

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

Original Application No. 116/2014
WITH
Original Application No. 437/2015

Meera Shukla

Applicant(s)

Versus

Municipal Corporation, Gorakhpur & Ors.

Respondent(s)

WITH

Vishwa Vijay Singh

Applicant(s)

Versus

U. P. Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 07.03.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

Ms. Katyayni, Advocate

For Respondent (s):

Mr. Pradeep Misra and Mr. Daleep Dhyani,
Advocates for UPPCB
Mr. Anil K. Singh and Mr. Vishan Vijay Singh,
Advocates for R-9&10
Mr. Sanjay Kumar Visen, Advocate for R-2
Ms. Priyanka Swami, Advocate for R4&6
Mr. Rajkumar, Advocate for CPCB
Mr. D.K. Pandey
Mr. Sanjay Upadhyay, Ms. Upama
Bhattacharjee and Mr. Saumitra Jaiswal,
Advocates

ORDER

1. Pollution of Ramgarh Lake, Ami River, Rapti River and Rohani River in and around District Gorakhpur is the issue which has been taken up for consideration before the Tribunal. The rivers in question are tributary of river Ghaghara which in turn is a tributary of river Ganga.

2. The grievance put forward before this Tribunal is that there is contamination of water bodies and the ground water adversely affecting the inhabitants, flora, fauna and ecology of the area. 103 water bodies in the area are under threat. There is no proper management of solid waste. No designated sanitary landfills. There is encroachment of the water bodies. There is no sufficient sewerage system. There is no proper planning for the development. Industries in the area are not compliant with the environmental norms. The Uttar Pradesh Pollution Control Board (UPPCB) was not performing its duties to control the pollution. On samples being tested, lot of pollution is found. Water samples have high organic load in terms of B.O.D. and C.O.D. Underground water was contaminated with arsenic.

3. As per certain studies noted in the order of this Tribunal dated 23.08.2018, 50,000 people died in last 30 years. In the year 2012, 1260 persons were died. Sources of drinking water are highly polluted. STPs/CETPs are either inadequate or non-functional.

4. The Tribunal issued directions from time to time and got joint inspection conducted from Central Pollution Control Board (CPCB), CGWA and UPPCB. Inspection report showed serious violation of law and failure of the administration in performing their duties.

5. Finally, the matter was considered vide the order dated 23.08.2018. A Monitoring Committee was constituted headed by former Judge of Allahabad High Court to comply with the directions of this Tribunal already issued. The Committee was to have an action plan prepared for taking remedial measures and also to see that no further pollution is caused and furnish a report of the Tribunal.

6. The Committee sent certain reports which were considered on 17.12.2018, including reports regarding damage to forest land, pollution by M/s Gallant Ispat Limited, Gaurakhpur, pollution by M/s Rungta Industries Pvt. Ltd., Gaurakhpur, pollution by M/s Crazy Snacks Ltd. Gaurakhpur, pollution by M/s Yash Paper Mills, Darshan Nagar, Ayodhya, pollution by M/s Bajaj Hindustan Limited (Distillery Unit) as well as pollution of Ami River by other sources, encroachment of illegal construction around Ramgarh lake, violation of Bio-medical Waste Management Rules by Baba Raghav Das Medical College.

7. After considering the recommendation of the Committee, and hearing the learned counsel for the UPPCB, the Tribunal vide order dated 17.12.2018 gave certain directions which required action by the Health Department, State of UP, UP Jal Nigam, GIDA, Environment and Forest Department of UP, Irrigation Department of UP, District Magistrate, Sidharth Nagar and Nagar Nigam Gaurakhpur.

8. Further reports dated 08.02.2019 have been received from the Committee with regard to the pollution caused by M/s Bharati Research and Breeding Farm, FL-27, Sector -13, GIDA, Gorakhpur, UP, M/s Mother Shree Dairy, D-1/3D, Sector 13, GIDA, Gorakhpur, UP, M/s Alkane Construction Equipment Pvt. Ltd., FL-24, Sector 13, GIDA, Gorakhpur, UP, M/s Burnet Pharmaceutical Pvt. Ltd., AL-1, Sector -13, GIDA, Gorakhpur, UP, M/s Gorakhnath Agro Industries Pvt. Ltd., FL-20/27, Sector-13, GIDA, Gorakhpur, UP, M/s Royal Savera Foods Pvt. Ltd., FL-28, Sector -13, GIDA, Gorakhpur, UP and M/s Dr. Sandhu Hatchery, FL-28, Sector -13, GIDA, Gorakhpur, UP.

9. The reports show that the above units were violating the environmental norms. The Committee has suggested recovery of compensation to the extent of Rs. 50 lakhs each for the damage caused to the environment and public health by the operation of the above units. The Committee has also suggested recovery of compensation to the extent of Rs. 50 laksh each from the UPPCB on account of its failure and possible collision with the polluters.

10. We find that the CPCB has, on directions of this Tribunal, undertaken a study of the scale of compensation to be recovered which has been noted in the order of the Tribunal dated 19.02.2019 in Original Application No.593/2017, *Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors.* The Tribunal has also directed conduct of performance audit of the Pollution Control Boards vide order dated 11.01.2019 in Original Application No. 95/2018, *Aryavart Foundation Vs. M/s Vapi Gree Enviro. Ltd. & Ors.*

11. Having regard to the facts and circumstances of the present case, we are inclined to refer the reports of the Committee to the CPCB for their comments in the matter. We note that representative of CPCB is a Member of the Committee and represented in the Committee. We may need assistance of CPCB to finalise the amount of compensation and action against the UPPCB.

12. Let CPCB furnish its comments within one month by e-mail at ngt.filing@gmail.com. The reports may be forwarded to CPCB, (Headquarters) by e-mail.

13. In the meanwhile, the Pollution Control Board may take further appropriate action to remedy the situation, in exercise of its statutory powers, without awaiting for any further orders from this

Tribunal in the light of the facts found and furnish a report within one month by e-mail at ngt.filing@gmail.com.

List for consideration of the reports in the last week of April.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 07, 2019
Original Application No. 116/2014
WITH
Original Application No. 437/2015
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