

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

(By Video Conferencing)

Original Application No. 116/2014  
(With Report dated 15.06.2020)

Meera Shukla

Respondent(s)

Versus

Municipal Corporation, Gorakhpur & Ors.

Respondent(s)

Date of hearing: 16.06.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Ms. Katyani, Advocate

Respondent(s): Mr. Mukesh Verma, Advocate for State of UP  
Mr. Pradeep Mishra, Advocate for UPPCB  
Mr. Raj Kumar, Advocate for CPCB  
Mr. I.K. Kapila, Advocate for UP Jal Nigam

**ORDER**

1. The issue for consideration is the remedial action for contamination of water bodies and ground water, specially Ramgarh Lake, Ami River, Rapti River and Rohani River in and around District Gorakhpur, Uttar Pradesh.
2. The matter was exhaustively reviewed vide order dated 23.08.2018. The Tribunal noted the allegation that Ramgarh Lake and the Ami, Rapti and Rohani Rivers in and around District Gorakhpur were severely polluted on account of discharge of untreated sewage and industrial effluents. Steps required to prevent contamination of water bodies and groundwater were not

being taken. This was affecting the farmers and inhabitants, flora, fauna and ecology of area and causing degradation of the environment. 103 water bodies are under threat. There was no proper management of solid waste and no designated scientific sanitary landfill. There was encroachment of the Ramgarh Taal. Common Effluent Treatment Plant (“CETP”) had not been set up. Industries were not complying with the environmental norms. There was high organic load in River Ami and Rapti. Sugar and Distillery units were also causing pollution. 557 persons died in the year 2012. About 50,000 persons died in the last 30 years. It was also noted that Ami, Rapti and Rohani Rivers are the tributaries of Ghaghara which ultimately terminated into River Ganga. For public health at Gorakhpur, clean water supply was necessary, apart from cleaning of water bodies and other steps for protection of environment.

3. The Tribunal issued directions for the purpose and a Monitoring Committee was constituted headed by former Judge of Allahabad High Court with representatives of the Central Pollution Control Board (“CPCB”), Uttar Pradesh Pollution Control Board (“UPPCB”) and State Jal Nigam to oversee compliance of directions of this Tribunal already issued on the subject of closing the sources of contaminated water (like handpumps) and taking steps for supply of potable water, to ensure proper waste management and deal with other issues mentioned above. The Committee was to carry out inspection of the industries causing pollution of water bodies, drains and rivers in the area and Effluent Treatment Plants (“ETPs”), Sewage Treatment Plants (“STPs”), CETP and Solid Waste Management (“SWM”) sites. Action plan was required to be

prepared for solid waste processing, proper functioning of ETPs and CETP and also for making available potable water to the inhabitants, apart from undertaking rehabilitation program for compensating the victims who had suffered. The Committee was to furnish reports to this Tribunal for further action.

4. The matter has been dealt with on several dates since then in the light of reports received from the Committee. The Tribunal passed directions with regard to installation of STPs and CETP by Gorakhpur Industrial Development Authority ("GIDA"), closure of industries operating illegally, adding to the pollution of the Rivers or their tributaries, shifting of construction activities from the floodplain zones/catchment area, unscientific disposal of municipal and other wastes. The earlier orders include orders dated 25.10.2018, 17.12.2018, 07.03.2019, 29.04.2019 and 19.07.2019.

5. The matter was last dealt with on 27.09.2019 in the light of above reports and earlier orders and it was observed:

*"6. Order dated 25.10.2018 dealt with the pollution caused by M/s. Yash Paper Mills, Faizabad by discharge in Tihura Drain affecting the agricultural lands as result of demolishing the clay barrier as per directions from the Sub Divisional Magistrate. Allegation of alleged collusion of SDM of the area was directed to be looked into by the Chief Secretary, UP. The stand of the SDM is that the barrier was removed to ensure flow of the drain, though the rain has to be kept clean and free from discharge of effluents.*

