

Item No. 02

Court No. 1

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

**(BY VIDEO CONFERENCING)**

Original Application No. 370/2021

Manoj Kumar Rai

Applicant

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 12.04.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent(s): Mr. Mr. Amrit Abhijat, Principal Secretary, Urban Development  
Department with Ms. Priyanka Swami, Advocate for the State of  
UP  
Mr. Atif Suhrawardy, Advocate for CPCB

**ORDER**

1. Grievance in this application is against discharge of sewage and solid waste into Katahal drain connected to River Ganga in Balia, U.P. The applicant has stated that sewage network was proposed for which contract was given to M/s. Jyoti Buildtech Pvt. Ltd. but inspite of spending huge amount, the network has not been set up even after 13 years. The result is that the entire sewage and waste of the city is going into river Ganga continuously.

2. Vide order dated 04.01.2022, Tribunal sought a factual and action taken report from a joint Committee of NMCG, CPCB, Secretary, Urban Development Department, UP, State PCB and District Magistrate, Balia.

3. The matter was further considered vide order dated 22.07.2022 in the light of factual report dated 24.03.2022, acknowledging unsatisfactory state of affairs and recommending remedial action. The Tribunal directed further action in terms of the recommendations and filing of an action taken report by ACS, Urban Development, UP. Operative part of the order is reproduced below:-

*“1to3..xxx.....xxx.....xxx*

***4. It is thus seen that 57 KM sewerage and 5.68 KM rising mains have remained unutilized for 13 years. There is no terminal STP and sewerage is lying defunct. Household connectivity needs to be ensured and separate outflow of Surha taal is maintained.***

*5. Thus, the recommendations in the report need to be acted upon to prevent discharge of untreated sewage into the drain which is a tributary of Ganga. Let, the ACS Urban Development coordinate with the U.P. Jal Nigam and/or any other concerned authority, including NMCG and resolve the pending issues and ensure remedial action, as recommended. As an interim measure, in-situ remediation be effectively done with meaningful purpose in a scientific and in professional manner. Appropriate action be taken for the past failures, fixing accountability of the erring officers. An action taken report be filed by the ACS Urban Development by email.”*

4. When the matter was taken place after about six months on 05.01.2023, it was seen that no action taken report had been filed. Accordingly, ACS/PS, Urban Development, UP was required to remain present along with the action taken report and explanation for non-compliance of order dated 22.07.2022.

5. Accordingly, matter has been taken up today for further consideration. An action taken report dated 09.02.2023 has now been filed which shows almost total inaction of the State Authorities except raising huge demands of money as a pretext for avoiding basic responsibility as earlier funds had not been duly utilised nor attempt made to collect funds locally. No accountability has been fixed for the

erring officers resulting for discharge of pollution directly in Ganga.

Extracts from the said report are as follows:-

*“3. That the delay on previous dates was not deliberate and purely unintentional. The undersigned sincerely apologizes for all the unintentional delays and inconvenience caused to this Hon'ble court by him.*

*4. Thereafter, we made report call and video conferencing to the office of DM, Ballia, EO, and to the nodal officer of Jal• Nigam regarding the said matter. Upon inquiry, we came to know about the three major issues with regard to the*

- i. Solid management*
- ii. Management of legacy(solid) waste*
- iii. Sewage management*

#### **MANAGEMENT OF SOLID WASTE**

*As per the MSW, Rules, 2016, it was informed that there was contractual dispute between the vendors which was settled by the Hon'ble High Court Work on the facility was started on 19.04.2011 and 70% work was completed in 2011. But due to the dispute the work was on halt. **"Dispute is over between Accord Hydro Air Pvt. Limited and A 2 Z infrastructure Limited and work has been awarded to AFC India by Npp Ballia. The Pending work has been started from date: 25.10.2022 by NPP Ballia approved from 15th FC for SWM Plant The compost plant will be completed approximately in Feb-2023. Initially A 10-year contract has been signed with the AFC India. For the operation and maintenance of the Solid Waste plant "***

*Thereafter, **we completed the rest 30% work, and currently, the site is operational from last week as per MSW rules, 2016. Presently MRF plant and waste to compose plant has been shifted.** A true copy of photograph of solid management plant is attached herein Annexure 1.*

#### **LEGACY(SOLID) WASTE MANAGEMENT**

- i. On initiative of Swachh Bharat Mission (SWM) vide its communication dt. 27.11.2021. Tender was invited by C&DS for disposal of appx 337714.50 MT Legacy Waste by Bioremediation method.*

