

Item No. 04

Court No. 1

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

Original Application No. 170/2021

Noorul Sehar Lari

Applicant(s)

Versus

State of U. P. & Ors.

Respondent(s)

Date of hearing: 15.09.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Appellant(s): Mr. Ankit Chaudhary, Adv. for Applicant

Respondent(s): Ms. Garima Prasadh, AAG with Ms. Priyanka Swami, Adv. for the State of Uttar Pradesh
Mr. Amrit Abhijat, Principal Secretary, UD, State of Uttar Pradesh (Through VC)
Mr. Akhand Pratap Singh, DM Deoria (Through VC)
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)

ORDER

1. Grievance raised in this original application is against discharge of untreated sewage of the Municipal Council Lar, District Deoria, UP in open land having khasra no. 1712 with the area of 0.1980 hectares in violation of the judgement of the Hon'ble Supreme Court in *Paryavaran Surakhsa Samiti & Anr v. Union of India & Ors.*

2. Tribunal had earlier directed constitution/reconstitution of the Joint Inspection Committee and had noted the violations and finally by the order dated 09.02.2023 had given opportunity to the concerned authorities to comply with the earlier directions by making it clear that if failure continues, stringent coercive measures may be adopted.

3. A fresh report has been filed mentioning that all the relevant directions have been complied with. The compliance report in the Chart form is as under:-

S. No.	DIRECTION/ORDER	COMPLIANCE/ ACTION PLAN Dated 23.03.2023	TIMELINE/COMPLIED
1.	<p>Discharge of untreated sewage at lar, district deoria, UP on open land having Khasra No.1712 with area of 0.1980 hectares. The Municipal Council has failed to perform its obligation of managing the sewage and public hygiene as required Article 243W read with 12th Schedule, to enforce fundamental right to clean environment and to prevent pollution as required under the water (Prevention and Control of Pollution) Act, 1974 and the judgement of the Hon'ble Supreme Court in Prayavaran Suraksha case 1 and order of this tribunal inter- alia in O.A No.593/2017, Prayavaran Suraksha Samiti & Anr. V. UOI & ors.</p>	<p>The Nagar Panchayat's drain passes through the side of gata number 1712 in question. Earlier, due to the raw form of the drain, the water of the drain was spreading and going to Gata number 1712. At present drains has been converted into concrete form, and the flow of the drain is completely closed in the complainant's land Gata number 1712.</p> <p>The storm water drains is cleaned on regular basis and the waste water is temporarily treated by the process of Bio-Remediation.</p>	<p>By 15th November, 2022, all the drains were converted into concrete form. Hence, Complied.</p>
2.	<p>The compliance status and to recommend a model which may be helpful to tackle such problem at small places.</p> <p>Report dated 11.03.2022 filed by the reconstituted Committee was then considered and it was found that bioremediation process which had been adopted was not effective on the ground as harmful components remained untreated.</p> <p>Result was that untreated sewage was going to the drains to the detriment of environment and public health in violation of judgement of the Hon'ble S</p>	<p>By installing mesh in the drain, solid waste flow is halted. For the Preliminary purification of drain water, bleaching powder is employed.</p> <p>All of the smaller drains identified in the drain in question are also undergoing this treatment.</p> <p>The drain water being treated by bioremediation and phytoremediation processes. In which Bioenzyme (liquid bacterial culture) is being used. Water is also being used in for Horticulture purpose.</p> <p>Two small oxidation ponds have also been constructed for the treatment of drain water, in which the size</p>	<p>Since 19th September, 2021, the solid waste was stopped by taking immediate action against the action against the flow of solids in drain. Hence, Complied.</p> <p>The bioremediation process in the plant process in the plant was started in September, 2019 and since then it is functional till date. Hence, Complied.</p> <p>The Photographs of the same is annexed as ANNEXURE-1 Waste stabilization pond were fully operational by 15th March, 2023. Hence, Complied.</p>

