations.

21. According to the farmers, bandh was erected to prevent polluting discharge damaging the agricultural fields. However, according to the SDM, the bandh was removed to check stoppage of flow of the drain. The drain needs to be kept clean and its flow need not be obstructed. An updated joint inspection report is required to be obtained from a joint Committee of CPCB and the SPCB which issue will henceforth be dealt with in O.A. No. 399/2019, Mrs. Saraswati vs M/s Yash Paper Limited & Ors.

D. Report of the UPPCB (Pp 2467-2471) on the subject of environmental compensation payable by M/s B.R.D. Medical College & Hospital (Nehru Chikitsalay), Gorakhpur.

22. The SPCB may proceed further in accordance with law in the light of its report.

E. Report of UPPCB dated 17.07.2019 (Pp 2087-2092) on the subject of environmental compensation to be recovered from said 7 industries in Gorakhpur.

23. The SPCB may proceed further in accordance with law.

**II. Additional Report of the Committee in respect of M/s Yash Paper Mills Ltd. & Rajepur Villaage Darshan Nagar, Ayodhya, Faizabad, Uttar Pradesh pollution alongwith report of the CPCB with regard to Tihura Drain near Yash Paper Mills Ltd.**

**24. A joint Committee of CPCB and State PCB may take remedial action to ensure that the Tihura Drain is cleaned and freed from any industrial effluent or other pollutants. A status report in this regard may be filed as already directed above.**

**III. Discussions of the Committee relating to wetlands**

**25. A Joint Committee comprising the Secretaries, Urban Development, Environment and Forest and Irrigation, Flood Control Department, Uttar Pradesh, UPPCB and the CPCB may take further action in accordance with law, in the light of the report and furnish an action taken report before the next date. The Nodal Agency will be Secretary, Irrigation for coordination, compliance and furnishing report to this Tribunal. The GDA is at liberty to furnish its view point to the said Joint Committee. Review Application No. 47/2019 stands disposed of.**

*List the matter for further consideration 09.12.2019.”*

**8. The matter was thereafter considered on 16.06.2020 as follows:-**

*“1 to 5...xxx.....xxx.....xxx*

6. *In pursuance of above, following reports have been filed:*

- (a) ‘Action Taken Report’ filed on 27.11.2019 by UP Jal Nigam on the issue of capping of drains discharging pollutants in Ramgarh Lake and preventing pollution of River Gomti, Saryu and other concerned tributaries.*
- (b) ‘Compliance report’ of Chief Secretary, UP dated 28.11.2019 with regard to pollution of Ramgarh Lake, Ami River, Rapti River and Rohani River, pollution of River Gomti.*
- (c) Report filed by the UPPCB dated 12.06.2020 mentioning the status of steps taken to comply with the earlier orders of this Tribunal.*
- (d) ‘Action Taken Report’ filed on behalf of the Divisional Forest Office, Siddharth Nagar dated 10.02.2020 in the matter of plantation of indigenous trees on both sides of the Ami River upto a distance of 5 km etc.*
- (e) Further report dated 20.12.2019 filed by the UP State PCB.*
- (f) A compliance report has also been filed on 13.06.2020 by Yash Pakka Ltd. (formerly known as Yash Papers Limited).*

7. *Our attention has also been drawn to the following reports filed by the Committee headed by Justice D.P. Singh<sup>1</sup> not dealt with in the order dated 27.9.2019:*

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<sup>1</sup> Constituted in terms of order dated 23.08.2018 in O.A. No. 116/2014, Meera Shukla v. Municipal Corporation, Gorakhpur & Ors.

- (a) **Report dated 30.09.2019 with regard to M/s Swaroop Chemicals Pvt. Ltd., Tewariganj, Chinhath, Lucknow, UP.**
- (b) **Report dated 30.09.2019 with regard to M/s Saraya Distillery, Sardar Nagar, Gorakhpur, UP.**
- (c) **Report dated 30.09.2019 with regard to STP Sahara Estate (Ramgarh Taal) at Gorakhpur, UP.**
- (d) **Report dated 12.09.2019 with regard to (a) River Saryu pollution through "Retiya drain" & "Kakrahi drain", (b) Ayodhya, Faizabad, Cantonment, Ayodhya, Faizabad and (c) Nagar Nigam, Ayodhya, Faizabad.**
- (e) **Report dated 30.09.2020 with regard to Chilua Taal, Sonauli Road, Gorakhpur, UP.**
- (f) **Report of the UPPCB dated 29.09.2019 with regard to pollution of River Gomti.**
- (g) **Report of the UPPCB dated 29.09.2019 on the subject of action taken against M/s Malvika Cement Pvt. Ltd. Industrial Area, Sultanpur Road, Raebareli.**

8. **The said reports may be forwarded to the current Oversight Committee headed by Justice SVS Rathore <sup>2</sup>, who may obtain the latest status of the matter from the concerned authorities and file a consolidated and updated report in the matter before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) (preferably in the form of searchable/OCR PDF and not image PDF).**

9. *Report dated 15.06.2020 filed by the Oversight Committee headed by Justice SVS Rathore, former Judge of the Allahabad High Court furnishes status of compliance of the orders of this Tribunal, including restoration of Ramgarh Taal. The concluding part thereof is as under:*

**"Recommendations:**

*In view of the above, we recommend as follows:*

1. **Regarding untreated sewage and industrial effluents, for the existing 103 water bodies and groundwater especially Ramgarh lake, Ami river, Rapti river and Rohani river in and around district Gorakhpur which are suffering from untreated sewage and industrial effluent as well as improper management of solid waste, no tangible efforts appear to have been made by Departments concerned so far to check the pollution caused by untreated sewage and industrial pollutants flowing untreated in rivers. Despite the concern expressed by NGT for quite some time neither the STP at Magahar and Khalilabad have been sanctioned nor GIDA has commenced work on its CETP. Consequently, sewage and industrial effluents are going in the rivers without any treatments. Gorakhpur and the entire Terai area is highly sensitive to Japanese Encephalitis (JE) and Acute**

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<sup>2</sup> Constituted in terms of order dated 21.10.2019 and further modified vide order dated 16.03.2020 in O.A. No. 670/2018, Atul Singh Chauhan v. Ministry of Environment, Forest and Climate Change & Ors.

**Encephalitis (AE) which cause deaths of thousands of children every year. The primary cause of JE/AE is pollution. It appears that the State Government is not starting the work on these CETP/STP by citing that the project is pending with NMCG for budgetary approval. Lack of funds is no excuse for inaction. The Supreme Court order in Paryavaran Suraksha Samiti & Anr. Applicant(s) Vs. Union of India & Ors. In W.P. (Civil) No. 375/2012, clearly mentions that the municipalities/local bodies cannot be permitted to shy away from discharging their onerous duty regarding establishment of CETP/STPs. The Supreme Court has directed that the Urban Local Bodies have to generate their own financial resources for meeting this obligation failing which the State Government shall cater to their financial requirements regarding CETP/STP. This order has been reproduced from NGT order dated 21.05.2020. Clearly not providing for STPs/CETPs is contempt of the Supreme Court as well as NGT. Supreme Court in its order has also mentioned that Secretary of Environment Department shall be answerable in case of default. The Secretaries to Government concerned shall be responsible for monitoring the progress and implementation of above directions. Not constructing these STPs/CETPs for lack of budgetary support from NMCG certainly is not a valid excuse. The Chief Secretary may be directed to ensure sufficient budgetary resources either from Government of India or from State budget within a month, so that work on these STPs/CETPs should commence immediately. NGT has mandated that any STP where work does not commence from 1.04.2020 will be liable to EC @5 Lakh per month. CPCB may issue notice to the Gorakhpur Municipal Corporation/GIDA for EC.**

- 2. No interim measures for the treatment of the wastewater in drains and sewages have been made yet. has mandated that bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.4.2020, failing which the State may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB.**
- 3. All the municipal corporations were supposed to abide by SWM Rules, 2016 by 1.04.2020. Any violation in following SWM Rules, beyond the deadline would entail penalty. Gorakhpur Municipal Corporation has so far not started work on landfill site/processing plant. Any default in commencing work before 1.04.2020 would attract**

**penalties (EC). CPCB may work out EC and issue notice.**

- 4. This area is very sensitive from JE/AE point of view. Besides BRD Medical college is the most important medical center in this area catering to medical requirements of large part of Eastern UP and Northern Bihar. The Primary cause of JE/AE is pollution. Hence it is most important that BRD medical college must follow BMW Rules, 2016. More so there is an influx of COVID-19 patients which will increase in the coming months Principal Secretary Medical Education shall ensure that in such critical times, BRD Medical College follows all the BMW norms. Any negligence on the part of concerned officers may be dealt with strictly and responsibility may be fixed.**
- 5. There are a large number of drains going untapped in Ramgarh Taal. The state would do well to plan STPs for these drains. As an interim measure bioremediation /phytoremediation of all these drains shall be started immediately.**
- 6. As far as polluting industries are concerned, we have been informed by SPCB that production has been stopped in such units, prosecution has been recommended and RC has been issued against all such units. As per SPCB, only such units have been permitted which have deposited the EC and are complying with the norms. SPCB may be directed to continuously monitor such units.**
- 7. Regarding illegal electric connections given to units operating without consent or digging of tubewells without permission of Central Groundwater Authority, it has been mentioned by SPCB that the consent to establish an industry will be given only after prior groundwater clearance. It is recommended that since it is an inter-departmental matter, specific instructions may be issued to all the departments by Chief Secretary.**
- 8. UPPCB has informed that detailed action plans related to polluted river stretches of Ghagra, Rapti, Varuna, Sai, Saryu, Ami and Tamsa have been prepared and approved by River Rejuvenation Committee. The implementation of these plans by District Environment Committee at District level and River Rejuvenation Committee at the State level may be continuously monitored. The minutes of the State level Committee may be uploaded on the State Environmental Portal and a copy may be made available to this committee.**

**9. We have been assured by Additional Chief Secretary (Irrigation) that the joint committee report on wetlands will be passed in the meeting on 15.06.2020 and made available to the committee. This committee would send a supplementary report on that after getting that report and studying it.”**

**10. The above recommendations be acted upon and a report filed by the Chief Secretary with report in terms of earlier order. We also note the suggestion of the learned Counsel appearing for the CPCB that the Tihara drain needs to be cleaned and obstructions, if any, thereto removed. This aspect may also be looked into by the Oversight Committee.**

**11. We may generally observe that the action taken so far hardly meets the mandate of law and much remains to be done for compliance of orders of this Tribunal. Laxity by the officers concerned is breach of their statutory and public duties to uphold rule of law and protect environment and public health. However, learned Counsel for the State PCB states that latest status could not be brought forward for which time is required. Let the same be done before the next date.**

**12. In view of prayer made, we grant further time for filing updated report by the Chief Secretary, UP, State PCB, DFO, Gorakhpur and the Oversight Committee. The Oversight Committee may obtain latest status report from the concerned Collectors and the concerned departments. Report may be filed on or before 30.09.2020 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) (preferably in the form of searchable/OCR PDF and not image PDF) which may also be uploaded on the website of the CPCB. Comments, if any thereto, by any other party may be filed within two weeks thereafter.”**

9. Accordingly, the Oversight Committee has filed its report on 11.12.2020. The UP State PCB has filed its action taken report on 14.10.2020, followed up additional action taken reports dated 11.12.2020 and 15.12.2020. The Irrigation Department, UP has filed its report on 10.01.2021. M.A. No. 01/2021 has been filed by Gorakhpur Development Authority to place on record Notification dated 07.12.2020 notifying Ramgarh Lake as wetland. M.A. No. 02/2021 and M.A. No. 03/2021 have been filed by the Village Pradhan of Village Rajepur Majha, District Ayodhya for removing obstruction from Tihura drain and for exemption

from filing certified copy of the annexures respectively. We will refer to the said reports seriatim.

## **I. Report of the Oversight Committee**

10. We first take up the updated report of the Oversight Committee. The issues dealt with in the report are:-

- “1. Construction of STP Sahara Estate, Gorakhpur
2. Encroachment in ChiluaTaal, SurajKundPokhra, Jata Shankar, Pokhra
3. There are a large number of drains going untapped in Ramgarh Taal, Gorakhpur. The state would do well to plan STPs for these drains. As an interim measure bioremediation/phytoremediation of all these drains shall be started immediately
4. DPR for construction of STP in Maghar, district Sant Kabir Nagar has already been submitted to the Government.
5. CETP in Gorakhpur
6. Construction near Ramgarh Taal
7. Action against polluting industries
8. Illegal electric connections given to units operating without consent or digging of tubewells without permission of Central Groundwater Authority, it has been mentioned by SPCB that the consent to establish an industry will be given only after prior groundwater clearance
9. Detailed action plans related to polluted river stretches of Ghagra, Rapti, Varuna, Sai, Saryu, Ami and Tamsa have been prepared and approved by River Rejuvenation Committee. The implementation of these plans by District Environment Committee at District level and River Rejuvenation Committee at the State level may be continuously monitored. The minutes of the State level Committee may be uploaded on the State Environmental Portal and a copy may be made available to this Committee
10. River Saryu pollution due to Retiya and Kakrahi drain.
11. Drains falling into Sita lake in Ayodhya
12. Irrigation department, UP was saddled with each of 25 Lakhs for mining and storing the sand without environmental clearance
13. Removal of Municipal Solid Waste from Sita Lake
14. Removal of encroachment from wetland Khasra no. 57-58.
15. DM, Faizabad be notified as nodal officer to ensure the restoration of wetland of Khasra Plot no. 57-58 and ensure establishment of Sita lake in terms of Map prepared by irrigation department.
16. Conservation of Sita lake and creation of recreation centre.
17. Encroachment in SurhaTaal in Balia.
18. Encroachment in BaghelTaal in Bairaich.
19. Restoration of Surwari lake.
20. Drain construction in Basti.
21. Action plan for restoration and rejuvenation of River Saryu



22. *Saraya Distillery, Gorakhpur*
23. *Action against Malwika Cement*
24. *Compliance regarding Gomti River Pollution (For details refer report of Oversight Committee regarding O.A 673/2018)."*

11. The report separately gives the status of compliance by Nagar Nigam, Lucknow in O.A. 24/2018, *Shailesh Singh v. State of UP*, under the following heads:-

1. Sewage generation and its treatment status
2. Interim measures by Lucknow Municipal Corporation.
3. Solid Waste Management Status
4. Processing of waste
5. GVP (relating to Gomti River)
6. Enforcement of compensation.

