

Item No. 14

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: 22.05.2024

**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. Ankit Verma, Adv. with Mr. Manoj Kumar Rastogi, Exo, Nagar Palika
Baraut
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB

ORDER

1. In this original application, the issue of discharge of sewage in the Irrigation Canal Rajwahe is involved and the allegation is that Respondent No. 3 - Municipal Council, Baraut, Baghpat is discharging the effluents from several drains in this canal and that the canal is used for irrigation purposes as it flows from Baraut to different villages. It is the further allegation that the water of the canal has become poisonous and has created health hazards.

2. Response on behalf of Respondent No. 3 - Municipal Council, Baghpat has been filed but a perusal thereof does not reflect any concrete proposal for constructing the STP. On the contrary, the reply in paragraph 4 states that a scheme has been prepared with the cost of Rs. 1,99,14,404/- for temporarily bifurcating the drains which are flowing in Meerapur Rajwahe and implementation of the said scheme will be

complete in the year 2026 - 2027. Instead of adopting temporary measures, Respondent No. 3 must focus on permanently remediating the problem.

3. During the course of argument, the reply of the Respondent No. 3 in paragraph 3 is pointed out which states that in future the box culvert of RCC on both sides of the canal will be made to ensure that no drain flows into the canal. The details thereof have not been placed on record. Hence, we require Respondent No. 3 to place the details on record in the next report.

4. The action taken report on behalf of respondent - UPPCB has also been filed disclosing that the Environmental Compensation (EC) of Rs. 2.30 crores at the rate of Rs. 5 lakh per month has been imposed upon Respondent No. 3 for the period from 01.07.2020 to 30.04.2024 (46 months).

5. Learned Counsel for UPPCB has informed that the amount has not been deposited as the one week time for deposit of the amount given to the Respondent No. 3 is not yet over. Hence, in the next report, the UPPCB will disclose the status of recovery of the EC.

6. List on 10.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

May 22, 2024
Original Application No. 645/2023
DV