

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

Original Application No.200/2014
(IA No. 340/2022, MA No. 872/2018, MA No. 875/2014, MA No.
480/2018)
(in respect of State of Uttarakhand)

M.C. Mehta Applicant

Versus

UOI & Ors. Respondent(s)

Date of hearing: 05.11.2024

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

Applicant: Ms. Katyayni, Adv. for Applicant

Respondent: Mr. Kaushal Gautam, AAG with Mr. Mukand Gupta & Ms. Snehpreet
Kaur, Advs. for the State of Uttarakhand
Mr. Mukesh Verma & Ms. Vatsala Tripathi, Advs. for UKPCB
Mr. Raj Kumar, Adv. for CPCB
Mr. Gigi. C. George and Mr. Ishwer Singh, Advs. for NMCG
Mr. Rahul Verma, Adv. for SIIDCUL (Through VC)

ORDER

1. Issue involved in this original application relates to prevention and control of pollution in river Ganga and its tributaries.
2. Tribunal is taking up the matters State-wise separately in respect of each State from where river Ganga is flowing.
3. Today, matter has been taken up in respect of State of Uttarakhand. Tribunal by previous order dated 29.07.2024 after examining the report had accepted the prayer made by Member Secretary, Uttarakhand Pollution Control Board (UKPCB) present in person and Counsel for State of Uttarakhand to file a further response/ report keeping in view the observations made in that order.

4. So-called compliance affidavit by Mr. Kahkashan, Additional Secretary (Environment), State of Uttarakhand has been filed. This affidavit is not verified. The last two paragraphs relating to the verification by the deponent and by the advocate have been kept blank. Prima facie, it appears that the affidavit has not been executed by following the proper procedure. Therefore, the Additional Secretary (Environment), (deponent of the said affidavit) will disclose on affidavit if she had signed in the register of the notary at the time of execution of the affidavit and if yes the details such as serial no., register no., and page no. of that register in which the signatures were affixed.

5. On the examination of the affidavit, we find that in respect of the demarcation of flood plain zone of river Ganga, it has been stated that the entire stretch of 614.60 km. of river Ganga flowing from the State of Uttarakhand has been demarcated. Annexure A-1 (page 38608) of the affidavit states that final notification has been issued but no such final notification on demarcation of flood plain zone of river Ganga in the State of Uttarakhand has been placed on record. Further, the methodology followed for demarcation of flood plain zones has not been disclosed. Let the same be placed on record along with the next report.

6. On the perusal of Annexure A-2 of the said affidavit, we find that the State has taken the stand that exercise of demarcation of flood plain zone of tributaries of River Ganga, namely Gola river, Kosi river, Suswa river, Rispana river, Asan river and Solani river has been completed and in respect of some of them, notification has also been issued. Along with the next report, these notifications will also be placed on record. Next affidavit of the competent authority will also disclose if the flood plain zone of River Ganga and its tributaries have been demarcated strictly in terms of the provisions of River Ganga (Rejuvenation, Protection and

Management) Authorities Order, 2016 specifically in compliance of Clause 3(l) thereof.

7. So far as the status of the drains and STPs is concerned, the affidavit filed by the State of Uttarakhand discloses that the total estimated generation in the State is 512.23 MLD out of which in the 69 STPs having installed capacity of 428.00 MLD, treatment of 316.87 MLD sewage is done and Gap in the treatment capacity is 195.36 MLD. The said position is reflected in Annexure -5 as under:-

“Details of STPs/ pumping stations which got inundated during this monsoon

1.	Estimated Sewage Generation in the State	512.23 MLD				
2.	Existing number of STPs with treatment capacity	69 STPs of 428.00 MLD capacity.				
		District	Sewage Generation in MLD as per the 135LPCD 2024	No. of STP	Installed Capacity (MLD)	Utilized Capacity (MLD)
		Haridwar	104.53	06	178.00	146.722
		Dehradun	153.99	13	148.46	113.553
		Uttarkashi	7.70	02	3.000	2.200
		Tehri	12.56	09	22.685	17.818
		Pauri	29.15	05	7.625	5.716
		Rudraprayag	3.94	06	0.525	0.52
		Chamoli	11.56	17	9.92	3.684
		Nainital	50.72	08	49.45	23.36
		Almora	10.50	01	2.000	1.200
		Pithoragarh	12.77	02	6.250	2.100
		Bageshwar	4.76	-	-	-
		Champawat	6.32	-	-	-
		Udham Singh Nagar	97.73	-	-	-
		Total	512.23	69	428.00	316.87
3	Capacity Utilization existing STPS	316.87MLD				

