

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

Original Application No. 28/2014 (CZ)

CORAM:

**Hon'ble Mr. Justice Dalip Singh
(Judicial Member)**

**Hon'ble Mr. P.S. Rao
(Expert Member)**

BETWEEN:

Neeraj Chourasiya
S/o Shri H.N.Chourasiya
R/o House No. 144/1,
Veer Sawarkar Marg,
District Vidisha, (MP).

..... Applicant

Versus

1. State of MP
Through Principal Secretary
Ministry of Urban Administration & Development Deptt.
Vallabh Bhawan, Bhopal.
2. The Principal Secretary
Ministry of Housing & Environment Deptt.,
Vallabh Bhawan, Bhopal.
3. Madhya Pradesh State Pollution Control Board,
Through Member Secretary,
E-5, Paryawaran Parisar, Arera Colony,
Bhopal (MP).
4. District Collector,
District Vidisha, MP
5. Chief Municipal Officer,
Nagar Palika Parishad,
District Vidisha, MP
6. M/s Satya Sai Agro Oils (Pvt.) Ltd.
Through Managing Director,
Sanchi Road, District Vidisha (MP) – 464001.

..... Respondents

Counsel for Applicant : Mr. Vijay Shahni, Advocate
Counsel for Respondent No. 1,2&4 : Mr. Sachin K. Verma, Advocate
Counsel for Respondent No. 3: Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv.
Shri P.S.Bundela, OIC
Counsel for Respondent No. 5 : Shri Om S.Shrivastav, Advocate
Counsel for Respondent No. 6 : Shri Rohit Saboo, Advocate

Dated : August 11th, 2014

Delivered in Open Court by

Hon'ble Mr. Justice Dalip Singh, Judicial Member

1. Reply of the Respondent No.5 has been filed today. The same is ordered to be taken on record. Copy of the reply has been furnished to the Applicant.
2. We have considered the submissions of the Learned Counsel for the Applicant as well as the reply filed on behalf of the Municipal Council, Vidisha, the MP State Pollution Control Board and Respondent No. 6, M/s Satya Sai Agro Oils (Pvt.) Ltd. The State Government has adopted the reply filed by the MP State Pollution Control Board.
3. On 05.07.2014, this Tribunal, hearing the parties, had noted the concern of the Applicant which primarily is regarding the storm water drain being constructed by the Municipal Council Vidisha in accordance with the Detailed Project Report (DPR) prepared by it and approved by the State Government. It was submitted and recorded by this Tribunal that there is a likelihood that the storm water drain would be mis-utilised for carrying untreated sewage water upstream of the river Betwa which would cause serious health hazard since the drinking water supply (Water Works) site is located downstream of the point where the storm water drain is being constructed and is going to enter the river Betwa. It was

submitted by the Applicant that the aforesaid storm water drain is constructed by the Municipal Council as per the DPR and plan prepared by it but it has not taken note of establishment of any sewage treatment plant and therefore would allow untreated sewage to enter upstream of the river and there being no means for taking such inflow up to the point of water works from where the drinking water supply would be made to the citizens of Vidisha, there is a likelihood of serious health hazard by consuming such polluted water.

4. We have perused the reply submitted by the MP State Pollution Control Board. The MPPCB has, so far as the factual position is concerned, accepted the fact that the storm water drain, to some extent, may carry untreated sewage and as per the present DPR, there is no provision for construction of any sewage treatment plant for checking untreated water including the sewage from entering the river Betwa as the existing sewage treatment plant is on the other side of the river which would not be of any use so far as the present storm water drain, under construction, is concerned.
5. This factual position is not in dispute and it is also not disputed that the above concern of the Applicant has not been taken into account while preparing the DPR for the construction of storm water drain as per the existing DPR. Therefore, we are of the view that the project would require the reconsideration and re-examination so as to seek the opinion of the MPPCB regarding the apprehensions which have been raised by the Applicant more particularly of allowing inflow of untreated sewage into the storm water drain and thereby enter into the river Betwa upstream the site of the water supply for the city of Vidisha.

