



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

Date: 25/11/2019

To,

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 FOR PROSECUTION OF EXECUTIVE OFFICER, NAGAR PALIKA PARISHAD KHODA FOR NON-COMPLIANCE OF DIRECTIONS DATED SEPTEMBER 24, 2019 BY CPCB

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 UPPCB 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.

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.

Whereas, it was decided in the above Meeting to conduct joint inspection of the area so as to ascertain the sources of pollution of Kondli / Noida drain

Whereas, Joint inspection by the officers from DPCC, DJB, EDMC, PWD, DDA, UPPCB and Noida was conducted on 02.04.2019 and the inspection report submitted to Hon'ble NGT on April 18, 2019.

Whereas, major findings of the above-mentioned inspection report pertaining to Khoda included the following:

- 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 in NOIDA drain; **and**

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

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 Application No. 125/2017 and MA No. 1337/2018 within 07 days from date of receipt of directions.

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 vide letter dated 24.06.2019 and clarified that the Khora village falls under the jurisdiction of Nagar Palika Parishad Khoda Makanpur and informed that accordingly directions should be issued to Nagar Palika Parishad Khoda; and

WHEREAS, CPCB issued following Directions under section 5 of the Environment (Protection) Act, 1986 to Nagar Palika Parishad Khoda Makanpur vide letter dated 24/09/2019:

1. Show cause notice is 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
2. 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

WHEREAS, a meeting was convened with officers of Delhi Pollution Control Committee (DPCC), Delhi Jal Board (DJB), East Delhi Municipal Corporation (EDMC), NOIDA Authority, UP Irrigation Flood Control Department, Nagar Palika Parishad Khoda Makanpur and Uttar Pradesh Pollution Control Board (UPPCB) on 01/10/2019 for further follow-up on action taken by concerned authorities; and

WHEREAS, it was informed by the Executive officer of Nagar Palika Parishad during the meeting that there was no infrastructure facility to treat and tap waste from Khoda colony

WHEREAS, Action plan and Environment Compensation in compliance with Directions dated June 24, 2019 issued by CPCB has not been submitted till date

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 prosecution should not be initiated against Executive Officer, Nagar Palika Parishad Khoda for non-compliance of Directions issued by CPCB and Hon'ble NGT.

Nagar Palika Parishad Khoda shall file its reply within 15 days of receipt of this Notice failing which prosecution as per provision of EP Act shall be initiated against EO Nagar Palika Parishad Khoda for non-compliance of Directions.



(S.P. Singh Parihar) *By*
Chairman
26/11/19

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
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
7. The Divisional Head, IT Division, CPCB

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



(Prashant Gargava)
Member Secretary