

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

**Original Application No. 200/2014  
(C.W.P. No. 3727/1985)**

**And**

**Original Application No. 501 of 2014  
(M.A. No. 404 of 2015)**

**And**

**Original Application No. 146 of 2015**

**And**

**Appeal No. 63 of 2015**

**And**

**Original Application No. 127 of 2017**

**And**

**Original Application No. 133/2017  
(W.P. (C) No. 200/2013)**

**IN THE MATTER OF : -**

**M.C. Mehta Vs. Union of India & Ors.**

**And**

**Anil Kumar Singhal Vs. Union of India & Ors.**

**And**

**Society for Protection of Environment & Biodiversity & Anr.**

**Vs.**

**Union of India & Ors.**

**And**

**Confederation of Delhi Industries & CETP Societies  
(An Organisation of CETP Societies)**

**Vs.**

**D.P.C.C. & Ors.**

**And**

**J.K. Srivastava Vs. Central Pollution Control Board & Ors.**

**And**

**Swami Gyan Swarop Sanand Vs. Ministry of Home Affairs & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present Applicant :

Respondents

Mr. Pradeep Misra and Mr. Daleep Dhayani, Advs. for UPPCB

Mr. B.V. Niren, Adv. for CGSC and Central Ground Water Authority with Mr. Vinayak Gupta, Adv.

Ms. Priyanka Sinha, Adv. for State of Jharkhand

Mr. Amit agarwal, and Ms. Asha Basu, Advs. for State of West Bengal

Mr. Gautam Singh and Mr. Rudreshwar Singh, Advs. for State of Bihar and BSPCB

Mr. Krishna Kumar Singh, Adv.

Ms. Divya Prakash Pande, adv. for Ministry of Environment, Forest and Climate Change

Present in the Meeting held at Conference Hall,  
NGT:-

: Mr. Sanjeev Saran, Chairman & Principal Secretary,  
Uttar Pradesh Pollution Control Board & Secretary  
(Environment), Uttar Pradesh

: Mr. Rajni Ranjan Rashmi, Special Secretary, MoEF &  
CC

- : Mr. S.P.S. Parihar, Chairman, Central Pollution Control Board, New Delhi
- : Mr. S.C. Yadav, Member Secretary, Uttar Pradesh Pollution Control Board
- : Dr. A.B. Akolkar, Member Secretary, Central Pollution Control Board
- : Mr. Kumar Kamlesh, Principal Secretary, Urban Development, Uttar Pradesh
- : Mr. Amit Kumar Ghosh, Managing Director, UPSIDC, Kanpur, Uttar Pradesh
- : Mr. Y.K. Jain, Managing Director, Uttar Pradesh Jal Nigam, Uttar Pradesh
- : Mr. Ashish Tiwari, Special Secretary (Environment), Uttar Pradesh
- : Dr. Manoranjan Hota, Advisor, MoEF & CC
- : Mr. D.P. Mathuria, Executive Director, National Mission for Clean Ganga, New Delhi
- : Mr. T.U. Khan, Environment Engineer (In-Charge Circle-2), Uttar Pradesh
- : Mr. U.P. Singh, Municipal Commissioner, Kanpur Nagar Nigam
- : Mr. R.P.S. Saluja, General Manager, Uttar Pradesh Jal Sansthan, Kanpur, Uttar Pradesh
- : Mr. Raghuvir Sharan, Superintending Engg., Ganga Beraj, Kanpur, Uttar Pradesh (Irrigation Department)
- : Mr. Zia-Ul-Hasan, Superintending Engg., Ganga Canal, Meerut Uttar Pradesh (Irrigation Department)
- : Mr. Ishwar Singh, National Mission for Clean Ganga
- : Mr. A.K. Gupta, CE (Ganga), Uttar Pradesh Jal Nigam, Lucknow
- : Mr. Anil Kumar, DC, Kanpur
- : Mr. N.K. Adarsh, EE, UPSIDC, G.B. Nagar
- : Mr. R.K. Singh, EE, Kanpur Municipal Corporation
- : Mr. Ramesh Chandra, Junior Engineer, Jalkal Distribution, Kanpur
- : Mr. Sanjay Gupta, P.M., Uttar Pradesh Jal Nigam
- : Ms. Panchajanya Batra Singh, Adv. For MoEF
- : Mr. Abhishek Yadav, Adv. For State of Uttar Pradesh
- : Mr. Daleep Dhyani, Adv. For Uttar Pradesh Pollution Control Board
- : Mr. Ravi P. Mehrotra, Adv. for Uttar Pradesh State Industrial Dev. Corpn. (UPSIDC)
- : Mr. M.K. Biswas, Senior Env. Engineer, Central Pollution Control Board