6. It was given out that while the construction work has commenced in accordance with the work order that has been issued for the construction of storm water drain, however, due to onset of the monsoon presently the work has been stopped and only about 15% of the work has been completed so far.
7. From the reply of the MPPCB also we would find that provisions with regard to the Water (Prevention and Control of Pollution) Act, 1974 and more particularly provisions contained under Section 24, 25 and 26 are required to be looked into as also the requirement for setting up of the sewage treatment plant in the present case at the suitable point alongwith the storm water drain to prevent untreated sewage from entering the river Betwa at the upstream point before the drinking water is drawn from the river.
8. We would accordingly direct that the Municipal Council Vidisha/Respondent No. 5 shall resubmit its DPR to the Regional Office of the MPPCB at Bhopal and the MPPCB shall within four weeks examine the same with their suggestion in consultation with the Municipal Council for checking the inflow of untreated sewage into the storm water drain and thereby into the river and also setting up of sewage treatment plant at a proper location.
9. Since this requirement was necessarily to have been taken care of in the beginning itself, while finalising the DPR, and before the work was actually commenced, we would further direct that any additional cost/funds that may be required by the Municipal Council shall be made available by the State Government in this behalf so that the project is completed within a reasonable time frame without delay.

- 10.** Within four weeks, the MPPCB shall examine the matter with their suggestions and forward the same to the Municipal Council which in turn shall approach the State for any necessary approval including financial sanctions in this behalf.
- 11.** As regards the complaint of the Applicant with regard to Respondent No. 6 is concerned, we find from the reply of the MPPCB, in Para No. 8 the aforesaid Respondent Industry, M/s Satya Sai Agro Oils (Pvt.) Ltd. has applied for the necessary consent and has got valid consent both under both the Water and Air Acts. It was also submitted that continuous monitoring of the water and air samples at the site is being taken up and even the last inspection carried out on 21.03.2013 and 16.05.2014 do not show pollutants beyond the permissible limits. It was also submitted that necessary safeguards with regard to measures which are required to be taken under the Water Act and Air Act have been taken and equipment installed by the Respondent No. 6.
- 12.** In view of the aforesaid, we would only direct that regular monitoring of the site and discharge from the plant of the Respondent No. 6 shall be carried out and Respondent No. 6 shall also take all necessary steps which are required for the operation of the said mechanism so that no effluent discharge without being treated is allowed to pollute the water as apprehended by the Applicant. We may also note that it was submitted by Respondent No. 6 that for augmenting their requirement of water at the plant they will also take suitable measures for utilisation of grey water after the same has been treated at the ETP so as to reduce the drawing up of the ground water and consumption of fresh water.

