

Item No. 01

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

**Original Application No. 93/2023(CZ)
(OA No. 496/2022-PB)**

IN THE MATTER OF

BABULAL SAHU

National President of Indian Public Labour Party
R/o 38/2, Shyam Nagar
Gali No. 1, Behind Kali Mandir
Foy Sagar Road, Ajmer
Rajasthan

Applicant(s)

Vs.

- | | | |
|---|--|-------------------|
| 1 | STATE OF RAJASTHAN
Through Chief Secretary
Secretariat Office, Jaipur | Respondent No. 01 |
| 2 | RAJASTHAN STATE POLLUTION
CONTROL BAORD
Through its Member Secretary
4, Jhalana Doongri,
Jaipur, Rajasthan | Respondent No. 02 |
| 3 | STATE WETLAND AUTHORITY
RAJASTHAN
Through Member Secretary
Secretariat, Jaipur Rajasthan | Respondent No. 03 |
| 4 | MUNICIPAL CORPORATION, AJMER
Through its Commissioner
Prithivi Raj Marg
Ajmer, Rajasthan | Respondent No. 04 |
| 5 | DISTRICT MAGISTRATE, AJMER
Collectorate Campus
District-Ajmer, Rajasthan, | Respondent No. 05 |

COUNSELS FOR APPLICANT(S):

None.

COUNSELS FOR RESPONDENT(S):

Mr. P.C. Jain, Sr. Adv. for AMC
(with Mr. Roshan Vishwakarma, Adv.)
Mr. Ravindra Jain, Ex. En. AMC
Ms. Prachi Mishra, Adv. for R-1&3
(with Mr. Shashank Kumar Rai, Adv.)
Mr. Sandeep Singh Baghel, Adv. for RSPCB
Ms. Vanshika Jhamb, Adv.
Mr. P.S. Baghel, Adv. for R-4

CORAM:

HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR CHATURVEDI, EXPERT MEMBER

Date of completion of hearing and reserving of order : 14.10.2025
Date of uploading of order on website : 04.11.2025

JUDGMENT

1. Mr. Babulal Sahu, National President of Indian Public Labour Party resident of 38/2, Shyam Nagar, Gali No. 1, behind Kali Mandir, Foy Sagar Road, Ajmer has sent the present letter petition, which is treated and registered as original application, complaining about plight of historical Anasagar lake of Ajmer even after spending of crores of rupees on its rejuvenation. It is submitted that the water of lake has become of green colour with foul smell due to pollution and poses serious health hazardous to the local residents.
2. Pursuant to notice reply was filed by respondent no. 2 vide email dated 08.05.2023. In its reply respondent no. 2 has submitted that respondent no. 2- has no control over the maintenance, development and upkeep of the Lake. which comes under the purview of Ajmer Municipal Corporation. The role of respondent no. 2 is limited to operating the gap of escape Channel Lake only to pass flood discharge of lake during raining season.
3. Report was filed by Municipal Corporation Ajmer vide email dated 04.01.2023. Subsequently, compliance report and updated compliance report have been filed by Municipal Corporation, Ajmer vide email dated 10.05.2023 and 11.05.2023. The relevant part of the updated compliance report is reproduced below:-

**"COMPLIANCE REPORT ON BEHALF OF AJMER
MUNICIPAL CORPORATION**

XX.....XX.....XX.....XX

4. That, it is most humbly submitted that prior to this Original Application that the matter related with Anasagar lake was previously dealt in Principal Bench of Hon'ble NGT case no. 63/2021. A Committee of senior environment and other officers was formed to look into the matter of the construction of Anasagar Pathway, Seven Wonder etc. The committee consisted of:

- (1) Sh. Mahesh Dutt. Purohit, Sc-C, MOEFCC, IRC, Jaipur (Raj.)
- (2) Sh. Sunil Kumar Meena, Sc-D, CPCB, Regional Directorate, Bhopal (M.P.)
- (3) Sh. Vikram Kasharee Pradhan, IFS, Member Secretary, State Wetland Authority Rajasthan, Jaipur (Raj.)
- (4) Sh. Deepak Tanwar, EE, Regional Officer, RSPCB, Kishangarh (Nodal Officer)

The Joint Committee stated that Anasagar lake is a manmade lake which was constructed by King Annaraj in the year 1135-1150. The various constructed works undertaken for the development of Anasagar Lake by Smart City Ltd. Ajmer are in accordance with recommendations of District Conservation & Development Committee Date 13/09/2021.

The Joint Committee constituted in the matter of O.A. No. 63/2021 (CZ), recommended the following:-

1. Anasagar Lake is not a Notified Wetland under Wetlands (conservation and Management) Rules, 2017 or Ramsar convention, hence violation of Wetland Rules is ruled out.

2. *The construction of concretized pathway around Anasagar Lake has not been done after filling up the submerged area of wetland.*
3. *During the visit as such no violation of any of the provision of Rajasthan Lakes (Protection and Development) Authority Act 2015 was found; while doing construction works, permission of Rajasthan Lake Development Authority has been sought as per rule.*
4. *No dumping of the construction materials within the submergence area and in the high flood line of the wetland and in the zone of influence was found.*
5. *No dumping of soil and other earth material for filling up and reclaiming the wetland was found. Rather after construction of pathways the silt from the Lake bed has been removed which will increase the water holding capacity.*
6. *Wonder park is being developed outside protected area of Lake. So the issue raised by the applicant about construction of Wonder Park after reclaiming the wetland area in front of Maheshwari Public school, Vaishali nagar, Ajmer is factually incorrect.*
7. *That, it would not be out of place to mention here that similar petition in relation to conservation of Anasagar Lake, Ajmer is sub-judice before the Hon'ble High Court of*

Rajasthan styled as W.P.(PIL) No. 7559 of 2012 (Common Cause Society, Ajmer vs. State of Rajasthan). That, the answering respondents have duly complied with orders/directions issued by the Hon'ble High Court of Rajasthan vide orders dated 05.09.2011, 20.05.2019 and 14.12.2022 in submitting the compliance reports and progress reports.

