

Item No. 04

(Court No.1)

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

(By Video Conferencing)

Original Application No. 627/2018  
(I.A. No. 282/2019)

(With report dated 26.08.2021)

Awasiya Jan Kalyan Samiti (Regd.)

Applicant

Versus

State of Haryana

Respondent

Date of hearing: 27.08.2021

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

Respondent(s): Mr. Rahul Khurana, Advocate for HSPCB and MCF  
Mr. Mukesh Kumar, Advocate for CPCB

**ORDER**

1. The issue for consideration is the remedial action for discharge of untreated sewage causing contamination of underground water and adversely affecting the public health in Sector - 48, Faridabad.
2. In the light of the complaint received on the subject, vide order dated 17.09.2018, this Tribunal directed the State PCB to verify the facts and furnish a report. A report of action taken was also sought from the Municipal Corporation Faridabad (MCF).
3. After considering the report dated 13.01.2019, acknowledging that sewer line in Sectors 48 and 49, Faridabad was choked, causing overflow of sewer and no adequate remedial measures had been taken, this

Tribunal directed the State to take preventive and remedial measures and also required the Chief Secretary to furnish an action taken report. The CPCB was directed to constitute a Committee to examine the extent of damage and the manner in which the accountability should be fixed. Pending such assessment, the MCF was required to deposit a sum of Rs. 50 Lakhs by way of interim compensation to meet the cost of restoration of the environment.

4. The matter was thereafter reviewed on 16.05.2019, 14.10.2019 and 02.12.2019 in the light of the status reports filed. The Tribunal noted the repeated failure of the concerned authorities in remedying the damage to the environment being caused by discharge of untreated sewage and directed further remedial action. The Tribunal further directed:

“1to7 xxx

xxx

xxx

8. *Though the status reports mention proposal for the project of laying sewer network and desilting of sewerage network, it is not clear as to where the sludge is being remediated after desilting. Let such information be also given before the next date. Since the plan is part of Yamuna action plan, the timelines laid down in the order dealing with the Yamuna river may be strictly adhered to as already directed.”*

5. The matter was then considered on 22.01.2020 in the light of status report dated 20.01.2020 filed by the MCF which was found to be unsatisfactory. The Tribunal directed further remedial measures as follows:-

*“In pursuance of the above, status report has been filed on 20.01.2020 by the Municipal Corporation Faridabad which shows equal lack of concern on the part of the authorities dealing with the situation. Contrary to the earlier directions, instead of taking immediate action, long term plan is being proposed with no concern for the immediate remedial measures. **No information has been furnished as to how the sludge is being remediated and why immediate steps, atleast by way of phyto-remediation or bio-remediation, are not being initiated. This exposes the Municipal Corporation Faridabad and its officers to liability for action in terms of the prosecution of the Chief Executive Officer and recovery of compensation for the damage, apart***

**from fixing personal responsibility of the erring officers by way of entry in ACRs and recovery from the salaries. Before giving such directions, we give last opportunity to take responsible and tangible action after preparing an appropriate action plan within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). The action may be overseen by the Committee headed by Justice Pritam Pal, former Judge, Punjab & Haryana High Court.”**

6. The matter was last considered on 17.09.2020 in the light of the reports of the MCF. The Tribunal directed the Municipal Corporation to take further steps in the matter. Operative part of the order is reproduced below:-

“1to5.....xxx.....xxx.....xxx

6. Accordingly, the Municipal Corporation Faridabad has filed its reports on 03.01.2020 and 16.09.2020 which mention the steps taken/proposed. Since there is a later report, which supersedes the earlier one, we referred to the report dated 16.09.2020 which is as follows:-

“3. That with respect to issue of remedial action of sludge / silt, it is submitted that the Corporation has requested the Chairman, Central Pollution Control Board, IIT Delhi and the Jamia Millia Islamia University New Delhi to provide technology for scientific disposal of silt / sludge received from the sewerage system and storm water drains. The copy of request letter dated 04.02.2020 sent to the CPCB is annexed as Annexure R/ 1. However, no response has been received from anyone.

