

Item No.10

**EFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No.220/2024(CZ)

Babulal Jajoo

Applicant (s)

Vs.

State of Rajasthan & Ors.

Respondent(s)

Date of Hearing: 16.01.2025

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant (s):

Mr. Lokendra Singh Kachhawa, Adv.

For Respondent(s):

Mr. Arvind Soni, Adv.

ORDER

1. The issue of encroachments, discharge of untreated water, sewage effluents throwing the municipal solid waste resulting into contamination of the water in the Gandhi Sagar Lake commonly known as Gandhi Sagar Talab in Bhilwara, Rajasthan has been raised in this application.

2. The matter was taken up by this Tribunal and a report was called by a Joint Committee consisting the representative of the Collector, Bhilwara and the representative of the Member Secretary, Rajasthan State Pollution Control Board. In

compliance thereof the members of the committee visited the site and submitted the report as follows :

'BRIEF INTRODUCTION OF THE SITE: -

Gandhi Sagar Talab is located in Bhilwara city at place namely Badla Chouraha Road. It has approx.21 Hectare area and having approx. 19,64 Lac sq. ft. storage area and 196,46 Lac ft.3volumetric capacity. It is situated in ward no. 45 of Municipal Corporation, Bhilwara area within municipal limit. It is also surrounded and located in proximity with various private and government colonies namely Shastri Nagar, Kanwa Khera, Chandrashekhar Azad Nagar, Jagjivan Nagar, Mokhamp uta, Azad Nagar, Housing Board, Jyoti Nagar, Kahipuri' Shyam Vihar, and Ambedkar Nagar having dense habitation

SITE VISITE AND FACTUAL STATUS

Joint Committee members along with petitioner Sh. Babulal Jajoo and Sh. Pawan Nuwal Executive Engineer, Municipal Corporation, Bhilwara have visited the Gandhi Sagar site along with nearby several areas i.e. colonies and nallah joining the inlet area of Gandhi Sagar.

Findings of site visit are as follows: -

- 1) That a wide open nallah was joining to the inlet catchment /entrance point of Gandhi Sagar Talab. The nallah is designated for rain water flow to the Gandhi Sagar Talab and also having sluice gate at intake.
- 2) But presently, nallah was observed heavily choked with garbage and municipal solid and plastic waste and no cleaning or screening facility was observed at site.
- 3) That earlier before 2024, various untapped nallah was joining this broad badla chouraha nallah carrying heavy flow of untreated sewage into Gandhi Sagar Talab but after installation of sewer line project attached with Sewage T'reatment Plant -30 MLD, untreated sewage quantum reaching to this nallah has been reduced' As per the information provided by Municipal Corporation, approx.. 1.0-1.5MLD sewage mixed water is still coming into Gandhi Sagar Talab.

- 4) The sewage was flowing in Gandhi Sagar Talab is due to commercial establishment Located at Badla Chouraha Road, non-connected commercial shops and establishment with sewer line, households located in nearby colonies which are left from sewer connectivity and other untapped minor nallah coming from across Chittorgarh Road area viz, Chandra Shekhar Azad Nagar, Kawa Kheda Basti, Transport Nagar Area, Ramdham Area ultimately .joining the Gandhi Sagar Badla nallah.
- 5) That for actual assessment of sewage quantum and untapped nallahs, left over house-holds, commercial shops and establishment which are still remained from sewer connectivity arc required to be surveyed by the concerned local authority so that appropriate sewage treatment project may be prepared and implemented.
- 6) That Gandhi Sagar Talab was also found covered with various native weeds. Some man power was observed at site removing weeds.
- 7) Bulk quantum of garbage's and plastic waste were also found floating at the inlet and overflow points as well as at corner pockets of Talab area. Status of accumulation and floating plastic garbage's reveals that cleaning of screens and intake and corner pocket areas are not being done regularly.
- 8) That 4 nos. of surface floating fountain for air agitation were found placed in talab but out of which only 01 no. was found operating and in accumulation with the volume of Gandhi Sagar Talab, same were mere negligible.
- 9) Thus, still sewage was found flowing into Gandhi Sagar Talab.

