

HIGH COURT OF JUDICATURE AT ALLAHABAD

PUBLIC INTEREST LITIGATION (PIL) No. - 4003 of 2006

With

**Writ C Nos. 37019 of 2011, 45456 and 46398 of 2012,
69796 of 2015 and 30703 of 2017**

**WPIL Nos. 31229 of 2005, 8864 of 2006, 27206 of 2012,
22459 and 35250 of 2017 and 1059 of 2019**

Re Ganga Pollution

.....Petitioner

Through :- Mr. Arun Kumar Gupta, Senior Advocate (Amicus Curiae) with Mr. Vijay Chandra Srivastava, Ms. Sunita Sharma, Mr. Shailesh Singh, Mr. Tahir Hussain, Arvind Nath Agrawal, Advocates

v/s

State of U.P. and Others

.....Respondents

Through :- Mr. Ajay Kumar Mishra, Advocate General with Mr. Rajeshwar Tripathi, Advocate for respondents no. 1 to 4, 12 to 14 and 19

Mr. H.N. Tripathi, Advocate for respondent no. 5

Mr. Shashi Prakash Singh, Additional Solicitor General of India assisted by Mr. Rajesh Tripathi, Advocate for respondents no. 6 to 8, 17

Mr. Bal Mukund, Advocate for respondent no. 10

Mr. S.D. Kautilya, Advocate for respondent no. 15

Mr. Abhinava Krishna, Advocate for respondent no. 16

Mr. Sanjay Kumar Om, Advocate for U.P. Jal Nigam (Rural)

Mr. Vimlesh Kumar Rai, Advocate for U.P. Jal Nigam (Urban)

Mr. Vineet Sankalp, Advocate for Nagar Nigam, Varanasi

**CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE
HON'BLE MANOJ KUMAR GUPTA, JUDGE
HON'BLE AJIT KUMAR, JUDGE**

ORDER

Union of India through Ministry of Water Resources

1. In terms of this Court's order dated August 31, 2022, affidavit sworn by Mr. G. Ashok Kumar, Director General, National Commission for Clean Ganga, Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti has been filed in the Court, which is taken on record. It is stated therein that a total sum of ₹ 2942.92 crores was released to the Government of U.P. for various projects under Namami Gange Project. However, the details of the projects for which the funds were released and the status of completion thereof have not been furnished. Learned counsel appearing for Union of India seeks more time to file comprehensive affidavit.

2. In any case, along with the aforesaid affidavit, certain information have been annexed which the U.P. Jal Nigam, Urban and Rural besides the State need to respond as certain Sewage Treatment Plants (hereinafter referred to as 'STPs') were found to be non-compliant to the standards prescribed and sewerage water was being discharged in various rivers including river Ganga.

Central Pollution Control Board

3. Affidavit of Mr. R.K. Singh, Scientist 'E' and Regional Director, Lucknow, Central Pollution Control Board has been filed on behalf of Central Pollution Control Board, which is also taken on record. It has been mentioned therein that out of 61 Gross Polluting Industries (GPIs), 30 were found to be complying with the parameters whereas 21 were found violating the same and 10 were found non-operational at the time of inspection.

4. As far as inspection of STPs is concerned, it is stated that there are total 55 STPs, out of which 19 were inspected. Out of those 19 STPs, 17 were found to be operational and 2 were found non-operational. Out

of these 17 STPs, 9 were found complying with the norms dated April 30, 2019 prescribed by the National Green Tribunal's and 2 were found not complying, whereas as per Notification dated October 13, 2017 issued by the Ministry of Environment, Forest and Climate Change, Government of India, 8 STPs were not found to be complying with the norms. The report of 6 STPs is still awaited. Details of various STPs has been furnished.

5. There are 8 CETPs located in Uttar Pradesh including one Common Chrome Recovery Unit (CCRU) at Jajmau, out of which the report pertaining to 6 CETPs has been furnished in which 1 has been found complying with the standards prescribed while 5 have been found not complying. The report of 2 CETPs is still awaited.

6. Learned counsel appearing for the Central Pollution Control Board seeks further time to file affidavit furnishing upto date information.

U.P. Pollution Control Board

7. Affidavit of Mr. Ramesh Kumar Singh, Regional Officer, U.P. Pollution Control Board, Regional Office, Jhunsi, Prayagraj has been filed, which is taken on record. It has been stated therein that sanction of prosecution of various officers have been sought from the State vide letters written a couple of days back. However, no response has been received yet. It is further stated therein that in 380 complaints, 3 Industrial Units were found violating the provisions of the Water (Prevention and Control of Pollution) Act, 1974, in 44 conviction has been ordered, whereas in rest of the cases trial is in progress.

8. Out of 114 STPs in the State, 104 are operational and 10 non-operational. 93 STPs were found to be complying with the norms whereas 11 were found violating the same.

9. To this affidavit, the State shall respond as to the status of sanction of prosecution against the officers guilty of violating the provisions of various environmental laws.