4. That with respect to status of phyto-remediation or bio-remediation, it is submitted that NEERI was requested by Municipal Corporation, Faridabad for the purpose of Bio-remediation of drains. For this purpose, samples were taken by NEERI twice from Gaunchhi drain and Bhudiya Nallah. However, no official communication has been received but **it has been intimated by NEERI officers that keeping in view the quantum of waste water and non-availability of additional sufficient space along these drains, Bio-remediation/ Phyto-remediation is not possible for these drains.**

5. That with respect to laying of sewer line for the purpose of covering all of MCF area, for 450 KM length sewerage network was to be laid under C.M. Announcement and AMRUT Scheme. It is humbly submitted that 346 KM of sewer line has been laid but much progress could not be achieved during the lock-down period due to outbreak of novel Corona Virus Pandemic. However, the Corporation have written letters to the Contractors to expedite the progress of work as per the agreement. The copy of letters issued by Corporation to the contractors are annexed as Annexure R/ 2 (Colly).

6. That with respect to the status of STPs in Faridabad, it is humbly submitted that a status report dated 17.02.2020 by the Chief Secretary, Haryana has been filed specifically on this issue in OA No.6/2012 in compliance of order dated 22.01.2020. **Thereafter, after completion of tender process, the letter of acceptance for construction of two nos. STPs of 100 MLD and 80 MLD has been issued to L-1 Agency namely M/s H.N.B. Engineers Pvt. Ltd. on 10.09.2020.**

7. That in compliance of recommendations of Joint Committee, an amount of Rs. 1.65 crores has been deposited with CPCB (Central Pollution Board). The copy of covering letter and the demand draft of Rs. 1.15 Crores is annexed as Annexure R/3.

8. That in compliance of recommendations of Joint Committee, the vacant land in question has been protected from dumping of any waste by putting barbed fencing around it by Haryana Shahari Vikas Pradhikarna (HSVP).”

7. The Committee headed by Justice Pritam Pal has also given its report dated 18.02.2020 which mentions its visit and interaction with the concerned Officers and suggestions for interim and final solution. The final solution suggested is to pump the sewage into the STP.

8. Learned counsel for the Municipal Corporation states that it will take two years for the STP to become operational and that bio-remediation and phyto-remediation is not possible as per opinion of NEERI. However, learned counsel for the CPCB states that there are models which can be considered for bio-remediation/ phyto-remediation and if approached, CPCB can provide information in that regard.”

7. In pursuance of above, action taken report has been filed by the MCF on 26.08.2021 to the effect that the CPCB gave its report titled ‘Alternative Treatment Technologies for Waste Water Treatment in Drains’ but the said technology was not found to be feasible for want of free space alongside the drain. The CPCB has also provided information about the Manual on Sewerage and Sewage Treatment Systems wherein Chapter-6 describes Sludge Treatment Facilities but the action as per the said manual could not be taken. Construction of STP is in progress and part of the work has been done. The same will be completed by 30.11.2022.

8. We note with regret and disappointment the attitude of the MCF flagrantly violating the law of the land. Contamination of water sources

is a punishable offence under the Water (Prevention and Control of Pollution) Act, 1974 for the last 47 years. Under Section 25 of the Act, untreated discharge of sewage any drain is prohibited and is in fact a criminal offence under Sections 42(2) and 44. Section 48 of the Act makes the Head of the Department liable for being punished for such offence. As per directions of the Hon'ble Supreme Court in *Suraksha case*<sup>1</sup> an outer limit of 31.03.2018 is fixed for completing the work of all STPs in the Country for laying down the sources of budget and direction is to initiate prosecution for continued failure. This Tribunal has been directed to monitor compliance. We may refer to the specific directions of the Hon'ble Supreme Court and this Tribunal on the subject:

