

**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

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.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER**

Present Applicant:

**Mr. M.C. Mehta, Ms. Katyayni and Ms. Mehak Rastogi.
Advs.**

**Mr. Salik Shafique, Mr. Keith, Mr. Varghese, Advs. for
Mr. Sanjay Upadhyay, Adv. for Indian Chemical
Council & Jubilant Life Sciences**

**Mr. B.V. Niren, Adv. for CGWA with Mr. Ramesh
Thakur, Advs.**

**Mr. S.A. Zaidi and Ms. Mansi Chahal, Adv. for Leather
Industries**

**Mr. Narender Pal Singh and Ms. Prateek Gupta, Advs.
and Mr. Dinesh Jindal, LO, Delhi Pollution Control
Committee**

**Mr. S.K. Bhattacharya, Adv. and Mr. Brij Mohan Garg
for Confederation of CEPT**

**Mr. Motish Kumar Singh and Mr. Saurabh Sachdeva,
Advs. for Noticee No. 653**

**Mr. Kumar Ajitabh, Adv. with Mr. Sundeep, Director T-
2 for NMCG**

Mr. Rajul Shrivastav, Adv. for MPPCB

**Ms. Neelam Rathore, Adv. for Association of Textiles
Processors & Uttar Pradesh Dyes & Bleachers
Associations (Micro & Small) and MLA Group &
Chamber of Indian Trade & Industry**

**Mr. Mukesh Verma and Mr. Bikash Kumar Sinha, Advs.
for UPCEB**

Ms. Sushma Singh, Adv.

Ms. Priyanka Sinha, Adv. for State of Jharkhand

**Mr. Atul Batra, Advs & Mr. Kundan Mishra. for Mother
Dairy, Pilakhuwa Unit**

**Ms. Panchajanya Batra Singh, Adv for Ministry of
Environment, Forest and Climate Change**

Ms. D. Bharathi Reddy, Adv. For State of Uttarakhand

Mr. Sanjeev Ralli, Adv. with Mr. Dinesh Jindal, LO, DPCC

Ms. Antima Bazaz, Adv. for AIDA

Mr. Jayesh Gaurav, Adv. for JSPCB

Mr. V.K. Shukla with Ms. Vijay Laxmi, Adv. for State of Madhya Pradesh

Mr. Amit agarwal, and Ms. Asha Basu, Adv. for State of west Bengal

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

Mr. Ishwer Singh, Adv., National Mission for Clean Ganga WITH Mr. Sandeep, Director

Ms. Yogmaya Agnihotri, Adv. for C.E.C.B.

Mr. Suraj Prakash Singh, Adv. with Mr. Pushpila Bisht, Adv. AIDA

Mr. Ravi P. Mehpotra, Adv. with Mr. Abhinav Kr. Malik, Adv.

Ms. Alpana Poddar, Adv. and Mr. Bhupender, LA

Mr. Vijay Bahadur Singh, Sr. Adv., Advocate General, State of Uttar Pradesh and Mr. Abhishek Yadav, Adv. for State of Uttar Pradesh

Respondent No.3: Mr. Pradeep Misra and Mr. Daleep Dhayani, Adv.

Mr. I.K. Kapila, Adv. for UP Jal Nigam & UK Pey Jal Nigam with Mr. A.K. Gupta, CE, Mr. Keshav Gupta, SE,

Mr. Ghanshyam Diwedi, Shri Mohd. Taher Mr. Sarvesh Kumar, SE and Mr. Vishal Garg Contractor

Mr. Sudhir Kulshreshtha, Adv.

Respondent Nos. 10 and 11:Mr. Ravindra Kumar, Adv. SPENBIO

Respondent: Mr. Krishna Kumar Singh, Adv. for MoEF

Mr. Manoj Kumar, Adv. for Mr. Moni Cinmoy, Adv. for DSIIDC along with Mr. Vipin Kaushik, AEE

Date and Remarks	Orders of the Tribunal
Item No. 24 to 27 February 14, 2017 sn	<p>In furtherance to our direction, Mr. A.K. Gupta, Chief Engineer of Uttar Pradesh Jal Nigam and Mr. Keshav Gupta, General Manager of Uttar Pradesh Jal Nigam are present. Mr. A.K. Gupta, Chief Engineer is unable to inform and answer the questions of the Court on the ground that he is sitting in Lucknow and is not familiar with the situation at the site and the documents related thereto.</p> <p>However, Mr. Keshav Gupta, General Manager has admitted to answer the queries of the Tribunal. At the outset, we must record they are the most unsatisfactory.</p> <p>According to him, more than Rs. 31 crores have already been spent on laying of sewage line and for construction/installation of STPs in the areas of Brijghat</p>