WATER QUALITY (SAMPLING AND MONITORING)

That water sampling of Badla Chouraha Nallah and Gandhi Sagar, Talab was recently carried out by Rajasthan Pollution Control Board, Jaipur team on dated 27.10.2024 & 28.10.2021. Copy of analysis report for sample collected on dated 21.10.2024 is enclosed as Annexure-R-7_. General parameters as received after analysis of sample collected on dated 21.10.2024 of water quality of Gandhi Sagar, reveal that water quality of pond water is deteriorated as having high BOD load w.r.t CPCB designated best use water quality criteria for

class A,B and C. Also, detailed analysis report which includes metals parameters etc. and Detailed analysis report of sample collected on dated 28.70.2024 is under process at laboratory.

DETAILS OF ACTION TAKEN BY RSPCB

That the State Board has already taken various action against the executive authorities i.e. Nagar Nigam, Bhilwara which includes imposition of environmental compensation and filing prosecutions regarding discharge of untreated sewage into water bodies in Bhilwara viz-. Gandhi Sagar Pond and other water bodies. Details of which is as follows: -

- a) Earlier an execution-application bearing EA no. 03/2020 (Original Application- 149/2014) was also registered before the Hon'ble National Green Tribunal, Central Zonal Bench, Bhopal, related to the non-treatment of sewage generated from Bhilwara city and pollution of urban water bodies like Gandhi Sagar Pond etc.) titled as Babulal Jajoo vs Government of Rajasthan and others. In the compliance with the order dated 12.10.20 issued by the Hon'ble National Green Tribunal in said matter, the Joint committee inspection report had been submitted on dated 03.03.21 with the recommendation for prevention of the inflow of sewage water into Gandhi Sagar Pond. Thereafter, by the order of the Hon'ble National Green Tribunal dated 02.09.21, the work of the sewage treatment plant was ordered to be completed in time bound manner and the EA was disposed of with orders not to discharge untreated water into any water body.
- b) Compliance related to sewage treatment system progress regarding order passed in EA no. 03/2020 (EA no. 03/2020 (Original Application-149/2014) :-

An estimated 60 MLD (approximate population - 496000) domestic sewage water is generated every day from Bhilwara city, for its treatment, earlier only a 10 MLD capacity sewage treatment plant was operative, which is currently being operated by M/s Jindal Saw Limited on contract with the Municipal Council, Bhilwara based on captive utilisation of treated in Jindal Saw Limited Mines and pellet Plant and the remaining sewage was earlier discharged untreated into the Kothari river, for which now a new sewage treatment plant having capacity (30 MLD), sewage pumping station (48 MLD) and sewer line network

(Approx .410 kilometre) was constructed by RUIDP for Bhilwara city. Construction work has been completed and the sewage treatment plant has become operational from 01.01,.2023 and due to which now the flow of untreated sewage water in the city water bodies as well as in river body has been significantly reduced. Apart from this, another 10 MLD capacity new sewage treatment plant at Kuwada Bhilwara was also constructed by M/s Jindal Saw Limited in contract with Municipal Council, Bhilwara and same is in ready for operation condition.

Thus with the effective assessment cum execution of work related to tapping of untapped nallahs and achieving saturation of remaining house hold sewer connection as well as non connected commercial establishments, untreated sewage flow into city water body may be prevented effectively.

- c) A criminal complaint bearing case no. (2891./2019) was also filed before the Hon'ble Chief Judicial Magistrate, Bhilwara against the Commissioner Municipal Council, Bhilwara in the year 2019 for the deficiencies/non compliances found by the State Board on various points including untreated sewage and solid waste.
- d) That based on the various issues related to untreated sewage water discharge (cum solid waste unscientific/inadequate disposal) in water bodies like Kothari river and urban water bodies like Gandhi Sagar etc. and in compliance of the orders issued by the National Green Tribunal from time to time, environmental compensation amounting to :-
- 1) Rs 63.80 lakh was imposed on Municipal Council, Bhilwara vide order dated 05.04.19,
 - 2) Rs 240 lakh was imposed on Municipal Council, Bhilwara vide order dated 25.11.21
 - 3) Rs 111.45 lakh was imposed on Municipal Council, Bhilwara vide order dated on 12.12.22.
- e) Subsequently, the Hon'ble Supreme Court, New Delhi,24 in the case- Civil Appeal No. 141/2024 filed by the Municipal Council, Bhilwara, vide order dated 02.01.2024 has stayed the recovery of the environmental compensation previously imposed on the