*7. Order dated 17.12.2018 dealt with the damage to the forest land by Bajaj Sugar Mill, Golagokaran Nath, District Lakhimpur, pollution by M/s Gallant Ispat Limited, Gorakhpur by discharging effluent into a drain joining Ami River, pollution by M/s Rungta Industries Pvt. Ltd. and M/s Crazy Snacks Ltd. discharging effluent in GIDA drain, pollution by M/s Yash Paper Mills, and pollution of Ami River by sewage generated in Gorakhpur, Sahjanwa, Unwal, Kauriram and Khajni, pollution by M/s Bajaj Hindustan*

Limited (Distillery Unit), illegal construction around Ramgarh lake and absence of sanitation, violation of environmental norms by Baba Raghav Das Medical College, Gorakhpur. The Tribunal directed the State PCB to take necessary action for enforcement of law by closing the polluting activity and recover compensation on "polluter pays principle" and report to this Tribunal. With regard to encroachment action was required to be taken by Principal Secretary, Urban Development and report was to be given to this Tribunal. With regard to violation of medical norms, report was to be given by Health Department. Jal Nigam was to take action for STPs and GIDA for CETPs. Other actions were to be taken by Environments and Irrigation departments, Nagar Nigam and District Magistrate, Siddharth Nagar and compliance reports furnished. Against this said order, appeal of the State of UP has been dismissed on 01.07.2019 by the Hon'ble Supreme Court, being Civil Appeal No. 5414/2019. Compliance reports have not been received from all the concerned authorities except from UPPCB to which reference will be made later.

8. Order dated 07.03.2019 dealt with reports dated 08.02.2019 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. The same were referred to CPCB for comments with further directions to the state PCB to take action in the light of the said reports in accordance with law. UPPCB has filed an action taken report which will be dealt with in the later part of this Order.

9. CPCB filed a report about the scale of compensation to be recovered which was considered vide order dated 29.04.2019. The report was directed to be acted upon by the State PCB. CPCB was to also deal with the remedial action against illegal drawal of groundwater. The compensation was to be revised based on actual period of violation. The Tribunal also dealt with report dated 18.04.2019 dealing with the transfer of forest land by the GIDA.

10. Finally, vide order dated 19.07.2019, reports with regard to pollution by K.M Sugar Mills, and Malvika Cement Private Limited and also pollution of River Gomti and Ramgarh Lake were considered. The reports were directed to be furnished to the CPCB and UPPCB for further action. Report on the issue of illegal construction in catchment area of Ramgarh Lake was directed to be dealt with by Urban Development Department of UP. The pollution of River Gomti, reported by the Committee, in pursuance of a separate order


of the Tribunal in O.A 24/2018, was to be dealt with by the Chief Secretary, UP. The Chief Secretary was directed to file an action taken report for consideration in the matter of pollution of river stretches, i.e O.A. No. 673/2018. This aspect has to be considered in the said matter. The Urban Development Department was to file action taken report with regard to construction by GDA in catchment area of Ramgarh Lake which is still awaited. Review petition has been filed by GDA seeking liberty to place its view point before the Urban Development Department.

11. It may be mentioned that apart from the reports relating to the pollution of the waterbodies in question directly or indirectly and other connected issues referred to above, the same learned Judge was also overseeing the subject of compliance of municipal solid waste in terms of order of this Tribunal dated 16.01.2019 in O.A. No. 606/2018 (which also covers compliance of Bio Medical Waste Management Rules, 2016 (BMW Rules)). In this regard, reports have been filed which have to be dealt with. In the same matter, Chief Secretaries of all the States were required to remain present before this Tribunal with the status of compliance on several important aspects of environment. After their appearance, directions have been issued requiring them to monitor such compliances at their level at least once in a month and at the level of the Districts Magistrates, twice in a month. Reports of such monitoring are to be furnished by the Chief Secretaries periodically to this Tribunal.