	<p>Item No. 24 to 27</p> <p>February 14, 2017</p> <p>sn</p>	<p>and Garhmukteshwar. According to the Joint Inspection Team, Garh drain is the single drain joining river Ganga and carrying the discharge load of 13 MLD. As per the Report, 3 MLD STP was operational and 6 MLD STP was under construction.</p> <p>According to Mr. Keshav Gupta, General Manager, there are two different spots, one the Garh drain which is in Garhmukteshwar and joins river Ganga where 6 MLD STP has been planned and is under construction. Still, there is another STP of 3 MLD falling in Brijghat or which is constructed but not operational because the houses and other have not been connected to the sewage line and therefore, no effluent/sewage is coming to that area. The sewage presently is being discharged in a Jhorh.</p> <p>The drain at Brijghat does not join river Ganga. He has informed us that he never carried out any survey before or after preparation of DPR for the projects in question. He never verified the quantum and in any case the quality of the discharge in the drain. He does not know whether there are any industrial activities being carried on in either of these areas. The STPs can treat Coliform to bring its value to 230. According to him, the discharge in the Garh drain near the point where it meets river Ganga would be 5 to 6 MLDs. The STP was designed on the basis of the projected population basis.</p> <p>In summers, the discharge is less. Presently, there are other discharges also joining the main discharge of the drain. On the basis of his observation, he has stated the discharge to be 6 MLD. The Joint Inspection Team</p>
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	<p>Item No. 24 to 27</p> <p>February 14, 2017</p> <p>sn</p>	<p>minutes was signed by one of the officer of his Department. The joint inspection discharge load given in the joint inspection Report is incorrect.</p> <p>He has taken instructions from Mr. Ashutosh Yadav, AE that he had told the Joint Inspection Team that the measurements were incorrect and method was not proper.</p> <p>However, this Mr. Ashutosh Yadav, AE did not sign the joint inspection Report.</p> <p>The Joint Inspection Report on behalf of the Uttar Pradesh Jal Nigam was signed by Mr. Sarvesh Kumar, SC-Coordination. According to him, Mr. Ashutosh Yadav, AE never informed him that the measurements were incorrect and the method was not proper. This officer has signed the Joint Inspection Report.</p> <p>At the time of preparing of the Report, he had gone through the Report. Prior to the Report and even till today, I had never done or got done statistics prepared with regard to quantum and quality of the discharge in the drain.</p> <p>Out of the 67 Kms, 58 Kms sewage pipelines have already been laid. He had checked that himself it is functional, however, it could not be connected to STPs of 3 MLD and made operational because house connection to the sewage line has not been provided by the local authority namely Nagar Palika Parishad, Garhmukteshwar.</p> <p>We are of the considered view that the public funds</p>
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	<p>Item No. 24 to 27</p> <p>February 14, 2017</p> <p>sn</p>	<p>are being wasted by such officers who do not even consider it necessary to perform their basic functions of field inspection, analysis of the effluents, sewage in the drains and quantum thereof before preparing DPRs, forwarding the same and even executing them without any rational basis, contentions raised before us is that the manual provides for population projection basis and other related factors for preparing the DPRs and execution of such works. This argument is as fallacious as could be. The manuals are supposed to guide for the preparation and execution of projects. They cannot provide a field data. It is conceded before us that the manual does not contemplate or require that this formula should be blindly followed without any proper data collection and physical inspections. Therefore, we are of the considered view that investigation should be referred to CBI for this entire matter. It would not only help to find out the irresponsible manner in which these works are being executed but would also help the Tribunal in coming to an appropriate conclusion to adopt precautionary principles while ensuring that there should be proper sustainable development with due care for proper expenditure of public funds and preventing and controlling the pollution as well as taking steps forward for cleaning of river Ganga, the prime object in the present case.</p> <p>We direct the Director of CBI to depute a Senior Officer for this purpose. Furthermore, we direct Executive Officer of the Parishad to be present tomorrow i.e. on 15th February, 2017.</p>
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	<p>Item No. 24 to 27</p> <p>February 14, 2017</p> <p>sn</p>	<p>List this matter tomorrow i.e. on 15th February, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Dr. Ajay A Deshpande)</p>
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