

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

Original Application No. 06 of 2012

(M.A. No. 641/2015, M.A. No. 1014/2016, M.A. No. 1016/2016 M.A. No. 1243/2016, M.A. No. 564/2017, M.A. No. 1148/2017, M.A. No. 1237/2017, M.A. No. 333/2018, 347/2018 & M.A. No. 811/2018)

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. 508 of 2016)

In

Original Application No. 300 of 2013

IN THE MATTER OF:

Manoj Mishra Vs. Union of India & Ors.

And

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

CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON

HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER

HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Present:

Applicant:

**Mr. Rahul Choudhary and Ms. Meera Gopal, Advs.
Mr. Atif Suhrawardy, Adv.**

Amicus Curiae:

**Ms. Anupradha Singh, Adv.
Mr. Vivek Chib, Mr. Vikramaditya, Ms. Pracheta Kar
and Rudrajit Ghosh, Advs.**

Respondents:

**Mr. Pradeep Misra and Mr. Daleep Dhyani, Advs. for
UPPCB
Mr. Anil Grover, AAG, Haryana along with Mr. Rahul
Khuran, for State of Haryana and HSPCB
Mr. I.K. Kapila, Adv. for Uttar Pradesh Jal Nigam.
Mr. Abhishek Paruthi, Adv.
Mr. Narender Pal Singh, Ms. Aditi Singh, Advs. DPCC
Mr. Mukesh Verma, Adv. for UEPPCB
Mr. Ishwer Singh, Adv. for NMCG (MoWR)
Mr. Sanjeev Ralli, Adv. for Mr. Dinesh Jindal, LO
Mr. Tarunvir Singh, and Mr. Sandeep Mishra, Advs.
Mr. Balendu Shekhar, Mr. Sriansh Prakash and
Mr. Rajkumar Maurya, Advs. For SDMC & East Delhi
Municipal Corporation
Ms. Puja Kalra, Adv. for North & South MCD
Mr. Varun Thakur and Mr. Brajesh Pandey, Advs. For
National Mission for Clean Ganga
Mr. Sanjay Upadhyay and Ms. Upama Bhattacharjee,
Advs.
Ms. Deep Shikha Bharti Adv. for State of UP
Mr. A. K. Prasad and Mr. Shashank Saxena,
Advs. For MoUD
Mr. H.S. Phoolka, Sr. Adv., Mr. Sumeet Pushkarna,
Mr. Devanshu Lahiry, Advs. with Mr. A. K. Singh,
CEO Mr. R. S. Negi, Member Drainage for DJB
With Mr. V.K. Gupta(CE), Mr. Vikram Singh (CE), Mr.
Mukul Mendola (S.E.) and Mr. Parvesh Tyagi (SE) for
DJB
Mr. Alok Gupta, Adv. For DJB
Dr. Praveen, Director for Dr. Sandeep Singh
Mr. Vikas Mahajan, AAG for State of Himachal
Pradesh
Ms. Sumi Anand, Adv. for Peasants Multipurpose
Society
Mr. Rajkumar, Adv. for CPCB
Ms. Sakshi Popli, adv. For Delhi Jal Board
Mr. Divya Prakash Pande, Adv.
Mr. Rajiv Bansal, Sr. Adv, with Mr. Kush Sharma, Mr.
Prateek Gautam, Ms. Kamna, Adv.
Mr. V.K. Gulati, Adv.
Mr. Bhanwar Pal Singh, Adv.
Mr. Anil Grover, AAG, Mr. Rahul Khurana and Mr.
Mishal Viz., Advs.**

Mr. Ishwer Singh, Adv. for NMCG
 Mr. Vivek Kumar Tandon, Adv.
 Mr. Manoj Kumar and Mr. Moni Cinmoy, Adv.
 Mrs. D. Bharathi Reddy and Mr. C. Kannan, Adv.
 Mr. Rajeev Bansal, Sr. Adv., Mr. Kush Sharma and
 Ms. Kamna Singh, Adv.
 Mr. Avneesh Arputham, Ms. Anuradha Arputham and
 Mr. Alok Kumar, Mr. Abhishek Paruthi and Mr. Pratik
 Gaur, Adv. for CPCB
 Ms. Simran Jeet, Adv.
 Mr. Ravindra Kumar, Adv. for NOIDA
 Mr. Alok Gupta, Adv. for DJB

