

**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: 19.07.2019

**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. Katyani, Advocate

For Respondent (s):

Ms. Priyanka Swami, Advocate for the State of  
Uttar Pradesh and Municipal Corporation,  
Gorakhpur  
Mr. Sanjay Kumar Visen, Advocate for  
Gorakhpur Development Authority  
Mr. Rajkumar, Advocate for CPCB  
Mr. I.K Kapila, Advocate for UP Jal Nigam  
Mr. Pradeep Misra, Mr. DaleepDhyani, Advocate  
for UPPCB

**ORDER**

1. The issue raised in O.A 116/2014 is regarding the contamination of water bodies and ground water, specifically Ramgarh Lake, Ami

River, Rapti River and Rohani River in and around District Gorakhpur. 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 to the Tribunal. The matter has been dealt with on several dates since then and the Tribunal has passed directions with regard to installation of STPs and CETPS by GIDA, closure of industries operating illegally, shifting of construction activities, unscientific disposal of municipal and other wastes.

2. Reports received from the Committee have been dealt with vide orders dated 25.10.2018 (in respect of M/s Yash Paper Mills), 17.12.2018 (regarding damage to the forest land by Bajaj Sugar Mills, Lakhimpur, M/s Gallant Ispat Limited, Gorakhpur and M/s Rungta Industries Pvt. Ltd., Gorakhpur, M/s Crazy Snacks Ltd., Gorakhpur, M/s Yash Paper Mills, Ayodhya, Pollution of River Ami, Pollution by M/s Bajaj Hindustan Limited (Distillery Unit), illegal constructions around Ramgarh Lake, pollution in Baba Raghav Das Medical College), 07.03.2019 (on the subject of pollution by M/s Bharati Research and Breeding Farm, M/s Mother Shree Dairy, M/s Alkane Construction Equipment Pvt. Ltd., M/s Burnet Pharmaceutical Pvt. Ltd., M/s Gorakhnath Agro Industries Pvt. Ltd., M/s Royal Savera Foods Pvt. Ltd., and M/s Dr. Sandhu Hatchery), and 29.04.2019

(M/s Bhavvy Colonizers, Gorakhpur and M/s. Jalan Complex Private Limited).

3. We have perused the reports dated

- (i) 11.05.2019 with regard to M/s K M Sugar Mills Limited (Distillery Division) and M/s K M Sugar Mills Limited (Sugar Division), Faizabad, and additional report dated 08.07.2019 with regard to the Sugar Division;
- (ii) 23.05.2019 with regard to Ramgarh Lake;and
- (iii) 08.06.2019 on the subject of pollution by (a) M/s Malvika Cement Pvt. Ltd., Raibareilly and (b) pollution of River Gomti furnished by the above Committee.

4. We proceed to consider the above reports seriatim.

- (i) **11.05.2019 with regard to M/s K M Sugar Mills Limited (Distillery Division) and M/s K M Sugar Mills Limited (Sugar Division), Faizabad and additional report dated 08.07.2019 with regard to the Sugar Division:**It is reported that though the unit is ZLD, it was found discharging effluents bypassing the ETP in Masoda drain meeting River Tamsa. The water was polluted and rendered unfit for human consumption resulting in various diseases. The Committee recommended that compensation of ₹ 5 crore be recovered for welfare of the effected inhabitants in the villages. The units be required to provide potable water to the inhabitants. The effluent discharge

should be stopped. The findings and the recommendation of the Committee are as follows:

**“Findings**

1. Thus, the following facts are proved beyond doubt from the report of the inspecting team (supra):
2. Distillery unit discharges effluent in Masoda drain, bypassing the incineration/evaporation to save the electricity, which ultimately meets river Toms (Tamsa).
3. The Mill and its distillery units are polluting the ground water on account of discharge and storage of polluted water in the vicinity since decades.
4. The test report of water shows that it is not fit for human consumption and is causing variety of diseases like cancer, asthma etc.
5. At least the villages residing in three villages MasodaKhanpur, Itaura and Alawalpur have no other sources of potable water except the ground water which is polluted on account of industrial effluent (supra) of K.M. Sugar Mill.
6. The consent given by UPPCB to M/s K. M Sugar Mill (distillery and sugar unit) is for ZLD (zero liquid discharge) which at the face of the record has been deliberately violated in spite of closure and opening of unit several times.

