

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

Original Application No. 06 of 2012

And

**(M.A. No.199 of 2015, M.A. No.238 of 2015, M.A. No.344 of 2015,
M.A. No. 512 of 2015, M.A. No. 513 of 2015, M.A. No.692 of 2015 &
M.A. No. 310 of 2016, M.A. No. 315 of 2016 & M.A. No. 508 of 2016)**

In

Original Application No.300 of 2013

And

**M.A No. 646/2015,
M.A No. 725/2015, M.A No. 836/2015,**

In

Original Application No. 06 of 2012

IN THE MATTER OF:

Manoj Mishra Vs. Union of India &Ors.

And

Manoj Kumar Misra & Anr. Vs. Union of India & Ors.

And

Manoj Mishra Vs. Union of India &Ors.

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

Present in the Chamber meeting:

- Mr. Vivek Tandon, Adv. for GNCT
- Mr. B. V. Niren, Adv. of Ministry of Water Resources
- Mr. Vishal Gandhi, Adv. for CPI
- Mr. R. N. Jindal, Director, MoEF
- Mr. A. B. Akolkar, M.S. CPCB
- Prof. A. A. Kazmi, IITR Delhi
- Prof. A. K. Gosain, IIT, Delhi
- Mr. Narender Pal Singh, Adv.for DPCC
- Mr. S. M. Ali, DPCC
- Mr. Keshav Chandra, CEO, DJB
- Mr. B. M. Dhaul, Member(Dr.) DJB
- Mr. Vikram Singh, Chief Engg. DJB
- Mr. H. S. Phoolka, Sr. Adv. of DJB
- Mr. Sumeet Pushkarna, for DJB
- Mr. Mukul Singh, Adv. for MoEF
- Mr. B. L. C. Chawla, SEE, DPCC
- Mr. Dinesh Jindal, LO, DPCC
- Mr. Kush Sharma, Adv. DDA
- Mr. Raj Kumar, Adv. with Ms. Niti Choudhary, LA,CPCB
- Mr. Amit Kr, Thakur, Contractor Association
- Mr. Manali Singhal, DSCL-FENSHUNG WABANG

Counsels:

- Ms. Sakshi Popli, Adv. for NDMC
- Mr. M. Mishra, Adv. for Respondent Nos. 6 & 7 and Mr. Abhishek Yadav, Adv.
- Mr. Abhinav Malik and Ms. Ravi P. Mehpotra, Adv
- Mr. I. K. Kapila, Adv. for Okhla CETP Society
- Mr. Satyajit Kr. Adv. for Ms. Moni Cinmoy, Adv.
- Mr. Ishwer Singh, Adv. for NMCG
- Mr. Rajesh Kr. AEE(M) And Mr. C. Mani,Adv. for DSIIDC
- Mr. B. v. Niren, Adv.
- Mr. Balendu shekhar and Mr. Eishaan Bahuguna and Mr. Akshay, Abrol Adv. For EDMC
- Mr. Rajiv Bansal, Mr, Kush Sharma and Mr. Keshav Datta, Adv. For DDA
- Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, LO DPCC
- Mr. Amit Kr. Thakur, Adv. for Applicant in M. a. No. 315 and 716 of 16

	Date and Remarks	Orders of the Tribunal
	Item No. 01 to 03 June 07, 2016	This Order is being passed in continuation of the orders passed by the Tribunal yesterday that is 06 th June, 2016. Both the orders would be read and implemented

cumulatively without further delay and default.

The DJB had submitted two DPR for the works that falls in Phase – I of the project in terms of the judgment dated 13th January, 2015 passed by the Tribunal. The first DPR has been approved by the DDA and submitted to Ministry of Urban Development. It is related to rehabilitation of already laid sewer lines. The project has been approved by DDA and submitted to Ministry of Urban Development for final approval for disbursements of dues or the payment to DJB. We were informed that the Secretary of Ministry of Urban Development had fixed the meeting today i.e. 07th June, 2016 but the same has been adjourned to 16th June, 2016. In our order dated 06th June, 2016, we had directed the meeting should be held today and the Secretary of the Ministry of Urban Development should take a final view on the matter. In view of the order passed by the Tribunal, we do not think the meeting should have been adjourned. Be that as it may, we make it clear that on 16th June, 2016, the meeting will be held at 11.00 AM in the office of the Secretary of the Ministry of Urban Development and the same would not be adjourned under any circumstances. On that date, a final view would be taken in relation to DPR – I and DDA is directed to accordingly make payment to DJB. The DJB shall immediately start the work under the DPR for which the tenders have been invited and finalized.

