

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

Execution Application No. 36/2023
(IA No 445/2025, IA No 588/2025,
IA No 867/2023, IA No 868/2023)
In
Original Application No. 329/2021

Devanshu Bose

Applicant

Versus

Agra Development Authority & Ors.

Respondent(s)

Date of hearing: 03.02.2026

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

Applicant: Mr. Devanshu Bose, Applicant in Person (Through VC)

Respondents: Mr. Bhanwar Pal Singh Jadon, Mr. Shivansh Sharma, Ms. Anjali Sharma,
Ms. Disha Tiwari & Ms. Gargi Chaturvedi, Advs. for the State of UP
Ms. Priyanka Swami, Adv. for SEIAA, UP
Mr. Somesh Tiwari, Mr. Utsav Saxena & Mr. Kartikey Singh, Advs. for
ADA

ORDER

1. By this execution application, the Applicant is seeking compliance of the order dated 18.01.2023 passed in OA No. 329/2021.
2. In the OA, the Applicant had raised a grievance against discharge of sewage on open land from 'Nalanda Town' a housing colony developed by a builder at Shamshabad Road area of Agra, Uttar Pradesh. The Tribunal had constituted a Joint Committee and called for its report and had also taken note of the fact that the State PCB had levied compensation of Rs. 2,13,98,438/- for discharge of sewage in open against the developer. The Tribunal further in the circumstances of the case, held the ADA liable to pay further amount of Rs. 2 crores towards the compensation by directing as under:

"9. In facts and circumstances discussed above, we hold that ADA is liable to pay further amount of Rs. 2 Crores towards

compensation for restoration of damage to the environment over and above compensation of Rs. 25 lakhs earlier levied. This will be in addition to liability of the State for gap in generation and treatment of sewage. The amount may be deposited with State PCB for restoration measures in accordance with the District Environment Plan. Likewise, the amount levied on the developer on recovery may also be utilized in the same manner along with amount of Rs. 25 lakhs earlier levied which is to have been deposited with the District Magistrate by ADA. The District Magistrate may remit the amount of Rs. 25 lakhs deposited with the State PCB.”

3. Counsel for the Agra Development Authority referring to paragraph 12 of the order dated 02.01.2025 has submitted that a sum of Rs. 2 crores as directed by the Tribunal has been deposited.

4. The Tribunal considered the issue of setting up of the STP and noted that though the STP was set up, but the electricity connection was not granted.

5. In this execution application, the Tribunal in the proceedings dated 03.04.2025 had noted the stand of the Agra Development Authority (ADA) about defect in the STP and action taken to correct it by observing as under:

“4. The Vice Chairman, ADA appearing virtually has also submitted that there is some defect in the construction of STP and the said STP is of 200 KLD capacity and the contract is being awarded for the maintenance of the STP. If the STP suffers from any construction defect then it is required to be identified and rectified.

5. The Vice Chairman will disclose in the next affidavit the steps taken in this regard and also the timeline for completing the entire process for ensuring that the STP functions as per the norms and brought in line with approved design.”

6. The Agra Development Authority has filed the report dated 04.08.2025 disclosing that the defects in the STP have been cured and the STP had started working. The reports of testing of STP are also placed on record. The said report of the Agra Development Authority discloses as under:

- “7. That the Deponent submits that in compliance of the order of the Hon'ble Tribunal, M/s CHEM ECO ENGINEER started the repair and strengthening work by replacing the damaged equipment in the STP from 02.06.2025 and completed it on 29.07.2025. The Nalanda Town STP was restarted and letter no.-27/D/EE-2/25 dated 29.07.2025 was sent to the Uttar Pradesh Pollution Control Board for testing of the STP situated in Nalanda Town. A True and Translated Copy of letter no.- 27/D/EE-2/25 dated 29.07.2025 sent by Agra Development Authority to UPPCB is annexed herein and marked as Annexure-3.
8. The Deponent submits that construction of the drain has been completed by the Agra Development Authority. It is also submitted that currently, the treated water is passing through the drain and is being disposed of in the pre-existing drain on Shamshabad Road. It is further submitted that the pre-existing drain will be cleaned after the rainy season i.e. by mid-August, so that the treated water from the drain can be disposed of without any obstruction thereof.
9. That the Deponent also submits during the repair of the Nalanda Town STP by the Respondent (Agra Development Authority), an obstruction was created by the Petitioner herein Shri Devanshu Bose and an impediment was created by him to prevent rainwater from flowing into the drain. In this regard, a complaint letter dated 19.06.2025 was sent by the colony residents to the Vice-Chairman, Agra Development Authority. It is submitted that this act shows the prejudice of the Petitioner and an attempt to tarnish the image of the Agra Development Authority. It is also pertinent to mention here that the Petitioner Devanshu Bose also creating obstructions and nuisances in the process of formation RWA which is necessary for smooth functioning STP. A True and Translated Copy of letter dated 19.06.2025 sent by the residents of the colony to Vice Chairman, Agra Development Authority is annexed herein and marked as Annexure- 4.”

7. The report of the UPPCB dated 05.08.2025 has been filed alongwith the test report of samples taken from the STP disclosing that these samples were found to be complying with the norms.

8. The stand of Counsel for the Agra Development Authority is that since RWA has not been formed, therefore, the Agra Development Authority is forced to run this STP. Hence, the responsibility of its managing should be shifted to the builder or RWA.

9. The Applicant has submitted that the order of the Tribunal dated 18.01.2023 passed in OA was subject matter of challenge in Civil Appeal No. 3546/2023 before Hon'ble the Supreme Court. The said appeal has

been disposed of by the Hon'ble Supreme Court by the order dated 03.12.2024 by directing as under:

- “9. The ADA will deposit the amount of compensation/cost(s) as directed by the National Green Tribunal¹. The amount deposited would be utilized for the sewage treatment plant/drainage etc. In addition, the ADA must ensure that sewage is lifted and transported from the colony so that there is no collection of sewage or effluent in the colony itself. This exercise must be undertaken every week and an affidavit in this regard will be filed by the Vice-Chairman of the ADA before the NGT. In case there is any default and failure to lift and transport the sewage and the sewage treatment plant is not working as per the required parameters, the NGT will be entitled to pass appropriate orders, including imposing costs/compensation as may be required and justified in law.
10. The Vice-Chairman of the ADA will nominate a senior officer of the said authority, who shall be responsible for ensuring compliance with this order as well as the directions given by the NGT. The details, including name and designation of the said officer, will be furnished by the ADA to the NGT within a period of three weeks from today.
11. The amount lying in this Court will be sent to the NGT and would be treated as a deposit made towards costs/compensation as awarded.
12. In view of the aforesaid factual background, we are not inclined to interfere with the impugned judgment and, accordingly, the present appeal is dismissed. Pending application(s), if any, shall stand disposed of.”

10. In terms of the above order, the Agra Development Authority has the responsibility to ensure lifting of sewage and its transportation from the colony and on failure, they are liable to pay compensation. Therefore, the order of the Hon'ble Supreme Court needs to be complied with by the Agra Development Authority.

11. The Applicant has also raised the issue that the Agra Development Authority does not have the CTE to set up the STP. This aspect needs to be verified by the UPPCB, but no one is present on behalf of the UPPCB to clarify such a position. That apart, the UPPCB is also required to carry out the spot inspection and ensure that sewage does not openly flow in the

¹ For short, “NGT”

colony and it is properly lifted/treated/managed by the Agra Development Authority. Hence, we direct the UPPCB to carry out the fresh inspection of the colony and submit the report.

12. List on 27.04.2026.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

February 03, 2026
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