***Extracts from the judgement of the Hon'ble Supreme Court in Paryavaran Suraksha Samiti Vs. Union of India, supra***

***“7. Having effectuated the directions recorded in the foregoing paragraphs, the next step would be, to set up common effluent treatment plants. We are informed, that for the aforesaid purpose, the financial contribution of the Central Government is to the extent of 50%, that of the State Government concerned (including the Union Territory concerned) is 25%. The balance 25%, is to be arranged by way of loans from banks. The above loans, are to be repaid, by the industrial areas, and/or industrial clusters. We are also informed that the setting up of a common effluent treatment plant, would ordinarily take approximately two years (in cases where the process has yet to be commenced). The reason for the above prolonged period, for setting up “common effluent treatment plants”, according to the learned counsel, is not only financial, but also, the requirement of land acquisition, for the same.***

X.....X.....X.....

***10. Given the responsibility vested in municipalities under Article 243-W of the Constitution, as also, in Item 6 of Schedule XII, wherein the aforesaid obligation, pointedly extends to “public health, sanitation conservancy and solid waste management”, we are of the view that the onus to operate the existing common effluent treatment***

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<sup>1</sup> (2017) 5 SCC 326

**plants, rests on municipalities (and/or local bodies). Given the aforesaid responsibility, the municipalities (and/or local bodies) concerned, cannot be permitted to shy away from discharging this onerous duty. In case there are further financial constraints, the remedy lies in Articles 243-X and 243-Y of the Constitution. It will be open to the municipalities (and/or local bodies) concerned, to evolve norms to recover funds, for the purpose of generating finances to install and run all the “common effluent treatment plants”, within the purview of the provisions referred to hereinabove. Needless to mention that such norms as may be evolved for generating financial resources, may include all or any of the commercial, industrial and domestic beneficiaries, of the facility. The process of evolving the above norms, shall be supervised by the State Government (Union Territory) concerned, through the Secretaries, Urban Development and Local Bodies, respectively (depending on the location of the respective common effluent treatment plant). The norms for generating funds for setting up and/or operating the “common effluent treatment plant” shall be finalised, on or before 31-3-2017, so as to be implemented with effect from the next financial year. In case, such norms are not in place, before the commencement of the next financial year, the State Governments (or the Union Territories) concerned, shall cater to the financial requirements, of running the “common effluent treatment plants”, which are presently dysfunctional, from their own financial resources.**

11. *Just in the manner suggested hereinabove, for the purpose of setting up of “common effluent treatment plants”, the State Governments concerned (including, the Union Territories concerned) will prioritise such cities, towns and villages, which discharge **industrial pollutants and sewer, directly into rivers and water bodies.***
12. *We are of the view that in the manner suggested above, **the malady of sewer treatment, should also be dealt with simultaneously.** We, therefore, hereby direct that “sewage treatment plants” shall also be set up and made functional, within the timelines and the format, expressed hereinabove.*
13. ***We are of the view that mere directions are inconsequential, unless a rigid implementation mechanism is laid down.** We, therefore, hereby provide that the directions pertaining to continuation of industrial activity only when there is in place a functional “primary effluent treatment plants”, and the setting up of functional “common effluent treatment plants” within the timelines, expressed above, shall be of the Member*

Secretaries of the Pollution Control Boards concerned. **The Secretary of the Department of Environment, of the State Government concerned (and the Union Territory concerned), shall be answerable in case of default. The Secretaries to the Government concerned shall be responsible for monitoring the progress and issuing necessary directions to the Pollution Control Board concerned, as may be required, for the implementation of the above directions.** They shall be also responsible for collecting and maintaining records of data, in respect of the directions contained in this order. The said data shall be furnished to the Central Ground Water Authority, which shall evaluate the data and shall furnish the same to the Bench of the jurisdictional **National Green Tribunal.**

14. To supervise complaints of non-implementation of the instant directions, the Benches concerned of the National Green Tribunal, will maintain running and numbered case files, by dividing the jurisdictional area into units. The abovementioned case files will be listed periodically. **The Pollution Control Board concerned is also hereby directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters.**

X.....X.....X.....