12. There is separate mention of compliance by M/s Swaroop Chemicals. Finally, the Committee has summed up the compliance status as follows:-

**“VI. SUMMARY OF COMPLIANCE STATUS IN O.A 116/2014**

<b>S. No</b>	<b>Directions by Hon’ble NGT</b>	<b>Concerned Department</b>	<b>Compliance status</b>
<b>1.</b>	<b>Compliance of Solid Waste Management</b>	<i>UPPCB</i>	<p><b>Non-compliant</b></p> <ul style="list-style-type: none"> <li>• <i>It was reported that 600MT per day municipal solid waste is generated from Nagar Nigam Gorakhpur.</i></li> <li>• <i>It was mentioned that Nagar Nigam Gorakhpur had identified the land for landfill &amp; composting. However, the site development progress of sanitary landfill &amp; composting has not started yet. No action has been initiated against any officer for this inordinate delay.</i></li> </ul>

2.	<b>CETP in Gorakhpur</b>		<p>On request of Gorakhpur Industrial Development Authority (GIDA), U.P. Jal Nigam prepared a project for construction of 15 MLD CETP (amounting Rs. 76.79 Cr.) based on field observations the Committee (headed by Dr. Govind Pandey, Prof Civil Engg. Deptt. M.M.M.T.U.) Report and finally revised it in compliance of NMCG observations dated 21.12.2018. A team of NMCG visited the site on 21.01.2020 and again raised some observations vide its letter Dt. 12.03.2020. In the compliance of above observation of NMCG, New Delhi, A revised estimate for "I&amp;D works and construction of 7.5 MLD Common Effluent Treatment Plant at GIDA Area, Gorakhpur" (Phase-I) amounting Rs. 62.50 Cr has been submitted to CEO, GIDA on 28.10.2020. CEO, GIDA sent the above DPR to SMCG Lko. Vide their letter no.2408/Adhi-Ni-6/CETP/2020-20 Dated 29-10-2020.</p>
3	<b>Status of EC on GIDA</b>	UP PCB	<p><b>Non-compliant</b></p> <ul style="list-style-type: none"> <li>The monitoring committee had imposed EC of Rs. 10 Cr on GDA. The Vice Chairman, GDA informed that they had represented the matter before Hon'ble NGT and the Hon'ble NGT has Directed GDA to present their case Before the Committee headed by Principal Secretary, Irrigation. The recommendation made by the said Committee will be placed before Hon'ble NGT for appropriate orders.</li> </ul>

4	<b>Status of drains Flowing into Ramgarh Lake</b>	UPPCB	<p><b>Partially-compliant</b></p> <p>There are in total 24 drains failing in Ramgarh Tal of which 6 are major drains and 18 are minor drains. The present status of these drains is as follows:</p> <p>All 6 major drains, falling directly in Ramgarhtal have been intercepted, diverted and are being treated in STPs 15 MLD and 30MLD capacity each. Status of 18 minor drains is as follows:</p> <ul style="list-style-type: none"> <li>• I &amp;D work of 7 minor drains (having total discharge of 5.463 MLD) is ongoing under “Gorakhpur sewerage Scheme, One A-1 Southern Part” under AMRUT. The tapping of these drains will be completed by JUNE-2021.</li> <li>• The remaining 11 minor drains (having total discharge of 5.463 MLD) are proposed to be tapped under the project “Construction of earthen bund and intercepting sewer line at Northern side of Ramgarhtal from Paidleyganj to R.K.B.K. Maruti Show Room”, Estimated cost Rs. 34.82 crore, submitted under State Sector to Principal Secretary, Urban Development Department-5, U.P. Govt by D.M., Gorakhpur vide letter dated 21.11.2019 for approval and allocation of funds. Under this project discharge of above 11 drains will be treated at 30 MLD existing STP. The approval for the same is awaited.</li> <li>• As far as interim measure (bioremediation/phytoremediation) is concerned it is to be done by Nagar Nigam, Gorakhpur for which Nagar Nigam, Gorakhpur has invited bid for the bioremediation/ phytoremediation of concerned drains.</li> </ul>
5.	<b>Electric connection without consent to operate</b>		<p><b>Partially-compliant</b></p> <p>The polluting industries in the red and orange category should not be given electricity connection without prior NOC to establish from the UPPCB. Once the industry received Consent to establish from UPPCB, they should be given temporary electricity connections and after receiving consent to operate from UPPCB, they should be given permanent electricity connections. So, in compliance to this UPPCB has to provide the list of polluting industries to UPPCL and arrangements should be made on the Nivesh Mitra portal regarding this. The above-mentioned works were directed to be completed within one month.</p>

6	<b>Action plan regarding polluted rivers</b>	UPPCB	<p><b>Complied</b></p> <ul style="list-style-type: none"> <li>UPPCB informed that they had prepared the action plans related to polluted river stretches of Ghaghra, Rapti, Varuna, Sai, Saryu, Aami and Tamsa. River Rejuvenation Committee, Uttar Pradesh has also approved these action plans.</li> <li>These plans are currently under implementation and the District Environment Committee is doing the Monitoring of the implementation of these plans at District Level and River Rejuvenation Committee at State Level. The meeting minutes of the state Level River Rejuvenation Committee dated 26.06.2020 has been uploaded on the State Environment Portal.</li> </ul>																			
	<b>EC on defaulting industries</b>	UPPCB	<p><b>Non-compliant</b></p> <ul style="list-style-type: none"> <li>UPPCB is continuously monitoring the industries in the catchment area of Aami River. Status of compensation imposed and recovered from industries in the catchment area of Aami River is as follows:</li> </ul> <table border="1" data-bbox="786 1499 1503 2322"> <thead> <tr> <th data-bbox="786 1499 854 1677">S. No.</th> <th data-bbox="854 1499 1036 1677">Name of the Industry</th> <th data-bbox="1036 1499 1154 1677">EC Imposed</th> <th data-bbox="1154 1499 1252 1677">Recovery of EC Amount</th> <th data-bbox="1252 1499 1503 1677">Remark</th> </tr> </thead> <tbody> <tr> <td data-bbox="786 1677 854 2072">1</td> <td data-bbox="854 1677 1036 2072">M/s B. R. D. Medical College &amp; Hospital (Nehru Chikitsaly), Gorakhpur</td> <td data-bbox="1036 1677 1154 2072">Rs. 4.4115 Crore</td> <td data-bbox="1154 1677 1252 2072">Nil</td> <td data-bbox="1252 1677 1503 2072">UPPCB has requested to District Magistrate Gorakhpur for recovery of Environmental Compensation as per the Land revenue vide order dated 29.09.2020.</td> </tr> <tr> <td data-bbox="786 2072 854 2322">2</td> <td data-bbox="854 2072 1036 2322">M/s K. M. Sugar Mills Limited (Sugar Unit), Masaudha, Ayodhya</td> <td data-bbox="1036 2072 1154 2322">Rs. 32.40 Lacs</td> <td data-bbox="1154 2072 1252 2322">Rs. 32.40 Lacs</td> <td data-bbox="1252 2072 1503 2322">-</td> </tr> </tbody> </table>					S. No.	Name of the Industry	EC Imposed	Recovery of EC Amount	Remark	1	M/s B. R. D. Medical College & Hospital (Nehru Chikitsaly), Gorakhpur	Rs. 4.4115 Crore	Nil	UPPCB has requested to District Magistrate Gorakhpur for recovery of Environmental Compensation as per the Land revenue vide order dated 29.09.2020.	2	M/s K. M. Sugar Mills Limited (Sugar Unit), Masaudha, Ayodhya	Rs. 32.40 Lacs	Rs. 32.40 Lacs	-
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2	M/s K. M. Sugar Mills Limited (Sugar Unit), Masaudha, Ayodhya	Rs. 32.40 Lacs	Rs. 32.40 Lacs	-																		

				<i>M/s K. M. Sugar Mills Limited (Distillery Unit), Masaudha , Ayodhya</i>	<i>Rs. 26.80 Lacs</i>	<i>Nil</i>	<i>The industry has submitted a Representation for revising EC. The board has Constituted a committee of the officers of central lab &amp; UPPCB RO Lucknow, for Joint inspection of the industry to decide the representation dated 28.02.2020. Joint inspection report revealed that at the time of inspection no untreated discharge was observed. The unit used STP facility in Sugar unit. Zero liquid discharge maintained. (Information regarding EC awaited).</i>
			4	<i>M/s Bharti Research and Breeding Firm, FL-27, Sector 13, GIDA, Gorakhpur</i>	<i>Rs. 6.1125 Lacs</i>	<i>Nil</i>	<i>UPPCB has requested District Magistrate Gorakhpur for issuing RC as per land revenue against the industry.</i>
			5	<i>M/s Mother Shree Dairy, D-1/3D, Sector 13, GIDA, Gorakhpur</i>	<i>Rs. 8.4 Lacs</i>	<i>Nil</i>	<i>UPPCB has issued letter to District Magistrate Gorakhpur for issuing RC as per land revenue against the industry.</i>
			6	<i>M/s Alkane Constructi on Pvt Ltd., FL-1, Sector 13, GIDA, Gorakhpur</i>	<i>Rs. 4.25 Lacs</i>	<i>Nil</i>	<i>UPPCB has issued a letter to District Magistrate Gorakhpur for issuing RC as per land revenue against the industry.</i>

			7	M/s Burnet Pharmaceutical Pvt. Ltd., FL-1, Sector 13, GIDA, Gorakhpur	Rs. 12.875 Lacs	Nil	UPPCB has issued a letter to District Magistrate Gorakhpur for issuing RC as per land revenue against the industry.
			8	M/s Gorakhnath Agro Industries Pvt. Ltd., FL-20/27, Sector 13, GIDA, Gorakhpur	Rs. 10.1875 Lacs	Nil	UPPCB has issued a letter to District Magistrate Gorakhpur for issuing RC as per land revenue against the industry.
			9	M/s Royale Savera Foods Pvt. Ltd., FL-28, Sector 13, GIDA, Gorakhpur	Rs. 6.11200 Lacs	Rs. 6.1125 Lacs	--
			10	M/s Dr. Sandhu Hatchery, FL-28, Sector 13, GIDA, Gorakhpur	Rs. 6.1125 Lacs	Rs. 6.1125 Lacs	--

			11	M/s Bajaj Sugar Ltd (Dist.), Rudhauri, Basti	Rs. 1.4280 Crore	Rs. 1.4280 Crore	UPPCB vide its letter dated: 16.09.2020 has issued following closure order direction under section 33A of Water Prevention & Control of Pollution) Act, 1974 against industry: 1. The industry is directed to remain close till they do not dismantle the existing storage lagoon and bio-composting yard and take the permission again from production board. 2. The incineration of the spent wash filled in the storage lagoon should be done using multiple-effect evaporator and slop boiler.
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			12	M/s YashPackk a Ltd. (Formerly name M/s Yash Papers), Darshan Nagar, Ayodhya	Rs. 40.80 Lacs	NIL	UPPCB has requested to District Magistrate Ayodhya for recovery of the EC imposed on industry Dated 18.11.2019. The industry has filed a petition in Hon'ble High Court Lucknow bench & Hon'ble High court ordered Stay for recovery of EC. UPPCB to file a counter-affidavit against Hon'ble High Court which is under process.
			A prosecution has been filed by the UPPCB under section 41 of the Water (Prevention and Control of Pollution) Act, 194 against : 1. M/s Gorakhnath Agro Industries Pvt. Ltd., FL-20/2, Sector 13, GIDA, Gorakhpur. 2.M/s Bajaj Hindustan Sugar Ltd (Distillery Unit), Rudhauri, Basti.				



	<b>Status of installation of STPs</b>	Urban Development Department	<b>Non-Compliant</b> DPR for I&D and STP works for Maghar town, Dist. Sant Kabir Nagar were sent to NMCG, Lucknow vide letter No. 997 dt. 13.08.2019 amounting Rs. 19.88 Cr. Several observations have been received from NMCG vide letter No. TE-12014/1/2019-Tech Cont. NMCG dt.19.09.2019 after examination of aforesaid DPRs. In observations major observation is "Water quality of River Aami has not been provided in the DPR, SMCG, UP may enclose water quality reports of River Aami U/S and D/S of the confluence of drain with river to assess the effect of pollution contribution of the town. In compliance of the above the samples had been collected and analysed and a revised DPR of amounting Rs.28.36 crore (including O&M for 15 years) for I&D and STP works for Maghar town, Distt-Sant Kabir Nagar, duly incorporating the observations received from NMCG has been submitted to SMCG, GoUP on dated 29-09-2020 by Chief Engineer (Ganga),U.P. Jal Nigam, Lucknow. Project Director, SMCG has forwarded the DPR to Executive Director (Project), NMCG, New Delhi vide their letter no 1050/0032/SMCG-UP/12 dated 19.10.2020.
9	<b>Till the time the installation of STP is under process, as an interim measure Phyto/bio-remediation should be done at all the sites</b>	Urban Development Department	<b>Non-Compliant</b> The Secretary, Urban Development gave the assurance that the work of Phyto/bio-remediation will commence within one month. • Nagar Nigam, Gorakhpur for which Nagar Nigam, Gorakhpur has invited bid for the bioremediation/ phytoremediation of concerned drains.
10	<b>Construction of STP Sahara Estate, Gorakhpur</b>	<b>GDA</b>	<b>Non- Compliant</b> RO, UPPCB submitted in the meeting held by Oversight Committee on 26.11.2020 that the work of construction of STP is in progress. It is expected it would be complete by next month.
11	<b>Encroachment in Chilua Taal, Suraj Kund Pokhra, Jata Shankar, Pokhra</b>	<b>GDA</b>	UPPCB had requested Chairman, Monitoring Committee to assign the task of identifying Encroachments in the catchment area of ChiluaTaal, SurajKund and Jata Shankar, Pokhra to Revenue Dept. because the documents related to the area and boundaries are maintained by it.

12	<b>River Saryu pollution due to Retiya and Kakrahi drain</b>	<b>U.P Jal Nigam/ Urban Development / SMCG</b>	<b>Partially Complied</b> DPR of I&D works for Faizabad town is under preparation and after completion of scheme, no wastewater will flow into Saryu River. The interception works are to be done by Cantt and for remaining 15 drains, DPR amounting Rs. 363.95 Crore including 15year O/M has been sent to NMCG, New Delhi by SMCG vide letter no. 747/0619/SMCG UP/01, Dated 27/07/2020. Some observations were raised by NMCG & IIT Roorkee on above project. After removing the observations, revised project amounting Rs. 352.17 Crore has been sent to SMCG by CE (Ganga), U.P. Jal Nigam, Lucknow vide letter no. 695/022-0272(31)/2020, Dated 15.10.2020.
13	<b>Drains falling into Sita lake in Ayodhya</b>	<b>U.P. Jal Nigam/ Urban Development / SMCG</b>	<b>Partially Complied</b> Compliance report by UP Jal Nigam shows that there are 20 drains which after mixing into each other fall into Saryu river. From Ayodhya town 5 drains fall into river. All drains are tapped but in Rajghat drain the present discharge is increased as local farmers diverting Faizabad drain towards Rajghat pumping station. Thus, the total discharge reaching Rajghat pumping station is above the designed capacity. Therefore, presently discharge of 04 drains and partial water of last drain is being pumped for treatment. This issue is under process to resolve.
14	<b>Removal of Municipal Solid Waste from Sita Lake</b>	<b>Urban Development</b>	<b>Partially Complied</b> DM, Ayodhya submitted compliance report vide letter no. 1135/22-10(NGT) dated 18.11.2020. As per the report, 5697 metric tonne of silt has been removed. Tender process has been initiated to remove the remaining silt
15	<b>Conservation of Sita lake and creation of recreation centre</b>	<b>U.P Jal Nigam/ Urban Development / SMCG</b>	<b>Partially Complied</b> 11000 plantation in 10 hectare area was made by Forest Department along the bank of Sita Lake in 2019. Further action will be taken in accordance with the wetland rules. Due to COVID 19, action could not be taken in due time.
16	<b>Drain construction in Basti.</b>	<b>U.P Jal Nigam/ Urban Development</b>	<b>Partially Complied</b> Compliance report submitted by EO, Basti Reflects that DPR of drain was submitted for approval to the competent authority. It has been sanctioned and approved. Construction process initiated and finalized.