5. That, it is relevant to mention here that on the same subject matter an Original Application is pending before the Hon'ble National Green Tribunal, Central Zone, Bhopal styled as O.A. No. 20 of 2023 (Ashok Malik vs. State of Rajasthan & Ors.) wherein the reply of the answering respondent is on record along with the steps taken by the Municipal Corporation, Ajmer for conservation and preservation of Anasagar Lake, Ajmer as to improve the water quality for both Flora and Fauna in and around Anasagar Lake, Ajmer. That, it would be apt to mention here that for the purpose of day to day cleaning of the Anasagar Lake, Ajmer a de-weeding machine has also been purchased by the answering respondent i.e. Municipal Corporation, Ajmer under the Smart City Project and day to day cleaning of the Lake is being carried out so that the stagnant water in the Lake is being cleaned regularly. Further, the Aeration work of Ana Sagar Lake is also being done by pumping air in the tubing laid in the water body through compressor and floating fountains which have been installed in the Lake.

6. That, in the present time also the Municipal Corporation, Ajmer is continuously taking steps for cleaning of the water and improving the quality of water in Anasagar Lake. In relation to which Municipal Corporation, Ajmer for the purpose of conservation of the lake spends around Rs. 1.7 Crores accordingly under various heads:-

Sl. No.	Detail of Material Expenses	Monthly Expenses	Yearly Expenses
1	Dividing Machine Maintenance	2,50,000/-	30,00,000/-
2	STP Plant Electricity Charges	---	1,00,00,000/-
3	Musical Fountain Electricity Charges	60,000/-	7,20,000/-
4	Expenses on Pathway Beat	2,73,900/-	32,86,800/-
Total Expenses			1,70,06,800/-

7. That, furthermore, it is apt to mention here that water from Anasagar Lake, Ajmer is not being used as drinking water in reference to the same Public Health Engineering Department has supplied information that water from AnasagarLakem, Ajmer is not being used for drinking purposes, instead drinking water is being supplied in the city of Ajmer from Bisalpur Dam (Tonk).

8. That, in the circumference of Anasagar Lake, Ajmer 17 wards are situated within which 28000 residential/commercial buildings are in existence, out of which 27000 residential/ commercial buildings have established sewers system from which 12-13 MLD sewage is generated. For the treatment of the said sewage an STP has been established near the Anasagar Lake with the capacity to treat sewage up to 13 MLD as per the standard

parameter set by Central Pollution Control Board. Under the Amrit 2.0 Scheme another STP with the capacity to treat 7 MLD sewage is proposed, increasing the capacity of the STP to treat 20 MLD sewage. The effluent treated by the STP are then poured out in Anasagar Lake as a result of which all round the year the water level is maintained in the Lake.

9. That there are 13 major nalah along the circumference of Anasagar lake, out of the 13 Sewer (Nalaha), Ajmer 11 are now connected to sewer line and are diverted to the STP and their dry weather flow has been stopped reaching Anasagar Lake, Ajmer. Work of connecting remaining of the 2 Sewer (Nalaha) terminating in Anasagar Lake, Ajmer is underway and will be completed soon.

10. That, samples of the water are taken from Anasagar Lake, Ajmer by Rajasthan State Pollution Control Board from time to time and the parameters (BOD, COD, TSS, PH) are found up to the norms and the guidelines.”

8. Learned counsel appearing for the Municipal Corporation, Ajmer has informed that one STP of 13 MLD is functioning. The reply dated 10.05.2023 mentions that out of 13 sewer (nallah) allegedly connecting to the Anasagar Lake, Ajmer, 11 were diverted to the STP and dry weather flow was stopped reaching the Anasagar lake. In that reply it was disclosed that the work of connecting remaining two sewer terminating in Anasagar lake was underway.

9. It is further alleged that 13 nallah carry untreated wastewater from various colonies and place of Ajmer and dump into Anasagar Lake without any treatment, leading to severe pollution and environmental damage violating

the provision of Water (Prevention and Control of Pollution) Act, 1974 and causing various harmful effect such as:-

- a) **Water quality degradation** The nallahs carry a significant amount of untreated domestic and industrial wastewater, which contains pollutants like heavy metals, pathogens, and nutrients. These pollutants reduce the water quality of the lake, making it unfit for drinking and other domestic purpose.
- b) **Algae bloom** the nutrient-rich water from the nallahs promotes the growth of algae in the lake. This results in a dense mat of algae that can choke the lake and prevent sunlight from penetrating the water. This, in turn, can lead to the death of aquatic plants and fish which had occurred recently.
- c) **Eutrophication the excess nutrient** from the nallahs also promote eutrophication in the lake. This is a process where excessive plant growth leads to a depletion of oxygen in the water. This can result in the death of fish and other aquatic life.
- d) **Odor and visual pollution** the dumping of untreated wastewater can cause an unpleasant odour around the lake, making it difficult for people to enjoy the surroundings. The floating garbage also reduce the aesthetic value of the

lake, impacting the tourism potential of the region.

- e) **Impact on biodiversity:** the dumping of untreated wastewater can impact the aquatic biodiversity of the lake, as many species of plants and animals cannot survive in polluted waters. Health hazards the dumping of untreated wastewater can lead to the spread of water-borne diseases, putting the health of people at risk. This can have a significant impact on the well-being of the local community.