4	Gap in the treatment Capacity	195.36 MLD
5	Treatment through alternate technology (by septic tank 86 soak pit)	192 MLD
6	Under construction STPs in the State	31 STPs of 132.672 MLD (Annexure-1)
7	Proposed STPs	32 STPs of 140.70 MLD (Annexure-2)

”

8. Though the above chart discloses that 69 STPs are treating 316.87 MLD of sewage, the Annexure-4 analysis report of the sewage treatment plant discloses that some of these STPs are non -non-functional and many of these STPs are not meeting the norms. On examining the data disclosed, we find the following deficiencies and gaps;

- i) Many of the STPs are either underutilized (Dehradun, Uttarkashi, Pauri, Chamoli) or receiving the excess quantity of sewage against their designed capacity (Haridwar, Tehri).
- ii) There is no mention of inundation of STPs during flooding/backflow.

9. Learned Counsel for the applicant has pointed out that in Annexure -4 fecal-coliform of 540 MPN/100 ml has been found in the sample collected from 1.0 MLD STP at Gangotri. She has submitted that even the originating point of the pious river Ganga is polluted by the STP discharge. We also find that the details of the proposed STPs are given in Annexure 2 but most of them are at the DPR stage.

10. Central Pollution Control Board (CPCB) has filed the report dated 04.11.2024 disclosing that it along with UKPCB had conducted monitoring of 176 drains discharging sewage directly into river Ganga

and its tributary and it has been found that out of these 176, the tapped drains are 113 and remaining drains are directly discharging untreated sewage. Detail disclosed by CPCB with respect to the status of drains are as under:

“ A. **Status of Drains located in the state of Uttarakhand**

CPCB along with UKPCB conducted monitoring of 176 drains discharging directly into river Ganga and Ganga forming tributaries (Alaknanda, Bhagirathi, Mandakini, Pindar and Nandakini) (151) and its tributaries (Ramganga & tributaries-18, Suswa-2, Song-3, Banganga & Sukhi-2) in Uttarakhand during post-monsoon 2023. These drains carry wastewater which comprises sewage and industrial effluent. Out of 176 monitored drains, 113 were found tapped to various STPs.

Significant BOD load was observed in one drain namely, Rispana drain discharging into Song River having flow was 755.56 MLD and BOD 32 mg/l.

The brief status of monitored drains in Uttarakhand is given in Table-1 and district wise status is given in Table-2.

Table-1: Status of drains of river Ganga and its tributaries of Uttarakhand state during Post monsoon 2023.

River name	Post-Monsoon 2023						
	Monitored Drains	Flow (MLD)	BOD Load (TPD)	Tapped Drains	Interim measure adopted	Domestic	Mixed
Ganga & Ganga forming tributaries	151	132.92	0.72	113	-	151	-
Ramganga & tributaries	18	261.00	20.96	-	-	14	4
Suswa, Song, Banganga & Sukhi	7	2851.11	38.52	-	-	5	2
Total	176	3245.03	60.20	113	-	170	6

Table-2: District wise status of drains discharging into river Ganga and its tributaries during Post monsoon 2023 in Uttarakhand

River	Monitored Drains	Flow (MLD)	BOD Load (TPD)	Tapped Drains	Interim measure adopted	Domestic	Mixed
-------	------------------	------------	----------------	---------------	-------------------------	----------	-------

