

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

Original Application No. 200/2014
(I.A. No. 340/2022, M.A. Nos. 872/2018,
480/2018 & 875/2014)
(In respect of State of Bihar)

M. C. Mehta

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 31.07.2025

**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.

Respondents: Mr. Rishi K. Awasthi & Mr. Rahul Raj Mishra, Adv. for the State of Bihar
Mr. Gautam Singh, Adv. for BSPCB (Through VC)
Mr. Gigi. G. George & Mr. Ishwer Singh, Adv. for NMCG
Mr. Raj Kumar, Adv. for CPCB

ORDER

1. This original application has been registered in compliance of the order of the Hon'ble Supreme Court dated 29.10.2014 passed in Writ Petition No. 3727 of 1985, titled *M.C. Mehta vs. Union of India & Ors.* In that Writ Petition, the petitioner had raised the issue of unabated pollution in river Ganga. The history of litigation before the Hon'ble Supreme Court has been summarized by the Tribunal in the order dated 13.07.2017 passed in this OA as under:

“xxxxxx.....xxx

4. *Vide its order dated 12th January, 1988, in M.C Mehta v. Union of India and Ors., (1988 1 SCC 471) the Supreme Court reiterated the earlier directions and recorded its dissatisfaction in relation to the steps that were being taken for controlling the pollution of river Ganga. It stated that the sewage system had to be improved and the steps in that direction were being taken at a snail's pace.*

Vide its order dated 4th August, 1992, the three States, i.e., State of Uttar Pradesh, Bihar and West Bengal, were directed to identify industries discharging effluents into river Ganga and submit a report before the Supreme Court. As the progress was not evident, the Supreme Court again vide its order dated 17th September, 1993 directed the Central Government to file an affidavit to show the details of work done under the river Ganga project. An affidavit was filed on behalf of the Government wherein it was stated that there were as many as 68 grossly polluting industrial units in the State of Uttar Pradesh, Bihar and West Bengal. These grossly polluting industries were classified under three different heads (i) those directly discharging more than 1 million litre per day effluents into river Ganga (ii) those having toxic substance in their effluents (iii) those having BOD concentration of more than 100 mg/L. The non-compliance of the directions, slow progress of the project for cleaning of river Ganga and noncooperative attitude adopted by the industries compelled the Supreme Court to pass an order in relation to the tannery complex in Jajmau. This order primarily related to non-installation and non-performance of ETPs by these tanneries to the specific condition of primary treatment plant.

5. *In the year 1994–1996, the Supreme Court passed various orders relating to sewage, interception and diversion of sewage in relation to States of UP, Bihar and West Bengal. Total schemes were stated to be 123. The schemes were being executed in State of UP by the UP Jal Nigam (for short, 'UPJN'). Even the Director of Ganga Project appeared in the Court on 19th January, 1995 and fairly admitted that there were variations in the affidavit filed on behalf of the Directorate and the National Environmental Engineering Research Institute (for short, "NEERI"). Various financial aspects were also deliberated upon before the Supreme Court with regard to the projects. It was again emphasised in these orders that the work under either of the projects including Ganga Action Plan Phase-I & II was not progressing effectively. The Court further observed that the only way to save Ganga from pollution is to entrust the responsibility solely to the National River Conservation Directorate. Municipal Committees/Corporations and State Governments can be asked to contribute their share of costs to the Directorate and form an appropriate committee.*
6. *During the course of hearing of the Writ Petition No. 3727 of 1985, the Supreme Court viewed the pollution of river Ganga in its entirety and did not centralise itself to a particular entity, State or segment. In the very opening paragraph of the order dated 19th December, 1996 (1997 2 SCC 411), the Supreme Court noticed that the petition in public interest under Article 32 of the Constitution of India was initially directed against the tanneries located in the city of Kanpur and its order dated 22nd September, 1987, issued directions in relation to the same cluster of tanneries but while monitoring the said directions, the scope of the petition was enlarged and the industries located in various cities on the bank of river Ganga were called upon to stop discharging untreated effluents into river Ganga. Under this order, the Supreme Court expressed its concern with regard to the tanneries located at Tangra, Tiljola, Topsia and Pagla Danga, the four*

adjoining areas in the eastern fringe of the city of Calcutta. Noticing that although land had been acquired for the tanneries complex, the industries had been causing pollution. Keeping in view the fact that it was not possible to install a CETP at the existing location in Calcutta, the Court decided to relocate the tanneries. The Supreme Court while issuing wide ranging directions in relation to various facets of relocation, prohibited these industries from functioning which were not inclined to shift. Some of the directions can usefully be reproduced hereunder:

- “1. The Calcutta tanneries operating in Tangra, Tiljola, Topsia and Pagla Danga areas in the eastern fringe city of the Calcutta (about 550 in number) shall relocate themselves from their present location and shift to the new leather complex set up by the West Bengal Government. The tanneries which decline to relocate shall not be permitted to function at the present sites.*
- 2. The Calcutta tanneries shall deposit 25% of the price of the land before February 28, 1997 with the concerned authority. The subsequent instalments shall be paid in accordance with the terms of the allotment letters issued by the State Government.*
- 3. All the Calcutta tanneries who deposit the 25% of the land-price shall be permitted to function at the present sites provided they keep on depositing the subsequent instalments in accordance with the terms of the allotment letter.*
- 4. The State Government shall render all assistance to the tanneries in the process of relocation. The construction of the tannery buildings, issuance of any licenses/permission etc. shall be expedited and granted on priority basis.*
- 5. The tanneries which are not closed on April 15, 1997 must relocate and shift to the new leather complex on or before September 30, 1997.*
- 6. The amount of compensation shall be deposited with the Collector/District Magistrate of the area concerned. In the event of non-deposit the Collector/District Magistrate shall recover the amount from the pollutertanneries, if necessary, as arrears of land revenue. A tannery may have set up the necessary pollution control device at present, but it shall be liable to pay for the past pollution generated by the said tannery which has resulted in the environment degradation and suffering to the residents of the area.*
- 7. We impose pollution fine of Rs. 10,000/- each on all the tanneries in the four areas of Tangra, Tiljola, Topsia and Pagla Danga. The fine shall be paid before February 28, 1997 in the office of the Collector/District Magistrate concerned.*
- 8. The compensation amount recovered from the polluting tanneries and the amount of fine recovered from the tanneries shall be deposited, under a separate head called “Environment Protection Fund” and shall be utilised for*

restoring the damaged environment and ecology. The pollution fine is also liable to be recovered as arrears of land revenue. The tanneries which failed to deposit the amount of Rs. 10,000/- by March 15, 1997 shall be closed forthwith and shall also be liable under the Contempt of Courts Act.”

2. The Hon’ble Supreme Court had even issued notice of contempt to the Chief Secretary, State of Bihar, as well as the Secretary of the Irrigation Department of the State of Bihar vide order dated 14.12.1999 for non-compliance of the earlier direction. The Hon’ble Supreme Court in the proceedings dated 10.10.2006 in Writ Petition No. 3727 of 1985 had expressed displeasure at the manner in which the Ganga Action Plan project had proceeded and had made serious observations while referring to the report of CAG of India. The Hon’ble Supreme Court in the order dated 29.10.2014 had expressed anguish towards the non-performance on the part of the stakeholders, particularly the States.

3. The Tribunal in the proceedings dated 13.07.2017 has summarized the order of the Hon’ble Supreme Court dated 29.10.2014 as under:

“10. Finally, the Hon’ble Supreme Court vide its order dated 29th October, 2014 while making reference to some of the orders that we have referred to above, expressed anguish towards the non-performance on the part of the stakeholders, particularly the States. The Supreme Court noticed that the concerned Ministry did not take action on the recommendations of the Expert Committee for control of bacterial load. In relation to industrial pollution, it was pointed out in the report that only 45% of the grossly polluting industrial units had ETPs and 18% of these did not function properly or meet the technical standards. Such units discharge industrial effluent to the extent of 2667.16 MLD into the river Ganga.

11. Seventeen different categories of industrial units were described as highly polluting industries and were duly stated in the affidavit filed on behalf of the CPCB. The industries were directed to submit an action plan by 30th April, 2014 and all anti-pollution measures were required to be taken by 31st March, 2015 in terms of the directions passed by the CPCB. The Supreme Court while observing that in the past 30 years no fruitful results had been achieved despite Court’s efforts, directed that issues relating to enforcement of provisions of the statutes concerning environment and its preservation arising out of discharge of industrial effluents into river Ganga to be

transferred to the National Green Tribunal and passed a detailed order.”

4. In compliance of the order of the Hon’ble Supreme Court dated 29.10.2014, the present OA has been registered.

5. By the order dated 29.10.2014, only the matters/cases in relation to the industrial pollution of river Ganga alone were transferred to the NGT and the matters relating to the pollution of river Ganga by sewage continued to be dealt with by the Hon’ble Supreme Court.