	<p>of one pond is 1 m long, 1 m wide and 3 m deep and the size of the second pond is 1 m long, 1 m wide and 2 m wide deep. The treated water passing through the oxidation pond is being dropped in Gata number 2008 (area 28 decimals) of the Nagar Panchayat by making chambers at various places through hum pipes.</p> <p>Plot Number 2008 has been given the form of a Waste Stabilization Pond. Thick layer Polythene (HDPE Pond Liner) has been used in the bottom of the pond, so that underground water pollution can be prevented by avoinging any seepage resulting in ground water contamination. It is to be informed that in the order passed by Hon'ble N.G.T. dated 05.04.2022, West Stabilization Pond has been mentioned as a suggestion of the Oversight Committee and the following description is given in relation to Waste Stabilization Ponds. Waste Stabilization Ponds (WSPs) are large, manmade water bodies in which black water, greywater or fecal sludge are treated by natural processes under the influence of sunlight, wind, microorganisms and algae. Such ponds can be used individually, or linked in a series for improved treatment.</p> <p>There are three types of ponds,(a) anaerobic, (b) facultative and (c) aerobic (maturation), each with different treatment and design characteristics. WSPs</p>	<p>Regular Distinfectant Fogging id being done to prevent the mosquito breeding by the Nagar Palika Parishad</p>
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		<p>are noted with their low Operation and Maintenance cost and high removal of BOD and pathogens. However, large surface areas and proper designs are a prerequisite.</p> <p>This pond has also been bounded with cemented pillars and iron wire. Along with this, Eucalyptus saplings have also been planted on the banks of the pond. Apart from the Eucalyptus tree, a plant named Canindica has also been planted, which helps in water purification.</p>	
3.	<p>The matter was last considered on 10.10.2022 in the light of reports of Nagar Panchayat, Lar (on 15.09.2022) and by the Principal Secretary, Urban Development, UP (on 08.10.2022) noting that violations were still continuing and no action was taken. The Tribunal required compensation to be levied at the rate of Rs. 2 Crores per MLD for discharge of untreated sewage apart from preventing discharge of such sewage in drains. It was directed that sewage be suitable treated for secondary purpose such as irrigation on modals being execution elsewhere.</p>	<p>Improvement in water quality is being shown by bioremediation and phytoremediation. According to the latest test report, COD is 112 mg/l and BOD is 23 mg/l as per latest report dated 06.07.2023 by UPPCB, Lucknow. Similarly TSS level 72 has been obtained. Committee constituted in respect of order dated 10.10.2022 passed by Hon'ble National Green Tribunal. True Copy of the Latest Test Report is annexed as ANNEXURE - 2.</p> <p>In compliance with the minutes of the meeting dated 20.06.2023, The meeting was chaired Principle Secretary, Urban Development, MD, Jal Nigam, State Mission Director, DM, Deoria, EO, Nagar Panchayat, Lar in district Deoria. The minutes of the meeting is annexed as ANNEXURE - 3.</p> <p>Measures to be taken to prevent untreated</p>	<p>That the Regional Officer deputy (RO, UPPCB Lucknow) to have on - site inspection, where the regional Officer has collected the water sample from the oxidation plant for further inspection which is done by Nagar Panchayat Lar. The same is marked as annexure 2 report dated 06.07.2023.</p>

