

Item No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**
(Through Video Conferencing)

Original Application No.20/2023 (CZ)

Ashok Malik

Applicant(s)

Versus

State of Rajasthan & Ors

Respondent(s)

Date of hearing: **13.03.2023**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant (s):

Mr. Ashok Malik, Adv

For Respondent(s):

None

ORDER

1. Issue raised in this application are violation of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981, Environmental Protection Act, 1986, Solid Waste Management Rules, 2016, Hazardous and other Wastes (Management and Trans-boundary Movement) Rules, 2016, No Construction Zone Rules by respondents especially by Municipal Commissioner, Ajmer.
2. It is contended by the applicant that despite being a notified no construction zone, various car workshops, marriage gardens, halls, and restaurants have been established on the lake's boundary, and they are also discharging their waste directly into the lake. Ajmer Development Authority has constructed a pathway along the lake boundary, which has encouraged such establishments. The dumping of garbage into the

lake is causing the water quality to deteriorate, leading to a decline in the aquatic biodiversity. The floating garbage on the lake's surface is also a major eyesore for the tourists visiting the lake. The Ajmer Municipal Corporation has failed to establish adequate Sewage Treatment Plants (STPs) and proper sewerage system in the city, leading to 13 nallahs directly dumping wastewater into the Anasagar lake. The hotels, restaurants, and marriage gardens alongside the lake are also not equipped with STPs, leading to untreated waste water discharge into the lake.

3. It is further argued that repeated direction has been issued by this Tribunal to prevent the discharge of untreated water into the water bodies and to control the illegal encroachments on water bodies but the municipal corporation, Ajmer failed to exercise their pious statutory duties to protect the water bodies and to make any remedial measures to prevent the discharge of untreated sewage in the water bodies which is directly and indirectly polluting the Luni river.
4. A substantial issue of environment has been raised.
5. Issue notice to the respondents, returnable within four weeks. Respondents are directed to submit their reply within Six weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
6. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
7. We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of:-
 - i. District Collector, Ajmer
 - ii. Municipal Commissioner, Ajmer

iii. One representative from Rajasthan Pollution Control Board,
(M.P.).

8. The State Pollution Control Board is directed to ensure that there shall not be any discharge of untreated water into the water body and there should not be any dumping of solid waste in the water bodies or in the area of water bodies damaging the water quality. In case any violation of environmental rules is found, State Pollution Control Board, being statutory authority is directed to take necessary legal and punitive action in addition to remedial measures.
9. The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.
10. Applicant is directed to supply the copy of the application and relevant documents to the Committee and Respondent(s) within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the Committee and respondent(s).
11. The report in the matter be filed by the Committee through email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List it on 28th April, 2023.

Sheo Kumar Singh, JM

Dr. Arun Kumar Verma, EM

13th March, 2023
O.A. No. 20/2023 (CZ)
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