**Proposal and Recommendation.**In view of above, we propose and recommend as under:

1. The Mill be saddled with exemplary compensation of rupees five crores which may be used for the welfare of the villages Masoda, Khanpur, Alawalpur and Itaura and other villages adjoining to river Tamsa in the vicinity of Tehsil Sadar District Ayodhya to save them from diseases caused due to pollution from industrial unit and provide potable water under the supervision of District Magistrate Ayodhya with overall supervision by Principal Secretary Urban Development.
2. The Industrial unit should establish two overhead tanks for potable water in villages Masoda, Khanpur, Alawalpur, and Itaura on the basis of project report prepared by the UP-Jal Nigam and expenses (rupees 226.77lacs and rupees 199.59 lacs respectively with escalation cost) on the said overhead tanks and their maintenance be borne by M/S K.M Sugar Mills, Distillery and Sugar unit equally under the supervision of District Magistrate Ayodhya.
3. Since the Mill has been consented by UPPCB to operate on zero discharge the district authorities from their own agencies on the



*expenses incurred by the industrial unit should construct a concrete wall expeditiously, say within a period of one month to stop the flow of industrial effluent/ sewage in Masoda drain.*

- 4. In the absence of STP, the sewage appears to discharge in drains, from where it goes into the Tamsa River and thereafter in Ghagra causing serious environmental hazards to the people of the locality. Let both the industrial units install STP within a period of one year with due communication to the Monitoring Committee, CPCB and UPPCB. Both the units must start work within a period of three months.*
- 5. Separate electricity connection for incineration, STP and ETP be provided by the industry (supra) within a month.*
- 6. The recommendations made by the inspection team (supra) is accepted and the instruction be complied with by the industrial unit within three months, failing which not only by the distillery units but the sugar unit be also closed.*
- 7. The compliance to be made by the mill shall be verified by the Joint team of Scientists of CPCB and UPPCB immediately after three months from the date of order passed by NGT and report be forwarded to Eastern UP Rivers and Water Reservoir Monitoring Committee/NGT.”*

The additional report dated 08.07.2019 brings to light that inspite of above report the Sugar Division continued to discharge as found in later inspection. In the said report, the findings and recommendations are as under:

- 14. “In view of above and from material on record we sum up our finding as under:*
  - (i) M/s K.M Sugar Mills Ltd. disposing the treated effluent on their own irrigation land (25 acre) through the underground H.D.P.E pipeline. This pipeline is passing below the railway line and from the cultivable land of the farmers.*
  - (ii) The farmers/villagers have complained that without their consent M/s K.M Sugar Mill Ltd. have taken underground pipeline to dispose of the treated industrial effluent at their own agricultural land.*
  - (iii) The treated industrial effluent discharge on agricultural land (Location I) is found non-complying w.r.t notified discharge standards. The concentration of suspended solids*

was found 1.12 times higher than the standards. And treated industrial effluent discharge on agricultural land (Location II) is found non complying w.r.t notified discharge standards. The concentration of BOD was found 1.37 times higher than the notified standards, whereas concentration of COD was found 1.672 times higher.

(iv) As per the analysis result of ground water sample, the concentration of Magnesium is found more than the acceptable limit of IS:10500.

Thus, bases on the above observations, directions may be issued under Section 05 of Environment (Protection) Act, 1986 to sugar unit and suitable environmental compensation may be charged for each non-complying day.

15. **Assessment of Environment Compensation** Accordingly, the sugar unit has been discharging treated effluent that does not meet the discharge standards on their agricultural land of 25 acres (supra) and the land of farmers/villagers since the date of operation. Thus, for polluting industries the scale of compensation we assess at ₹ 10,000 per day for the last three years, thus making the environment compensation is ₹ One crore eighty-two lakhs sixty thousand.

