

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

Original Application No. 145/2023

Ritam Tripathi

Applicant

Versus

State of U.P.

Respondent

Date of hearing: 13.03.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Application is registered based on a complaint received by post/e-mail

ORDER

1. This original application has been registered under Section 14 & 15 of National Green Tribunal Act, 2010 (hereinafter referred to as 'NGT Act, 2010') on a letter petition received on 09.01.2023 from Shri Ritam Tripathi, a student of LL.B. (Hons.), 4th Year, Faculty of Law, University of Lucknow.

2. It is said that river Ganga at Varanasi is being polluted with discharge of huge quantity of untreated sewage directly into the river. Varanasi produces 450 million liters of sewage every day and all this sewage is discharged in Ganga river, either through sewers or the Varuna and Assi Rivers. Most of 450 MLD (Million Liters a Day) sewage flows into Ganga, remains untreated.

3. It is also said that there are some Sewer Treatment Plants (hereinafter referred to as "STPs") at Varanasi but they are not properly functioning. The installed capacity of STPs at Varanasi is 361.8 MLD, while

actual treatment is only to the extent of 212.8 MLD and major part of untreated sewage is directly being discharged in river Ganga. Untreated sewage is also being discharged in rivers Varuna and Assi which ultimately meet river Ganga and unless all three rivers are appropriately cleaned, river Ganga cannot be cleaned and will remain highly polluted.

4. We find that the issue relating to pollution of rivers Varuna and Assi in Varanasi has been dealt with by this Tribunal in OA No. 128/2021, *Saurabh Tiwari vs. Union of India & Ors.*, wherein action taken report was filed on 18.08.2021 by UP Pollution Control Board (hereinafter referred to as “UPPCB”) on behalf of joint Committee. The said report includes an action plan proposed for above rivers i.e. Varuna and Assi at Varanasi. The action plan’s details are given in the Tribunal’s order dated 23.11.2021 passed in OA No. 128/2021, *Saurabh Tiwari, supra*, and operative part of said order reads as under:

“5. The report shows that there are serious issues adversely affecting rivers Varuna and Assi calling for remedial action in the form of desilting, remediation of waste water, development of constructed wetland systems and bio-diversity parks, apart from management of sewage, industrial pollution and solid waste which requires concerted and continuing steps and monitoring.

6. Since the issues and remedial steps have been identified by the joint Committee and exhaustive recommendations for remedial action made, there is need for execution of the action plan at the ground level in the light of above report. This requires coordination among the concerned departments including the Local Bodies, District Administration and State Government.

7. Accordingly, the Supervisory and Execution Committees suggested in the report may take further action. In terms of suggestions of the Committee, problem of chocking at the origin point of said rivers may be remedied by taking restoration measures. The execution Committee may meet atleast once in a month under the Chairmanship of District Magistrate, Varanasi and the Supervisory Committee may meet on quarterly basis under the Chairmanship of Commissioner, Varanasi Division, as suggested. The District Magistrate as well as Commissioner, Varanasi Division may have full time environmental coordinators attached to them directly for this purpose either out of the existing incumbents or by specially engaging a suitable person for the task. It will be appropriate that minutes of the meeting of the District Magistrate as well as Commissioner,

Varanasi are placed on their respective websites, which may enable public information and participation. Having regard to the significance of the issue and need for prompt action for keeping the important rivers pollution free, the timelines need to be shortened which aspect may be considered by the Execution and the Supervisory Committees. We request the Oversight Committee constituted by this Tribunal headed by Justice S.V.S. Rathore, former Judge of the Allahabad High Court to oversee the steps taken in the matter, if necessary, by periodically interacting with the Execution and Supervisory Committees.

8. *We further direct the NMCG and CPCB to monitor progress of implementation of action plan in accordance with the Namami Gange project.*

9. *The action plan may be placed on the website of CPCB and also circulated by CPCB to the River Rejuvenation Committees of all the States/UTs through respective State PCBs/PCCs, for appropriate consideration of their respective action plans to the extent found necessary.*

10. *The issue of funding of the projects proposed may be worked by the NMCG and the Chief Secretary, UP and wherever Namami Gange funds are found inadequate, it will be the responsibility of the State of UP to provide the same.*

The application is disposed of.

A copy of this order be forwarded to CPCB, NMCG, Chief Secretary, UP, Additional Chief Secretary, Irrigation Department, UP, State PCB and District Magistrate and Commissioner, Varanasi Division by e-mail for compliance.

A copy of this order be also provided to all other concerned departments by the Additional Chief Secretary, Irrigation Department, UP.

A copy of this order be also forwarded to Justice S.V.S. Rathore, former Judge of the Allahabad High Court by e-mail.”

5. Further, with regard pollution of river Ganga, the issue is under consideration before Tribunal in OA No. 200/2014, *M.C. Mehta vs. Union of India & Ors.* and discharge of untreated sewage into rivers across the State of UP alongwith other States is also under consideration in OA No. 606/2018. Hence the issue raised in this application regarding river Ganga is already under consideration before this Tribunal in above mentioned matters.

6. In view thereof, we do not find that multiplication of proceedings by entertaining any fresh original application would be appropriate.

7. The application is accordingly disposed of.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 13, 2023
Original Application No. 145/2023
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