12. We may now note the reports which have been put up for consideration:

I. Reports have also been filed by the Central Pollution Control Board (CPCB) and the State Pollution Control Board (SPCB) in pursuance of earlier orders, as follows:

- A. Action taken report filed by the CPCB on 17.09.2019 (Pp 2503-2517) in respect of M/s Malvika Cement Pvt. Ltd., Raebareli, Uttar Pradesh.
- B. Report filed by UPPCB dated 13.09.2019 (Pp 2535-2567) in respect of M/s K.M. Sugar Mills (Distillery & Sugar Units), Masaudha, Ayodhya.
- C. Action taken report filed by the UPPCB dated 23.09.2019 (Pp 2568-2590) in respect of M/s Yash Paper Ltd. and the conduct of the SDM, Ayodhya in dealing with the matter.
- D. Report of the UPPCB (Pp 2467-2471) on the subject of environmental compensation payable by M/s B.R.D. Medical College & Hospital (Nehru Chikitsalay), Gorakhpur.
- E. Report dated 17.07.2019 (Pp 2087-2092) on the subject of environmental compensation furnished by the UPPCB in respect of:

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- i. *M/s Bharti Research and Breeding Firm, FL-27, Sector-13, GIDA, Gorakhpur, UP*
  - ii. *M/s Mother Shree Dairy, D-1/3D, Sector-13, GIDA, Gorakhpur, UP*
  - iii. *M/s Alkane Construction Pvt. Ltd., FL-24, Sector-13, GIDA, Gorakhpur, UP*
  - iv. *M/s Burnet Pharmaceutical Pvt. Ltd., FL-1, Sector-13, GIDA, Gorakhpur, UP*
  - v. *M/s Gorakhnath Agro Industries Pvt. Ltd., FL-20/27, Sector-13, GIDA, Gorakhpur, UP*
  - vi. *M/s Royale Savera Foods Pvt. Ltd., FL-28, Sector-13, GIDA, Gorakhpur, UP*
  - vii. *M/s Dr. Sandhu Hatchery, FL-28, Sector-13, GIDA, Gorakhpur, UP Report dated 29.07.2019 (Pp 2115-2132) on the subject of sand mining in District Jalaun and Hamirpur, Uttar Pradesh based on complaint of one Anchal Dwivedi to the effect that such sand mining was resulting in crisis of underground water and contamination of groundwater, e-flow of the river was adversely affected and damage was being caused to the river banks and river eco-system.*

II. *Additional Report of the Committee dated 03.08.2019 (page no. 2446) in respect of M/s Yash Paper Mills Ltd. & Rajepur Villaage Darshan Nagar, Ayodhya, Faizabad, Uttar Pradesh on the subject of industrial pollution alongwith report of the CPCB with regard to Tihura Drain near Yash Paper Mills Ltd. (Pp 2440-2445)*

III. *Summary of discussions and decisions of the Committee on the subject of wetlands dated 18.07.2019 (Pp 2093-2113)*

IV. *Summary of discussions and decisions of the Committee on the subject of compliance of Solid Waste Management Rules by M/s Amko, Bulandshahr Road, Ghaziabad, Radisson Blue Hotel, Kaushambi, Ghaziabad, Uttar Pradesh, Cantonment, Ayodhya, Sand Mining in Jalaun and Hamirpur, discharge of effluents in Gomti, recovery of compensation from hotels and industries in terms of order of this Tribunal dated 17.01.2019, in O.A No. 24/2018 and storage of 10 crore liters of effluent by Sardar Nagar Distillery and river pollution at Pilibhit, Lakhimpur Kheri, Hardoi, Sitapur, Lucknow, Raebareli, Pratapgarh, Jaunpur, Ghazipur, River Sai, River Sai Tributary of River Gomti dated 29.07.2019 (Pp 2245-2256).*