14. **Proposal/Recommendation** In view of above, we propose and recommend as under:

- 1) The Mill be saddled with environment compensation of ₹ 1,09,50,000 (One crore nine lakhs and fifty thousand) which may be used for the welfare of the villagers of Mahawa, Ayodhya to save them from diseases caused due to pollution from the industrial unit and provide potable water under the supervision of District Magistrate Ayodhya with overall supervision by Principal Secretary Urban Development.
- 2) The Mill within a period of two months shall remove all treated/untreated industrial effluent discharged and stored in agricultural land by passing through the pipeline under the railway line, private and agricultural land.
- 3) The Mill shall not operate the H.D.P.E pipeline passing below the railway line and from the cultivable land of the farmers without taking due consent from the DRM Railways and the Gram Sabha of village Mahawa as well as private tenure holder.
- 4) Since the Mill has been consented by the UPPCB to operate on zero discharge, the district authorities from their own

*agencies on the expenses incurred by the industrial unit should stop the flow of effluent on agricultural land which is likely to pollute underground water and adjoining agricultural land through seepage.*

- 5) *The compliance to be made by the Mill shall be verified by the joint team of scientists of CPCB and UPPCB immediately after three months from the date of order passed by NGT and report be forwarded to Eastern UP Rivers and Water Reservoirs Monitoring Committee/NGT.*
- 6) *Any ordered or orders as the Hon'ble NGT pleases may be passed."*

In the light of earlier approach adopted by this Tribunal with regard to action on such reports<sup>1</sup> we direct that the copies of the said reports be furnished to the CPCB and UPPCB for further appropriate action of prohibiting polluting activity, recovering compensation for the damage and prosecution. The said joint Committee may furnish an action taken report in the matter within one month by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). The state PCB will be the nodal agency for coordination and compliance.

**(ii) 23.05.2019 with regard to Ramgarh Lake**

The report is to the effect that depth of the lake was reduced. The lake was polluted by discharge of untreated sewage, unplanned constructions in catchment area and surface runoff in the agricultural fields. This has resulted in damage to the aquatic life and the ecology. The construction by GIDA, within 500 meters from the lake, is without environmental clearance are liable to be removed. The allottees may be given compensation of ₹ 5 Lakh for each family for shifting to some

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<sup>1</sup>Order dated 07.03.2019 at para 11 & 13 and order dated 17.12.2018 at para 11



other place. The constructions within 500 meters are liable to be removed except the circuit house. Private construction within 50 meters be also removed by giving compensation of ₹ 2 Lakh. The findings and recommendations are as follows:

**“Findings:** *The constructions raised under the scheme floated by the GDA, subject to discussion and judgments of the Hon’ble Supreme Court, suffer from following substantial illegalities, which are in no way curable.*

1. *While launching the scheme to raise construction of flats/houses and other structures within 500 meters of Ramgarh lake towards west, north east and south west side, the GDA has acted in flagrant violation of Section 7 of the Act, 1973 (supra), which is a condition precedent to be followed by all the development authorities while proceeding with the scheme of construction of residential colonies or buildings so as to ensure that the natural habitat, ecological balance, flora and fauna of the vicinity including wetland, water reservoirs and life of aquatic animals are not affected.*
2. *The GDA has disregarded the provisions of Ramsar Convention, to which the Government of India is a signatory and which is binding guideline (supra), in view of the provisions contained in Article 4 of the Declaration to all wetland. In the present case, the wetland of Ramgarh lake is a complex wetland covering 150 acres of land. Auction of land in favour of Bhavya Constructions and Jalan Constructions, in respect of which a separate report is forwarded.*
3. *The Rule, 2010 are exhaustive and recognize the Ramsar Convention of 1971 without any rider, hence the Construction raised over the wetland of Ramgarh lake are in contravention of Ramsar Convention as well as statutory mandate contained in the Rules, 2010.*
4. *So far as the Rules, 2017 are concerned, they do not seem to apply at the moment since all the constructions raised on complex wetland of Ramgarh lake are of the period earlier to 2017.*
5. *Since the very root of the decision taken by the GDA to launch the scheme for development of colony or construction of flats on the wetland of Ramgarh lake suffers from jurisdictional error as well as vice of arbitrariness coupled with malice in law, all subsequent actions of the GDA being nullity in law collapse*



