

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2022
In R/WRIT PETITION (PIL) NO. 98 of 2021**

With

**CIVIL APPLICATION (FOR ORDERS) NO. 2 of 2021
In R/WRIT PETITION (PIL) NO. 98 of 2021**

With

**CIVIL APPLICATION (FOR ORDERS) NO. 3 of 2021
In R/WRIT PETITION (PIL) NO. 98 of 2021**

With

**CIVIL APPLICATION (FOR DIRECTION) NO. 4 of 2021
In R/WRIT PETITION (PIL) NO. 98 of 2021**

With

**CIVIL APPLICATION (FOR DIRECTION) NO. 5 of 2021
In R/WRIT PETITION (PIL) NO. 98 of 2021**

With

**CIVIL APPLICATION (FOR DIRECTION) NO. 7 of 2021
In R/WRIT PETITION (PIL) NO. 98 of 2021**

With

**CIVIL APPLICATION (FOR JOINING PARTY) NO. 8 of 2021
In R/WRIT PETITION (PIL) NO. 98 of 2021**

With

**CIVIL APPLICATION (FOR DIRECTION) NO. 9 of 2021
In R/WRIT PETITION (PIL) NO. 98 of 2021**

With

**CIVIL APPLICATION (FOR DIRECTION) NO. 10 of 2021
In R/WRIT PETITION (PIL) NO. 98 of 2021**

With

**CIVIL APPLICATION (FOR DIRECTION) NO. 11 of 2021
In R/WRIT PETITION (PIL) NO. 98 of 2021**

With

**CIVIL APPLICATION (FOR DIRECTION) NO. 12 of 2021
In R/WRIT PETITION (PIL) NO. 98 of 2021**

With

**CIVIL APPLICATION (FOR DIRECTION) NO. 13 of 2021
In R/WRIT PETITION (PIL) NO. 98 of 2021**

With

**CIVIL APPLICATION (FOR DIRECTION) NO. 14 of 2021
In R/WRIT PETITION (PIL) NO. 98 of 2021**

With

**CIVIL APPLICATION (FOR DIRECTION) NO. 15 of 2021
In R/WRIT PETITION (PIL) NO. 98 of 2021**

FOR APPROVAL AND SIGNATURE:**HONOURABLE MR. JUSTICE J.B.PARDIWALA**
and**Sd/-****HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI****Sd/-**

1	Whether Reporters of Local Papers may be allowed to see the judgment ?	YES
2	To be referred to the Reporter or not ?	NO
3	Whether their Lordships wish to see the fair copy of the judgment ?	NO
4	Whether this case involves a substantial question of law as to the interpretation of the Constitution of India or any order made thereunder ?	NO

ARVIND LIMITED THROUGH AUTHO. REP. HARDIK MOTIWALA
Versus
SUO MOTU

Appearance:

MR MIHIR THAKORE, SR.ADVOCATE, MR SAURABH SOPARKAR,
SR.ADVOCATE with MR PARTH CONTRACTOR, ADVOCATE for the
APPLICANT (CA Nos.2, 3, 4, 7 of 2021).

MR DIPAL RAVAIYA, ADVOCATE for the APPLICANT (CA No.8 of 2021)

MR BHARGAV HASURKAR, ADVOCATE for the APPLICANT (CA No.5 of
2021)

MR DEVEN PARIKH with MR NISHIT P.GANDHI and MR S.P.MAJMUDAR,
ADVOCATES for the APPLICANT (CA Nos.9, 14, 15 of 2021)

MR DEVEN PARIKH with MR S.P.MAJMUDAR, ADVOCATES for the
APPLICANT (CA Nos.10, 11, 12, 13 of 2021).

MR SANDEEP M.SINGHI with MR ADIT SANJANWALA for the APPLICANT
(CA No.1 of 2022)

MR G H VIRK, ADVOCATE for the OPPONENT.

MS DEVANSHI P.MALKAN, ADVOCATE for the OPPONENT.

MR CHINMAY M GANDHI, ADVOCATE for the OPPONENT.

MR DEVANG VYAS, ADVOCATE for the OPPONENT.

MR RUTUL P DESAI, ADVOCATE for the OPPONENT.

MS KRUTI M SHAH, ADVOCATE for the OPPONENT.

MS MEGHA JANI, ADVOCATE for the OPPONENT.

MS RUMI M.GANDHI, ADVOCATE for the OPPONENT.

MS NIKITA C.GANDHI, ADVOCATE for the OPPONENT.

MR K.H.BAXI, ADVOCATE for the OPPONENT.

MR MRUGEN K.PUROHIT, ADVOCATE for the OPPONENT.

MR VATSAL M.PARIKH, ADVOCATE for the OPPONENT.

CORAM:**HONOURABLE MR. JUSTICE J.B.PARDIWALA**
and
HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 28/01/2022

COMMON IA JUDGMENT
(PER : HONOURABLE MR. JUSTICE J.B.PARDIWALA)

1. Since the issues raised in all the captioned Civil Applications are, by and large, the same, those were taken up for hearing analogously and are being disposed of by this common order.

“All of the great social justice advances that we ever had in this country have come not from people with big titles and not from people at the top, but just from everyday people getting together saying ‘enough is enough’. We are going to change this, and we are going to get involved, and we are going to be engaged.”

Nina Turner

“There comes a point in every man’s life when he has to say: ‘enough is enough’.”

Lance Armstrong

2. Its late in the day for us to even say ‘enough is enough’ as the situation has gone from bad to worst and beyond repair.

3. The subject matter of the main matter, i.e. the public interest litigation taken up *suo motu* by this High Court, relates to the extensive pollution caused in the Sabarmati river at Ahmedabad on account of the discharge of untreated sewage and

industrial effluent into the same 24x7. The Sabarmati river is one of the major West flowing rivers of India, along with the Narmada and Tapti, which originates from the Aravali hill ranges in Rajasthan and after traveling 371 kms. meets the Gulf of Cambay (Khambhat) in the Arabian Sea. Around 48 kms. of the river length is in Rajasthan, while the rest 323 kms. is in Gujarat. The Sabarmati river originates from the Aravali hills at an elevation of 762 m. near the village Tepur in Udaipur district of Rajasthan. It flows generally in the South-West direction in Rajasthan and enters the Gujarat State and passes through the plains and continues to flow in the same direction.

4. In May 1997, the Ahmedabad Municipal Corporation launched a Special Purpose Vehicle (SPV) – the Sabarmati Riverfront Development Corporation Limited (SRFDCL) under Section 149(3) of the Companies Act, 1956. The project aims to provide Ahmedabad with a meaningful waterfront environment along the banks of the Sabarmati river and to redefine an identity of Ahmedabad around the river.

5. As on date, a stretch of the Sabarmati river in the Ahmedabad city within the Riverfront project is brimming with stagnant water. A stretch of 120 kms. of the Sabarmati river, before meeting the Arabian Sea, is 'dead' and comprises of partially treated industrial effluent and sewage. The Sabarmati river is highly polluted/contaminated.

6. All the captioned Civil Applications are at the instance of the textile industries operating within the city of Ahmedabad. It

appears that since the time these industries were setup, they have been discharging lakhs of liters of their so-called treated industrial effluent everyday straight into the sewer lines of the Ahmedabad Municipal Corporation. There is a strong assertion on the part of these textile industries that not only they have a legal right to discharge their industrial effluent into the sewer lines of the Corporation but they have also been permitted by the Corporation to do so over a period of years by way of grant of valid permission. They all joined themselves in the main matter, i.e. the Suo Motu Writ Petition (PIL) No.98 of 2021, as their respective industrial connections to the sewer lines of the Corporation have been severed by the Ahmedabad Municipal Corporation in a drive jointly undertaken with the Gujarat Pollution Control Board and the Joint Task Force constituted pursuant to the directions issued by this Court in the main matter. These textile industries have been relentlessly insisting that this Court must direct the Corporation to permit them to reconnect to the sewer lines so as to enable them to discharge their industrial effluent straight into the sewer lines.

7. As we propose to pass a final order on the Civil Applications, we must give more than a fair idea as to how the public interest litigation has originated.

ORIGIN OF THE SUO MOTU PIL :

8. It all started with this High Court taking *suo motu* cognizance of a news item reported by the 'Ahmedabad Mirror' in one of its articles dated 4th August 2021 as regards the Sewage

Treatment Plant at the Pirana, Ahmedabad. The order passed by this Court taking *suo motu* cognizance dated 6th August 2021 reads thus :

“The news item reported by the ‘Ahmedabad Mirror’ in its article dated 4th August 2021 as regards the STP at Pirana, Ahmedabad, has come to our notice.

The reporting is as under :

“STP at Pirana flouts parameters

Sewage not treated as per norms

Company has not been following parameters set for COD-BOD treatment, and yet gets away without penalty

“Polluted water being released into Sabarmati :
The AMC is spending crores of rupees for the cleaning of Sabarmati river but the fact is it is not releasing properly treated water into the river. The parameters of water treatment are not followed at the Pirana STP and penalties are being waived off. The plant has also not been upgraded for the past nine years since its inception.”

“Nine years ago, the AMC built a 180 MLD capacity STP at Pirana at a cost of Rs.58 crore. But gutter water is not being treated according to set rules since the beginning.

Every time a tender is put out for operation and maintenance of the STP, provisions for penalties are mentioned if COD-BOD treatment parameters are not maintained. However, even though the parameters are not adhered to, the operating company is never penalised.

Curiously, the same company also gets the contract to run the STP every time. Indeed, many companies don't participate in the tender process due to the specific clause of penalties, so this one company keeps winning the contract.

A proposal has been put up to award a two-year contract for the STP to DNP Infrastructure Private Limited on a single tender in the standing committee meeting to be held on August 5.

According to the proposal, a three-year contract tender had been put out for the STP but not a single tender offer was received. That is why a two-year tender had been put out which states that the company awarded the contract would have to maintain the condition of the plant as also the clarifiers, aeration systems, sludge handling systems there. The only qualified company in this tender was DNP Infrastructure.

The company was supposed to begin work on July 1 after the approval of Rs.6 crore as cost was approved. However, the water and sewerage committee had approved that the company would work till the time the pumping upgrade is complete.

The plant was built at a cost of Rs.58 crore. It was built between 2008 and 2012 after which the maintenance operations were given to a company named Enviro Control. However, since then DNP Infrastructure Private Limited has been running the plant.

A civic official on condition of anonymity said, "Gutter water is not getting treated as per set parameters at Pirana. In spite of this, the company's penalties are being waived off each time. They have been running the plant for nine years now."

Thus, it appears, as reported, that the gutter water is not being treated in accordance with the set norms, rules and regulations since the time the contract came to be awarded in favour of the company named in the newspaper report.

We take notice of the fact, as reported, that despite flagrant violations at the end of the company, the Ahmedabad Municipal Corporation keeps on awarding the contract in favour of the company, namely, DNP Infrastructure Private Limited, and that too, on a single tender.

It is very shocking to learn that polluted water is being directly released into the Sabarmati river.

This Court is of the view that the attention of the State Government and the Ahmedabad Municipal Corporation should be immediately drawn to the aforesaid, and in such circumstances, we propose to take suo motu cognizance of the above news item in public interest.

The registry is directed to register a writ petition by giving a regular 'pucca' number. Once the same is registered, the registry shall issue NOTICE to the following respondents, returnable on 20th August 2021 :

- (1) Ahmedabad Municipal Corporation (Notice to be served through the Municipal Commissioner, Ahmedabad)*
- (2) DNP Infrastructure Private Limited (As the address of the DNP Infrastructure Private Limited is not available, the notice to the company shall be served by the Ahmedabad Municipal Corporation)*
- (3) Gujarat Pollution Control Board;*
- (4) State of Gujarat (Notice to be served through the Principal Secretary, Gujarat Water Supply and Sewerage Board)."*

9. The aforesaid order was followed by order dated 23rd August 2021, appointing Mr.Hemang Shah, the learned standing counsel for the High Court of Gujarat, as the *Amicus Curiae* to assist this Court. In the said order, we also requested Mr.Gurusharan Virk, the learned counsel appearing for the Ahmedabad Municipal Corporation, to take appropriate instructions in the matter and assist this Court.

10. The aforesaid order dated 23rd August 2021 was later followed by a further order dated 31st August 2021, which reads thus :

“2. Mr. Shah, the learned Amicus Curiae informs this Court that he visited the embankment in the periphery of Pirana at 5 O'clock in the morning. The experience of Mr. Shah at 5 O'clock in the morning was quite bad. According to Mr. Shah, he was barely able to walk in that particular area because of extreme foul stink coming from the water of river Sabarmati. According to Mr. Shah, the reason for the stink is the discharge of the untreated sewage into the river. According to Mr. Shah, the sewage is not being treated in a proper manner at the Sewage Treatment Plant. He further pointed out that there are many illegal industrial connections of trade effluent which is adding to the present problem. In other words, according to Mr. Shah, the industries in the surrounding areas illegally discharge their trade effluent through the illegal pipelines directly into the main chamber of the drainage system. These are, prima facie, findings of Mr. Shah. According to Mr. Shah, he needs to study the reply filed by the Amedabad Municipal Corporation as well as by the company running the Sewage Treatment Plant viz. the DNP Infrastructure Pvt. Ltd. According to Mr. Shah, he would also like to avail the services of an N.G.O. by name Paryavaran Suraksha Samiti operating from Vadodara. Mr. Shah is of the view that immediate proper steps are required to be taken by the G.P.C.B. to take care of this problem. Mr. Shah would submit that he will be filing a short note by the next date of hearing containing his suggestions and the measures which are required to be taken at the earliest.

3. Mr. Joshi, the learned Senior Counsel appearing for the Corporation has brought to our notice that the current Sewage Treatment Plant needs upgradation at the earliest. The current Sewage Treatment Plant is not operating at its best or to its potential. According to Mr. Joshi, one reason for the plant getting deteriorated day-by-day is the illegal trade effluent connections of the industries. Mr. Joshi made us understand that the Sewage Treatment Plant is meant only to treat the sewage which is collected from the catchment areas like Narol, Vinzol, etc. This plant has its own capacity. The Sewage Treatment Plant would definitely get damaged if the sewage gets mixed with the hazardous trade effluent being discharged by the various industries in the surrounding areas. Mr. Joshi further pointed out that the

Corporation has decided to go for upgradation of the plant or carry out necessary repairs which may take care of the problem of the treatment of sewage. Mr. Joshi further pointed out that under the Resilient City Development Programme of the World Bank, the Ahmedabad Municipal Corporation has planned the installation and commissioning of a Supervisory Control and Data Acquisition (SCADA) apparatus/system at each of the pumping stations that lead sewage not only into the NP-STP, but also other STPs so as to localize and identify the source of discharge of untreated industrial waste/effluent and inform the concerned authorities in that regard. According to Mr. Joshi, the menace or the nuisance of illegal trade effluent being discharged into the sewage drainage system needs to be looked into and attended by the G.P.C.B. at the earliest. It is only the G.P.C.B. who can take appropriate action and during inspection, if it is found that anyone of the industries has been indulging in such activity, then immediately, such industry should be stopped and ordered to be closed. Appropriate criminal prosecution should be initiated and the G.P.C.B. should cancel the consent order issued under the Air or Water Act.

4. *Mr. Desai, the learned Senior Counsel appearing for the DNP Infrastructure Pvt. Ltd. submitted that his function is to run and manage the Sewage Treatment Plant. According to Mr. Desai, there is no negligence or any other deficiency at the end of his client in running the Sewage Treatment Plant. However, Mr. Desai fairly concedes that as the plant has got deteriorated over a period of time, it is not functioning at its best. According to Mr. Desai, his client has already informed the Ahmedabad Municipal Corporation in this regard.*

5. *Mr. Devang Vyas, the learned counsel appearing for the G.P.C.B. would submit that an appropriate reply shall be filed at the earliest. Mr. Vyas would submit that he shall convene a meeting at the earliest with the officials of the G.P.C.B. to discuss this problem and has assured that necessary steps shall be taken at the earliest to ensure two things: (1) illegal trade effluent connections are identified at the earliest and (2) the sewage is treated in accordance with the parameters set by the G.P.C.B.*

6. *Mr. Baxi, the learned counsel appearing for the Sewage Board has a very minimal role to play in the present litigation. However, Mr. Baxi may also assist this Court in this Public Interest Litigation with few valuable suggestions.*

7. *The picture that emerges as on date is highly disturbing. It appears that the sewage of the catchment areas, after being treated at the Sewage Treatment Plant, is being discharged in the river Sabarmati. There is no problem in discharging directly into the river provided the sewage is treated appropriately and in accordance with the parameters laid by the G.P.C.B. in accordance with the provisions of the Act and the Rules. Unfortunately, the same does not seem to be happening. Everyone before us has accepted the fact that the Sewage Treatment Plant is not functioning at its best. Although the Ahmedabad Municipal Corporation has big plans to upgrade it at a cost of more than Rs.100 Crore, yet the same is going to take a pretty long time and if things continue any further the way as they are today, then it is going to lead to a serious health problem. Therefore, the first thing we need to do is to take appropriate measures to ensure that all the illegal trade effluent pipelines are detected and necessary action is taken against all such erring industries. Secondly, some steps need to be taken at the earliest to upgrade the capacity of the Sewage Treatment Plant to treat the sewage in a proper manner. This can be done by the Experts.*

8. *Mr. Shah, the learned Amicus Curiae is requested to assist this Court on the above referred two issues at the earliest. Mr. Shah prays for 15 days time. During this interregnum period of 15 days, we request Mr. Shah to visit the Sewage Treatment Plant. Mr. Shah shall take visit of the entire plant and if need be, he can take experts also along with him. Mr. Shah after undertaking the necessary inspection of the entire Sewage Treatment Plant feels that he needs any expert to visit along with him for the second time, then the G.P.C.B. shall see to it that experts accompany Mr. Shah for proper inspection. We request Mr. Desai, the learned Senior Counsel appearing for the DNP Infrastructure Pvt. Ltd. to inform his client that as and when Mr. Shah*

decides to visit the plant, he shall be permitted to have a look at the entire plant and the functioning of the plant. We direct the DNP Infrastructure Pvt. Ltd. to extend full cooperation in this regard.