V. *Reports of the Committee regarding solid waste management (including Bio-medical waste):*

a) *dated 31.07.2019 (Pp 2135-2174) in respect of Agra;*

- b) dated 31.07.2019 (Pp 2177-2244) in respect of Mathura;
- c) dated 31.07.2019 regarding Common Bio Medical Waste Treatment Facility (CBWTF) in respect of M/s JRR Waste Management, Khasara No. 670, Mauja Dherera, Etmadpur, District Agra, U.P. (Pp 2258-2273)
- d) dated 31.07.2019 on the subject of Bio Medical Waste Management at Sahara Hospital, Gomti Nagar, Uttar Pradesh (Pp 2275-2310)
- e) dated 31.07.2019 on the subject of Bio Medical Waste Management at Dr. Ram Manohar Lohia Combined Hospital, Vibhuti Khand Gomti Nagar, Lucknow, Mayo Medical Centre, Vikas Khand-II, Gomti Nagar, Lucknow, St. Joseph's Hospital, Vishal Khand-5, Gomti Nagar, Lucknow, Nova (FORD) Hospital, Vikash Khand-1, Patrakarpuram, Gomti Nagar, Lucknow, Uttar Pradesh. (Pp 2312-2363)
- f) dated 01.08.2019 on the subject of Bio Medical Waste Management at S.N. Medical College & Hospital District Agra, Uttar Pradesh. (Pp 2305-2391)
- g) dated 05.08.2019 on the subject of Bio Medical Waste Management at (i) Super Specialty Pediatric Hospital & PG Teaching Institute, Sector-30, Noida and (ii) Jaypee Hospital (A Unit of Jaypee Healthcare Ltd.), Sector-128, Noida Uttar Pradesh. (Pp 2394-2438)

13. We have heard learned Counsel representing applicant, learned Counsel for CPCB, UPPCB, UP Jal Nigam and learned Counsel for the Yash Paper Mill. We have also heard learned Counsel appearing on behalf of the Gorakhpur Development Authority (GDA) in Review Application No. 47/2019 seeking review of order dated 19.07.2019.

**14. While we propose to deal with the reports directly connected to the pollution of water bodies and other connected issues at Gorakhpur, or otherwise connected thereto, which have been dealt with in earlier orders, other issues such as Solid Waste Management at places other than Gorakhpur, sand mining and pollution of River Gomti may have to be dealt with in the first instance by concerned administrative authorities and report furnished to this Tribunal for further consideration.**

15. The reports relating to Solid/Bio-medical Waste Management indicate violations. Such violations need to be remedied and action taken as per law for compliance of statutory Rules, including recovery of compensation on Polluter Pays principle. **In order to do so, we direct that reports relating to Solid Waste Management (including Bio-medical wastes) be forwarded to Chief Secretary, UP for appropriate further action and monitoring and a compliance report being filed in O.A No. 606/2018**

**(Compliance of Municipal Solid Waste Rules by Uttar Pradesh) within one month by e-mail. Further consideration of the matter by this Tribunal will be in the said case. As regards reports relating to sand mining are concerned, the same may also be forwarded to the Chief Secretary U.P for appropriate further action with a direction that action taken report be furnished in O.A No. 360/2015 (dealing with the subject of Sand Mining) within one month via e-mail. The reports mentioned above at items IV and V stand dealt with accordingly, as far as this order is concerned, pending further separate consideration as above.**

16. We may now deal with reports at items I, II and III mentioned above.

**I. Reports filed by the CPCB and the SPCB**

A. Action taken report filed by the CPCB on 17.09.2019 (Pp 2503-2517) in respect of M/s Malvika Cement Pvt. Ltd., Raebareli, Uttar Pradesh.

17. **In view of report of the CPCB that the unit is functioning without consent to operate and it has also installed tubewells without NOC, SPCB may take appropriate further action by way of stopping illegal activity, recovering compensation and initiating prosecution in accordance with law.**

18. **The Chief Secretary, Uttar Pradesh may have it examined as to how electricity connections are given without consent to operate merely on consent to establish and why tubewells are being allowed to be dug without permission of the CGWA. An appropriate mechanism be evolved to remedy such illegalities in future anywhere in the State.**

B. Report filed by UPPCB dated 13.09.2019 (Pp 2535-2567) in respect of M/s K.M. Sugar Mills (Distillery & Sugar Unit), Masaudha, Ayodhya.