17	<b>Action plan for restoration and rejuvenation of River Saryu</b>	<b>UPPCB</b>	<b>Partially Complied</b> Total length of River Saryu in district Bairaich is approximately 185 km. Survey of 104.500 km has been completed. DPR shall be submitted as soon as the survey work is finished.
18	<b>Saraya Distillery, Gorakhpur</b>	<b>UPPCB</b>	
19	<b>Action against Malwika Cement</b>	<b>UPPCB</b>	

13. The recommendations of the Oversight Committee are:-

**“Recommendations**

**The Oversight Committee makes the following recommendations:**

**1. Untreated Sewage**

*The Oversight committee on 15th June, 2020 had mentioned that no tangible efforts were being made regarding checking of untreated sewage in the existing 103 water bodies and ground water, especially Ramgarh Lake, Rapti river and Rohini river, in and around district Gorakhpur. The Committee had also mentioned that STPs at Magahar and Khalilabad had not been sanctioned. GIDA had not commenced work on its CETP. The Committee had asked the Chief Secretary to ensure sufficient budgetary resources for starting these works. During this period after the last meeting, some progress has been made. The revised DPRs for Magahar and Khalilabad have been sent to NMCG. GIDA has prepared a project report of R. 76 crores for these projects and sent to NMCG. However, the progress is unsatisfactory. On the ground, no work regarding checking of this untreated sewage from flowing into water bodies has so far started. Nor have any resources for the same been mobilised either from budgetary resources or Govt of India grants. Chief Secretary should explain as to how he proposes to mobilise resources for these works and also indicate timelines for these works.*

**2. Environmental Compensation**

*As per NGT directions, any STP, where the work has not commenced after 01.04.2020, is liable to be charged Environmental Compensation at the rate of Rupees 5 lacs per month. CPCB/UPPCB may explain as to why no notice for recovery of environmental compensation has been given in case of the STP at Magahar and Khalilabad and the CETP of GIDA.*

### **3. Interim measures**

*Hon'ble NGT had directed that in the meanwhile interim measures may be taken for in situ remediation of these unremediated drains. It was mentioned that Gorakhpur Nagar Nigam has invited bids for bio-remediation of the drains. However, so far no concrete work on the ground has taken place in more than one year. CPCB/UPPCB may explain as to why they have not taken any action for giving notice for recovery of environmental compensation at the rate of Rs. 5 lac per month per drain for all those drains where no in situ remediation has taken place.*

### **4. Landfill Site**

*It had been directed that all the Municipal Corporations will start the work on landfill site/processing plant and any default after 01.04.2020 would attract environmental penalty. Gorakhpur Municipal Corporation has so far not started any work on the landfill site or on the processing plant. CPCB/UPPCB may explain as to why no notice for recovery of environmental compensation in this regard has been issued to Gorakhpur Municipal Corporation.*

### **5. Encroachments**

*It had earlier been mentioned that there were encroachments on RamgarhTaal and other wetlands. Hon'ble NGT had formed a high power Joint Committee on 27.09.2019 comprising of Principal Secretaries/Secretaries of Irrigation, Urban Development, Environment and Forest, Flood control, UPPCB and CPCB. Despite repeated directions regarding Ramgarhlake, so far the notification of wetland has not been published, based on which encroachments could be identified. It was mentioned that the final notification has been approved by the State Wetland Committee and is likely to be published shortly. Chief Secretary, UP shall ensure that the notification of Ramgarh wetland is published and encroachments, if any, on wetland area be identified and removed expeditiously.*

*The Joint Committee had formed committees of District Magistrates/Executive Engineers of Irrigation, Executive Engineers, Jal Nigam and District Forest Officers of respective districts for identifying encroachments on Syahi river (Deoria), Saryu, Rapti, Koshi, Gandak and Narayani rivers. SurajKundPokhra (Gorakhpur), Jata Shankar Pokhra (Gorakhpur), Mansarovar (Gorakhpur), Kapurtha, Hiranyavati river (Kushi Nagar), SurahaTaal (Ballia), BaghelTaal (Bahraich) and Bakhira lake (SantKabir Nagar). It is very surprising that in the reports of the Joint Committee, it has been recommended that the work of identification of these encroachments be shifted to the Revenue Department and Irrigation Department. The District Collector is the head of the Revenue administration in the district and the Executive Engineer Irrigation happens to be on this committee. Such a recommendation by this high power committee*

*shows lack of application on the part of the concerned officers. The Chief Secretary may be asked to ensure proper compliance in identifying and removal of these encroachments and ensure sending of compliance report to Hon'ble NGT. within one month's time.*

#### **6. Polluting Industries**

*The Oversight Committee had been informed by the UPPCB that in all polluting industries, which had been reported by the Monitoring Committee, production had been stopped; prosecution had been recommended and recovery certificate had been issued. UPPCB has mentioned that only such units had been permitted which had deposited the environmental compensation and which are complying with the norms.*

*On closure scrutiny, we find that the Monitoring Committee chaired by Justice DP Singh had directed action against M/s Saraya Distillery, Sardar Nagar, Gorakhpur, UP. The Oversight Committee had also directed the UPPCB to inspect the unit, ensure compliance and send inspection report. However, no action seems to have been taken by the UPPCB in this regard. UPPCB shall submit its report within a week ensuring compliance of the directions.*

*Similarly, STP at Sahara Estate Gorakhpur was not complying with environmental norms. The Monitoring Committee of Justice DP Singh had recommended environmental compensation of Rs 2,31,50,000/- against it and directed it to rectify the defects. UPPCB has so far not submitted its inspection report in this regard.*

*No report had been submitted by UPPCB regarding recovery of environmental compensation levied by the then Monitoring Committee from M/s Malvika Cement Pvt Ltd Raebareli as well.*

#### **7. Illegal electric connections**

*It had been directed that specific instructions would be given by the Chief Secretary regarding illegal electric connections to units operating tubewells without permission of CGWA. So far these instructions have not been issued by the Chief Secretary, who may do so forthwith.*

#### **8. MSW management in Lucknow**

- (i) The Monitoring Committee headed by Justice DP Singh had sent a report on river Gomti, in which it had been mentioned that in municipal waste management at Lucknow, there are a lot of gaps and door to door collection of MSW is not being done. The Oversight Committee felt that M/s EcoGreen, the agency which has been assigned the task of door to door collection, processing and conversion from waste to energy is not doing its job properly. There are huge gaps in door to door collection; processing plant is working below*

**capacity and so far no work has been done regarding waste to energy plant. UPPCB shall conduct an inspection immediately of MSW facility in Lucknow and in case of noncompliance levy environmental compensation on Lucknow Nagar Nigam. The Lucknow Nagar Nigam would be at liberty to realise this EC back to back from the above contractor.**

**(ii) Justice DP Singh had also mentioned that there are gaps in sewage management in Lucknow. As against the total required capacity of sewage disposal of 748 mld, the available capacity is 598 mld. UP Government/Lucknow Nagar Nigam would do well to follow up expeditiously on the proposed projects to fill the gaps viz the 85 mldBharwara STP, the Bijnor 80 mld STP and Ghaila 22mld STP**

**9. As far as encroachments within Gorakhpur Development Authority on ChiluaTaal and Mahesaralake are concerned, so far the compliance report has not been received from District Magistrate, Gorakhpur.**

**10. In the earlier report, the issue of pollution of river Saryu due to untapped drains was considered. A project for interception of 15 drains amounting to rupees 363.95 crore has been sent to NMCG. It may be followed up so that the approval is expedited and pollution of the river may be minimized.**

**11. The Oversight Committee is concerned that despite repeated directions, the progress on the ground in the last more than one year is very slow. Chief Secretary, UP may review the progress of these projects in his monthly meetings so that the progress of these projects is expedited.”**

14. The action taken report filed by the five member joint Committee comprising Secretaries Irrigation Department, UP, Urban Development Department, Environment Department, CPCB and State PCB, giving point wise action taken report with reference to the observations of the Oversight Committee in its meeting held on 18.07.2019 are:-

#### **“प्रतिवेदन**

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या-116/2014 मीरा शुक्ला बनाम म्युनिसिपल कारपोरेशन, गोरखपुर व अन्य में दिनांक 27.09.2019 को पारित आदेश के क्रियाशील अंश

“A Joint Committee comprising the Secretaries, Urban Development, Environment and Forest and Irrigation, Flood Control Department, Uttar Pradesh, UPPCB and the CPCB may take further action in accordance with law, in the light of the report and furnish an action taken report before the next date. The Nodal Agency will be Secretary Irrigation for coordination, compliance and furnishing report to this Tribunal. The GDA is at liberty to furnish its view point to the said Joint Committee, Review Application No. 47/2019 stands disposed of”

के अनुपालन में शासनादेश संख्या-126/19-27-सि0-4-02(रिट)/(एन0जी0टी0)/ 2019, दिनांक 04.12.2019 के द्वारा प्रमुख सचिव (वर्तमान में अपर मुख्य सचिव), सिंचाई एवं जल संसाधन विभाग, उ0प्र0 शासन की अध्यक्षता में निम्नवत् कमेटी का गठन किया गया है :

क्र० सं०	अधिकारी का नाम	पदनाम	समिति में पदनाम
1	श्री टी0 वेंकटेश	टपर मुख्य सचिव, सिंचाई एवं जल संसाधन विभाग, उ0प्र0 शासन।	अध्यक्ष।
2	श्री अनुराग यादव	सचिव, नगर विकास तथा नगरीय रोजगार एवं गरीबी उन्मूलन कार्यक्रम विभाग, उ0प्र0 शासन।	सदस्य।
3	श्री आशीष तिवारी	विशेष सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ0प्र0 शासन।	सदस्य।
4	श्री रुना ओरन	वैज्ञानिक-डी, केन्द्रीय प्रदूषण बोर्ड, क्षेत्रीय निदेशालय, लखनऊ।	सदस्य।

उपरोक्त कमेटी, मा0 राष्ट्रीय हरित अधिकरण के समक्ष प्रस्तुत की गयी मानीटरिंग कमेटी की रिपोर्ट, जिसे मा0 राष्ट्रीय हरित अधिकरण ने 03 भागों में विभक्त किया था, के तीसरे भाग “Summary of discussions and decisions of the committee on the subject of wetlands dated 18.07.2019(Pp 2093-2113) के सम्बन्ध में मा0 राष्ट्रीय हरित अधिकरण के समक्ष Action Taken Report प्रस्तुत करेगी।

शासन के पत्र संख्या-1276(1)/20-27-सिं0-4-02(रिट)(एन0जी0टी0)/2019 दिनांक 15.06.2020 द्वारा पूर्व में मा0 राष्ट्रीय हरित प्राधिकरण में रिपोर्ट/आख्या दाखिल की गयी है।?

मा0 राष्ट्रीय हरित अधिकरण द्वारा दिनांक 27.09.2019 में पारित आदेशों के अनुपालन के सम्बन्ध में कमेटी द्वारा Action Taken Report तैयार की गयी है, जो कि आवश्यक कार्यवाही हेतु सादर प्रस्तुत है (प्रति संलग्न)।

<b>Item No.</b>	<b>Summary of Discussions and decision taken in the meeting of Eastern UP Rivers and Water Reservation Monitoring Committee in relation to wetlands in Eastern U.P. held on 18.07.2019</b>	<b>Point wise action to Related Departments/Officers</b>	<b>Point wise Action taken report by Departments</b>	<b>Why Action has not been taken by the Departments</b>	<b>How much time will be taken for Action by Department</b>
1(a)	Minutes of the Meeting and decision taken by the Monitoring Committee (UPSWMMC) in its earlier meeting dated 12.07.2019 are reiterated and affirmed for follow up action.				
1(b)	The final report with regard to Sita Lake dated 18.07.2019 is forwarded to Hon'ble NGT with the following proposals and recommendations for appropriate decision and orders in the matter. "1. Jal Nigam shall forward the DPR to the State Government within a month as informed and the State Government should forward the same with due formalities to the Central	Uttar Pradesh Jal Nigam	Complied Compliance report has been submitted by the UP Jal Nigam. A brief detail of report is as following:- In Nagar Nigam Ayodhya, total 20 drains after mixing into each other fall into Saryu River. From Ayodhya town following 5 drains fall into river 1. Golaghat A 2. Golaghat B 3. Rimochanghat 4. Gudiyana 5. Rajghat Out of 5 drains namely 1. Golaghat A 2. Golaghat B 3. Rimochanghat 4.		



	<p><i>Government under Namami Gange for appropriate decision in the matter to tap the 20 drains of Ayodhya within three months for follow up action.</i></p>		<p><i>Gudiyana 5. Rajghat is also tapped, but in Rajghat drain the present discharge is increased as local farmers diverting Faizabad drains towards Rajghat Pumping Station, so the total discharge reaching at Rajghat Pumping Station is above designed capacity of pumping station. This issue is under process to resolve. So presently discharge of above 4 drains and partial water of Rajghat drain is being pumped for treatment.</i></p> <p><i>DPR of I&amp;D works for Faizabad town is under preparation and after completion of scheme, now wastewater will flow to Saryu River. Details of drains falling from Faizabad, is as follows:-</i></p> <ol style="list-style-type: none"> <li><i>1. Nirmalikund Drain</i></li> <li><i>2. Retia Drain</i></li> <li><i>3. Kakrahi Drain -A</i></li> <li><i>4. Kakrahi Drain B</i></li> <li><i>5. Khurdabad Drain -A</i></li> <li><i>6. Khurdabad Drain -B</i></li> <li><i>7. Khurdabad Drain -C</i></li> <li><i>8. Bahadurganj Drain</i></li> <li><i>9. Pathantolia Drain -A</i></li> <li><i>10. Pathantolia Drain -B</i></li> <li><i>11. Pathantolia Drain -C</i></li> <li><i>12. Pathantolia Drain -D</i></li> <li><i>13. Mehtabbagh Drain -A</i></li> <li><i>14. Mehtabbagh Drain -B</i></li> <li><i>15. Mehtabbagh Drain -C</i></li> <li><i>16. Mehtabbagh Drain -D</i></li> </ol>		
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			<p>Out of above, Nirmalikund Drain flows from Faizabad Cantt. The Interception works are to be done by Cantt and for remaining; 15 drains, DPR amounting Rs. 363.95 Crore including 15 year O/M has been sent to NDMG, New Delhi by SMCG vide letter no. 747/0619/SMCG UP/01, Dated 27.07.2020. Some observations were raised by NMCG &amp; IIT Roorkee on above project. After removing the observation, revised project amount Rs. 352.17 Crore has been sent to SMCG by CE (Ganga) UP Jal Nigam, Lucknow vide letter no. 695/022-0272(31)2020), dated 15.10.2020.</p>		
	<p>2. The Irrigation Department UP is saddled with environmental compensation of Rs. 25 lacs for mining and storing the sand adjoining to bund (supra) without Environmental Clearance and remove the same within a period of 2 months, from 01.07.2019. In case stored sand is not removed, they are further liable to pay environmental compensation at the rate of Rs. 10,000/- per day from 1 September 2019. Compensation may be realized from the officers accountable.</p>	<p>Irrigation &amp; Water Resource Department</p>	<p>Compliance is ensured as per procedure and rules. It is humbly submitted that silt deposited between Guptar Ghat &amp; Gola Ghat in Saryu river was removed by means of dredging. Silt collected by dredging was handed over to mining officer Shri J.P. Dwivedi working in Jurisdiction of District Magistrate of Ayodhya. After that disposal of silt was done through process of auction as per G.O. No. 22/86-2019-7/2019 dated 05.02.2019 by them. It is also submitted that according to sustainable sand mining management guidelines 2016 works of dredging and desilting of drains, reservoirs, weirs, barrages, rivers &amp;</p>	<p>Compliance is being ensured</p>	