and fall. (vide: *Mulraj vs. MurtiRaghunathji Maharaj*, AIR 1967 SC 1386 and other judgments (supra) of Apex Court).

6. As discussed in the preceding paragraphs, constructions raised by the GDA in the wetland/catchment area of Ramgarh lake are apparently in contravention of the Apex Court's judgment (supra) and the High Court judgment (supra), hence the decision of the GDA to make constructions or launch housing schemes in question is void ab initio. Since for the aforesaid reason, the original order vitiates, all subsequent actions/decisions of the GDA crumble down, therefore all constructions made by the GDA over the said area without environmental clearance are liable to be demolished.

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28. Though the committee of Shri Ashish Tiwari, Member Secretary, UPPCB recommended for demolition of constructions raised within an area of 250 meters from the bank of Ramgarh lake, but he very fairly invited the attention to the notification dated 14.09.2006, which makes it mandatory to obtain environmental clearance for any construction within 500 meters of the inner bank of Ramgarh lake. We appreciate the gesture of Shri Ashish Tiwari, Member Secretary, UPPCB and his knowledge with regard to the rules (supra). Undoubtedly, in view of the Notification dated 14.09.2006, all constructions done by the GDA within an area of 500 meters from inner bank of Ramgarh lake without environmental clearance are in gross violation of law and the decisions taken in respect thereof are void ab initio, hence liable to be demolished. However, leaving this aspect of the matter to be considered on judicial side, we confine our recommendation/proposal for demolition of all constructions within 500 meters or (200+50=) 250 meters from inner bank of Ramgarh lake made by the GDA on the Eastern, North Eastern and South Eastern sides of Ramgarh lake in view of the opinion expressed by the Rejuvenation Committee, headed by Shri Ashish Tiwari, Member Secretary, UPPCB. So far as the opinion expressed by the Additional Rejuvenation Committee, headed by Shri N.K.Janoo, Director Zoo, Gorakhpur, UP is concerned, we recommend for its acceptance in toto with request for follow up action in terms thereof.

#### **PROPOSALS/RECOMMENDATIONS**

1. All constructions under the schemes launched by the GDA without environmental clearance within 500 meters of Ramgarh lake on north west, south west and west sides are

*daring acts and fraud on the Constitution committed by the GDA. All such constructions within 500 meters without environmental clearance by the GDA in contravention of law (supra) are liable to be demolished within a period of six month Circuit House along with its extended portion and zoo.*

*2. The GDA be directed to provide land/plot of equal size to all the allottees in its other schemes along with rupees 5 lacs to each and every family to enable them to re-establish their houses and be not put to suffer. This amount of 5 lacs would be in addition to damages claimed by the houseowners from Court, if any.*

*3. All vertical constructions including metal road within 50 metres of Ramgarh lake be demolished. In case any portion of a house constructed on the basis of map sanctioned by the GDA is demolished, the GDA shall pay the cost of such demolished portion alongwith rupees 2 lacs to each of the house owners on the basis of assessment made by its Engineers to renovate their houses. This amount of rupees 2 lacs would be in addition to the damages claimed by the house-owners through Court, if any.*

*4. A committee comprising the Secretary, Urban Development Shri Anurag Yadav and the Secretary, Environment Shri Roopesh Kumar be constituted to monitor the whole process in accordance to the directions issued by the Hon'ble NGT in case instant proposal is accepted.*

*5. The GDA be saddled with environmental compensatory costs of rupees 10 crores, which should be used for beautification and restoration of natural habitat of complex wetland of Ramgarh lake under the supervision of aforesaid two officer committee (supra).*