19. **The Distillery and Sugar units of the industry have been found to be non-compliant. In view of the facts found, the units need to be immediately closed by the SPCB under Section 31(1)(c) of the Water (Prevention and Control of Pollution) Act, 1974 in accordance with law in view of the recommendations of the joint Committee.**

C. Action taken report filed by the UPPCB dated 23.09.2019 (Pp 2568-2590) in respect of M/s Yash Paper Ltd. and the conduct of the SDM, Ayodhya in dealing with the matter.



20. Effluents have been found to be discharged in the drain **connecting the river for which the State Pollution Control Board (SPCB) has proposed environmental compensation of Rs. 40 lakhs. It is stated that earlier defaults by the unit were considered by this Tribunal in the year 2016 and now notice under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 has been issued by the SPCB proposing closure for the violations.**

21. According to the farmers, bandh was erected to prevent polluting discharge damaging the agricultural fields. However, according to the SDM, the bandh was removed to check stoppage of flow of the drain. The drain needs to be kept clean and its flow need not be obstructed. An updated joint inspection report is required to be obtained from a joint Committee of CPCB and the SPCB which issue will henceforth be dealt with in O.A. No. 399/2019, Mrs. Saraswati vs M/s Yash Paper Limited & Ors.

D. Report of the UPPCB (Pp 2467-2471) on the subject of environmental compensation payable by M/s B.R.D. Medical College & Hospital (Nehru Chikitsalay), Gorakhpur.

22. The SPCB may proceed further in accordance with law in the light of its report.

E. Report of UPPCB dated 17.07.2019 (Pp 2087-2092) on the subject of environmental compensation to be recovered from said 7 industries in Gorakhpur.

23. The SPCB may proceed further in accordance with law.

**II. Additional Report of the Committee in respect of M/s Yash Paper Mills Ltd. & Rajepur Villaage Darshan Nagar, Ayodhya, Faizabad, Uttar Pradesh pollution alongwith report of the CPCB with regard to Tihura Drain near Yash Paper Mills Ltd.**

24. A joint Committee of CPCB and State PCB may take remedial action to ensure that the Tihura Drain is cleaned and freed from any industrial effluent or other pollutants. A status report in this regard may be filed as already directed above.

**III. Discussions of the Committee relating to wetlands**

25. A Joint Committee comprising the Secretaries, Urban Development, Environment and Forest and

***Irrigation, Flood Control Department, Uttar Pradesh, UPPCB and the CPCB may take further action in accordance with law, in the light of the report and furnish an action taken report before the next date. The Nodal Agency will be Secretary, Irrigation for coordination, compliance and furnishing report to this Tribunal. The GDA is at liberty to furnish its view point to the said Joint Committee. Review Application No. 47/2019 stands disposed of.***

*List the matter for further consideration 09.12.2019.”*

6. In pursuance of above, following reports have been filed:
- (a) ‘Action Taken Report’ filed on 27.11.2019 by UP Jal Nigam on the issue of capping of drains discharging pollutants in Ramgarh Lake and preventing pollution of River Gomti, Saryu and other concerned tributaries.
  - (b) ‘Compliance report’ of Chief Secretary, UP dated 28.11.2019 with regard to pollution of Ramgarh Lake, Ami River, Rapti River and Rohani River, pollution of River Gomti.
  - (c) Report filed by the UPPCB dated 12.06.2020 mentioning the status of steps taken to comply with the earlier orders of this Tribunal.
  - (d) ‘Action Taken Report’ filed on behalf of the Divisional Forest Office, Siddharth Nagar dated 10.02.2020 in the matter of plantation of indigenous trees on both sides of the Ami River upto a distance of 5 km etc.
  - (e) Further report dated 20.12.2019 filed by the UP State PCB.
  - (f) A compliance report has also been filed on 13.06.2020 by Yash Pakka Ltd. (formerly known as Yash Papers Limited).

7. Our attention has also been drawn to the following reports filed by the Committee headed by Justice D.P. Singh<sup>1</sup> not dealt with in the order dated 27.9.2019:

(a) Report dated 30.09.2019 with regard to M/s Swaroop Chemicals Pvt. Ltd., Tewariganj, Chinhath, Lucknow, UP.