1. Chamoli							
<i>Alaknanda</i>	23	-	-	17	-	23	-
<i>Pindar</i>	6	-	-	6	-	6	-
<i>Nandakini</i>	3	-	-	3	-	3	-
Total	32	-	-	26	-	32	-
2. Rudraprayag							
<i>Alaknanda</i>	8	-	-	7	-	8	-
<i>Mandakini</i>	16	2.39	0.07	-	-	16	-
Total	24	2.39	0.07	7	-	24	-
3. Pauri							
<i>Alaknanda</i>	24	-	-	18	-	24	-
<i>Ganga</i>	14	-	-	14	-	14	-
Total	38	-	-	32	-	38	-
4. Uttarkashi							
<i>Bhagirathi</i>	6	-	-	5	-	6	-
5. Tehri							
<i>Ganga</i>	25	-	-	20	-	25	-
6. Dehradun							
<i>Ganga</i>	6	-	-	4	-	6	-
<i>Suswa & Song</i>	5	2464.6	35.34	-	-	5	-
Total	11	2464.6	35.34	4	-	11	-
7. Haridwar							
<i>Ganga</i>	20	130.53	0.65	19	-	20	-
<i>Banganga</i>	1	372	2.60	-	-	-	1
<i>Sukhi</i>	1	14.52	0.58	-	-	-	1
Total	22	517.05	3.83	19	-	20	2
8. Udham Singh Nagar							
<i>Ramganga & its tributaries</i>	18	261	20.96	-	-	14	4

”.

11. We find from Annexure II (38658) that 63 drains are untapped and some of these drains are either dry or flow could not be measured whereas, in some drains/ nala, the flow is significant and carrying BD

load. In many cases, BOD has been as high as 40 mg/l and 108 mg/l where flow could not be measured. The next report of the state of UK needs to clarify action to be taken in a time-bound manner to ensure that no sewage carrying BOD load and FC joins Ganga or its tributaries. We also find that in towns of Kashipur, Bazpur and Kitchha, of District Udham Singh Nagar all the drains are untapped.

12. In respect of the performance of the STPs, it has been disclosed by CPCB that 48 STPs are non-complying with the norms prescribed/directed by NGT by order dated 30.04.2019 in OA. No. 1069/2018 and out of 53 STPs, 50 STPs were found to be operational, 03 STPs were found to be non-operational and 02 STPs were found to be compliant. The status of 53 STPs disclosed by CPCB in its report is as under:-

“The detailed status of these 53 STPs is given below:

- Commissioned STPs - 53 (19 towns) with designed capacity – 345.3 MLD
- Operational STPs – 50 (Operational capacity -329.9 MLD) with Utilized capacity – 294.3 MLD (~89% of operational capacity)
- Compliance Status of operational STPs

	Compliance w.r.t. norms prescribed by Hon’ble NGT vide order 30.04.2019	Compliance Status w.r.t MoEF & CC norms dated 13.10.2017
Complying	2	9
Non-complying	48	41

- Non-operational STPs – 3 (Designed capacity – 15.41 MLD)
- STPs complying for Faecal Coliform norms (<230 MPN/ 100ml) – 10
- STPs non-complying for Faecal Coliform norms (>230 MPN/ 100ml) – 40
- STPs having Disinfection system– 52
- IDPL STP, Rishikesh found non-operational in last 2 monitoring (Since December 2023)

- *BOD removal efficiency range: ≤50% - 07 STPs; 50-70% - 2 STPs; 70-90% 11 STPs and ≥90% - 30 STPs*
- *STPs operating below capacity – 32 STPs (Designed capacity - 63.78 MLD: Utilized Capacity – 34.94 MLD)*
- *STPs operating over capacity - 6 STPs (Designed capacity - 102.12 MLD: Utilized Capacity – 117.42 MLD)*
- *11 MLD STP, Banjarawala, Dehradun STP is under-construction.*
- *Very less flow (only 0.1-0.2 MLD) received at 1 MLD Jakhan STP in Dehradun.”*

13. Comparing the disclosure which is made by CPCB in respect of the compliance of norms and functionality of the STP, we find that disclosures which have been made by the State of Uttarakhand in his latest report are doubtful. Thus, we require the Chief Secretary, State of Uttarakhand, to duly look into the matter and ensure that a proper status report with due compliance is filed. The Additional Secretary Environment, State of Uttarakhand, deponent of the current affidavit dated 03.11.2024, is also directed to file the affidavit in terms of the observations made above. Let these affidavits be filed at least one week before the next date of hearing.

14. List on 13.02.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 05, 2024
Original Application No.200/2014
JG..