9. *This litigation in public interest is very important. We request all the learned counsel appearing in this litigation to assist this Court so that the problem is taken care of once and for all. We request all the parties before us to take this public interest litigation in its true spirit so that we can do something good for the society at large.*

10. *This matter is treated as part heard as substantial time has been invested in this litigation. To be notified before this Bench (Coram : J. B. Pardiwala and Vaibhavi D. Nanavati, JJ.). Post it on 14th September 2021 on top of the Board.”*

11. By our order dated 14th September 2021, a Joint Task Force was constituted. The order dated 14th September 2021 reads thus :

“3. Mr.Shah and the other members of the team visited few sites from where the sewage water mixed with the industrial effluent water being released/discharged/pumped into the Sabarmati river. The following sites were visited :

- (a) Danilimda – Behrampura Outfall;*
- (b) 180 MLD Sewage Treatment Plant run by the DNP Infrastructure;*
- (c) Mega Pipeline catering to Vatva, Odhav and Naroda Industrial Zones;*
- (d) Narol Textile Infrastructure & Enviro Management;*
- (e) 20 Kms. Downstream – The Miroli Piyat Sahakari Mandli Ltd.;*
- (f) Sabarmati Riverfront.*

4. A cursory perusal of the entire report depicts a very horrifying picture calling for some urgent steps in the right direction. We are informed that the water samples were also drawn from various places and the results of the same are shocking.

5. Mr. Shah specifically brought to our notice the illegal and dubious activities being undertaken by a society running in the name of 'The Miroli Piyat Sahakari Mandli Limited'. This Mandli operates 20 Kms. downstream. We are informed that the members of the Society claim that they are officially drawing sewage-cum-industrial effluent and irrigating their fields. According to them, the water mixed with sewage-cum-industrial effluent contains higher concentration of fertilizers and is proving helpful in getting good yield of crops. This area where the Mandli operates falls within the jurisdiction of the Collector, Ahmedabad. According to Mr. Shah, while interacting with some of the members of the Mandli, they came to learn that the Collector, Ahmedabad had granted permission and also had allotted the land to put up a pumping station. There are six pumps installed which draw the sewage-cum-industrial effluent and carry the same into the fields through pipes. Mr. Shah pointed out that samples were collected from the site and the stench at the site was unbearable. Many photographs have also been clicked and placed on record.

6. Having regard to the report filed by the learned Amicus Curiae and the other materials on record, we deem fit to issue the following directions :

(1) We direct the Ahmedabad Municipal Corporation to furnish the following details :

(a) The true and correct details in terms of the volume and the parameters as stipulated by the National Green Tribunal for every Sewage Treatment Plant including the volume discharged within the Ahmedabad District.

(b) The true and correct details in terms of the volume and the parameters as stipulated by the National Green Tribunal for every CETP/ETP in the Ahmedabad District.

(c) *Furnish the necessary particulars and details as regards the sanctions/permissions/authorizations granted by it to the industrial associations, industrial set-ups, residential premises running the industries or any such set-up to discharge waste water into the sewer lines.*

(2) *We want the Ahmedabad Municipal Corporation to furnish the details about the Miroli Piyat Sahakari Mandli Limited. We want to know how the pump rooms have been set-up by the Mandli at the place in question and how the electric connection came to be provided to such pump rooms. In what manner the Mandli is being permitted to draw the sewage water as well as the trade effluent and release the same in the agricultural fields.*

7. *In the aforesaid context, we implead the Miroli Piyat Sahakari Mandli Limited as one of the party respondents in the present litigation.*

8. *The registry is directed to issue NOTICE to the Miroli Piyat Sahakari Mandli Limited, returnable on 23rd September 2021.*

9. *We request Mr.Shah to collect the notice and serve the same to the responsible officer of the Miroli Piyat Sahakari Mandli Limited at the earliest.*

10. *In the report filed by the learned Amicus Curiae, few more directions are sought for. However, we shall consider issuing such directions on the next date of hearing.*

11. We constitute a Joint Task Force comprising of the following :

- (1) Mr.Prasoon Gargava, Regional Director, Central Pollution Control Board;**
- (2) Dr.Deepa Gavali, Director & Secretary, Gujarat Ecology Society;**
- (3) Professor Dr.Upendra Patel;**
- (4) Mr.Rohit Prajapati, Engineer, Researcher and Writer, Paryavaran Suraksha Samiti;**
- (5) A responsible officer from the Ahmedabad**

- Municipal Corporation;**
- (6) Two responsible officers from the Gujarat Pollution Control Board.**
 - (7) A responsible officer from the Torrent Power;**
 - (8) A responsible police personnel not below the rank of Deputy Superintendent of Police and two Armed Police Constables;**

12. *Mr. Prasoona Gargava, Regional Director, Central Pollution Control Board, shall be the head of the Joint Task Force.*”

12. On 23rd September 2021, one of the Members of the Joint Task Force and an environmental expert, namely, Mr. Rohit Prajapati, personally remained present in the court and apprised the Court as regards the pathetic condition of the Sabarmati river and the functioning of the 14 STPs and 7 CETPs as under :

“a) The Joint Task Force has sought for the details from the Ahmedabad Municipal Corporation and the Gujarat Pollution Control Board.

b) A stretch of the Sabarmati river in the Ahmedabad city within the Riverfront Project is brimming with stagnant water. The stretch of 120 kms. of the river, before meeting the Arabian Sea, is ‘dead’ and comprises of partially treated industrial effluent and sewage. In other words, the Sabarmati river is highly polluted/contaminated. He requested that the industrial effluent of the Common Effluent Treatment Plants and the Sewage Treatment Plants, before being released into the Sabarmati river, must meet with the norms and parameters as prescribed by the Gujarat Pollution Control Board. He pointed out that when the discharge quality deteriorates, the water quality in the river including its ecosystem would also deteriorate. Thus, there should be no discharge of the untreated industrial effluents and the sewage into the Sabarmati river.

c) *It was also pointed out that the Gujarat Pollution Control Board should act against the defaulting Association running/handling the Common Effluent Treatment Plants and its member Industries and the Ahmedabad Municipal Corporation which is responsible for running the Sewage Treatment Plants should ensure that the norms prescribed by the Gujarat Pollution Control Board pursuant to the judgment dated 22.02.2017 passed by the Supreme Court are complied with scrupulously.*

d) *Criminal prosecutions should be initiated against all the owners/directors of the defaulting polluting industries, officers of the CETPs and the Municipal Commissioner of the Ahmedabad city if they are unable to adhere to the prescribed norms.*

e) *The Task Force shall investigate and prepare further detailed reports about the ground water contamination as well as the contamination of the soil, food grains, vegetables and fodder for the 120 kms. downstream Sabarmati river.*

f) *Lastly, the environmental compensation for the damage caused by such erring entities must be recovered as per the formula prescribed by the National Green Tribunal vide its order dated 22.02.2021 rendered pursuant to the decision of the Supreme Court dated 22.02.2017.*

5. *The Joint Task Force members have unanimously agreed upon the following points:*

1. *The stretch of the Sabarmati river from Hansol to Vautha will be taken up by the Task Force on priority basis.*
2. *The Task Force will make site visits during the first or second week of October 2021, once the spell of rain subsides.*
3. *The Ahmedabad Municipal Corporation should initiate extensive drive to identify the industries discharging the effluent into the sewerage network without the permission and also to initiate appropriate action.*

Such information shall be shared with the Joint Task Force from time to time.

- 4. The Gujarat Pollution Control Board to ensure functional Online Continuous Effluent Monitoring System with each CETP of the area and their connectivity with the portal of the Pollution Control Board. The inlet and outlet flow and the quality of each CETP for the last six months period shall be made available by the Gujarat Pollution Control Board to the Task Force. The CETPs directly/indirectly discharging into the mentioned stretch of the Sabarmati river shall be directed by the Gujarat Pollution Control Board to improve its performance and initiate surveillance activities to identify the non-complying member units causing increase in the permitted inlet concentration at the respective CETPs.*
- 5. The Traffic Police department shall increase surveillance on tankers or tractors carrying on hazardous waste and chemical effluent from the nearby industrial areas and to keep a strong vigil/check on any illegal discharge into the Sabarmati river and the drains. The details of the mandatory requirements of documents with the tankers or tractors carrying on industrial waste may be obtained from the Gujarat Pollution Control Board, if required. The Gujarat Pollution Control Board and the Police Department shall work in coordination to keep in check any unauthorized disposal through tankers or tractors in the area.*
- 6. The Gujarat Pollution Control Board to submit the details of the industries to whom the Consolidated Consent & Authorisation for discharge into the AMC network has been issued. It was discussed that no industry engaged in the manufacturing or dealing with the hazardous chemicals, acids, solvents, etc. should be permitted to discharge into the municipal sewer and it was unanimously decided that any such permission given in the past by the Gujarat Pollution Control Board or the AMC should be immediately withdrawn and such connections should be sealed by the concerned authority as the sewerage network is meant for sewage and domestic waste water.*

7. *The AMC shall start hourly pH measurement at all the pumping stations of their drainage network from 23rd September 2021 onwards. The data generated may be reviewed by the Task Force in identification of crucial zones for intensive surveillance. The AMC may explore for installation of online pH meter with alert system on all of their pumping stations so that prior action can be initiated at the STPs and responsive action from the Gujarat Pollution Control Board.*
 8. *The mapping of all discharges/outfalls into the Sabarmati river with quantification (daily average and peak flow) shall be done by the AMC within one month.*
 9. *The Gujarat Pollution Control Board shall carry out quality check for the characterization of each identified sewage/waste water outfall within one month in coordination with the AMC. The parameters for analysis shall not be limited to consented parameters only but should cover a broad spectrum of parameters for proper characterization. Two rounds of monitoring shall be carried out for the characterization. Each sampling will be carried out in duplicate. One set of samples will be analysed by any laboratory approved under the Environmental (Protection) Act, 1986. The results shall be made available by the laboratories to the Task Force.*
 10. *Logistics arrangement for the Task Force members (other than the CPCB, AMC and Police) will be taken care of by the Gujarat Pollution Control Board. The Gujarat Pollution Control Board shall provide assistance as Convenor for the meetings and the field visits of the Task Force.”*
13. The Ahmedabad Municipal Corporation filed its first affidavit-in-reply, stating as under. The same has been incorporated in the order passed by this Court dated 23rd September 2021.

“20. Industrial effluents are illegally discharged into the city’s sewerage network (designed to treat household sewage) in the following manners and forms:

- a. Ill-treated or untreated or partly treated industrial discharged (from improperly working CETPs/ETPs) being discharged into Sabarmati directly or into the sewerage network.
- b. Completely untreated industrial discharge being illegally discharged into the sewerage network designed from household sewage.
- c. Illegal industrial discharge into sewerage access points such as manholes or machine-holes at odd hours (such as, in the middle of the night) by using tankers and flexible pipes.
- d. Reverse boring of industrial discharge or usage of defunct/unused bore-wells or percolation wells to discharge industrial waste directly into the ground.

23. The above modus operandi of illegal industrial discharge cannot be tackled by a Joint Task Force stand alone in view of the past experience of AMC in this regard. This is because a Joint Task Force will not be in a position to conduct 24x7x365 monitoring of all industries, all industrial estates, all sewerage inlets, etc.

24. In view thereof, in addition to the Joint Task Force, AMC respectfully makes the following suggestions:

- A. Industry wise and industrial-estate wise inspections, including inside each industrial unit/ establishment must be carried out by Gujarat Pollution Control Board or the Joint Task Force. In the course of these inspections, the inspecting agency must specifically check the discharge

points of industrial effluents, the efficient functioning of the ETPs/CETPs, etc.

- B. A principle of collective responsibility must be imposed on industrial estates and/or industries located within vicinity of each other. The industrial associations must take responsibility for the behaviour of its members. The illegality of one industry must result into collective penalties such as payments against pollution done, disconnection of electricity permissions in clusters from where the pollution originates, etc.*
- C. Over-time, as a long term solution, the CETPs/ETPs and discharge points where industrial effluents arrive at treatment centres, and are thereafter discharged into the sewerage network or river outlet post treatment must be monitored, in real time, by CCTV cameras and Supervisory Control and Data Acquisition (SCADA) apparatus/system at specific points so as to localize and identify the source of discharge of untreated industrial waste/ effluents and inform the concerned authorities in this regard.*
- D. The identity of an industrial establishment illegally discharging its industrial effluents must be widely publicised so that the citizenry of Ahmedabad is aware of the identity of irresponsible industries. Such industries should be precluded, for specific time frames, from participation in any industrial fares, public-private partnership events, etc.*
- E. The industrial associations must, internally and collectively, check and self-assess their members periodically; and must submit monthly reports to the Gujarat Pollution Control Board as regards the steps taken by each industrial association to tackle the responsible discharge of industrial effluents.*

- F. *The Joint Task Force constituted by this Hon'ble Court vide its Oral Order dated 14.09.2021 may also, if deemed fit and proper, actively consult with and involve the local/jurisdictional law enforcement agencies and police stations since, movement of industrial effluents in tankers at odd hours can only be stopped with the active involvement of law enforcement agencies.*
- G. *All industrial estates are being operated by Gujarat Industrial Development Corporation (GIDC). Therefore, as an immediate measure, steps can be taken by GIDC to provide drainage connections to industries so that sewage water can be used in the various CETPs for dilution of industrial effluents at the outset. This will reduce the issue of industrial contamination.*
- H. *Gujarat Pollution Control Board may be called upon to monitor waste-water generation of industries per the production capacity of each industry so as to assess if industrial effluents are being illegal discharged in the sewerage network or not.*
- I. *Various industrial associations may be called upon by the Joint Task Force to prepare and submit databases regarding the quantity and quality in which industries generate waste-water. Opportunities to re-use the said water-water within the industrial estates should be explored. For example – less concentrated stream of water-water can be used to dilute acidic streams of effluent waste.”*

14. The Gujarat Pollution Control Board also filed its reply, *inter alia*, stating as under :

“9. As per the available record as on 15.09.2021, total number of units in Danilimda and Behrampura are 257 and

285 units respectively. This entire area falls within the territorial domain and jurisdiction of Ahmedabad Municipal Corporation and essentially and principally it is Ahmedabad Municipal Corporation which grants permission regarding discharge to all this industrial units into the drainage network of Ahmedabad Municipal Corporation.

It is also stated that Karnavati Textile Association, which was granted permission for setting up 130 MLD CETP, the same has till date not yet commenced the work on the same. Whereas, Ahmedabad Hand Screen Printing Association which was allotted permission for setting up 30 MLD CETP had completed 70% of its construction and for which Ahmedabad Municipal Corporation is acting as a nodal agency.

It is also stated that Ahmedabad municipal Corporation had given permission to Ahmedabad Hand Screen Printing Association vide letter no. Drainage Project 3625 dated 13.11.2017 to AHSPA for discharging 30 MLD treated effluent of its Member Units into the pipeline installed by AHSPA, which leads to river Sabarmati in consonance with norms prescribed by Gujarat Pollution Control Board. However, no prior intimation was given nor any approval was sought for by the Corporation from the answering respondent at the relevant point of time.

It is also stated that Ahmedabad Municipal Corporation had given permission vide letter number Drainage Project 5118 dated 19.03.2021 to Karnavati Textile Association for discharging 50 MLD effluent of its Member Units as per the norms prescribed by Gujarat Pollution Control Board directly into RCC drainage line of Ahmedabad Municipal Corporation leading to Sewage Treatment Plant and finally into Sabarmati River.”

15. This Court issued the following directions vide the order dated 23rd September 2021 :

“

1. *The Joint Task Force is at liberty to take assistance of experts/entities who would aid in the revival and*

rejuvenation of the Sabarmati river.

2. *The logistics and accommodation, if any, for the members shall be arranged by the Gujarat Pollution Control Board at the State Circuit House.*
3. *The Joint Task Force team shall undertake site visits preferably during the first or second week of October 2021, once the rain subsides, for carrying out the inspection and collection of samples for identification of characterization. The report shall be submitted to this Court through the learned Amicus Curiae.*
4. *The Ahmedabad Municipal Corporation is hereby directed to submit to the Joint Task Force members, the details as sought for at the meeting held on 22.09.2021 at Vadodara, latest by 07.10.2021. Similarly, the Gujarat Pollution Control Board shall also provide the details of all the associations/organizations running the existing CETPs and setting up the CETPs to the Joint Task Force team latest by 07.10.2021.*
5. *The Joint Task Force members shall inspect each Sewage Treatment Plant and the Common Effluent Treatment Plant and submit their report in reference to their working to this Court before the next date of hearing through the learned Amicus Curiae.*
6. *The Joint Task Force members shall hold a meeting with all the associations/organizations running the existing CETPs. Such associations/organizations shall be made aware that in the event if they fail to overhaul update and maintain its existing CETP at its optimum level, such CETP shall be shut down until the source of release of the untreated effluent is detected. Even if one of the members of a particular association/organization is found guilty, all the members shall have to pay the price for the same. A time limit shall be prescribed by the Joint Task Force for ensuring that the CETPs run at the optimum levels.*
7. *The inspection shall be carried out industry wise and industrial-estate wise. We direct that the inspection of each industrial unit/establishment shall be*

undertaken by the Gujarat Pollution Control Board along with the members of the Joint Task Force. In the course of such inspections, the inspecting agency shall specifically check the discharge points of the industrial effluents, the efficient functioning of the ETPs/CETPs, etc.

8. *The principle of collective responsibility shall be imposed on the industrial estates and/or industries located within the vicinity of each other. The industrial associations shall take the responsibility for the misdeeds of its members. The illegality committed by one industry shall result into collective penalties such as payments against pollution, i.e. on the principle of 'polluter pays', disconnection of the electricity supply in clusters from where the pollution originates, etc.*

We direct that the discharge points, i.e. the place where the industrial effluents arrive at the treatment centres and thereafter discharged into the sewerage network or river outlet post treatment, shall be monitored in real time by the CCTV cameras and Supervisory Control and Data Acquisition (SCADA) apparatus/system at the specific points so as to localize and identify the source of discharge of the untreated industrial waste/effluents and inform the concerned authorities at the earliest.

9. *The Joint Task Force members are hereby empowered to publish in the newspapers the details of the set-up/ industry along with the name of the owner running such set-up guilty of releasing untreated effluent wastewater into the sewer line maintained by the Ahmedabad Municipal Corporation. The cost incurred for the publication of the name of such defaulter shall be borne by the Ahmedabad Municipal Corporation and the same shall be recovered from the erring defaulter by way of arrears under the land revenue at the earliest. If such erring defaulter is outside the limits of the Ahmedabad Municipal Corporation, then the name of such erring defaulter shall be published by the Collector, Ahmedabad, in the newspapers. The expense that may be incurred for such publication of the name of such defaulter shall be borne by the Collector, Ahmedabad, and the same shall be*

recovered from the erring defaulter by way of arrears under the land revenue at the earliest.