*6. No pucca permanent construction as well as metal road on all sides of Ramgarh lake within the area of 50 meters be made and continued. In view of the recommendations made by the Rejuvenation Committee, within 50 meters area of all sides of Ramgarh lake from inner bank, the UP Forest Department as well as the GDA may plant indigenous trees, develop flora and fauna around the lake and make all necessary arrangements including the desilting of Ramgarh lake for survival of aquatic*

*animals. No bolder or concreting be used on the inner side of Ramgarh lake to maintain ecological balance.*

*7. Natural chargers of Ramgarh lake. namely. GordhoiyaNala (drain) and SirsiaNala (drain) be restored by removing encroachments made thereon within three months and their desilting be done in next three months by GDA and Irrigation Department (total six months) for continuity of fresh water supply to Ramgarh lake. The State Government shall provide necessary financial and other assistance.*

*8. All remaining 18 drains be capped on war footings to save the life of Ramgarh lake expeditiously, say within a period of one year and accordingly appropriate project report be prepared and be submitted to the Government of UP for grant of financial support, if already not done.*

*9. Any other instruction or order, as the Hon'ble NGT may deem necessary, be issued to uphold the majesty of law under the facts and circumstances of the present case. Subject to above, we also propose to accept the recommendations of Rejuvenation Committee and Additional Rejuvenation Committee (supra).*

*10. Long term and short term action plans as proposed by the Rejuvenation Committee, vide Experts' opinion dated 0503.2019 be acted upon by the State Government through the Ministry of Urban Development/Irrigation with follow up decision in three months.”*

We have considered the report. We are of the view that in line with the order earlier passed on 17.12.2018, a copy of the report be forwarded to the Principal Secretary, Urban Development, Uttar Pradesh who may furnish action taken report in the matter within one month by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).



**(iii) 08.06.2019 on the subject of pollution by (a) M/s Malvika Cement Pvt. Ltd., Raibareilly and (b) pollution of River Gomti**

(a) **M/s Malvika Cement Pvt. Ltd., Raibareilly**: The report is to the effect that it came to the notice of the Committee from the Regional Officer of the Uttar Pradesh State PCB (UPPCB), Raibareilly that M/s Malvika Cement Pvt. Ltd., Raibareilly was operating in violation of law and was not allowing its inspection to be carried out. In spite of intervention of the District Magistrate, team of the CPCB and UPPCB was not able to carry out the inspection. The Regional Officer of the UPPCB also gave a report that he was not being allowed to enter the premises.

The Committee drew an inference that there was no consent obtained by the industry from the UPPCB under the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974. As per the Air Monitoring Data Report of the UPPCB dated 22.04.2019, particulate matter, PM<sub>10</sub>, was 289.36 which was beyond the prescribed standard. The Committee has accordingly suggested that the unit may be required to pay environmental compensation to the tune of ₹ 4,68,37,500 for operating without requisite consent since January, 2009 as per formula evolved by the CPCB for compensation for industrial pollution and the Chief Secretary, Uttar Pradesh may look into the matter for initiating appropriate penal





action against the unit for obstructing the public servants in carrying out their duty. It was also observed that UPPCB failed to take steps for a long period for which it should also be held accountable by way of an enquiry and payment of compensation. This aspect may also be looked into by the Chief Secretary, Uttar Pradesh and a report furnished to this Tribunal within one month by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

The joint Committee of the CPCB and UPPCB may now take appropriate action in the light of facts found after following the due procedure of law by way of prosecution, prohibiting polluting activity and recovering compensation on 'Polluter Pays' principle. Such action may be taken within one month and a report furnished to this Tribunal by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) before the next date.

A copy of this order along with the report be forwarded to the Chief Secretary, Uttar Pradesh, CPCB and the UPPCB. The nodal agency will be the CPCB for compliance and further action by the joint Committee.

