

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,  
BHOPAL**

**M.A. No. 137/2014 and M.A. No. 190/2014**

**IN**

**Original Application No. 21/2013 (CZ)**

**Dr. Alankrita Mehra Vs. Union of India & Nine Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Shri Vivek Choudhary, Adv.  
Respondent No. 1 : Shri Om. S. Shrivastav, Adv.  
Respondents No.3, 4, 7, : Shri Sachin K.Verma, Adv. & Shri  
8,9, 10 Ayush Dev Bajpai, Advocate with Shri  
S.K. Beliya, OIC, UADP  
Respondent No. 6 Shri Shivendu Joshi, Advocate with  
Shri P.S. Bundela, OIC.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 1 24<sup>th</sup> April, 2014</b>	<p style="text-align: center;"><b><u>M.A. No. 137/2014</u></b></p> <p>This M.A. has been filed by the Applicant seeking restraint/injunction order against the Respondent No. 5/ Bhopal Municipal Corporation (in short BMC) for commencing the proposed construction of pathway/cycle track/parking/food plaza etc. near the upper-lake of Bhopal. The reply to this application has been filed by the Respondent No. 4.</p> <p>Shri Sachin Verma, learned Standing Counsel for the State submitted that a DPR was submitted with a project cost of Rs. 16.84 crores by the BMC for the aforesaid purpose which was subsequently approved by the State Level Steering Committee (SLSC) in the meeting held on 17<sup>th</sup> April, 2013 at Agenda Item No. 3.</p> <p>The Pollution Control Board/Respondent No.6 has also filed their reply wherein it has been stated that no clearance has been granted by the MPPCB to the aforesaid proposal prepared by the BMC. In Para No. '7', the Pollution Control Board has stated as</p>

under :-

*“.....It is also submitted in this context that if the construction of this pathway, cycle track, parking, food plaza etc. on the land in question is carried out and is subsequently used for leisure and recreational activities with food-zone, generation of Municipal Solid Waste, Plastic Waste etc. is anticipated. The running of the aforesaid activities at the lake fringe would create a non-point source of pollution. The BMC in that condition would be required to bring into place quick and periodic waste collection system at the proposed site.”*

Accordingly, having considered the pleadings of all the parties and since the BMC has not so far approached the Pollution Control Board seeking any kind of permission in this behalf and the Pollution Control Board also expressed its reservations and apprehensions as mentioned in Para No. 7 of their reply reproduced hereinabove, we direct that work on the aforesaid proposal with regard to the development of the lakefront as approved by the SLSC in its meeting held on 17<sup>th</sup> April, 2013, shall not be proceeded with unless the Pollution Control Board has considered the aforesaid proposal which shall be submitted by the BMC to the Pollution Control Board after consideration. Any such activity without permission of the Pollution Control Board on the lakefront area shall not be permissible unless specific permission is granted by the Pollution Control Board and the activity will be permitted only in accordance with the permission granted by the Pollution Control Board.

In terms of the above directions, this M.A. stands disposed of.

**Original Application No. 21/2013**

So far as this Application with regard to the short-term and long-term plans are concerned, the steps which are required to be taken by the BMC as well as by the Urban Administration & Development Department are concerned, it was submitted before us that it was not possible for the Respondents to proceed in the matter as Consultant who was appointed, has not submitted its report which

was expected to be submitted by 31<sup>st</sup> March, 2014.

On the last date of hearing, it was submitted that the DPR could not be submitted on account of the fact that the CEPT which was required to submit report with regard to the Master Plan for the city of Bhopal, has not submitted their report so far. The letter of the Consultant dated 16<sup>th</sup> April, 2014 has been filed by the Respondent No. 5 along with M.A. No. 190/2014 seeking extension of time on the aforesaid ground. As per the letter received from the Consultant which is dated 16<sup>th</sup> April, 2014 and the 7 Points which have been enumerated by the Consultant, we gather an impression, *prima facie*, that some of the points which have been highlighted by the Consultant reveal that even certain basic steps which were required to be taken for preparation of report, do not seem to have been taken though it is disputed by the learned counsel for the Respondent No. 5 who submits that what has been stated by the Consultant has to be seen with respect to the final reply which may be approved as the area for no construction zone could be determined after the report of the CEPT is finalized and the decision taken thereon. Presently it is only 50 meter range of the shoreline and which as per the CEPT interim report it was proposed to be 300 meters.

Whereas that may be true however, we are of the view that if the CEPT report has not been finalized and the decision on that behalf has not been taken, the Respondents cannot permit any constructions to be taken up or allowed to be raised within the 300 meters of the FTL as in case subsequently if the decision is taken based upon the report of the CEPT by the authorities that the shoreline and no construction zone is to be 300 meters in that event if construction is allowed to be raised within the area, the entire exercise would become redundant. As such we would direct the

authorities of the BMC as well as Urban Administration and Development Department and the Directorate of Town and Country Planning to ensure that no construction even if permissions have been granted, shall be allowed to be continued within the 300 meters zone of the shoreline of the lake as already determined.

The application No. 190/2014 submitted by the Respondent No. 5 seeking extension of time for submitting the report of the Consultant as also the prayer of the Respondent No. 5 is allowed and time as prayed for, is extended upto 15<sup>th</sup> June, 2014.

We had earlier directed while considering the M.A. No. 138/2014, on implementation of the Bio-Medical Waste(Management & Handing) Rules, 1998 by declining the prayer of the Respondent for granting three months' time for implementation of the Rules and it was directed that these Rules shall be observed in letter and spirit and all such establishments which fall within the purview of the Bio-Medical Waste Rules, 1998 be directed to ensure their implementation. The MPPCB is accordingly directed to submit what action has been initiated against defaulting parties including issuing notices for closing down the establishments as well as launching prosecution for infringement of the law. We grant a week's time to the Regional Officer, Bhopal, M.P. Pollution Control Board to carry out the aforesaid task which would also include not only private establishments but also Government run hospitals and in case any party or establishment is found to be a defaulter necessary action in accordance with law be initiated against the defaulters including the management of the same.

We may also add that this fact had been brought to the notice of the Respondents and a joint meeting of the officials of the

Pollution Control Board and the Secretary, Public Health & Welfare Department was also to be held for the aforesaid purpose as such sufficient time of more than six months' has been granted to the Respondents to ensure implementation as it was pointed out that most of the waste was being allowed to be put into the water bodies and lakes of Bhopal. The Action Taken Report of the Pollution Control Board shall be submitted within a week before this Tribunal. The Chairman as well as the Member Secretary of the MPPCB shall be at liberty to requisition the officer and staff from other Regional Offices, if required, to carry out this task. After the city of Bhopal, similar inspections shall be carried out at the major cities and towns such as Indore, Jabalpur, Ujjain and Gwalior.

Shri Sachin Verma, learned Standing Counsel is directed to place the order dated 19<sup>th</sup> February, 2014 issued by the Collector by way of corrigendum to the order dated 3<sup>rd</sup> February, 2014 in compliance of our earlier order along with copies of the newspaper reports in which the aforesaid information has been published by the administration.

**List on 1<sup>st</sup> July, 2014.**

.....JM  
**(DALIP SINGH)**

.....EM  
**(P.S.RAO)**