*"Work has been awarded to BVG India Limited, Pune."*

*"Work has been awarded to BVG India Limited Pune. Government Land is not available for the Machine Installation. Private Land will have to be taken on lease for setting of the Machine. On 17.01.2023, BVG's*

representative Mr. Rajtilak Singh along with Executive Officer, Assistant Engineer, Junior Engineer and SFI of Nagar Palika Parishad, Ballia etc. along with his team inspected the spot and it was found on the spot that it would be appropriate to dispose of Legacy waste with the help of Movable Trommel Machines and Excavator etc. Land 500 meters away from the site was seen for rent. Later, for cooperation from the District Administration, talks were held with District Magistrate, Ballia and Sub District Magistrate, Sadar Ballia, who instructed to get the work done expeditiously. By next week, the company has assured to send 03 Movable Trommel Machine and 05 Excavator to ensure disposal of legacy waste before monsoon."

- ii. Work has since been awarded to M/s BVG India Limited Pune, Maharashtra on 05.01.2022 with 04.12.2022 as completion date. Currently the process of installation of Machine and equipment is in process by EO(Executive Officer), Nagar Palika Parishad Ballia. Presently, one machine cleans up around 30 Tons Legacy (solid) waste in an hour. The company will install 4 machines by which the disposal of entire legacy waste will be completed within the time period of six months from today(i.e 05.02.2023 to 06.08.2023).
- iii. They will complete the work before the monsoons arrives by taking up day & night shift as discussed.

A true copy of photograph of machines for treating Legacy is attached herein **Annexure 2**.

## **SEWAGE MANAGEMENT**

Ballia city has been divided in two parts viz. **City Zone and Civil Lines Zone** based on the Railway line being the ridge line. Northern part to Railway line is known as **Civil Lines Zone** while the southern part is known as **City Zone**. Accordingly, project of sewerage works for **City Zone** was prepared and sanctioned with an estimated cost of **Rs. 52.22 crores** under **State Sector Program** and for **Civil Lines Zone**, project of sewerage works with an estimated cost of **Rs. 44.72 crores** were sanctioned under **UIDSSMT Program**. **After sanctioning of both the schemes, laying of sewer network in City Zone has been started during April 2005. Laying of sewer line has been completed by March 2010. Similarly, laying of sewer network in Civil Lines Zone has been started during June 2009 and complete sewer line has been laid by March 2014.**

In the meantime, allotment of funds has been done by Govt. of Uttar Pradesh in state sector from time to time and Govt. of

*India along with Govt. of UP & ULB in UIDSSMT (JNNURM) in the ratio as decided by Govt. of India. For land acquisition, an Extraordinary Gazette was issued by Uttar Pradesh Government on 18.12.2009 for the entire identified land but could not be acquired, hence construction of STP could not be started parallelly. Subsequently alternate was identified at Village Chuddhar and procured at Vill. Chuddhar in January 2016. Further, Zonal Tender Committee of U.P. Jal Nigam, Varanasi dated 16.07.2016 decided to construct a single STP of combined capacity. Accordingly revised DPR of estimated cost of Rs. 63.32 Crores for City Zone under State Sector has been sent dated 05.07.2016 and Rs. 94.53 Crores for Civil Lines Zone under UIDSSMT scheme were prepared and sent dated 04.06.2016 for approval. Both the DPRs could not get sanctioned. Parallelly, construction of STP has been started in anticipation of approval of DPRs as decided in Zonal Tender Committee of U.P. Jal Nigam, Varanasi. Later, a re-revised Detailed Project Report for an Est. Cost of Rs. 167.40 Crores was sent on 17.07.2019 to U.P. Jal Nigam Headquarter for approval, but could not be approved. During Uttar Pradesh Jal Nigam Board meeting held on 25.06.2020, it was decided to prepare a fresh single Detailed Project Report of all the balance works under both the earlier sanctioned schemes. As decided in the Board meeting, a single revised proposal for an estimated cost of Rs 139.82 Crores was framed under State Sector Scheme and sent for approval after duly Technical and Financial appraisal by Chief Engineer (Varanasi Zone), U.P. Jal Nigam, Varanasi on 10.08.2020 but could not be approved. Further, on the direction of Chief Engineer(Varanasi Zone), Uttar Pradesh Jal Nigam, Varanasi DPR estimating Rs. 200.29 Crores was prepared under Namami Gange Programme and was sent for approval by Chief Engineer (Ganga) U.P Jal Nigam, Lucknow to Additional Project Director (APD), SMCG on 30.09.2020. Observations were received from APD, SMCG on 04.03.2021. Compliance of observations were made and accordingly Revised Detailed Project Report for est. cost of Rs 204.17 crores was again sent for approval on 14.05.2021 which also could not get approved. A true copy of the report of the Nodal officer, Jal Nigam is attached herein as Annexure 3.*

