

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,  
BHOPAL**

**Application No. 02/2013 (THC) (CZ)**  
**Nityanand Mishra V/s State of Madhya Pradesh & Ors.**

**CORAM :** HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

**PRESENT :** Applicant : Shri Siddharth Singh, Advocate  
Respondent no. 2 : Ms. Parul Bhadoria, Advocate for  
Shri Purushaindra Kaurav, Advocate  
Shri M.P. Tiwari, OIC  
Respondent No. 6 : Shri Deepesh Joshi, Advocate  
MoEF/State/EPCO : Shri Sachin K.Verma, Advocate  
Shri Pradeep Sharma, EPCO  
CPCB & UPPCB : Shri Sandeep Singh, Advocate  
Shri V.K. Mishra, R.O., UPPCB, Banda

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item no. 03</b> <b>5<sup>th</sup> August, 2015</b>	<p>Shri Sachin K. Verma, Learned Counsel appearing for the State of MP has filed a report on behalf of EPCO and PHED. The same is ordered to be taken on record. In the report the steps taken so far with regard to failure to maintain the quality in river Mandakini at Chhitrakoot arising out of the sewage from the town as well as other measures have been highlighted. It has been submitted that in the year 2009 core and non-core works had been identified. Out of the above non-core works which were to be undertaken by the Nagar Parishad Chitrakoot most of them have been completed. The major issue is with regard to the works which were to be undertaken particularly of the setting up of the STP and trapping for the four Nallas in Chhitrakoot town, out of which it is also submitted that nearly 80 per cent of the work of laying of the pipes has been completed and 50 per cent with regard to the construction of the STP has been completed. It is submitted that the entire work is expected to be completed by March 2016. It has also been brought to our notice that out of the Central share an amount of Rs. 434.03 Lakhs is to be contributed by the Government of India, Ministry of Environment and Forest out of which Rs.90 lakhs have been received towards first instalment whereas the Government of Madhya Pradesh has released an</p>

amount of Rs.215 lakhs up to March 2015. The Department of EPCO vide its letter dated 8.01.2015 and 27.02.2015 has requested the MOEF for release of the amount of Rs.344 lakhs for completion of the core work on the river Mandakini and that amount is still awaited from the MOEF. It is now submitted that under the new arrangement of the Central Government, this amount would required to be released by the National Mission for Clean Ganga (NMCG), Ministry of Water Resources River Development and Ganga Rejuvenation as the scheme stands transferred to the Ministry of Water Resources, River Development and Ganga Rejuvenation. We would accordingly issue notice to the NMCG under the Ministry of Water Resources River Development and Ganga Rejuvenation, Government of India, New Delhi. The notice shall be accompanied by the copy of this order to show-cause as to what steps have been taken pursuant to the demands having been sent by the EPCO on 08.01.2015 and 27.02.2015, these two letters marked as Annexure (RRK). Copies of these two letters be also sent to the NMCG along with the notice.

Shri Om Shankar Shrivastav, Learned Counsel submits that he will take advance notice on behalf of the NMCG in this matter.

One of these issues which were earlier discussed pertaining to the maintenance of e-Flow in the river Mandakini. Vide M.A. No. 280/2015 Water Resources Department Government of M.P. had submitted a communication dated 05.05.2015 to the Learned Counsel on behalf of the State of M.P. wherein it has been brought out that out of four stop dams proposed on the river Mandakini, only one was found to be feasible. In Para 4 of the said communication it was suggested that on the Pasuni river which falls within the jurisdiction of Forest Department, if the stop-dam at Umarda is got repaired and the height raised by three metres, then it would serve the purpose of maintaining

the flow in the Pasuni river. It has been suggested that this can be done in case the Forest Department is willing to share the financial burden and provide the outlay for the same. We would accordingly direct the Forest Department, Department of Water Resources as well as the Finance Department Government of M.P. to work on the feasibility of this project as has been suggested in Para 4 of the letter and the Department of Finance, Govt. of M.P. to look into the issue for providing the necessary financial assistance to the Forest Department for the purpose.

We would also like the MOEF as well as MPPCB to apprise this Tribunal as to what should be the minimum e-Flow as per the norms to be maintained in the river Mandakini and/or Pasuni throughout the year. In this behalf, as has been stated above, the Water Resources Department shall also indicate whether the reservoir capacity of the stop-dam at Kumra Ghat still be retained at the originally planned capacity level or whether the same has got reduced over a period of time due to silting etc. and whether it is feasible to increase the reservoir capacity for maintenance of e-Flow during the lean period. Issue notice to the Ministry of Environment Forest Department, Govt. of India and Water Resources Department, Gov. of M.P. also to make their response and submission on the next date.

It was also brought to our notice that the town of Chitrakoot was partly in M.P. and partly in U.P. The R.O.,UPPCB, Banda, is present. He has submitted that on 28.07.2015 inspection was carried out near Ramghat and the existing infrastructure which has been created there including the STP were not found to be in satisfactory working order and even the pump was reported to be under maintenance. We would according issue notice CEO of the Nagar Palika Parishad, Kurvi, District Chitrakoot to appear before this Tribunal on the next date of hearing.

Notice shall be served through the R.O.,UPPCB,Banda.

Let the matter be listed on **16<sup>th</sup> September, 2015.**

.....JM  
**(DALIP SINGH)**

.....EM  
**(BIKRAM SINGH SAJWAN)**

