

Item Nos. 09 & 10

Court No. 1

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

Original Application No.859/2022
(I.A. No.769/2023 & I.A. No.632/2023)

AbhishtKusum Gupta

Applicant

Versus

State of Uttar Pradesh &Ors.

Respondent(s)

With

Original Application No.512/2024

News Item titled "Irrigation dept files case against Noida villagers for dumping waste in Hindon" appearing in The Hindustan Times dated 12.03.2024

Date of hearing: 11.07.2024

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

Applicant: Ms. Reema Chauhan, Adv. for Applicant in OA 859/2022

Respondent: Mr. Sanjeev Kumar Singh, Member Secretary, UPPCB (Through VC)
Mr. Pradeep Misra& Mr. DaleepDhyani, Advs. for UPPCB (Through VC)
Mr. Bhanwar Pal Singh Jadon, Mr. Chetan Jadon & Mr. Harsh Vardhan Singh Rajawat, Advs. for the State of UP
Mr. Rajkumar, Mr. Ankit Choudhary, Mr. SumitChoudhary, Ms. Neetu Singh, Mr. Bharat Bhushan, Ms. Vandana Sachdeva& Ms. Anamika Singh, Advs. for CPCB
Mr. Malak Bhatt & Mr. Samridhi, Advs. for Ghaziabad Nagar Nigam (Through VC)
Ms. Priyanka Swami, Adv. for EO, NNP Loni& EO, NNP Khoda Makanpur (Through VC)

ORDER

1. In this original application, applicant has raised the issue of pollution in River Hindon which originates from District Saharanpur and merges with River Yamuna at District Gautam Budh Nagar.

2. Plea of the applicant is that on account of pollution and dumping of waste, water quality of River Hindon has alarmingly deteriorated and it has reduced to a mere canal for industrial and municipal waste rather than a source of life supporting water.

3. Tribunal in this original application has passed the repeated orders and in terms of the previous order of the Tribunal dated 06.05.2024, report dated 09.07.2024 has been filed by Uttar Pradesh Pollution Control Board (UPPCB). Said report reflects the position of sewage generation, installed capacity of STP in relevant districts, gap in treatment of sewage and proposed plan as under:

“

District	Sewage Generation (MLD)	STP Installed		Gap (MLD)	STP under construction /under Tendering	Timeline	STP Propose (Future Plan)	Timeline
		Number	Installed Capacity (MLD)					
Saharanpur	137.89	01	38	99.89	-	-	2(155 MLD)	Dec 2025
Ghaziabad	480	10	531.5	0	-	-	-	-
Baghpat	0.10	0	0	0	-	Discharge is from Ramala sugar Mill ZLD has been achieved by the industry	-	-
Meerut	10	0	0	10	-	-	1 (6 MLD)	Dec 2025
Shamli	33.50	0	0	33.50	-	-	4(60 MLD)	Dec 2025
GautamBudh Nagar	171	05	287	0	-	-	-	-
Muzaffarnagar	111.14 including 34.45 MLD industrial discharge	03	64.5	12.19	1(32.5 MLD)	Under Trial run	-	-
Total	943.63	19	921	155.58	-	-	7(221 Mld)	Dec 2025

4. Report also discloses the position of tapped and untapped drains in different districts as under:-

“

S. No.	District	Domestic drains	Industrial/ mixed drains	Number of Drains (Total)	Tapped / Untapped	Remarks
1	Haridwar	00	01	01	01 Untapped	Sheela drain is untapped that originates from Haridwar (Uttarakhand)
2.	Saharanpur	05	07	12	12 Untapped	In Saharanpur, 12 drains have been identified. All 12 drains are untapped
3.	Muzaffarnagar	12	07	19	17 Untapped, 02 Tapped	In district Muzaffarnagar, out of 19 drains, 17 are untapped and 02 tapped.
4.	Shamli	00	02	02	02 Untapped	In district Shamli, 02 drains are untapped.
5.	Meerut	00	02	02	02 Untapped	In district Meerut, 02 drains are untapped.
6.	Baghpat	00	01	01	01 Untapped	In district Baghpat, 01 drain is untapped.
7.	Ghaziabad	05	09	14	13 Untapped, 01 Tapped	In district Ghaziabad, out of 14 drains 13 are untapped and 01 drain namely Sahibabad drain is tapped
8.	GautamBuddh Nagar	02	02	04	04 Untapped	In district Gautam Buddh Nagar, 04 drains are untapped.
9	Total	24	31	55	52* Untapped,03 Tapped	Total out of 55 drains identified, 03 drains are tapped (02 in Muzaffarnagar and 01 in Ghaziabad) rest 52 drains are untapped.