Date and Remarks	Orders of the Tribunal																													
<p>Item Nos. 05 & 06</p> <p>July 26, 2018</p> <p>dv</p>	<p>1. We have taken up the matter for further hearing in continuation of the order passed yesterday i.e. 25.07.2018.</p> <p>2. Learned Counsel for the DJB has handed over a revised status report about the stages of the works of interceptors, sewage project, sewage treatment plants, rehabilitation of peripheral sewer lines, projects for trapping of drains. It is stated that out of 14 STPs to be set up, the land is not available for 8. Out of 7 STPs for which NMCG has given funds, land is available only for 5 STPs. Contra information earlier given was not correct.</p> <p>3. Our attention has been drawn to a status report published by the DJB on the sewerage management in the NCT of Delhi. Learned Counsel for the DJB states that this is only draft report. In the said report, under the head of capacity utilisation and performance status of STPs, it is recorded that at most of the places, BOD/SS/MGD(L), do not meet the designed parameters and most of the STPs are either closed or working below capacity. The chart is as follows:</p> <p style="text-align: center;">Table 1: Capacity utilization & performance status at the STPs</p> <table border="1" data-bbox="456 2126 1455 2432"> <thead> <tr> <th rowspan="2">S. No.</th> <th rowspan="2">Location of STP</th> <th rowspan="2">Phase wise breakup</th> <th rowspan="2">Capacity (MGD)</th> <th colspan="2">Utilization</th> <th colspan="2">Performance</th> <th rowspan="2">Remarks</th> </tr> <tr> <th>MGD</th> <th>%</th> <th>Designed parameters (BOD / SS, mg/l)</th> <th>Achieved parameter (BOD / SS, mg/l)</th> </tr> </thead> <tbody> <tr> <td rowspan="2">1.</td> <td rowspan="2">Okhla</td> <td>Phase-I</td> <td>30</td> <td>Nil</td> <td>-</td> <td>-</td> <td>-</td> <td>Plant closed. To be reconstructed under YAP-III.</td> </tr> <tr> <td>Phase-II</td> <td>12</td> <td>Nil</td> <td>-</td> <td>-</td> <td>-</td> <td>Under maintenance. To be rehabilitated</td> </tr> </tbody> </table>	S. No.	Location of STP	Phase wise breakup	Capacity (MGD)	Utilization		Performance		Remarks	MGD	%	Designed parameters (BOD / SS, mg/l)	Achieved parameter (BOD / SS, mg/l)	1.	Okhla	Phase-I	30	Nil	-	-	-	Plant closed. To be reconstructed under YAP-III.	Phase-II	12	Nil	-	-	-	Under maintenance. To be rehabilitated
S. No.	Location of STP					Phase wise breakup	Capacity (MGD)	Utilization			Performance		Remarks																	
		MGD	%	Designed parameters (BOD / SS, mg/l)	Achieved parameter (BOD / SS, mg/l)																									
1.	Okhla	Phase-I	30	Nil	-	-	-	Plant closed. To be reconstructed under YAP-III.																						
		Phase-II	12	Nil	-	-	-	Under maintenance. To be rehabilitated																						