10. These nallahs in older time serves as a channels of rainwater which carries clean water from nagpahad and other catchments which in turn now converted into a sources of waste water dumping directly into Anasagar lake, this is mainly due to negligence of Ajmer Municipal Corporation, Ajmer Development Authority due to their poor land use changes, urbanization, encroachments on or near to these drains. The polluted water from Anasagar Lake flows into the Luni River, ultimately flowing into the marshy lands in Rann of Kutch Gujarat just before the basin of Arabian sea, leading to further pollution and damage to the environment and public health.

11. That in recent years pathway has been constructed along the boundary of the lake by the Smart City Ajmer and Ajmer Development Authority. However, after the construction of the pathway, various activities have sprung up along the lake, including the car workshops, marriage gardens, halls and restaurants. It is important to note that even the Ajmer Municipal Corporation organize various fairs or Mela on this pathway. These activities are causing various negative effect on the lake, including the dumping of

waste and untreated sewage. The waste water and garbage from these activities is also being discharged into the lake.

12. Superintending Engineer, Water Resources Circle, Ajmer (Rajasthan) in its affidavit has submitted that vide letter 17.04.2023 District Magistrate Ajmer, Commissioner Nagar Nigam Ajmer, Regional Officer Rajasthan State Pollution Control Board Kishangarh Ajmer and Regional Officer State Wetland Authority, Environmental Department Ajmer was informed to ensure that no untreated sewage water should be discharged into the lake and remedial measures must be initiated and taken immediately. The Ajmer Municipal Corporation has admitted the fact that two sewer line nallah are still terminating in Anasagar Lake and discharging the water/untreated water/sewage water into the lake.
13. Since it is a admitted fact that untreated sewage water is being discharge into the Anasagar Lake. Thus, in view of the parameters laid down by the Central Pollution Control Board which was submitted in the Original Application No. 606/2018 for assessment and realization of compensation @ per day, per nallah is required to be assessed and realized. The relevant paras of 606/2018 are quoted below:

“I. Environment Compensation to be levied on Industrial Units

Recommendations

The Committee made following recommendations:

To begin with, Environmental Compensation may be levied by CPCB only when CPCB has issued the directions under the Environment (Protection) Act, 1986. In case of a, band c, Environmental Compensation may be calculated based on the formula "EC= Pl x N x Rx S x LF", wherein, Pl may be taken as 80, 50 and 30 for red, orange and green category of industries, respectively, and R may be taken as 250. Sand

LF may be taken as prescribed in the preceding paragraphs.

In case of d, e and f, the Environmental Compensation may be levied based on the detailed investigations by Expert Institutions/Organizations.

The Hon'ble Supreme Court in its order dated 22.02.2017 in the matter of Paryavaran Suraksha Samiti and another v/s Union of India and others {Writ Petition {Civil} No. 375 of 2012), directed that all running industrial units which require "consent to operate" from concerned State Pollution Control Board, have a primary effluent treatment plant in place. Therefore, no industry requiring ETP, shall be allowed to operate without ETP.

EC is not a substitute for taking actions under EP Act, Water Act or Air Act. Infact, unitsfoundpolluting should be closed/prosecuted as per the Acts and Rules.

II. Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in NCR.

Table No. 2.1:Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.

Activity	State Of Air Quality	Environmental Compensation ()
Industrial Emissions	Severe +/Emergency	Rs 1.0 Crore
	Severe	Rs 50 Lakh
	Very Poor	Rs 25 Lakh
	Moderate to Poor	Rs 10 Lakh
Vapour Recovery System (VRS) at Outlets of Oil Companies		
i. Not installed	Target Date	Rs 1.0 Crore
ii. Non functional	Very poor to Severe +	Rs 50.0 Lakh

	<i>Moderate to Poor</i>	<i>Rs 25.0 Lakh</i>
Construction sites (Offending plot more than 20,000 Sq.m.)	<i>Severe +/Emergency</i>	<i>Rs 1.0 Crore</i>
	<i>Severe</i>	<i>Rs 50 Lakh</i>
	<i>Very Poor</i>	<i>Rs 25 Lakh</i>
	<i>Moderate to Poor</i>	<i>Rs 10 Lakh</i>
Solid waste/ garbage dumping in Industrial Estates	<i>Very poor to Severe +</i>	<i>Rs 25.0 Lakh</i>
	<i>Moderate to Poor</i>	<i>Rs 10.0 Lakh</i>
Failure to water sprinkling on unpaved roads		
a) Hot-spots	<i>Very poor to Severe +</i>	<i>Rs 25.0 Lakh</i>
b) Other than Hot-spots	<i>Very poor to Severe +</i>	<i>Rs 10.0 Lakh</i>

II. ***Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules:***

Table No. 3.3: Minimum and Maximum EC to be levied for untreated/partially treated sewage discharge

<i>Class of the City/Town</i>	<i>Mega-City</i>	<i>Million-plus City</i>	<i>Class-I City/Town and others</i>
<i>Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)</i>	<i>Min. 2000 Max. 20000</i>	<i>Min. 1000 Max. 10000</i>	<i>Min. 100 Max. 1000</i>
<i>Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)</i>	<i>Min. 2 Max. 20</i>	<i>Min. 1 Max. 10</i>	<i>Min. 0.5 Max. 5</i>

TableNo.3.4: Minimum and Maximum EC to be levied for improper municipal solid waste management

<i>Class of the City/Town</i>	<i>Mega-City</i>	<i>Million-plus City</i>	<i>Class-I City/Town and others</i>

Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)	Min. 1000 Max. 10000	Min. 500 Max. 5000	Min. 100 Max. 1000
Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)	Min. 1.0 Max. 10.0	Min.0.5 Max.5.0	Min.0. 1 Max.1. 0

Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority:

BIS 15-1172:1993 suggests that for communities with population above 100,000, minimum of 150 to 200 lpcd of water demand is to be supplied. Further, 85% of return rate (CPHEEO Manual on Sewerage and Sewage Treatment Systems, 2013}, maybe considered for calculation of total sewage generation in a city. CPCB Report on "Performance evaluation of sewage treatment plants under NRCD, 2013", describes that the capital cost for 1 MLD STP ranges from 0.63 Cr. to 3 Cr. and O&M cost is around Rs. 30,000 per month. After detail deliberations, the Committee suggested to assume capital cost for STPs as Rs. 1.75 Cr/MLD (marginal average cost). Further, expected cost for conveyance system is assumed as Rs. 5.55 Cr./MLD (marginal average cost) and annual O&M cost as 10% of the combined capital cost. Population of the city may be taken as per the latest Census of India. Based on these assumptions, Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

EC= Capital Cost Factor x [Marginal Average Capital Cost for Treatment Facility x (Total Generation-Installed Capacity) + Marginal Average Capital Cost for Conveyance Facility x

$(\text{Total Generation} - \text{Operational Capacity}) + \text{O\&M Cost Factor} \times \text{Marginal Average O\&M Cost}$

$\times (\text{Total Generation} - \text{Operational Capacity}) \times \text{No. of Days for which facility was not available} +$
 $\text{Environmental Externality} \times \text{No. of Days for which facility was not available}$

Alternatively;

$EC \text{ (Lacs Rs.)} = [17.S\{\text{Total Sewage Generation} - \text{Installed Treatment Capacity}\} + 55.S\{\text{Total Sewage Generation} - \text{Operational Capacity}\}] + 0.2(\text{Sewage Generation} - \text{Operational Capacity}) \times N + \text{Marginal Cost of Environmental Externality} \times (\text{Total Sewage Generation} - \text{Operational Capacity}) \times N$

Where; N= Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority

Quantity of Sewage is in MLD

XXX.....XXX.....XXX

Environment Compensation to be Levied on Concerned Individual/Authority for Improper Solid Waste Management:

Environmental Compensation to be levied on concerned ULB may be calculated with the following formula:

$EC = \text{Capital Cost Factor} \times \text{Marginal Average Cost for Waste Management} \times (\text{Per day waste generation} - \text{Per day waste disposed as per the Rules}) + \text{O\&M Cost Factor} \times \text{Marginal Average O\&M Cost} \times (\text{Per day waste generation} - \text{Per day waste disposed as per the Rules}) \times \text{Number of days violation took place} + \text{Environmental Externality} \times N$

Where;

Waste Quantity in tons per day (TPD)

N = Number of days from the date of direction of CPCB/SPCB/PCC till the required capacity systems are provided by the concerned authority

Simplifying;

$EC \text{ (Lacs Rs.)} = 2.4(\text{Waste Generation} - \text{Waste Disposed as per the Rules}) + 0.02 (\text{Waste Generation} - \text{Waste Disposed as per the Rules}) \times N + \text{Marginal Cost of Environmental Externality} \times$

$(\text{Waste Generation} - \text{Waste Disposed as per the Rules}) \times N$

xxx.....xxx.....xxx

- (i) SPCBs/PCCs may ensure remedial action against non-compliant CETPs or individual industries in terms of not having ETPs/fully compliant ETPs or operating without consent or in violation of consent conditions. This may be overseen by the CPCB. CPCB may continue to compile information on this subject and furnish quarterly reports to this Tribunal which may also be uploaded on its website.
- (ii) All the Local Bodies and or the concerned departments of the State Government have to ensure 100% treatment of the generated sewage and in default to pay compensation which is to be recovered by the States/UTs, with effect from 01.04.2020. In default of such collection, the States/UTs are liable

to pay such compensation. The CPCB is to collect the same and utilize for restoration of the environment.

- (iii) The CPCB needs to collate the available data base with regard to ETPs, CETPs, STPs, MSW facilities, Legacy Waste sites and prepare a river basin-wise macro picture in terms of gaps and needed interventions.

13. Directions in order dated 06.12.2019:

“XII. Directions:

45. We now sum up our directions as follows:

- i. 100% treatment of sewage may be ensured as directed by this Tribunal vide order dated 28.08.2019 in O.A. No. 593/2017 by 31.03.2020 at least to the extent of in-situ remediation and before the said date, commencement of setting up of STPs and the work of connecting all the drains and other sources of generation of sewage to the STPs must be ensured. If this is not done, the local bodies and the concerned departments of the States/UTs will be liable to pay compensation as already directed vide order dated 22.08.2019 in the case of river Ganga i.e. Rs. 5 lakhs per month per drain, for default in in-situ remediation and Rs. 5 lakhs per STP for default in commencement of setting up of the STP.

- ii. *Timeline for completing all steps of action plans including completion of setting up STPs and their commissioning till 31.03.2021 in terms of order dated 08.04.2019 in the present case will remain as already directed. In default, compensation will be liable to be paid at the scale laid down in the order of this Tribunal dated 22.08.2019 in the case of river Ganga i.e. Rs. 10 lakhs per month per STP.*
- iii. *We further direct that an institutional mechanism be evolved for ensuring compliance of above directions. For this purpose, monitoring may be done by the Chief Secretaries of all the States/UTs at State level and at National level by the Secretary, Ministry of Jal Shakti with the assistance of NMCG and CPCB.*
- iv. *For above purpose, a meeting at central level must be held with the Chief Secretaries of all the States/UTs at least once in a month (option of video conferencing facility is open) to take stock of the progress and to plan further action. NMCG will be the nodal agency for compliance who may take assistance of CPCB and may give its quarterly report to this*

Tribunal commencing
01.04.2020.

