Item No. 03 (Court No. 01)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(By Video Conferencing)

Original Application No. 02/2020

News item published in "The Hindu" Authored by Ashok Kumar titled "Overflowing sewage on National Highway-19 sparks safety concerns"

Date of hearing: 09.07.2021

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Respondent: Mr. Rahul Khurana, Advocate for HSPCB

ORDER

1. Vide order dated 07.01.2020, a factual and action taken report was sought from the District Magistrate, Faridabad and Haryana State PCB with reference to the allegation that sewage from Seekri village in Faridabad District in Haryana is over flowing on the service road and on the stretch of Delhi – Agra Highway. The flooded road hampers the movement of vehicles, emits foul smell, causes water borne diseases and accidents on the Highway. Pipeline and drains get frequently choked due to dumping of garbage in the open drain, leading to over flowing of sewage on the service road.

2. The matter was thereafter considered on 07.09.2020 in the light of report of the State PCB dated 01.09.2020 to the effect that temporary measures were adopted to remedy the situation and permanent measures were planned. The Tribunal accordingly directed the State PCB to ensure

further action in coordination with the concerned local body and the Development Department and file an action taken report.

3. Accordingly, the State PCB has filed its report dated 05.07.2021 to the effect that the Executive Engineer, Panchayati Raj, Faridabad has sent an estimate for requisite construction. Necessary funds have been sanctioned by the Additional Chief Secretary, Development and Panchayat Department, Haryana on 10.05.2021. Tender has been floated and the work is likely to be completed by 31.03.2022.

4. It is seen that the progress in the matter can hardly be held to be satisfactory. The overflowing of sewage from the village depicted a clear failure of the authorities in upholding the right of the citizens to clean and safe environment. The issue was highlighted in the media more than one year back and the Tribunal passed first order on 07.01.2020. It is difficult to accept that for one and a half year even the issue of tender could not be finalised, even though matter is of such great urgency. The plea that there was a single tender or no person was available to execute the work shows lack of awareness about the concern for environment. No prohibition against award of work to a single tenderer has been brought to our notice. There is also no prohibition of the work of such an urgent nature being executed departmentally. Further, giving of long timelines, without any firm commitment is also a matter of concern and failure of the concerned authorities in the matter. Thus, a case is made out for taking coercive measures against the concerned officers for such serious failure and attitude. However, by way of last opportunity, we grant three months' time for meaningful remedial measures, failing which the Tribunal will be left with no other option except to proceed personally against the Additional Chief Secretary, Development and Panchayat Department, Haryana, who should be in a position to remedy the

situation. Let the Additional Chief Secretary, Development and Panchayat Department, Haryana remain present in person via video conference with compliance status on the next date.

List for further consideration on 07.12.2021.

A copy of this order be forwarded to the Additional Chief Secretary, Development and Panchayat Department, Haryana by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

July 9, 2021
Original Application No. 02/2020
DV