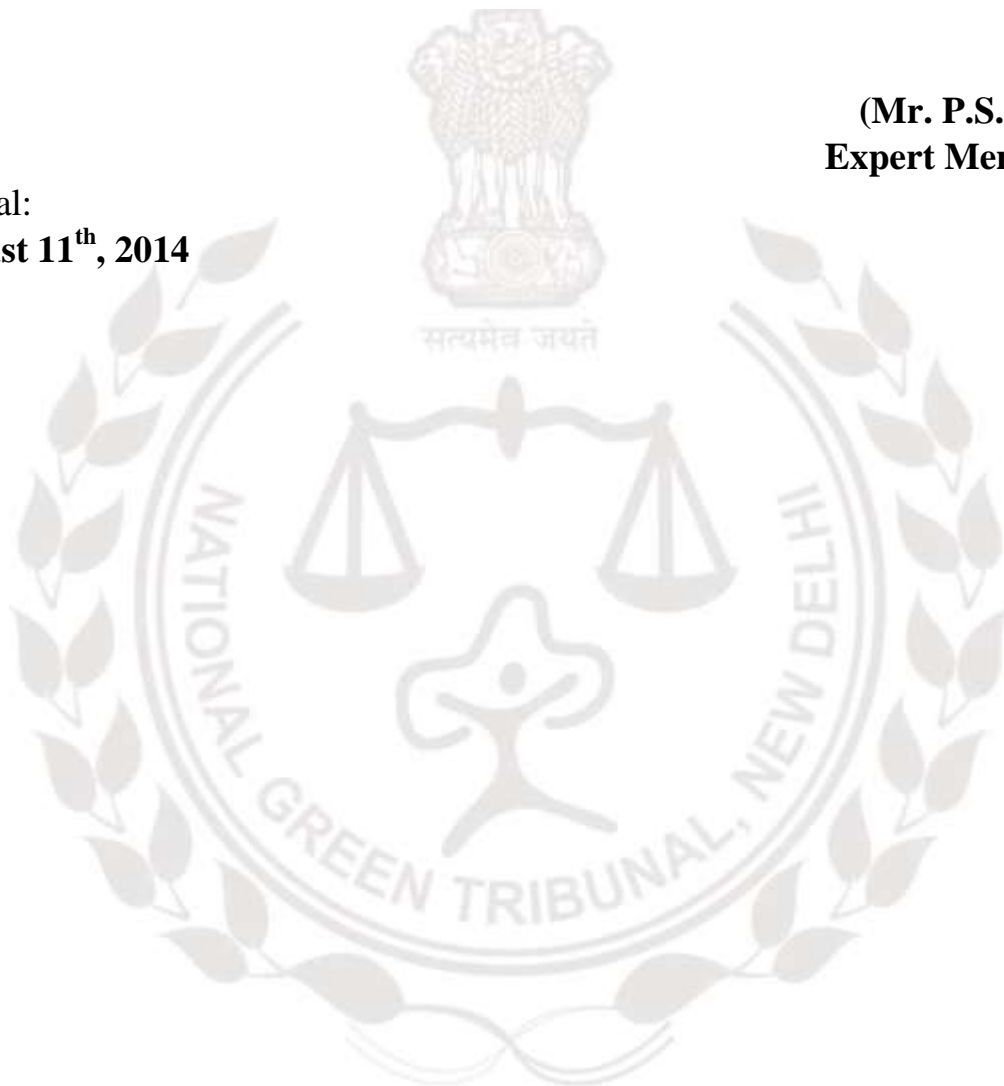
- 13.** It is also submitted that the Respondent No. 6 shall be undertaking extensive plantation programme within their premises in consultation with the MPPCB and complete within four weeks. The Respondent No. 6 also undertakes that they would submit their Corporate Social Responsibility (CSR) Plan to the Regional Office, MPPCB and take up works for the same in consultation with the MPPCB as well as the Municipal Council, Vidisha.
- 14.** Having said so, we would give liberty to the Applicant that in case the Applicant at any point of time feels aggrieved by any action on the part of the Respondent No. 6, the Applicant would be free to approach the Tribunal in this matter.
- 15.** One of the issues which have been raised in the petition and for which relief has been sought by the Applicant pertains to the encroachment by the Brick Kilns owners manufacturing bricks along the banks of river Betwa which is not only an encroachment but also having an adverse effect so far as the river and quality of water is concerned. We would accordingly direct the Respondent No. 4, District Collector, Vidisha to have the entire area inspected, monitor and remove all the encroachments and ensure that no unauthorised brick kiln is allowed to operate along the river Betwa and also ensure that in case there are any licences granted to such brick kilns, the terms and conditions of such licence are complied with. Such of the brick kilns which are unauthorised or do not have any valid licence shall be removed forthwith.
- 16.** With the aforesaid directions, this O.A.No. 28/2014 stands disposed of.
No order as to costs.

17. The matter shall be listed for reporting compliance on 12th November, 2014.

(Mr. Justice Dalip Singh)
Judicial Member

(Mr. P.S.Rao)
Expert Member

Bhopal:
August 11th, 2014



NGT