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								under YAP-III.
		Phase-III	37	18.24		30 / 50	16 / 16	To be rehabilitated under YAP-III.
		Phase-IV	45	38.80		30 / 50	28 / 31	
		Phase-V	16	14.16		30 / 50	26 / 26	Below capacity
		Phase-VI	30	28.36		20 / 30	8 / 6	Functioning well. DBO plant
2.	Rithala	Phase-I	40	28.70		30 / 50	36 / 70	To be rehabilitated under YAP-III.
		Phase-II	40	47.05		15 / 20	16 / 22	Not meeting the norms. DBO plant
3.	Kondli	Phase-I	10	Nil	-	-	-	Plant closed. To be rehabilitated under YAP-III.
		Phase-II	25	21.99		30 / 50	20 / 42	To be rehabilitated under YAP-III.
		Phase-III	10	Nil	-	-	-	
		Phase-IV	45	44.23		20 / 30	16 / 23	Functioning well DBO plant
4.	Keshopur	Phase-I (New)	12	11.00		20 / 30	8 / 30	Functioning well. DBO plant.
		Phase-II	20	16.32		30 / 50	26 / 44	Below capacity
		Phase-III	40	41.57		30 / 50	50 / 46	Not meeting the norms.
5.	Yamuna Vihar	Phase-I	10	4.23		30 / 50	20 / 30	Below capacity
		Phase-II	10	Nil	-	-	-	Plant closed as new plant has been commissioned.
		Phase-III	25	8.78		20 / 30	13 / 20	Below capacity DBO plant
6.	Vasant Kunj	Phase-I	2.2	1.82		30 / 50	27 / 38	Below capacity
		Phase-II	3	1.16		30 / 50	13 / 16	Below capacity
7.	Mehrauli	-	5	3.22		20 / 30	16 / 18	Below capacity
8.	Coronation Pillar	Old	10	Nil	-	-	-	Abandoned.
		Phase-I	20	16.39		30 / 50	26 / 32	Below capacity
		Phase-II	10	5.0		30 / 50	25 / 28	Below capacity DBO plant
9.	Timarpur	-	6	Nil	-	-	-	Closed. To be redesigned.
10.	Narela	-	10	1.40		30 / 50	24 / 27	Below capacity
11.	Nilothi	Phase-I	40	17.57		30 / 50	16 / 22	Below capacity
		Phase-II**	20	19.36		10 / 10	5 / 7	Functioning well DBO plant
12.	Najafgarh	-	5	2.75		30 / 50	- / 48	Below capacity
13.	Pappankalan	Phase-I	20	16.37		30 / 50	- / 43	Below capacity
		Phase-II	20	19.30		10 / 10	- / 3	Functioning well DBO plant
14.	Sen Nursing Home Nallah	-	2.2	2.31		10 / 15	9 / 9	Functioning well DBO plant
15.	Delhi Gate Nallah	Phase-I	2.2	2.29		10 / 15	8 / 10	Functioning well DBO plant
		Phase-II	15	15		10/15	8/10	Functioning well DBO plant
16.	Rohini	-	15	4.15		30 / 50	38 / 60	Below capacity
17.	Ghitorni	-	5	0.5		-	-	Only 0.5 MGD flow is received at the plant.
18.	Kapashera	-	5	2.04		10 / 10	8.6 / 6	Below capacity
19.	Chilla	-	9	9.01		10 / 10	3.1 / 7	Functioning well DBO plant
20.	Common Wealth Village	-	1	0.20		2 / 1	1.5 / 1	Below capacity
21.	Molar Bandh	-	0.66	0.63		30 / 50	28 / 28	Below capacity
22.	Bakakrwala	-	0.66	Nil	-	-	-	Plant closed as no sewage is received.
Out of total 607.06 MGD operational capacity, 476.74 MGD* sewage is treated which is about 78.5% of operational treatment capacity.								

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4. It is also mentioned that the situation is unacceptable and calls for urgent steps. There is no proper management of sludge produced at most of the STPs locations with all the digesters lying defunct or unused.

5. We have already recorded a clear finding of the failure of the administration in handling the situation and repeated failure in carrying out binding directions in various orders. Even information given from time to time has been found to be incorrect on several occasions. There is, thus, undoubted need for a constant monitoring Committee on day to day basis by a competent full time team as commissioners to execute orders of the Tribunal under Section 25 of the National Green Tribunal Act, 2010.

6. Accordingly, we constitute two members Monitoring Committee comprising of Ms. Shailaja Chandra, former Chief Secretary, Delhi and Mr. B.S. Sajwan former Principal Chief Conservator of Forests and former Expert Member of this Tribunal. They may be provided suitable place of working and all other facilities necessary for the purpose. The Chief Secretary, Delhi and the CEO, Delhi Jal Board (who is present before the Tribunal) may contact them for further action. They may be paid suitable honorarium to be fixed in consultation with them. We request the Members of the Committee to assume charge within one week.

7. The mandate of the Monitoring Committee will be as follows:

- i. To take stock of all the actions taken so far in the light of the various directions of the Tribunal.
- ii. Propose time bound action plan to deal with the problem. The Committee may suggest the framework for

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implementation. Preferably a comprehensive, integrated and inclusive strategy with clear measurable indicators of progress and success.

- iii. The time lines prepared by the committee will be treated as revised time lines to substitute the time line earlier laid down by the Tribunal.
- iv. The committee may requisition services of any technical experts.
- v. The action plan should also include creation of Biodiversity Parks created by the Centre for Environmental Management of Degraded Ecosystems (CEMDE) of University of Delhi, A Centre of Excellence of the Ministry of Environment and Forest & Climate Change, Government of India and City Forests of Urban Forests belt of suitable species that are capable of capturing pollutants from environment on the entire Yamuna flood plains right from Wazirabad to Okhla in NCT of Delhi. For this Purpose the DDA, who is the owner of the land in Yamuna flood plains, shall make the entire flood plain available to the Forest department after demarcating the land on the ground. All such lands should be cleared of all the encroachments if any.
- vi. After assessing the current status of Yamuna, they may clearly indicate the reasons for delay in implementation of our orders issued from time to time.
- vii. Ozonation and aeration in some of the drains may be experimented. It is to be ensured that the treated effluents should not be mixed with untreated effluents

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and the treated effluents are utilised for horticulture and other relevant purposes.