**Prosecution has been launched against EOs of Nagar Palika Parishad, Nagar Panchayat, Nagar Nigam and Development Authority for non compliance of untapped drains.“*

5. In respect of the effluent generated by industries and installed treatment capacity, position has been reflected as under:-

“

S. No.	District	Present No. of Industries	Dry Process/ZLD Industries	Effluent Generation(in KLD)	Installed Treatment Capacity (in KLD)	Gap (KLD)
1.	Saharanpur	47	2	17,104	17,104	0
2.	Ghaziabad	219	6	13,542.9	13,542.9	0
3	Baghpat	1	0	1,000	1,000	0
4.	Meerut	5	2	2,810	2,810	0
5.	Shamli	6	3	3,480	3,480	0
6.	GautamBudh Nagar	24	1	3,836	4,200	0
7.	Muzaffarnagar	56	16	29,046	29,046	0
	Total	358	30	70,818.9	71,182.9	0

”

6. Report further states that out of 358 operational units, 81 units are found non-compliant and out of 81 defaulting units show cause notices were issued to 51 defaulting units and 13 industries have been issued closure orders under the Water (Prevention and Control of Pollution) Act,1974 and Environmental Compensation of 156.26 lakhs has been imposed but report does not reflect in clear terms the amount of EC which has been recovered.

7. In this original application since applicant has prayed for upgradation, conservation and rejuvenation of River Hindon, therefore, he is required to implead all the major local bodies from which/near which River Hindon is flowing and getting polluted. We find that some such

local bodies have been impleaded but no material has been pointed out to show that they are served and many of them are not represented today.

8. In these circumstances, we permit the applicant to implead all the relevant local bodies and serve them and file affidavit of service at least one week before the next date of hearing. On the impleadment by the applicant fresh memo of parties will be prepared.

9. Connected Original Application No. 512 /2024 has been registered *suo-moto* on the basis of the News article relating to dumping of waste in Hindon River at NOIDA.

10. Tribunal by order dated 11.05.2024 had impleaded concerned parties and had issued notice to them.

11. Report dated 09.07.2024 has been filed by Central Pollution Control Board (CPCB) enclosing therewith the photographs showing large quantity of solid waste dumped along River Hindon at Garhi Chaukhandi.

In the report of the CPCB following observations have been made:

“

- *Near Garh Marghat, Village Garhi Chaukhandi, along the Hindon River, a huge pile of solid waste, primarily consisting of construction and demolition (C&D) waste, has been dumped.*
- *The estimated amount of solid waste dumped in the Garhi Chaukhandi area along the Hindon River is around 200 metric tonnes.*
- *Several scrap dealers/rag pickers inhabit the Garhi Chaukhandi area, contributing to the accumulation of solid waste piles around the village.*
- *The encroachment in the flood plain of river Hindon was observed.*
- *The pollution level in terms of BOD (74 mg/L), COD (231 mg/L) and NO₂N (9.86 mg/L) was found increased at Downstream of Solid Waste Disposal Site at Flyover near Gaur City-1 as compared to Upstream of Solid Waste Disposal Site at Village Chajarsi.*

- *Although entire stretch is polluted having BOD>40 mg/L and COD>130 mg/L with slight increase in pollution load at downstream locations may be due to discharge of untreated domestic wastewater/leachates from dumping site in river Hindon.”*

12. Report of CPCB makes following recommendations:

“The solid waste management plan needs to be formulated and implemented by State government agencies for the present sites with legacy solid waste management as well measures to avoid solid waste dumping in future. District Administration shall issue necessary directions/instruction to concerned authorities for removal and proper management of solid waste including construction and demolition waste as observed by the team dumped at Garh Marghat, Garhi Chaukhandi (Lat: 28.608304 and Long: 77.404258) in co-ordination with UPPCB. The person(s) responsible for dumping of waste shall be identified by Police and strict action shall be initiated. Further, the Noida authority and Police department may sensitize residents in and around Garhi Chaukhandi to be vigilant and immediately report in case of illegal transportation/dumping of wastes.