Municipal Council, Bhilwara. The matter is listed on 12.11.2024 in Hon'ble Supreme Court.

- f) Apart from this, in compliance with the order dated 18.08.23 of the [National Green Tribunal, Central Zonal Bench, Bhopal and non compliances found related to solid waste/untreated sewage etc. the State Board has accorded sanction for filing a criminal complaint against the Commissioner Municipal Council, Bhilwara vide letter dated 24.05.24 and thus criminal complaint has been presented before Hon'ble Chief Judicial Magistrate, Bhilwara and same is under process for registration followed by hearing.
- g) That Municipal Corporation, Bhilwara has submitted its reply vide letter dated 07.11.2024 related to action proposed for diverting inflow of untreated sewage from Gandhi Sagar through constructing and laying a bypass line to be connected with nallah leading to sewage pumping station and plan for beautification and restoration of Gandhi Sagar talab area through cleaning and regular upkeep.

RECOMMENDATIONS :

- i. That an extensive survey may be carried out by Municipal Corporation for actual assessment of untreated sewage presently flowing in Gandhi Sagar Talab followed by concrete plan for channelizing untapped drains and non sewer network connected household and commercial establishments in such a way that sewage flow is isolated from Gandhi Sagar intake and directly leads to sewer line leading to sewage pumping stations by way of pipeline or through any appropriate means.
- ii. That time bound action plan may be taken from Municipal Corporation for completion of measures required for tapping of untreated sewage and channelization up to STP Plant.
- iii. That regular cleaning of screens and intake and over flow points as well as corner pocket area is required to be ensured.
- iv Nodal officer along with team may be appointed for special cleaning and sanitisation drive for Gandhi Sagar Talab.

v. Action for beautification, earmarking, encroachment removal drive and restoration of surrounding pond compound wall must be taken.

vi. Weed removal and desilting of pond may be carried out after the isolating untreated sewage carrying nallah with having only provision for rain water intake/fresh water intake.'

3. The issues of solid as well as liquid waste management are being monitored by this Tribunal as per orders of the Hon'ble Supreme Court order dated 02.09.2014 in Writ Petition No. 888/1996, Almitra H. Patel vs. Union of India & Ors., (with regard to solid waste management) and order dated 22.02.2017 in W.P. No. 375/2012, reported in (2017) 5 SCC 326, Paryavaran Suraksha vs. Union of India, with regard to liquid waste management (sewage). Other related issues which were taken up for monitoring include pollution of 351 river stretches, 122 non-attainment cities in terms of air quality, 100 polluted industrial clusters, illegal sand mining etc. However, later the Tribunal confined present proceedings only to issues of solid waste and sewage management. Before proceeding further, it may be mentioned that scope of present order is to compile and collate the background, data filed by the Chief Secretaries of all the States/UTs and analysis and directions of the Tribunal on the subject of waste management in the country for further follow up action.
4. Since non-compliance was noticed on both counts from the issues raised before the Tribunal in various proceedings, the Tribunal took the matter again and passed order dated 31.08.2018, recording the extent of gaps and further action. Proceedings were registered afresh with

updated status as OA – OA 606/2018 (main) and separate OAs with same number in respect of all States/UTs separately on the subject of waste management and ancillary issues. The Tribunal constituted Monitoring Committees for six months and vide order dated 16.01.2019, the Tribunal sought personal presence of Chief Secretaries of all States and UTs on different dates with data of compliance status in respective State/UT.

