

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, 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. Vijay Chandra Srivastava, Ms.
Sunita Sharma, Mr. Shailesh Singh
and Mr. Tahir Hussain Farooqui, Advocates

Vs.

State of U.P. and others

... Respondents

Through :- Mr. Ajay Kumar Mishra, Advocate General
with Rajeshwar Tripathi, CSC-II,
Mr. S.P. Singh, A.S.G.I. with Rajesh Tripathi,
Advocate for Union of India,
Mr. Bal Mukund, Advocate for respondent no. 10
Mr.S.D. Kautilya, Advocate for respondent no. 15
Ms.Anajana Singh, Standing Counsel, Mr. Sanjay
Kumar Om, Advocate for U.P. Jal Nigam (Rural),
Dr. Hari Nath Tripathi, Advocate for respondent
no. 5

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

ORDER

Union of India

1. In view of the order passed by this Court on September 26, 2022, affidavit of Executive Director (Technical) National

Mission for Clean Ganga, Department of Water Resources, River Development & Ganga Rejuvenation, Ministry of Jal Shakti dated October 22, 2022, has been filed. In the affidavit, in tabulated form different projects have been mentioned for which, Government of India sanctioned a sum of ₹ 2358.04 crores. Some of projects have been completed whereas some are in the pipeline at different stages.

Central Pollution Control Board

2. Affidavit, dated October 28, 2022, on behalf of Central Pollution Control Board (for short 'CPCB') has been filed by Dr. Devendra Kumar Soni, Scientist 'E' & Regional Director at Regional Directorate, Lucknow, Central Pollution Control Board. It has been stated in para-9 of the affidavit that till October 12, 2022, 154 Grossly Polluting Industries (in short 'GPI') were inspected out of those, 64 GPIs were found to be compliant, whereas 42 were non-compliant on various parameters laid down. 48 GPIs were found to be non-operational during inspection. The details have been furnished.

3. In para-13 of the affidavit, details about Sewerage Treatment Plant (for short 'STP') have been furnished. The total number of STPs are stated to be 36 out of which, 32 were inspected and 28 were found to be operational. 23 were found to be non-compliant as per the National Green Tribunal (for short 'NGT') norms dated April 30, 2019 and 20 were found to be non-compliant in terms of Ministry of Environment, Forest and Climate Change (for short 'MoEF & CC') dated October 13, 2017 whereas in case of 3 STPs, the lab reports are still awaited.

4. Strange to notice that there are different norms fixed by MoEF & CC and NGT. Learned A.S.G.I. shall clarify the aforesaid discrepancy on the next date of hearing.

5. In para-15 of the affidavit, details pertaining to CETPs have been furnished. Out of total 8, 7 were found to be non-compliant as per the parameters laid. A comprehensive table has been furnished in para-16 thereof with reference to the GPIs, STPs

and CETPs. Reference to its total number, inspection carried out and labs report of the same are extracted below:-

Type of Unit	GPI	STP	CETP	Total
Total units to be inspected	1370	36	8	1414
Total units inspected (as on 12.10.2022)	210	32	8	250
Operational	149	28	8	185
Non operational	48	2	0	50
Lab report received	106	26	8	132
Complying	64	6	1	71
Non complying	42	20	7	69
Lab reports awaited	43	2	0	45

6. In para-17, it is stated that all the inspection reports have been sent to the State Pollution Control Board (for short 'SPEB') for taking appropriate action against the defaulting units or the STPs and CETPs and the action taken is to be uploaded to the website but till date no information has been submitted by the SPCB.

7. Referring to above, at this stage, we deem it appropriate to record the arguments raised by learned counsel appearing for U.P. Jal Nigam, (Rural) that these reports submitted by CPCB, cannot be relied as there are inherent discrepancies which needs to be clarified. In fact as per the test reports by IIT Kanpur, the STPs are meeting the parameters. He referred to the test report dated 02.08.2022 of 130 MLD Jajmau STP Kanpur wherein as per test report of the affluent at the stage of inlet into STP, PH factor is shown as 6.92 which at the time of outlet is shown as 7.44. In case of total nitrogen at inlet stage, the same is shown as 20.8 whereas at outlet stage, it is 30.2. He further referred to test report dated 14.09.2022 of 130 MLD Jajmau STP Kanpur wherein as per test report of the affluent at the stage of inlet into STP, PH factor is shown as 6.71 and at the time of outlet stage, it is shown as 7.74. In case of total nitrogen at inlet stage it is shown as 10.3 and at outlet stage, the same is

shown as 9.26.

8. Learned counsel for the CPCB seeks time to explain these discrepancies.

State Pollution Control Board

9. Affidavit on behalf of U.P. Pollution Control Board has been filed. It is stated therein that reference sent to the State Government for sanction of prosecution against the Officers of the various local authorities, is still pending with the Government and no response has been received. He further submits that action has been taken against some of the industrial units, STPs and CETPs which were found to be violating the norms laid down for disposal of affluent. Some of the units have been directed to be closed. He does not have the status of trial of various complaints filed for violating various environment laws.

Nagar Nigam, Prayagraj.

10. Learned counsel appearing for Nagar Nigam, Prayagraj submitted that Bioremediation System for treatment of affluent was approved by the CPCB and NGT. As the same was interim measure, he did not have any answer about the setting up of the STPs, as it is not in the domain of Nagar Nigam and the plant is to be set up by Jal Nigam.

11. At this stage, it has been pointed out by learned counsel appearing for Jal Nigam, Prayagraj that for setting up of a STP, initially the project is to be approved by National Mission for Clean Ganga.

12. As was noticed by this Court in the order passed on November 12, 2021, the Additional Advocate General representing the State will have complete instructions with reference to all the departments falling within the purview of State Government or its instrumentalities and the Chief Secretary of the State was directed to examine this aspect and issue required direction to obviate confusion and representation of effective stand of the State and its instrumentalities before

this Court.

13. Same confusion was noticed by this Court thereafter whenever, the matter was taken up for hearing, different department and local bodies are being represented by different counsel and there is no co-relation among them, which creates confusion. We direct that in future, for the State as well as its instrumentalities only the Advocate General will assist the Court and file an affidavit. The affidavit shall be of none else than the Secretary of the Ministry of Environment, State of Uttar Pradesh. It shall be his duty to collect information from all the different local or the autonomous bodies in the State and furnish the same in that affidavit. In case, any Committee is required to be constituted to properly assist the Advocate General in the matter, the Chief Secretary shall do the needful.

14. Adjourned to December 1, 2022. To be taken up at 2:00 p.m.

(Ajit Kumar, J.) (M.K. Gupta, J.) (Rajesh Bindal, C.J.)

Allahabad
01.11.2022
Shiraz/Shyamlal