10. *If any particular industry is caught flouting the norms or is found indulging in dubious practice or methods of discharging their trade effluents, such industry shall not be permitted to participate in any industrial fair, public private partnership events, etc.*
11. *Two responsible officials of a particular rank serving with the Torrent Power Company Limited supplying electricity to the Ahmedabad city including the industrial areas as well as the Government Electric Company supplying electricity in the Ahmedabad rural areas shall remain present with the Joint Task Force members during the inspection in the respective areas. Upon directions that may be issued by the members of the Joint Task Force, the electricity connection of such erring set-up/industrial unit shall be disconnected immediately and no re-connection shall be made nor any new connection shall be granted under any other name on the existing premises without the prior permission of the Ahmedabad Municipal Corporation and the Gujarat Pollution Control Board.*
12. *The Ahmedabad Municipal Corporation is also directed to disconnect the water and the drainage connections of such erring set-up/industrial units which release partially treated/untreated wastewater. No re-connection shall be granted by the Ahmedabad Municipal Corporation without the prior approval of the Gujarat Pollution Control Board.*
13. *The Joint Task Force constituted by this Court may also, if it deems fit and proper, actively consult with and involve the local/jurisdictional law enforcement agency and police station. We are saying so, because the movement of industrial effluents in tankers at odd hours can only be stopped with the active involvement of the law enforcement agencies.*
14. *All the industrial estates are being operated by the Gujarat Industrial Development Corporation, therefore, as an immediate measure, steps shall be taken by the GIDC to provide drainage connections to*

the industries so that the sewage water can be used in the various CETPs for dilution of the industrial effluents at the outset. This will reduce the problem of industrial contamination.

15. *The Gujarat Pollution Control Board is directed to monitor the waste water generation of industries in accordance with the production capacity of each industry so as to assess if the industrial effluents are being illegally discharged in the sewage network or not ?*
16. *The Miroli Piyat Sahakari Mandli Ltd. shall, within two weeks, ensure that its members undertake the necessary steps to revive the bore-wells as existing in the fields of the respective land holders. We make it clear that before such water from the bore-wells is utilised for irrigation/agricultural purpose, the quality of the same shall be tested by the Gujarat Pollution Control Board.*
17. *The Miroli Piyat Sahakari Mandli Ltd. may, within two weeks, devise a suitable plan to provide water for the irrigation purpose and approach the Joint Task Force with the same. The Joint Task Force, in consultation with the Chief Secretary of the State Government, shall devise an action plan to ensure that the farmers are provided with sufficient water for the irrigation purpose. Once such plan is set into motion, the electricity supply to the pump house shall be disconnected. No farmer/person/ entity shall be allowed to draw chemical effluent water for irrigation/agricultural purpose.*
18. *In the event if anyone of the members of the Joint Task Force wants to carry out the inspection, then he/she shall be at liberty to do so. Prior intimation thereof shall be made to the Gujarat Pollution Control Board.*
19. *Mr.Devang Vyas, the learned counsel appearing for the Gujarat Pollution Control Board has brought to our notice that the Board is short of adequate manpower. Mr.Vyas requested this Court to issue*

appropriate directions either to the State Government or to the Ahmedabad Municipal Corporation to provide adequate manpower so that the necessary operations can be undertaken efficiently.

We direct the State Government and the Ahmedabad Municipal Corporation to provide adequate manpower to the Gujarat Pollution Control Board to facilitate the Board to undertake the necessary operations in accordance with the directions issued by this Court. It shall be open for the Board to make a request in this regard in writing at the earliest to the appropriate authority.

We direct the Ahmedabad Municipal Corporation to respond to the affidavit-in-reply filed on behalf of the Gujarat Pollution Control Board. The Gujarat Pollution Control Board has pointed out that the Karnavati Textile Association, which was granted permission for setting up 130 MLD CETP, has till date not yet commenced with the work. We would like to know from the Corporation what steps have been taken in this regard. It is further pointed out that the Corporation granted permission to the Ahmedabad Hand Screen Printing Association for discharging 30 MLD CETP treated effluent of its member units into the pipeline installed by AHSPA, which leads to the Sabarmati river. However, no prior intimation in that regard was given to the Board nor any approval was sought for by the Corporation from the Board. Why such permission was not obtained by the Corporation from the Board ? What has the Corporation to say as regards the recent permission granted to the Karnavati Textile Association for discharging 50 MLD effluent of its member units as per the norms prescribed by the Board directly into the RCC drainage line of the Corporation leading to the Sewage Treatment Plant and finally into the Sabarmati river. If the Karnavati Textile Association, which was granted permission to set up 130 MLD CETP, has not yet even commenced with the work, then why this permission vide letter No.Drainage Project 5118 dated 19.03.2021 came to be granted ? We would like to Corporation to make it stance clear on the aforesaid aspects.

20. *We want the clients of Mr.Prashant Desai, the learned senior counsel, who is running the Sewage Treatment Plant at Ahmedabad to complete the repairs of the plant latest by February 2022.*

Mr.Desai submitted that the Ahmedabad Municipal Corporation has already assigned the work order in this regard and his clients are diligently working on the project. Mr.Desai assures this Court that by February 2022 the entire plant would be almost a new plant and the efficiency of such plant will be very good.

21. *In the event of any difficulty faced by the Joint Task Force, the same shall be communicated to the learned Amicus Curiae who shall, in turn, bring it to the notice of this Court and may even seek urgent circulation of the matter for issuance of appropriate orders.*

22. *We request Mr.Rohit Prajapati from the Paryavaran Surakhsha Samiti to personally remain present before this Court during the time to time hearing of the present litigation.*

16. *We are grateful to Mr.Rohit Prajapati for having spared his valuable time and apprising this Court of many important issues which need to be address in the present litigation.*

17. *This litigation in public interest is a very important one. It should be a people's movement. Each and every district in the river's catchment area and every citizen should be involved in this movement. A decentralized approach involving every citizen is needed to save Gujarat's rivers from pollution. We are saying so keeping in mind the 'Public Trust' doctrine. The State holds some resources in trust for public use – against the municipal councils and industries to stop them from soiling the water bodies. It is very sad to note that rivers are one common pool resource to pollute. In our Constitution, water resources are held in public trust. We have to use the 'Public Trust Doctrine' to apply stringent provisions against permitting municipal bodies or industries from polluting rivers. Rivers are our lifeline since we are completely dependent on them for our*

existence. The major reason behind this alarming situation is our utter ignorance and carefree attitude towards our environment and maintaining rivers and riversides. So, it is high time that we take some stringent actions in this regard. Each and every individual should understand that rivers belong to all of us. It is a joint responsibility of each and every individual to keep them clean.

18. We implead the Gujarat Industrial Development Corporation, through its Vice Chairman & Managing Director, Block No.4, 2nd Floor, Udhog Bhavan, Gandhinagar, as party respondent. Let notice be issued to the GIDC, returnable on 21st October 2021. We request Mr.Hemang Shah, the learned Amicus Curiae, to ensure that the notice is served upon the GIDC at the earliest. Notify this matter on 21st October 2021, to be placed before this very Bench, as Part-Heard.”

16. As the matter progressed further, very disturbing, startling and shocking facts started surfacing on record. The facts recorded in our order dated 21st October 2021 speak for themselves. In the said order, we issued further directions to the Ahmedabad Municipal Corporation, which reads thus :

“6. It is very disturbing to note that the laboratories of the STPs run and managed by the Ahmedabad Municipal Corporation were found indulging in manipulation of the records. In other words, the members of the Committee noticed that the data of the analysis entered in the record book indicated number of duplications and a typical repetitive trend. It is also very shocking to note that the entire staff at the laboratories are ill-trained and have no idea about anything. The Committee, in so many words, has stated in its report that the in house operating and monitoring mechanism of the STP plants and their laboratories is insubstantial.

7. When the learned senior counsel appearing for the Ahmedabad Municipal Corporation was confronted with the aforesaid, it was brought to our notice that the laboratories

are manned by the contractors. Even the Ahmedabad Municipal Corporation has been caught by surprise about what has been highlighted by the Joint Task Force.

8. We issue the following directions to the Ahmedabad Municipal Corporation.

i) The Ahmedabad Municipal Corporation shall ensure scientific operation of all the STPs.

ii) The Ahmedabad Municipal Corporation shall sincerely explore the In-situ treatment of the drains carrying sewage into the Sabarmati River till the time arrangements for sewerage system and STP is ensured.

iii) The Ahmedabad Municipal Corporation shall also sincerely explore the provision of neutralization of the wastewater received at the STPs in order to prevent the upset/disturbance of the biological treatment system of the STP. This would also protect the river as well as the plant machineries. This provision would be preventive. The identification and check on the unauthorized acidic effluent discharge shall be ensured through coordinated surveillance.

iv) We direct the Ahmedabad Municipal Corporation to immediately look into the affairs of the laboratories in all respect. In this regard, we have already expressed our concern as above. It appears that the laboratories are not, at all, functioning in the manner as the law expects such laboratories to function. In fact, it is the duty of the Gujarat Pollution Control Board to keep a close watch on such laboratories because the Board would be relying upon the data that the laboratories may be furnishing to the Board. If there are inefficient or unqualified people or technicians in the laboratories, then the contract should be immediately terminated in accordance with law and fresh appointments shall be made of qualified and efficient staff.

v) We direct the Corporation to undertake regular exercise of verification and strengthening of continuous online

analyzers for data reliability.

vi) We direct the Corporation to furnish necessary details to the Joint Task Force of the hot spot zones identified on the basis of the PH Monitoring at all the pumping stations.

vii) We direct the Corporation to identify, at the earliest, of the unauthorized industrial wastewater connections. We lay much stress on this particular direction as if we want to achieve good and positive results, then such identification is a must and it should be undertaken at the earliest.

viii) All the CETPs shall ensure operational OCEMS with connectivity with the portal of the Gujarat Pollution Control Board. The CETPs shall list out the technical reasons for non-compliance.

ix) The JTF has noticed that the Mega Pipe Line has few connections of unauthorized sewage disposal and the sewerage system of the Ahmedabad Municipal Corporation has few unauthorized connections of the industrial wastewater disposal. We direct that the identification and disconnection of all such unauthorized connections shall be done by the custodian/owner of the respective pipeline network. The actions and the outcome shall be shared among the stakeholders from time to time.

x) We request the Commissioner of the Ahmedabad Municipal Corporation to look into all the aforesaid directions and see to it that the same are complied in its letter and spirit. We also request the Chief Secretary of the State of Gujarat to keep a close watch on the present public interest litigation and extend full cooperation. We request the Chief Secretary, State of Gujarat to remain in constant touch with the Municipal Commissioner with a view to make a sincere attempt to bring around some better and positive results.”

17. In our order dated 3rd December 2021, we noted that the Ahmedabad Municipal Corporation and the Gujarat Pollution

Control Board together were able to identify approximately 500 illegal industrial connections across the city into the sewerage of the Corporation. More than 250 such illegal and unauthorized industrial connections were severed. Various samples of the industrial effluent were also collected from various places for the purpose of analysis. The result of the analysis of the samples indicated presence of high quantity of lead, mercury, etc. This Court directed the Corporation and the GPCB to abide by the suggestions and recommendations made by the Joint Task Force. We directed the Corporation and the GPCB to continue with the drive of disconnecting all the illegal and unauthorized industrial connections into the sewerage. We quote some of the relevant parts of our order dated 3rd December 2021 as regards the 14 STPs and 7 CETPs operating in the city as under :

“14. As noted above, all the STPs and CETPs are dead. They are functioning, as noted above, almost at 30% of the optimal level they are expected to function. The sewage at the STPs is hardly being treated, and in the same manner, the industrial effluent at the CETPs could also be said to be hardly treated. A very grim picture emerges today. The untreated sewage and the untreated industrial effluent in a huge quantity is being discharged straight into the Sabarmati river and this is the reason why a stretch of almost 200 kms. of this river is now dead. Unfortunately, this polluted water of the Sabarmati river is being used for the purpose of irrigation. If this water contains high quantity of poisonous elements like lead, mercury, etc. and if this water is treated for the purpose of irrigation, then what quality of crops and vegetables we can expect. Its virtually poison that the people are consuming.

15. So far as the STPs are concerned, they are run and managed by the Ahmedabad Municipal Corporation. We want to know from the Ahmedabad Municipal Commissioner as to what the Corporation intends to do to overhaul and recharge all the STPs and ensure that all the STPs start

functioning at their optimal level. We want the Ahmedabad Municipal Corporation and the GPCB to work out an action plan in this regard at the earliest and place it before us. Everyday delay is proving to be hazardous. This is the first priority which the State Government and the Ahmedabad Municipal Corporation should give in the larger interest of the people and the river rather than going for a big project in the form of second phase of the Sabarmati Riverfront. If the Government wants to go for this project, then this Court would never come in its way as it is a policy matter. However, if crores of rupees are to be spent on this new project, then some amount should be earmarked or reserved for the repairs or overhauling of the STPs. We want the Ahmedabad Municipal Commissioner, in consultation with the State Government, to place before us an appropriate action plan in this regard. Any delay or laxity shall not be condoned by this Court in the larger public interest.

16. *So far as the CETPs are concerned, they are run and managed by the private companies. It is very unfortunate that the GPCB never paid any attention so far to the dismal and absolute poor functioning of the CETPs. It was the statutory duty of the GPCB to take action at an appropriate time, more particularly, when it realized that the CETPs are hardly treating the industrial effluent. It could be said that the GPCB is just for name sake. It has not only let the people of Gujarat down but has dragged them to a potential health hazard. We hold the GPCB wholly responsible for bringing around this kind of alarming situation.*

17. *We are informed that the Ahmedabad Municipal Corporation has obtained bank guarantees from the companies running the CETPs. We wonder why these bank guarantees have not been encashed in view of the fact that the CETPs are not functioning at all. In this context, we call upon the GPCB, Ahmedabad Municipal Corporation and the State Government to place before us an action plan as to what it proposes to do for the repairs and overhauling of all the 7 CETPs. We want to know why no action has been taken till this date against these companies running the CETPs.*

18. *We need to clarify one more aspect. This Public Interest Litigation is essentially to ensure that all the illegal industrial connections of various industries into the sewage*

line of the Ahmedabad Municipal Corporation are disconnected at the earliest. It is these illegal industrial connections discharging toxic effluent into the sewerage that has caused extensive damage to the 7 STPs. In the process of disconnecting such illegal connections if samples of the trade effluent are drawn and tested and if it is found that the industrial effluent is not meeting with the standards or parameters fixed by the GPCB, then it is expected of the GPCB to proceed independently against such industries in accordance with the provisions of the Water Act and take appropriate action, which may include order of closure and all the consequences that may follow the order of closure.

19. We are informed that pursuant to the directions issued by this Court, the Ahmedabad Municipal Corporation has provided 40 of its employees to the GPCB to carry out the exercise of disconnection of the illegal and unauthorized lines into the drainage. However, according to the Ahmedabad Municipal Corporation, the GPCB is not utilizing the services of these 40 employees in a proper manner. In such circumstances, according to the Ahmedabad Municipal Corporation, either the GPCB utilizes the services of these 40 employees in an appropriate manner or they may be sent back to the Ahmedabad Municipal Corporation. We request Mr.Devang Vyas, the learned counsel appearing for the GPCB to look into this issue and do the needful.

20. Today, in the course of hearing of this PIL, Mr.Prajapati, one of the Members of the Joint Task Force and an expert on environmental issues, laid much stress on the treatability of the wastewater. The treatability of any wastewater depends largely on its constituents and the manner in which its treatment system is operated. Depending upon the constituents, the wastewater may be termed biodegradable (contains simpler, biodegradable compounds), non- or difficult-to-biodegrade (contains complex organic compounds such as in most chemical industry wastewater), or toxic (contains toxic chemicals, heavy metals, etc.). Thus, the treatment scheme for any wastewater should be decided based on the constituents it has, following a treatability study. For efficient operation of an ETP, proper design of treatment units based on treatability study is important; however, scientific operation and maintenance of ETP is as much important as the selection of technology. The CETPs are normally designed

with technology appropriate for composition and nature of contaminants from member industries and hydraulic load. The nature of effluent generated from industrial sectors varies not only in composition but in strength also. Therefore, the effluent with very high concentration values needs segregation for special or advanced treatment. The conventional treatment plant normally comprise of primary treatment (Physico-chemical treatment for removal of suspended solids and inorganics to great extent), secondary treatment (Biological treatment for removal of organic impurities/biodegradable contaminants) and tertiary treatment (polishing for removal of colour, odour, residual organics etc). The treatment system is designed with consideration of a set of certain parameters with defined upper limit at inlet of CETP for effective functioning. Further, for efficient treatment, it is important to maintain some important operating and controlling parameters within a narrow range. To evaluate these operational parameters on a day-to-day basis, proper laboratory facilities and trained analysts are must. Accordingly, corrective measures and maintenance requirements are required to be diagnosed and addressed from time to time. Unattended operational issues of any of the treatment units of the treatment plant affects to the subsequent units and overall performance of the Effluent Treatment Plant. The treatment of sewage is comparatively less challenging than industrial effluent because it contains highly biodegradable organics. However, scientific and regular operation of each treatment unit of the sewage treatment plant is also of immense importance. Proper operation of each treatment units can be ascertained by physical observation along with certain lab based analytical tools. Absence of these regular checks may lead to major breakdown or failure of entire treatment system. The domestic use of chemicals, cosmetics, paints, cleansers, etc. add a little complexity to sewage; however, they do not render sewage untreatable.

21. Thus, it is important on the part of the regulatory/investigating agencies as well as the supervisory/operating agencies such as the GPCB and the AMC that their scope of inspection should not be limited to collecting inlet and outlet samples from an STP/CETP/ETP. Stage-wise sampling and comparison of analysis besides physical observations would help them to determine which treatment unit/stage is functioning/not functioning. Based

on such observations, suggestions/ instructions may be given to replace/repair/modify the non-functional treatment unit. Based on the analysis of treated effluent samples, it clearly appears that the CETPs are not meeting the prescribed discharge norms. Such CETPs should carry out the treatability studies to find suitable additional treatment process/es to achieve the discharge norms.”

18. We also permitted the learned Amicus to implead all the 7 CETPs as the party respondents in the main matter and issued notice to them. Thereafter, vide order dated 3rd December 2021 passed in two of the captioned Civil Applications, the following measures were suggested by this Court :

“1. As an immediate measure, the industries may, individually or in coordination with other industries in the vicinity, discharge their treated trade effluents (to be tested by the GPCB) at the nearest discharge point of the MEGA Pipeline (in consultation with the GPCB). This may be done by using the medium-sized (10,000 to 15,000 liters) or large, truck mounted (35,000 to 45,000 liters) tankers.

2. The industries who claim to treat their trade effluents to such levels as may make the discharge almost potable, can coordinate with the nearby CETPs or ETPs and discharge their effluent at such CETPs/ETPs, as these CETPs/ETPs would benefit from the effects of dilution of the effluents being treated at the CETPs/ ETPs.

