

**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: 18.01.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Mr. Shubham Bhalla, Adv. for DC, Chandigarh & CPCC
Mr. Atif Suhrawardy, Adv. for CPCB (Through VC)

ORDER

1. This original application is registered *suo motu* on the basis of the news item titled "**How garbage is choking N-choe in Chandigarh**" published in 'The Indian Express' dated 15.12.2023. As per the said news item, in Hibiscus Garden in Sector 36, a wide drain pipe which is only for the storm and rainwater, was emitting continuous sewage water, making a small pond where the water fell. The said news report further reveals that N-Choe - a seasonal stream which ideally should be alive only during rain - is buzzing with floating water not of rain but of blackish sewage and that the Chandigarh Administration has failed to prevent the untreated water from entering the seasonal streams passing through the city which finally immerses into the Ghaggar River.

2. Tribunal had considered a similar matter in O.A. No. 736/2022 dated 02.01.2023 and 25.04.2023, Union Territory of Chandigarh observing N-choe originating from Chandigarh and leading to river Ghaghar after passing through various sectors and villages of Mohali also

carry debris and garbage which is resulting in shrinking size of drain causing serious apprehension of flood in Chandigarh in near future.

3. The news item raises substantial issue relating to compliance of the environmental norms.

4. Power of the Tribunal to take up the matter in *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

5. On advance notice, reply on behalf of Chandigarh Pollution Control Committee (CPCC) has been filed taking following stand:

- "7. *That CPCC had earlier observed such issues and had directed the Municipal Corporation, Chandigarh to take corrective measures to ensure that there is no disposal of waste in the N-Choes.*
8. *The CPCC requested the Engineering Department, Chandigarh Administration and Municipal Corporation, Chandigarh to provide an Iron Net (Iron Jallis) on these culverts where the Choes are in close proximity to the roads, so that people may not be able to dispose of the solid waste from these points. True copies of letters dated 09.05.2019 are annexed herewith as ANNEXURE R-1 (COLLY) @ PGS. 07 to 08.*
9. *That similarly CPCC highlighted this issue to the Engineering Department, Chandigarh vide letter dated 03.01.2024 that at places where the iron nets have been installed are not found up to the mark and to install the Iron Nets at all places where it is required to be installed. A true copy of the letter dated 03.01.2024 is annexed wherewith as ANNEXURE R-2 (COLLY) @ PGS. 09.*
10. *That during a recent inspection on 03.01.2024, it was again observed that solid waste is being dumped along the bank of choes (Photographs attached). True copies of the photographs are annexed herewith as ANNEXURE R-3 (COLEY) @ pgs. 10 to 13.*
11. *That although Iron Net (iron jallis) have been provided at some places but due to improper installation or non-installation there are still places along the Choe where waste is still being dumped unauthorizedly by some unknown persons.*

12. *The cleaning and management of the N-Choe in the city of Chandigarh falls within the ambit of engineering department of Chandigarh Administration. During the inspection it was also observed that some people had thrown their waste furniture material in the choe.*

Liquid West in N-Choe

13. *That with respect to the discharge of liquid waste in the N-Choe, it is submitted that earlier there were around 15 points from where waste water was being discharged into N-Choe, which have since been closed and tapped in light of the directions issued by this Hon'ble Tribunal, which is apparent from the data incorporated in the letter dated 03.01.2024. A true copy of the letter dated 03.01.2024 is annexed herewith as ANNEXURE R-4 (COLLY) @ PGS. 14.*
14. *That recently there was a collapse of the sewage system at one point near Sector 36 due to which, waste water was diverted to storm water channel which ultimately mixes with the N-Choe and affected the water quality of N-Choe. However, during the recent monitoring in the month of January 2024 it has been observed that the said point has been plugged which is clearly visible in the improved water quality of N-Choe.*
15. *The sewerage line near sector 36 has now been repaired by the Municipal Corporation Chandigarh and the latest inspection shows that the BOD value is 4.4 mg/l which is much below the 30 mg/l."*

6. Learned Counsel appearing for the Chandigarh Pollution Control Committee has submitted that subsequently the problem has been remediated and, therefore, he wants to file a fresh report indicating the current status on the spot.

7. Having regard to the nature of grievance raised, we implead following as respondents in the matter:

- i. Member Secretary, Central Pollution Control Board (CPCB).
- ii. Chandigarh Pollution Control Committee (CPCC) through the Member Secretary.
- iii. Deputy Commissioner/District Magistrate, Chandigarh.
- iv. Commissioner, Municipal Corporation, Chandigarh.

8. Since Respondents No. 1 to 3 are already represented in the matter, let notice be issued to Respondent No. 4.

9. The Member Secretary, CPCB is directed to get the spot inspected and file the report atleast one week before the next date of hearing 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.

10. Let the report be also filed by Chandigarh Pollution Control Committee within two weeks 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.

11. List on 20.03.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 18, 2024
Original Application No. 797/2023
DV