- v. The Chief Secretaries may set up appropriate monitoring mechanism at State level specifying accountability of nodal authorities not below the Secretary level and ensuring appropriate adverse entries in the ACRs of erring officers. Monitoring at State level must take place on fortnightly basis and record of progress maintained. The Chief Secretaries may have an accountable person attached in his office for this purpose.
- vi. Monthly progress report may be furnished by the States/UTs to Secretary, Ministry of Jal Shakti with a copy to CPCB. Any default must be visited with serious consequences at every level, including initiation of prosecution, disciplinary action and entries in ACRs of the erring officers.
- vii. As already mentioned, procedures for DPRs/tender process needs to be shortened and if found viable business model developed at central /state level.
- viii. Wherever work is awarded to any contractor, performance guarantee must be

taken in above terms.

- ix. CPCB may finalize its recommendations for action plans relating to P-III and P-IV as has been done for P-I and P-II on or before 31.03.2020. This will not be a ground to delay the execution of the action plans prepared by the States which may start forthwith, if not already started.*
- x. The action plan prepared by the Delhi Government which is to be approved by the CPCB has to follow the action points delineated in the order of this Tribunal dated 11.09.2019 in O.A. No.06/2012.*
- xi. Since the report of the CPCB has focused only on BOD and FC without other parameters for analysis such as pH, COD, DO and other recalcitrant toxic pollutants having tendency of bio magnification, a survey may now be conducted with reference to all the said parameters by involving the SPCB/PCCs within three months. Monitoring gaps be identified and upgraded so to cover upstream and downstream locations of major discharges to the river. CPCB may file a report on the subject before the next date by e-mail atjudicial-ngt@gov.in.*

xii. Rivers which have been identified as clean may be maintained.”

(emphasis supplied)

14. Directions in order dated 29.06.2020:

“XII. Directions:

45. We reiterate our directions in order dated 6.12.2019 in the present matter, reproduced in Para 38 above, read with those in order dated 21.5.2020 in OA 873/2017 and direct CPCB and Secretary, Jal Shakti to further monitor steps for enforcement of law meaningfully in accordance with the directions of the Hon’ble Supreme Court and this Tribunal. The monitoring is expected with reference to ensuring that no pollution is discharged in water bodies and any violation by local bodies or private persons are dealt with as per mandate of law as laid down in orders of the Hon’ble Supreme Court and this Tribunal without any deviation from timelines. The higher authorities must record failures in ACRs as already directed and recover compensation as per laid down scale. Every State/UT in the first instance must ensure that at least one polluted river stretch in each category is restored so as to meet all water quality standards up to bathing level. This may serve as a model for restoring the remaining stretches.”

23. As discussed above the damage to environment is directly linked to public health and neglecting compliance of Environmental norms results in deaths

and injuries. Violation of environmental norms needs to be taken as seriously as preventing crimes of homicide and assaults. It is more serious as the victim may be wide spread and unidentified. The consequences may even affect the future generation. The compliance status is directly linked to effectiveness of the monitoring which requires that the key office bearers of statutory regulators and oversight bodies are qualified competent and reputed specially dedicated to such work instead of devoting part time while simultaneously holding other position. In view of the above, we are of the opinion that the monitoring by the Tribunal cannot be un-ending. The road map stand laid out. Action plans have been prepared for remediation of polluted rivers, river stretches. Gaps have been identified for ETPs, STPs, CETPs and timelines are clear. The authorities must now take ownership for compliance. The River Rejuvenation Committees in the State as per directions of the Chief Secretary may perform their obligation accordingly which may be monitored by the Central Monitoring Committee headed by the Secretary, Jal Shakti. The monitoring mechanism introduced in the form of RRC at the State level and the CMC at the Central level is to be and exactly identical to the monitoring mechanism laid down under the River Ganga Rejuvenation, Protection and

*Management Authorities Notification,
2016.”*

14. The Learned Counsel for the Respondent No. 1 & 3 has filed the status report with the facts that in light of the order passed by the Hon'ble Supreme Court of India in case of *M.K. Balakrishnan vs. Union of India, MoEF&CC* in W.P. No. 230/2001 that wetlands include ponds, tanks, canals, creeks, water channels, reservoirs, rivers, streams and lakes. In view of the same, the State of Rajasthan is now making endeavor to declare the lake as wetland. However, vide Local Self Government Department of Government of Rajasthan Notification dated 30.10.2017, the State Government on the recommendation of the Rajasthan Lakes Development Authority had already declared specific area along the boundaries of the Anasagar lake as protected area authorized under section 4 of the Rajasthan Lakes (Protection and Developed) Authority Act, 2015. It is a matter of record that the Lake is already notified as a protected category under the Rajasthan Lakes (Protection and Development) Authority Act, 2015.
15. In view of the above, the State Authorities have to proceed in accordance with law.
16. So far as the discharge of untreated/sewage water into the lake/pond is concerned the Learned Counsel for the Respondent/Municipal Corporation Ajmer has filed the affidavit, which is defective on following points :

- i. “Learned Counsel has submitted that he filed this affidavit yesterday (i.e. on 19.11.2023) while the date printed is (20.11.2023).*
- ii. Learned Counsel has submitted that it is a clerical mistake and it should be 02.11.2023, which is again factual incorrect.*
- iii. The part of the affidavit filed by Shri Om Prakash Sahu posted as Duty Engineer, Municipal*

Corporation, Ajmer is again fictitious because there is no date on it.