			<i>canals for the purpose of their maintenance, upkeep &amp; disaster management are exempted from environmental clearance. Hence the above work done by Irrigation and Water Resources Department, need not require any environmental clearance</i>	<i>Compliance is being ensured</i>	
	<i>3. Nagar Nigam Ayodhya should remove municipal solid waste from Sita Lake within 4 months. Period begins from 1<sup>st</sup> July 2019. In case they fail to do so, environmental compensation of Rs. 50 lacs shall be imposed on Nagar Nigam Ayodhya and for every day beyond a period of four months, Nagar Nigam Ayodhya shall be liable to pay compensation of Rs. 10,000 each day.</i>	<i>District Magistrate Ayodhya. Nagar Nigam Ayodhya</i>	<i>District Magistrate Ayodhya has submitted Compliance report vide letter no. 1135/22-10 (NGT) dated 18.11.2020 as per report 5697 MT of silt had been removed Tender process has been initiated to remove the remaining silt</i>	<i>Compliance is being ensure</i>	<i>Approximately Nine months to complete the work.</i>
	<i>4. District Authorities shall remove the encroachment from the Wetland Khasra plot no. 57 and 58 (supra) indicated in the map (supra) expeditiously say within a period of three months in accordance with law and no further construction shall be permitted on the plots in question and the use of land</i>	<i>District Magistrate Ayodhya</i>	<i>As per District Magistrate Ayodhya compliance report in this mater Khasra plot no. 57 &amp; 58 (supra) are not indicated in wetland area. These plots are registered in the name of land account holder. Hence this not under category of illegal encroachment.</i>	<i>Compliance is being ensure as per revenue laws and rules</i>	

	<i>shall also not be changed by Ayodhya Development Authority of whosoever it may be.</i>				
	<i>5.All persons who have been done encroachment over the wetland/water reservoirs khasra plot no. 57 and 58 are required to be saddled with environmental compensation at the rate of Rs. 5000 per day with effect from 15 August, 2018 or from the date of encroachment whichever is earlier, District Magistrate shall provide the list of detail of encroachers to CPCB and to Monitoring Committee indicating the date of encroachment. Of course, those who demolish or vacate the premises may be exempted, CPCB should assess the compensation keeping in mind the area acquired and the extent of construction raised by the occupant.</i>	<i>District Magistrate Ayodhya</i>	<i>As per District Magistrate Ayodhya compliance report there is no illegal encroachment in khasra plot no. 57 &amp; 58. Hence environmental compensation should not be imposed.</i>	<i>As per report of DM, no illegal encroachment has been observed</i>	
	<i>6. District Magistrate Faizabad be notified as nodal officer to ensure the restoration of wetland/water reservoir of</i>	<i>District Magistrate Ayodhya</i>	<i>Detail project report is being prepared by Executive Engineer flood works division, Irrigation Department Ayodhya</i>	<i>District Magistrate has been instructed to comply with the instruction of Hon'ble Monitoring</i>	

	<p><i>Khasra plot no. 57&amp;58 (supra) and ensure the establishment of Sita lake in terms of map prepared by Executive Department with required paraphernalia to make it a recreation centre from the fund available with Nagar Nigam, other sources including fund provided by State Government in pursuance to the project report forwarded within a period of 3 months. District Magistrate shall submit a status report in the first week of every month with regard to status of conservation of Sita Lake to the Monitoring Committee w.e.f. 1<sup>st</sup> August, 2019</i></p>			<p><i>Committee for conservation of the lake.</i></p>	
	<p><i>7. UP Forest Department shall plant indigenous plants over all the land and the Sita lake to make it any oxygen hub for recreation in appropriate manner with the help of other authorities.</i></p>	<p><i>Principal Secretary Env. &amp;CC/ District Magistrate Ayodhya</i></p>	<p><i>Complied</i>  <i>11000 number plantations in 10 Hect. Area have been made by the Forest Department along the bank of Sita lake during rainy season 2019.</i></p>	<p><i>Compliance being done as per directions of UPSWMMC</i></p>	
	<p><i>9. It shall be appropriate for the State Government to institute an independent enquiry through independent machinery to unearth the scam and</i></p>	<p><i>District Magistrate Ayodhya</i></p>	<p><i>Complied. As per District Magistrate Ayodhya compliance report, Khasra No. 57&amp;58 (supra) are not indicated in wetland area. These plots are registered in the name of land</i></p>	<p><i>Complied</i></p>	

	<i>punish the land grabbers or land Mafias, whosoever they may be, in accordance with law and take a decision in the matter expeditiously, say, within a period of three months</i>		<i>account holder. Hence this not under category of illegal encroachment.</i>		
	<i>10&amp;11. The collector, Revenue Authority, Ayodhya shall protect the Revenue Records and ensure to make appropriate to rules, keeping in view the material brought on record. Special commendation be recorded in the service record of Naib Tehsildar Shri. Mohd. Shafiullah because of whose outstanding work the present scam of land grabbing could be unearthed. Any other order or direction, as the Hon'ble NGT may deem proper, may also be passed in public interest.</i>	<i>District Magistrate Ayodhya</i>	<i>Complied. As per report of District Magistrate Ayodhya action has been taken as per existing record and rules</i>	<i>Compliance is being done</i>	
<i>2.</i>	<i>No report from the Committee, constituted by the Monitoring Committee vide its decision taken by the meeting dated 13.03.2019, comprising the District Magistrate/COO, Executive Engineer Irrigation, Deoria, has been received so far</i>		<i>Letter no. 1219 dated 11.06.2020 has sent. Again several reminders has been issued to concerning officer in the month of July, September, October, November, and a last reminder has been issued on December 01, 2020.</i>		

	<p><i>though two months time granted for the purpose has lapsed much earlier. However, one month time is granted further to submit the report in terms of the decision, the ROUPPCB Deoria shall make inspection of Syahi River with regard to the encroachment, if any, made in the catchment area of river Syahi and submit a report to the Monitoring Committee in a month. For this purpose, the mean HFL of river Syahi as observed in the past 10 years just before September 26, 2017 (vide Rule 4 (2) (vi) of the Wetland (Conservation and Management), Rules (vi) of the Wetland (Conservation and Management) Rules, 2017, shall be taken into consideration.</i></p>				
3.	<p><i>No report from the Committee, constituted by the Monitoring Committee vide its decision taken in the meeting dated 28.05.2019, comprising the DM/CDO, Executive Engineer Jal Nigam and DFO of the concerned District, has been received so far though three</i></p>	<p><i>RO UP PCB/ Irrigation and Water Resources Department</i></p>	<p><i>Compliance is being ensure. As per letter no. 37C/ Monitoring Committee dated 24.07.2020, RO informed that the work is not board function. Mean HFL of River Saryu has already been submitted to the monitoring Committee. Mean HFL of Saryu River line within district boundary for past 10 years are given below:-</i></p>	<p><i>Compliance is being ensured.</i></p>	

	<p><i>week, time is granted further to submit the report in terms of the decision taken on 28.05.2019. In the meantime, the RO, UPPCB of the concerned district(s) shall make inspection of Saryu or Ghaghra, Rapti, Choti Gandak and Narayani (Badi Gandak) rivers with regard to the encroachment, if any, made in the catchment area of aforesaid river and submit a report to the Monitoring Committee in a month. For this purpose, the mean HFL of river aforesaid rivers as observed in the past 10 years just before September 26, 2017 (vide Rules 4(2)(vi) of the Wetland (Conservation and Management) Rules, 2017 shall be taken into consideration.</i></p>		<table border="1"> <thead> <tr> <th><i>Year</i></th> <th><i>HFL</i></th> </tr> </thead> <tbody> <tr> <td>2008-09</td> <td>93.85</td> </tr> <tr> <td>2009-10</td> <td>94.01</td> </tr> <tr> <td>2010-11</td> <td>93.91</td> </tr> <tr> <td>2011-12</td> <td>93.92</td> </tr> <tr> <td>2012-13</td> <td>93.35</td> </tr> <tr> <td>2013-14</td> <td>93.34</td> </tr> <tr> <td>2014-15</td> <td>93.60</td> </tr> <tr> <td>2015-16</td> <td>92.78</td> </tr> <tr> <td>2016-17</td> <td>93.10</td> </tr> <tr> <td>2017-18</td> <td>93.72</td> </tr> </tbody> </table>	<i>Year</i>	<i>HFL</i>	2008-09	93.85	2009-10	94.01	2010-11	93.91	2011-12	93.92	2012-13	93.35	2013-14	93.34	2014-15	93.60	2015-16	92.78	2016-17	93.10	2017-18	93.72			
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4.	<p><i>No report from the Committee, constituted by the Monitoring Committee vide its decisions taken in the meeting dated 28.05.2019, comprising the DM/COO, Executive Engineer Jal Nigam and DFO of the concerned District, has been received so far though</i></p>	<p><i>District Magistrate (Revenue) and Irrigation and Water Resources Department</i></p>	<p><i>UPPCB vide his letter dated 31.07.2019 requested to Hon'ble Chairman, Monitoring Committee that the task of identifying encroachments in the catchment area of river Saryu or Ghaghra, Rapti, Chhot Gandak and Narayani (Badi Gandak) may be assigned to the Revenue and Irrigation because the documents related to the area and boundaries</i></p>	<p><i>ATR has been requested from DM. it is yet to be received and a last opportunity for providing the same has been extended to concerned DM till 31<sup>st</sup> December, 2020. It has been decided that if ATR is not submitted by the said timeline then</i></p>	<p><i>December 31<sup>st</sup>, 2020</i></p>																							



	<p><i>three week time granted for the purpose has lapsed much earlier. However, one months time is granted further to submit the report in terms of the decision taken on 28.05.2019. In the meantime, the RO, UPPCB of the concerned districts shall make inspection of river Rapti (also knowns as Achirawati and Irawati) with regard to the encroachment. If any, made in the catchment area of aforesaid river and submit a report to the Monitoring Committee in a month. RO UPPCB of the concerned districts shall also submit water quality reports in respect of 9 drains falling in river Rapti and 6 drains falling in river Rohini in 10 days.</i></p> <p><i>For the purpose, the mean HFL of aforesaid rivers as observed in the past 10 years just before September 29, 2017 (vide Rule 4(2)(vi) of the Wetland (Conservation and Management) Rule, 2017, shall be taken into consideration.</i></p>		<p><i>are maintained by Revenue Department.</i></p> <p><i>Action plan for rejuvenation of river Rapti is available on the website of UPPCB.</i></p>	<p><i>accountability of concerning officials shall be fixed and a recommendation will be made.</i></p> <p><i>Competent authority for initiating disciplinary action against the delinquent official for not providing the ATR.</i></p>	
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5.	<p>No report from the Committee constituted by the Monitoring Committee vide its decision taken in the meeting dated 28.05.2019, comprising the DM/ CDO, Executive Engineer, Irrigation, EE Jal Nigam and DFO of the concerned district has been received so far though three months time granted for the purpose has lapsed much earlier. However, one months time is granted further to submit the report in terms of the decisions taken on 28.05.2019. In the meantime, the RO, UPPCB of the concerned district shall make inspection of Suraj Kund Pokhra situated in Mahalia Mohanlalpur Tappa, Qasba, Pargana, Haveli, Tehsil Sadar, District Gorakhpur with regard to the encroachment, if any, made in Suraj Kund Pokhra and submit a report to the Monitoring Committee in a month.</p>	DM (Revenue) and Irrigation and Water Resources Department	UPPCB vide his letter dated 31.07.2019 requested to Hon'ble Chairman, Monitoring Committee that the task of identifying encroachment in the catchment area of Suraj Kund Pokhra may be assigned to the Revenue because the documents related to the area and boundaries are maintained by Revenue Department.	ATR has been requested from DM. it is yet to be received and a last opportunity for providing the same has been extended to concerned DM till 31 <sup>st</sup> December, 2020. It has been decided that if ATR is not submitted by the said timeline then concerning official shall be fixed and a recommendation will be made to competent.	December 31 <sup>st</sup> , 2020
6	<p>No report from the Committee, constituted by the Monitoring Committee vide its decision taken in the</p>	District Magistrate (Revenue)	UPPCB vide his letter dated 31.07.2019 requested to Hon'ble Chairman, Monitoring Committee that the task of identifying encroachments	ATR has been requested from District Magistrate. It is yet to be received and a last opportunity for	December 31 <sup>st</sup> , 2020

	<p>meeting dated 28.05.2019, comprising the District Magistrate / CDO, Executive Engineer Irrigation, Executive Engineer Jal Nigam and DFO of the concerned district, has been received so far though three week's time granted for the purpose has lapsed much earlier. However, one month's time is granted further to submit the report in terms of the decision taken on 28.05.2019. In the meantime, the RO, UPPCB of the concerned district shall make inspection of Jata Shankar Pokhra situated in Mohalla Jatepur (Southern) of District Gorakhpur with regard to the encroachment. If any, made in Jata Shankar Pokhra and submit a report to the Monitoring Committee in a month.</p>		<p>in the catchment area of Jata Shankar Pokhra may be assigned to the Revenue because the documents related to the area and boundaries are maintained by Revenue Department.</p>	<p>providing the same has been extended to concerned District Magistrate till 31<sup>st</sup> December, 2020. It has been decided that if ATR is not submitted by the said timeline then accountability of concerning officials shall be fixed and a recommendation will be made to competent authority for initiating disciplinary action against the delinquent official for not providing the ATR.</p>	
7.	<p>No report from the committee, constituted by the Monitoring Committee vide its decision taken in The meeting dated 28.05.2019, comprising the District Magistrate/ CDO, Executive Engineer Irrigation, Executive</p>	<p>District Magistrate (Revenue)</p>	<p>UPPCB vide his letter dated 31.07.2019 Requested to Hon'ble Chairman, Monitoring committee that the task of Identifying encroachments in the catchment area of Mansarowar Pokhra may be assigned to the Revenue because the documents related to the area and boundaries</p>	<p>ATR has been Requested from District Magistrate. It is yet to be received and a last opportunity for providing the same has been extended to concerned District Magistrate Till 31'</p>	<p>December 31st, 2020.</p>

	<p>Engineer Jal Nigam and DFO of the concerned district, has been received so far though three week' time granted for the purpose has lapsed much earlier. However, one month's time is granted further to submit the report in terms of the decision taken on 28.05.2019. In the meantime, the RO, UPPCB of the concerned district shall make inspection of Mansarowar Pokhra situated in Muza Andhiyari Bagh, Pargana Haveli, Tehsil Sadar, District Gorakhpur with regard to the encroachment, if any, made in Mansarowar Pokhra and submit a report to the Monitoring Committee in a month.</p>		<p>are maintained by Revenue Department.</p>	<p>December, 2020. It has been decided that if ATR is not submitted by the said timeline then accountability of concerning officials shall be fixed and a recommendation will be made to competent authority for initiating disciplinary action against the delinquent official for not providing the ATR.</p>	
8	<p>No report from the committee, constituted by the Monitoring Committee vide its decision taken in the meeting dated 28.05.2019, comprising the District Magistrate/ CDO, Executive Engineer Irrigation, Executive Engineer Jal Nigam and DFO of the concerned district, has been</p>	<p>District Magistrate (Revenue) and Irrigation and Water Resources</p>	<p>UPPCB vide his letter dated 31.07.2019. Requested to Hon'ble Chairman, Monitoring committee that the task of identifying encroachments in the catchment area of rivers Kakurtha and Hiranyavati may be assigned to the Revenue and Irrigation &amp; Water Resources Department because the documents related to the area and boundaries</p>	<p>ATR has been requested from District Magistrate. It is yet to be received and a last Opportunity for providing the same has been extended To concerned District Magistrate till 31st December, 2020. It has been decided that if ATR is not submitted by the</p>	<p>December 31st, 2020</p>

