

Item No. 12

Court No. 1

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

Original Application No. 200/2014
(I.A. No. 340/2022, M.A. No. 872/2018, M.A. No. 875/2014 & M.A. No.
480/2018)

M.C. Mehta

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 13.02.2025

**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. Mrinal Sharma & Ms. Snehpreet
Kaur, Advs. for the State of Uttarakhand
Mr. Mukesh Verma & Ms. Vatsala Tripathi, Advs. for UKPCB
Mr. Raj Kumar, Adv. for CPCB (Through VC)
Mr. Gigi. C. George, Adv. for NMCG
Mr. Rahul Verma, Adv. for SIIDCUL (Through VC)

ORDER

1. The issue raised in this Original Application is regarding prevention, control and abatement of pollution of river Ganga. The matter is pending since 2014 and numerous orders have been passed from time to time requiring all concerned authorities to make serious attempts and efforts for preventing pollution of river Ganga. We are not giving details of all such numerous orders passed from time to time in the last several years and it only suffice to refer to the order dated 24.11.2023 wherein we find that with regard to the micro-scrutiny of the matter, we required respondents to submit not only state-wise but district-wise information in respect to certain specific items mentioned in the order dated 24.11.2023.

2. At this stage of the proceedings, first issue under examination relates to demarcation of flood plain of river Ganga in terms of River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016.

3. Tribunal in the previous proceedings dated 05.11.2024 had considered the Status of STPs and compliance of the norms by them and had finally expressed as under:-

“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.”

4. However, we find that no response has been filed to this effect except disclosing that samples got tested through NABL Laboratory but not disclosing results and reasons for variations in earlier reports with CPCB results. Additional Secretary, Department of Environment, State of Uttarakhand has filed the affidavit dated 12.02.2025 disclosing that he was the deponent in the affidavit 03.11.2024.

5. Reply dated 12.02.2025 has been filed by State of Uttarakhand in the form of affidavit by Project Director, State Mission for Clean Ganga, Namami Ganga, Uttarakhand.

6. It is stated by Counsel for the State that State Mission for Clean Ganga is not a body/authority constituted under 2016 Order but is the creation of the State. Though, in this affidavit it has been stated that flood plain zone of river Ganga or its tributaries has been demarcated in compliance of Clause 3(l) of 2016 Order, but no material in support thereof has been filed or disclosed. Notification dated 14.07.2022, annexure A-7 has been referred to by Counsel for the State of Uttarakhand in respect of the demarcation of flood plain zone of river Ganga, but it is a notification issued in exercise of the powers under Sub-Section (1) of Section 12 of Uttarakhand Flood Plain Zoning Act, 2012. Hence, we direct Secretary Irrigation, State of Uttarakhand to place on record by way of affidavit the complete details along with supporting material demonstrating that the floodplain zone of river Ganga in the entire stretch of Uttarakhand has been demarcated in terms of requirement of 2016 Order. Said affidavit will also disclose the methodology that has been adopted for demarcating the floodplain zone as well as the status of demarcation of flood plain zone of Tributaries of river Ganga.

7. Secretary (Environment)State of Uttarakhand is directed to disclose the city/town-wise, Drain-Wise and STP-Wise information concerning State of Uttarakhand in the following tabulated form:-

I. Sewage

Drain (city/ town/	Total drain capacity	Genera tion/ day	PH	BOD	COD	TSS	TDS	Micro- Plastic (IIT Roorkee), +Heavy metals (Fe, Cr, PB, Ar, Mn, Cu, Zn, Hg, Fluoride etc)	Nitra tes	DO	TC	FC	Outlet flow and Geo code/ sampling point	Colour / odour	Dischar ged Into

The above information is to be submitted based on the end-point sample analysis of the concerned drain

II. STP for treating the sewage of the drains ultimately flowing to river ganga or its tributaries

Existing STP (location & capacity)	Capacity (operational)	Inlet/ Outlet water quality & quantity	Number of tapped drains (quantity of discharge)	GAP (in treatment)	Final discharge point Geo code/ sampling point	Proposed/ under construction STP With completion date
Proposed STP (location & capacity)	Capacity (operational)	Inlet/ Outlet water quality & quantity	Number of tapped drains (quantity of discharge)	GAP (in treatment)	Final discharge point Geo code/ sampling point	Proposed/ under construction STP With completion date

- Action Plan a) non-compliant STPs
b) drains directly discharging into Ganga & its Tributaries.