16. It however needs to be clarified, that the instant directions and time lines, shall not in any way dilute any time lines and directions issued by Courts or Benches of the National Green Tribunal, hitherto before, wherein the postulated time lines would expire before the ones expressed through the directions recorded above. **It is clarified, that the time lines, expressed hereinabove will be relevant, only in situations where there are no prevalent time line(s), and also, where a longer period, has been provided for.”**

**(emphasis supplied)**

**Extracts from orders of this Tribunal in OA 593/2017 :  
Order dated 21.05.2020**

26. Summary of directions:
- i. All States/UTs through their concerned departments such as Urban/Rural Development, Irrigation & Public Health, Local Bodies, Environment, etc. may ensure formulation and execution of plans for sewage treatment and utilization of treated sewage effluent with respect to each city, town and village, adhering to the timeline as directed by Hon'ble Supreme Court. STPs must meet the prescribed standards, including faecal coliform.

CPCB may further continue efforts on compilation of River Basin-wise data. Action plans be firmed up with

*Budgets/Financial tie up. Such plans be overseen by Chief Secretary and forwarded to CPCB before 30.6.2020. CPCB may consolidate all action plans and file a report accordingly.*

*Ministry of Jal Shakti and Ministry of Housing and Urban Affairs may facilitate States/UTs for ensuring that water quality of rivers, lakes, water bodies and ground water is maintained.*

***As observed in para 13 above, 100% treatment of sewage/effluent must be ensured and strict coercive action taken for any violation to enforce rule of law. Any party is free to move the Hon'ble Supreme Court for continued violation of its order after the deadline of 31.3.2018. This order is without prejudice to the said remedy as direction of the Hon'ble Supreme Court cannot be diluted or relaxed by this Tribunal in the course of execution. PCBs/PCCs are free to realise compensation for violations but from 1.7.2020, such compensation must be realised as per direction of this Tribunal failing which the erring State PCBs/PCCs will be accountable."***

#### **Order dated 21.09.2020**

*"11. The Tribunal has already issued directions vide orders dated 28.08.2019 and 21.05.2020 for ensuring that no untreated sewage/effluent is discharged into any water body and for any violation compensation is to be assessed and recovered by the CPCB so that the same can be utilized for restoration of the environment, complying with the principle of 'Polluter Pays' which has been held to be part of 'Sustainable Development' and part of right to life. Control of such pollution is crucial for environment, aquatic life, food safety and also human health. .."*

#### **From OA 673/2018**

Order dated 6.12.19:

6. The Hon'ble Supreme Court noticed the level of degradation of rivers in India and apathy of the authorities as follows:

***"58. Rivers in India are drying up, groundwater is being rapidly depleted, and canals are polluted. Yamuna in Delhi looks like a black drain. Several perennial rivers like Ganga and Brahmaputra are rapidly becoming seasonal. Rivers are dying or declining, and aquifers are getting over pumped. Industries, hotels, etc. are pumping out groundwater at an alarming rate, causing sharp decline in the groundwater levels. Farmers are having a hard time finding groundwater for their crops e.g. in Punjab. In many places there are serpentine queues of exhausted housewives waiting for hours to fill their buckets of water. In this connection John Briscoe has***

**authored a detailed World Bank Report, in which he has mentioned that despite this alarming situation there is widespread complacency on the part of the authorities in India.<sup>2</sup>**