5. On such interaction, it was found by various orders that large scale non-compliance of environmental norms was continuing which was reportedly resulting in deaths and diseases and irreversible damage to the environment. Directions for remedial action were issued which include constitution of a four member special task force in every district having – one each nominated by District Magistrate, Superintendent of Police, State Pollution Control Boards and District Legal Services Authority (DSLAs) for awareness about SWM Rules, 2016 by involving educational, religious and social organizations including local Eco-clubs. Involvement of DLSAs was subject to the approval of the National Legal Services Authority (NALSA) which is the apex body under the Legal Services Authorities Act, 1987. It was observed that Information, Education and Communication (IEC) programmes can go a long way for protection of the environment. Such program can be successful if network of Legal Services Authorities and Educational Institutions at every level is involved.
6. The extracts from order dated 16.1.2019 in OA 606/2018 are reproduced below:

“35. Every State/UT may constitute a Special Task Force (STF) in every District having four members one each nominated by District Magistrate, Superintendent of Police, Regional Officer of the State Pollution Control Boards in concerned Districts and one person to be nominated by the Chairman of the District Legal Services Authority (DLSA) for awareness about the SWM Rules, 2016 by involving educational, religious and social organizations including local Eco-clubs. The involvement of DLSA would be subject to the approval of the National Legal Services Authority which is the apex body under the Legal Services Authorities Act, 1987 by an appropriate administrative order. This will apply to order of the Tribunal in Stench Grips Mansa’s Sacred Ghaggar River (Suo-Moto Case) and Yogendra Kumar, News item published in ‘The Hindu’ authored by Shri Jacob Koshy Titled “More river stretches are now critically polluted: CPCB”, Court on its own Motion v. NCT, Delhi & Ors. and M.C.Mehta v. Union of India & Ors.

36. It has been repeatedly laid down by the Hon’ble Supreme Court that Information, Education and Communication (IEC) programmes can go a long way for protection of the environment. Such program can be successful if network of Legal Services Authorities and Educational Institutions at every level is involved. This is possible only if such instructions are issued on the administrative side by the NALSA and concerned Education Departments of the States. We request concerned authorities to take appropriate steps in view of the judgments of the Hon’ble Supreme Court in M.C. Mehta v. Union of India & Ors.¹ and In Re: Noise Pollution and Article 144 of the Constitution of India² Ministry of Health

and Ministry of Railways in coordination with MoEF&CC may be involved in awareness programmes. Solid waste management issue impacts in a big way. Various departments of the Government, particularly Railway, Health and Defence. MoEF&CC may coordinate with the concerned Ministries in IEC programmes and furnish an Action Taken Report by email at ngt.filing@gmail.com.”

7. Considering the above, the National Legal Services Authority (NALSA) issued directions to all the State Legal Services Authorities vide letter dated 07.05.2019 as follows:

“Please find attached herewith judgment dated 16.01.2019 by National Green Tribunal (NGT) in the above noted matter. The relevant paragraphs are reproduced as under:

”35. Every State/UT may constitute a Special Task Force (STF) in every district having four members one each nominated by District Magistrate, Superintendent of Police, Regional Officer of the State Pollution Control Boards in concerned Districts and one person to be nominated by the Chairman of the District Legal Services Authority (DLSA) for awareness about the SWM Rules, 2016 by involving educational, religious and social organisations including local Eco-clubs. The involvement of DLSA would be subject to the approval of the National Legal Services Authority which is the apex body under the Legal Services Authorities Act, 1987 by an appropriate administrative order. This will apply to order of the Tribunal in Stench Grips Mansa’s Sacred Ghaggar River (Suo-Moto Case) and Yogendra Kumar, News item published in ‘The Hindu’ authorised by Shri Jacob Koshy Titled “More river stretches are now critically polluted: CPCB”, Court on its own Motion v. NCT, Delhi & Ors. and M.C. Mehta V. Union of India & Ors.