	<p>received so far though three week' time granted for the purpose has lapsed much earlier. However, one months' time is granted further to submit the report in terms of the decision taken on 28.05.2019. In the meantime, the RO, UPPCB of the concerned district(s) shall make inspection of Kakurtha and Haranyavati rivers in district Kushinagar with regard to the encroachments, if any, made in the catchment area of aforesaid rivers and submit a report to the Monitoring Committee in a month. Forth is purpose, the mean HFL of the aforesaid rivers as observed in the past 10 years just before September 26, 2017 (vide Rule4(2)(vi) of the Wetland (Conservation and Management) Rules, 2017, shall be taken into consideration.</p>		<p>are maintained by Revenue Department.</p>	<p>said timeline then accountability of concerning officials shall be fixed and a recommendation will be made to competent authority for initiating disciplinary action against the delinquent official for not providing the ATR</p>	
9	<p>No Report from the committee, Constituted by the Monitoring Committee vide its decision taken in The meeting dated 28.05.2019, comprising the</p>	<p>District Magistrate (Revenue)</p>	<p>UPPCB vide his letter dated 31.07.2019 Requested to Hon'ble Chairman, Monitoring committee that the task of Identifying encroachments in the catchment area of Suraha Taal may be assigned to the Revenue because the Documents related to the</p>	<p>ATR has been Requested from District Magistrate. It is yet to be received and a last opportunity for providing the same has been extended to</p>	<p>December 31st, 2020.</p>

	<p>District Magistrate/CDO, Executive Engineer Irrigation, Executive Engineer Jal Nigam and DFO of the concerned district, has been received so far though three week' time granted for the purpose has lapsed much earlier. However, one month's time is granted further to submit the report in terms of the decision taken on 28.05.2019. In the meantime, the RO, UPPCB of the concerned district shall make inspection of Suraha Taal in Ballia town, District Ballia with regard to the encroachment, if any, made in Suraha Taal submit a report to the Monitoring Committee in a month.</p>		<p>area and boundaries are maintained by Revenue Department. The administrative control and management of Surha Taal is with the Forest Department.</p>	<p>Concerned District Magistrate till 31<sup>st</sup> December, 2020. It has been decided that if ATR is not submitted then accountability of concerned officials shall be fixed and a recommendation will be made to competent authority for initiating disciplinary action against the delinquent official for not providing the ATR.</p>	
10	<p>No report from the committee, constituted by the Monitoring Committee vide its decision taken in the meeting dated 28.05.2019, comprising the District Magistrate/ CDO, Executive Engineer Irrigation, Executive Engineer Jal Nigam and DFO of the concerned district, has been received so far though three</p>	<p>R.O. Uttar Pradesh Pollution control board.</p>	<p>(1) A Report has been submitted by Sub Compliance is Divisional Magistrate Payagpur with being ensured as regard to Baghel Taal in District Bahraich, per direction of U.P. According to which there is no the Committee. encroachment over Baghel Taal (Annexure-2).As per Letter No. 370/Monitoring Committee/Dated</p>	<p>Compliance is being ensured as per direction of the Committee.</p>	

	<p><i>week' time granted for the purpose has lapsed much earlier. DFO Shrawasti Shri A.P.Yadav, present in the meeting, informed that inspite of the information sent to the complainant Dr. Radhey Mohan Mishra, he did not turn up. Even if the complainant had not turned up, it was incumbent up on the committee to submit report with respect to the ground realities keeping in view the contents of the complaint made by Dr. Radhey Mohan Mishra as directed by the Monitoring Committee on 28.05.2019. However, one month's time is granted further to submit the report in terms of the decision taken on 28.05.2019. In the meantime, the RO, UPPCB of the concerned district shall make inspection of Baghel Taal in town/ district Bahraich with regard to the encroachment, if any, made in Baghel Taal and submit a report to the Monitoring Committee in a month.</i></p>		<p><i>2407-2020. R.O. Informed that this work is not board function</i></p>		
11	<p><i>No report from the committee, constituted by</i></p>	<p><i>District Magistrate (Revenue)</i></p>	<p><i>UPPCB vide his letter dated 31.07.2019 Requested to Hon'ble</i></p>	<p><i>ATR has been Requested from</i></p>	<p><i>December 31<sup>st</sup> 2020.</i></p>

	<p>the Monitoring Committee vide its decision taken in The meeting dated 28.05.2019, comprising the District Magistrate/ CDO, Executive Engineer Irrigation, Executive Engineer Jal Nigam and DFO of the concerned district, has been received so far though three week' time granted for the purpose has lapsed much earlier. However, one month's time is granted further to submit the report in terms of the decision taken on 28.05.2019. In the meantime, the RO, UPPCB of the concerned district shall make inspection of Bakhira lake in district Sant Kaagar with regard to the Encroachment, if any, made in Bakhira lake and submit a report to the Monitoring Committee in a month.</p>		<p>Chairman, Monitoring committee that the task of Identifying encroachments in the catchment area of Bakhiralake may be assigned to the Revenue because the Documents related to the area and boundaries are maintained by Revenue Department.</p>	<p>District Magistrate. It is yet to be received and a last opportunity for providing the same has been extended to concerned District Magistrate Till 31<sup>st</sup> December, 2020. It has been decided that if ATR is not submitted by the said timeline then accountability of concerned officials shall be fixed and a recommendation will be made to competent authority for initiating disciplinary action against the delinquent official for not providing the ATR.</p>	
12	<p>As prayed by Shri Bipin KumarSingh, SDM Sohawal, District Ayodhya, one month's further time is granted to submit report with regard to restoration/rejuvenation of Surwarilake.</p>	<p>Related to SDM Sohawal, District Ayodhya</p>	<p>Kali Jheel is located in Gram Panchayat Surwari. Area of this lake 25 Hect. Restoration of this lake has been started from 13.05.2020. Total expenditure incurred on this work is about Rs. 20.45 Lac still now and 10172 man days have been created</p>	<p>Compliance is being done as per directions of the Committee.</p>	



13	<p>Project Report with regard to river Manorama has been submitted by Shri Arvind Kumar Pandey, CDO Basti. The Same is taken on record. Let a copy of The Project Report be forwarded to the complainant by the Secretary of the Monitoring Committee inviting his opinion, if any. Shri Harish Chandra Prajapati, Deputy Commissioner Labor and Employment, Gonda is requested to submit a report within a month with regard to the project Report prepared for rejuvenation of river manorama, tributary of river kuano.</p>	<p>Related to Deputy Commissioner Labour and Employment, Gonda</p>	<p>Compliance report has been asked from the department vide letter no-1174/20- dated 05.06.2020 but not received. Again reminder letter no. 1219/20-27 S. 4-02 NGT/2019 Dated 11.06.2020 has Again several reminders has been issued to concerning officer in the month of July, September, October, November and a last reminder has been issued on December 1, 2020.</p>	<p>ATR has been requested from District Magistrate. It is yet to be received and a last opportunity for providing the same has Been extended to concerned District Magistrate till 31<sup>st</sup> December, 2020. It has been decided that if ATR is not submitted by the said timeline then accountability of concerning officials shall be fixed and a recommendation will be made to competent authority for initiating disciplinary action against the delinquent official for not providing the ATR.</p>	<p>December 31st, 2020.</p>
14	<p>One month's further time is allowed to convene a meeting of the committee of officers of concerned districts in terms of the decision of the Monitoring Committee dated 28.05.2019 with regard to restoration/rejuvenation of river Kalyani and submit a status report.</p>				
15	<p>None is present from Remote Sensing Application Centre to provide assistance to the</p>	<p>Related to Remote Sensing</p>			

	<i>Monitoring Committee keeping in view the factual matrix as contained in this item of the Agenda. The matter is deferred for next meeting. Notice be issued to ensure presence.</i>				
16	<i>DPR for construction of STP in Magahar, district Sant Kabir Nagar has already been submitted to the Government</i>	<i>Related to Uttar Pradesh Jal Nigam And SMCG. Department of Jal Shakti.</i>	<i>Compliance report has been submitted By Uttar Pradesh Jal Nigam vide G59/022/0278/Part2/2020, dt. 16.06.2020 and subsequently an updated Status in the matter has been also submitted. As per report DPR for I&amp;D and STP works for Maghar tow, Distt-Sant Kabir Nagar were sent to NMCG, Lucknow vide letter No. 997 dt. 13.08.2019 amounting Rs. 19.88 Cr. Several observations have been received from NMCG vide letter No. TE- 12014/1/2019-Tech Cont. NMCG dt. 19.09.2019 after examination of Aforesaid DPRs. In observations major observation is "Water quality of River Aami has not been provided in the DPR, SMCG, UP may enclose water quality reports of River Aami U/S and D/S of the confluence of drain with river to assess the effect of pollution contribution of the town.</i>  <i>In compliance of the above the</i>	<i>Compliance is being ensured as per directions of the Hon'ble Committee.</i>	

			<p>Samples had been collected and analysed and a revised DPR of amounting Rs.28.36 crore (including O&amp;M for 15 years) for I&amp;D and STP works for Maghar town, Distt- Sant Kabir Nagar, duly incorporating the observations received from NMCG has been submitted to SMCG, GoUP on dated 29-09-2020 by Chief Engineer (Ganga), U.P. Jal Nigam, Lucknow. Project Director, SMCG has forwarded the DPR to Executive Director (Project), NMCG, New Delhi vide their letter no 1050/0032/SMCG-UP/12 dated 19.10.2020.</p>		
17	<p>On the request made by ADM Jaunpur, the matter under this item of the Agenda is deferred for next meeting, calling for status report.</p>	<p>Related to ADM Jaunpur</p>	<p>Compliance report has been asked from the department vide letter no-1174/20- 27- -4-02(Rt)(NGT 2019, dated 05 June 2020 but not received. Again reminder letter no. 1219/20-27 S. 4-2 (Rt) (NGT)/2019 Dated 11.06.2020 has sent. Again several reminders has been issued to concerning officer in the month of July, September, October, November and a last reminder has been issued on December 1, 2020</p>	<p>ATR has been requested from District Magistrate. It is yet to be received and a last opportunity for providing the same has Been extended to Concerned District Magistrate till 31st December, 2020. It has been decided that if ATR is not submitted by the Said timeline then accountability of concerning officials shall be fixed and a recommendation will be madeto competent authority for initiating</p>	<p>December 31<sup>st</sup> 2020.</p>

				<i>disciplinary action against the delinquent official for not providing the AIR.</i>	
18	<i>Shri R.S.Singh, Project Manager/Executive Engineer, Construction Unit, UP Jal Nigam, Gorakhpur informs that DPR shall be submitted by the end of this month. Let the status report be submitted in the next meeting of the Monitoring Committee.</i>	<i>Related to Construction Unit, UP Jal Nigam, Gorakhpur</i>	<i>Compliance report has been submitted By Uttar Pradesh Jal Nigam vide G59/022/0278/Part2/2020, dt. 16.06.2020 and it progress has been updated again in November 2020. A brief detail of report is as following :- On request of Gorakhpur Industrial Development Authority (GIDA), U.P. Jal Nigam prepared a project for construction of 15 MLD CETP (amounting Rs. 76.79 Cr.) based on field observations the committee (headed by Dr. Govind Pandey, Prof Civil Engg. Deptt. M.M.M.T.U.) report and finally revised it in compliance of NMCG observations dt. 21.12.2018. A team of NMCG visited the site on 21.01.2020 and again raised some observations vide its letter Dt. 12.03.2020. In the compliance of above observation of NMCG, New Delhi, A revised estimate for "I&amp;D works and construction of 7.5 MLD Common Effluent Treatment Plant at GIDA Area, Gorakhpur" (Phase-I) amounting Rs. 62.50 Cr has been submitted to CEO, GIDA on dated 28.10.2020.</i>	<i>Compliance is being ensured as per directions of the Hon'ble Committee.</i>	

			CEO, GIDA sent the above DPR to SMCGLko. Vide their letter no.2408/Adhi-Ni6/CETP/2020-20 Dt. 2910-2020.		
19	Certain reports have already been forwarded to Hon'ble NGT, where the matter is sub Judice. All pending reports shall be forwarded to Hon'ble NGT at the earliest.		No Action is required.		
20	None is present on behalf of the ELDECO. The matter is deferred for the next meeting.	Related to ELDECO	No Action is required.		
21	No Reports have been received by the office from The District Magistrates of Pratapgarh, Sultanpur, Jaunpur, Azamgarh, Basti, Devipatan, Ayodhya, Gorakhpur, Mirzapur and Varanasi regarding pollution of rivers of eastern Uttar Pradesh. Let a fresh notice be issued to the District Magistrate of the aforementioned districts, requesting them to forward their reports regarding pollution of rivers in their district within a month.	District Magistrates of Pratapgarh, Sultanpur, Jaunpur, Azamgarh, Basti, Devipatan, Ayodhya, Gorakhpur, Mirzapur and Varanasi	The Action Plans related to polluted river stretches of Eastern UP namely Ghaghra, Rapti, Varuna, Sai, Saryu, Aami and Tamsa have been prepared by UPPCB and are duly approved by River Rejuvenation Committee UP. These plans are currently under implementation and the monitoring of implementation of these plans is being done by District Environment Committee at District Level and River Rejuvenation Committee at State Level. These Plans are available on the website of UPPCB <a href="http://www.uppcb.com/action-olan-june2019.htm">http://www.uppcb.com/action-olan-june2019.htm</a>	Complied	
22	None is present to inform the mean HFL of all the rivers of eastern Uttar Pradesh, observed in the Past 10	Related to Engineer-in-Chief U.P. Irrigation	As per Rule4(2) (vi)of the Wetland (Conservation and Management) Rules,2017), Wetland means an area of marsh, fen,		

	<p>years just before September 26, 2017 (vide Rule 4(2)(vi) of the Wetland (Conservation and Management) Rules, 2017). Let a notice be issued to the Executive Engineers, Irrigation of all the districts of eastern Uttar Pradesh to provide HFL of all the rivers keeping in view the past 10 years' records within a month, failing which they shall appear in person in the next meeting to assist the Monitoring Committee. The Engineer-in-Chief be informed to ensure compliance.</p>		<p>peatland of water; whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structures specifically constructed for aquaculture, salt production, recreation and irrigation purposes. Eastern rivers of Uttar Pradesh are not under the category of wet lands so that no need of mean H.F.L.</p>		
23	<p>We have been informed that DPR has been forwarded to the State Government and the matter is pending with the Department of Urban Development for financial sanction. We request the Department of Urban Development for appropriate action at the earliest in the matter of financial sanction with regard to installation of CETP in GIDA and STP in Siddharth Nagar and Magahar under Namami Gange Programme to save river AMI for pollution.</p>	<p>UP Jal Nigam/ GIDA/SMCG (Department of Jal Nigam)</p>	<p>The status is already explained at Item Number 16 regarding Maghar, District Sant Kabir Nagar and status of CETP in GIDA is explained at Item Number 18.</p>		

