

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

Original Application No. 797/2023

News Item titled "How garbage is choking N-Choe in Chandigarh" appearing in The Indian Express dated 15.12.2023

Date of hearing: 17.05.2024

**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**

Respondent: Mr. Shubham Bhalla & Mr. Alex Noel Dass, Advs. for R - 2 to 4
Mr. Atif Suhrawardy, Adv. for CPCB (Through VC)

ORDER

1. This original application was registered *suo motu* on the basis of the news item relating to polluting N-Choe in Chandigarh and disclosing that in Hibiscus Garden in Sector 36, a wide drain pipe meant only for storm and rainwater was emitting continuous sewage water making a small pond where the water fell and that Chandigarh Administration had failed to prevent untreated water from entering the seasonal stream – N-Choe passing through the city and finally immersing into the Ghaggar river. The news item states that N-Choe should ideally be alive only during rain but it is buzzing with floating water not of rain but of blackish sewage.

2. The Tribunal by order dated 18.01.2024 had impleaded the parties and had issued notice to them. The Tribunal also took note of the reply of Central Pollution Control Committee (CPCC) dated 16.01.2024, on advance notice, and had directed the CPCB to get the spot inspection done and file the report.

3. The CPCB had filed the report dated 19.03.2024 in pursuance to the order of the Tribunal dated 18.01.2024 stating that a team from CPCB had carried out survey and monitoring of N-Choe and had found that:

“3.0 Monitoring locations of N-Choe / Pachisdhara drain:

During the survey, the drain was found dry at the originating point (Bougainvillea Garden area Sector 3). It was observed that 04 tail ends in Bougainvillea Garden and 03 tail end points at Leisure Valley Park in Sector 10 Chandigarh was found tapped. Team collected 04 samples of N-Choe drain, 02 samples of river Ghaggar and 01 sample of STP. The details are discussed as below:

- 1. Team observed fresh water leakage and meager flow of water at Sector 36 Hibiscus Garden near Central Forensic Science laboratory and therefore, first sample were taken at Sector 36.*
- 2. The team collected second sample at the exit point of N-Choe drain located at Garden of Spring, Sector 53, Chandigarh after this point the N-Choe drain enters into Mohali (Punjab).*
- 3. Further, the team surveyed the N-Choe drain in Mohali area and observed that domestic untreated sewage was being discharged into drain through different locations. The team collected third sample at Sector 83, backside Industrial Area (I.A) Mohali (SAS Nagar), Punjab and fourth sample at 1KM Before Confluence point at Sarala Khurd, Rajpura, district Patiala (Punjab).*
- 4. Team also collected sample of the STP of 45 MLD capacity located at village Chilla, Sector 83 (District Mohali) which is adjacent to N-Choe drain.*
- 5. The samples of river Ghaggar before and after confluence of N-Choe were also collected.*

Representative samples were collected for analysis of Physico-chemical, Biological & Heavy Metal parameters to assess the pollution load in the drain. During the field visit, the team collected representative samples from identified locations which are mentioned in table-1. Schematic Diagram depicting sampling location is shown in figure 1.”

4. The finding of CPCB in the report in respect of status of N-Choe drain at Chandigarh is as under:

“4.0 Findings

4.1 Status of N- Choe Drain at Chandigarh (UT):

1. During survey, it was found that originating point of N-Choe at Bougainvillea Garden area Sector 3 was found in dry condition.
 2. **The team observed that in Chandigarh sector 36 end point sewage pipe line crossing the drain has been repaired now which was broken earlier and sewage flowing in N-Choe drain. All the discharge points located at Sector 36 (Hibiscus garden) and sector 42 were found tapped. No discharge of the sewage was observed, at the time of visit which was mentioned in article of the Indian Express dated 15.12.2023.**
 3. At the time of visit team had taken sample from N-Choe Drain at Chandigarh area to assess the water quality at upstream (NCC-01, Sector 36, adjacent Government School, Chandigarh) and downstream (exit point) (NCC-02, Sector 53, Garden of Spring boundary, Chandigarh). Sample analysis results of Chandigarh area is presented in table-2 (NCC-01 & NCC-02).
 4. The BOD of N-Choe drain in Chandigarh was found 28 mg/l at entry point and 22 mg/l at exit point respectively.
 5. The monitoring parameters i.e. BOD, COD, TSS, Total Coliform showing decreasing trends in the sector 53 Chandigarh area.
 6. During the visit, team observed that a small heap of solid and C&D waste was disposed on the bank of the drain at Sector 36 Hibiscus garden (Near Central Forensic Science laboratory).”
5. The CPCB has also carried out the inspection and monitoring of N-Choe at Punjab and has disclosed the status in Punjab as under:

“4.2 Status of N-Choe Drain in Punjab :

1. The team surveyed the N-Choe drain in Mohali area and observed that domestic untreated sewage was being discharged into drain through different locations. Discharge points observed in the Mohali area are given in table-4 below:

Table 4

S. No	Locations/Points	Date of visit	Latitude	Longitude	Status as on 31.01.2024
1.	Phase 08 near Punjab School Shiksha Board District Mohali Punjab	31.01.24	30.6978	76.73695	At this point sewage pipe line was damaged and discharged into N-Choe drain.
2.	Mohali Hockey Stadium District Mohali Punjab	31.01.24	30.68716	76.73272	02 discharge points were observed & Solid waste also dumped at this point.

3.	Central of Innovative applied Bio processing village Chilla Manauli (near Sector 82 back side of industrial area District Mohali Punjab	31.01.24	30.668902	76.720686	During visit, team observed that the high volume of untreated sewage is being discharged into N-Choe drain through pipe line. Solid waste also dumped at this point.
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2. Team has taken sample from N-Choe Drain at Sector 83, backside I.A., Mohali (at entry point at SAS Nagar) & 1km before confluence to River Ghaggar at village Sarala Khurd, Rajpura, District Patiala to assess the water quality. Sample analysis results of the Punjab area is presented in table-02 (NCM-03 & NCP-06).
3. The sample analysis result indicate that BOD (31 mg/l), COD (111 mg/l) of N-Choe drain at entry point of Mohali (backside I.A Mohali) whereas it increased to BOD (50 mg/l) and COD (156 mg/l) at village Sarala Khurd, Rajpura, Patiala before 01 km of confluence point in river Ghaggar.
4. The monitoring parameters i.e. BOD, COD, TSS, Total Coliform showing increasing trends in the Punjab area which indicate that untreated waste water is discharged into N- Choe drain.
5. The team also interacted with local people and it was informed that drain carries domestic untreated waste water of the villages located in the adjacent areas of the NChoe drain.
6. As informed by PPCB about 3.306 MLD domestic untreated effluent from rural area villages (Kharar & Banur) are being discharged into N- Choe drain.
7. As informed by PPCB that treated effluent of 04 MLD STP based on MBBR technology which is located at Banur also discharge into N-Choe / Pachisdhara drain. Further treated effluent of Rajpura STP of 8 MLD capacity based on SBR technology is also discharging into N-Choe / Pachisdhara drain.
8. The drain passes through the agriculture fields of villages of Mohali district SAS Nagar and Rajpura, Patiala as well as some part of industrial area located in Mohali, Banur, Rajpura (Patiala district).
9. In Rajpura village Sarala Khurd (Rajpura, district Patiala), the team interacted with local farmers nearby the meeting point of drain in river and it was informed that this drain and river remain mostly dry in the summer season. The team also observed that the farmers had made arrangements through pump set for lifting the drain water for irrigation of the crops which is mostly used for Kharif season.
10. The team carried out measurement of the flow of the drain and it was about 19 MLD at exit point of Chandigarh

whereas it was found about 500 MLD before confluence the river Ghaggar (approx 1 km before) on the day of visit.

- 11. Municipal Solid waste was found disposed on both bank of the N-Choe drain at Sector 82 of Mohali (back side of the I.A., Mohali). Further team observed that the solid waste is dumped in the drain which create the hindrance in the natural flow as well as affect the water quality.”*

6. The CPCB has made following recommendations in respect of Punjab:

“5.0 Recommendations:

- 1. The Municipal Corporation Chandigarh shall ensure that all leakage/overflow of fresh water which leads to N-Choe must be tapped / plugged.*
- 2. The Municipal Corporation, Mohali/ Drainage department shall carry out survey and monitoring of the N-Choe drain to identify the discharge points of untreated waste water and submit a time bound action plan to PPCB to plug /tap all source of untreated sewage.*
- 3. Punjab Pollution Control Board shall issue directions to the operator of STP of 45 MLD located at village Chilla, Sector 83 District Mohali to ensure compliance within prescribed norms.*
- 4. Punjab Pollution Control Board shall issue direction to the Municipal Corporation, Mohali and Municipal Council, Rajpura to take corrective measures in time bound manner to ensure that there is no disposal of untreated waste water and solid waste in the N-Choe / Pachisdhara drain.*
- 5. The Municipal Corporation Chandigarh shall carry out survey and identify the spot area of solid waste thrown and ‘**Net Jalli**’ be fitted along the road side of the N-Choe drain in order to prevent dumping of the solid waste into the drain.*
- 6. The Municipal Corporation Mohali shall carry out survey and identify the spot area of solid waste thrown into N-Choe drain and ‘Net Jalli’ be fitted along the road side of the N-Choe drain in order to prevent dumping of the solid waste into the drain.”*

7. An objection to the said report has been filed by the Chandigarh Pollution Control Committee (CPCC) disputing the status of N-Choe as a drain and taking the stand that N-Choe is a natural formation which acts

as a rainwater drainage channel. The cause of high fecal coliform of N-Choe water is stated to be as under:

“xxxxxx.....xxx

9. *That it is submitted that during the pre-monsoon and dry seasons waste from these small animals and birds remains in concentrated quantities thereby, leading to a higher fecal coliform content. This since the N-Choe does not have free flowing water in it during the dry season which leads to concentration of fecal matter. The water that enters the N-Choe Is from the running off from watering the parks, fresh water or tertiary treated water which enters the N-Choe in small quantities leading to concentration of fecal matter.*

10. *That further with the onset of monsoon as more rainwater enters the N-Choe, the Fecal Coliform content starts decreasing due to dilution of the previously concentrated quantities of waste.”*

8. The CPCC also took the stand that presently there is no untreated or treated sewage being discharged into N-Choe within the Union Territory of Chandigarh. CPCC also took the stand regarding installation of net at all the culvert points wherever drainage is crossing the road and further modifications being carried out by the Engineering Department as directed by CPCC. The specific stand of CPCC is that Fecal Coliform content is not attributable to any human factor because there is no discharge of sewage into N-Choe within the limits of Chandigarh.

9. An additional affidavit dated 10.05.2024 has also been filed by the Municipal Corporation, Chandigarh taking the stand that no sewage is being discharged in N-Choe and there is no untreated sewage leakage in N-Choe and that the Municipal Corporation, Chandigarh is making efforts to stop flow of even fresh or tertiary water into N-Choe and any incident of sewage flow in the N-Choe is rectified immediately after identification. In respect of high concentration of fecal matter, the Municipal Corporation, Chandigarh has taken the same stand which is taken by the CPCC.

10. Having heard learned Counsel for the parties and on perusal of the record, it is noticed that CPCB in its report dated 19.03.2024 had found some violation in respect of Chandigarh, inasmuch as heap of solid and C&D waste was found disposed of on the bank of drain at Sector 36 Hibiscus Garden. In respect of Punjab stretch of N-Choe, the CPCB has found that domestic untreated sewage was being discharged into the drain through different locations and has also mentioned that the details of such sewage discharge point in table 4. It has also given the particulars of discharge of untreated effluent from rural areas and that the municipal solid waste was also found to be deposited on the bank of N-Choe at Sector 82, Mohali. The CPCB report makes as many as 6 recommendations out of which 4 relates to PPCB and 2 relates to Municipal Corporations, Chandigarh and Mohali.

11. We are of the view that so far as Chandigarh stretch of N-Choe is concerned, a regular and continuous monitoring is required by Municipal Corporation, Chandigarh to ensure that no sewage flows in N-Choe. So far as Punjab stretch of N-Choe is concerned, since PPCB or concerned municipalities were not party in this OA, therefore, the Tribunal had no opportunity to consider their stand. Hence, we direct the PPCB and concerned municipal corporations/local bodies through which the N-Choe flows especially Municipal Corporation, Mohali, to duly consider the violations which have been found by the CPCB in its report dated 19.03.2024 and the recommendations made therein and take appropriate remedial action within three months.

12. The OA is accordingly disposed of.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

May 17, 2024
Original Application No. 797/2023
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