36. *It has been repeatedly laid down by the Hon'ble Supreme Court that Information, Education and Communication (IEC) programmes can go a long way for protection of the environment. Such program can be successful if network of Legal Services Authorities and Educational Institutions at every level is involved. This is possible only if such instructions are issued on the administrative side by the NALSA and concerned Education Departments of the States. We request concerned authorities to take appropriate steps in view of the judgments of the Hon'ble Supreme Court in M.C. Mehta V. Union of India & Ors. and In Re: Noise Pollution and Article 144 of the Constitution of India Ministry of Health and Ministry of Railways in coordination with MoEF & CC may be involved in awareness programmes. Solid Waste Management issue impacts in a big way. Various departments of the Government, particularly Railway, Health and Defence. MoEF&CC may coordinate with the concerned States/UTs as may be shown from the reports furnished to this Tribunal by the Chief Secretaries or otherwise. On this aspect, CPCB, MoEF&CC and the Apex Committee may furnish their views on the subject within one month at ngt.filing@gmail.com."*

2. *I am also enclosing herewith four judgments of NGT mentioned in Para-35 above.*

3. *The order dated 16.01.2019 was placed before the Hon'ble Executive Chairman, NALSA and His Lordship has been pleased to approve to nominate a member of the Special Task Force (STF) at the districts level and to conduct awareness programmes as mentioned in the judgment in coordination with other institutions/ authorities."*

8. We have noted the gaps in generation and processing of waste and need to address the same in the interest of protection of environment and public health. Such gaps exist even after monitoring of issue of solid waste management from 1996 to 2014 by the Hon'ble Supreme Court and for the last nine years by this Tribunal as far as solid waste is concerned and monitoring of issue of water pollution for decades by the Hon'ble Supreme Court in the context of Ganga, Yamuna and other rivers and water bodies by discharge of sewage and other waste, apart from industrial pollution. There are policies of Central Government like swachh bharat and Namami Gange. Still, there are mountains of garbage generating methane and other gases which are source of pollution causing diseases and deaths, apart from occupying huge valuable public resource. Segregation of biodegradable waste and its processing closest to the point of generation is a task which requires good governance and according of high priority. Similarly, preventing sewage discharge into the sources of drinking water has to receive highest priority. Such discharge results in scarcity of drinking water for all living beings apart from degradation of environment and damage to public health. Gaps in compliance have been noted earlier. The Hon'ble Supreme Court vide order dated 22.2.2017 in Paryavaran Surakhsha fixed three year deadline for waste water treatment systems which has been monitored by the Tribunal in the last six years. Discharge of sewage in drains leading to rivers, lakes, sea or in water bodies and lands has led to serious damage to environment and public health and needs to be addressed on war footing, using indigenous technology wherever viable or such other technology but no drop of sewage can be mixed in drinking water. Timelines are deviated without accountability. There is no justification of any further delay having regard to adverse impact on humanity and citizens' right of access to drinking water. Sewage continues to be mixed

in sources of drinking water to the detriment of public health and environment for which earnest efforts are required in the highest level of administration. There was no dearth of technology and no justification of repeated and unending extensions of timelines without fixing accountability for past delays.

9. Since the issue has been pending since long and there are adverse effects of continuing delay on environment and public health, it cannot be a matter of satisfaction that some steps are taken till the entirety of the problem is tackled on war footing. Planning has to be to resolve the problem without any further delay, in shortest possible time. Whatever timeline is laid down, it should not be breached. If breached, adverse consequences for such failures must follow on the designated accountable officers instead of loose-ended processes.

10. At this stage, we may also refer the recent order of the Hon'ble Supreme Court dated 20.03.2023 in M.A. No. 356 of 2023 in Writ Petition (Civil) No. 375 of 2012, Paryavaran Suraksha Samiti vs. Union of India & Ors. on the subject of extending timeline for setting up requisite sewage treatment plants and supplementary directions. As noted earlier vide judgment dated 22.02.2017, the Hon'ble Supreme Court fixed deadline of three years for commissioning such plants which expired on 22.02.2020. After such expiry, further three years have expired and still gaps have been continued. The State of UP approached Hon'ble Supreme Court for extension of time. Thereupon, It was observed by the Hon'ble Supreme Court that apart from setting up of STPs, maintenance and performance of such STPs was also required to be duly scrutinized and monitored. The issue is of utmost concern. Untreated sewage waste discharging to rivers and drains pollutes sources of water upon which survival of population

and bio-diversity depends. Accordingly, the Hon'ble Supreme Court issued supplementary directions to that effect with the further observation that any extension of time could be considered by this Tribunal on the basis of material placed before it showing bonafide steps taken to comply with the order of the Hon'ble Supreme Court and genuine hindrances, if any. Relevant observations are quoted below:-