*There is no 13 years delay because there was constant and parallel efforts were taken at the state level and sanctions were required at the govt. of India level by which 70% of sewer line has been laid down which over the years of not been into operation has been choked and needs a fresh maintenance and restoration. The detailed project of remaining 30% cost est. 204.17 Crores has been sent to Ministry of Urban Development Department, Govt. of India under Amrut 2.0. Therefore, there has not been deliberate delay.*

5. *As a precautionary method, the bioremediation of the main Katahal Drain which has six meeting points is being treated by bioremediation since October, 2022. A true copy of photograph of bioremediation is attached herein as Annexure 4.*

6. *All the other recommendations have been taken into consideration and regular VC hearings, Chaired by the undersigned as per the previous orders passed by this Hon'ble Tribunal, which was missed for unknown reasons by the undersigned.”*

6. It is seen that there is daily discharge of about 20 MLD of untreated sewage in Ganga which is a matter of concern. There is no information about performance of in-situ remediation claimed at 6 locations. Earlier report of the joint Committee showed that BoD of drain before confluence with river Ganga is 13.6 mg/l with total coliform (TC) of 110000 MPN/100ml. Water quality of river Ganga after confluence of drain is BOD 6.12 mg/l and TC was 130000 lakhs MPN/100 ml indicating the damage to the water quality of the river. **We record our dissatisfaction with the failure of the State Administration particularly failure to hold erring officers accountable for wastage of public money and preventing damage to river Ganga.** Thus, there is a need for involvement of higher level officers to fix accountability for continuing failure of officers involved who appear prima facie to have abused the funds at the cost of public interest. Further, it is seen that 3.37 lakh metric tons of legacy waste is yet to be remediated, besides ensuring waste processing on day today basis.

7. We have recently reviewed the issue of compliance of solid and liquid waste management status in U.P. in O.A. No. 606 of 2018, *Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues*, in pursuance of orders of Hon'ble Supreme Court dated 02.09.2014 in W.P. No. 888/ 1996, *Almitra H. Patel vs. Union of India & Ors.* (in respect of solid waste management) and in *Paryavaran Suraksha vs. Union of India*, (2017) 5 SCC 326 (in respect of liquid waste).

In continuation of earlier proceedings, compliance status was reviewed vide order dated 23.03.2023 in the presence of Chief Secretary, U.P along with other concerned officers. Data presented was as follows:

**SUMMARY OF STATUS**

<b>A: <u>Solid Waste Management</u></b>			
Quantity of waste generation in the State (in TPD)	Waste Processed (in TPD)	<b>Gap in generation and Processing (in TPD)</b>	Quantity of Legacy waste in the State (Tonnes)
14,710 (734 ULBs)	Capacity: 10,117	<b>4593 (based on capacity only)</b>	33.0 lakh MT plus 40 lakh in last 3 years as unprocessed waste (2020-2022)
Rural: 11,959 TPD	Rural: 3,000 TPD	<b>Rural: 8,959 TPD</b>	

<b>B): <u>Sewage Management</u></b>					
Quantity of sewage generation in the State (in MLD)	Capacity (in MLD)	<b>Current Gap in treatment (in MLD)</b>	Utilization of treated sewage in		
			Agriculture/ Horticulture purpose	Industrial purpose	Any other purpose
5,500	Capacity: 3860	<b>1640 (based on capacity and not actually utilized)</b>	- Thermal Power Plants -		

8. The Tribunal, on detailed consideration of the matter, held that gaps in generation and treatment of solid and liquid waste are required to be addressed expeditiously considering timelines as per statutory Rules and Supreme Court judgement and officers responsible for failure were required to be made accountable. Progress report was to be filed after six months to this Tribunal.

9. In the light of the said order and observations in the present case, the **Chief Secretary, U.P, in coordination with other concerned authorities in the State, may ensure remedial action in the present**

**case also for which a special meeting of concerned officers be convened preferably within one month to plan and execute remedial measures, including fixing of responsibility of erring officers.** An action taken report be filed within four months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

10. The ACS/PS, UD may remain present in person on the next date for interaction.

List for further consideration on 23.08.2023.

A copy of this order be forwarded to Chief Secretary, UP and ACS Urban Development/ Principal Secretary, UD by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

April 12, 2023  
Original Application No. 370/2021  
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