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item No. 23 to 28</b> <b>April 11, 2017</b> <b>ss</b>	<p>In furtherance to our order dated 30<sup>th</sup> March, 2017, senior officers from the Ministries, State of Uttar Pradesh and other stakeholders including Central Pollution Control Board are present.</p>

	<p><b>Item No. 23 to 28</b></p> <p><b>April 11, 2017</b></p> <p><b>ss</b></p>	<p>The stand of each of the stakeholder has been considered in the meeting and recorded upon their confirmation, which are as follows:-</p> <ol style="list-style-type: none"> <li>1. The Additional Chief Secretary, (Environment &amp; Forest) has stated that Uttar Pradesh Government has taken a policy decision for making all possible efforts to clean and rejuvenate river Ganga.</li> <li>2. As far as Segment-B is concerned, the Government is quite clear that all the sources which pollute river Ganga should be treated on the basis of definite data and information.</li> <li>3. The Government of Uttar Pradesh has, in principle, taken up decision to shift the tannery industries from Jajmau and the place to which they are to be shifted is under effective consideration. It would be identified shortly. However, the Government is also open to the idea that appropriate anti-pollution devices including Chromium Recovery Plant and Common Effluent Treatment Plant may be provided at the existing site and if the outlet provides the effluent as per the declared parameters then the water could be recycled.</li> <li>4. The Executing Agency would be the Uttar Pradesh Jal Nigam, except for the projects which are taken on Hybrid Annuity Mode.</li> <li>5. The State of Uttar Pradesh would have no objection in providing the Sanitary Landfill Site beyond 500 meters from the flood plain of the river. There</li> </ol>
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	<p><b>Item No. 23 to 28</b></p> <p><b>April 11, 2017</b></p> <p><b>ss</b></p>	<p>should be complete restriction on any kind of waste being dumped into the river.</p> <p>6. The State of Uttar Pradesh will provide complete and correct with regard to the following, on the next date of hearing i.e. 17<sup>th</sup> April, 2017:-</p> <p>i. What should be the minimum environmental flow of river Ganga in Segment-B.</p> <p>ii. Whether there is excessive extraction of groundwater in this section and/or whether the water being diverted into the various Ganga Canals should be regulated so as to help maintenance of minimum flow of the river.</p> <p>7. It is undisputable that two major problems are causing pollution, excessive extraction of water on the one hand while on the other high pollutants are being put into the river. Unless both are controlled, it will be difficult to restore the river to its original pristine.</p> <p>8. The State of Uttar Pradesh has preference for cleaning river Ganga.</p> <p>9. The Special Secretary on behalf of MoEF &amp; CC stated that the Ministry would give all help and assistance to the State Government for the purposes of ensuring the treatment of the effluent, being discharged by Tannery industries into river Ganga.</p> <p>10. The Solid Waste Management Rule, 2016 make it</p>
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	<p><b>Item No. 23 to 28</b></p> <p><b>April 11, 2017</b></p> <p><b>ss</b></p>	<p>clear, and in fact it is a clear stand of MoEF &amp; CC that the waste, in any form, cannot be permitted to be dumped in any form in river Ganga and there will not be any Sanitary Landfill site within the flood plain.</p> <p>11. As far as the minimum environmental flow of the river as well as the excessive extraction of water intake, the Ministry would submit its comments by the next date of hearing. It can be better answered along with the Ministry of Water Resources.</p> <p>12. The online monitoring system should be enforced.</p> <p>13. Both the conditions i.e. ZLD as well as online monitoring system are pending consideration before NGT and MoEF &amp; CC will comply with its order.</p> <p>14. The Chairman, CPCB stated that it will be beneficial to stop/prohibit any kind of waste being dumped into the river and Sanitary Landfill site to be located beyond the 500 meters from flood plain.</p> <p>15. Jajmau poses a serious pollution issue and the present CETP is as good as non-existing, keeping in view the load of more than 25-30 MLD of trade effluent, whereas it is for treating 9 MLD of trade effluent mixed with 27 MLD of domestic sewage. It also does not have the capacity to treat other pollutants, except BOD and COD. It needs to be replaced by new CETP which is of the requisite capacity and capable of treating all effluents, besides sewage.</p>
