

Central Pollution Control Board  
LAW DIVISION

Sub: O.A. No. 6/2012 in the matter Manoj Mishra Vs. Union of India &  
Ors. before NGT, PB, New Delhi-reg

The above stated matter is related to control of pollution and rejuvenation of River Yamuna in Delhi. The Hon'ble Tribunal directed that further direct the NCT Delhi, the States of Haryana and UP, DDA to file an affidavit of compliance of the directions of this Tribunal in a clear cut tabular statement indicating:

- i) Actions required to be taken,
- ii) Actions taken so far,
- iii) The target date prescribed in the Orders,
- iv) Reasons for the delay in execution and
- v) Expected date of completion.

This statement may also be provided by the NCT Delhi, the State of Haryana and Uttar Pradesh and DDA to the Monitoring Committee before 05.08.2019 and Monitoring Committee may provide consolidated status report by recording its comments/remarks by 10.08.2019. Matter is listed for further consideration of a report on 23.08.2019. A copy of order dated 12/07/2019 is placed below for information.

Submitted Please.

*Sonia Chopra*  
SONIA CHOPRA  
A(L)  
23.07.2019

122699/KE-II  
24/07/19

~~ALO (AKG)~~

May be forwarded to DH-WQM I for necessary action  
Submitted please.

*KK Gupta*  
24/07/2019

LO (UT) (in meeting)

~~DH-WQM I~~

*Asjastu*  
25/7/19

~~SC/E, WQM-I~~

*John S PL*

~~SZ/B~~

*Sunil*  
21/8/19

~~DH, UPC-I~~

*Joshi*  
24/7/19

Item No.01

Court No. 1

WQM-I

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

Original Application No. 6/2012

Manoj Mishra

Applicant(s)

Versus

Union of India &Ors.

Respondent(s)

Date of hearing: 12.07.2019

**CORAM:**

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

Mr. Rahul Choudhary, Advocate

For Respondent (s):

Mr. H.S. Phoolka, Senior Advocate with Mr.  
Sumeet Pushkarma, Mr. Devanshu, Advocate for  
DJB  
Mr. Kush Sharma, ASC, DDA  
Mr. Rahul Khurana, Advocate for State of  
Haryana and HSPCB  
Mr. Narender Pal Singh, Advocate for DPCC  
Mr. Vivek Kumar Tandon, Advocate for R-2, 5&8  
Mr. Ajay Jain, Advocate for GNCT Delhi  
Ms. Deep Shikha Bharati, Advocate for State of  
UP  
Mr. I.K. Kapila, Advocate for UP Jal Nigam  
Mr. Ishwar Singh, Advocate for NMCG

**ORDER**

1. The question for consideration is the review of progress in execution of directions in the judgment of this Tribunal dated 13.01.2015 reported in *2015 ALL (1) NGT REPORTER (1) (DELHI) 139*. In the said judgment, the Tribunal dealt with the issue of control of pollution and rejuvenation of River Yamuna in Delhi. The matter of enforcement of the said direction has been taken up from time to time in the last four years.

2. Before taking up the matter on merits, we may note brief background of the matter. In the year 1994, in furtherance to a news item published in Hindustan Times titled 'And Quite Flows the Maily Yamuna', the Hon'ble Supreme Court of India issued *suo motu* notice to various authorities. Since 1994, the Hon'ble Supreme Court passed various orders in Writ Petition No. 725 of 1994 and other connected matters to remedy the pollution of river Yamuna from Hathnikund in Haryana, to the Monitoring Station at Taj Mahal, Agra. Vide its Order dated 10th October, 2012, the Hon'ble Supreme Court observed as under: "It has been brought to the notice of this Court that despite heavy expenditure, in thousands of crores, having been incurred by the Central Government, Government of the States of Haryana and Uttar Pradesh and the local authorities in the National Capital Territory of Delhi, the pollution of river Yamuna has increased by the day. A report has been filed on behalf of the Central Pollution Control Board wherein it has been reflected in paragraph (2) that the samples collected from river Yamuna show flagrant violation of the prescribed standards. For example, where the maximum permissible limit of BOD is 3 mg/l, there at the Nizammudin Bridge, it is 37 mg/l. Similarly, the total coliform permissible is 500 MPN/100 ml, there it is 17000000000. The situation at some of the other points, including Kalindi Kunj, Okhla and even Palwal is no different. It is unfortunate that huge public funds have been spent without showing any results in the improvement of water quality of river Yamuna. Learned counsel appearing for Delhi Jal Board has not been able to inform the Court as to how many CETP and/or STP have been established by the Board and whether they are functional or not as per the requirements."

