

Item No. 19

Court No. 1

**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: 12.08.2024

Uploaded on : 28.08.2024

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

Respondent: Ms. Katyayni, Adv. for Applicant  
Mr. Gigi. C. George, Mr. Dheeraj Singh & Mr. Ishwer Singh, Adv. for  
NMCG  
Ms. Madhumita Bhattacharjee & Ms. Srija Chaudhury, Adv. for the  
State of West Bengal

**ORDER**

1. In this original application, the Tribunal is considering the issue of prevention, control and abatement of pollution of river Ganga and the O.A. is being taken up district wise and State wise covering all the States where River Ganga or its tributaries are following.

2. Today matter has been listed to review the status of State of West Bengal. The Tribunal vide order dated 21.02.2024 had directed the District Magistrate of each of the nine District from where the main river Ganga is flowing from West Bengal as under:

*“10. Having regard to nature of reports which have been submitted before us, we now require the District Magistrates (Chairmen of District Ganga Committees) of each of nine districts from where main River Ganga is flowing in West Bengal to file their affidavits disclosing the timeline for achieving the target of 100% treatment of*

*sewage generated per day and also the phase manner in which the target will be achieved. In the affidavits, the District Magistrates will also disclose the manner and extent of utilization of funds received from NMCG and utilization of the amount credited in ring-fenced account. The District Magistrates will also disclose the steps which have been taken for demarcation of floodplain zones of River Ganga within their districts. The requisite information in respect of all the districts under the heads and sub-heads already disclosed by the Tribunal in the order dated 24.11.2023 be filed.”*

3. The Tribunal had also noted that entire stretch of River Ganga in West Bengal contain high fecal coliform making water unfit for bathing and thereby not meeting primary water quality criteria. Hence the Tribunal had directed the NMCG to carry out the performance audit of each of the District relating to generation and treatment of waste and extent of pollution caused by the said District to river Ganga from various sources.

4. After the previous order dated 21.02.2024 affidavit on behalf of District Magistrate Murshidabad- 19.04.2024, District Magistrate Malda West dated 08.04.2024 & 30.04.2024, District Magistrate Nadia dated 11.08.2024, District Magistrate Purbamednipur dated 08.08.2024 have been filed. A perusal of these affidavits reveals a huge quantity of untreated sewage is directly discharged in River Ganga in West Bengal. The amicus curie has submitted tabulated information disclosed by the concerned District Magistrate.

5. The NMCG has also filed the Report dated 01.05.2024 which has been analyzed by learned amicus curie reflecting the following position there from:-

“SEWAGE

*Major drains- 105  
(Additional drains for Hooghly district- 122)  
Total sewage generation- 2758 MLD  
Treatment capacity- 1875.69MLD  
Operational STP- 49*

*\*GAP- 882.31 (presumption- all 49 STPs are working well and all drains have been diverted)*

*\*Annexure 2 (37211)- List of drains (barely any tapped)*

*Under construction STP- 18 with 367.80 MLD capacity*

*Proposed STP- 25 with capacity 2855.13 MLD*

*Total sewage generation from Rural areas- 1400 MLD*

*Proposed treatment- FSTP*

*FUND*

*Rs. 2086.45 Cr (31 projects- sewage treatment & sewerage network)*

*Rs. 48.78 Cr (5 projects- 14 Ghats & 6 crematorium)*

*Rs. 12.93 Cr (Laboratories WBPCB)*

*Rs. 29.8 Cr (Afforestation)*

*INDUSTRIES*

*Water polluting industries- 456*

*Effluent discharge- 1360.87 MLD*

*ETP- 456*

*CETP- 40 MLD (8 modules or 5 MLD each)*

6. On examination of the reports of the District Magistrate we find that District Magistrates, Purba Burdaman, Bankura, Birbhum, Pashchim Midnapur have not submitted the report. The report are lacking in the following particulars.

- “1. Chemical analysis of Drains/ khals/ canals*
- 2. Names/ location of major and minor drains*
- 3. Data on tributaries*
- 4. timelines not provided, where ever it is mentioned, it's vague*
- 5. detailed data of industrial units not provided.*
- 6. Absolutely no word on Tanneries/ Calcutta leather complex”*

7. We also notice that old projects (STPs, MRFs, TSDFs and CETPs) are not being monitored properly and many of the drain are yet to be diverted and tapped. There is continuous discharge of pollutants, liquid, solid and chemical in the surface and ground water. FPZ has not been done for any District.