24	No report has been received. Let a notice be issued to the District Magistrates of Balrampur, Bahraich and Gonda to submit action plan for restoration/ rejuvenation of river Saryu within a month	Rural Development Department and Irrigation Department	Total length of River Saryu in District Bahraich is approx 185.00 k.m. Survey of 104.500 k.m. has been completed	Total length of River Saryu in District Bahraich is approx 185.00 k.m. Survey of 104.500 k.m. has been completed.  Budget for remaining Survey work has been demanded (Annexure-3). After completion of survey work D.P.R. will be prepared.	Survey of River Saryu work is in progress. D.P.R. will be submitted as soon as the survey work is completed.
25	Let a report be summoned from RO, UPPCB, Ayodhya with regard to the complaint of Shri Farooque Ahmed against Yash Paper Mill within a month.	Related to UPPCB, DM Ayodhya	The problem mentioned by Shri Farroque Ahmed against Yash Paper Mill has been resolved and the direction under section 5 of L(P) Act has been issued to DM Ayodhya to remove the obstruction in the Tihura to remove the obstruction in the Tihura Naala for maintaining continuous flow. The compliance is to be submitted by DM, Ayodhya		
26/27	Shri Bivash Ranjan, Authorized Officer from State Wetland Authority informs 180 wetlands have been identified for further course of action. Let the action taken report be submitted within a month to the Monitoring Committee indicating the names of rivers/water reservoirs, nearby which these	Matter to related State Wetland Authority	Compliance report has been asked from the department vide letter no. 1174/ 20-27-Si-4-02(RT) (NGT)/2019, Dated 05.06.2020 but no received. Again reminder letter no. 1219/20-27-Si-4-02 (RT) (NGT)/2019, Dated 11.06.2020 has sent. Again several reminders has been issued to concerning officer in the month of July, September, October, November and a last reminder has been issued on December 01, 2020.	ATR has been requested from official. It is yet to be received and a last opportunity for providing the same has been extended to concerned District Magistrate till 31 <sup>st</sup> December, 2020. It has been decided that if ATR is not submitted by the said timeline then accountability of	December 31 <sup>st</sup> , 2020

	wetlands are situated with respective details			concerning officials shall be fixed and a recommendation will be made to competent authority for initiating disciplinary action against the delinquent official for no providing the ATR.	
28/29	Sh. Asish Tiwari, Member Secretary, UPPCB has already forwarded the report containing the details of environmental compensation imposed on industries during last three months. The same is taken on record for further course of action.	Related to UPPCB	Complied as mentioned in the minutes	Complied	
30	The matter is pending with the Department of the Urban Development, which has to take decision on merit. No further proceedings are required on the part of the monitoring Committee. The matter is dropped.	Matter is related to Urban Development	This was explained in the committee review meeting on the day itself by the representative of the department present in the meeting and as per minutes no further compliance was required to be submitted to the committee.	Complied	
31	Report has already been submitted by the SOM, Malihabad. A copy of the report be forwarded to the complainant. No further proceeding is required on the part of the Monitoring Committee. The matter is dropped.	Matter is related to SDM Malihabad	Compliance is done	Complied	



32	<p>Shri A.K. Tripathi, EO, Nagal Palika Parishad, Basti is present. He states that already a decision has been taken for construction of drain. Let the action taken report be submitted to the Monitoring Committee within a month. The matter is deferred for next morning.</p>	<p>Matter is related to EO, Nagal Palika Parishad, Basti.</p>	<p>An action taken report of EO Nagal Palika Parishad Basti is received. The details are as following:</p> <p>Estimate for construction (DPR) of drain was prepared by Nagal Palika Parishad Basti and it was submitted for approval to the competent authority. The work has been sanctioned and approved by competent authority and Tender process was initiated twice earlier but not could not be finalized due to Covid-19. At present tender of construction of drain (Nala) is finalized. It is aimed to complete the work a earliest.</p>	Complied	
33	<p>Sh. Asish Tiwari, Member Secretary, UPPCB states that appropriate decision has been taken by the UPPCB in respect of separate electricity connection for STP, ETP and SPs and request has also been made to the UP State Electricity connection and meter for STP, ETP and SPs, etc. During discussions, Shri. S.K. Gupta, Regional Director, CPCB also agreed that separate electricity meter should be provided for STP, ETP and SPs, etc so as to find out the working pattern of industries and</p>	<p>Matter related to CPCB/ UP POWER Corporation.</p>	<p>In this regard Power Department has already issued a notification as per spirit of the direction of the Hon'ble Committee</p>	Complied.	

<p><i>check the bypass of STP. Keeping in view the fact that there is consensus between the CPCB and the UPPCB with regard to a separate electricity meter for STP, ETP and SPS etc. and that the CPCB is the final authority to issue a regulatory order, it shall be appropriate that the CPCB, considering the exigency of the matter, issues appropriate circulars/orders or guidelines at its end, making it mandatory for every industry to have a separate electricity connection/meter for STP, ETP and SPS etc. Let a decision be taken by the CPCB in the matter, so that there may be any bypass of STP, ETP and SPS etc by the industry, which is a common phenomenon found in the State of UP till date while making inspection of the Industries. We request the CPCB for issuance of appropriate circular/guidelines in the matter at the earliest, which being statutory in nature shall be binding on the industries and there will be</i></p>				
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	<p>no option to the UP State Electricity Board but to issue a separate electricity connection to every industrial unit for the purpose.</p> <p>Let action taken report be submitted to the Monitoring Committee in the next meeting.</p>				
34(a)	<p>None is present from Ambedkar Nagar. Let a Notice be issued to the District Magistrate .Ambedkar Nagar to nominate some officer to assist the Monitoring Committee and submit the status report with regard to Bhadona, Durban and other lakes, if any, of the district</p>	<p>Matter related to District Magistrate, Ambedkar Nagar</p>	<p>Compliance report has been asked from the department vide letter no- 1174/20-27 S-4-20 but not received. Again reminder letter no. Sr. 1219/20-27 S. 4-02 (Rt) (NGT)/2019 Dated 11.06.2020 has sent. Again several reminders has been issued to concerning officer in the month of July, September, October, November and a last reminder has been issued on December 1, 2020</p>	<p>ATR has been requested from District Magistrate. It is yet to be received and a last opportunity for providing the same has been extended to concerned District Magistrate Till 31stDecember, 2020. It has been decided that if ATR is not submitted by the said timeline then accountability Of concerning officials shall be fixed and a recommendation will be made to competent authority for initiating disciplinary action against the delinquent official for not providing the ATR.</p>	<p>December 31st 2020.</p>
34(b)	<p>Let the action taken report be submitted with regard to Tilodiki Ganga by the District Magistrate, Ayodhya in the next meeting.</p>	<p>Matter related to District Magistrate Ayodhya</p>	<p>Compliance report has been asked from the department vide letter no- 1174/20-27 S 4-02 (Rt) (NGT)/2019 Dated 11.06.2020 has sent. Again several reminders has been issued to concerning officer in the month of July, September, October, November and a last reminder has been issued on December 1, 2020</p>	<p>ATR has been Requested from District Magistrate. It is yet to be received and a last opportunity for providing the same has been extended to concerned District Magistrate Till 31 2020. ' December, It has been decided that if ATR is not submitted by the said timeline then accountability of concerning officials shall be fixed and a recommendation will be made to competent authority for initiating disciplinary action</p>	<p>December 31st 2020.</p>

				<i>against the delinquent official for not providing the ATR.</i>	
35	<i>Report has already been submitted. It shall be looked into and considered in the next meeting.</i>	----	<i>Complied.</i>		
36	<i>As prayed by RO, UPPCB, Lucknow, a month's further time is granted to submit report. The matter shall again be considered in the next meeting.</i>				
37 & 38	<i>As prayed by the Chief Engineer, Lucknow Development Authority, three weeks' further time is allowed to submit action taken report in view of the complaint of Shri Ram Prakash, Advocate, High Court. as prayed by the Chief Engineer, Lucknow Development Authority, two weeks' further time is allowed to submit report in terms of the earlier decision of the Monitoring Committee dated 08.07.2019.</i>	<i>Matter related to Lucknow Development Authority,</i>	<i>Compliance report has been asked from the department vide letter no- 1174/20—27 S.4.20 (Rt)(NGT)/2019 Dated 05.06.2020 but not received. Again reminder letter no. Sr. - 1219/20-27 Sr.-02(Rt) (NGT)/2019 Dated 11.06.2020 has been sent. Again several reminders has been issued to concerning officer in the Month of July, September, October, November and a last reminder has been issued on December 1, 2020</i>	<i>ATR has been requested from concerned officials. it is yet to be received and a last opportunity for providing the same has been extended to Concerned District Magistrate till 31<sup>st</sup> December, 2020. It has been decided that if ATR is not submitted by the Said timeline then Accountability of concerning officials shall be fixed and a recommendation will be made to competent Authority for initiating Disciplinary action against the delinquent official for not providing the ATR.</i>	<i>December 31<sup>st</sup> 2020</i>
39/40	<i>None is present on behalf of Nagar Nigam, Ayodhya to assist the Monitoring Committee. Let a notice be issued to Nagar Nigam, Ayodhya to submit status report with regard to items No. 39 and 40 of the Agenda.</i>	<i>Matter related To Nagar Nigam Ayodhya</i>	<i>Compliance report has been submitted by Municipal Corporation Ayodhya. As per report Solid waste from drains had been removed at that time. The work is complete.</i>	<i>Action has been Complied as per instruction of the UPSWMMC.</i>	
41	<i>Shri Atulveer Chopra, Advocate representing the Gorakhpur Development Authority appeared and argued on the applications/representations made for Modification of our recommendation s in the Final</i>	<i>Matter related to Gorakhpur Development Authority</i>	<i>A detail report has been received in this matter from Gorakhpur Development Authority is annexed hereby. A perusal of the report suggests detail submission by the Authority on each point as indicated by Hon'ble Committee and it has been prayed by</i>		

<p>Report of Ramgarh lake. He submits that due to Notification dated 19.03.2018, only the constructions made or encroachment done within 50 meters of the bank of Ramgarh lake could be taken into account. His attention has been invited to the Apex Court judgment in Hinch Lal Tiwari versus Kamala Devi and others, reported {2001} 6 sec 496 and subsequent judgment reported in (2006) 6 sec 543, Susetha versus State of T.N. and others, followed by other decisions referred to in our report, which indicate that the Hon'ble Supreme Court has preserved and protected a <b>II</b> wetlands which fall within the definition given in Rule 4 of 2010 Rules. Further, according to the Notification dated 19.03.2018 itself, the area of wetland of Ramgarh lake is 773.09 hectares. According to the material on record, the area of Ramgarh lake was approximately 800 hectares, which has been reduced to round about 672 hectares. It indicates that because of dumping of solid waste and encroachment done over Ramgarh lake, its area including the wetland has been substantially reduced.</p> <p>Attention of learned counsel has further been invited to the Apex Court judgments, which affirmed the "public trust doctrine" and show that even marshy lands, wet lands and other natural flora and fauna must be preserved.</p>		<p>GDA that GDA submits an undertaking as following:  <b>Undertaking</b>  i) Gorakhpur Development Authority hereby undertakes that it will strictly comply to the terms and conditions and provisions of the final wetland notification and rules.  ii) GDA also undertakes that it will not Encroach any area demarcated as wetland and will also prevent encroachment of the same by the third party.</p> <p>Gorakhpur Development Authority is a law abiding body of State Government and has the highest regards for the Esteemed Majesty of National Green Tribunal and is duty bound to follow all Laws and Rules with regard to Environment and preservation of flora and fauna of the lake.  On perusal of the ATR submitted by the GDA in this regard and taking note of the observations of the Hon'ble Committee (UPSWMMC) in this matter, this Committee is humbly submits before Hon'ble Tribunal its recommendation for acceptance of ATR of GDA in this regard as satisfactory to comply the points indicated in this matter.</p>		
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	<p><i>The judgments of the Hon'ble Supreme Court are binding under Article 141 of the Constitution of India. The Apex Court further in the case of M.K. Balakrishnan referred to in our report has indicated that 2,01,503 wetlands had been mapped and directed for application of principles of Rule 4 of 2010 Rules to these wetlands. The Union of India was further directed to identify and inventorize all these wetlands with the assistance of the State Governments. Further, attention has been invited to the notification dated 14.09.2006, which prohibits any construction on the wetland/catchment area of water reservoir within 500 meters without environmental clearance.</i></p> <p><i>Learned counsel for the Gorakhpur Development Authority Shri Atulveer Chopra has vehemently argued that the constructions raised by the Gorakhpur Development Authority were in phases, hence the Notification dated 14.09.2006 making restriction on construction within 500 meters of wetland would not be applicable. The argument appears to be Misconceived for the reason that only because of constructions raised in phases, the law relating to Protection and preservation of wetland cannot be bypassed. It is no matter what the land is private land or it is State owned land, no construction could have been raised by the Gorakhpur Development Authority or any person, whosoever he may be, on</i></p>				
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<p><i>the wetland in view of the settled law of the Hon'ble Supreme Court as well as Ramsar convention.</i></p> <p><i>Apart from this, we have been impressed by the observations made by the two committees, one headed by Shri Ashish Tiwari, Member Secretary, UPPCB and the other by Shri N.K.Janoo, Director Zoo, Gorakhpur. The finding of both the committees is that constructions have been raised over Marshy land, as is evident from the photographs on record and the environmental as well as ecological status of Ramgarh lake has been badly affected on account of these constructions. It is beyond the purview of this Monitoring Committee to overlook the observation made by the aforesaid two committees, headed by the experts of the field, whereby the encroachment made over Marshy land/wetland has been deprecated.</i></p> <p><i>During the course of arguments, the CEO Gorakhpur Development Authority stated that all constructions have not been raised by the Gorakhpur Development Authority, but there are private builders also who have raised constructions over the land in question. In case it is so, the Gorakhpur Development Authority shall provide the names and addresses of all those private builders who have raised constructions unauthorizedly, so that additional report may be forwarded to Hon'ble NGT.</i></p>				
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	<p><i>It is pertinent to observe that when the first meeting of the Monitoring Committee was held on 11th and 18th September, 2018 at Gorakhpur and the Committee had restrained constructions within 500 meter area from Ramgarh lake, the representative of Gorakhpur Development Authority was present there and no objection was raised. Thereafter, the report was sent with the recommendations and again no objection was raised. The present application has been moved by the Gorakhpur Development Authority at belated stage. This aspect of the matter is also required to be looked into.</i></p> <p><i>Learned counsel for the Gorakhpur Development Authority prays for and is granted a week's further time to prepare the case.</i></p> <p><i>It appears that copies of the applications have not been provided to the complainant. The Secretary shall provide copies of the applications moved by Gorakhpur Development Authority to Dr Radhey Mohan Mishra, who may submit his reply, if any, within three weeks. A copy of present decision shall also be forwarded to Dr Radhey Mohan Mishra.</i></p> <p><i>Let this matter be taken again in the next meeting.</i></p>				
42	<p><i>Reports in respect of all pending matters Connected with solid waste management be completed</i></p>	<p><i>Related to internal</i></p>	<p><i>This paragraph relates to internal office working of the Hon'ble Committee at that time</i></p>	<p><i>No Action required.</i></p>	



	<i>and forwarded to the Hon'ble NGT by 1 5<sup>th</sup> of August, 2019.</i>	<i>Functioning of the Committee and not concerning any department.</i>			
43/44	<p><i>A letter dated 19.06.2019 has been received from the Gorakhpur Development Authority with regard to installation of STP by Sahara Estate Gorakhpur. The RO UPPCB Gorakhpur is requested to take samples, inspect the STP installed by Sahara Estate Gorakhpur and submit report within a period of one month.</i></p> <p><i>A letter of CEO Cantonment Board, Ayodhya has been received regarding waste management in Cantonment Board. Shri A.K. Tripathi, Scientist 'B' CPCB states that the report is under preparation and shall be submitted within two days. Let the matter be placed again in the next meeting. After taking into consideration the report so submitted by the CPCB, the matter shall be forwarded to Hon'ble NGT.</i></p>	<i>Gorakhpur Development Authority</i>	<i>Complied. Regarding inspection of STP Sahara Estate, Gorakhpur, by RO, UPPCB, Gorakhpur, inspection was done by RO UPPCB and inspection report was submitted to the Monitoring Committee. Copy of Report is annexed. Regarding encroachment of Chilua Taal, Gorakhpur, UPPCB had requested the Chairman, Monitoring Committee to assign the task of identifying encroachments in the catchment area of Chilua Taal to the Revenue Department because the documents related to the area and boundaries are maintained by Revenue Department.</i>	<i>Compliance is being done as per direction of the Hon'ble Committee.</i>	

15. The report of the State PCB dated 14.10.2020 giving the compliance status report in terms of order dated 16.06.2020 is as under:-

**Compliance Report of Hon'ble NGT order dated 16.06.2020 in O.A. No. 116/2014 Meera Shukla Vs. Municipal Corporation Gorakhpur & Others.**