3. The Hon'ble Supreme Court then proceeded to pass certain directions from time to time requiring preparation of action plans and execution thereof. Finally, vide order dated 24.04.2017, the proceedings were transferred to this Tribunal.
4. In the meanwhile, certain applications were filed before this Tribunal being OA No 6 of 2012 etc. with the grievance that the river was being encroached and polluted by dumping of debris and waste and seeking direction to restore the river to its pristine glory. It was pointed out that source of pollution was the untreated sewage and trade effluents entering through various drains.
5. The Tribunal sought response of the concerned authorities including DDA, DJB, DPCC, States of Haryana, UP and NCT and also sought opinion of the expert committees. In the light thereof, the issue of the pollution of the river Yamuna which has a 54 km stretch in Delhi from Village Palla in the north to village Jaitpur in the south on the border of Delhi and UP.
6. After consideration of the matter, the Tribunal after noting the sources of pollution, considered the remedial measures such as demarcation of flood plains to prohibit any development activity therein, ensuring minimum e-flow in the river, preventing discharge of untreated sewage and discharge directly into Yamuna or drains connected thereto, having a Principal Committee for supervision of different authorities and also preventing pollution up-stream in Haryana and Uttar Pradesh. The Tribunal, accordingly, vide order dated 13.01.2015, issued directions which include directions to operationalize existing STPs, construct new STPs, maintain and upgrade the STPs, prevent the discharge of effluents in Yamuna , operationalize CETPs in the concerned industrial areas of Delhi, UP

and Haryana, identify and demarcate flood plains and remove encroachments, prevent dumping of debris , waste and Pooja material, maintain and clean the drains connected to the river, maintain the river fronts, prevent cultivation of crops/fodder on the flood plains, remove the construction debris, recover compensation from anyone dumping the debris, cover fly ash at any site on the river bank, educate all sections of the society for cooperation and rejuvenate the water bodies associated with the river and to maintain the environmental flow.

7. The matter was thereafter dealt with by several orders. It was repeatedly noted that the steps required to be taken were not been taken by the government of NCT Delhi, DJB, DDA, State of Haryana, State of UP and other concerned authorities on account of which pollution of the river was continuing or even increasing.

8. Finally, on 25.07.2018, after noticing the earlier proceedings, it was again noted that there was no meaningful progress in the last three years. The work for 14 STPs had not even begun for which no justification was furnished.<sup>1</sup> The Tribunal directed that the said work must commence positively by 01.12.2018. Coronation Pillar was to be completed by 11.04.2019. Work of Najafgarh drain was to be completed by 31.12.2018. 11 drains were said to have been trapped and work for trapping of 5 drains was to be awarded and completed by December 2020, except the one for which the work was to be completed by 2018. The State of Haryana was directed to file an affidavit showing the steps taken to ensure that no untreated pollutants are discharged into Najafgarh drain and no untreated sewage flows from DD2 drain at Panipat.

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<sup>1</sup> Para 9

9. In continuation of the said order, on 26.07.2018, a status report on sewage management was noted and it was found that at most of the places BOD/SS levels were not meeting the required parameters.<sup>2</sup> The Tribunal constituted a two Member Committee for time bound action plan and framework for implementation. The Committee was to draw up comprehensive, integrated and inclusive strategy with clear measurable indicators of progress and success. The action plans were to include creation of biodiversity parks. The DDA was required to make the entire flood plain available to the Forest Department after demarcation. The Monitoring Committee was also required to lay down a plan for collection of funds on the 'Polluter Pays' principle and to deal with the problems of idol immersion in the river Yamuna. The States of Uttar Pradesh and Haryana were directed to constitute their own Monitoring Committees. The existing Committees were to function *in-tandem* with the Committees so constituted. The Committee was to give interim report by 31.12.2018.
10. The Committee submitted its core action plan dated 22.10.2018, identifying road map for monitoring the directions of this Tribunal activity wise and agency wise. The plan highlighted issues, present status and future actions. The seventeen action points identified are:

- i) Environmental Flow*
- ii) DDA and Demarcation of the Flood Plains and Conservation Activities*
- iii) Quality of River water*
- iv) Sewage Treatment Plants*
- v) Interceptor Sewer Project (ISP)*
- vi. Repair and maintenance of Drains*
- vii) Polluter Pays principle*
- viii) Dredging and desilting*
- ix) . Industrial Pollution and CETPs*
- x) . Sewage and Faecal Sludge Management*
- xi) Online Monitoring of STPs, CETPs and Yamuna*