3. The industries who claim that their trade effluents are treated to potable (or almost potable/reusable) levels may captively consume and reuse the said discharge for their subsequent industrial purposes. This concept is known as the Zero Liquid Discharge (“ZLD”).

4. The ZLD refers to the recycling and treatment process in which the plant discharges no liquid effluent into surface waters. The ZLD process makes effective use of the waste

water treatment, recycling, and reuse, thereby contributing to the water conservation through the reduced intake of the fresh water. The Central Pollution Control Board has issued guidelines on the ZLD; and the Gujarat Pollution Control Board has conducted and prepared Technology Guidance Manual for the ZLD.

5. The industries may identify the route for laying the pipelines connecting to the MEGA Pipeline (or in cases where the ETPs are not available within the industry, to the nearest CETP). This may be done individually or in consortium with other industries. The AMC shall provide Right of Way (ROW) permissions/access to the industry/industries/associations, so as to enable them to lay the pipelines.

6. The modern technologies such as the micro-tunneling, which is non-surface-intensive and uses in situ boring technology may be considered for laying down these pipelines. This can be deployed in densely populated areas.”

19. By our order dated 7th January 2022, we directed the Corporation and the GPCB along with the Joint Task Force to undertake at the earliest the inspection of all the ETPs of the textile industries who are before us. We wanted to know the overall condition of all such ETPs.

20. The Corporation as well as the GPCB have filed affidavits in each of the captioned Civil Applications, pointing out that the ETPs are in a very bad shape. The report of the learned Amicus dated 26th January 2022 speaks for itself :

- “1. M/s. Ashima Limited, Ahmedabad.*
- 2. M/s CTM Textile Mills, CTM Char Rasta, Ramol Road, Ahmedabad.*

3. *M/s Nikisu Fab Pvt. Ltd., P.D. Estate, CTM Char Rasta, Amraiwadi, Ahmedabad.*
4. *M/s Raghuvir Synthetic Ltd., Rakhiyal Road, Nr. Gujarat Bottle, Rakhiyal, Ahmedabad.*
5. *M/s RSL Dyecot Pvt. Ltd., Plot No. 107, Sr. No. 345, Rakhial Road, Ahmedabad.*
6. *M/s Shree Prakash Textile (GUJ) Pvt. Ltd., Patel Tin Manufacturing Compound, Rakhiyal, Ahmedabad.*
7. *M/s. Shree Prakash Textiles (Guj) Pvt. Ltd., Laxmivijay Hosiery Mill Compound, Naroda Road, Ahmedabad.*
8. *M/s. Omkar Textiles Mills Pvt. Ltd., Near Memco Cross Road, Naroda Road, Ahmedabad.*
9. *M/s. Ahmedabad Dyeing and Printing Private Limited, Dudheshwar Road, Ahmedabad.*

A detail reference to the findings of the Joint Task Force in reference to each of the aforesaid units would be made during the course of hearing.

The concluding observation/finding of the Joint Task Force is as under :

“Several serious technical inadequacies were observed in ETPs and their operation. Efficient and systematic operation of an ETP having physico-chemical and biological treatments requires some basic lab facilities to regularly measure pH, TDS, SS, MLSS, BOD and COD, etc. Neither such facilities are provided nor is there a regular log-book of analysis maintained in any of the ETPs visited. In many ETPs it was observed that the treatment units are much smaller than required for the given flow of effluent. Also, dimensions of some treatment units are smaller than that submitted to GPCB. All the ETPs visited have activated sludge process as biological treatment system in which, recirculation of biomass from secondary clarifier to aeration tank is very important for efficient biodegradation and thereby COD removal. It was dismal to note that many plants did not have a systematic biomass recirculation system. It was noted that several ETPs use substantial amounts of polyaluminium chloride (PAC) and alum as neutralizing and coagulating agents for raw alkaline wastewater. Use of such agents produces significant

amounts of ETP sludge; however, the actual amounts of ETP sludge disposed to TSDF sites in last 3-4 years were much smaller. This indicates that these ETPs do not operate the primary settling tanks properly as evident from the fact that many ETPs did not have any permanent facilities to withdraw sludge from primary settling tanks.

Looking at above technical inadequacies, it appears that performance of these ETPs to achieve the discharge norms is highly questionable. The AMC has consistently reported that their STPs are not functioning due to industrial wastewater discharge which causes higher concentrations of various parameters such as BOD, COD, pH, SS, etc. at the inlet of STP. Moreover, all these units use groundwater for manufacturing process. Thus, a substantial quantity of additional hydraulic load meets the AMC sewers besides the domestic sewage flowing in the sewers. Also, continuous withdrawal of groundwater by such industries poses significant threat on water balance of the region.”

“...Whether the units can be permitted to discharge their trade effluent into the sewer system laid down by Ahmedabad Municipal Corporation ?

It is an undisputed fact that Ahmedabad Municipal Corporation had granted permission to the aforesaid industries and others to discharge their trade effluent into the sewer system subject to terms and conditions. Thus it was imperative that the trade effluent to be discharged into the sewers had to necessarily be completely treated.

Pursuant to initiation of the present public interest litigation it had come to light that many industries were discharging the trade effluent into the sewage system. This untreated or partially treated effluent after mixing with the sewage would travel upto the sewage treatment plant which are essentially installed and meant to treat only domestic sewage. The trade effluent released by industries contain acids and other chemicals which over a period of time would erode the machinery of the sewage treatment plants and thereby efficient functioning of the sewage treatment plant would drop. This would result into untreated or partially

treated wastewater would be released into Sabarmati river. This untreated or partially treated water in turn would flow downstream and would be utilised by various villagers in their farming activity before such wastewater empties itself into the Arabian sea. During the full moon or high tides, this sea water flows back and comes all the way into the mouth of Mahi river situated near Vadodara which is situated approximately 110 kms and thereby pollute Mahi river too. It would also be pertinent to state that Sabarmati river does not flow anywhere near Vadodara.

Several reports have been filed by the Joint Task Force pointing out the condition of Sabarmati river in terms of BOD, COD, TDS, TSS, Ph level, etc.... at the Riverfront and downstream too after taking inspection of the Sewage Treatment Plants and Common Effluent Treatment Plants. Ahmedabad Municipal Corporation had undertaken a drive to detect legal and illegal connections, during the course of their drive they collected samples from the industries and thereafter disconnected their connections. These samples were tested and the results thereof were dismal. None of the samples were meeting the norms as laid down by National Green Tribunal and Central Pollution Control Board.

Dring the hearing held on 7.12.2021, this Hon'ble Court had directed Gujarat Pollution Control Board to deposit Rs.82 lakh with NEERI, Pune which would assess the functioning of the Common Effluent Treatment Plants and thereby submit a report showing the true and correct functioning of such Common Effluent Treatment Plants and what steps should be undertaken to ensure that they function at optimum levels. Simultaneously, even Ahmedabad Municipal Corporation had declared its intention to engage IIT, Gandhinagar to assess the Sewage Treatment Plants installed across the city and to ensure that they function efficiently."

21. We also looked into the Sixth Report of the Joint Task Force as regards the conditions of the ETPs at the premises of each of the ETPs of the applicants before us. The contents of the Sixth Report of the Joint Task Force as regards each of the

applicants before us are shocking. Various deficiencies have been pointed out in each of the ETPs. According to the Joint Task Force, having regard to the pathetic condition of each of the ETPs, it could easily be said that the industrial effluent was hardly being treated and the same was being released into the sewer lines of the Corporation. It is because of such toxic discharge of the industrial effluent into the sewer lines that all the 14 STPs operating within and outside the city of Ahmedabad are extensively damaged. On account of such extensive damage caused to the STPs there is hardly any treatment of the sewage mixed with industrial effluent and the same is directly discharged into the Sabarmati river. This has been going on past couple of years. No one paid attention to the same. The end result has been starkly. According to the experts, the condition of the Sabarmati river as on date is as under :

(1) The stretch of the Sabarmati river in the Ahmedabad city within the Riverfront project is brimming with stagnant water. A stretch of 120 kms. of the river, before meeting the Arabian Sea, is 'dead' and comprises of partially treated industrial effluent and sewage. The Sabarmati river is highly polluted/ contaminated.

(2) The river water, polluted by the dumping of the untreated urban sewage is being used for the purpose of irrigation and agricultural crop production. It has been brought to our notice by the experts that for almost three decades, the use of the industrial wastewater for irrigation to grow vegetables has contaminated the soil with heavy

metals. There are 43 villages along the Sabarmati downstream from the Vasna-Narol bridge that use untreated wastewater. A study published in January 2021 by researchers from the National Centre for Earth Science Studies, Thiruvananthapuram; Physical Research Laboratory, SAL Institute of Technology in Ahmedabad and PDEU, Gandhinagar, found that soil samples from few villages had high levels of metal contaminants, which exceeded the standards prescribed by the WHO and Indian Standards.

22. The soil samples closest to and farthest from the point-of-discharge near Vasna-Narol bridge, Gyaspur and Khada, respectively, were more alkaline. At Saroda, almost 20 km. downstream, the soil was acidic, the study reported. Now when the researchers tested eight soil samples from various villages, the concentration of metals such as Zinc was 421 microgram per gram of soil, while in the case of Manganese it was 336. Copper was 201, Chromium, Nickel was 51, Lead 42 and Cobalt 9. In all, the study claimed that almost all heavy metals were found in concentrations twice the permissible limit according to WHO and Indian Standards. A report also states that a closer analysis of the soil data would reveal that all the metals exceed the upper limit of WHO or European Union Standards. The researchers were Bibhabasu Mohanty, Anirban Das, Reema Mandal and Sukanya Acharyya from the PDEU and SAL Institute of Technology, and Upasana Banerji was representing the PRL and NCESS, Thiruvanthapuram. The study further added, “Among the eight soil samples, the sample collected from Gyaspur had the maximum concentration of all analysed metals compared to other sites. Gyaspur is where effluents from the Vasna treatment

plant get disposed off, which leads to maximum accumulation of these metals in agricultural fields compared to all other sites.” The study suggested that there be efficient treatment of the wastewater and monitoring of heavy metals in vegetables to understand the risks associated with the use of such water.

23. An indiscriminate disposal of city’s sewage and industrial waste into the Sabarmati river has been turning the river into a cesspool of dangerous drug-resistant bacteria and toxic heavy metals that have contaminated sediments on the riverbed and harmed the aquatic life in the Sabarmati river. Several private and government-run institutions since 1997 have published research on this toxic effect and warned the citizens as well as the policy makers of the disaster that the Sabarmati river is becoming. A simple search on “Sabarmati” and “pollution” among academic journals will yield 2,810 research works of which several research works involve government-funded organisations. The latest research led by the IIT-Gandhinagar involved examination of the riverwater during the Covid-19 pandemic, where the increased consumption of antibiotics followed by its excretion into our civic systems, had also accelerated formation of drug-resistant bacteria in sewage systems that emptied into the river.

24. What worries the scientists is the human interaction with the bacteria at the riverfront, slums along lakes, and even wastewater farming downstream. Simply put, between 2018 and 2020, the presence of drug-resistant Escherichia coli (E. coli) or gut bacteria on two locations along the Sabarmati increased from 22% to 46%, while in one of the sewage treatment plants, the drug-resistant bacteria increased from 10% to 26%. The

research was carried out by IIT-Gandhinagar, University of Ruhuna, Galle, Sri Lanka, Graphic Era Deemed University, Dehradun, NCERT, New Delhi and Encore Insoltech, Randesan, Gandhinagar. Apart from this, the Physical Research Laboratory, in 1999, had warned how pollution in the Sabarmati river was leading to contamination of the Ahmedabad Municipal Corporation-run drinking water French wells. Apart from these a number of research, almost 150, concentrated on heavy metal contamination in the Sabarmati riverbed sediment as well as their presence in the fish between 2012 and 2017. In 2018, the Indian Institute of Public Health (IIPH) had found how farmers using the Sabarmati wastewater downstream of the Ahmedabad were carrying E.Coli home and contaminating their water storage sources at home.

25. It is in the aforesaid factual background that this Court has been monitoring this *suo motu* petition in public interest now past almost more than six months. With almost more than 500 illegal connections now severed, there has been a minimal improvement in the quality of discharge into the Sabarmati river. It could hardly be termed as any progress. We have a long way to go. The damage which has been caused is so extensive that the experts are now in a dilemma how to repair the same. All the 14 STPs we are talking about need a complete overhaul and replacement of most of the parts of the machine. A Sewage Treatment Plant is meant to treat the sewage and not the industrial effluent. If the industrial effluent gets mixed with the sewage, the STP is bound to ultimately fail. Same is the position with the 7 CETPs. They are being run and managed by different companies. The CETPs are also in a very bad shape. These CETPs except the one at Narol are functioning below 50% of

their optimal level. The total cost which the Ahmedabad Municipal Corporation is likely to incur in undertaking the necessary repairs and the overhauling of the 14 STPs is approximately Rs.500 crore. The Ahmedabad Municipal Corporation has no funds at present. The Corporation is now banking on the World Bank for some financial assistance. The Gujarat Pollution Control Board at last has woken from a deep slumber and has asked the NEERI, Pune, at the cost of Rs.85 lakh, to undertake the inspection of all the 7 CETPs so as to understand what type of repairs or overhauling needs to be undertaken. The NEERI is yet to give the final report in this regard. The drive undertaken by the Ahmedabad Municipal Corporation jointly along with the GPCB and the Members of the Joint Task Force in detecting as many illegal connections as possible into the sewer drain is going on in full swing. The textile industries before us are insisting that as they were granted permission at a point of time when the industries were setup, to discharge their industrial effluent into the sewer lines of the Corporation, they should be permitted to discharge industrial effluent even today into the sewer lines. Their case is that there are no other means available to them to discharge their industrial effluent. Their case is that even the Mega Pipeline laid by the State Government has declined to give them connection as the Mega Pipeline itself is unable to bear the load on account of hundreds of domestic illegal connections into the same.

26. We may clarify that this Mega Pipeline has been laid over a stretch of 27 kms. spread across the city. It is run by a Special Purpose Vehicle, namely, Ahmedabad Mega Clean Association, a venture of the State Government. This Mega Pipeline carries the industrial effluent to the CETPs.

27. We explored the possibility of asking the Mega Pipeline to permit the textile industries to have their connections into their line, but the same has been declined. The Mega Pipeline sought opinion of the experts and have filed an affidavit stating that as the textile industries discharge lakhs of liters of effluent everyday, the Mega Pipeline would not be in a position to bear the load.

POLLUTION RELATED PIL OF 1995 :

28. In the year 1995, one public interest litigation was taken up by this High Court relating to large scale pollution of the Kharicut Canal and the areas in the immediate vicinity thereof caused by some of the industrial units within the Ahmedabad Municipal limits. This Court had taken a strict view of the inaction of the Government authorities in taking any effective steps to control it. B.N.Kirpal, CJ. (as His Lordship then was) has observed in the final judgment rendered in the case of Pravinbhai Jashbhai Patel and others vs. State of Gujarat and others (Special Civil Application No.770 of 1995, decided on 5th August 1995), that some of the industrial units had launched a chemical war against the man and nature. We are referring to this judgment because there are some observations made by this Court as regards the textile, printing and processing houses. We quote some of the observations thus :

“45. As far as the textile printing and processing houses are concerned, they use very large quantities of water. It is accepted by all the Counsels that the main reason of the pollution caused by them is because of the process of carbonisation, which is used by some of the units. Apart from the pollution which is caused by carbonisation, the

other parameter which is usually not achieved by them is with relation to suspended solids. It is not in dispute that with a little more effort and with a bit of self-discipline, the parameters with regard to the suspended solids can be achieved.

46. As far as carbonisation is concerned, it is a different story. The carbonised polyester fabrics are prepared by dissolving out cellulosic fibres from blends of polyester and cellulose. According to a book, called "Carbonisation", by R.M. Mittal and Section Section Trivedi of Ahmedabad Textile Industry's Research Association, Ahmedabad, it is stated that the outcome of carbonised fabrics has helped the industry in two ways-

... opportunity for cotton textile mills which are not permitted to weave 100 per cent polyester fabrics, to produce all polyester fabrics and eliminating the tedious operations involved during the processing of polyester/cellulosic blends. The process of carbonisation has many hazards and, therefore, it should be carried out systematically....

Generally stated, fabric which is woven and has polyester and cotton in it, is treated with sulphuric acid, which has the effect of dissolving cotton, and the fabric which remains thereafter is 100% polyester though with a glaze. It is this effluent which contains acid and solid waste, which cause the pollution. It is not every textile unit which carries out carbonisation but, it was contended by Counsels on behalf of the industry, carbonisation is carried out by those units which produce cheap synthetic sarees. These sarees acquire a shine or a glaze and become soft after the fabric is carbonised.

47. It is not in dispute that the process of carbonisation can be segregated or separated. According to the Nema Committee Report, by careful planning of the carbonisation process, the use of chemicals for neutralisation is possible. According to the said report, all the process houses processing more than 5,000 metres of cloth per day, consume 50,000 litres of water per day and they are expected to have Secondary Effluent Treatment Plants for the purposes of complying with the prescribed standards.

48. *Apart from water pollution, these industrial units are also having very large amounts of solid wastes. With regard to these solid wastes, the Hazardous Wastes (Management and Handling) Rules, 1989 have been framed under Sections 6, 8 and 25 of the Environment Act. Authorisation has to be granted for handling of hazardous wastes. The categories of hazardous wastes have been set out in the schedule to the said Rules and it is not in dispute that the wastes produced by these industrial units have been so specified in the said schedule. Sample authorisation, which had been granted by the G.P.C.B. under the said Rules had been placed on record. The usual terms of the authorisation is that the hazardous waste has to be collected separately categorywise and stored in the factory premises and due care has to be taken that the waste is not released from the site into environment, causing surface water or ground water or soil pollution. It is further a term of grant of authorisation that the waste is not to be disposed on land or sold or transported without prior approval of the Board.*

49. *Having obtained such authorisations, according to the Counsel for the respondents, the industrial units have not complied with the same. The solid wastes produced by these units, which are hazardous in character, have been disposed of on land on vacant plots surrounding the various industrial units. The distribution is in a most haphazard manner and without any regard to any rule, bye-law or safety regulation. The solid wastes so dispersed has resulted in polluting the soil and has a tendency to spread in an uncontrolled manner with the onset of the rains.*

Is there a solution to the problem?