Compliance Report of Hon'ble NGT order dated 16.06.2020 in O.A. No. 116/2014 Meera Shukla Vs. Municipal Corporation Gorakhpur & Others. are as follows:

<b>Relevant Point of Order</b>	<b>Compliance Status</b>
<p>1. ....Clearly not providing for STPs/CETPs is contempt of the Supreme Court as well as NGT. Supreme Court in its order has also mentioned that Secretary of Environment Department shall be answerable in case of default. The Secretaries to Government concerned shall be responsible for monitoring the progress and implementation of above directions. Not constructing these STPs/CETPs for lack of budgetary support from NMCG certainly is not a valid excuse. The Chief Secretary may be directed to ensure sufficient budgetary resources either from Government of India or from State budget within a month, so that work on these STPs/CETPs should commence immediately. NOT has mandated that any STP where work does not commence from 1.04.2020 will be liable to EC @5 Lakh per month. CPCB may issue notice to the Gorakhpur Municipal Corporation/ GIDA for EC.</p>	<ul style="list-style-type: none"> <li>• In compliance of Hon'ble NGT said order, Chief Secretary, UP vide its GO no. NGT-313/81-7-2020-44 (Writ)/2016 TC-1, dt; 03.07.2020, directed the Additional Chief Secretary/Principal Secretar0079 of Urban Development/Panchati Raj/Irrigation &amp; Water Resources/Department of Infrastructure &amp; Industrial Development/Energy/Medical Education Department of Uttar Pradesh to comply the said order and submit the compliance report accordingly.</li> </ul> <p style="text-align: center;">Copy of the said GO dt; 03.07.2020 is attached as <b><u>Annexure -1</u></b></p> <ul style="list-style-type: none"> <li>• A meeting was held on dt; 09.07.2020 under the chairmanship of chief secretary, U.P. Government with the officials of the concerned departments of U.P. The relevant portion of minutes are as follows :-               <ol style="list-style-type: none"> <li>1. नगर पालिका परिषद् खलीलाबाद ने एस0टी0पी0 के स्थापना हेतु उ0प्र0 जल निगर द्वारा तैयार जी0पी0आर0 लागत रू0 33.20 करोड़ धनराशि तथा नगर पंचायत मगहर सन्तकबीर नगर द्वारा एस0टी0पी0 लागत रू0 19.88 करोड़ धनराशि के जी0पी0आर0 को एन0एम0सी0जी0 से शीघ्र स्वीकृत कराकर एस0टी0पी0 के स्थापना का कार्य शीघ्र प्रारंभ कराया जाये। यदि एन0एम0सी0जी0 द्वारा धनराशि उपलब्ध नहीं कराई जाती है तो प्रमुख</li> </ol> </li> </ul>

सचिव नगर विकास विभाग द्वारा वैकल्पिक वित्तीय व्यवस्था के संबंध में प्रस्ताव एक माह में प्रस्तुत किये जायें

2. गोरखपुर आद्यौगिक विकास प्राधिकरण, (गीडा) गोरखपुर द्वारा रू० 76.79 करोड़ की लागत से सी०टी०टी०पी० की स्थापना प्रस्तावित है, जिसमें रू० 20 करोड़ की धनराशि अवस्थापना एवं औद्योगिक विकास विभाग, रू० 17 करोड़ गीडा तथा शेष 39.79 करोड़ की धनराशि एन०एम०सी०जी० से प्राप्त की जानी है। इस संबंध में निर्देश दिये गये कि एन०एम०सी०जी० से फालोअप कर डी०पी०आर० का शीघ्र अनुमोदन कराकर सी०ई०टी०पी० की शीघ्र स्थापना करायी जाये।

Copy of the said Meeting Minutes dt; 09.07.2020 is attached as **Annexure-2**

- UPPCB vide its letter dt: 16.09.2020 has instructed the Executive Officer, Nagar Palika Parishad, Khalilabad & Executive Officer, Nagar Panchayat, Maghar to submit the current status of establishment of STP at Khalilabad & Maghar.

Copy of the said letter dt; 16.09.2020 is attached as **Annexure-3**

- Executive Officer, Nagar Palika Parishad, Khalilabad vide its letter dt; 18.09.2020, informed that the land for establishment of STP has been identified at Village- Chatpihani, Khalilabad and estimate has been prepared & send to UP Government by UP Jai Nigam. Meanwhile for the treatment of wastewater of drain, a plan for bio-remediation has been included in 14th Finance Commission and tender has been preparing for the same.

Copy of the said letter dt; 18.09.2020 is attached as **Annexure-4**

- Executive Officer, Nagar Panchayat, Maghar vide its letter dt; 21.09.2020, informed that the land for establishment of STP has been identified at Village- Mohala Gandhi Ashram. Maghar and estimate has been prepared & send to UP Government by UP Jal Nigam. Meanwhile for the treatment of wastewater of drain, a plan for bio-remediation has been included in 14th Finance Commission and tender has been preparing for the same.

Copy of the said letter dt; 21.09.2020 is attached as **Annexure-5**

	<ul style="list-style-type: none"> <li>For establishment of CETP at GIDA, Gorakhpur, a meeting dt; 27.07.2020 was held wider free chairmanship of Commissioner, Gorakhpur with the officials of concerned departments.</li> </ul> <p>Copy of the said meeting minutes dt; 27.07.2020 is attached as <b>Annexure-6</b></p> <ul style="list-style-type: none"> <li>The Director General, National Mission for Clean Ganga has informed vide his letter dt: 01.09.2020 that the proposed capacity of the CETP as plan is on the higher side and the project needs to be implemented in phased manner. In compliance of these directions, UPPCB has issued a letter dt: 21.09.2020 to CEO, GIDA, Gorakhpur for the submission of the revised DPR to National Mission for Clean Ganga.</li> </ul> <p>Copy of the Letter dt: 01.09.2020 &amp; dt: 21.09.2020 are <b>Annexure-7a &amp; 7b</b></p>
<p>2. No interim measures for the treatment of the wastewater in drains and sewages have been made yet. has mandated that bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.4.2020, failing which the State may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB.</p>	<ul style="list-style-type: none"> <li>The Executive Officer, Nagar Palika Parishad, Khalilabad vide its letter dated: 18.09.2020 has informed that the land for establishment of S.T.P. has been identified at Village-Khalilabad and estimate has been prepared &amp; send to UP Government by UP Jal Nigam. Meanwhile for the treatment of wastewater of the drain, a plan for bio-remediation has been included in 14th Finance Commission and tender has been preparing for the same.</li> </ul> <p>Copy of the said letter dt: 18.09.2020 is already available as <b>Annexure-4</b></p> <ul style="list-style-type: none"> <li>The Executive Officer, Nagar Panchayat, Maghar vide its letter dated- /10.09.2020 has informed that the land for establishment of S.T.P. has been identified at Village- Mohala Gandhi Ashram, Maghar and estimate has been prepared &amp; send to UP Government by UP Jal Nigam. Meanwhile for the treatment of wastewater of the drain, a plan for bio-remediation has been included in 14th Finance Commission and tender has been preparing for the same.</li> </ul> <p>Copy of the said letter dt: 21.09.2020 is already available as <b>Annexure-5</b></p>
<p>3. All the municipal corporations were supposed to abide by SWM Rules, 2016 by 1.04.2020. Any violation in following SWM Rules, beyond the deadline would entail penalty. Gorakhpur Municipal Corporation has so far not started work on landfill site/processing plant. Any default in commencing work before</p>	<ul style="list-style-type: none"> <li>A meeting was held under the chairmanship of chief secretary, U.P. Government on 09.07.2020 with the officials of concerned departments of U.P. The concerning portion of minutes are as follows :-</li> </ul> <p>8 नगर निगम गोरखपुर द्वारा नगरीय ठोस अपशिष्ट के शुद्धिकरण निस्तारण एवं लैंड फिल साइट की समयबद्ध कार्ययोजना तैयार कर स्थापना की जाये तथा कार्ययोजना की प्रति पर्यावरण वन एवं जलवायु परिवर्तन विभाग एवं उपप्रदूषण नियंत्रण बोर्ड को उपलब्ध करायी जाये।</p>

<p>1.04.2020 would attract penalties (EC). CPCB may work out EC and issue notice.</p>	<ul style="list-style-type: none"> <li>• Municipal Commissioner, Gorakhpur vide its letter dt; 30.07.2020 has requested to Vice Chairman, Gorakhpur Development Authority, Gorakhpur to provide 30 Acre land for establishment of MSW Processing Plant/ Secure Land Fill Site.  Copy of the said letter dt; 30.07.2020 is already available at <b><u>Annexure-8a</u></b></li> <li>• UPPCB vide its letter dt. 16.09.2020 has directed the Municipal Commissioner, Gorakhpur to submit the current status of establishment of MSW Processing Plant/ Secure Land Fill Site. Copy of the said letter dt; 16.09.2020 is attached as <b><u>Annexure-8b</u></b></li> <li>• UPPCB vide its letters asked the permission from Government of UP to file prosecution under section- 5 of Environment (Protection) Act, 1982 against the concerned Municipal Commissioner of Gorakhpur. Copy of the said letters are attached as <b><u>Annexure-9a,9h &amp; 9c</u></b></li> </ul>
<p>4. This area is very sensitive from JE/AE point of view. Besides BRD Medical college is the most important medical center in this area catering to medical requirements of large part of Eastern UP and Northern Bihar. The Primary cause of JE/AE is pollution. Hence it is most important that BRD medical college must follow BMW Rules, 2016. More so there is an influx of COVID-19 patients which will increase in the coming months Principal Secretary Medical Education shall ensure that in such critical times, BRD Medical College follows all the BMW norms. Any negligence on the part of concerned officers may be dealt with strictly and responsibility may be fixed.</p>	<ul style="list-style-type: none"> <li>• B.R.D. Medical College has 950 Bed capacity and at present Non-COVID B.M.W. (250 Kg per day) &amp; COVID-19 B.M.W. (700 Kg per day) is generated by this medical college, which is disposed off by C.B.W.T.F. (M/s MPCC, Khalilabad, Santkabir Nagar). The B.R.D. Medical college has authorization valid up to July, 2020 under BMW Rules, 2016 and has applied for authorization on date- 05.10.2020 which is under process.</li> <li>• UPPCB vide it's letter dt. 01.10.2019 has imposed the environmental compensation of Rs-4.4115 Crore against the Medical College in compliance of Hon'ble NGT order passed in O.A. No. 116/2014 Meera Shukla Vs. Municipal Corporation Gorakhpur &amp; Others on dt. 17.12.2018, dt.07.03.2019, dt. 29.04.2019 &amp; dt. 27.09.2019.</li> <li>• In compliance to UPPCB letter dt. 01.10.2019, the B.R.D. Medical College had not submitted the imposed EC. A letter dt 29.09.2020 from UPPCB has already been sent to the District Magistrate Gorakhpur for recovery of Environmental Compensation as per the land-revenue. Copy of the said letter dt 29.09.2020 is attached as <b><u>Annexure-10</u></b></li> </ul>
<p>5. There are a large number of drains going untapped in Ramgarh Taal. The state would do well to plan STPs</p>	<p>The Chief Engineer, UP Jal Nigam, Gorakhpur vide it's report dated: 30.09.2020 has informed that-</p>

<p>for these drains. As an interim measure bioremediation /phytoremediation of all these drains shall be started immediately.</p>	<ul style="list-style-type: none"> <li>• Out of 24 drains, 06 major drains which were falling directly in Ramgarh Tal have been intercepted, diverted and being treated in 02 numbers STPs (15 MLD &amp; 30 MLD Capacity). Rest 18 minor drains are falling directly in Ramgarh Tal. Out of this, 18 minor drains, 07 are falling directly in Ramgarh Tal from it's eastern side having total discharge as 5.463 MLD, which will be taken care under on going project of "Gorakhpur Sewerage Scheme, Zone A-1 Southern Part Under "AMRUT" upto 06/2021.</li> <li>• Remaining 11 minor drains having total discharge (1.357 MLD) falling directly in Ramgarh Tal from it's northern side are proposed to be intercepted, diverted under sent (project (Amounting rupees 34.82 Crore) of "Construction of earthen bund and intercepting sewer line at northern side of Ramgarh Tal from Paidlevgani to RKBK Maruti Showroom" approval of which is awaited from Government of UP. Under this project, discharge of above 11 drains will be treated at 30 MLD existing STP.</li> <li>• Local Jal Nigam Office does not have any experience/expertise of bio-remediation/phyto-remediation hence it will be better that bio-remediation/phyto-remediation of untapped drains falling directly in Ramgarh Tal lake should also be executed by NEERI, Nagpur through RECUS Lucknow as an interim/short term measure. Copy of the said Jal Nigam Report dt; 30.09.2020 is attached as <b><u>Annexure-11</u></b></li> </ul>										
<p>6. As far as polluting industries are concerned, we have been informed by SPCB that production has been stopped in such units, prosecution has been recommended and RC has been issued against all such units. As per SPCB, only such units have been permitted which have deposited the EC and are complying with the norms. SPCB may be directed to continuously monitor such units.</p>	<ul style="list-style-type: none"> <li>• UPPCB is continuously monitoring the industries in the catchment area of Aami River. Status of Compensation imposed and Recovered from the industries in the catchment area of Aami River is as follows:</li> </ul> <table border="1" data-bbox="1306 1094 2362 1409"> <thead> <tr> <th>S. No.</th> <th>Name of the Industry</th> <th>EC Imposed</th> <th>Recovery of EC Amount</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>M/s B. R. D. Medical College &amp; Hospital (Nehru Chikitsalay), Gorakhpur</td> <td>Rs. 4.4115 Crore</td> <td>Nil</td> <td>• UPPCB vide it's letter dated 29.09.2020 has requested the District Magistrate, Gorakhpur for issuing RC to recover the imposed EC as per the land-revenue against the M/s B. R. D. Medical College &amp; Hospital.</td> </tr> </tbody> </table>	S. No.	Name of the Industry	EC Imposed	Recovery of EC Amount	Remarks	1	M/s B. R. D. Medical College & Hospital (Nehru Chikitsalay), Gorakhpur	Rs. 4.4115 Crore	Nil	• UPPCB vide it's letter dated 29.09.2020 has requested the District Magistrate, Gorakhpur for issuing RC to recover the imposed EC as per the land-revenue against the M/s B. R. D. Medical College & Hospital.
S. No.	Name of the Industry	EC Imposed	Recovery of EC Amount	Remarks							
1	M/s B. R. D. Medical College & Hospital (Nehru Chikitsalay), Gorakhpur	Rs. 4.4115 Crore	Nil	• UPPCB vide it's letter dated 29.09.2020 has requested the District Magistrate, Gorakhpur for issuing RC to recover the imposed EC as per the land-revenue against the M/s B. R. D. Medical College & Hospital.							