“xxxxxx.....xxx

1. *9. Apart from the above, the mere setting up of STPs is not enough. The maintenance of the STPS and their performance and capacity to deal with sewage which is generated is another matter which has to be duly Scrutinized and monitored. The treatment of sewage which is generated in the villages, towns and cities is a matter of utmost concern. Untreated sewage waste is discharged into rivers and naalas polluting the very sources of water upon which the survival of the population and bio diversity depends.*

2. *10. While this Court had in its judgment laid down time lines for the construction of STPS and CETPS, of equal importance is the need to ensure that:*
 - i. *The CETPs with the requisite technology and capacity are duly commissioned;*
 - ii. *After the commissioning of the CETPS/STPS, they continue to remain operational;*
 - iii. *The CETPs/STPs are duly maintained and upgraded as the need may arise;*
 - iv. *There is due monitoring at the administrative level on a real time basis of the performance of the CETPS, the deficiencies which may arise in the course of functioning and work of repair and maintenance; and*
 - v. *Entrustment to an authority which would be accountable for the due performance of the CETPs.*

11. *The above aspects are necessary to be borne in mind to supplement the directions of this Court. It is only if all other consequential steps are taken as adverted to above that the object and purpose of the order of this Court would be duly met.*

12. *We accordingly permit the applicant to move the National Green Tribunal with an application in that regard. The National Green Tribunal shall duly monitor compliance with the directions including the time-lines which have been spelt out in the order of this Court. It would be open to the applicant to place on the record of the Tribunal all material to indicate the bonafide steps which were taken to comply with the order of this Court and, if there were any genuine hindrances in doing so, the nature of the hindrances. The Tribunal would be at liberty in the exercise of its discretion to consider any request for a further extension of time.*

13. *The National Green Tribunal is authorized in terms of the present order to suitably extend time should it be satisfied that all necessary steps have been pursued with a sufficient degree of alacrity. The Tribunal shall also take stock of the issues which have been set out above in relation to due monitoring of the performance of the STPs and steps for ensuring up-gradation and maintenance. The Tribunal shall also ensure that an accountable mechanism is set up in the State of Uttar Pradesh to take stock of the performance of the STPS, providing for adequate funds for up-gradation and maintenance as required and for attending to all other administrative issues and problems.”*

11. In the light of above, way forward has to be in according high priority to the subject and strict monitoring and higher levels of the Administration in the States as well as in Central Government by constituting specialized monitoring cells fixing

accountability for deviation from laid down timelines. As already noted, issue of solid waste management has been monitored from 1996 to 2014 by the Hon'ble Supreme Court and by this Tribunal for the last nine years. There are statutory Rules and policies like swachh bharat but action on the ground is inadequate. There are mountains of garbage generating methane and other gases which are source of diseases and deaths, apart from occupying huge valuable public resource. Our conclusion is that enacting laws and directions of Courts/Tribunals are not substitute for good governance and unless the Administration accords high priority of the subject, undesirable situation as found may not be remedied. Taking people on board and change of mindset is need of the hour. Similarly, preventing sewage discharge into the sources of drinking water is offence under the criminal law as well as under the Water Act, 1974. Discharge of sewage into drains/rivers/water bodies results in scarcity of drinking water for all living beings apart from degradation of environment and damage to public health. Large number of persons suffer due to water pollution. The matter has been monitored by the Hon'ble Supreme Court in the context of pollution of Ganga and Yamuna for several decades and lastly passed order dated 22.2.2017 in Paryavaran Surakhsha fixing deadline which has been monitored by the Tribunal in the last six years. Gaps in compliance have been noted earlier. Water quality of large number of rivers (including Ganga and Yamuna), lakes, coastal areas and other water bodies are receiving such pollution. This needs to be addressed on war footing, using indigenous technology wherever viable or such other technology but no drop