109. *These textile processing units are causing pollution primarily because of the use of chemical dyes. It is possible for the industry to achieve the G.P.C.B. parameters by installing the requisite primary and secondary treatment plants and/or C.E.T.P. If this cannot be done, then it is not necessary to order the closure of these units because an alternative solution is possible and that is that they may voluntarily, or be directed to use vegetable dyes which are non-polluting in nature. Vegetable dyes are not used, it is submitted in the Court, primarily because of the fact that*

they are expensive. But the textile industry cannot be given the licence or permission to use the cheap chemical dyes, as opposed to expensive vegetable dyes and also not to take the remedial action of controlling pollution emanating from such units.

110. The textile industry consists of large as well as small units. The main parameters which are not met by this industry is that of pH, BOD, COD, TDS and suspended solids. While some of them can be met with the establishment of primary treatment plant, the main cause of the serious pollution is the method of carbonisation which is adopted by them. An industrial unit which does carbonising cannot be permitted to continue with that process without it setting up a primary and secondary treatment plant, or an effective C.E.T.P. even if its effluent is less than 25,000 litres per day. The closure of carbonising process will not put the industrial units out of business and it should not be difficult for the units using this method either to establish the requisite plants or to shift this process to be nearer a seashore which is one of the long term measures suggested in Bhanujan Committee Report.

128. The owners and the workers in the industrial units are living within the municipal limits of Ahmedabad Municipal Corporation. They are most likely getting all the facilities, which a city dweller gets, like municipal water, sewage, drainage etc. On the other hand, the villages are not supplied with treated water by any Municipality and they have, perforce, to rely upon the river water and the ground water, which is available to them from well. With the pollution of these waters, the villagers do not get even potable water, which is the most basic need for a man to survive. Under these circumstances, where even if competing or rival claims are to be taken into consideration, the Court cannot allow continued violation of the right to live guaranteed under Article 21 to the villagers, just because 15% of the total industrial units have been and wants to continue to violate the law merely for the sake of earning profits. It will be opposed to all canons of fair play, justice and law, if continued illegal activity is accorded judicial protection or sanction which, in effect, would be the result if more time is granted to the polluting industries to continue to

function till they are able to achieve the parameters set by the G.P.C.B.”

29. The learned counsel appearing for the textile industries before us took us through the various provisions of the Gujarat Provincial Municipal Corporations Act, 1949, to make good their case that they have a legal right to use the sewer drain of the Ahmedabad Municipal Corporation for discharging their industrial effluent. The written submissions read thus :

“The analysis of the sections would demonstrate that trade effluent is required to be discharged as of right in the sewage drains provided by the Corporation. It is the duty of the Corporation to provide such drainage. The obligation of the manufacturer is only to construct drainage in his premise as per such specifications as directed by the Commissioner or to lay down pipeline not more than 100 feet to reach a Municipal drain as directed by the Commissioner. There is no power to direct a manufacturer to lay down his independent drain at his cost for treatment of his trade effluent. On the contrary, if he is directed to do so, the Act provides that the cost should come out of the Municipal funds.

1. **Sections 2(17) and 174:** *The definition of “drain” includes “sewage” and “trade effluent.” Thus, unequivocally stating that the drainage for sewage and trade effluent is common. Even in the context of drains to be provided by the owner of the premise within his premise, Section-174 requires one drainage for sullage extremetitious matter and polluted water together and entirely to be drained for rainy water, unpolluted sub-soil water and both these drains are to empty separately in Municipal drain separately provided for this purpose. This segregation of trade effluent being discharged along with sewage as compared to unpolluted water will also be reflected in other sections as referred to hereinafter.*

2. **Section 63(1)(3):** A duty is cast on the Corporation “**to make reasonable and adequate provisions of any means or measures**” to provide for disposal of sewage which as stated above includes trade effluent.
3. **Section 153:** Apart from imposing an obligation for creating new drains as found necessary “for effectual draining the city”, importantly, sub-section (2) specifically imposes an obligation on the Commissioner to construct out of Municipal funds such portion of the drain of any premises to be connected with such municipal drains, that is necessary to construct under any street. This demonstrates beyond the doubt the obligation of the Corporation alone to construct drains at the cost of the Corporation, below the streets for connection of the drains of any premise.
4. **Section 155:** Specifically empowers the Commissioner to lay drains throughout the city.
5. **Section 156:** This is a very important section. It unequivocally provides in the proviso that if the Commissioner requires any person from using the drain, **the Commissioner shall as soon as may be provided for his use some other drain as effective as the one which has been disconnected, closed up or destroyed or the views of which has been prohibited.”**

It is submitted that all units have permissions to use the drain. If they are prohibited from doing so, then it is for the Commissioner to immediately provide for another effective drainage. It is respectfully submitted that this section and the proviso thereto clearly demonstrates that the action of unilaterally disconnecting the drain without providing for an alternate drain by the Corporation itself, is ex-facie illegal and oppose to the letter of the law itself. This section and the proviso is a complete answer which demonstrates an illegality of the closure.

6. **Section-157:** This section provides for cleaning of the drains.

7. **Sections 158, 159, 160,161, 166A.:** *These sections specifically entitle the owner of a private street or the owner of a building to cause his drain to empty in a municipal drain or any other place legally set up for the discharge of drainage. Both sections use the word “entitled.” Moreover, proviso-(a) to sub-section (1) of Section-159 itself speaks of “trade effluent.” This again demonstrates clearly that the trade effluent is a part of general drainage. The only restriction is that the entitlement is subject to the provisions of Section-166.*

There is nothing demonstrated to show that the provisions of Section-166 are violated.

Section-166A may be looked at closely. It is most important to appreciate that sub-section-(1) thereof speaks of two aspects i.e. (a) the trade premise being without sufficient means of effectual drainage or trade effluent and (b) the drains of the premises though otherwise unobjectionable are not adapted to the general drainage system of the city. Clearly therefore, the said section deals with premises where trade effluent is being discharged. It is most pertinent to note in this regard that as per the said section, by a written notice, the Commissioner can require the owner to only do one of the four things as per Clauses (a) to (d) thereof. Clauses (a) and (b) are in the context of trade effluent and Clauses (c) and (d) are in the context of the nature of drainage of the premise. Now, as per Clauses (a) and (b), the Commissioner can by notice only require the discharge of the trade effluent from the premise through such drains at such times and subject to such conditions as may be required and to purify the same. In the present case, all the units have permissions to discharge a particular quantity at a particular time through the drains of the Corporation. Insofar as Clauses (c) and (d) are concerned, the same relate to the nature of drains to be provided within the trade premise so that the same is made adoptable to the general drainage.

Section-161: The only restriction of connection with the municipal drains is that the person should comply

with Sections-158 or 159. Needless to state, in the present case, specific permissions have been granted.

8. **Sections-160, 164, 164Am 165 and 171:**

This group of sections demonstrates beyond the doubt that general drainage is to be constructed only at the cost of Municipal funds. No person can be asked to construct at his own cost drainage beyond 100 feet.

Section-160 provides for construction of general drainage network. Section-160(3) specifically provides that a person creating such a general drainage network shall be repaid out of the municipal funds.

Section-164 provides that if a premise “without sufficient means of effectual drainage” of a municipal rain is situated at a distance not exceeding 100 feet from the premise, the owner may be required to construct the drain for the said distance not exceeding 100 feet.

Section-164A defines for this purpose the meaning of a premise “without effective drainage” to be a premise which does not have a municipal drain such apart for its discharge.

Section-165 again speaks of premises where municipal drainage is beyond a 100 feet from the premise. In such cases also, the owner can only be required to construct a drain up to 100 feet making it obligatory for the Corporation to construct for the remaining distance.

Even as per Section-171, no new building can be erected without effective drainage. Sub-section (2) provides that the drain to be emptied into a municipal drain cannot be at a distance exceeding 100 feet from the premise.

The aforesaid sections demonstrate beyond the doubt that any general drainage to be laid has to be done at the expense of the Corporation. It is the duty of the Corporation to provide drainage within 100 feet of the premise. For these purposes, the Act also defines premises which are without effective drainage. The Act

prohibits construction of buildings which do not have effective drainage.

9. *The intent of the Act is, therefore, abundantly clear. Trade effluent is required to be discharged in the sewage drainage. The drainage is required to be provided by the Corporation at least up to 100 feet from any premises. There is no obligation on the part of the owner of a trade premise to incur cost of laying any pipeline of more than 100 feet.”*

30. Thus, relying on the aforesaid provisions of the Act, it was submitted that the trade effluent should be permitted to be discharged as of right in the sewer lines provided by the Corporation. According to the learned counsel, it is the duty of the Corporation to provide such drainage. The obligation of the manufacturer is only to construct drainage in his premises as per the specifications provided by the Commissioner. There is no power to direct a manufacturer to lay down his independent drain at his cost of his trade effluent.

31. The aforesaid stance of the applicants before us has really left us baffled. We are thoroughly disgusted with such unreasonable stance on the part of the industries before us, more particularly, having regard to the entire background given by us as aforesaid.

32. It was also argued before us that the units shall abide by any directions that this Court may find just and proper. However, at any cost, the units be permitted to discharge effluent in the sewer lines. It is asserted that all the units have specific permission from the Corporation to discharge their trade effluent into the sewer lines. It is also asserted that each of the

textile industries before us has its own Effluent Treatment Plant and the effluent is first treated at the ETP and thereafter it is discharged into the sewer lines of the Corporation.

33. Mr.Soparkar, the learned senior counsel appearing for M/s.Ashima Limited, Ahmedabad, submitted that although the old ETPs at the factory premises may not be in good condition, yet having regard to the fact that the industry has now setup an absolutely new ETP, it should be permitted to discharge its treated effluent into the sewer line.

34. All the other learned counsel appearing for the industries could hardly speak anything having regard to the damning inspection report of the condition of their ETPs filed by the Joint Task Force along with the officials of the Ahmedabad Municipal Corporation and the Gujarat Pollution Control Board. All the learned counsel submitted that till this date on not a single occasion the GPCB has found that the discharge into the sewer lines does not meet with the parameters or the norms fixed in accordance with the consent letter or permission granted by the authority.

35. In the last, it was submitted that although irreparable damage might have been caused to the water of the Sabarmati river and also to the STPs, yet what difference would it make if the nine textile industries are permitted to discharge their effluent into the sewer lines.

36. It was submitted that the industries are now closed past almost six months and the applicants are suffering huge financial loss. In such circumstances referred to above, the applicants may be permitted to get their connections restored to the sewer lines and they may be permitted to discharge their trade effluent into the sewer lines.

SUBMISSIONS ON BEHALF OF THE AMC :

37. Mr.Mihir Joshi, the learned senior counsel assisted by Mr.Gurusharan Virk, the learned counsel appearing for the AMC, vehemently submitted that at any cost the textile industries should not be permitted to discharge their trade effluent into the sewer lines. He would submit that by now it is established that these industries hardly use to treat their industrial effluent and straightway the same was being discharged into the sewer lines. Mr.Joshi pointed out from the records available with him that lakhs of liters of water per day is being drawn from the bore-wells and the same, at the end of the day, is discharged into the sewer lines. He would submit that it is very unfortunate that no one paid any attention to all this and permitted such illegalities to continue over a period of years. He would submit that there is no vested legal right in favour of any industry to get its industrial effluent discharged into the sewer lines. He would submit that there is no obligation on the part of the Corporation to provide any such line for discharge of trade effluent.

38. Mr.Joshi submitted that the applicants herein should sit with the State Government, GPCB and the Mega Pipeline and try

to find out some viable solution, but at any cost, they cannot be permitted to discharge their industrial effluent into the sewer lines. They must make necessary arrangements for the disposal of their industrial effluent. Mr.Joshi submitted that the industries can go for the ZLD technology. However, the industries are not ready to go for the ZLD technology as they have to incur expense towards the maintenance of such project. Mr.Joshi invited our attention to rule 5(ix) of the Environment (Protection) Rules, 1986, more particularly, clauses 6 and 55 respectively of Schedule-I. Mr.Joshi submitted that the report filed by the Joint Task Force as regards the overall condition of the ETPs is shocking. Mr.Joshi submitted that by now the Ahmedabad Municipal Corporation in a joint effort with the officials of the GPCB and the Joint Task Force has been able to detect as many as 500 illegal connections across the city of Ahmedabad and all such connections have been severed. There are still hundreds of illegal connections yet to be detected and snapped. He submitted that the drive is on and the Ahmedabad Municipal Corporation has taken up the issue very seriously.

39. Mr.Joshi submitted that the common argument canvassed by all the learned counsel appearing for the applicants that the AMC and the GPCB may keep a very close watch and vigil on the quality of the trade effluent at the time of discharge into the sewer lines is something which is just next to impossible. Mr.Joshi would submit that it is not feasible to keep a continuous monitoring of the quality of the effluent. He would submit that even the Mega Pipeline has declined to accept these industries as the Mega Pipeline has no confidence in these industries.

40. Mr.Joshi invited our attention to the averments made in the additional affidavit filed on behalf of the Ahmedabad Municipal Corporation dated 27th January 2022 duly affirmed by one Shri Mahendra H.Ninama, Additional Chief Engineer, Sewerage Operations and authorized signatory of the Corporation. We quote the relevant observations as under :

“2. In its Common Oral Order dated 07.01.2022, this Hon’ble Court was pleased to, inter alia, direct as under:

“19[1] The AMC and GPCB along with the Joint Task Force shall at the earliest undertake the inspection of all the ETPs of the textile industries who are here before us. We would like to know the condition of all such ETPs. A report in this regard shall be placed before us on the next date of hearing.”

3. In furtherance thereof, AMC independently inspected the Effluent Treatment Plants (ETPs) of Applicants in IA Nos. 9-15 of 2021 and IA No. 1 of 2022 on 13.01.2022; and a joint-visit by all members of the JTF (including GPCB) was undertaken on 18-19.01.2022.

4. On 26.01.2022, the Report of the JTF has been served on AMC.

5. Before adverting to the said JTF Report dated 26.01.2022, it is required to be noted that in the course of oral arguments, some IA applicants have contended that since their industries are in the heart of Ahmedabad city, they do not have the space or logistics to adopt Zero Liquid Discharge (ZLD) as the preferred mode of effluent treatment. Some applicants have also contended that ZLD is an expensive solution to the problem of discharge of trade effluents.

6. In this regard, AMC respectfully states and submits that –

a. Applicants must not be permitted to foist the argument of financial inconvenience while considering the

application of ZLD (or other such better solution) to their industrial establishments. Although the Applicants have been vigorously taking a stand that their EPTs are in exceptionally good condition, the inspection of the JTF (which independently assesses all issues without being influenced by the views of GPCB or AMC) has found that the ETPs of the Applicants are in a poor condition.

- b. In the circumstances, when the Applicants are demanding that they be permitted to discharge trade effluents into AMC's domestic sewerage network as a matter of unencumbered 'right', the poor condition of the ETPs of these Applicants speaks volumes of the damage that AMC's STPs as also Sabarmati River has faced on account of such erring units.*
- c. Considering the fact that condition of the ETPs of the Applicants leaves much to be desired, and situation on ground is diametrically opposite to what is being foisted in the course of arguments before this Hon'ble Court, it is respectfully prayed that the erring Applicants may not be permitted to discharge their trade effluents into AMC's sewerage network.*
- d. Next, it is submitted that industries operating within urban centres must voluntarily make a move to ZLD technology, no matter what the added expenditure, or move out of the urban centres and into industrial estates, where economically sustainable modes of effluent discharge are available.*

7. The JTF Report dated 26.01.2022 has concluded that the ETP operations of the Applicants suffer from 'several serious technical inadequacies'. The JTF observed that in many ETPs it was observed that the treatment units are much smaller than required for the given flow of effluent and that dimension of some treatment units are smaller than that submitted to GPCB. These observations of the JTF make it abundantly clear that the concerned Applicants have been discharging their trade effluents without proper treatment, since the capacity and infrastructure to actually treat the said discharge is itself unavailable.

8. The JTF has also observed that use of polyaluminium chloride (PAC) and alum as neutralizing and coagulating

agents for raw alkaline wastewater (which is being done in some ETPs) produces significant amounts of ETP sludge; however, the actual amounts of ETP sludge disposed to TSDF sites in last 3-4 years were much smaller. This remark of the JTF is indicative of the less-than-desirable manner in which the concerned Applicants are handling their trade discharge.

9. The JTF has concluded that “performance of these ETPs to achieve the discharge norms is highly questionable”; and, therefore, the very substratum on which the Applicants have been contending that they have a “right” to discharge trade effluent into AMC’s drainage network is baseless.

10. In addition to what the JTF has noted in its Report dated 26.01.2022, AMC’s independent inspection of the ETPs on 13.01.2022 led to AMC making certain independent conclusions:

11. It is, therefore, respectfully submitted that the situation as it presently stands (as on 27.01.2022) leaves no room of doubt that the Applicants do not possess the requisite infrastructure to responsibly and sustainably treat trade effluents; and, therefore, they may be permanently restrained from discharging any trade output into AMC’s sewerage network.

12. On 27.01.2022, the learned Amicus has submitted a Report pursuant to the observations made in the JTF Report dated 26.01.022. The Report dated 27.01.2022 of the learned Amicus notes that “The trade effluent released by industries contain acids and other chemicals which over a period of time would erode the machinery of the sewage treatment plants and thereby efficient functioning of the sewage treatment plants would drop”. The learned Amicus has concluded that “by way of any interim order these industries ought not to be permitted to stary their operations until and unless every such industry has taken remedial steps to revie their Effluent Treatment Plant which would properly treat their trade effluent and thereafter such treated/partially treated trade effluent should be transported to either of the Common Effluent Treatment Plants for further treatment which after treating the same would release it into MEGA pipeline and then into Sabarmati river.”

13. It is respectfully reiterated that the Sewage Treatment Plants (STPs) of AMC have been irreparably and irreversibly

damaged by the discharge of untreated / partially treated trade effluent into AMC's sewerage network. The impact of this illegal discharge has, as a consequence, also damaged Sabarmati river. It is also submitted that a pick-and-choose approach cannot be adopted by the Applicants, and the Applicants must not be permitted to make unrealistic and/or unachievable suggestions either as short-term solutions or as permanent solutions.