III. Hotels/ Ashrams/Dharmshalas/residential complexes abutting river Ganga or its tributaries

Number of Hotels/ ashrams/ dharamshalas	Consent to establish/ operate	STP	Discharge point Geo code/ sampling point	Action taken

IV. Industrial Effluent discharge by industries whose effluent is ultimately flowing to river Ganga or its tributaries

Total number of Industries (all categories)	Daily effluent discharge	Treatment available (CETP/ PETP/ ETP operational capacity)	Effluent quality analysis (outlet of treatment plants) Geo code/ sampling point	GAP	Proposed/ under construction treatment project (with timeline)	Number of defaulting units- Action taken	Industrial solid waste generated/ day	Manner of disposal (Industrial solid waste)

V. Regulation of Flood Plain Zone:

Area-cities/ towns	Notification of flood plain zone	Demarcation	Encroachment & direct discharge Geo code/ sampling point	Encroachment removal status	Timeline for completion

VI. Afforestation/ Plantation along the bank of River Ganga and its tributaries and their flood plain zones

Area- cities/ towns	Total plantation Geo code/ sampling point	Proposed project	Time line

VII. Mining and Stone Crushing in river bed and flood plain zone of River Ganga and its tributaries:

Area of mining Geo code/ sampling point	FIR/ case registered/ year	Vehicles/ mineral seized	Action taken status	Cases pending in Court	Enforcement of EMGSM 2020 and Sustainable mining management guidelines 2016

VII. MSW & Plastic Waste:

a) Generation	b) MRFs	C)disposal system	d) Landfills	e) GAP

8. So far as Uttarakhand Pollution Control Board (UKPCB) is concerned, it has to regulate under Section 24 (1) of Water (Prevention and Control of Pollution) Act, 1974 (Water Act, 1974) following: -

“24. Prohibition on use of stream or well for disposal of polluting matter, etc.—(1) Subject to the provisions of this section,—

- (a) no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any stream or well or sewer or on land; or*
- (b) no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.”*

9. In terms of Section 17 of the Act, UKPCB has been entrusted with following functions and responsibilities:-

“ Section 17

- (1) Subject to the provisions of this Act, the functions of a State Board shall be—*
 - (a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;*

- (c) *to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof;*
- (f) *to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;*
- (g) *to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;*
- (h) *to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;*
- (j) *to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution”.*

10. Section 33 of the Act further empowers the Board to make application to Courts for restraining apprehended pollution of water in streams or wells and Section 33 A of the Act empowers the Board to give directions.

11. Learned Counsel appearing for UKPCB has fairly stated that UKPCB is ready to take action in terms of the above provisions and issue directions for compliance to all the concerned local bodies under Section 33 A of the Act. Hence, we direct the Member Secretary, UKPCB, to do the needful in terms of the above provisions and statement so made before us within four weeks and file a compliance affidavit.

12. The secretary, Urban Development will also file a time-bound plan for 100% treatment of sewage generated in different districts and local bodies within the State of Uttarakhand to ensure no discharge of untreated sewage in river Ganga flowing through State of Uttarakhand. This will also include the plan for setting up the STP and their operationalisation with house-hold connectivity, ~~and~~ ensuring that existing STP comply with all the norms. Let affidavit to this effect be filed by Secretary, Urban Development within eight weeks.

13. Secretary, Urban Development and Secretary, Irrigation will jointly work out a plan to ensure 100% treatment of the sewage generation within the State of Uttarakhand and will file separate affidavit in this regard within eight weeks.

14. List on 16.04.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

February 13, 2025
Original Application No. 200/2014
JG..