6.1 The concerned authority shall ensure following for the compliance of Construction and Demolition Waste Management (C&D WM) Rules, 2016:

1. *Noida Authority should issue detailed directions under rule 6(1) of the C&D WM Rules, 2016 to waste generators of in and around Garhi Chaukhandi with regard to proper management of construction and demolition waste.*
2. *As per the provisions of rule 6(4) of C&D WM Rules, 2016, Noida authority shall make arrangement and place appropriate containers for collection of waste also focussing in and around Garhi Chaukhandi and shall remove waste at regular interval or when they are filled, either through own resources or by appointing private operators.*
3. *As per rule 6(5) of C&D WM Rules, 2016, Noida authority shall get the collected waste including legacy waste and transport to appropriate sites for processing & disposal either through own resources or by appointing private operators.*
4. *As per rule 6(8) of C&D WM Rules, 2016, Noida authority shall keep track of the generation of C&D waste of the area, establish a data base and update once in a year.*
5. *As per rule 6(9) of C&D WM Rules, 2016, Noida authority shall device appropriate measures in consultation with expert institution for management of estimated 200 metric tonne of C&D waste dumped at GarhMarghat, GarhiChaukhandi (Lat: 28.608304 and Long: 77.404258).*
6. *As per rule 8(1) of C&D WM Rules, 2016, UPPCB shall monitor the implementation of C&D WM Rules, 2016 by Noida authority. Annual report including the information regarding the management of C&D waste in the area, shall be submitted to CPCB and State Government.*

7. *Noida Authority shall ensure implementation of C&D rules, 2016 in the area for proper C&D waste management and removal & processing of legacy waste.*

6.2 Other Recommendations for C&D Waste

1. *Installation of GPS tracking devices on all waste collecting vehicles to monitor their routes from generation to disposal point to prevent illegal dumping. Noida authority to set up a control room for real-time monitoring of vehicle movements, ensuring adherence to designated routes and regularly analyze GPS data to identify and address any irregularities in waste transportation.*
2. *Noida authority and Police shall take necessary actions for illegal dumping on waste generators/ waste collecting vehicles.*

"6.3. Management of Solid Waste observed dumped at GarhiChaukhandi

NOIDA shall take necessary steps for implementation of Solid Waste Management Rules, 2016 including the following:

1. *As per section 15(b) of SWM Rules, NOIDA shall arrange for door to door collection of segregated solid waste from all households including slums and informal settlements, commercial, institutional and other non-residential premises. multi-storage buildings, large commercial complexes, malls, housing complexes, etc.*
2. *As per rule 15(c) of SWM, 2016, Noida shall establish a system to recognize organisations of waste pickers of Garhi Chaukhandi through proper registration and facilitate their participation in solid waste management including door to door collection of waste*
3. *As per rule 15(h) of Solid Waste Management Rule (SWM), 2016, NOIDA shall set up material recovery facilities or secondary storage facilities with sufficient space for sorting of recyclable materials*
4. *As per rule 15(l) of SWM, 2016, NOIDA shall provide training to waste scrappers on proper waste handling, segregation, and the importance of environmental protection.*
5. *As per Rule 15 (g) of SWM Rules 2016, NOIDA shall direct waste generators not to litter i.e throw or dispose of any waste and to segregate the waste at source as prescribed under these rules and hand over the segregated waste to authorised the waste pickers or waste collectors authorised by the local body*
6. *As per Rule 15(zf) of SWM Rules 2016. NOIDA shall frame bye-laws and prescribe criteria for levying of spot fine for persons who litters or fails to comply with the provisions of these rules and delegate powers to officers or local bodies to levy spot fines as per the bye laws frame. NOIDA shall ensure implementation of SWM rules, 2016 in the area mentioned in Hon'ble NGT order dated 10.05.2024 in O.A. No.512/2024 for proper solid waste management and removal & processing of legacy waste.*

7. *As per Section 15(v) of PWM Rules, NOIDA shall facilitate construction, operation and maintenance of solid waste processing facilities and associated infrastructure on their own or with private sector participation or through any agency for optimum utilisation of various components of solid waste adopting suitable technology*

6.4. The irrigation department, Govt. of Uttar Pradesh shall ensure following measures for restoration of river flow and vegetation of river Hindon.

