



File No. A-14011/1/2015-UPC-I

Date: 24/09/2019

To,

2024
The Executive Officer
Nagar Palika Parishad Khoda Makanpur,
Block - A, H. No. - 355, Gali Number 7,
Prashant Garden, Khora Colony, Uttar Pradesh 201309

SHOW CAUSE NOTICE UNDER SECTION 5 OF THE ENVIRONMENT (PROTECTION) ACT, 1986 IN COMPLIANCE TO HON'BLE NATIONAL GREEN TRIBUNAL ORDER DATED 19.02.2019.

Whereas, Ministry of Environment & Forests, Govt. of India, vide notification S.O. 157(E) of 27.02.1996 has delegated powers vested under section 5 of Environment (Protection) Act, 1986 (29 of 1986) to the chairman, Central Pollution Control Board (CPCB), to issue direction to any Industry, Municipal Corporation, Municipal council, Cantonment Board, any local or other Authority for the violation of emission and effluent standards notified among others, under the Environment (Protection) Rules, 1986 and other standards and norms; and

Whereas, CPCB had issued directions to Uttar Pradesh Pollution Control Board vide letter no. No. A-19014/43/06-MON dated 21/04/2015 under Section 18 (1) b of Water (Prevention and Control of Pollution) Act, 1974 to direct concerned stakeholders to develop infrastructure for sewage management and operate the STPs so as to comply with stipulated norms; and

Whereas, Hon'ble National Green Tribunal Principal Bench, New Delhi in the matter of OA no. 1002 / 2018 titled Abhisht Kusum Gupta Vs State of Uttar Pradesh &Ors vide its Order dated 19.02.2019 has directed as follows:

"Accordingly, we direct the Central Pollution Control Board (CPCB), DPCC, DJB, East Delhi Municipal Corporation, NOIDA Authority and UPCCB to have a joint meeting within one month and to prepare an action plan in respect of action in respective States to check the water pollution which may also include action to be taken for prohibiting the discharge of effluents, for prosecuting the polluters and recovering the compensation for the damage being caused to the environment.

[Continued....]

The Nodal Agency will be CPCB for coordination and compliance. The report of the action taken be furnished to this Tribunal within two months by e-mail at ngt.filing@gmail.com"

Whereas, in compliance to Hon'ble NGT directions, Central Pollution Control Board convened meeting with officers of Delhi Pollution Control Committee (DPCC), Delhi Jal Board (DJB), East Delhi Municipal Corporation (EDMC), NOIDA Authority and Uttar Pradesh Pollution Control Board (UPPCB) on 20.03.2019. It was decided to conduct joint inspection of the area under question so as to ascertain the sources of pollution of Kondli / Noida drain on 02.04.2019; and

Whereas, Joint inspection by the officers from DPCC, DJB, EDMC, PWD, DDA, UPPCB and Noida was conducted on 02.04.2019. Applicant was also informed to accompany the team for joint inspection and express his concerns. Based on inspection made, detailed report was prepared and submitted before Hon'ble NGT on 18.04.2019 (Copy enclosed). Major findings of report are mentioned below:

- i. Khoda village, Ghaziabad discharges untreated waste water to drainage system of PWD Delhi near CRPF camp which finally merges with Kondli drain.
- ii. As per the Water quality monitoring of the drain carried out, the concentration of primary pollutants are BOD-153mg/l, COD-492mg/l, TSS-442 mg/l.

WHEREAS, it is evident from the above observations that Khoda village, Ghaziabad discharges untreated waste water to drainage system of PWD Delhi near CRPF camp which finally merges with Kondli drain contributing to pollution to NOIDA drain; and

WHEREAS, in exercise of the powers conferred under section 5 of the Environment (Protection) Act, 1986 CPCB directed Ghaziabad Nagar Nigam vide letter A-14011/1/2015-UPC-I dated 06.06.2019 as follows:

1. To establish sewerage network and treatment facility to treat sewage generated from Khoda village.
2. To Deposit an Interim Environmental Compensation of 1,00,00,000 (Rupees One Crore only) in CPCB Account no.: 532702010009078, IFSC Code: UBIN0553271, UBI, I.P Extension Branch, Delhi as per Environment Compensation policy framed in Compliance of NGT order dated 06.12.2018 in Original Application No. 125/2017 and MA No. 1337/2018 within 07 days from date of receipt of directions.

[Continued....]

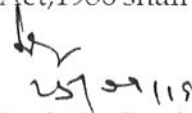

WHEREAS, Hon'ble NGT vide order dated 30.07.2019 directed as follows:

CPCB may consider this aspect and pass appropriate orders. Having regard to the seriousness of the issue, we direct the EDMC, DJB, NOIDA Authority and the Ghaziabad Nagar Nigam to furnish performance guarantees in the sum of Rs. 1 crore each to the satisfaction of CPCB undertaking to take remedial actions in terms of the directions of the CPCB, failing which the said amount will be forfeited.

WHEREAS, Ghaziabad Nagar Nigam acknowledge the receipt of direction u/s 5 issued by CPCB, Delhi vide letter dated 24.06.2019 and clarified that the Khora village falls under the jurisdiction of Nagar Palika Parishad Khoda Makanpur and suitable directions shall be issued to Nagar Palika Parishad Khoda; and

Now, therefore, in view of the above observations and in exercise of powers delegated to the Chairman, Central Pollution Control Board under section 5 of the Environment (Protection) Act, 1986, show cause notice is hereby served to explain the reasons as to why action should not be taken against Nagar Palika Parishad Khoda including levying of Environmental Compensation for discharge of untreated sewage to drainage system of Delhi.

Nagar Palika Parishad Khoda shall submit compliance report/time bound action plan for establishment of sewage network and treatment facility in compliance to show cause notice issued to CPCB office within 30 days from the date of receipt of this notice failing which appropriate action as per the provisions of Environment (Protection) Act, 1986 shall be initiated.

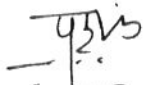

(S.P. Singh Parihar)
Chairman 

Copy to:

1. The Chairman,
Uttar Pradesh Pollution Control Board,
Building No. TC-12V, Vibhuti Khand,
Gomti Nagar, Lucknow-226010
2. The Secretary, MoHUA
Mulana Azad Road, Rajpath Area
Central Sectariat, New Delhi - 110001

**for information and with a
request to ensure compliance**

3. The Secretary, MoEF&CC
Indira Paryavaran Bhavan, Jorbagh Road
New Delhi - 110003
4. Yamuna Monitoring Committee
Office of YPMC, Room No. 58, IIC,
Max Muller Marg, Lodhi Estate, New Delhi - 110003
5. The Regional Director,
Regional Office (Lucknow), CPCB
Building No. TC - 12V, Vibhuti Khand,
Gomti Nagar, Lucknow - 226010
6. The Divisional Head, WQM-I
- ✓. The Divisional Head, IT Division, CPCB


(Prashant Gargava)
Member Secretary