

**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)

M.C. Mehta

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 10.04.2024

**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. Saurabh Jain & Mr. Prayag Jain, Advs. for the State of Jharkhand
Mr. Gigi. C. George, Adv. for NMCG (Through VC)

ORDER

1. In this original application, Tribunal is considering the issue of prevention and control of pollution in river Ganga State-wise and District-wise.
2. Today, matter has been taken up in respect of compliance status in the State of Jharkhand.
3. Earlier, when the matter was taken up on 05.12.2023, it was noticed that no report from any of the district of State of Jharkhand was filed. Therefore, prayer for grant of six weeks time was accepted. Thereafter when the matter was listed on 20.02.2024, it was noticed that again no report by any of the District Magistrate from State of Jharkhand was filed, therefore, Tribunal took note of the fact that Environmental Compensation (EC) can be imposed applying the Principle of Polluter Pays and concerned District Magistrates can be prosecuted for not taking the

requisite steps but taking the lenient view, Tribunal had imposed the cost of Rs. 25,000/- which was to be deposited by State of Jharkhand with the Registrar General of NGT within one week from the order. As directed, within one week, no such cost was deposited and, now, Learned Counsel for State of Jharkhand has submitted that cost will be deposited within three days. Again taking a lenient view. Prayer is allowed.

4. Reports on behalf of Deputy Commissioners Sahibganj, Dhanbad, Bokaro and Ramgarh have been filed but, a perusal of said reports reveal that information required by the Tribunal head-wise in terms of the order dated 24.11.2023 has not been furnished. Order dated 24.11.2023 was duly noted in the order dated 05.12.2023. By the order dated 24.11.2023, Tribunal had required following information from each of the district apart from the other information to be submitted, as under:-

“

I. Sewage

- a) Per day generation of sewage in each city/town within the District.*
- b) Quantity of sewage treated per day, city/town wise.*
- c) The number of sewage treatment plant existing and their capacity and capacity utilization and mode of disposal in each city/town.*
- d) Quantity of discharged treated sewage from each STP, particularly for fecal coliform.*
- e) Time bound plan to meet the gap, if any, in generation and treatment of sewage*
- f) Details of Hotels, Dharamshala and Ashram operating without proper consent and discharging untreated effluent and the action taken against them.*

- g) Water quality in river and its tributaries in abutting districts / towns in terms of fecal coliform (MPN/ 100ml)*

II. Municipal Solid Waste disposal:

- a) Per day generation of Solid waste in each city/town within the District.*
- b) Quantity of solid waste treated per day, in each city/town of the District.*
- c) The gap in treatment of solid waste.*
- d) Legacy waste and the time bound plan to treat legacy waste.*
- e) The manner of utilization of the treated waste as well as rejects arising out of remediation of legacy waste.*
- f) Current status of dumping of solid waste with reference to location.*

III. Construction and Demolition waste:

- a) Total per day generation of C & D Waste within the District.*
- b) The detail of plant established for the treatment of C & D Waste including the existing capacity and capacity utilization.*

IV. Industrial Effluent discharge

- a) Number of industrial unit discharging their effluent treated/untreated in river Ganga and its tributaries and details of defaulting industrial units.*
- b) Total daily generation of such industrial waste within the District.*
- c) The manner of treatment of the industrial waste so generated.*
- d) The discharge effluent analysis from the CETP and ETP treating the industrial waste from each outlet.*
- e) The per day generation of industrial solid waste and manner of its treatment and disposal in the District.*

V. Regulation of Flood Plain Zone:

- f) If the flood plain zone has been demarcated and the extent of encroachment on the flood plain zone in the District.*
- g) The details of direct discharge of pollutants by the encroachers by the side of the river Ganga and its tributaries in the District.*

VI. Bio medical Waste:

- a) The per day total generation of bio medical waste in the District.*
- b) The manner of its treatment and disposal.*

VII. Mining:

- a) Number of cases registered within a year against illegal mining in the bed or flood plain of river Ganga and its tributaries and details of enforcement of mining policy of State and “Enforcement & Monitoring Guidelines for Sand Mining” (EMGSM-2020) and Sustainable Sand Mining Management Guidelines 2016.”*

5. Tribunal had also directed circulation of the said order to the Chief Secretaries of all the concerned States i.e. States of Uttarakhand, Uttar Pradesh, Jharkhand, Bihar and West Bengal so that reports filed by the concerned District Magistrates cover the said requisite information.

6. Compliance reports have been received from district of Sahibganj, Dumka, Ranchi, Rajmahal, Giridih, Dhanbad, Bokaro and Ramgarh in the State of Jharkhand.

7. It is not undisputed by Counsel for State of Jharkhand that information as required in term of the order dated 24.11.2023 has not been furnished in the reports submitted by four Deputy Commissioners of State of Jharkhand.

8. Learned Counsel for the applicant has submitted that Jharkhand State Pollution Control Board (JSPCB) submits monthly report to the

MoWR covering almost all the points which are mentioned in the order dated 24.11.2023.

9. Learned Counsel appearing for NMCG submits that he will find out the action which is taken on the basis of monthly report submitted by JSPCB.

10. We also find that there is clear non-compliance of the earlier order of the Tribunal by these four District Magistrates of State of Jharkhand (Sahibganj, Dhanbad, Bokaro and Ramgarh) who have submitted their incomplete reports. Hence, we grant further four weeks time to these District Magistrates subject to deposit of cost of Rs. 10,000/- each within two weeks with the Registrar General of the Tribunal.

11. List on 19.07.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 10, 2024
Original Application No. 200/2014
JG