

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

Original Application No. 148/2016
(M.A. No. 686/2017)

WITH

Original Application No. 70/2018

Mahesh Chandra Saxena

Applicant(s)

Versus

South Delhi Municipal Corporation & Ors.

Respondent(s)

WITH

Mitter Foundation

Applicant(s)

Versus

Delhi Development Authority & Ors.

Respondent(s)

Date of hearing: 10.05.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

Mr. Mahesh Chandra Saxena, in person

For Respondent(s):

Mr. H.S. Phoolka, Senior Advocate with Mr. Sumeet Pushkarma, Ms. Sakshi Popli, Mr. Divyanshu, Advocates for DJB
Mr. Narender Pal Singh, Advocate for DPCC
Mr. Rajkumar, Advocate for CPCB
Mr. Kush Sharma, ASC for DDA
Mr. Ajay Jain, Mr. Pranav Jain and Smaridhi Malhotra, Advocates for GNCTD
Ms. Puja Kalra, Advocate for SDMC (in item no. 1)
Mr. Vinayak Gupta, Advocate for SDMC (in item no. 2)
Mr. Balendu Shekhar, Advocate for EDMC
Ms. Puja Kalra, Advocate for NDMC (in item no. 2)

ORDER

1. Utilization of treated waste water from Sewage Treatment Plants (STPs) is the issue for consideration. In absence of a proper and elaborate plan, fresh water is being used for purposes for which treated water could alternatively be used. There appears to be no satisfactory plan with any of the States/Union Territories (UTs) in the country.
2. This Tribunal monitored the matter with reference to the NCT of Delhi for more than two years and passed several orders.
3. Finally, on 27.11.2018, the Tribunal considered the report of the Delhi Jal Board (DJB) dated 16.11.2018 to the effect that 460 MGD waste water was being treated but reuse of such water was not being ensured. Having regard to the necessity to ensure utilization of treated waste water to reduce pressure on the ground water resources throughout the country, the Tribunal directed all the States/UTs in India to prepare and furnish their action plans within three months to the Central Pollution Control Board (CPCB) so that CPCB could review the same and issue further directions.
4. Accordingly, CPCB has furnished a status report dated 01.05.2019 to the effect that action plans have been received from 15 States/UTs (Andaman & Nicobar, Andhra Pradesh, Chandigarh, Chhattisgarh, Dadar Nagar Havelli, Daman & Diu, Delhi, Jharkhand, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Manipur, Odisha, Tripura) but no action plans received from remaining 21 States/UTs (Arunachal Pradesh, Assam, Bihar, Dadar & Nagar Haweli, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu

& Kashmir, Meghalaya, Mizoram, Nagaland, Punjab, Pondicherry, Rajasthan, Sikkim, Tamil Nadu, Telangana, Uttar Pradesh and Uttarakhand).

5. With regard to action plans of 15 States/UTs, CPCB has observed as follows:

“1. Action plan received from State of Andhra Pradesh, Madhya Pradesh and NCT of Delhi has mentioned schemes for utilization of treated sewage in different sectors like horticulture, Metro washing, Power Plants, Construction activity, rejuvenation of water bodies (Pond/Lakes), industrial sectors. Action plan also include firmed timelines for implementation of various scheme.

2. Public Health Engineering Department, Manipur mentioned that they do not have any specific policy of utilization of treated sewage wastewater from STPs.

3. Union Territory of Lakshadweep has mentioned that no STPs was installed in their territory and no action plan was provided.

4. Short coming observed in action plan submitted by remaining 10 States/UTs are mentioned below:

a) Utilization of treated sewage mainly focused on activities like Horticulture and Irrigation.

b) Other potential users of treated sewage like Industrial Clusters, Metro Rail, Indian Railways, Infrastructure Projects, Agriculture and Bus Depots are not explored.

c) Sewage Generation and Treatment Capacity for future are not projected and same was not considered for utilization.

d) Timelines for implementation of proposed schemes are not mentioned.

CPCB is in the process of issuing directions to concerned organization of State/UT for implementation of the action plan submitted so that reuse of treated sewage shall be enhanced.”

6. It is, thus, clear that the States which have still not furnished their action plans are defaulters for violating the directions of the Tribunal for which no valid reason can be seen.

7. It is well known that absence of plan for reuse of treated water affects recharge of ground water and also results in fresh water being used for purposes for which treated water can alternatively be used. Proper plans for reuse of waste water can add to availability of potable water which is many times denied this basic need or has to travel long distances to fetch clean water. This being a substantial question of environment, direction is issued to the States/UTs which have not yet submitted their action plans to do so latest by 30.06.2019, failing which the Tribunal may have to consider coercive measures, including compensation for loss to the environment. The plans may include a monitoring mechanism in the States for coordination with the local bodies. This will be the responsibility of the Chief Secretaries of all the States/UTs.

8. The issue is also connected with the rejuvenation of 351 river stretches. The States/UTs may include this subject in the deliberations with the Central Monitoring Committee constituted in terms of orders dated 08.04.2019 in O.A. No. 673/2018, *News item published in The Hindu authored by Shri Jacob Koshy titled More river stretches are now critically polluted CPCB* and order dated 24.04.2019 in O.A.606/2018, *Compliance of Municipal Solid Waste Management Rules, 2016*. The Chief Secretaries may also include this subject in their reports to this Tribunal in pursuance of orders passed in O.A. No. 606/2018 on 16.01.2019 and further orders in their presence.

9. The CPCB may place on its website guidelines for preparing an appropriate plan within two weeks from today and also furnish its final report after analysis of gaps in the plans by 31.07.2019 by e-mail at ngt.filing@gmail.com.

10. It is stated by the learned Counsel for the DJB that the Municipal Corporations and DDA have agreed to lift the treated water by tankers till pipelines are laid and time bound plans have been prepared for doing the same which have been included in the latest action plan submitted to the CPCB. We understand that about 103 MGD of treated water is not being effectively used by DGB out of the total 459 MGD. This is a colossal waste of our precious natural resources and cannot be permitted. This in our view needs to be expeditiously sorted out by Chief Secretary Delhi, Municipal Corporations and DDA by way of intersectoral coordination. We also direct that laying of pipelines be expedited in a time bound manner and revised plan to this regard be submitted which is duly vetted and ratified by CPCB.

A copy of this order be sent to the Chief Secretaries of all the States/UTs and the CPCB by e-mail for compliance.

List for consideration of the report of the CPCB on 23.08.2019

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

May 10, 2019
Original Application No. 148/2016
(M.A. No. 686/2017) and connected matter
DV