

Item No. 07

Court No. 1

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

Original Application No. 645/2023

Lalit Kumar Jain

Applicant

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 10.09.2024

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

Respondent: Mr. Daleep Dhyani, Adv. for UPPCB
Mr. Kaustubh Bhardwaj, Adv. for R - 3

ORDER

1. In this original application, the Tribunal is considering the issue of discharge of sewage in the Irrigation Canal known as Rajwahe within the limits of Municipal Council, Baraut.
2. After the previous order, a status report on behalf of Respondent No. 3, Municipal Council, Baraut has been filed. The photographs enclosed as Annexure-9 to that report show the pathetic condition of the canal. The canal appears to be full of sewage and garbage whereas it is meant for carrying the water for irrigation. If such polluted water is used for irrigation, the consequential health hazard will be serious.
3. We also find that though Uttar Pradesh Pollution Control Board (UPPCB) has levied the Environmental Compensation (EC) of ₹2.3 crores at the rate of ₹5 lakh per month for the period from 01.07.2020 to 30.04.2024 and the communication dated 27.08.2024 has been sent by the UPPCB to the Collector, Baghpat for the recovery of EC but till now

the EC has not been recovered. The violation is continuing and from the reports, it is not reflected that any effective step at the ground level has been taken to prevent the discharge of sewage in the canal. Therefore, for subsequent periods of violation also, EC is required to be imposed and recovered.

4. Though Respondent No. 2, District Magistrate, Baghpat is served, but no one is present on behalf of Respondent No. 2 to assist the Tribunal.

5. Respondent No. 3 has also not taken effective steps and there is a clear violation of the judgment of the Hon'ble Supreme Court in the matter of *Paryavaran Suraksha vs. Union of India* reported in (2017) 5 SCC 326, as even after the expiry of three years period from the date of judgement, the STP has not been set up and there is no effective step for preventing the sewage from flowing in the canal.

6. Counsel for Respondent No. 3 has informed that Baraut is not a Municipal Corporation but is a Municipal Council headed by the Executive Officer. Hence, the description of Respondent No. 3 is corrected as under:

Respondent No. 3: Executive Officer, Municipal Council,
Baraut.

7. Having regard to the above, we require Respondent No. 2, District Magistrate, Baghpat and Respondent No. 3, Executive Officer, Baraut to appear virtually on the next date of hearing and appraise the Tribunal about the steps which have been taken in respect of the issues noted above.

8. In view of the above, we also allow Respondents No. 2 and 3 to file a fresh action taken report within six weeks by way of affidavit through e-filing.

9. List on 13.12.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 10, 2024
Original Application No. 645/2023
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