- iv. The status of the STP report, which was prepared by the Executive Engineer, Municipal Corporation, Ajmer (page no. 135) simply reveals that the BOD >150 while treated effluent parameter is < 10 in every item they have stated the figure as > or < which means that no analysis was done by the competent authority and forged report has been filed.*
- v. The authority reporting is not empowered to chemical examination of the above quality.*
- vi. The sample taken was not sent to the any Accredited Laboratory as per rules. The date, quantity, sample method, person taking the samples and other procedure have not been followed and does not reflect in the report.”*

17. Learned counsel for the Ajmer Municipal Corporation has submitted that necessary steps are being taken by the Municipal Corporation for conservation and preservation of the Anasagar Lake and to improve the water quality for both flora and fauna, in and around Anasagar Lake, Ajmer. That for the purpose of day-to-day cleaning of the Anasagar Lake, Ajmer a de-weeding machine has also been purchased by the answering respondent i.e. Municipal Corporation, Ajmer under the Smart City Project and day to day cleaning of the Lake is being carried out so that the stagnant water in the Lake is being cleaned regularly. Further, the Aeration work of Anasagar Lake is also being done by pumping air in the tubing laid in the water body through compressor and 14 floating fountains which have been installed in the Lake.

18. In the circumference of Anasagar Lake, Ajmer 17 wards are situated within which 28000 residential/ commercial buildings are in existence, out of which 26000 residential/ commercial buildings have established sewers

system from which 12-13 MLD sewage is generated approximately 250 Kms of sewage line has been laid down around the Anasagar Lake. For the treatment of the said sewage an STP has been established near the Anasagar Lake with the capacity to treat sewage up to 13 MLD as per the standard parameter set by Central Pollution Control Board. Under the Amrit 2.0 Scheme another STP with the capacity to treat 7 MLD sewage is proposed, increasing the capacity of the STP to treat 20 MLD sewage. The effluent treated by the STP are then poured out in Anasagar Lake as a result of which all round the year the water level is maintained in the Lake. Further, it is apt to mention here that the remaining residential/commercial buildings will have sewage connectivity by 15.06.2023.

19. Submission of the learned counsel for respondent nos. 1 and 3 are that as per the National Wetland Atlas of State of Rajasthan published on the indianwetlands.in portal under the umbrella of Union Ministry of Environment, Forest and Climate Change, Anasagar Lake has been identified and mapped as Wetland using the satellite remote sensing data from Indian Remote Sensing Satellite: IRS P6- LISS III sensor.
20. The said publication deals with the updated database and status of wetlands, compiled in Atlas format. Increasing concern about how our wetlands are being influenced has led to formulation of a project entitled "*National Wetland Inventory and Assessment (NWIA)*" to create an updated database of the wetlands of India. True copy of relevant extract of the National Wetland Atlas of State of Rajasthan published on the indianwetlands.in.
21. In the Space Based Observation of Indian Wetlands published by the Space Applications Centre, Indian Space Research Organisation (ISRO) the Executive Summary gives an all-encompassing definition of wetlands: Wetlands are submerged or water saturated lands, natural or man-made,

inland or coastal, permanent or temporary, static or flowing, vegetated or non-vegetated, which necessarily have a land-water interface.

22. Using the scope under the Guidelines for implementing Wetlands (Conservation and Management) Rules, 2017 published by the Ministry of Environment, Forest And Climate Change, Gol for 'Wetlands to be regulated', as per point 10 which gives scope for such declaration as it is specified therein- "Should the State Governments/UT Administrations be desirous, any wetland, even if included within the list of wetlands excluded from notification under Wetlands Rules, may be notified under the relevant state laws. In this regard, the approach/mechanism outlined in Wetlands Rules and these guidelines may be suitably adopted.
23. The Hon'ble Supreme Court has observed in the case titled M.K. Balakrishnan vs Union of India Ministry of Environment Forest and Climate Change & Ors. that wetlands include ponds, tanks, canals, creeks, water channels, reservoirs, rivers, streams and lakes. In view of the same, the State of Rajasthan is now making endeavour to declare the lake as a wetland. However, vide Local Self Government Department of Government of Rajasthan Notification dated 30.10.2017, the State Government on the recommendation of the Rajasthan Lakes Development Authority had already declared specific area along the boundaries of the Anasagar Lake as protected area authorised under section 4 of the Rajasthan Lakes (Protection and Development) Authority Act, 2015. It is a matter of record that the Lake is already notified as a protected category under the Rajasthan Lakes (Protection and Development) Authority Act, 2015.
24. It is further argued that the State of Rajasthan is actively working on notification of Anasagar lake as a wetland. The State Government vide notification dated 30.10.2017 notified the Anasagar lake as protected area. The details of Khasra number and area are attached with the notification for compliance to the authorities concerned.

25. Further submission of the Municipal Corporation are that 13 MLD of Anasagar STP, 20 MLD of Khanpura STP is functional and 40 MLD Khanpura STP is likely to be completed and 95% of the work has been completed. It is further argued that the parameter of the treated effluent from the STPs are within the permissible limits prescribed by the CPCB. The samples of the water of Anasagar lake was also analysed by the State Pollution Control Board and it was found within permissible limit.
26. Learned counsel for the State PCB has argued that in compliance of the order in Paryavaran matter and the OA No. 606/2018 the environmental damage and compensation has been assessed in accordance with the parameter laid down by the State Government or State PCB to the tune of Rs. 38,75,70,000/-. The Municipal Corporation has raised certain objections but the learned counsel for the State PCB has submitted that the order is appealable and the aggrieved may file appropriate application of the appeal before the appropriate forum. Scarcity of water and protection of the pond/lake are important for providing the water need to the general public.
27. Realizing the seriousness of the problem confronting waterbodies, the Centre had launched the Repair, Renovation and Restoration of Water Bodies' scheme in 2005 with the objectives of comprehensive improvement and restoration of traditional water bodies. These included increasing tank storage capacity, ground water recharge, increased availability of drinking water, improvement of catchment areas of tank commands and others. However, in this regard, not much has been seen on the ground.
28. It is of utmost importance for meeting the rising demand for water augmentation, improving the health of waterbodies as they provide various ecosystem services that are required to manage microclimate, biodiversity and nutrient cycling. Many cities are working towards conservation of waterbodies like the steps initiated in the capital city of Delhi for instance. In turning Delhi into a city of lakes, rejuvenation of 201 waterbodies has