(b) Report dated 30.09.2019 with regard to M/s Saraya Distillery, Sardar Nagar, Gorakhpur, UP.

(c) Report dated 30.09.2019 with regard to STP Sahara Estate (Ramgarh Taal) at Gorakhpur, UP.

(d) Report dated 12.09.2019 with regard to (a) River Saryu pollution through "Retiya drain" & "Kakrahi drain", (b) Ayodhya, Faizabad, Cantonment, Ayodhya, Faizabad and (c) Nagar Nigam, Ayodhya, Faizabad.

(e) Report dated 30.09.2020 with regard to Chilua Taal, Sonauli Road, Gorakhpur, UP.

(f) Report of the UPPCB dated 29.09.2019 with regard to pollution of River Gomti.

(g) Report of the UPPCB dated 29.09.2019 on the subject of action taken against M/s Malvika Cement Pvt. Ltd. Industrial Area, Sultanpur Road, Raebareli.

8. The said reports may be forwarded to the current Oversight Committee headed by Justice SVS Rathore<sup>2</sup>, who may obtain the latest status of the matter from the concerned authorities and file a consolidated and updated report in the matter before the next

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<sup>1</sup> Constituted in terms of order dated 23.08.2018 in O.A. No. 116/2014, Meera Shukla v. Municipal Corporation, Gorakhpur & Ors.

<sup>2</sup> Constituted in terms of order dated 21.10.2019 and further modified vide order dated 16.03.2020 in O.A. No. 670/2018, Atul Singh Chauhan v. Ministry of Environment, Forest and Climate Change & Ors.

date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) (preferably in the form of searchable/OCR PDF and not image PDF).

9. Report dated 15.06.2020 filed by the Oversight Committee headed by Justice SVS Rathore, former Judge of the Allahabad High Court furnishes status of compliance of the orders of this Tribunal, including restoration of Ramgarh Taal. The concluding part thereof is as under:

**“Recommendations:**

*In view of the above, we recommend as follows:*

- 1. Regarding untreated sewage and industrial effluents, for the existing 103 water bodies and groundwater especially Ramgarh lake, Ami river, Rapti river and Rohani river in and around district Gorakhpur which are suffering from untreated sewage and industrial effluent as well as improper management of solid waste, no tangible efforts appear to have been made by Departments concerned so far to check the pollution caused by untreated sewage and industrial pollutants flowing untreated in rivers. Despite the concern expressed by NGT for quite some time neither the STP at Magahar and Khalilabad have been sanctioned nor GIDA has commenced work on its CETP. Consequently, sewage and industrial effluents are going in the rivers without any treatments. Gorakhpur and the entire Terai area is highly sensitive to Japanese Encephalitis (JE) and Acute Encephalitis (AE) which cause deaths of thousands of children every year. The primary cause of JE/AE is pollution. It appears that the State Government is not starting the work on these CETP/STP by citing that the project is pending with NMCG for budgetary approval. Lack of funds is no excuse for inaction. The Supreme Court order in Paryavaran Suraksha Samiti & Anr. Applicant(s) Vs. Union of India & Ors. In W.P. (Civil) No. 375/2012, clearly mentions that the municipalities/local bodies cannot be permitted to shy away from discharging their onerous duty regarding establishment of CETP/STPs. The Supreme Court has directed that the Urban Local Bodies have to generate their own financial resources for meeting this obligation failing which the State Government shall cater to their financial requirements regarding CETP/STP. This order has been reproduced from NGT order dated 21.05.2020. Clearly not providing for STPs/CETPs is contempt of the Supreme Court as well as NGT. Supreme Court in its order has also*

mentioned that Secretary of Environment Department shall be answerable in case of default. The Secretaries to Government concerned shall be responsible for monitoring the progress and implementation of above directions. Not constructing these STPs/CETPs for lack of budgetary support from NMCG certainly is not a valid excuse. The Chief Secretary may be directed to ensure sufficient budgetary resources either from Government of India or from State budget within a month, so that work on these STPs/CETPs should commence immediately. NGT has mandated that any STP where work does not commence from 1.04.2020 will be liable to EC @5 Lakh per month. CPCB may issue notice to the Gorakhpur Municipal Corporation/ GIDA for EC.