**“4. We see Yamuna river virtually turned into a sullage. We take judicial notice of this situation. Similar is the position with Ganges. As it proceeds, industrial effluents are being poured in rivers. Sewage is also being directly put in rivers contributing to the river water pollution. We direct the Pollution Control Boards of the various States as well as the Central Pollution Control Board and various Governments to place before us the data and material with respect to various rivers in the concerned States, and what steps they are taking to curb the pollution in such rivers and to management as to industrial effluents, sewage, garbage, waste and air pollution, including the water management. We club the ending case of water management with this matter.<sup>3</sup>**

XXX.....XXX.....XXX

11. In spite of above, in flagrant violation of law of the land, polluted water in the form of sewage, industrial effluents or otherwise has continued to be discharged in the water bodies including the rivers or the canals meeting the rivers. Violation of law is not only by private citizens but also statutory bodies including the local bodies and also failure of the regulatory authorities in taking adequate steps. There is no corresponding coercive action posing danger to rule of law when large scale violation of law is not being remedied. This leads to lawlessness.

12. It will be appropriate to note the crisis situation in the country on the subject of availability of potable water. The matter has been considered in the report of Niti Aayog on Composite Water Management Index (CWMI).<sup>4</sup> Following further information also needs to be noted:

- (i) India is suffering from the worst water crisis in its history and millions of lives and livelihoods are under threat. Currently, 600 million Indians face high to extreme water stress and about two lakh people die every year due to inadequate access to safe water<sup>5</sup>. The crisis is only going to get worse. By 2030, the country’s water demand is projected to be twice the available supply, implying severe water scarcity for hundreds of millions of people and an eventual ~6% loss in the country’s GDP<sup>6</sup>. As per the report of National Commission for Integrated Water Resource Development of MoWR, the water requirement by 2050 in high use scenario is likely to be a milder 1,180 BCM, whereas the present-day availability is 695BCM. The total

<sup>2</sup> State of Orissa v. Govt. of India, (2009) 5 SCC 492

<sup>3</sup> M.C. Mehta Vs Union of India- W.P. (Civil) No. 13029/1985 dated 25.11.2019

<sup>4</sup> Niti Ayog on “Composite Water Management Index”, June 2018, [https://niti.gov.in/writereaddata/files/document\\_publication/2018-05-18-Water-Index-Report\\_vS8-compressed.pdf](https://niti.gov.in/writereaddata/files/document_publication/2018-05-18-Water-Index-Report_vS8-compressed.pdf).

<sup>5</sup>Source: WRI Aqueduct; WHO Global Health Observatory

<sup>6</sup>Source: McKinsey & WRG, ‘Charting our water future’, 2009; World Bank; Times of India

*availability of water possible in country is still lower than this projected demand, at 1,137BCM. Thus, there is an imminent need to deepen our understanding of our water resources and usage and put in place interventions that make our water use efficient and sustainable.*

- (ii) India is undergoing the worst water crisis in its history. Already, more than 600 million people<sup>7</sup> are facing acute water shortages. Critical groundwater resources – which account for 40% of our water supply – are being depleted at unsustainable rates.<sup>8</sup>*
- (iii) Most states have achieved less than 50% of the total score in the augmentation of groundwater resources, highlighting the growing national crisis—54% of India’s groundwater wells are declining, and 21 major cities are expected to run out of groundwater as soon as 2020, affecting ~100 million people<sup>9</sup>.*
- (iv) With nearly 70% of water being contaminated, India is placed at 120th amongst 122 countries in the water quality index.*

*13. As per statistics mentioned before the Lok Sabha on April 6, 2018, waterborne diseases such as cholera, acute diarrhoeal diseases, typhoid and viral hepatitis continue to be prevalent in India and have caused 10,738 deaths, over the last five years since 2017. Of this, acute diarrhoeal diseases caused maximum deaths followed by viral hepatitis, typhoid and cholera.<sup>10</sup>*

*14. As per ‘National Health Profile’ published by Central Bureau of Health Investigation, Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India, a total of 1535 Deaths due to Acute Diarrhoeal Diseases was reported during the year 2013.<sup>11</sup>*