- viii. The online mechanism for monitoring the sewage treatment plants should also be connected to the servers of CPCB and DPCC so that the CPCB can also monitor the data.
- ix. The Monitoring Committee may also setup a website for receiving and giving information on the subject.
- x. The Committee may also involve educational institutions for expectations, awareness and feedback about the results.
- xi. The Monitoring Committee will have powers to make such inspections as may be necessary including to have the water quality inspected from time to time. The Committee may also call for such help of security forces as may be necessary and require dedicated forces being made available for removing the encroachment on the floodplains of river Yamuna. The Delhi Police may make temporary recruitment to be funded out of the present project if so suggested by the Committee.
- xii. The mandate of the Monitoring Committee is to ensure requisite level of standard of water at the entry point and the exit point of river Yamuna as well as the in drains which meet river Yamuna so that there are no pollutants beyond the determined standards.
- xiii. If the final plans are likely to take longer time, interim targets may be fixed for the specific purpose. The existing STPs may be planned to be fully operational within the specified time. Terminal points of the drains

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should be first cleaned.

- xiv. The Monitoring Committee may also consider and approve any plan for collection of funds on the Principle of Polluter Pays apart from requisitioning funds from the concerned authorities in terms of the orders already passed by this Tribunal.
- xv. The Committee will also issue directions to deal with the problems of idol immersion in the river Yamuna taking into account the guidelines of the CPCB to ensure that no pollution is caused in Yamuna at Delhi.
- xvi. No application in respect of work to be executed by the Committee will henceforth be moved before this Tribunal directly till further orders.
- xvii. The States of Haryana and Uttar Pradesh may consult the members of the Monitoring Committee appointed by this Tribunal for constituting their own full time committees. Members of the Committees of States of Haryana and Uttar Pradesh may also have a joint meeting with the members of the Monitoring Committee appointed by this Tribunal, after making mutual arrangements. The State of Uttar Pradesh will be at liberty to assign work of Phase-II of Ganga to the same Committee depending on the performance.
- xviii. The State of Uttar Pradesh will also be at liberty to file a copy of status report before the Committee for information on behalf of the Uttar Pradesh Jal Board.
- xix. Any existing Committee already working may work *in-tandem* with the Monitoring Committee constituted today.

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8. The Committee may prepare its action plan by 15.09.2018.

First interim report of the Committee may be sent to this Tribunal by email by 31.12.2018. The Committee may also give suggestions to the State of Haryana after considering status report which, learned Counsel for State of Haryana states, will be filed within four weeks from today.

9. Having regard to the nature of the subject involved, all the authorities have to take up the job as a mission for service to the society and in such a situation there can be no issue of any conflict arising in the working of any of the Bodies. In case, any conflict or difficulty arises, it will be open to the Monitoring Committee to send a communication to this Tribunal by email so that such conflict may be resolved. Thus, we expect that, if as a result of steps taken any improvement takes place, this can be a model for other rivers facing the same challenges.

10. It is made clear that basic mandate of the Committee will be monitoring of directions of this Tribunal with regard to pollution in the river Yamuna and the drains which join the said river. The Committee will have co-ordination with the authorities of the States of Haryana and Uttar Pradesh but for their focussed work of the State of Haryana and Uttar Pradesh, the said States may constitute appropriate whole-time monitoring Committees of atleast two Members who can work in co-ordination with the Monitoring Committee appointed by this Tribunal today. Such whole-time Expert Committees may be constituted within two weeks from today.

11. All the concerned authorities including Vice-Chairman, DDA, Secretary, PWD, NCT of Delhi, Commissioners of Municipal Corporations, Chairman of NDMC and NMCG, State of Haryana,

State of Uttar Pradesh and the Members of the Principal Committee will co-operate and co-ordinate with the Monitoring Committee. The Monitoring Committee can seek such scientific and technical assistance as may be required from any relevant authorities, including the CPCB.

12. The DJB will use all available funds for the project on directions of the Committee. The NCT of Delhi will collect funds, in case of deficiency, in the manner already laid down by this Tribunal.

13. The Committee will also be at liberty to take up all incidental issues.

14. The Registry is directed to send a copy of this order to the Chief Secretaries of Delhi, Haryana, Uttar Pradesh, Himachal Pradesh and to the Members by email.

List again in last of January, 2019, to consider the progress in the matter.

....., CP
(Adarsh Kumar Goel)

....., JM
(S.P. Wangdi)

....., EM
(Dr. Nagin Nanda)

26.07.2018