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<sup>2</sup> Para 3

- xii. Use of treated Waste Water*
- xiii. Idol Immersion*
- xiv State of Haryana and pollution of the Yamuna*
- xv) State of Uttar Pradesh and Pollution of the River*
- xvi) Creating Public Awareness Through Information Dissemination Strategies and Management”*

11. The first report dated 16.01.2019 was furnished by the Committee which was considered vide order dated 29.01.2019. It was found that DDA was to yet undertake demarcation of flood plains. There is need to have a mechanism to stop dumping of debris by installing electronic surveillance system, aerial mapping to track debris, to set up check posts to track transportation of debris and recovery of environmental compensation, setting up more water quality monitoring stations, improvement and upgradation of STPs, setting up new STPs to bridge the gap between sewage generated and sewage treated, need for interceptors, maintenance of drains, improvement of CETPs and sewerage network for unauthorized colonies. The Committee noted that the faecal coliform count was upto 6,400 times above the prescribed standards. Only 14% of the 1797 colonies had sewage pipelines. DDA failed to remove the debris and to secure area by erecting barbed wire fencing. The authorities in the State of Haryana were required to expedite action for reducing water pollution load. The State of Uttar Pradesh was required to trap the drains, set up STPs and take action against the polluting industries releasing effluents into drains joining river. The Tribunal noted that the situation was grim and the regulatory authorities failed to apply the 'Polluter Pays' principle to control the polluting activities. In spite of serious damage being caused, the authorities were not acting against the offenders either by prosecuting them or recovering the cost of restoration. Apart from failure of the Delhi Government, there was failure of the DDA, UP Government as well as Haryana Government.

The Delhi Government, UP Government as well as Haryana Government were required to furnish performance guarantee in the sum of Rs. 10 Crores each with the CPCB. The DDA was also required to furnish a performance guarantee in the sum of Rs. 50 Lakhs with the CPCB. This Tribunal directed that further report be furnished by 20.05.2019.

12. The Committee has furnished second report dated 27.05.2019. The report deals with 16 core areas including the progress on projects, enforcement action and new initiatives agreed upon with the key agencies, supplementary cases incidental to the Manoj Mishra matter and specific matters where the Committee seeks intervention of the Tribunal. Apart from the said report, the Committee has also forwarded a supplementary report dated 28.06.2019 and second supplementary report dated 02.07.2019. The supplementary report refers to the e-flow study report. The Committee also suggested flat rate for sewage connection and treatment which may be assessed by the National Institute of Financial Policy and Training.

13. Since unfortunately none of the Counsel is ready with their respective instructions and the authorities including heads of the Departments may be required to be held accountable for executing the orders of this Tribunal which continue to be defied and performance guarantees, may have to be forfeited and further compensation directed to be paid or performance guarantees required to be furnished, we give further opportunity to the States of Haryana, Uttar Pradesh, Delhi, DDA, DJB, DPCC and the Municipal Corporations to furnish their comments, if any, within two weeks from today.

14. We further direct the NCT Delhi, the States of Haryana and UP, DDA to file an affidavit of compliance of the directions of this Tribunal in a clear cut tabular statement indicating:

- i) Actions required to be taken,
- ii) Actions taken so far,
- iii) The target date prescribed in the Orders,
- iv) Reasons for the delay in execution and
- v) Expected date of completion.

All this information may be in quantifiable as well as qualitative terms with measurable indicators, also indicating reasons in detail in case of over-shooting of prescribed timelines. This statement should cover all the components of Yamuna *Mailey se Nirmal Yamuna*-Revitalization plan, 2017 approved by this Tribunal which covers environment flow, interception of drainages to STPs, up-gradation of existing STPs to meet the standards, setting up of new STPs, utilization of treated sewage, identification and demarcation of Flood Plain Zone (FPZ), removal of encroachments from FPZ, Sewage Treatment Plants, repair and maintenance of drains, dredging and desilting, Industrial Pollution and trade effluent including performance of ETPs and CETPs, sewage and fecal sludge management, online monitoring of STPs, CETPs in river Yamuna, use of treated waste water, idol immersion, pollution of the river Yamuna in the State of Haryana, and pollution of River in the State of U.P., creating public awareness through information, dissemination strategies and management and polluter pays principle. A copy of this statement may also be provided by the NCT Delhi, the State of Haryana and Uttar Pradesh and DDA to the Monitoring Committee before 05.08.2019 and Monitoring Committee may provide

consolidated status report by recording its comments/remarks by  
10.08.2019.

List for further consideration on 23.08.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 12, 2019  
Original Application No. 6/2012  
DV

