

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

Execution Application No. 36/2023
in
Original Application No.329/2021
(I.A. No. 867/2023 &I.A. No. 868/2023)

Devanshu Bose

Applicant

Versus

Agra Development Authority &Ors.

Respondent(s)

Date of hearing: 15.12.2023

**CORAM: HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Devanshu Bose, Applicant in Person

Respondent: Mr. Bhanwar Pal Singh Jadon, Mr. Chetan Jadon, Mr. Harsh Vardhan
Rajawat, Mr. Hardik Saxena, Mr. Rovin Solanki & Mr. Navin Singh, Advs.
for the State of UP
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Mr. Manish Kumar Vikkey, Adv. for Agra Development Authority
Ms. Priyanka Swami, Adv. for Nagar Nigam, Agra

ORDER

1. This is an execution application seeking execution of Tribunal’s order dated 18.01.2023 passed in OA No. 329/2021.
2. OA was filed raising the grievance that State Authorities had failed to prevent discharge of sewage on open land from Nalanda Town which is a housing colony. It was alleged that sewage discharge was estimated to be 1.45 lakh litres per day; that ADA had failed to prevent damage to environment by permitting colonies to be set up without requisite infrastructure for treatment of sewage, in violation of draft notification of MOEF dated 25.02.2022; existing sewage treatment capacity available at Agra was only 200.75 MLD against 286 MLD generation of sewage, thus, more than 85 MLD sewage was going untreated in River Yamuna or drains connected to it.

3. Tribunal passed order dated 18.01.2023 directing ADA and State PCBs to verify the grievance and to take remedial action, if the requisite infrastructure of waste management did not exist. There was also a direction to file an action taken report but no such report was filed though six months have lapsed after passing of the order by the Tribunal.

4. Tribunal took note of complaint of the applicant that sewage is still being dumped into open field and though STP has been constructed but it has not been made operationalised till now, issued notices to Additional Chief Secretary, Urban Development, State of UP, Additional Chief Secretary, Housing and Development, UP to file action taken report/reply.

5. Today, we are informed that Agra Development Authority has filed Civil Appeal No(s).3546/2023 before Supreme Court against Tribunal's order dated 18.01.2023 wherein Supreme Court has passed following order on 04.12.2023:-

“The consent to establish mandates ensuring that the established treatment plant satisfies the requirements as per law. Respondent No. 3 - Uttar Pradesh Pollution Control Board will verify whether there are lapses/default and notify the appellant – Agra Development Authority who will rectify them and provide the necessary evidence of compliance within the shortest possible time. In case the violation persists, it will be open to respondent no. 3-Uttar Pradesh Pollution Control Board to take steps in accordance with law, including the imposition of penalty etc. Respondent No. 3 - Uttar Pradesh Pollution Control Board will file an affidavit within 12 weeks stating whether the appellant is complying the statutory norms and stipulations and in case of default, the action taken by them. Re-list in March 2024.”

6. It is stated that Supreme Court has granted 12 weeks' time to State Pollution Control Board to file an affidavit showing as to whether Agra

Development Authority is complying statutory norms and stipulations and in case of default whether any action has been taken by State Pollution Control Board and matter has been listed in March 2024, therefore, matter is now seized with Supreme Court.

7. In view of the above order, we defer hearing of this matter.
8. Let it be listed on 15.04.2024.

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

December 15, 2023
Execution Application No. 36/2023
In Original Application No.329/2021
(I.A. No. 867/2023 &I.A. No. 868/2023)
JG