

Item No. 01

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

Original Application No. 189/2023(CZ)

Babulal Jajoo

Applicant(s)

Vs.

State of Rajasthan & Ors.

Respondent(s)

Date of Hearing: **02.01.2024**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A SENTHIL VEL, EXPERT MEMBER**

For Applicant(s):

Mr. Faizan Khan, Adv.
(for Ms. Diksha Chaturvedi, Adv.)

For Respondent(s):

None

ORDER

1. The issue raised in this application is violation of Water (Prevention & Control of Pollution) Act, 1974, Solid Waste Management Rules, 2016 and Environmental Rules by the Municipal Corporation, Kota and Urban Development Trust, Kota, Rajasthan by discharging the untreated effluents, sewage, industrial waste and domestic waste water into the Chambal River adversely affecting the water quality of the river and damaging the ecosystem which is dangerous to the habitat for the critically endangered Gharial crocodile and the Gangetic River dolphin, both of which are integral to the ecological balance of the river.
2. The unregulated sand mining along the Chambal River has led to environmental degradation, including riverbank depletion and disrupted natural flow, resulting in erosion and habitat loss. Simultaneously, the river contends with excessive legally sanctioned and illicit fishing activities by local fishermen and community members, contributing to the decline of aquatic biodiversity and posing a significant threat to the critically

endangered Gharial crocodile and the Gangetic river dolphin, thus jeopardizing the ecological integrity of the Chambal River and its surrounding ecosystem. The current situation of the Chambal River is that the city produces a substantial 312 MLD of waste water while having a treatment capacity of only 50 MLD through existing sewage treatment plants. This disparity is expected to worsen over the next decade, posing challenges due to the lack of an adequate sewer network. Much of the waste water is funnelled through smaller drains, leading to larger open drains, which, during the rainy season, cause flooding issues and ultimately discharge into the Chambal River. Furthermore, the existing wastewater treatment facilities in Kota are far from ideal, with only 2 sewage treatment plants. Consequently, 262 MLD of wastewater is directly disposed off into the Chambal River through numerous open drains, contributing to consistent pollution

3. It is further alleged that directions issued in this matter in O.A. No. 318/2014 original application No. 460/2014(CZ) and direction issued in the O. A. No. 606/2018 has not been complied with by the respondents.
4. The applicant has relied on the research paper which was published by the University, Department of Civil Engineering, Rajasthan Technical University, Kota, Rajasthan in the Magazine International Research General of Environmental Science Vol. 8(3), 21-25-July 2019, which reveals that in the district Kota, Rajasthan various industrial units are operating in addition of small and medium enterprises functioning in an around the city which require a lot of water for their operation and maintenance. The increasing number of students in the kota in the hub of the educational institution requires facilities of treatment plant, which are not properly managed by the local administration and matter requires urgent remedial steps by the State Administration.

5. The research paper reveals as follows :-

- i. At present, the Chambal River is undergoing huge pressure of public encroachment, disposal of untreated municipal as well as industrial waste, direct dumping of municipal solid waste and unauthorized diversion of other wastewaters into it. Hence, the objective of this study is to carry out an analysis of existing sewerage system of Kota City as well as to study the effect of direct discharge of waste water on quality of river water and to suggest the necessary steps that should be taken for the preservation of the river from getting polluted.
 - ii. Waste water generation in Kota city is approximately 312 MLD against the treatment capacity of 50 MLD through STPs installed in the city.
 - iii. Most of the small drains in the city finally discharges to a main drain. Sajidhera drain carries large volumes of waste water through various drains in the city and it is about 5 Km and approximately 55 MLD of the waste water is directly discharged into the Chambal River through this drain.
 - iv. Inadequate and less network of sewer lines in the city.
 - v. The samples of the water from the different places were collected from the drains and after analyzing the results, it was found DO, BOD, COD and TDS are much more than the permissible limit and if such waste water is directly discharged into the water without any treatment, it is going to ruin the portable quality of water, which is harmful for aquatic life to survive.
6. A substantial issue of environment and violation and non-compliance of environmental rules are involved.
7. 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.

8. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
9. 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. State of Rajasthan through Collector, Kota, Rajasthan.
 - ii. One representative from Central Pollution Control Board, Rajasthan.
 - iii. One representative from Water Resource Department, Kota, Rajasthan.
 - iv. One representative from State Pollution Control Board, Rajasthan.
10. 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.
11. Applicant is directed to supply the copy of the application and relevant documents to the Committee and Respondent(s) within a week.
12. 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 **19th February, 2024.**

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

02nd January, 2024
O.A. No. 189/2023 (CZ)
PN