2. No interim measures for the treatment of the wastewater in drains and sewages have been made yet. has mandated that bioremediation and/or phytoremediation or any other remediation measures may start as an interim measure positively from 01.4.2020, failing which the State may be liable to pay compensation of Rs. 5 Lakhs per month per drain to be deposited with the CPCB.
3. All the municipal corporations were supposed to abide by SWM Rules, 2016 by 1.04.2020. Any violation in following SWM Rules, beyond the deadline would entail penalty. Gorakhpur Municipal Corporation has so far not started work on landfill site/processing plant. Any default in commencing work before 1.04.2020 would attract penalties (EC). CPCB may work out EC and issue notice.
4. This area is very sensitive from JE/AE point of view. Besides BRD Medical college is the most important medical center in this area catering to medical requirements of large part of Eastern UP and Northern Bihar. The Primary cause of JE/AE is pollution. Hence it is most important that BRD medical college must follow BMW Rules, 2016. More so there is an influx of COVID-19 patients which will increase in the coming months Principal Secretary Medical Education shall ensure that in such critical times, BRD Medical College follows all the BMW norms. Any negligence on the part of concerned officers may be dealt with strictly and responsibility may be fixed.
5. There are a large number of drains going untapped in Ramgarh Taal. The state would do well to plan STPs for these drains. As an interim measure bioremediation /phytoremediation of all these drains shall be started immediately.
6. As far as polluting industries are concerned, we have been informed by SPCB that production has been

*stopped in such units, prosecution has been recommended and RC has been issued against all such units. As per SPCB, only such units have been permitted which have deposited the EC and are complying with the norms. SPCB may be directed to continuously monitor such units.*

7. *Regarding illegal electric connections given to units operating without consent or digging of tubewells without permission of Central Groundwater Authority, it has been mentioned by SPCB that the consent to establish an industry will be given only after prior groundwater clearance. It is recommended that since it is an inter-departmental matter, specific instructions may be issued to all the departments by Chief Secretary.*
8. *UPPCB has informed that detailed action plans related to polluted river stretches of Ghagra, Rapti, Varuna, Sai, Saryu, Ami and Tamsa have been prepared and approved by River Rejuvenation Committee. The implementation of these plans by District Environment Committee at District level and River Rejuvenation Committee at the State level may be continuously monitored. The minutes of the State level Committee may be uploaded on the State Environmental Portal and a copy may be made available to this committee.*
9. *We have been assured by Additional Chief Secretary (Irrigation) that the joint committee report on wetlands will be passed in the meeting on 15.06.2020 and made available to the committee. This committee would send a supplementary report on that after getting that report and studying it.”*
10. The above recommendations be acted upon and a report filed by the Chief Secretary with report in terms of earlier order. We also note the suggestion of the learned Counsel appearing for the CPCB that the Tihara drain needs to be cleaned and obstructions, if any, thereto removed. This aspect may also be looked into by the Oversight Committee.
11. We may generally observe that the action taken so far hardly meets the mandate of law and much remains to be done for compliance of orders of this Tribunal. Laxity by the officers

concerned is breach of their statutory and public duties to uphold rule of law and protect environment and public health. However, learned Counsel for the State PCB states that latest status could not be brought forward for which time is required. Let the same be done before the next date.

12. In view of prayer made, we grant further time for filing updated report by the Chief Secretary, UP, State PCB, DFO, Gorakhpur and the Oversight Committee. The Oversight Committee may obtain latest status report from the concerned Collectors and the concerned departments. Report may be filed on or before 30.09.2020 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) (preferably in the form of searchable/OCR PDF and not image PDF) which may also be uploaded on the website of the CPCB. Comments, if any thereto, by any other party may be filed within two weeks thereafter.
13. Time of the Oversight Committee will stand extended by six months.

List for further consideration on 05.11.2020.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

June 16, 2020  
OA No. 116/2014  
DV