been finalised. Of these, the Delhi Jal Board (DJB) plans to revive 155 bodies while the Flood and Irrigation Department will revive 46. DJB claims that the aim is to achieve biological oxygen demand or BOD to 10ppm and total suspended solids to 10mg/l. also the establishment of the Wetlands Authority by the Delhi government is a welcome step towards notifying and conserving natural waterbodies. In order to achieve the goal of revival of waterbodies, it is important to understand that one solution may not fit all the waterbodies. Depending on the purpose, ecological services, livelihood and socio-cultural practices, the approach will vary from one waterbody to another. However, the issues with regard to lack of data and action plans, encroachments, interrupted water flow from the catchment, siltation, violations of laws, solid waste deposit and polluted water, involvement of too many agencies, etc. have to be taken into consideration.

29. Action needs to be taken towards:

- i. Attaining sustainability. Thus, emphasis on long- term goals, operation and maintenance should be included along with the allocation of budget.*
- ii. Success of the lakes should be tested on all three fronts namely economic, environmental and social. Many studies point that a deliberate effort has to be made on the social front for which better publicity of the environmental benefits of the project and enhancing environmental awareness, especially among the local community is required.*
- iii. Encouraging local people to collaborate with other stakeholders to successfully utilise resources and ensure the protection and conservation of waterbodies.*

- iv. Traditionally, water was seen as a responsibility of citizens and the community collectively took the responsibility of not only building but also of maintaining the water bodies. This needs to be brought back into the system.*
- v. Thus, an integrated approach taking into account the long-term sustainability, starting from the planning stage where looking at every waterbody along with its catchment, is required.*

30. It is further reported by the State Pollution Control Board that untreated/sewage water is being discharged continuously in the water body. The rule does not provide such activities. The legislature has enacted the Water (Prevention and Control of Pollution) Act, 1974 to provide for the prevention and control of water pollution and the maintaining or restoring of water and for carrying out the aforesaid purpose the Board has been constituted.
31. It is argued by the Learned Counsel for the applicant that the problem of pollution of rivers, water bodies and streams has assumed considerable importance and urgency in recent years as a result of the growth of industries and the increasing tendency to urbanization. It is therefore essential to ensure that the domestic and industrial effluents are not allowed to be discharged into the water course without adequate treatment as such discharges could render the water unsuitable either source of drinking water as well as for supporting fish life and for use in irrigation. Pollution of rivers, water bodies and streams also causes increasing damage to the country's economy. The relevant sections of the Water (Prevention and Control of Pollution) Act, 1974 are as follows:-

“Section 2 (e)-

Pollution which means such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms.

Section 17 -

That the State Board shall 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; to advise the State Government on any matter concerning the prevention, control or abatement of water pollution; to evolve methods of utilisation of sewage and suitable trade effluents in agriculture; to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available

in that stream (1(l)(i) take necessary action for the prevention, control or abatement of discharge of waste into streams or wells or water bodies.

Section 24 -

Provides 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 1 [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.

(2) (c) putting into an stream any sand or gravel or other natural deposit which

*has flowed from or been deposited
by the current of such stream.*

Section 25 –

Provides restrictions on new outlets and new discharges.

(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board,--

(a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or

(b) bring into use any new or altered outlets for the discharge of sewage; or

(c) begin to make any new discharge of sewage; Provided that a person in the process of taking any steps to establish any industry, operation or

process immediately before the commencement of the Water (Prevention and Control of Pollution) Amendment Act, 1988, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent, within the said period of three months, till the disposal of such application.”

Section 33 –

Power of Board to make application to courts for restraining apprehended pollution of water in streams or wells

- 1) *Where it is apprehended by a Board that the water in any stream or well is likely to be polluted by reason of the disposal or likely disposal of any matter in such stream or well or in any sewer or on any land, or otherwise, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class, for restraining the person who is likely to cause such pollution from so causing*

- 2) *On receipt of an application under sub-section (1) the court may make such order as it deems fit.*
- 3) *Where under sub-section (2) the court makes an order restraining any person from polluting the water in any stream or well, it may in that order-*
- (i) direct the person who is likely to cause or has caused the pollution of the water in the stream or well, to desist from taking such action as is likely to cause pollution or, as the case may be, to remove from such stream or well, such matter, and*
 - (ii) authorise the Board, if the direction under clause*
 - (i) (being a direction for the removal of any matter from such stream or well) is not complied with by the person to whom such direction is issued, to undertake the removal and disposal of the matter in such manner as may be specified by the court.*
- 4) *direct the person who is likely to cause or has caused the pollution of the water in the stream or well, to desist from taking such action*

as is likely to cause pollution or, as the case may be, to remove from such stream or well, such matter, and

i. authorise the Board, if the direction under clause (i) (being a direction for the removal of any matter from such stream or well) is not complied with by the person to whom such direction is issued, to undertake the removal and disposal of the matter in such manner as may be specified by the court.

33 A. Power to give directions Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions. Explanation : For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct- (a) the closure, prohibition or regulation of any industry, operation or process; or (b) the storage or regulation of supply of electricity, water or any other service.