In relation to the DPR – II which relates to connectivity of the small drains to peripheral sewer line to trap the domestic sewage in the catchment area of Nilothi

and Pappankala STPs. This is also part of Phase – I of the overall project and in terms of judgment dated 13th January, 2015 passed by the Tribunal. This project had been submitted to DDA for financial assistance. DDA referred the project DPR to IIT Delhi. The project DPR was prepared by EIL as consultant of DJB. The IIT Delhi had by and large found the project in order, however, had a serious objection in relation to fixation of ‘n’ coefficient. According to IIT Delhi, the slopping of the sewer to be connected to the main line should be sharper than what has been defined. According to them, this will improve the functioning of the carriage of sewer and would avoid blockage and possibility of siltation. It is mentioned that IIT Delhi has reworked on ‘n’ coefficient based on field studies considering sewage flow, this has resulted in a variation in value of ‘n’ coefficient. Answer to this primarily by DJB is that they had prepared to the project strictly in consonance of CPHEEO Manual, the principal document available for preparation of such designing. We found the stand taken by DJB is correct. There is no dispute to the fact that the DJB has prepared its own design in accordance to the specification including the ‘n’ coefficient in accordance with the manual. But, it is equally true that, the manual is old and guides for such design works. The knowledge acquired through experimentation, studies which are more recent in time, need to be taken into consideration. Despite the fact that the manual is of 2013, it has failed to take note of the ‘n’ coefficient factor as suggested. It is for the appropriate Authorities to amend the manual. Presently we are only

concerned with the DPR – II.

After having heard the Learned counsel appearing for the parties as well as the expert Members present i.e. Prof. Gosain, Prof. Kazmi, Member Secretaries of CPCB and DPCC, CEO of DJB and Director of MoEF, we direct, even for the experimentation, it will be appropriate to introduce a proper 'n' coefficient as per IIT recommendations. The 'n' coefficient should be 0.02 instead of 0.011. The total length involved is 50 KM but it is not in one stretch and it is going to be small pipelines as it is primarily objected to bring domestic discharge and sewage from all over area to the main drain which is already in existence. Thus, we do not think that this change in any way would vitally effect the project and since it would improve the technical requirement suggested. It is also conceded before us by all concerned that it would improve the efficiency of the sewer line and would provide the stated benefits. It is submitted on behalf of the DJB and which is accepted by others that it will be a major change in the terms of contracts and would also result in financial variations. According to them the tender should be invited. Therefore we direct cancel the tender invited and re-tender the work immediately. While inviting tenders, DJB would submit the amended DPR simultaneously to DDA which shall process the same and get final approval from the Ministry of Urban Development for the payment of the project of DJB. The payment under these works is Rs. 285.33 crores or such other extra amount that would be needed in view of the amendment now carried out.

It is stated on behalf of DJB that the existing STPs are of sufficient capacity to the pre-existing domestic discharge and sewage as well as the discharge that would be received as a matter of completion of DPR – I and DPR – II.

It is also informed on behalf of the DJB that there are two STPs at Nilothi. The total capacity of these two STPs are 60 MGD and total discharge received from these STPs are 50.7 MGD and at Pappan Kalan there is also two STPs of total capacity 20 MGD and the received discharge is 32 MGD. In another words both these plants are under – fed.

Delhi Gate STPs.

On this subject, we have heard the Expert Members, Head of the Department and the Learned counsel appearing for the parties.

There are two STPs at the end of the Delhi Gate drain. One is of 15 MGD while other is 2.5 MGD. In flow to the plant is estimated at 15 to 16.5 MGD. In addition to this, 2.2 MGD in flow is at the other small plant. This plant has patent defect, firstly in relation to the plant be over fed, thus sewage inflow is higher to the capacity of the plant. Secondly, the mechanism for introducing the sewage inflow measurement is defective. Thirdly the plant is incapable of treating nitrogen, TSS and coliform or the requisite parameters are not being met. This is one of the recently constructed STPs by DJB which has been made operational only in 2015. We would have expected this plant to operate so as to completely treat the domestic

discharge and sewage and fully release the water if not in bathing standard then atleast it would be fit for recycling particularly in relation to the industrial, agriculture, horticulture and construction purposes. After deliberation and appreciating the technical points that has been raised, we issue the following directions in relation to these plants immediately:-