		<p>sewage from falling into drains, etc. By collecting the treated water in this way in the Two Separate Waste Stabilization Pond, which is being used for horticulture and agricultural irrigation. A True Copy of photograph of Local Farmer using treated water for horticulture purposes is annexed as ANNEXURE-4.</p> <p>There is an action plan to be done in agriculture irrigation works</p>	
4.	<p>Apart from the steps already taken and mentioned in the ATR dated: 15.09.2022, the Nagar Panchayat was directed to open Ring Fenced Account. In which the amount release under the City sanitation action plan for Nagar Panchayat Lar, Deoria and other funds as required can be kept. In compliance of which account number 4154 8430616 ,with IFSC – SBIN0011162 has been open in the State Bank of India branch -Lar</p>	<p>On the recommendations of District Magistrate Deoria, it has been directed to open Ring Fenced Account. In which the amount released under City Sanitation Action Plan for Nagar Panchayat Lar Deoria and other funds can be kept as necessary. In compliance of which State Bank of India Branch in Lar Account No.41548430616 (IFS Code - SBIN0011162) has been opened. True Copy of the same is annexed as ANNEXURE - 5</p>	<p>In compliance with the decision passed in the other nagar panchayat, Rs. 7.40 crores released under the City Sanction Plan for the construction work of STP in Lar district, deoria, to the state bank of india branch, lar district deoria in the name of district magistrate, ring fenced account, (account number - 41548430616), which been received. Hence, Complied. The true copy of Bank Statement Dated April 15, 2023 in which amount of Rs. 740 Crore is showm is already marked as ANNEXURE 5</p>
5.	<p>The above shows that no efforts has been made by the Nagar Panchayat, DM or the ACS to execute remedial action in a time-bound manner. Instead, patently in advisable steps like transportation of vehicle septics to Deoria at distance of 40 km are proposed. Better option could be constructing FSTP at Panchayat level. Other, unnecessarily expenditure is being incurred on bioremediation of grey water and disinfection with</p>	<p>There is no sewer line in Nagar Panchayat Lar, at present water under SBM 02.0 an action plan has been prepared for the construction of STP by Municipal Corporation. An action plan has been prepared for the construction, and approval has also been obtained from the State Level Technical Committee and the High Level Committee. DPR has been prepared from</p>	<p>The approval was taken in the month of October from the State Level Technical Committee and the High Level Committee. As per the minutes stated 20.06.2013.4 Dr. Virendra Kumar Soni, Mission Director Central Pollution Control Board suggested to the board that area there is no requirement for STP Plant to be established for such a small</p>

	<p><i>bleaching powder even when reportedly no sewage is entering in the drain.</i></p>	<p><i>executive Engineer jal Nigam (urban) and sent to higher level. Dhanvandan is expected for further action in this regard. FSTP established by Nagar Palika Parishad devriya located 40 km away from Nagar Panchayat Lar. In Nagar Panchayat, for the disposal of fecal sludge emitted within the boundaries, an agreement has been formed with the Municipal Council, Deoria that the disposal of fecal sludge will be done according to the rules by depositing the prescribed fee. It is pertinent to mention here that as per the latest M.A No. 356 of 2023 order passed by the Hon'ble Supreme Court order dated 20.03.23 in Paryavaran Suraksha Samiti & Anr v. UOI & Ors, WP (C) No. 375 of 2012, the court has extended the timelines for establishing the STPs plant in various parts of the Uttar Pradesh and has powered the tribunal to extend time on basis of evaluating the upgradation and maintenance as per the requirement for attending all other issues and problems.</i></p>	<p><i>populated area which is around 28,360. The method of bio remediation and phytoremediation presently being adapted by the Nagar Panchayat Lar for the treatment of waste water needs an upgradation. The copy of minutes of the meeting dated 26.06.2023 is already marked as annexure 3. It is respectfully submitted that it is important to know that the capacity under the cluster approach will be considered provided the distance is up to 50 km from the city limit, according to the official Swachh Bharat Mission 2023 guidelines at point number 3.2 on page number 62. True copy of this swachh Bharat mission 2023 guidelines is annexed as ANNEXURE 6. That it is respectfully submitted that under the swachh Bharat mission (Urban) 1.0 within the jurisdiction of Nagar Panchayat Lar, 1047 personal toilets have been newly constructed. In addition under the PM Awas Yojana 1200 families have been benefited with newly constructed house attached toilets.</i></p>
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4. It has been suggested to the Principal Secretary, UD, State of Uttar Pradesh to explore the possibility of setting up four waste stabilization ponds instead of existing two ponds. It is also noticed that in the report parameters of fecal coliform though within the limits but are on the higher range, therefore, it is required to be controlled. Hence,

these two issues require further consideration at the end of the Lar Nagar Panchayat.

5. Hence, at this stage, we dispose of this original application with the direction to Nagar Panchayat Lar to examine the above two issues that is (i) carry out the samples analysis after three months especially in respect of compliance to fecal coliform norms (ii) operationalization of sewage treatment system and submit a report before the Registrar General of the Tribunal by 22.12.2023 and if found necessary, the Registrar General will list matter for consideration of the Tribunal.

6. The original application is accordingly disposed of.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

September 15, 2023
Original Application No. 170/2021
JG