Section 41 -

Failure to comply with directions under Sub-Section (2) or Sub-Section (3) of Section 20, or order issued under Clause

(c) of Sub-Section (1) of 32 or directions issued under Sub- Section (2) of Section 33 of Section 33A.

1) Whoever fails to comply with any direction given under sub- section (2) or sub-section (3) of section 20 within such time as may be specified in the direction shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

2) Whoever fails to comply with any order issued under clause (c) of sub-section (1) of section 32 or any direction issued by a court under sub-section (2) of section 33 or any direction issued under section 33A shall, in respect of each such failure and on conviction, be punishable with imprisonment for a term which shall not be less than one year and six months but which may

extend to six years and with fine, and case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

- 3) *If the failure referred to in sub-section (2) continues beyond a period of one year after the date of conviction, the offender shall, on conviction, be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.*

Section 42 -

Penalty for certain acts.

(1) *Whoever –*

- a. destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board, or*
- b. obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or*
- c. damages any works or property belonging to the Board, or*
- d. fails to furnish to any officer or other employee of the Board any information required by him for*

the purpose of this Act, or

e. fails to intimate the occurrence of an accident or other unforeseen act or even under section 31 to the Board and other authorities or agencies as required by that section, or

f. in giving any information which he is required to give under this Act, knowingly or willfully makes a statement which is false in any material particular, or for the purpose of obtaining any consent under section 25 or section 26, knowingly or willfully makes a statement which is false in any material particular, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to 1 [ten thousand rupees] or with both.

(2) Where for the grant of a consent in pursuance of the provisions of section 25 or section 26 the use of a meter or gauge or other measure or monitoring device is required and such device is used for the purposes of those provision, any person who knowingly or willfully alters or interferes with that device so as to prevent it from monitoring or measuring correctly shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to 1 [ten thousand rupees] or with both.

Section 43 –

Penalty for contravention of provisions of Section 24.

Whoever contravenes the provisions of section 24 shall be punishable with imprisonment for a term which shall not be less than 1 [one year and six months] but which may extend to six years and with fine.

Section 44 –

Penalty for contravention of Section 25 or Section 26.

Whoever contravenes the provision of section 25 or section 26 shall be punishable with imprisonment for a term which shall not be less than 1 [one year and six months] but which may extend to six years and with fine.

Section 45 –

Enhanced Penalty after previous conviction.

If any person who has been convicted of any offence under section 24 or 25 or section 26 is again found guilty of an offence involving a contravention of the same provision, he shall, on the second and on every subsequent conviction, be punishable with imprisonment for a term which shall not be less than 2 [two years] but which may extend to seven years and with fine: Provided that for the purpose of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished.

Section 45A

Penalty for contravention of certain provisions of the Act.

1. [Whoever contravenes any of the provisions of this Act or fails to comply with any order or direction given under this Act, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees or with both and in the case of a continuing contravention or failure, with an additional fine which may extend to five thousand rupees for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

Section 48 –

Provides that offences by government departments.

Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Section 60 –

The Provision of this Act shall have effect

notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

Thus, it is a statutory duty of the State Pollution Control Board to check the abatement of the water pollution and also advice the authorities concerned and failure to comply the statutory duty is defiance of the act and necessary action with calculation and recovery of environmental compensation is the pious duty of the Pollution Control Board. We hope and trust that the State Pollution Control Board will not hesitate to proceed according to law and try to fulfill the purpose of the act.”

32. During the course of hearing and last date of argument the applicant has filed an application to withdraw the complaint and reason as disclosed are that the Municipal Corporation, Ajmer has taken measures and efforts to tap the nalas and more than 93% of the work has been completed. The Municipal Corporation, Ajmer has submitted the detail status report with the facts that the most of the work has been completed and no untreated water is being discharged in the water bodies and to ensure not to discharge untreated water into the water bodies.

33. In view of the above facts we direct the respondents as follows :-

- i. Municipal Corporation / District Administration / Collector is directed to strictly follow the Water (Prevention and Control of Pollution) Act, 1974 and guidelines issued in OA No. 606/2018.
- ii. The Collector/Municipal Commissioner shall ensure strict compliance of Section 4 of the Wetland Rules and to ensure that there will not be any encroachment on wetland/water body, construction activities, discharge of untreated water or dumping of the garbage/solid waste/plastic waste in the lake and the constructions raised during the pendency of this application and already raised prior to this in violation of Section 4 of the wetland rules must be demolished immediately on the cost of Municipal Corporation after identification, measurement of the area.
- iii. The amount of environmental damage which was assessed by the State PCB to the tune of Rs. 38,75,70000/- maybe recovered by the competent authority according to rules in due process of law after providing an opportunity of hearing and the aggrieved have a right to file an appeal before the appropriate forum. After completion and satisfactory operation of the STP the municipal council may file an application for adjustment against the cost of the construction of the STP before the Tribunal.
- iv. A wetland action plan is a strategic approach to wetland conservation, management and rejuvenation therefore

Municipal Commissioner is directed to prepare wetland action plan of Anasagar Lake as per the norms provided in Wetland (Conservation and Management) Rules, 2017 within three months engaging the experts of this field and effective implementation of action plan to be initiated accordingly for long term conservation of Anasagar Wetland.

34. State Pollution Control Board is directed to periodically monitor the status and in-case of violation necessary remedial action must be taken in addition to prosecution and realisation of environmental damage.
35. With these observations, **Original Application No. 93/2023** alongwith **I.As.** stand **disposed of**.

Sheo Kumar Singh, JM

Sudhir Kumar Chaturvedi, EM

04th November, 2025
OA No. 93/2023(CZ)
PN