### **Main Causes of Pollution of Rivers**

*15. As already noted, well known causes of pollution of rivers are dumping of untreated sewage and industrial waste, garbage, plastic waste, e-waste, bio-medical waste, municipal solid waste, diversion of river waters for various purposes affecting e-flow, encroachment of catchment areas and floodplains, over drawl of groundwater, river bank erosion on account of illegal sand mining. In spite of directions to install Effluent Treatment Plants (ETPs), Common Effluent Treatment Plants (CETPs), Sewage Treatment Plants (STPs), and adopting other anti-pollution measures, satisfactory situation has not been achieved. As per CPCB’s report 2016<sup>12</sup>, it has been estimated that 61,948 million liters per day (mld) sewage is generated from the urban areas of which treatment capacity of 23,277 mld is currently existent in India. Thereby the deficit in capacity of waste treatment is of 62%. There is no data available with regard to generation of sewage in the rural areas.*

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<sup>7</sup> Source: World Resource Institute

<sup>8</sup> Source: World Resource Institute

<sup>9</sup> Source: UN Water, ‘Managing water under uncertainty and risk’, 2010; World Bank (Hindustan Times, The Hindu).

<sup>10</sup> <https://www.indiaspend.com/diarrhoea-took-more-lives-than-any-other-water-borne-disease-in-india-58143/>

<sup>11</sup> <http://pib.nic.in/newsite/PrintRelease.aspx?relid=106612>

<sup>12</sup> [http://www.sulabhenvi.nic.in/Database/STST\\_wastewater\\_2090.aspx](http://www.sulabhenvi.nic.in/Database/STST_wastewater_2090.aspx) July 16, updated on December 6, 2016

xxx.....xxx.....xxx

33. We may note the observations of the Hon’ble Supreme Court:

**“26.** Enactment of a law, but tolerating its infringement, is worse than not enacting a law at all. The continued infringement of law, over a period of time, is made possible by adoption of such means which are best known to the violators of law. Continued tolerance of such violations of law not only renders legal provisions nugatory but such tolerance by the enforcement authorities encourages lawlessness and adoption of means which cannot, or ought not to, be tolerated in any civilized society. Law should not only be meant for the law-abiding but is meant to be obeyed by all for whom it has been enacted. A law is usually enacted because the legislature feels that it is necessary. It is with a view to protect and preserve the environment and save it for the future generations and to ensure good quality of life that Parliament enacted the anti-pollution laws, namely, the Water Act, Air Act and the Environment (Protection) Act, 1986. These Acts and Rules framed and notification issued thereunder contain provisions which prohibit and/or regulate certain activities with a view to protect and preserve the environment. When a law is enacted containing some provisions which prohibit certain types of activities, then, it is of utmost importance that such legal provisions are effectively enforced. If a law is enacted but is not being voluntarily obeyed, then, it has to be enforced. Otherwise, infringement of law, which is actively or passively condoned for personal gain, will be encouraged which will in turn lead to a lawless society. Violation of anti-pollution laws not only adversely affects the existing quality of life but the non-enforcement of the legal provisions often results in ecological imbalance and degradation of environment, the adverse effect of which will have to be borne by the future generations.<sup>13</sup>

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**“61.** ..... If the laws are not enforced and the orders of the courts to enforce and implement the laws are ignored, the result can only be total lawlessness. It is, therefore, necessary to also identify and take appropriate action against officers responsible for this state of affairs. Such blatant misuse of properties at large-scale cannot take place without connivance of the officers concerned. It is also a source of corruption. Therefore, action is also necessary to check corruption, nepotism and total apathy towards the rights of the citizens.”<sup>14</sup>

xxx.....xxx.....xxx

35. Vide order dated 22.08.2019 in Original Application 200/2014, dealing with the pollution of river Ganga, the Tribunal issued