- (b) **Pollution of River Gomti:**In O.A No. 24/2018 an allegation was made about pollution in River Gomti on account of untreated effluents being discharged through drains on account of inadequate drainage capacity and blockage of drainagesystem due to garbage and polythene bags. There is collection ofsewage polluting and degrading the environment. Reference was also made to the CAGreport of

2017, uploaded on the website in May 2017, recording failure of the Uttar Pradesh Pollution Control Board (UPPCB) and other Government authorities. It was alleged that though crores of rupees have been spent, the pollution continues. Vide order dated 17.01.2019 the Tribunal directed the concerned authorities to take remedial measures which were to be overseen by Justice D.P Singh formed judge of the Allahabad High Court who was also heading the Committee in the present case as already noted.

Accordingly, report 08.06.2019, has been furnished by the oversight committee showing deficiencies in the management of sewage and other discharges resulting in contamination of groundwater, pollution of River Gomti. It may be noted that River Gomti is one of the 351 polluted river stretches in O.A No. 673/2018 of this Tribunal. The Chief Secretary has been required to monitor measures for rejuvenation by order dated 16.01.2019 in O.A No. 606/2018. The Committee has found that on account of polluting activities and lack of adequate remedial measures, extraordinary situation has arisen requiring prompt actions.

The recommendations of the Committee are as follows:

***“Proposals/Recommendations***

*Considering the gravity of the situation and pollution of river Gomti, we propose/recommend as under:*

- 1. Advisory be issued by District Magistrates of all 11 districts i.e. Pilibhit, Shahjahanpur, Lakhimpur Kheri, Hardoi, Sitapur, Lucknow, Barabanki, Faizabad, Sultanpur, Pratapgarh and Jaunpur and the State of UP for people of the State not to take bath in the river Gomti till it is made*

*environment friendly and children be advised not to have morning walks at the banks of river Gomti apart from taking bath or swimming.*

*2. The District Magistrates of all 11 districts (supra) shall ensure to send a DPR through Jal Nigam or other agency to the Government of India under NamamiGange project, in case not already sent, to tap all sewer-lines/drain which are discharging untreated sewage into river Gomti within their respective districts in three months.*

*3. The Government of India may consider the DPRs of all 11 districts (supra) under the NamamiGange Fund within next three months and the work for construction of STP/ETP, CETP, as the case may be, must begin within a period of nine months.*

*4. A Committee of Secretary, Urban Development, Secretary, Environment and Secretary Irrigation be constituted to supervise the implementation of the orders issued by the Honorable NGT within specified time-frame (supra) under the supervision of Principal Secretary Urban Development.*

*5. (i) UPPCB has failed from its very inception to implement the statutory mandate to keep the Gomti clean as evident from the fact that the Nagar Nigams/Nagar Palikas have neither been saddled with environmental compensation nor have they been prosecuted. This commission and omission makes them accountable and the officers are liable to be prosecuted under the Indian Penal Code and Environment Protection Act 1986 (supra) and is saddled with environmental compensation of ₹ 6,84,75000 as assessed (supra) which may be used in appropriate manner for cleanliness and purity of water of River Gomti under the supervision of the Committee of Secretary Urban Development, Secretary Environment and Secretary Irrigation (supra).*

*(ii) It is evident from the evidence on record that UP Jal Nigam has not been running the SPS/STPs around the clock for transfer of sewage hence are liable to share the responsibility of the sin of polluting the river Gomti. Hence UP Jal Nigam may be saddled with environmental compensation of ₹ 3 crores which may be used in appropriate manner for cleanliness and purity of water of River Gomti under the*



*supervision of Committee of Secretary Urban Development, Secretary Environment and Secretary Irrigation (supra).*

*(iii) Nagar Nigam Lucknow has already been proposed to be saddled with environmental compensation of ₹ 5 crores with regard to the report of municipal solid waste. Hence in the present case, to keep on polluting Gomti, the liability of Nagar Nigam Lucknow in committing the sin since of polluting the river Gomti for decades is assessed to ₹ 2 crores which may be used in appropriate manner for cleanliness and purity of water of River Gomti under the supervision of Committee of Secretary Urban Development, Secretary Environment and Secretary Irrigation (supra).*