of sewage can be allowed to be mixed in drinking water. Timelines are deviated without accountability. There is no justification for delay in remedial action having regard to adverse impact on biodiversity and citizens' right of access to drinking water. We need not repeat the steps for remedial action which are mentioned in detail in each of the orders of the subject passed separately for all the States and available on the website of this Tribunal. Meaningful implementation of citizens right to clean environment, which is part of right to life, and which is one of the significant facets of sustainable development cannot be wished away. Apart from concerned States/UTs who are responsible for executing plans for waste treatment under the Solid Waste Management Rules, 2016, Central Ministries – MoEF&CC, Urban Affairs, Rural Development, Chemicals and Fertilizers and Agriculture have also to play their role as pointed out in the orders of the Tribunal. With regard to liquid waste management also, the Central Government Ministries such as Jal Shakti, MoEF&CC, Urban Development also have role. We hope that the said Ministries of Central Government will perform their statutory obligation under the rules, apart from monitoring compliance by the concerned States/UTs. We expect the concerned Ministries of Central Government to file their respective action taken reports in the matter within three months with the Registrar General of this Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If found necessary, the Registrar General, NGT may place the matter before the bench for further directions.

12. Since the Tribunal has directed the Chief Secretaries of all the States/UTs to file further progress reports every six months to be taken up by the Tribunal for further consideration, if necessary, the proceedings stand concluded for the time being, subject to compliance being further monitored, if necessary.

13. While considering the matter with regard to the solid waste management and liquid waste this Tribunal in OA No. 606/2018 has awarded a lump sum environmental compensation throughout the state and directed that the rules must be strictly observed with and now the monitoring mechanism has been developed in every district under the supervision of the Chief Secretary of the State. Accordingly, we direct and repeat further that the collector concerned will strictly monitor the status of the solid waste management according to the rules, and in case of non-compliances, must take necessary actions.

14. Learned Counsel for the Respondent no. 4/ Municipal Corporation has filed the reply and submitted that three STP's are under operation and fourth STP has been completed and is ready for commissioning. He has further submitted that another STP MC Bhilwara, which is of 10 MLD is proposed to be constructed.

15. In view of the above, figure as shown by the State Pollution Control Board total population of the city is approximately 4,96,000 and calculation of water supply is 135 LPCD, in accordance with the water consumption there is a huge gap in

the existing STP and the STP, which is required according to the norms for treatment of the untreated water. State PCB has further submitted that several notices have been issued to the Municipal Corporation for realization of environmental compensation but the same has not been complied with by the respondent Municipal Council, Bhilwara. In view of the facts and directions quoted above the respondents/Municipal Council is directed to take necessary steps for taking remedial measures and to ensure that there should not any discharge of untreated water into the water body.

16. The State PCB has to take action in accordance with the guidelines issued in O.A. No. 606/2018, in addition to calculation of environmental compensation according to rules. A copy of this order be forwarded to Secretary (Environment) of the State, Member Secretary, PCB, Commissioner and Collector concerned for compliances.
17. We further direct that the Solid Waste Management Rules, 2016, Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 must be complied with and respondents are further directed to ensure that there should not be any discharge of solid waste into the open place or in the water bodies and there shall not be any discharge of sewage water/untreated water into the water bodies. The environmental rules must be strictly observed with and in case of non-compliances, the respondent violators/ Municipal Corporation shall be liable for the payment of compensation @ prescribed by the Tribunal in O.A. No. 606 of 2018 or as per the

guidelines issued by the CPCB. Further Action Taken report be filed within three weeks. Respondents are directed to file the reply within three weeks.

List it on **5th March, 2025**.

Sheo Kumar Singh, JM

Dr. Afroz Ahmad, EM

16th January, 2025
O. A No.220/2024(CZ)
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