14. *The damage to AMC's STPs caused by trade/industrial effluents has forced AMC to commit to unplanned overhauling expenditures, which were completely avoidable. Additionally, the Gujarat Pollution Control Board (GPCB) has directed AMC to furnish Bank Guarantees for its STPs. In addition thereto, as stated in earlier affidavits filed in the matter, AMC is in the process of receiving financial assistance from the World Bank for the upgradation and capacity enhancement of its STPs. The said expenditure, which is expected to be in excess of Rs. 500 crores, would be futile and in vain if industries are permitted to discharge trade effluents into AMC's sewerage network once again. It is, therefore, respectfully prayed that this Hon'ble Court may not permit any IA applicant to once again discharge trade effluent into AMC's drainage / sewerage network.*

15. *It is respectfully submitted that the Applicants in IA Nos. 2/2021 (Arvind Limited – Ankur Unit), 3/2021 (Arvind Limited – Naroda Unit), 5/2021 (Omega Elevators) and 7/2021 (The Anup Engineering Limited) have all committed themselves to ZLD; and have, therefore, achieved nil trade discharge into AMC's sewerage network. The laudable effort of these industries must act as a blueprint for the remaining Applicants, and the remaining Applicants may please be directed to adopt ZLD or make arrangements to move their trade discharge to the MEGA Pipeline.*

16. *It must be noted that private conveniences and financial considerations cannot be permitted to supersede general public good; and cannot be permitted to undo the efforts taken by all public agencies such as GPCB and AMC; and the funds allocated for future upgradation and overhauling of public works projects. In the present case, the question at hand is one of public health and safety, and the health of essential public infrastructure (STP), which cannot be permitted to be given a go-by merely because the Applicants are unable*

to sustainably discharge their trade effluents.

17. If the Applicants' discharge into AMC's drainage network is aggregated even on conservative basis, it emerges that a massive quantity of 3428.5 Kilo Litres per Day (KLD) [i.e. 34,28,500 litres per day] of trade effluent would be discharged into AMC's sewerage network on a given day. Prior to disconnection, the Applicants were (based on their own documents), discharging the following quantity of trade effluent into AMC's sewerage network:

IA No. and Applicant	Quantity of Trade Effluent Discharge	Source/ Location
4/2021 Ashima	556 KLD (556000 litres per day)	GPCB CCA at pg. 19
9/2021 RSL Dyecot	125 KLD (125000 litres per day)	GPCB CCA at pg. 28
10/2021 Nikisu Fab	137.5 KLD (137500 litres per day) However, actual Wastewater Generation is 200 KLD, as identified in the course of AMC's visit on 13.01.2022.	GPCB CCA at pgs. 24, 27
11/2021 Shree Prakash Rakhial Unit	335 KLD (335000 litres per day)	GPCB CCA at pg. 27
12/2021 Omkar Textiles	800 KLD (800000 litres per day)	GPCB CCA at pg. 24
13/2021 Shree Prakash Naroda	285 KLD (285000 litres per day) However, actual Wastewater Generation is 300 KLD, as identified in the course of AMC's visit on 13.01.2022.	GPCB CCA at pg. 24
14/2021 Raghuvir	485 KLD (485000 litres per day)	GPCB CCA at pg. 25
15/2021 CTM Textile	442 KLD (442000 litres per day) However, actual Wastewater Generation is 500 KLD, as identified in the course of AMC's visit on 13.01.2022.	GPCB CCA at pg. 24
01/2022 Amd. Dyeing and Printing	263 KLD (263000 litres per day)	GPCB CCA at pg. 18

18. Even if 50% of the above referred quantity remains untreated or partially treated, it is capable of damaging civil

infrastructure such as STPs, and is capable of resultantly polluting Sabarmati river in a two-pronged manner – (i) by itself – in terms of untreated/partially-treated industrial discharge, and (ii) by damaging the STPs, and correspondingly reducing the efficiency with which STPs treat sewage.

19. *Factually, the position in the IAs pending before this Hon'ble Court, as has already been stated on affidavit (along with supporting documents) filed by AMC in each IA, is as follows:*

IA No.	Name of Applicant	Brief facts
02/2021	Arvind Limited (Ankur Unit)	<ul style="list-style-type: none"> • Sample taken on 16.11.2021 (Failed: Color, COD, TDS, Chloride, Mercury) • Sample taken on 19.11.2021 (Failed: Color, COD, Chloride, TDS) • Sample taken on 20.11.2021 (Failed: Color, BOD, COD, Chloride, TDS) • In its letter dated 18.12.2021, Arvind-Ankur has committed that “there shall be no discharge into the municipal drain, of either sewage or treated effluent” and that “the sewage discharge at the Ankur Unit shall be put back into the in-house Sewage Treatment Plant at the Ankur Unit, thereby ensuring no discharge of sewage either”. • Resultantly, inasmuch as AMC is concerned, nothing survives in the matter since Arvind-Ankur has committed that there shall be no discharge into AMC’s municipal drain.
03/2021	Arvind Limited (Naroda Unit)	<ul style="list-style-type: none"> • Sample taken on 16.11.2021 (Failed: Color, COD, TDS, Sulphate, Mercury) • Sample taken on 28.11.2021 (Failed: Color, TDS, Chloride, Sulphates, SAR) • Arvind-Naroda has stated that it has “already initiated the process of setting up a Zero Liquid Discharge Facility, whereby there shall be no discharge into the municipal drain, either sewage or treated effluent” and that “the sewage discharge at the Naroda Unit shall be put back into the in-house Sewage Treatment Plant at the Naroda Unit, thereby ensuring no discharge of sewage either.” • Therefore, the discharge of effluent into AMC’s drain may be directed to be stopped

IA No.	Name of Applicant	Brief facts
		<i>forthwith.</i>
04/2021	Ashima Limited	<ul style="list-style-type: none"> • <i>Sample taken on 17.11.2021 for Ashima Denim (Failed: Color, pH, TDS, Chloride, SAR, Mercury, Zinc)</i> • <i>Sample taken on 17.11.2021 for Ashima Dyecot (Failed: Color, pH, TDS, Chloride, SAR, Mercury)</i> • <i>The JTF report has observed that all 3 Effluent Treatment Plants (ETPs) of Ashima are not maintained in good shape and there are rare chances of efficient performance even if these ETPs are made operational as it is.</i> • <i>It is pertinent to recapitulate that the tests of Ashima's discharge contained heavy metals such as Mercury and Zinc, with Mercury being present 347 times more than the prescribed limit. AMC has already filed detailed affidavits in this regard.</i> • <i>AMC respectfully prays and submits that, if, even a single industry were to be permitted to once again commence discharge of trade effluent into AMC's drainage network, the entire exercise initiated in public interest since November 2021 would be an exercise in futility.</i> • <i>Ashima must, therefore, not be permitted any reconnection of the connections already discharged. As has been done by other industries, Ashima must be directed to treat and discharge sewage and trade effluent captively, without any connection into AMC's drainage network. Ashima must take steps to establish a ZLD facility within its units; and must also establish a standard or packaged STP within its units for the said purpose.</i>
05/2021	Omega Elevators	<ul style="list-style-type: none"> • <i>Common outlet connection of entire Archana Industrial Estate disconnected since it is illegal.</i> • <i>Even the JTF, in the course of its visit, has confirmed that the disconnection is for the entire Estate and not of Omega standalone.</i> • <i>By its letter dated 20.12.2021, Omega Elevators has stated that it proposes "to install an in-house Sewage Treatment Plant (STP) which will amount to generation of Zero Liquid Discharge (ZLD)."</i>

IA No.	Name of Applicant	Brief facts
		<ul style="list-style-type: none"> Resultantly, Omega Elevators may, if it so desires, and subject to permissions/approval of GPCB and other authorities, establish its own STP and/or ZLD facility.
07/2021	The Anup Engineering Limited	<ul style="list-style-type: none"> 4 samples, each 30 minutes apart, were taken by AMC. The analysis of these samples reflects that there is progressive mixing of chemical waste (trade effluent) with domestic sewage. The JTF report provided on 24.12.2021 notes that the capacity of the evaporator of Anup Engg. is much lesser than the actual permitted effluent generation and that log books are not maintained properly. In view of the solutions proposed in the letter dated 18.12.2021 addressed by Anup Engg. to the JTF, inasmuch as AMC is concerned, nothing survives in the matter since Anup Engg. has committed that there shall be no discharge into AMC's municipal drain.
09/2021	RSL Dyecot Pvt. Ltd.	<ul style="list-style-type: none"> Test Reports produced in IA itself contained failed parameters (pH, SS, Chloride, TDS) AMC's letter dated 04.03.2021 itself states that AMC may disconnect the connection without any notice/intimation, that the drainage network is owned by AMC, and may be removed by AMC in future, if AMC so desires, that the Applicant shall not be entitled to raise any objections if AMC decides to remove/disconnect the drainage line/connection; and that in future, the connection of the Applicant shall be diverted to the MEGA Pipeline, at the Applicant's cost. The CCA issued by GPCB states that the effluent shall be conveyed to Naroda - Pirana MEGA Pipeline. The JTF Report dated 26.01.2022 indicates that the ETP is not proper. Space is available for ZLD implementation.
10/2021	Nikisu Fab Pvt. Ltd.	<ul style="list-style-type: none"> Test Reports produced in IA itself contained failed parameters (Chloride, TDS) The Applicant has relied on a "Certificate" dated 16.10.1997 issued by AMC to contend that it is entitled to discharge trade effluent into AMC's domestic drainage/sewerage network. The said communication appears to

IA No.	Name of Applicant	Brief facts
		<p><i>be issued at the instance of the Applicant at the relevant point in time, and AMC was never in the practice of issuing such "Certificate". The said communication may have been issued at the Applicant's request, to facilitate the Applicant to secure some other approval from some other authority. Furthermore, the said "Certificate" nowhere states that the Applicant is authorised to discharge trade effluent into AMC's sewerage/drainage network.</i></p> <ul style="list-style-type: none"> • <i>CCA dated 01.12.2018 issued by GPCB to the Applicant itself stipulates that the CCA is only "till CETP becomes operational."</i> • <i>The JTF Report dated 26.01.2022 indicates that the ETP is not proper.</i>
11/2021	Shree Prakash Textiles (Gujarat) Pvt. Ltd. (Rakhial Unit)	<ul style="list-style-type: none"> • <i>Test Reports produced in IA itself contained failed parameters (BOD, Sulphates, TDS)</i> • <i>AMC's letter dated 17.12.2014 itself states that AMC may disconnect the connection without any notice/intimation, that the drainage network is owned by AMC, and may be removed by AMC in future, if AMC so desires, that the Applicant shall not be entitled to raise any objections if AMC decides to remove/disconnect the drainage line/connection; and that in future, the connection of the Applicant shall be diverted to the MEGA Pipeline, at the Applicant's cost.</i> • <i>The JTF Report dated 26.01.2022 indicates that the ETP is not proper.</i>
12/2021	Omkar Textile Mills Pvt. Ltd.	<ul style="list-style-type: none"> • <i>Test Reports produced in IA itself contained failed parameters (Color, BOD, COD, Chloride, TDS)</i> • <i>The JTF Report dated 26.01.2022 indicates that the ETP is not proper.</i> • <i>Space can be adjusted or ZLD implementation.</i>
13/2021	Shree Prakash Textiles (Gujarat) Pvt. Ltd. (Naroda Unit)	<ul style="list-style-type: none"> • <i>Test Reports produced in IA itself contained failed parameters (BOD, Chloride, TDS)</i> • <i>The JTF Report dated 26.01.2022 indicates that the ETP is not proper.</i> • <i>More than sufficient space is available for ZLD implementation; and the unit indicated readiness for implementation of ZLD during AMC's visit.</i>

IA No.	Name of Applicant	Brief facts
14/2021	Raghuvir Synthetics Ltd.	<ul style="list-style-type: none"> Applicant has produced no reports on record to suggest that it has complied with any norms. The JTF Report dated 26.01.2022 indicates that the ETP is not proper.
15/2021	CTM Textile Mills	<ul style="list-style-type: none"> Test Reports produced in IA itself contained failed parameters (Chloride, TDS) AMC's letter dated 21.04.2010 itself states that AMC may disconnect the connection without any notice/intimation, that the drainage network is owned by AMC, and may be removed by AMC in future, if AMC so desires, that the Applicant shall not be entitled to raise any objections if AMC decides to remove/disconnect the drainage line/connection; and that in future, the connection of the Applicant shall be diverted to the MEGA Pipeline, at the Applicant's cost. The JTF Report dated 26.01.2022 indicates that the ETP is not proper.
01/2022	Ahmedabad Dyeing and Printing Private Limited	<ul style="list-style-type: none"> The JTF Report dated 26.01.2022 indicates that the ETP is not proper.

20. Now, in its affidavit dated 19.01.2022, the Ahmedabad MEGA Clean Association (Respondent No. 14), which controls the MEGA pipeline suggested, in the interim (subject to a third-party report commissioned by it) that it does not have the capacity to cater to the additional inflow of trade effluents emerging from the units of the Applicants. In this regard, paragraph no. 20 of the Affidavit dated 19.01.2022 filed by the Respondent No. 14 reads as under:

“20. Pursuant to order dated 24 December 2021 passed by this Hon'ble Court in the present proceedings, I have individually consulted with operators of member CETPs and M/s. Reliance Industries Ltd. Regarding the proposal to accommodate new connections into the mega pipeline. All the members have strongly indicated their apprehension in this regard since currently even when the members are discharging effluent below their booked volume, there have been instances of over flow

/ backflow of discharge. This is caused because the mega pipeline is already running to its optimal capacity. Further, reduced carrying capacity of the mega pipeline due to inevitable silting and increase in volume load due to discharge of enormous amount of untreated sewage and rain water from storm water drains exacerbates the issue. None of the members agreed to reduce their booked volume since they are likely to require additional capacity for future expansion of their respective industries.”

21. *During the course of hearing of the present WP-PIL, AMC had requested the Respondent No. 14 to provide the following, specific information:*

- A. What is the capacity for which MEGA was designed?*
- B. As far as the member industries are concerned, what is their permitted discharge quantity?*
- C. What is the actual quantity being discharged into MEGA pipeline?*

22. *The said information was not provided to AMC. However, an Affidavit dated 26.01.2022 was filed by the Respondent No. 14 along with a Report of MaRS Planning and Engineering Services Private Limited. The Report of the consultant of the Respondent No. 14 states that the Design Capacity of MEGA Pipeline is 120 MLD, and the actual Booking is 50 MLD. The actual quantity being discharged into MEGA Pipeline is unknown.*

23. *It is now a matter of record that the MEGA Pipeline has a designed capacity of 120 Million Litres per Day (MLD). The Respondent No. 14 has, from time to time, not clearly declared what specific quantity each CEPT is actually discharging into MEGA Pipeline.*

24. *Even if the carrying efficiency of MEGA Pipeline were to be brought down to 80%, it would be capable of carrying 96 MLD. Even with this artificially reduced carrying efficiency (which is stated herein to make the estimates of AMC most conservative), there would a surplus capacity of around 46 MLD per day. This capacity would increase if the carrying efficiency of MEGA Pipeline is more than 80%.*

25. AMC does not condone the illegal domestic sewerage connections which are found in MEGA Pipeline, and the said connections deserve to be disconnected forthwith. In fact, AMC has addressed multiple letters to the Respondent No. 14 in this regard. Now, assuming for the sake of argument that there still are around 31 illegal sewage connections in MEGA Pipeline. Even if these 31 connections are considered to be discharging sewage at high rates, the total discharge would be around 2-3 MLD.

26. Therefore, these illegal connections, albeit a menace which deserve to be tackled immediately, would not have any visible impact on the carrying capacity of the MEGA Pipeline.

27. AMC, therefore, respectfully submits that MEGA Pipeline can handle the trade discharge of the concerned Applicants, but that too would be a point for consideration only after the ETPs of the concerned Applicants perform up-to standards, which presently they do not. Therefore, even this consideration is premature at this stage, as on 26.01.2022.

28. Finally, AMC respectfully reiterates what it has already stated on affidavit, i.e. – AMC is committed to facilitating the industries in terms of Right of Way / Use permissions to lay down pipelines leading/connecting to the MEGA Pipeline. AMC is also ready and willing to assist the Respondent No. 14 in the laying down of MEGA 2 Pipeline by providing requisite permission/approvals. However, the actual task of laying down the pipeline must be taken up by the industries and/or the Respondent No. 14, in consultation with the GPCB, which would necessarily have to oversee the said exercise and issue necessary Consents/Approvals for the said Pipeline, as has been suggested by the JTF and experts in the course of the present litigation.

29. The Respondent No. 14 as also the Applicant-industries operating within the urban limits of Ahmedabad City must be singularly responsible (under the guidance of GPCB) to take up all issue and tasks related to the laying down of any tributary line connecting to the existing MEGA Pipeline, or the proposed/new MEGA 2 Pipeline. AMC takes no responsibility in this regard and respectfully prays before this Hon'ble Court that this Hon'ble Court be pleased to direct the Applicant-

industries and/or Respondent No. 14, who are essentially benefiting from trade and commerce emerging from their industries, to tackle the issue standalone. AMC undertakes that it will provide the requisite permissions/approvals, in accordance with law, required for such an exercise.

30. *Inasmuch as IA No. 4 of 2021 is concerned, the IA Applicant – Ashima Limited has, as and by way of an affidavit dated 19.01.2022 suggested that a new MEGA II pipeline should be laid down. AMC respectfully submits that the task of laying down the pipeline must now be taken up by the Respondent No. 14 – Ahmedabad MEGA Clean Association, which is the nodal Special Purpose Vehicle (SPV) created specifically for the said purpose in consultation with all industries and the GPCB.*

31. *Inasmuch as the new ETP of Ashima Limited – the JTF Report dated 26.02.2021 indicates that the new ETP would be commissioned by 10.02.2022.*

32. *In conclusion, it is, respectfully submitted that at this stage, two major factors deserve consideration:*

- A. That none of the ETPs under consideration by the JTF are fit and proper.*
- B. Only after the ETPs meet the seal of approval of the JTF would the question of permitting the concerned Applicants to restart their industrial operations arise.*
- C. In such an eventuality, the concerned Applicants must arrive at a joint or individual solution to carry their trade discharge to a MEGA Pipeline inlet.*
- D. Parallel to the aforesaid, the Respondent No. 14 and/or the industries, after obtaining requisite permissions from GPCB, must take steps to develop and lay MEGA II Pipeline, if they so desire.*

33. *Resultantly, in view of the report of the JTF, it is respectfully prayed that the prayers made by the Applicants in IA Nos. 9-15 of 2021 and IA No. 1 of 2022 deserve to be rejected at this stage.*

34. *The answering respondent craves leave to file additional affidavits if and when required or as and when directed by this Hon'ble Court."*

41. Mr.Joshi also took us through the contents of the Sixth Report of the Joint Task Force dated 26th January 2022. This Report has dealt with all the industries before us. The Report is very alarming.

42. In such circumstances referred to above, Mr.Joshi prays that no relief be granted in favour of the applicants.

SUBMISSIONS ON BEHALF OF THE GPCB :

43. Mr.Devang Vyas, the learned counsel appearing for the Board, has also vehemently opposed all the applications. He would submit with all humility at his command that there is no doubt that the Board has not been able to live upto its expectations. There has been innumerable lapses and serious omissions on the part of the Board in tackling this burning issue. However, the Board has realized its mistake and has now taken up the issue very seriously along with the Ahmedabad Municipal Corporation. He submitted that all the 7 CETPs also needs to be repaired and overhauled at a huge cost. The effluent at the 7 CETPs is hardly being treated and the same is directly discharged into the Sabarmati river. He would submit that all the necessary precautions are now being taken to ensure that not a single industry indulges in any activity that leads to air and water pollution.