*(iv) The municipalities of 10 districts (supra) may be saddled with environmental compensation of ₹ 1 crore each which shall be used to provide quality of life to the citizens of respective districts and ensure cleanliness of river Gomti under supervision of Committee of Secretary Urban Development, Secretary Environment and Secretary Irrigation (supra).*

*6. No plastic waste, biomedical waste or municipal solid waste shall be dumped or stored within 150 metres of river Gomti on both sides. Further, no construction may be permitted within 150 metres on both sides of river Gomti (within municipal limits of Lucknow).*

*7. Government of UP through Principal Secretary Finance may deposit a performance guarantee of ₹ 100 crores as decide by Honorable NGT to ensure that within two years, all drains discharging their effluents and sewage in Gomti shall be tapped, otherwise the amount under the performance guarantee be forfeited and used for upliftment of environmental standard of river Gomti.*

*8. Municipal Commissioner of Lucknow Nagar Nigam and the District Magistrates/Eos of 11 districts (supra) be instructed to ensure that no solid waste or bio-medical waste is discharged into drains and subsequently into river Gomti by use of plastic/ steel/ fiber nets at discharge points.*

*9. Owing to long gestation periods of installation of STPs/CETPs, UP Jal Nigam and District Magistrates of 11 districts (supra) may be directed to begin within 2 months, bioremediation projects of all the piled solid waste at the*





*banks of river Gomti and its drains of all the 11 districts of UP (supra) by selecting the appropriate bioremediation technique and technologies such as Modular STP based on Electrocoagulation, filtration, Eco-Bioblock, Phytoremediation, Geo-Tube, Phytoremediation etc. which will effectively reduce pollutant concentration to an innocuous state.*

10. *Nagar Nigam, UP Jal Nigam be directed to complete all formalities under law keeping in view the observation made by the CPCB and UPPCB in its report (supra) within a period of 3 months. Apart from the above instructions, recommendations made by scientists of CPCB and UPPCB are accepted which are as under:*

*“1. Nagar Nigam/UP Jal Nigam Lucknow may submit DPR for construction of sewage treatment plant (STP) and tapping of major drain discharging untreated sewage of city in River Gomti making it unfit for bathing and human uses.*

*2. To increase the sewage treating capacity, Jal Nigam/Nagar Nigam has prepared the project and has submitted to the Government for approval.*

*3. To provide additional water into the River and thus bring about improvement in the future drinking water situation and environment of Lucknow city through Mahdoiya and Ataria escape of the Sharda Canal System.*

*4. To develop the Riverfront by developing green belt on the banks of the River, under which facilities like cycle track, walking track, water sports facilities, water transport and tourism activities can be promoted.*

*5. To provide water for regeneration of the River by reviving lakes and ponds in Sitapur, Lakhimpur Kheri and Lucknow districts.*

*6. Nagar Nigam should immediately removed illegal dumping of solids on River Bank and in its catchment area.*

*7. River Gomti ghats may develop with green plantation and remove the silting and garbage dumped in River Stream for maintain natural flow of River.”*

We direct that a copy of this report be forwarded to the Chief Secretary, Uttar Pradesh who may furnish action taken report in the matter within two month by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). A copy of the said report may be placed by the



registry in O.A No. 673/2018 which is now to come up on 29.11.2019. O.A No.24/2018 which is listed on 09.08.2019 may now be listed after 29.11.2019.

5. While we place on record our appreciation for services rendered by the Committee, the Committee may conclude its proceedings and submit its final report which may set out recommendations cumulatively at one place in a tabular form on or before 31.08.2019 to this Tribunal. The Chief Secretary of Uttar Pradesh may suggest further course of alternative oversight mechanism after the Committee concludes its proceedings.

List again on 26.11.2019. The scheduled date will stand deferred.



Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 19, 2019  
Original Application No.116/2014 with  
Original Application No.437/2015  
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