<sup>13</sup> INDIAN COUNCIL FOR ENVIRO-LEGAL ACTION Vs. UNION OF INDIA AND OTHERS (1996) 5 SCC 281

<sup>14</sup> M.C. Mehta v. Union of India, (2006) 3 SCC 399 – Public functionaries

directions and laid down coercive measures to be taken for discharge of untreated sewage in river Ganga:-

“16. xxx.....xxx.....xxx

17. **Wherever the work has not commenced, it is necessary that no untreated sewage is discharged into the River Ganga. Bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.11.2019, failing which the State may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB. This however, is not to be taken as an excuse to delay the installation of STPs. For delay of the work, the Chief Secretary must identify the officers responsible and assign specific responsibilities. Wherever there are violations, adverse entries in the ACRs must be made in respect of such identified officers. For delay in setting up of STPs and sewerage network beyond prescribed timelines, State may be liable to pay Rs. 10 Lakhs per month per STP and its network. It will be open to the State to recover the said amount from the erring officers/contractors.**

36. *Vide order dated 28.08.2019, the Tribunal held:-*

“15. xxx.....xxx.....xxx

“16. xxx.....xxx.....xxx

**17. As already noted, prevention of pollution of water is directly linked to access to potable water as well as food safety. Restoration of pristine glory of rivers is also of cultural and ecological significance. This necessitates effective steps to ensure that no pollution is discharged in water bodies. Doing so is a criminal offence under the Water Act and is harmful to the environment and public health. ‘Precautionary’ principle of environmental law is to be enforced. Thus, the mandate of law is that there must be 100% treatment of sewage as well as trade effluents. This Tribunal has already directed in the case of river Ganga that timelines laid down therein be adhered to for setting up of STPs and till then, interim measures be taken for treatment of sewage. There is no reason why this direction be not followed, so as to control pollution of all the river stretches in the country. The issue of ETPs/CETPs is being dealt with by an appropriate action against polluting industries. Setting up of STPs and MSW facilities is the responsibility of Local Bodies and in case of their default, of the States. Their failure on the subject has to be adequately monitored. Recovery of compensation on ‘Polluter Pays’ principle is a part of enforcement strategy but not a substitute for compliance. It is thus**

***necessary to issue directions to all the States/UTs to enforce the compensation regime, latest with effect from 01.04.2020. We may not be taken to be condoning any past violations. The States/UTs have to enforce recovery of compensation from 01.04.2020 from the defaulting local bodies. On failure of the States/UTs, the States/UTs themselves have to pay the requisite amount of compensation to be deposited with the CPCB for restoration of environment. The Chief Secretaries of all the States may furnish their respective compliance reports as per directions already issued in O.A. No. 606/2018.”***

9. In view of above, the stand of the MCF is unfortunate and shows lack of sensitivity to public duties and respect for binding law and orders of the Hon'ble Supreme Court and this Tribunal continuing to commit crime under the Law, resulting in denial of right of the citizens to clean environment and also potential for damage to public health on account of Vector-Borne Diseases. Such diseases resulting in deaths and injuries. Water pollution also resulting in depriving living creatures of source of drinking water.

10. In view of the above, we direct Chief Secretary, Haryana to look into the matter and take remedial action against erring officers for continuously committing the violation of law and binding orders of the Hon'ble Supreme Court and this Tribunal which is also punishable crime and ensure that till November, 2022 when STP is expected to be operational, no untreated sewage is discharged in any drain or otherwise in violation of law of the land and judgment of the Hon'ble Supreme Court. The Chief Secretary may also ensure that a copy of this order is kept in ACR Folders and Personal files of the concerned erring officers. This order is without prejudice to prosecution of the concerned Officers for past and for continuing violation of the statutory provisions and orders of the Hon'ble Supreme Court and this Tribunal.

The application is disposed of.

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

In view of order in the main matter, I.A. No. 282/2019 also stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

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A