10. Learned counsel for the U.P. Pollution Control Board shall also apprise the Court about the contents of the affidavit filed by the Central Pollution Control Board whereby number of GPIs were not found to be

meeting the parameters laid down for treatment of discharge of effluents.

U.P. Jal Nigam (Rural)

11. Affidavit sworn by Mr. Raj Kumar Sharma, Chief Engineer (Kanpur Zone), U.P. Jal Nigam (Rural), Kanpur has been filed on behalf of U.P. Jal Nigam (Rural), which is taken on record. It is stated therein that National Mission for Clean Ganga (hereinafter referred to as 'NMCG') has a provision for consulting third party for overseeing the construction, operation and maintenance of STPs. M/s AECOM India Pvt. Ltd. has been deputed for Prayagraj. A team of NMCG Environmental Specialist also regularly visit the site and take samples. U.P. Pollution Control Board and Ganga Task Force (framed by NMCG) monitor the proper functioning of the STPs by making random sampling of effluents of STPs.

12. It is further stated that STPs are working properly and are being supervised by well qualified engineers of U.P. Jal Nigam (Rural) and engaging Environmental Engineers will put extra financial burden on the Nigam.

U.P. Jal Nigam (Urban)

13. Affidavit sworn by Mr. Ashutosh Yadav, Deputy Manager (Law), U.P. Jal Nigam (Urban), Prayagraj filed on behalf of U.P. Jal Nigam (Urban) is taken on record. It is stated that the stand taken in the affidavit is identical to what has been taken in the affidavit filed by U.P. Jal Nigam (Rural).

Nagar Nigam, Prayagraj

14. Affidavit sworn by Mr. Uttam Kumar Verma, Environmental Engineer, Nagar Nigam, Prayagraj filed on behalf of Nagar Nigam, Prayagraj is taken on record. As per the aforesaid affidavit, there are 23 Sewage Pumping Stations from which untreated sewage water is pumped to nearby STPs. There are 7 STPs functional which are under control of U.P. Jal Nigam and 3 STPs are under construction at Jhunsi, Naini and Phaphamau.

15. There are 76 Naalas out of which 60 are untapped, 6 are

partially tapped and rest are fully tapped. At the untapped naalas, Bio-remediation System is being followed for treatment of effluents in terms of the order dated August 11, 2020 of Principal Secretary, Government of U.P. issued in pursuance of the order of NGT dated August 7, 2019 in Original Application No. 200 of 2014. Nothing has been pointed out as to who had approved the system to be followed for treatment of effluents by using Bio-remediation and the system of monitoring thereof. Along with the affidavit, a chart has been furnished providing details of treatment of various drains by using Bio-remediation method. It is stated therein that from May 2020 to June 2021, bills were raised by the contractors for a total sum of ₹4,19,59,896/-. However, on the basis of the reports received from the U.P. Pollution Control Board regarding discharge of effluents after treatment, a sum of ₹61,29,962/- was deducted and balance of ₹3,37,22,731/- was paid. The interesting fact mentioned in the statement is that from July 2021 onwards, no payment has been made to the agencies.

16. Nagar Nigam, Prayagraj to apprise the Court as to who had approved the system to be followed for treatment of effluents by using Bio-remediation System and the system of monitoring thereof.

17. Learned counsel for the U.P. Pollution Control Board to apprise the Court as to whether any prosecution of the persons entered into the contracts was launched on account of violation of various environmental laws as they were given the contracts for treatment of effluents from various drains.

18. With reference to the untapped drains which are large in number, the Nagar Nigam to place before the Court the planning for treatment of effluents being discharged therefrom. Use of Bio-remediation System was allowed by NGT as a temporary measure.

19. It is stated that permanent solution for treatment of effluents has to be sorted out by the State Government. Learned counsel for the State to apprise the Court about the steps taken therefor.

Nagar Nigam, Varanasi

20. Affidavit sworn by Mr. Siddharth Kumar, Secretary, Jalkal

Vighag, Nagar Nigam, Varanasi filed on behalf of Nagar Nigam, Varanasi is taken on record. It is stated in the affidavit that there are 37 drains within the Varanasi Nagar Nigam, which are operational, out of which 35 drains are tapped with STPs and 2 are under the process of being tapped with STPs.

Nagar Nigam, Kanpur

21. Learned counsel appearing for Nagar Nigam, Kanpur seeks more time to file the affidavit.

22. As the copies of the affidavits filed by various respondents in the petition were not handed over to learned counsel appearing for various parties in the case, they are unable to offer their comments on the contents thereof. Let copies of the affidavits filed in Court today be supplied to all the counsel who are appearing in the case. It is further directed that in future, whenever affidavits are to be filed by any of the party, advance copy thereof shall be supplied to all the counsel appearing on both the sides.

23. Adjourned to November 1, 2022. To be taken up at 2.00 P.M.

24. Copy of the order be placed on record of the aforesaid connected cases.

(Ajit Kumar)
Judge

(Manoj Kumar Gupta)
Judge

(Rajesh Bindal)
Chief Justice

Allahabad
26.09.2022
Manish Himwan/P.Sri.