

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

(BY HYBRID MODE)

Original Application No. 353/2022
(I.A. No. 69/2023 & I.A. No. 146/2023)

Kartik Sharma

Applicant

Versus

State of Uttarakhand

Respondent

Date of hearing: 26.07.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Rahul Verma, AAG for the State of Uttarakhand
Mr. Kaushal Gautam, AAG with Mr. Mrinal Sharma, Adv.
Mr. Mukesh Verma, Adv. for UKPCB
Mr. Vinay Kumar Gupta, Adv.

ORDER

1. Unregulated withdrawal of water from the lake Mussoorie can certainly affect natural water cycle and environmental functions performed by the lake – recharge of ground water aquifer, habitat to aquatic and semi aquatic plants and animals, quality of water etc. The matter was considered by this Tribunal on different dates and vide order dated 21.04.2023 certain direction were issued to State of Uttarakhand to take remedial measures to control and to regulate commercial and construction activities in the area, including illegal withdrawal of potable water and waste management by commercial establishments for protecting environment and public health, fixing liability for past violations and preventing continuous violation.

2. In response to the order of the Tribunal, the State PCB has submitted a report dated 24.07.2023 with facts that show notice has been issued to all 46 hotels for excessive water usage against authorized Jal Sansthan Water Supply. As per inspection report, one hotel was found permanently closed and 39 hotels were found to be using water from Jal Sansthan as source supply and also using rain water harvesting storage facility in the hotel premises to meet needful water demand of all existing rooms in the hotel. It is further reported that, out of 106 hotels only 18 hotels possess the desired consent to operate. It is disclosed that the ratio of violation is more than 85 %. Thirty (30) hotels have applied for consent which is under assessment by the Regional Officer Dehradun. For the use of the water, it has been submitted that as per assessment of Jal Sansthan, total water requirement in Mussoorie is 15.78 MLD, out of which regular water supply of Jal Sansthan is 7.69 MLD. Further, the Yamuna river pumping water scheme for Mussoorie has been made operational from June, 2023 providing 2.5 MLD in addition to the above regular supply. Moreover, the Jal Sansthan has informed that from September, 2023 onward, additional 6 MLD water will be supplied to Mussoorie, thereby providing adequate water supply to meet the demand.

3. The State PCB has not taken action against units/hotels which are in operation without any consent and further State PCB has not taken any steps against the past violation.

4. Accordingly, we direct the State PCB to take necessary action against the units/hotels which have no valid consent and further to take action against the past violation. Further ensure that there shall not be any discharge of untreated sewage or sullage into the open land or in any stream and ensure functional STP. Each Hotel is subjected to be

scrutinized for water balance. There has to be dual piping system and uncontaminated wash water after polishing can be used for flushing

5. Further action taken report be filed within 3 months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

6. List this matter on 07th November, 2023

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 26, 2023
Original Application No. 353/2022
(I.A. No. 69/2023 & I.A. No. 146/2023)
HB