

Item No. 21

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: 15.03.2024

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

Respondent: Mr. Ankit Verma, Adv. for R - 2 & 3
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)

ORDER

1. In this Original Application, the grievance is against discharge of sewage in the Irrigation Canal namely Rajwahe which flows from Baraut and goes to different villages and its water is used for the irrigation purposes. The complaint is against the Municipal Council, Baraut, District Baghpat, UP that it is permitting discharge of effluent from several drains in this canal which is creating health hazards. The Tribunal by order dated 18.01.2024 had impleaded the concerned respondents.

2. The response on behalf of the UPPCB has been filed disclosing that UPPCB had constituted a Joint Committee and the said Joint Committee had carried out inspection and had found that garbage and plastic was littered in the entire length of Rajwahe in the town area. The report of the UPPCB further reveals that sewage/septic tanks overflow (grey sewage), of adjacent area of both sides of Rajwahe in whole length of population, is

being discharged in Rajwahe through local nalees and individual outlets. The sewage discharge in Rajwahe is approximately 1.5 MLD. The report acknowledges the illegal disposal of solid waste and plastic waste in Rajwahe and records following findings:-

- “1. Nagar Palika Parishad, Baraut, Baghpat should take necessary steps to stop illegal disposal of solid and plastic waste in Rajbaha.*
- 2. NPP should immediately establish screens at required places to stop the plastics and garbage flow in the Rajbaha.*
- 3. NPP Should regularly clean this channel.*
- 4. NPP, Baraut should make plan for sewage network and treatment of the sewage.”*

3. Though, the Municipal Council has failed to discharge its responsibility to prevent the discharge of sewage and other pollutants in the canal in question but the report of the UPPCB does not reflect any action by the local authorities including the action of imposition of Environmental Compensation (EC).

4. The water quality analysis report submitted by UPPCB signed on 19.02.2024 shows BOD values of 48 mg/l and 52 mg/l at sampling point of Meerapur Rajwaha Baraut Upstream and downstream locations respectively which is non-compliant to prescribed standards of a stream.

5. Learned Counsel appearing for UPPCB has submitted that now the due action will be taken by the UPPCB against the erring local bodies within a period of six weeks and action taken report will be filed. Let the same be filed at least one week before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

6. Meanwhile, it will also be open to the Municipal Council to file the response indicating the remedial actions which are taken/proposed for interception and diversion of drainages flowing to the canal and preventing disposal of solid waste.

7. List on 22.05.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

March 15, 2024
Original Application No. 645/2023
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