

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

Execution Application No.38/2022
In
Original Application No. 165/2021
(I.A. No. 425/2023, IA No. 112/2023, IA No. 109/2024 & IA No. 41/2023)

Girja Shankar Rai & Ors. Applicant(s)

Versus

State of UP & Ors. Respondent(s)

Date of hearing: 30.04.2024

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

Applicant: Mr. Akash Vashishtha, Adv. for Applicant in E.A 38/2022
Respondent: Mr. Bhanwar Pal Singh Jadon & Mr. Chetan Jadon, Advs. for the State of UP
Mr. R.R. Kumar & Mr. Yogesh Gupta, Advs. for JDA
Mr. Rahul Ranjan Singh, Adv. in I.A No. 109/2024

ORDER

1. In this execution application, issue of protection of Laxmi Tal at Jhansi from pollution and unauthorized encroachment and discharge of untreated sewage and sullage is involved.
2. Tribunal by order dated 03.01.2024 had examined the report filed by Municipal Corporation, Jhansi and had mentioned the deficiencies noted therein and directed the Commissioner, Municipal Corporation Jhansi (due to typographical error mentioned as Vice Chairman, Jhansi Municipal Corporation) to file further report in terms of the directions which were already issued and quoted in that order. There was a further

direction to file water quality analysis report reflecting the quality of water of Laxmi Tal as well as treated effluent of 26 MLD STP.

3. No report by Municipal Corporation, Jhansi has been filed in terms of the above direction. On the contrary, report (page 286) has been filed which is stated to be in compliance of the order dated 03.01.2024. Though, on 03.01.2024 a direction was issued to Jhansi, Municipal Corporation to file report but in the report at page 286 after quoting the direction, District Magistrate, Jhansi has constituted some committee in pursuance to the said direction in spite of the fact that there was no direction to the District Magistrate to submit any report. We have seen the composition of the so-called committee constituted by District Magistrate and we find that not even a single member from State Pollution Control Board was included in that committee. There were two members of the committee stated to be "water experts" of Bundelkhand University, Jhansi. Learned Counsel appearing for State of UP could not disclose the background of those members and how they are treated to be water expert. An attempt has been made by Learned Counsel for State of UP to rely upon such a report but unless the authenticity of the report is established such a report cannot be relied upon.

4. Hence, we direct Commissioner Municipal Corporation, Jhansi to file a report within six weeks in terms of the observation/directions contained in the order dated 03.01.2024. In the report, Commissioner, Municipal Corporation will also disclose the nature of construction which is raised /existing in the middle of the pond and quantity of treated and untreated sewage water discharge in the pond, original area of the pond and present existing area.

5. Commissioner, Municipal Corporation, Jhansi will remain virtually present on the next date of hearing.

6. List on 09.08.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 30, 2024
Execution Application No.38/2022
JG.