- **Restoration of Flow:**
 - **Assessment and Planning:** *Evaluate the current flow conditions of the Hindon River and identify factors affecting flow.*
 - **Restoration of Flow:** *Develop a detailed restoration plan to enhance and stabilize river flow. Design and implement measures to restore river flow.*
- **Vegetation Development:**
 - **Catchment Area:** *Initiate vegetation development in the catchment area of the Hindon River. Plant native trees, shrubs, and grasses to stabilize soil, reduce erosion, and improve water quality.*
 - **River Embankments:** *Vegetate river embankments along the entire course of the Hindon River. Use native plant species to create a natural buffer that will enhance biodiversity and reduce erosion.*
- **Check Dams for Freshwater Source:**
 - **Design and Construction:** *Construct check dams in strategic locations within the catchment area to capture and store freshwater. This will help increase the water table and maintain river flow.*
 - **Maintenance:** *Regularly inspect and maintain check dams to ensure their effectiveness in capturing freshwater.*

6.5 Waste Management and Pollution Control in River Hindon

- **Removal of Encroachments:**
 - **Survey and Documentation:** *NOIDA and irrigation department shall identify and document all encroachments in the riverbed. [Action: NOIDA & Irrigation Department]*
 - **Remove Encroachment:** *NOIDA and irrigation department shall develop and execute a plan to remove encroachments and restore the riverbed to its natural state. [Action: NOIDA & Irrigation Department].*
- **Desilting of River Bed:**
 - **Desilting Operations:** *Irrigation department shall conduct desilting activities to remove accumulated sediment from the riverbed and use the desilted material for strengthening*

embankments and enhance embankment stability through vegetation. [Action: Irrigation Department]

- **Decentralized Low-Cost Treatment Systems:**

- NOIDA and irrigation department shall explore and implement low-cost treatment systems like stabilization ponds, constructed wetlands, and oxidation ditches. Apply these systems in small towns, villages, or isolated drains to manage domestic wastewater efficiently. [Action: NOIDA & Irrigation department]

- **Action on Industries Discharging Effluent:**

- UPPCB shall identify industries discharging untreated or partially treated effluent. Implement corrective measures and ensure compliance with environmental standards. [Action: UPPCB]

- **Inventory of Water Polluting Industries:**

- **Survey:** UPPB shall conduct an inventory of non-GPI (Gross Polluting Industries) water-polluting industries in the catchment area, including metal recycling, processing, galvanizing, and painting industries. [Action: UPPCB]
- **Regulation:** UPPCB shall ensure these industries adhere to pollution control norms and upgrade their treatment facilities. [Action: UPPCB]

- **Sewage Treatment Plant (STP) for Gaur City:**

- GNOIDA shall develop and install an STP for the treatment of sewage discharges from Gaur City residential area. [Action: GNOIDA].
- GNOIDA shall regularly monitor the STP to ensure effective wastewater treatment. [Action: GNOIDA]

6.6 Long-Term Planning and Management

- **Sewage Management Plan:**

- SMCG with NOIDA shall develop a comprehensive sewage management plan for current and future needs for the next 20 years. [Action: NOIDA, SMCG & NMCG]
- NOIDA shall periodically review, update, and adapt the plan to reflect changing circumstances, technological advancements, and evolving environmental standards. [Action: NOIDA, SMCG & NMCG]
- NOIDA shall ensure regular monitoring and evaluation to assess the plan's effectiveness and make necessary modifications. [Action: NOIDA, SMCG & NMCG].”

13. Uttar Pradesh Pollution Control Board has filed a separate report dated 08.07.2024 which contains the following observations made by the committee during the visit:

“

- *Near Garh Marghat, Village Garh Chaukhandi, along the Hindon River, a huge pile of solid waste, primarily consisting of construction and demolition (C&D) waste, has been dumped.*
- *The estimated amount of solid waste dumped in the Garh Chaukhandi area along the Hindon River is around 200 metric tonnes.*
- *Several scrap dealers/rag pickers inhabit the Garh Chaukhandi area, contributing to the accumulation of solid waste piles around the village.*
- *The encroachment in the flood plain of river Hindon was observed.*
- *The analysis results of water sample collected from Hindon is awaited.”*