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	<p><b>Item No. 23 to 28</b></p> <p><b>April 11, 2017</b></p> <p><b>ss</b></p>	<p>16. Dilution based treatment is the possible solution, though CPCB seeks to enforce standards and standards are technology neutral.</p> <p>17. The Central Pollution Control Board would implement the parameters at the end of the pipe, which should be meeting the prescribed standards. However, establishment of individual ETP and proper enforcement could be a good solution, but implementation thereof would be a serious question. Separate Common Chromium Recovery Plant would be necessary.</p> <p>18. 86 drains have been identified and most of them carry not only sewage, but even trade effluent. It is a mixed discharge which contains variety of elements including heavy metal and therefore, end of the pipeline would be proper treatment. But site selection of STP would require proper study of the longitudinal profile of drains.</p> <p>19. The Executive Director (NMCG), on behalf of the Ministry of Water Resources, stated that the Ministry would be willing to render all help and assistance, but the object of cleaning of river Ganga rather than concentrating on cleaning of cities is the first &amp; preferred option.</p> <p>20. The Ministry will finance, in terms of its scheme, for domestic sewage and industrial effluent treatment separately.</p> <p>21. As per the scheme of NMCG, the first priority is</p>
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	<p><b>Item No. 23 to 28</b></p> <p><b>April 11, 2017</b></p> <p><b>ss</b></p>	<p>cleaning river Ganga, but it would also spend through other major schemes relatable to cleaning of cities etc.</p> <p>22. In terms of the Notification and as per the stand of the Ministry, Uttar Pradesh Jal Nigam is the Executing Authority for the work falling in Segment-B.</p> <p>23. As far as Jajmau Tannery Cluster is concerned, if the State chooses to shift the industries to a different site, it will be its choice. However, the existing industrial clusters at Jajmau and Unnao requires establishment of an entirely new CETP with a separate Chromium Recovery Plant and separate pipelines.</p> <p>24. The Technology of the CETP would be ZLD based which would only generate salt and sludge.</p> <p>25. After being cleaned, part of salt will be usable and hence saleable and rest will have to be dumped.</p> <p>26. The sludge deposit site has to be created which must meet scientific standards.</p> <p>27. In relation to e-flow of the river, the Ministry of Water Resources had taken holistic study of various reports submitted by the expert agencies, the final view is still required to be taken. The recommendations vary from 20% to 30% depending upon the geographical location of the river and particularly it should be site specific. However, we direct the Ministry to take a stand which may be a</p>
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	<p><b>Item No. 23 to 28</b></p> <p><b>April 11, 2017</b></p> <p><b>ss</b></p>	<p>tentative view and inform the Tribunal on the next date of hearing. There should be complete prohibition of any kind of waste being dumped in the river and on flood plain. There should be prohibition also on construction of Sanitary Landfill Site on 500 meter or any other reasonable distance of the high flood line, with reference to once in 25 years flood cycle.</p> <p>28. All of them agree to 'Polluter Pays Principle' application for control of industrial pollution.</p> <p>The concerned stakeholders shall positively provide the information required as above, to the Tribunal by 17<sup>th</sup> April, 2017, during the hearing of the case on a day-to-day basis. The State of Uttar Pradesh is at liberty to file before the Tribunal, list of its priority project(s), if any, but no expenditure would be incurred on any project without leave of the Tribunal.</p> <p>List these matters on 17<sup>th</sup> April, 2017, the date already fixed.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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