

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

**Original Application No. 200/2014
(M.A. No. 94 of 2016, M.A. No. 205 of 2016, M.A. No. 206 of 2016,
M.A. No.224 of 2016 & M.A. No.585 of 2016)
(C.W.P. No. 3727/1985)**

And

**Original Application No. 501 of 2014
(M.A. No. 404 of 2015)**

And

Original Application No. 146 of 2015

IN THE MATTER OF : -

M.C. Mehta Vs. Union of India & Ors.

And

Anil Kumar Singhal Vs. Union of India & Ors.

And

Society for Protection of Environment & Biodiversity & Anr.

Vs.

Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present Applicant:

Mr. M.C. Mehta, Ms. Kalyayni and Mr. Rahul Shukla, Advs.

**Mr. Salik Shafique for Mr. Sanjay Upadhyaya,
Adv. in M.A. No. 206/2016**

Respondent No. 1 :

**Ms. Panchajanya Batra Singh, Adv. for MoEF & CC
Mr. Priyanka Sinha and Mr Shridhar Sawrup,
Advs. For State of Jharkhand**

**Mr. Rajkumar, Mr. Bhupendra Kumar, LA
Mr. Pradeep Misra and Mr. Daleep Dhayani, Advs.
Mr. Mukesh Verma, Adv.**

**Mr. Anil Grover, AAG and Mr. Rahul Khurana, Adv.,
State of Haryana**

Mr. Ardhendumauli Kr. Prasad and Mr. Panshul Chandra, Advs.

**Mr. I.K. Kapila, Adv. for Jal Nigam and Jal Board
of UP MR. Sarvesh Kumar, SE**

**Mr. Rudreshwar Singh and Mr. Gautam Singh,
Advs. for State of Bihar and BSPCB**

Mr. Jayesh Gaurav, Adv. for JSPCB

**Mr. Sanjeev Ralli, Adv. with Mr. Dinesh Jindal, LO
for GNCTD/DPCC**

Mr. Rajul Shrivatav, Adv. for MPPCB

**Mr. Atul Batra and Mr. Kundan Kr. Mishra, Advs.
For Mother Dairy Pilakhua Unit**

Mr. Abhishek Yadav, Adv.

**Ms. Asha Nayyar Basu and Mr. Amit Agarwal,
Advs.**

Mr. Ishwar Singh, Adv for NMCG.

Mr. Ajay Kumar Misra, Sr. Adv., Mr. Kumar Anurag, Mr. Kumar Shivam, Advs.

	<p>Item No. 01 to 03</p> <p>July 19, 2016</p>	<p>earliest.</p> <p>Two bio-digesters are being constructed at Utarkashi which will be operative by October, 2016.</p> <p>The Mission Director, NMCG is present in person. He submits that the concerned implementing authority has taken a decision to take up this project in priority and effective steps would be taken to deal with and clear the projects at the earliest.</p> <p>In view of the statement made we direct that the NMCG should take up these projects with utmost expeditiousness and inform the results there of to the Tribunal. It was informed to us in the meeting that within 1 month from the date of the meeting the project would be cleared and appropriate orders would be passed. Let that be done positive.</p> <p>We find that the status report filed on behalf of the State is not comprehensive enough and does not provide the requisite details. Let proper status report in relation to the compliance of each of the directions be now filed within 2 weeks from today.</p> <p>It has been brought to our notice that there are nearly 600 hotels in Rishikesh and Haridwar besides large number of Ashrams and Dharamshalas. Out of all the hotels, only 23 hotels have obtained the consent from the Board and 85 applications are pending consideration before the Board. Some hotels have been issued I.Ds when they submitted applications for consent. But their applications are still not being considered. According to the Board they have issued closure notice to 12 hotels out of which according to the State 3 hotels have been closed and sealed and for the remaining details are not known. We direct that all the 9 remaining hotels, to whom the closure notices have been issued, should be closed/sealed</p>
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and their water and electricity be disconnected in regard to the provisions of the Act of 2006 within 1 week from today if not already been done. The concerned Secretary Drinking Water would be personally liable for compliance of these directions.

The Sewage load on River Ganga and its Tributaries is the highest and in fact is the main source of pollution of River Ganga and its Tributaries in the State of Uttarakhand as the discharge of domestic waste and sewage is directly released into the River Ganga. Most of the hotels, dharamshalas and ashrams release at Haridwar their sewage and domestic waste directly into the river or throw it into the drain which carries it near to the STP at Jagjeet Nagar. Actually they are directly throwing sewage into the River Ganga. We hereby direct that all the hotel, dharamshalas and ashrams which have a capacity of more than 20 rooms shall have their own bio-digesters and/or STP. We further direct that any building, hotel, dharmashala and ashram which is more than 20 rooms and or has a built up area of more than 10,000 sq feet shall have its own STP/biodigester.

We also make it clear that whichever project requires Environmental Clearance under the Notification of 2006 will essentially be directed to have its own STP and the authorities shall ensure the same.

This directions need to be passed on the "Precautionary Principle" as well as with the aid of the "Polluter Pays Principle". It is not only the State's obligation to provide a decent and clean environment but it is also the duty of the citizens to ensure that the environment is maintained and there is no intentional degradation of the environment and ecology. The Constitutional duty contemplated under the Constitution take within its ambit that nobody can place the burden of cleaning

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the environment and ecology or sewage only on the State and its instrumentalities. The obligation to take due precautions and preventions still lies upon the persons, particularly who are commercially or otherwise raising such construction with the knowledge that it is bound to cause some element of pollution by the domestic and sewage discharge.

We may also notice here that issuance of these directions is also necessary in view of the fact that the STPs setup by the Government authorities or local authorities have been rendered non-functional because of the load put on such plants, which is much in excess of the capacity of the plant. Furthermore, these plants were established quite some time back and with the passage of time they have become non-functional or they are only capable of treating the requisite discharge up to the prescribed standards.

As far as Municipal Solid Waste and Bio-medical Waste is concerned the State Government shall file a separate status report. We hereby direct the State Government to impose an environmental compensation of Rs. 50,000 on each hospital which is not having complete arrangement for disposal and regular dumping of the biomedical waste in accordance with law with the Bio-Medical Waste Rules, 2006. This should be implemented and reported to the Tribunal within 2 weeks from today.

List this matter for hearing on 10th August, 2016 when the Secretary Irrigation and the concerned Professor from the National Institute of Hydrology (NIH) Roorkee will be present.

M.A. No. 94 of 2016

The project in relation to the laying down of the sewerage line and STP at Dehradun and Roorkee have been submitted in

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furtherance to the order of the Tribunal by the respective agencies to the Principal Committee. The Principal Committee in its meeting dated 28th June, 2016 has approved the said projects and have found that it is necessary to construct them. We have also heard the Mission Director, NMCG who has stated that the projects have been approved subject to the conditions stated in the approval itself. According to him compliance of the conditions imposed would be necessary to achieve the requisite results.

We allow the request of the concerned authorities and permit the construction of the sewerage lines and establishment of the STP both at Dehradun and Roorkee. But this approval is subject to the conditions which have been imposed by the Principal Committee constituted under the Judgment.

M.A. No. 94 of 2016 stands disposed of with the above order.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Prof. A. R. Yousuf)

.....,EM
(Bikram Singh Sajwan)

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