44. Mr.Vyas further submitted that the Board is of the firm view that it is just next to impossible to keep a continuous

supervision or monitoring over these industries. In such circumstances, the industries should not be permitted now to discharge their industrial effluent into the sewer lines.

SUBMISSIONS ON BEHALF OF THE JOINT TASK FORCE :

45. Mr.Rohit Prajapati has appeared before us in person on every date of the hearing of this litigation. The contribution of the Joint Task Force so far has been remarkable. Some of the measures suggested and recommended are now being implemented by the Ahmedabad Municipal Corporation and the GPCB to a larger extent. According to Mr.Prajapati, many burning issues need to be addressed. However, Mr.Prajapati made himself very clear that at any cost neither the textile industries nor any other industry should now be permitted to discharge their industrial effluent into the sewer lines even if these industries are ready to give an undertaking of any nature. He submitted that all the efforts which have been put in by one and all till this date will go in vain.

ANALYSIS :

46. Having heard all the learned counsel appearing for the parties and having gone through the materials on record, the only question that falls for our consideration is, whether we should permit the textile industries before us to discharge their industrial effluent into the sewer lines of the Corporation.

47. We would like to first address ourselves on the principal contention canvassed on behalf of the textile industries that they have a vested legal right to discharge their treated industrial effluent into the sewer lines of the Corporation.

48. In order to ascertain as to what are the duties of the Municipal Corporation in respect of laying drains and pipes, it would be necessary to refer to some of the provisions of the Bombay Provincial Municipal Corporations Act, 1949. These are:

“Sec.2(35) "Municipal drains means" a drain vested in the Corporation.”

“Sec.153 - (1) The Commissioner shall maintain and keep in repair all municipal drains and shall with the approval of the Corporation construct such new drains as shall from time to time be necessary for effectually draining the City.

(2) The Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the Municipal Fund such portion of the drain of any premises to be connected with such municipal drain as it shall be necessary to lay under part of such street and the portion of any connecting drains so laid under the street shall vest in the Corporation and be maintained and kept in repair by the Commissioner as a municipal drain.”

“Sec.159 - (1) Subject to the provisions of this section, the owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain or other place legally set apart for the discharge of drainage:

Provided that nothing in this sub-section shall entitle any person --

(a) to discharge directly or indirectly into any municipal drain any trade effluent except in accordance with the provisions of Section 166 or any liquid or other matter the discharge of which is prohibited by or under this Act or any other law for the time being in force;

(b) where separate municipal drains are provided for foul water and for surface water, to discharge directly or indirectly --

*(i) foul water into a drain provided for surface water;
or*

(ii) except with the permission of the Commissioner surface water into a drain provided for foul water; or

(c) to have his drain made to communicate directly with storm-water overflow drain.

(2) Every person desirous of availing himself of the provisions of sub-section (1) shall obtain the written permission of the Commissioner and shall comply with such conditions as the Commissioner may prescribe as to the mode in which and the superintendence under which connections with municipal drains or other places aforesaid are to be made.

(3) The Commissioner may, if he thinks fit, in lieu of giving permission under sub-section (2) to any person to have his drain or sewer connected with a municipal drain or other places as aforesaid himself connect after giving notice to the person concerned within fourteen days of the receipt of his application, and the reasonable expenses of any work so done shall be paid by the person aforesaid.”

“Sections 166: - Subject to the provisions of this Act, rules and by-laws, the occupier of any trade premises may, with the consent of the Commissioner, or so far as may be permitted by any such rules or by-laws without such consent, discharge into the municipal drains any trade effluent proceeding from those premises.”

“Section 166A. (1) Notwithstanding anything contained in this Act, or the rules or by-laws or any usage, custom or agreement, where in the opinion of the Commissioner any trade premises are without sufficient means of effectual drainage of trade effluent or the drains thereof, though otherwise unobjectionable are not adapted to the general drainage system of the City, the Commissioner may by written notice require the owner or occupier of such premises--

(a) to discharge the trade effluent from the premises in such manner, at such times, through such drains and subject to such conditions as may be specified in the notice and to cease to discharge the trade effluent otherwise than in accordance with the notice;

(b) to purify the trade effluent before its discharge into a municipal drain, and to set up for purifying the trade effluent such appliances, apparatus, fittings and plant as may be specified in the notice'

(c) to construct a drain of such material, size and description and laid at such level and according to such alignment and with such fall and outlet as may be specified in the notice;

(d) to alter, amend, repair or renovate any purification plant, existing drains, apparatus, plant-fitting or article, used in connection with any municipal or private drain.”

49. It will thus be seen that the expression “municipal drain” has a special meaning and it means a drain that has vested in the Corporation. It is the duty of the Municipal Commissioner to maintain and repair all such municipal drains, and with the approval of the Corporation, to construct new drains from time to time as shall be necessary for effectively draining the city. The drains vesting in the Corporation under Section 153(2) of the Act are required to be maintained and kept in repair by the Municipal Commissioner as municipal drains.

50. So far as the discharge of trade effluent is concerned, as per the proviso to Section 159(1), no person is entitled to discharge directly or indirectly into any municipal drain any trade effluent except in accordance with Section 166. The conditions imposed by the Commissioner as to the mode in which connections with municipal drains or other place set apart

for the purposes of discharge of drainage are required to be followed as provided in Section 159(2) of the Act. The Commissioner has a discretion under Section 159(3), if he thinks fit, in lieu of giving permission under sub-section (2) to any person to have his drain or sewer connected with a municipal drain or other places as aforesaid, to himself connect after giving notice to the person concerned as prescribed therein and the reasonable expenses of any work so done shall be paid by such person. This would mean that the expenses of the drains till the point they are connected with the municipal drain or other place set apart for the discharge of trade effluent are required to be borne by such person and not the Corporation.

51. Section 166A of the Act, *inter alia*, empowers the Commissioner to require the owner of trade premises to discharge the trade effluent from the premises in such manner, at such times, through such drains and subject to such conditions as may be specified in the notice and to cease to discharge the trade effluent otherwise than in accordance with the notice. The Commissioner may also require under the said provision, such owner or occupier of any trade premises to construct a drain of such material, size and description and laid at such level and according to such alignment and with such fall and outlet as may be specified in the notice. The Commissioner can exercise these overriding powers where drainage of the trade premises is not adapted to the general drainage system. It will be seen that the distinction between the drains and the municipal drains to which they are connected for discharge of the effluent is maintained throughout the provisions of Chapter XII of the said Act. It is also clear that the owner of the trade premises can

be required by the Municipal Commissioner to connect his drain at some other place which is set apart for discharge of the effluent.

52. It will thus be seen that though it is the paramount duty of the Municipal Corporation to provide a municipal drainage system, the Municipal Commissioner can require the owners of the trade premises to construct drains for discharge of the trade effluent and empty their drains into municipal drain or other place legally set apart for discharge of the drainage, in view of the provisions of Section 166A read with Section 159 of the Bombay Provincial Municipal Corporations Act. While it is the duty of the local authority to construct, maintain and repair all the municipal drains, under Section 153 of the Corporation Act, it is not its duty to construct at its expenses drains other than the municipal drains, which it may require the owner of the trade premises to construct under Section 166A, when the trade effluent or the drains thereof are not adapted to the general drainage system of the city. Thus, even the local authority could have insisted on a separate drain for the trade effluents of these industries upto the Central Effluent Treatment Plant where the drain is allowed to be emptied in the place set apart for the discharge of such drainage.

53. The fact that conservancy tax is paid by the industries has no bearing on their liability to lay down drainage pipes to reach the contact point with the main drainage or other place legally set apart for the purpose of such discharge by the Corporation. The statute does not require the Corporation to provide outlets at every door step of the trade premises and the owners of such

trade premises will have to carry their drain to the spot of its acceptance fixed by the Corporation. At what points the acceptance is to be made in the main drainage or other place legally set apart depends on variety of factors that go with the city planning and the Corporation alone would be in the best position both legally and factually to take its own decision in such matters.

54. Section 177 of the Act read with Section 176 forms the basis of the legislative power for the construction of the Sewage Treatment Plants. The STPs of the Ahmedabad Municipal Corporation are constructed on the basis of the intent of the legislature, evidenced in Section 177 of the Act.

55. Section 186 of the Act discusses the general prohibitions in relation to the sewerage network of the AMC. The prior written permission of the AMC is a prerequisite for any new drainage connection and Section 186(1)(e) stipulates that no person is permitted to pass into any drain any matter or liquid for which such drain has not been provided. Therefore, drains leading to the STPs, which have admittedly not been provided for the discharge of the trade effluent, cannot be used by the industrial establishments for such discharge.

56. Similarly, Sections 186(1)(f) and 186(1)(g) prohibit the discharge of any chemical refuse, dangerous substances which may be prejudicial to the health, carbide of calcium or any such crude petroleum, petroleum and coal discharges, inflammable vapour, etc. into the municipal drains of the Corporation.

Therefore, when it is discovered that, time and again, and year on year, untreated or partially treated trade effluent is damaging the Corporation's sewerage network and the STPs, and ultimately affecting the quality of the Sabarmati river, the AMC is well within its rights to partly or wholly or in a phased manner, prohibit such discharge of the trade effluent into its drainage network.

57. Section 312 of the Act prohibits the corruption of water by the mixing or stepping of the offensive or dangerous materials. Section 314 of the Act specifically prohibits the corruption of water by chemicals, by a person engaged in any trade or manufacturing activities.

58. Under Section 457(8) of the Act, the AMC is entitled to make rules and regulate issues related to drainage, including the conditions and restrictions with respect to the drains, connections with the municipal drains, the conditions on which the trade premises may discharge the trade effluents into the municipal drains, etc.

59. Chapter IX of the Appendices to the Act discusses "Drainage and Drainage Work". Rule 7 thereof prescribes that no trade effluent shall be discharged from any trade premises into a municipal drain otherwise than in accordance with a written "trade effluent notice", stating the nature or composition of the trade effluent, the quantity of daily discharge, etc. Rule 7(c) prescribes that no trade effluent shall be discharged until the expiration of a period of 2 months from the day on which the notice is served on the Commissioner (the "initial period").

60. In view of the aforesaid discussion, we find no merit in the contention canvassed on behalf of the textile industries that they have a vested legal right to discharge their industrial effluent into the sewer lines of the Corporation. Unfortunately, neither the AMC nor the GPCB paid any attention to all the aforesaid provisions of law, more particularly, Section 166A read with Section 159 of the Act, 1949. The AMC was expected to act promptly at an appropriate point of time, more particularly, having realized that the conditions were going from bad to worst. The AMC should have stopped all these industries from discharging their industrial effluent into the sewer lines long time back. The GPCB also did not pay any attention and kept on issuing certificates of clean chit to all these industries.

VARIOUS ORDERS PASSED BY THE NATIONAL GREEN TRIBUNAL DEALING WITH THE ISSUE OF PERMITTING DISCHARGE OF THE INDUSTRIAL EFFLUENT INTO THE SEWER LINES :

61. The National Green Tribunal, Southern Zone Bench, Chennai, in Appeal Nos.66, 67 of 2015, 44 and 45 of 2016 (SZ), decided on 24th April 2017, in the case of The Corporation of Coimbatore and others vs. The Appellate Authority Tamil Nadu Pollution Control Board and others, has observed as under :

“60. The Board prescribes different norms for STP and ETP, the reason being that STP relates to the domestic sewage treatment while ETP deals with trade and industrial effluents which certainly require different standard and kind of treatment and when that is the sole reason for the Board to prescribe different standards for STP and ETP, certainly STP cannot be compared to ETP by any stretch of

imagination. There are cases viz., treatment facility under the control of the Municipalities or Corporations for treating the sewage from households and other residential buildings. In so far as it relates to the trade effluents, the Board normally prescribes strict standards which impose that the manner of treatment of such trade effluents shall be by a rigorous process by installing separate treatment plants. In cases where number of industrial units join together for the purpose of creating common treatment plant for the treatment of the effluents discharged in the industrial activity in such event that CETP itself is a unit and therefore under clause 7(h) of the Schedule such activity requires EC from the SEIAA.

61. *There may be cases where the sewage treatment system of a Corporation or a Municipality may be in the form of open drainage where there is a possibility of trade and industrial effluents getting mixed up and in such event the STP is not an answer for treatment. In those cases, the mixture has to be certainly treated at an ETP/CETP, as the case may be and it can never be treated as a STP. It is seen in those cases where there is a possibility of the mixing of the trade and industrial effluent with the sewage collected from the households, such treatment requires EC from SEIAA. In fact, that was exactly the factual circumstance which was dealt with by the Principal Bench of NGT in Kehar Singh's case in which one of us (Expert Member) is a party to the judgment. In the above said case, the site chosen for STP was on natural flow/slope gradient and the sewage water was flowing through open drains. The Tribunal in that case in paragraph 35 has made it very clear that in cases of open drain large amount of industrial waste and domestic wastes are discharged directly or indirectly into the drain. Therefore, in such cases it cannot be stated as mere sewage treatment. The paragraph 35 is reproduced below:*

“35. It is an acknowledged fact that the sewage in any town travels through open drains where large amounts of industrial waste, domestic discharge and trade effluents are directly or indirectly discharged into such drains. Before these drains reach the STPs, they undoubtedly contain sewage and other trade effluents, including chemical effluents. In other words,

it is mixed effluent and not a sewage waste simplicitor.”

62. Paragraph 44 of the said judgment which is as follows:

“44. Effluent means discharge of any liquid gaseous or other substances into water bodies etc., and would take within its ambit even discharge of sewage coupled with other industrial and trade effluents. Such effluent would be required to be treated at a CETP of which STP itself may be an integral part. As we have already noticed and even anticipated, the drains which carry the sewage also contain other domestic discharge. Industrial and Trade effluents get discharged directly into the drains by the industries or other activities which generate polluted effluents. Thus STP would have to treat effluents which contain even other pollutants than sewage simplicitor”.

which makes it abundantly clear that discharge of any liquid or any other substance into the water body etc through open drainage system would take within its ambit discharge of sewage mixed with other industrial and trade effluents.

63. Therefore, what was decided by the Principal Bench was in respect of a case where the sewage mixed up with trade and industrial effluents which is possible in open drainage system and in which event it requires effluent treatment at ETP and in that case STP will be treated as an integral part of CETP which will treat both sewage and trade and industrial effluents. Para 46 of the judgment reads as follows:

“46. The bare reading of the above shows that establishment, expansion and even modernisation of CETPs require EC, being a category B project. Any treatment plant that deals with such effluents having more than 10% of industrial contributions by volume has to be treated as a combined treatment plant. On the strength of this guide, it becomes clear that the material consideration for determining the nature of the project or activity is the kind of effluent that it receives for the purpose of treatment. There is nothing

on record before us to show that the STP in question is so established as to treat exclusively sewage and nothing else. On the contrary, the sketch filed by the respondent (Annexure R.3) shows that the sewage is carried by an open drain and would be so carried to the site of STP (for treatment). It is just by the side of a metal road and travels through the abadi and the sludge is carried through an open drain from the entire city. This is demonstrable of the fact that it is not sewage per se that is taken by the open drain to the site but is a mixture of various distinct effluents. Thus, such an STP would even fall under the entry 7(h) because this plant would be treating the effluents in the semi-solid form and even sludge and would contain more than 10% of industrial or other contaminated chemical effluents.”

Therefore, it is made clear that if the sewerage system is open in nature, it is susceptible to have the mixture of other effluents which may include trade and industrial effluents and treatment of such effluent should be taken to CETP as provided under clause 7(h) of the schedule which requires EC from SEIAA.

64. On the factual matrix of this case, it is not in dispute that the proposed STP deals with the domestic sewage collected from door to door from residential areas and taken in a closed underground pipeline and there is absolutely no possibility of any other effluents being mixed with the same. In fact, to ensure the above said compliance, the Chairman of the Board in the order dated 13.11.2010 has made it very clear that the Corporation shall maintain separate line from households and must give an undertaking in the form of an affidavit and declare that no trade effluent or other effluents or effluents which are toxic in nature will be allowed to be mixed with domestic sewage at any point of time. This in addition to periodic observation and monitoring by the Board to ensure that it is only the domestic sewage which is taken into these closed underground pipes for treatment at the STP in Nanjundapuram. Such restrictions have to be made explicit by the Board in continuation of the 'consent' order already given and the Board shall strictly ensure the periodical monitoring of the same and if at any point of time it is found either damage of the pipeline or by any other

means the STP line is likely to join with any other effluents, appropriate action should be taken by the Board including the cancellation of 'consent' so as to compel the Corporation to continue to follow the undertaking that only domestic effluents will be taken into the STP line. This, in our considered view will be a sufficient safeguard for environmental protection. We are of the considered view that the learned Appellate Authority has not distinguished the factual aspect of the present case with that of the case decided by the Hon'ble Principal Bench in Kehar Singh's case and we have no hesitation to hold that on factual matrix of the case this case is distinguishable from Kehar Singh's case and the decision given in the said judgment has no application to the fact of the present case."

62. The National Green Tribunal, Principal Bench, New Delhi, in an order passed in the case of Kehar Singh vs. State of Haryana (Application No.124 of 2013, decided on 12th September 2013), has observed as under :

"31. The Supreme Court in the case of Commissioner of Income Tax vs. Teja Singh, AIR 1959 SC 352, held that a statute or any enacting provision therein, must be so construed as to make it effective and operative on the principle expressed in the maxim ut res magis valeat quam pereat.

32. While dealing with a social welfare legislation, the provisions and the words therein are to be given a liberal and expanded meaning. Of course, liberal construction does not mean that the words shall be forced out of their natural meaning but they should receive a fair and reasonable interpretation so as to attain the object for which the instrument is designed and the purpose for which it is applied. Both the object and purpose in relation to its application are thus, relevant considerations for interpretation. The Courts have also permitted departure from the rule of literal construction so as to avoid the statute becoming meaningless or futile. In the case of Surjit Singh vs. Union of India, (1991) 2 SCC 87 and Sarajul Sunni Board vs. Union of India, AIR 1959 SC 198, the Supreme

Court has also held that it is not allowable to read words in a statute which are not there, but where the alternative allows, either by supplying words which appear to have been accidentally omitted or by adopting a construction which deprives certain existing words of all meaning, it is permissible to supply the words. It is also a settled cannon that in case of a social or beneficial legislation, the Courts or Tribunals are to adopt a liberal or purposive construction as opposed to the rule of literal construction.

