

Item No.3

(Court No. 2)

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

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No.621/2023

Dr. Sanjay Kulshreshtra

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondents

Date of hearing: 02.01.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: Applicant in Person (through VC).

Application is registered based on a complaint received by Post.

ORDER

1. Dr. Sanjay Kulshreshtra, Senior Consultant Pediatric Surgeon, Agra has sent letter petition dated 11.07.2023 to this Tribunal through email, which has been treated and registered as Original application.

2. The applicant has submitted in the application that water from submersible pump is coming mixed with sewage causing serious threat of widespread sewage/fecal borne diseases in a large area of city. This sewage contaminated water is not only coming through bore well of submersible pump but also in taps of municipal water supply. The cause of this mixing of sewage with ground water is considered to be the fault in the Sewage Treatment Plant (STP) of 36 MLD capacity which has 65 feet deep sump well that collects sewage and probably this sewage has leaked to soil. Mixing of sewage with tap water have been reported in past also. However, mixing of sewage with ground water is

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a serious threat to fecal contamination of a large water table risking a large population. The silt of sewage is not being properly disposed of as most of it is being dumped to Yamuna river.

3. *Prima facie*, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010.

4. In view of the facts and circumstances of the case we consider it necessary to have the response from (1) State of Uttar Pradesh, through Chief Secretary, Government of Uttar Pradesh (2) U.P. Jal Nigam, through its Chairman, (3) Principal Secretary, Ground Water Department, Government of Uttar Pradesh (4) Commissioner, Municipal Corporation, Agra, (5) District Magistrate, Agra, and (6) UPPCB, through its Member Secretary who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application. Notices be issued to respondents no. 1 to 6 requiring them to file their reply/response to the averments made in the application **on or before 20.02.2024** at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

5. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Central Groundwater Authority, U.P. State Ground Water Authority, the District Magistrate, Agra, Commissioner, Municipal Corporation, Agra, and Uttar Pradesh Pollution Control Board (UPPCB) and direct the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The State PCB will be the nodal agency for

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coordination and compliance. Factual and Action taken Report may be submitted within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

6. List for further consideration on 27.02.2024.

7. A copy of this order be forwarded by email to Central Groundwater Authority, U.P. State Ground Water Authority, the District Magistrate, Agra, Commissioner, Municipal Corporation, Agra, and Uttar Pradesh Pollution Control Board (UPPCB) for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 02nd, 2024
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