6. Subsequently, by the order dated 24.01.2017, the matter in relation to the municipal waste and domestic waste was also transferred to the NGT by the Hon’ble Supreme Court. Consequently, the entire Writ Petition No. 3727 of 1985 along with pending applications, stood transferred to this Tribunal. The Hon’ble Supreme Court, while transferring the matter to the NGT by the order dated 24.01.2017, had observed as follows:

“Learned counsel for the rival parties are agreed that the issue relating to River development and Ganga rejuvenation including municipal waste, domestic waste as also industrial waste is being heard on day to day basis by the National Green Tribunal (for short “the NGT”) and as such the proceedings in these matters be transferred to the NGT for a joint consideration.

In view of the above, the proceedings in the instant writ petitions are directed to be transferred and be placed before the NGT along with Original Application No.200 of 2014 pending before it. It will be open to the NGT to take into consideration the allied matters connected with cleaning of River Ganga that it may encounter during the course of hearing.

Disposed of in the above terms.

Needless to mention that the instant order is being passed in the same terms as the earlier order passed by this Court on 29th October, 2014.

Consequent upon the disposal of the writ petitions, pending applications filed in these matters are also disposed of.”

7. Since then, in this matter, the Tribunal is monitoring the issue of industrial waste, municipal solid waste, sewage and domestic waste, polluting the river Ganga in its entirety.

8. The Tribunal by the order dated 28.08.2023, had directed consideration of the matter State-wise by observing as under:

- “xxxxxx.....xxx
2. *Having regard to the nature of issues involved and the fact that as many as five States are involved through which the river Ganges flows i.e. Uttarakhand, Uttar Pradesh, Bihar, Jharkhand and West Bengal, we intend to take up the matter State-wise so that detailed examination of the issues will be possible.*
3. *Hence, we intend to list the matters in respect of consideration of the issue relating to the States in the following manner:*
- i. *Uttarakhand on 04.09.2023*
 - ii. *Uttar Pradesh on 11.09.2023*
 - iii. *Bihar and Jharkhand on 18.09.2023*
 - iv. *West Bengal on 25.09.2023*
4. *When the matter is taken up State-wise, we will also be going into city wise issues within that State.”*

9. When the above order was passed, the State of Bihar was not represented therefore the Tribunal by the order dated 28.08.2023 had directed issuance of notice to all the concerned States which were not represented on that date. The State of Bihar had filed the progress report dated 29.04.2024 which was considered by the Tribunal in the proceedings dated 01.05.2024 and the shortcomings therein were noted and thereafter the Tribunal had directed as under:

- “xxxxxx.....xxx
19. *We do not find any complete water quality analysis report in respect of the samples from the tributaries or river Ganga. Only the report relating to faecal coliform has been placed on record which is much exceeding the requisite parameters. Hence, the State/District Authorities are directed to submit the water sample analysis report by taking samples at the point where the tributary merges river Ganga and also at the point of entry of river Ganga in the State and exit point.*

20. Let the fresh report be submitted by all the 38 districts and a compilation thereof be submitted by the State of Bihar keeping in view the observations made above, at least two weeks before the next date of hearing by supplying an advance copy to Counsel for the Applicant.”

10. The above direction was not complied with, therefore, the Tribunal by the order dated 15.10.2024, had imposed the cost of Rs. 50,000/- upon the State of Bihar and had also directed the virtual appearance of the Chief Secretary, State of Bihar.

11. The order dated 15.10.2024 is the subject matter of challenge before the Hon'ble Supreme Court in Civil Appeal Diary No. 4923/2025, wherein the Hon'ble Supreme Court, by the order dated 28.03.2025, has issued notice and has stayed the impugned order by directing as under:

- “1. Delay condoned.*
- 2. Issue notice, returnable in four weeks.*
- 3. In addition to the usual mode, liberty is granted to the petitioner(s) to serve notice through the Standing Counsel for the respondent(s).*
- 4. Until further orders, there shall be stay of the impugned order.”*

12. By the above order, the Tribunal's order dated 15.10.2024 has been stayed, but the State of Bihar was required to file the reports in terms of the order of the Tribunal dated 01.05.2024 and the earlier orders passed in this regard. No such reports have been filed till now.

13. There is no stay of the proceedings pending before this Tribunal by the Hon'ble Supreme Court. These proceedings are continuing in compliance with the order of the Hon'ble Supreme Court dated 29.10.2014 and 24.01.2017. Therefore, the State of Bihar is required to file the progress report in terms of the earlier order of the Tribunal (except the order dated 15.10.2024 which has been stayed by the Hon'ble Supreme Court) and in terms of the directions of the Hon'ble Supreme Court dated 29.10.2014 and 24.01.2017.

14. Learned Counsel appearing for the State of Bihar seeks a short adjournment to examine if the proceedings before the Tribunal have been stayed by the Hon'ble Supreme Court.

15. List on 21.08.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

July 31, 2025
Original Application No. 200/2014
A+dv..