1. There shall be installation of online system in the plants which shall be directly connected to the CPCB and would measure critical para-meters as well as inflow of the total sewage to the STP.
2. The flow meters already installed should be calibrated immediately and should ensure that they operate with complete accuracy. In other words, there should be standard operating procedure (SOP) for the operation of STP.
3. There shall be regular monitoring of the plants. However for a period of one month there will be complete recording of all the inflow and outflow of parameters, performance of the plants and all other related matters. For these purpose we direct IIT Delhi to nominate a Post Graduate Student who shall be a permanent Member of the monitoring team constituted of DJB, CPCB and DPCC.
4. Upon noticing the parameters for this continuous period of one month, if the parameters are found to be beyond the prescribed limits, the DJB shall raise structured construction without expanding in terms of the land, to provide for treatment of nitrogen,

coliform and TSS. These steps will be taken without any further delay thereafter. We may notice that after these corrections are made to the Delhi Gate plants it should be able to release re-useable water. The DJB shall prepare a scheme in consultation of IIT Delhi and the CPCB for recycling of water that would be generated for the purposes for agriculture, horticulture, construction and industrial particularly cooling the power projects. We are informed that DJB has already taken steps in relation to providing water for re-use. The efforts should continue. The possibility should be examined if the discharge of water can be used for Feroz Shah Kotla Stadium and Ambedkar Stadium and washing of Metro and DTC buses.

5. We expect DJB to conduct its own study and find out the best possible way to re-use the water so generated.

6. The DJB will install the CCTV cameras connected to CPCB/DJB at the end of the drain from where the sewage water flows to the plant to check over flowing.

7. The details of STP as well as their periodic performance including online monitoring data shall be linked to DJB website prominently for public information immediately.

8. We direct Vice Chairman DDA to hold a meeting within two weeks from today of DJB, all the Municipal Corporations of Delhi, CPCB, DPCC, CPWD, PWD power plants, and DMRC to find out

the possible end use of the treated sewage and to identify the lands and the activities for which such water is used. The Vice Chairman of DDA is at liberty to ask any other organization and Institute, Body to participate in the meeting. The Minutes so recorded shall be binding on all the parties concerned. The report should be submitted within six weeks from today.

9. The DDA shall bring to the notice of the all concerned that the extraction of ground water without compliance of the directions issued by the Tribunal, is prohibited.

In relation to other projects:

During deliberation besides pointing out different technical deficiencies in the plants, other serious irregularities relates to financial matters and the functioning of the part of the plant constructed have come to the notice of the Tribunal. This amongst other relates to STP at Nilothi and Pappankalan as well. The CEO of DJB submits that he would like to examine the entire matter and submit a personal report to the Tribunal on different aspects of these projects, their operationalisation and that should be adopted by the Tribunal.

We request the Expert Committee consisting of Prof. A. K. Gosain, Prof. A. A. Kazmi, Member Secretary, Central Pollution Control Board and Mr. R. N. Jindal, Director of MoEF and Member Secretary of Delhi Pollution Control Committee to personally inspect the STPs and submit a

Joint Inspection Report with regard to present status various unit processes of the plants, operation and monitoring aspects of the plants, quality of discharge that would make re-utilization of the discharge.

Let Status Report by CEO, DJB and Inspection Report by the Committee should be submitted to the Tribunal positively on the next date of hearing.

It is stated on behalf of the DJB that the Project Proponents were entitled to operationalisation cost only after the entire project was completed and actually operated. We have noticed that none of the projects fall under this category. Keeping in view the seriousness of the suspicion that have been raised in this project, we do not intend to vary the interim order at this stage. However, we will make it clear that maintenance and normal routine expenditure have not been stopped by the Tribunal but they would only be done with the approval of the CEO, DJB personally.

The Secretary, Ministry of Urban Development will hold a meeting on 16th June, 2016 positively, Vice-Chairman of DDA will hold a meeting on 13th June, 2016 at 11:00 AM and all reports be submitted by the Committee positively by 30th June, 2016.

All the Misc. Applications are adjourned to 05th July, 2016.

List all these matters on 05th July, 2016.

.....,CP
(Swatanter Kumar)

		<p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Ajay A. Deshpande)</p>
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