8. The position in respect of Sewage management, Flood plain zones and water quality assessment for the district of Nadia, Malda, Purba mednipur, North 24 Pargana, Murshidaabad and NMCG as reflected in the report, is summerised as under:

| S. No. | District         | Sewage Generation | Installed treatment capacity (MCD) | Utilization of MLD | GAP in Treatment                                | Remarks                                                      |
|--------|------------------|-------------------|------------------------------------|--------------------|-------------------------------------------------|--------------------------------------------------------------|
| 1.     | Nadia            | 85.32             | 49.33                              | 33.31 (5 STPs)     | 52.01                                           | At kalyani, STP is designed for 14.14 MLD treating 19.59 MLD |
| 2.     | North 24 Pargana | 292.70            | 101.28 (15 STPs)                   | 101.28             | 191.42 (29 drains)                              | Timelines 2025 and above                                     |
| 3.     | Malda            | 15.07             | No STP                             | No STP             | Having septic tanks and soak pits/and twin pits | Seeping to soil. Hence, no direct discharge                  |
| 4.     | Purba mednipur   | 28.24             | Nil                                | No STP             | Septic tanks and soak pits                      | Seeping ground Direct to Ganga                               |
| 5.     | Murshidabad      | 13.5              | 13.5 (Berhampore)                  | Not given          | Septic tank                                     | Septic Tank Direct discharge                                 |
| 6.     | NMCG             | 2758.0            | 1875.69                            | 49 STPs 105 drains | 882.31                                          | No disclosure on District plan and funding.                  |

| S.No. | District         | Flood plain zone                                                                                                                                                                                     | Water quality stages                                                                                                                     |
|-------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| 1.    | Nadia            | <ul style="list-style-type: none"> <li>No demarcation done.</li> <li>Topographical conditions not suitable for demarcation.</li> <li>State Government addressed to MoJS on - --- and-----</li> </ul> | River Mahabhanga, Mahananda, Churu and Ganga contains high FC and FS                                                                     |
| 2.    | North 24 Pargana | Same as Nadia                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>Water quality monitoring at six locations.</li> <li>Water quality indicates high FC/FS</li> </ul> |
| 3.    | Malda            | Same as Nadia                                                                                                                                                                                        | Water quality of Ganga contains High FC & FS                                                                                             |
| 4.    | Purba mednipur   | Same as Nadia                                                                                                                                                                                        | Water quality indicates FC/FS                                                                                                            |
| 5.    | Murshidabad      | Same as Nadia                                                                                                                                                                                        | -----                                                                                                                                    |

9. We find following deficiencies/ gaps in the report of District Magistrates and NMCG ;

(i) In case of district Nadia, excess quantity of sewage is shown to be treated against the designed capacity of STP and this needs to be clarified.

(ii) Murshidaabad, Purba Medinipur and other district are relying on continuing system of septic tank and soak pits. Therefore sewage is seeping into ground or being discharged into Ganga or it's tributaries through drains.

(iii) Performance data on compliance of the standards is not disclosed for operational STPs.

(iv) There are large number of un-tapped or partially tapped drains discharging waste water into rivers.

(v) Water quality assessment of rivers clearly indicates unhygienic status due to high number of fecal coliform and fecal streptococcus.

(vi) The report of NMCG is too general. The report doesn't disclose District-wise status and the plan for preventing discharge of sewage into rivers.

(vii) The timelines indicated for setting up of STPs is by year 2025 and beyond which is too long. This clearly indicates that pollution of rivers will continue and there will be violations of Water Act and the direction of Hon'ble Supreme Court in *Paryavaran Suraksha Samiti (Supra)*

10. Hon'ble Supreme Court in *Paryavaran Suraksha Samiti & Anr Vs. Union of India & Anr.* (2017) 5 SCC 326 has fixed a time of three years for construction of CETPs and have made the said time line applicable to the STPs also by observing as under:

*“12. We are of the view that in the manner suggested above, the malady of sewer treatment, should also be dealt with simultaneously. We, therefore, hereby direct that “sewage treatment plants” shall also be set up and made functional, within the timelines and the format, expressed hereinabove.”*

11. Hon’ble Supreme Court in the said judgment has made Secretary of Environment of the concerned State answerable in case of default. The Judgment was delivered on 22.02.2017 and the timeline of three expired on 21.02.2020 yet the STPs in various ULBs abutting River Ganga have not been constructed and untreated sewage from these ULBS is flowing in River Ganga. Secretary, Environment, State of West Bengal is required to respond to such a situation keeping in view the direction of Hon’ble Supreme Court.

12. Hence, we issue notice to Secretary Environment, State of West Bengal for filing of response at least one week before next date of hearing.

13. List on 04.03.2025 to consider the status of performance by the State of West Bengal and for State of Jharkhand list the matter on 06.09.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

August 12, 2024  
Original Application No. 200/2014  
(IA No 340/2022, MA No 872/2018, MA No  
875/2014, MA No 480/2018)  
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