41. *'Common effluent treatment plant', on its plain reading would mean a treatment plant that treats the common effluents to produce a non-pollutant end product, is non-pollutant. The expression 'effluent' has neither been defined under the Act of 1986 nor under the Water (Prevention and Control of Pollution) Act, 1974. Even the Hazardous Wastes (Management and Handling) Rules, 2008 do not define the term 'effluent'. In common parlance, 'effluent' is explained as liquid waste or sewage discharged into a river or the sea or any water body. (Refer: Oxford English Dictionary and the Black's Law Dictionary, Ninth Edition). However, the same dictionary defines 'industrial effluent' as an effluent contaminated with trade effluents.*

47. *The above deliberations now bring us to another important facet of the present case as to the necessity for such a plant to obtain EC under the Notification of 2006. The very purpose of setting up an STP is to attain betterment in the field of environment. Under this project, it is expected to bring the entire sewage for treatment to the plant and then to ensure that the end products from such treatment are in conformity with the prescribed parameters and the water in relation to the sludge and the water content both. The water should be capable of being recycled for irrigation and other allied purposes. This object would stand frustrated if the sewage is containing other contaminated effluents i.e. trade effluents, industrial effluents and other domestic discharge containing high pollutants. Then the end result would be that even if the sewage is treated, still the ultimate product being discharged from the plant would remain contaminated, acidic or unusable for different purposes.*

(Emphasis supplied)

63. The Supreme Court, in M.C.Mehta vs. Union of India, reported in (1987) 4 SCC 463, had observed almost four decades back as under :

“...The functions of the Central Board and the State Boards are described in Sections 16 and 17 respectively. One of the functions of the State Board is to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents, and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification and the system for the disposal of sewage or trade effluents. 'Trade effluent' includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any trade or industry, other than domestic sewage. The State Board is also entrusted with the work of laying 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 and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents. The State Board is also entrusted with the power of making application to courts for restraining apprehended pollution of water in streams or well. Notwithstanding the comprehensive provisions contained in the Act no effective steps appear to have been taken by the State Board so far to prevent the discharge of effluents of the Jajmau near Kanpur to the river Ganga. The fact that such effluents are being first discharged into the municipal sewerage does not absolve the tanneries from being proceeded against under the provisions of the law in force since ultimately the effluents reach the river Ganga from the sewerage system of the municipality.”

64. We also looked into one detailed article titled “Toxic Waste From Textile Industries” authored by N.M.Sivaram, P.M.Gopal, Debabrata Barik, Department of Mechanical Engineering, National Institute of Technology Puducherry, Karaikal, U.T. of

Puducherry, India. We quote the relevant contents of the said article as under :

“POLLUTION IN TEXTILE INDUSTRY

The textile industry is a multiple entity including a wide range of industrial elements, which utilize numerous natural and synthetic fibers to manufacture different fabrics. The textile industries are complicated in nature as far as the raw materials, processes, and products are concerned. During manufacture, the textile fabric has to undergo various processing and chemical operations like sizing, resizing, scrubbing, mercerizing, decolorizing, dyeing, printing, and finishing. In a textile industry, number of chemicals and auxiliary chemicals are utilized to impart the required quality in the textile fabrics. The wastewater of the textile industry is extremely alkaline and contains high concentration or biological oxygen demand (BOD), chemical oxygen demand (COD), total dissolved solids (TDS), and alkalinity. This effluent leads to environmental complications if it is not appropriately treated prior to its disposal. The textile industry also produces air pollution. The processing of fibers before and during the spinning and weaving operations creates dust and lint, which damages the working environment of the textile industry. Dust may lead to respiratory diseases among the workers. A chronic lung disease, byssinosis, is frequently experienced by the workers exposed to cotton, flax, and hemp dust. In addition to this, there are a number of process operations in textile industry that produce sound in the range of 90 dB(A) leading to noise pollution.

As said earlier, the major environmental concern in the textile industry is the amount of water discharged and the chemical load it carries. Other important issues are energy consumption, air emissions, solid wastes, and odors, which can be of significant problem in certain treatments.

Air emissions are usually collected at their origin point. As they have long been controlled in different countries, there are good historical data on air emissions from specific processes. This is not the case with emissions to water. The various streams coming from the different processes are mixed together to produce a final effluent whose

characteristics are the result of a complex combination of factors such as the kind of processed fibers, the techniques applied, and the types of chemicals and auxiliaries used.

Presence of sulfur, naphthol, vat dyes, nitrates, acetic acid, soaps, chromium compounds, and heavy metals like copper, arsenic, lead, cadmium, mercury, nickel, and cobalt, and certain auxiliary chemicals all collectively make the effluent highly toxic. Other harmful chemicals present in the water may be formaldehyde-based dye fixing agents, hydrocarbon-based softeners, and nonbiodegradable dyeing chemicals. The mill effluent is also often of a high temperature and pH, both of which are extremely damaging.

Textile effluent is a cause of significant amount of environmental degradation and human illnesses. About 40% of globally used colorants contain organically bound chlorine, a known carcinogen. All the organic materials present in the wastewater from a textile industry are of great concern in water treatment because they react with many disinfectants, especially chlorine. Chemicals evaporate into the air we breathe or are absorbed through our skin and show up as allergic reactions and may cause harm to human life.”

“...In today’s world, the role of textile industry has become very significant. From knitting the clothes and fabrics used for human consumption to the extent of synthetic arteries and livers in medical textiles, the need of textile industry is highly unavoidable. Textile industry is also a highly influential industrial sector and contributes highly toward the growth and development of a country. In spite of these credits, textile industry is also contributing significantly toward environmental pollution.

The textile industry, during its various stages of processing, consumes number of chemicals and auxiliary chemicals for achieving the desired quality of the textile product. These chemicals are predominantly let out as wastewater effluent which is highly toxic and hazardous to the environment. In addition, textile processing also leads to air and noise pollution. However, the major source of environmental pollution from textile industry is the amount of wastewater discharged with high chemical load. This wastewater effluent must be treated suitably to reduce its harmful effect

on the environment. The textile wastewater effluent consists of chemicals including chlorinated solvents, hydrocarbon solvents, oxygenated solvents, oils, waste fabrics drenched in grease and oil, and dyestuffs and pigments. These chemicals are used at various stages of textile manufacturing.”

65. At this stage, we may also make a reference of one public interest litigation which was decided by a Coordinate Bench of this Court, to which one of us (J.B.Pardiwala) was a party. We are talking about an order passed by a Coordinate Bench in the case of Krishna Prakashchandra Jaiswal vs. State of Gujarat [Writ Petition (PIL) No.16 of 2013, decided on 25th September 2014]. In the said case, it so happened that one Ram Singh Ranawat, a resident of Gordhannagar, Ahmedabad, went off to sleep in the night with his family consisting of his wife, namely, Sugan, elder son, namely, Sharvan and younger son, namely, Surendra. In the early hours of the morning of 18th January 2013, Ram Singh tried to wake up his family members. However, to his utter shock, he found his wife and two sons unconscious. All the three were rushed to a nearby hospital where they were declared dead. The various newspaper reports revealed that the family members of Ram Singh had died on account of inhalation of noxious and poisonous gas emitted during the night hours on account of the discharge of the industrial effluent directly into the chamber of the sewerage. The postmortem of all the three deceased was performed. The postmortem reports revealed the cause of death as asphyxia due to suffocation. As the GPCB was not in a position to reach to a definite conclusion, it thought fit to constitute a committee of experts. The said committee comprised of the following experts in their individual fields :

- “1. *Prof. Y.K. Agrawal, Director, Institute of Research and Development, GFSU-Chairman;*
2. *Prof. Dr.N.S. Varandani, L.D. College of Engineering, Ahmedabad-Expert;*
3. *City Engineer, Ahmedabad Municipal Corporation, Member;*
4. *Representative, Directorate of Industrial Safety and Health, Member;*
5. *Representative, Chief District Health Officer, Ahmedabad, Member;*
6. *Vigilance Officer, Ahmedabad/Regional Officer, Ahmedabad, GPCB, who will be the Member Secretary of the Committee.”*

66. The Committee looked into the following :

- “1. *The findings of the postmortem report which are suggestive of Asphyxia due to suffocation as the cause of the deaths.*
2. *The findings of the FSL report and Police Panchnama*
3. *Circumstantial evidences collected by the teams of GPCB, AMC and Police on the day of incident.*
4. *Presence of sulfide in the wastewater samples collected by the GPCB, FSL team and police on the day of incident.*
5. *Site visit and discussions with people by the committee members.*
6. *Relevant documents and literature survey.*
7. *Evaluation of different possible sources of the toxic gases.”*

67. The final conclusions recorded by the Committee were as under :

“1. The committee is of the opinion that since the post mortem and FSL report are nonspecific regarding the definite cause of the death(s), it is difficult to identify any toxic gas inhalation being responsible for the death.

2. However, final cause of death suggested is Asphyxia due to suffocation in the postmortem report, the committee having considered the physical and chemical properties of the gases, feel that the most suspected gas may be Hydrogen Sulfide.

3. It is evident from the various reports that the people in the surroundings have not been affected/sensed the gas. Moreover, out of four family members sleeping in the same room, three members were exposed to, at the level of mortality whereas one person refrained from the portable symptoms. Considering the reports and circumstantial evidences, it is established that the incident has not occurred due to release of any toxic gas from stationary industrial source.

4. The careful evaluation of possible sources of probable toxic gases, indicate that while there are no stationary point sources but the possibility of dumping of chemicals/effluent during the odd hours in either chamber of Goverdhan Nagar Chawl, AMC manhole or feeder mega pipeline manhole in the immediate vicinity of the place of incident might have caused the release of toxic gas in the system. However, even if the chemical effluents, are dumped into either the AMC manhole or the feeder mega pipeline manhole, the possibility of the evolved gases navigation towards the receptor in lethal concentration is remote.

5. Having considered all the scientific and technical possibilities of the probable causes based on the concept Source-Transmission path- Receptor the committee is of the opinion the investigation agency-police may be directed to investigate the matter further from different perspective.”

68. The Committee made the following recommendations :

“1. Ahmedabad Municipal Corporation shall remove all the illegal domestic connections given in to the industrial effluent carrying pipeline (Mega Pipeline).

2. Ahmedabad Municipal Corporation shall remove all the illegal industrial connections given into the domestic pipeline (sewer).

3. Ahmedabad Municipal Corporation shall ensure that there is no interconnection between domestic effluent carrying pipeline and the industrial effluent carrying pipeline.

4. It shall be ensured that domestic pipeline (sewer) manholes shall be close from the top for safety purposes.

5. All the manholes of the domestic pipeline (sewer system) shall be provided with the vent pipe and Mica Flap Valve for easy and safe escape of the obnoxious gases forming in the system.

6. Vent pipe system in the internal drainage system of the houses shall be ensured so as the internal drainage system remains well ventilated and such mishap could be avoided.

7. All the manholes of the industrial effluent carrying pipeline shall be closed from the top so as to prevent illegal discharge of the chemical through tankers in odd hours if any.

8. Regular desilting, cleaning and maintenance of the domestic pipeline shall be done to prevent the anaerobic condition in the sewer.

9. Tankers movement shall be restricted in vulnerable areas in the night hours for the prevention of illegal disposal of chemicals in to the drains.”

69. The PIL ultimately came to be closed and disposed of by observing the following, as contained in paras 7 and 8 :

“7. We have heard the learned counsel appearing for the respective parties. We have also considered the material on record, more particularly, the report of the expert committee. Even the expert committee has not been able to reach to a final conclusion as to what had gone wrong on the fateful night when three of the family members died due to suffocation. One possibility which according to the committee cannot be ruled out is illegal and surreptitious discharge of trade effluent by the factory owners in the midnight hours directly into the domestic pipelines resulting in emission of noxious gas.

8. The main purpose for entertaining this public interest litigation was to see and find out the cause of death of the three victims. However, even with the help of the experts, we have not been able to reach to a definite conclusion. At this stage, now all that we can do is to ensure that such untoward incident do not occur in future. For that purpose, we direct the Gujarat Pollution Control Board and the Ahmedabad Municipal Corporation to strictly comply with the recommendations as made by the committee in its report. If the GPCB and the Corporation has not taken into consideration the recommendations so far, then they shall immediately consider the same and act in that direction. What we find from the recommendations is that there are illegal domestic connections given into the industrial effluent carrying pipeline (mega pipeline) and according to the committee all such illegal industrial connections should be removed at the earliest which are connected to the domestic pipeline. In any view of the matter, there are in all, nine recommendations made by the committee and we direct the GPCB and the Corporation to immediately act upon such recommendations.”

70. Thus, way back in the year 2013 also, the eyes of the AMC were opened by the Committee of Experts, stating that the Corporation should ensure that there is no interconnection between the domestic effluent carrying pipeline and the industrial effluent carrying pipeline. It was also said that the Corporation should remove all the illegal domestic connections given into the industrial effluent carrying pipeline (Mega

Pipeline). It also said in so many words that the AMC should remove all the industrial connections given in the domestic pipeline (sewer).

71. What we are trying to convey is that the AMC proceeded in complete ignorance of the provisions of Sections 159, 166A, 186 read with rule 7 of Chapter IX of the Appendices to the Act, 1949. Had the Corporation, at the relevant point of time, taken all the so-called permissions granted earlier, in review, and modified them to bring it in tune with the provisions of the Act discussed herein above, the situation would not have gone from bad to worst. We are at pains to note that even as on date no steps have been taken by the AMC to review all such permissions/consents granted years back to these textile industries so as to bring them in tune with the provisions of the Act and the current scenario. Unfortunately, even the GPCB, in the recent past, granted permissions to discharge industrial effluent into the main trunk line (public sewer).

FINAL CONCLUSIONS :

72. Our final conclusion is as under :

1. There are three units of the Arvind Group of Companies before us. There are three Civil Applications filed by the Arvind Group of Companies (Civil Applications Nos.2, 3 and 7 of 2021). The Arvind Group of Companies is one of the biggest textile industries in the State of Gujarat. We appreciate and are happy to note that the Arvind Limited has switched over to the Zero Liquid Discharge Technology (ZLD). The ZLD Technology means zero

discharge. The Arvind Limited has setup the ZLD Technology project at all its units, and both, the AMC and GPCB, have given a final nod to it. Therefore, the three companies of the Arvind Limited would now not be discharging their industrial effluent into the sewer of the AMC.

2. The Ashima Limited is also one of the oldest textile industries in the heart of the city of Ahmedabad. It has filed the Civil Application No.4 of 2021. As noted above, on behalf of the Ashima Limited, it has been vehemently submitted that very recently it has setup a brand new effluent treatment plant (ETP) and, therefore, the Ashima Limited should be permitted to now treat the effluent at their new ETP and thereafter discharge the industrial effluent into the sewer of the AMC.

3. We inquired with Mr.Soparkar, the learned senior counsel appearing for the Ashima Limited, as to why his client is not ready to switch over to the ZLD Technology the manner in which the Arvind Limited has switched over.

4. The Ashima Limited has filed an affidavit, highlighting two things. It has proposed Mega Pipeline (II), and at the same time, has stated in para 5 as under :

“I say that the Applicant is under financial duress and has been reporting losses for the past 3 financial years. The turnover of the Applicant has also reduced significantly over the past 3 financial years. The details of the turnover of Applicant are as under :

(Rs. Crore)

	2021-22 H1	2020-21	2019-20	2018-19
	Limited Review	Audited	Audited	Audited
Total Turnover	84.05	152.66	293.20	354.04
Operational PAT (excluding exceptional items)	(9.50)	(11.76)	(3.39)	(0.42)

Considering the aforementioned, the implementation of Zero Liquid Discharge is financially unviable inasmuch as the estimated capital expenditure of installing ZLD facilities is an amount of INR 11 crore and the running cost of the ZLD facilities is an amount of INR 10 crore per annum.”

5. Thus, the Ashima Limited does not want to switch over to the ZLD Technology because, according to it, the implementation of the ZLD Technology is financially not viable. This could hardly be a ground to permit the Ashima Limited to discharge its industrial effluent into the public sewer. It has a discharge of lakhs of liters of effluent everyday.

6. If the Ashima Limited is not doing well in its business, it should pull down its shutters, but it cannot insist, at the cost of environment and at the cost of ecology and people at large that it should be permitted to run the industry.

7. So far as the other applicants are concerned, there is nothing to be said further because the report of the condition of each of the ETPs speaks for itself.

8. We would like to clarify at this stage that even if the ETPs of all the textile industries before us would have been found to be in good condition, i.e. capable enough of treating their industrial effluent meeting with the parameters and norms as prescribed under the rules and regulations, we would not have permitted to do so having regard to the current situation and also having regard to the position of law as discussed above.

73. With the aforesaid, we reject all the Civil Applications.

74. We may also observe that this litigation is an eye opener for all other major Municipal Corporations across the State of Gujarat. There is not just one Sabarmati river in the State of Gujarat. There are many rivers flowing across the State of Gujarat, which have suffered pollution beyond repairs. Therefore, if the other Municipal Corporations have also not paid attention to what we have observed in this order, then it is high time they start acting in the right direction before it is too late in the day.

75. Even while declining the reliefs prayed for by all the textile industries before us, we don't want to leave them high and dry. We want these industries to go before the State Government, Ahmedabad Municipal Corporation as well as the Gujarat Pollution Control Board. We want these industries to sit with the State Government, Ahmedabad Municipal Corporation as well as the Gujarat Pollution Control Board and work out some viable solution which would enable these industries to carry their industrial effluent through a pipeline, may be Mega Pipeline (II)

or any other pipeline which would carry the effluent straight to the 7 CETPs operating as on date.

76. The Ashima Limited, in its affidavit referred to above, has given some idea as to how the Mega Pipeline (II) can be laid. The Ashima Limited can put forward this proposal before the State Government, Ahmedabad Municipal Corporation and Gujarat Pollution Control Board and discuss on this issue.

77. We direct the State Government, Ahmedabad Municipal Corporation, Gujarat Pollution Control Board and the Mega Pipeline functioning as on date, to look into the proposal put forward by the Ashima Limited, apply their mind and try to find out a viable solution. Let this exercise be undertaken at the earliest.

78. The aforesaid issue will be monitored by us in the main PIL. We will be asking the State Government, Ahmedabad Municipal Corporation, Gujarat Pollution Control Board and the Mega Pipeline to apprise us about the outcome of such deliberations which may take place.

79. All other larger issues relating to the Sabarmati river shall be addressed and monitored by us while hearing the main PIL time to time.

(J. B. PARDIWALA, J.)

(VAIBHAVI D. NANAVATI, J.)

/MOINUDDIN