					Copy of the said letter dt; 29.09.2020 is attached as <b>Annexure-12</b>
4	M/s Bharti Research and Breeding Firm, FL-27, Sector 13, GIDA, Gorakhpur	<b>Rs. 6.1125 Lacs</b>	Nil		<ul style="list-style-type: none"> <li>UPPCB vide its letters dated: 17.12.2019, 19.05.2020 &amp; 14.07.2020 has requested the District Magistrate, Gorakhpur for issuing RC to recover the imposed EC as per the land-revenue against the industry.</li> </ul> <p>Copy of the said letters are attached as <b>Annexure-13</b></p>
5	M/s Mother Shree Dairy, D-1/3D, Sector 13, GIDA, Gorakhpur	<b>Rs. 8.4 Lacs</b>	Nil		<ul style="list-style-type: none"> <li>UPPCB vide its letters dated: 17.12.2019, 19.05.2020 &amp; 14.07.2020 has requested the District Magistrate, Gorakhpur for issuing RC to recover the imposed EC as per the land-revenue against the industry.</li> </ul> <p>Copy of the said letters are attached as <b>Annexure-14</b></p>
6	M/s Alkane Construction Pvt Ltd., FL-1, Sector 13, (i11)A, (h	Rs. 4.25 Lacs	Nil		<ul style="list-style-type: none"> <li>UPPCB vide its different Letter dated: 17.12.2019, 19.05.2020 &amp; 14.07.2020 has requested to District Magistrate, Gorakhpur for issuing RC to recover the imposed EC as per the land-revenue against the industry.</li> </ul> <p>Copy of the said letters are attached as <b>Annexure-15</b></p>
7	M/s Burnet Pharmaceutical Pvt. Ltd., FL-1, Sector 13,	Rs. 12.875 Lacs	Rs. 0.5 Lacs		<ul style="list-style-type: none"> <li>UPPCB vide its different Letter dated: 17.12.2019, 19.05.2020 &amp; 14.07.2020 has requested to District</li> </ul>

		GIDA, Gorakhpur			Magistrate, Gorakhpur for issuing RC to recover the imposed EC as per the land-revenue against the industry. Copy of the said letters are attached as <b>Annexure-16</b>
8	M/s Gorakhnath Agro Industries Pvt. Ltd., FL- 20/27, Sector 13, GIDA, Gorakhpur	Rs. 10.1875 Lacs	Rs. 2.0 Lacs	• UPPCB vide its different Letter dated:17.12.2019, 19.05.2020 & 14.07.2020 has requested to District Magistrate, Gorakhpur for issuing RC to recover the imposed EC as per the land-revenue against the industry. Copy of the said letters are attached as <b>Annexure-17</b>	
9	M/s Royale Savera Foods Pvt. Ltd., FL- 28, Sector 13, GIDA, Gorakhpur	Rs. 6.1125 Lacs	Rs. 6.1125 Lacs	-----	
10	M/s Dr. Sandhu Hatchery, FL- 28, Sector 13, GIDA, Gorakhpur	Rs. 6.1125 Lacs	Rs. 6.1125 Lacs	-----	
11	M/s Bajaj Hindustan Sugar Ltd (Distillery Unit), <u>Rudhauri, Basti</u>	Rs. 1.4280 Crore	Rs. 1.4280 Crore	• UPPCB vide it's letter dated: 16.09.2020 has issued following closure order direction under section 33A of Water (Prevention & Control of Pollution) Act, 1974 against industry :- 1. यह कि उद्योग मेसर्स बजाज हिन्दुस्तान शुगर लि0, (आसवनी इकाई) ग्राम-अठदमा,	



					<p>तहसील-रूघौली, जनपद-बस्ती में उत्पादन कार्य तब तक बन्द किया जाता है जब तक कि उद्योग में स्थापित स्टोरेज लैगून एवं बायो कम्पोस्टिंग यार्ड को पूर्ण रूप से समाप्त/डिस्मेन्टल करने के पश्चात् पुनः उत्पादन बोर्ड से अनुमति प्राप्त न कर ली जाये।</p> <p>2. यह कि स्टोरेज लैगून में भरे हुए स्पेन्टवॉस को भस्मीकरण हेतु मल्टी इफेक्ट इवापोरेटर एवं स्लाप ब्वायलर को संचालित कर उसे शुन्य कर लिया जाये।</p> <ul style="list-style-type: none"> <li>• Aforesaid directions were complied on date 18.09.2020. Copy of said letter dated:18.09.2020 &amp; compliance report are appended as <b>Annexure-18a &amp; 18 b</b></li> </ul>
<p>7. Regarding illegal electric connections given to units operating without consent or digging of tubewells without permission of Central Groundwater Authority, it has been mentioned by SPCB that the consent to establish an industry will be given only after prior groundwater clearance. It is recommended that since it is an interdepartmental matter, specific instructions may be issued to all the departments by Chief Secretary.</p>	<ul style="list-style-type: none"> <li>• A meeting was held under the chairmanship of chief secretary, U.P. Government on 09.07.2020 with the officials of concerned departments of U.P. The concerning portion of minutes are as follows:</li> </ul> <p>प्रदेश में उ०प्र० प्रदूषण नियंत्रण बोर्ड से बिना स्थापनार्थ अनापत्ति प्रमाण पत्र प्राप्त किये रेड एवं ऑरेंज कैटेगरी के प्रदूषणकारी प्रकृति के उद्योगों को विद्युत संयोजन न दिया जाये। उ०प्र० प्रदूषण नियंत्रण बोर्ड से स्थापनार्थ सहमति प्राप्त होने के उपरान्त विद्युत विभाग द्वारा रेड एवं ऑरेंज कैटेगरी उद्योगों को अस्थायी विद्युत संयोजन तत्पश्चात् उद्योगों द्वारा संचालनार्थ सहमति प्राप्त होने के उपरान्त उद्योगों को स्थायी विद्युत संयोजन प्रदान किया जाये। इस हेतु उ०प्र० प्रदूषण नियंत्रण बोर्ड द्वारा प्रदूषणकारी उद्योगों की सूची उर्जा विभाग को उपलब्ध करायी जाये तथा उक्त संबंध में निवेश मित्र पोर्टल पर आवश्यक व्यवस्था सुनिश्चित की जाये। उक्त कार्यवाही बिलम्बतम एक माह में पूर्ण कर ली जाये।</p>				

	<p>In compliance of aforesaid directions, UPPCB vide it's letter dt: 29.07.2020 &amp; dt. 16.09.2020 the list of Red, Orange Category Industry has already been sent to Principal Secretary, Department of Energy, U.P.</p> <p>Copy or the said letter dt: 29.07.2020 &amp; dt. 16.09.2020 are attached as <b><u>Annexure-19a &amp; 19b.</u></b></p>
<p>8. UPPCB has informed that detailed action plans related to polluted river stretches of Ghagra, Rapti, Vanilla, Sai, Saryti, Ami and Tamsa have been prepared and approved by River Rejuvenation Committee. The implementation of these plans by District Environment Committee at District level and River Rejuvenation Committee at the State level may be continuously monitored. The minutes of the State level Committee may be uploaded on the State Environmental Portal and a copy may be made available to this committee.</p>	<p>The meeting minutes of the State Level River Rejuvenation Committee (RRC) held on dt: 26.06.2020 has been uploaded on the State Environmental Portal and a copy of the said minutes is attached as <b><u>Annexure-20.</u></b></p>
<p>9. We have been assured by Additional Chief Secretary (Irrigation) that the joint committee report on wetlands will be passed in the meeting on 15.06.2020 and made available to the committee. This committee would send a supplementary report on that after getting that report and studying it"</p>	<ul style="list-style-type: none"> <li>• Special Secretary, Irrigation and Water Resources Department, UP government vide it's letter dt; 28.09.2020 has directed to concerned department for compliance of Hon'ble NGT order dt; 27.09.2019.</li> </ul> <p>Copy of said the letter dt; 28.09.2020 is attached as <b><u>Annexure-21</u></b></p>
<p>10. Tihura drain needs to be cleaned and obstructions, if any, there to removed.</p>	<ul style="list-style-type: none"> <li>• In compliance of Hon'ble NGT order dated: 24.09.2019, UPPCB vide it's letter dated: 01.01.2020, following directions has been issued to District Magistrate, Ayodhya under section 5 of Environment (Protection) Act, 1986:-</li> </ul> <ol style="list-style-type: none"> <li>1. यह कि तिहूरा नाले में किसानों द्वारा बनाये गये समस्त बंधों को तुरन्त हटा लिया जाये।</li> <li>2. यह कि तिहूरा नाले के किनारे स्थित गांव से वेस्ट वाटर बिना शुद्धिकृत किये तिहूरा नाले में निस्तारित न किया जाये।</li> <li>3. यह कि तिहूरा नाले में एकत्र स्लज को मेसर्स यश पैका लि0, (पूर्व नाम मेसर्स यश पेपर्स लि0) दर्शन नगर अयोध्या के माध्यम से निकालने की व्यवस्था की जाये, जिसे तिहूरा नाले में बिना अवरोध के उद्योग का शुद्धिकृत उत्प्रवाह निस्तारित हो सके।</li> </ol>

	<p><i>Copy of said the directions dt; 01.01.2020 is attached as <b><u>Annexure-22.</u></b></i></p> <ul style="list-style-type: none"><li><i>• The Principal Secretary, Environment, Forest &amp; Climate Change, U.P. Government has also directed the District Magistrate, Ayodhya vide his letter dt. 12.06.2020 to comply with the directions issued by UPPCB under section 5 of Environment (Protection) Act, 1986. Copy of the said letter dt. 12.06.2020 are attached as <b><u>Annexure-23</u></b></i></li><li><i>• District Magistrate, Ayodhya vide his letter dt-20 08-2020 has informed that at present the removal of check dams in Tihura drain is not possible as this matter is covered in Writ. Petition No 4704/2019 (M/B) Dinesh Yadav Vs State of UP which is pending in Hon'ble High Court, Lucknow. Copy of the said letter dated 24-08-2020 is attached as <b><u>Annexure-24</u></b></i></li></ul>
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16. Additional compliance report of the State PCB dated 15.12.2020 is as follows:-

<b>Relevant Point of Order</b>	<b>Compliance Status</b>
<p><i>Regarding illegal electric connections given to units operating without consent to digging of tubewells without permission of Central Ground Water Authority. It has been mentioned by SPCB that the consent to establish an industry will be given only after prior groundwater clearance. It is recommended that since it is an inter-departmental matter, specific instructions may be issued to all the departments by Chief Secretary.</i></p>	<ul style="list-style-type: none"> <li>• <i>In compliance of order passed by the Hon'ble Tribunal and in pursuant to decision taken by the Chief Secretary, Government of Uttar Pradesh Power Corporation Ltd. (UPPCL) vide its order dated 02.11.2020 has made mandatory that the permanent electric connection to the Red and Orange category industries, will be provided only after the valid Consent to Operate under the Air &amp; Water Act are issued from the Uttar Pradesh Pollution Control Board.</i></li> <li>• <i>Central Ground Water Authority (CGWA) has mandated vide its notification dated 24.09.2020 that no new bore well will be allowed without its permission and have laid down the rates of ground water abstractions for various usages. District Magistrates are authorized for imposition of Environmental Compensation in case of default.</i></li> </ul>

17. Report filed on 11.01.2021 by the State PCB relates to Tihura drain concluding that the obstruction of the drain needs to be dealt with by the District Administration.

**18. From the above resume, particularly the report of the Oversight Committee, it is seen that there is large scale non-compliance by the**

**concerned authorities in discharge of their public duties. It is high time that periodically the Chief Secretary personally reviews the matter to ensure compliance of directions of the Hon'ble Supreme Court requiring preventing discharge of untreated sewage and trade effluents, solid waste management and rejuvenation of Ganga. We expect and hope the Chief Secretary UP will now address the issue suitably and take remedial action in the interest of good governance and ethics of administration.**

19. We are also informed that an action plan has already been prepared for remediation of Ami and other rivers in 2019 which is available on the website of the UPPCB. The same has been duly approved by the River Rejuvenation Committee of UP in its meeting held on 17.07.2019. If it is so, the action needs to be taken promptly in accordance with the said plan. The execution of plan may be timebound and supported by the necessary budget. Persons accountable may be specified.

20. We direct acceptance of all the recommendations of the Oversight Committee which may be faithfully implemented. Remedial action be taken inter alia for restoration of the water bodies, abatement of pollution by the industries and the Local Bodies, enforcement of the Solid Waste Management Rules, 2016, removing encroachments, disconnecting electricity connection of illegally operating industries. **This may be overseen by the Chief Secretary, UP by appropriate mechanism, apart from or alongwith the five-Member Committee comprising the Secretaries of Irrigation Department, Urban Development Department, Environment Department, CPCB and the State PCB.** The objections to the Notification with regard to the area of the Wetland Authority may be dealt with by the State Wetland Authority.

21. Apart from above general observations, we may particularly note that even though only 6 out of 24 drains carrying untreated effluent to the River Tapti which meets river Ghagra which in turns goes to River Ganga have been tapped. The remaining 18 drains continue to discharge untreated sewage/effluent in river Rapti. This situation is extremely unsatisfactory. **Only steps mentioned are that CETP is under construction with timeline and there is proposal to set up STP again without any timeline and with no indication as to how continuing crime of pollution affecting the environment and the public health is to be prevented if the State is committed to the rule of law and protection of health of its citizens. Does it mean that crime is to continue? This is also flagrant violation of orders of this Tribunal, including the order relating to rejuvenation of river Ganga (in O.A. No. 200/2014, *M.C. Mehta v. UOI* read with further orders in O.A. No. 593/2017, *Paryavaran Suraksha Samiti & Anr. v. UOI & Ors*, in pursuance of Supreme Court judgement in (2017) 5 SCC 326 and this Tribunal in O.A. No. 673/2018, *News item published in "The Hindu" authored by Shri Jacob Koshy titled "More river stretches are now critically polluted*). The Tribunal has already laid down compensation regime for failure to take remedial action but the same is also not been paid. **If State authorities behave in such irresponsible manner, it is hardly conducive to the rule of law. Thus, the erring officers need to be proceeded against for their failure. Similar action needs to be taken against erring officers for failure to comply with the MSW Rules, 2016 in terms of order of this Tribunal in O.A. No. 606/2018. The action plans required to be prepared by the River Rejuvenation Committee in terms of order passed in O.A. No. 673/2018 need to be duly executed.** We are also informed that an action plan has already been**

prepared for remediation of Ami and other rivers in 2019 which is available on the website of the UPPCB. The same has been duly approved by the River Rejuvenation Committee of UP in the meeting held on 17.07.2019. If it is so, the action needs to be taken promptly in accordance with the said plan. The execution of plan may be timebound and supported by the necessary budget. Persons accountable may be specified. The Oversight Committee may have meeting within one month from today with the River Rejuvenation Committee to be coordinated by UP PCB to take stock of situation on implementation of draft action plan. The Oversight Committee may give report before next hearing particularly on following issues:

- 1) Quantity of sewage being discharged into river Ami, Rapti and Ghagra through drains and time bound implementation for setting up of STPs and coercive action for delay.
- 2) Current water quality of Ami, Rapti and Ghagra and Ramgarh lake.
- 3) The reasons for delay in setting up of CETP and accountability for delay. In absence of CETP, why Member industries are permitted to operate without remedial action under the Water (Prevention and Control of Pollution) Act, 1974?
- 4) Regulatory plan to check encroachment of flood plain of Ami, Rapti and Ghagra.

**22. We direct that the Chief Secretary, UP may in particular oversee the execution of river rejuvenation plans for Rivers Ami, Rapti, Rohani, Saryu and Ghagra wherein the timelines for rejuvenation of different components may be fixed with necessary budgetary support and designating the authorities/officers responsible for it. Such projects cannot be delayed on the pretext of funding by the NMCG in**

**view of the fact that preventing discharge of pollutants in River Ganga or other water bodies a criminal offence under the Water Act and even authorities are liable to be prosecuted for such offences in the light of the judgement of the Hon'ble Supreme Court in *Paryavaran Suraksha v. Union of India*<sup>3</sup>. Compliance of the said judgement is not dependent on funding by the NMCG.**

Further reports may be filed within three months by the Chief Secretary UP and the Oversight Committee e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

A copy of this order be forwarded to the Chief Secretary U.P., Secretaries Irrigation Department, Urban Development Department, Environment Department, U.P., CPCB and State PCB by e-mail for compliance.

List for further consideration on 17.05.2021.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

January 12, 2021  
O.A. No. 116/2014  
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<sup>3</sup> (2017) 5 SCC 326