14. Said observations reveal that estimated amount of solid waste dumped in *Garh Chaukhandi* area along the River Hindon is around 200 metric tons. It also takes note of the encroachment in the flood plain of River Hindon. Report of the UPPCB records the recommendation of the Committee to the following effect:

“

(a) Regular Monitoring of Solid Waste Dumping Sites

- ***Establish a Monitoring Team:*** *Police beat should identify vehicles transporting and dumping waste in flood planes and such vehicles should be seized and black listed.*
- ***Scheduled Inspections:*** *Noida Authority and Irrigation Department should conduct weekly/ fortnightly inspections to monitor waste management practices and ensure compliance with regulations.*
- ***Reporting System:*** *Implement a system for residents to report illegal dumping activities, ensuring swift action by authorities.*
- ***Reclamation:*** *The waste from said site should be lifted by Noida Authority and processed at their facilities. Violators*

should be identified and cost of waste processing should be borne by these violators. Reclaimed land should be used for plantation and other works permissible in flood plane areas.

- **Documentation:** *Maintain detailed records of inspections, violations, and corrective actions taken.*

(b)GPS Monitoring of Transporting Vehicles

- **Equip Vehicles with GPS:** *Install GPS tracking devices on all waste collection and transport vehicles to monitor their routes and prevent illegal dumping.*
- **Real-Time Monitoring:** *Set up a control room for real-time monitoring of vehicle movements, ensuring adherence to designated routes.*
- **Data Analysis:** *Regularly analyze GPS data to identify and address any irregularities in waste transportation.*
- **Enforcement:** *Impose penalties on operators and drivers involved in illegal dumping based on GPS evidence.*

(c) Management of Solid Waste Scrappers in Garhi Chaukhandi

- **Registration and Regulation:** *Noida Authority should register all waste scrapper/rag pickers and ensure they operate under strict regulations. In case of waste pileferation from Authority's area, deterrent penalty should be imposed on concerned waste contractor.*
- **Designated Collection Points:** *Establish designated collection points for waste scrappers to deposit collected materials for proper processing.*
- **Training and Awareness:** *Provide training to waste scrappers on proper waste handling, segregation, and the importance of environmental protection.*
- **Inspection and Compliance:** *Conduct regular inspections of waste shops to ensure compliance with waste management practices and regulations.*

(d) Management of Legacy Waste along the Hindon River

- **Survey and Assessment:** *Conduct a detailed survey to assess the extent and composition of legacy waste along the Hindon River.*
- **Segregation and Treatment:** *Implement a plan to segregate legacy waste into recyclable, biodegradable, and non-recyclable categories.*
 - **Recyclable Waste:** *Transport recyclable materials to recycling facilities.*
 - **Biodegradable Waste:** *Set up composting units for biodegradable waste..*
 - **Non-Recyclable Waste:** *Dispose of non-recyclable waste in a properly designed sanitary landfill.*

15. We find following deficiencies in the said reports:-

- i. Reports of UPPCB and CPCB does not disclose the extent of area occupied where estimated 200 MT of waste is dumped. It also does not disclose whether dumping is still continued.
- ii. Observations reveal that nature of dumped waste is C&D but, as to how it should be handled and managed in accordance with rules and time bound action plan for remediation, has not been specified.

16. Above deficiencies/observations/recommendations are required to be duly considered by all the local bodies which are source of pollution of River Hindon. Hence, each such local body is required to duly consider it and file an action plan before the Tribunal disclosing the remedial action and timeline for the same.

17. Learned Counsel for CPCB has also drawn the attention of the Tribunal to report “Pollution Source Mapping of River Hindon and its Tributaries and Restoration Plan for Polluted Stretches” filed as annexure -1 along with the report of CPCB dated 09.07.2024 and has submitted

that the said report contains the comprehensive plan for restoration of River Hindon and a copy of this report was also sent to the Chief Secretary of State of UP on 11.08.2023.

18. Learned Counsel for State of UP though submitted that action taken by Chief Secretary in pursuance to that report is on record but he could not show any such material. Hence, we require the Chief Secretary State of UP to file report disclosing the action which has been taken/proposed in pursuance to the report annexure 1 above and the timeline for completing the said action.

19. Let the report by Chief Secretary, State of UP to the above effect be filed at least one week before the next date of hearing.

20. List on 14.10.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr .A. Senthil Vel, EM

July 11, 2024
Original Application No.859/2022
&Original Application No.512/2024
JG.