

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

(By Video Conferencing)

Original Application No. 50/2018 (WZ)

(With report dated 15.02.2021)

Nav Yuva Sanghatan & Ors.

Applicant(s)

Versus

The Secretary, Narmada, Water Resources, Water  
Supply & Kalpsar Department & Ors.

Respondent(s)

Date of hearing: 22.02.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Asim Sarode, Advocate

Respondent(s): Mr. Raj Kumar, Advocate for CPCB  
Mr. Maulik Nanavati, Advocate for State of Gujarat  
Ms. Supriya Dangare, Advocate for SMC  
Mr. P.U. Dave, RO, GPCB

**ORDER**

1. The issue for consideration is the remedial action in respect of **damage to Tapi river at Surat in Gujarat** on account of illegal dumping of waste, dredging, digging, illegal discharge of effluents and construction activities in floodplain zone, absence of demarcation of blue line (regulated zone) and red line (no construction zone) in the river-bed by the Irrigation Department.

2. Averments in the application are that Tapi river passes through Surat town of Gujarat and is a primary source of water supply for the

city but the ecology of the river has been adversely affected on account of illegal construction activities, discharge of effluents, dumping of garbage, etc. This has also affected e-flow of the river, apart from its water quality.

**The illegal actions resulted in devastating flood in the year 2006.**

There is dire need that the river is revived and restored to its pristine glory. There is need to demarcate the river beds of the river as blue line and red line, as per existing policy of the Water Resources Department and orders of this Tribunal in several matters, including order dated 16.03.2016 in Original Application No. 1/2013. For the blue line, the activities are to be regulated but such regulations are also not being enforced. The water quality needs to conform to the prescribed standards which is not happened.

3. This application was filed on 16.07.2018. Notice was issued on 20.07.2018. Various newspaper cuttings and photographs have also been annexed to the application. The matter has been considered on several occasions. Vide order dated 25.02.2019, it was noted that **Tapi river was one of 351 polluted river stretches** in respect of which the Tribunal has issued separate directions in *OA 673/2018, News item published in "The Hindu" authored by Shri Jacob Koshy titled "More river stretches are now critically polluted: CPCB"* for preparation and execution of action plans so as to ensure that the polluted river stretches meet the environmental parameters. The Tribunal directed constitution of a River Rejuvenation Committee (RRC) in every State to be headed by the Chief Secretary. By a further order, a Central Monitoring Committee (CMC) was constituted headed by the Secretary Jalshakti with other members to regularly monitor compliance by holding meetings with the Chief Secretaries of the concerned States/UTs and to file a consolidated progress report before the Tribunal.

4. **A Committee was also directed to be constituted to be headed by the Secretary, Irrigation Department of Gujarat to review and coordinate necessary measures on the subject in the present case. Other members of the Committee are State PCB, Secretary, Urban Development and Housing Department of Gujarat, Collector, Surat and Municipal Commissioner, Surat Municipal Corporation. The nodal agency was to be Surat Municipal Corporation.**

5. On 11.07.2019, the Tribunal issued further specific directions to prevent untreated sewage being discharged into the river and preventing illegal constructions in the flood plain zone. Further directions were issued on 19.09.2019 which included direction to demarcate red line and blue line and implementation of the environmental norms. The Tribunal required the Surat Municipal Corporation to **bring on record the extent of encroachments and action taken against the same.** Vide order dated 19.12.2019, compliance of the earlier orders was reviewed and further measures were required to be taken. Finally, vide order dated 16.07.2020, the matter was directed to be placed for consideration alongwith OA 673/2018 dealing with 351 polluted river stretches.

6. The matter was last considered on 21.09.2020 alongwith OA 673/2018 (supra) in the light of report affidavit filed on behalf of the Surat Municipal Corporation (SMC) on 19.09.2020 giving the status of progress of setting up of STPs. The progress report was mentioned in the said affidavit as follows:

**“PROJECT PROGRESS SUMMARY (Rs. In Crore)**

<b>Authority</b>	<b>DPR Amount (Rs. in crore)</b>	<b>Amount of Projects in progress(Rs. in crore)</b>	<b>Project Status</b>
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Surat Urban Development Authority (SUDA)	591.67	132.02	02 Work in Progress (Valak STP & Varachha STP)
		296.21	Tender is under invitation for Left Bank of River Tapi
		196.65	Tender is under invitation for Right Bank of River Tapi
Surat Municipal Corporation (SMC)	143.85	124.19	02 Work in Progress (I & D work for Left Bank & Right Bank of River Tapi)
Rural Area of Surat District (GWSSB)	143.02	0.00 *	Can be provided by GWSSB
Total Amount :-	878.54	749.07	
Centage	70.28	-	
Non-core items	22.41	3.20	01 Work Awarded
			(Aquatic Weed harvesting Machine Expected delivery will be on June -2020)
<b>TOTAL:-</b>	<b>971.24</b>	<b>752.27</b>	

7. Status of discharge in the Tapi river was mentioned as follows:

**“Total Discharge in the Tapi River  
(Kakrapar barrage to ONGC Bridge, Surat)**

Sr. No.	Jurisdiction	Effluent, MLD
1	SMC	149.0
2	SUDA (Surat Urban Development Authority)	174.2
3	Outside SUDA, in the upstream	46.9
Total Untreated Discharge in to Tapi River		370.1
4	SMC with Treatment	165.0
Total Discharge into Tapi River		<b>535.1</b>

8. The Tribunal observed:

“9. **The fact remains that the untreated sewage continues to be discharged into the river Tapi and remedial steps taken are not adequate. We have noticed from the chart filed by the NMCG and CPCB in OA 673/2018 that even the capacity of the STPs already installed is not being fully utilized in the State of Gujarat, apart from there being huge gap in the generation of sewage and its treatment, making the promise of clean environment a distant dream to the citizens, inspite of**

**Constitutional guarantee and binding statutory provisions and Supreme Court judgements. Urgent steps are thus required to be taken, as already mentioned in OA 673/2018 and this order. The problem of existing ad apprehended encroachments also needs to be tackled at war footing. It is not necessary to repeat the directions with regard to utilization of treated water and taking other remedial measures such as development of bio-diversity parks and septage management.**

10. Having regard to the past experience of extremely slow progress in last more than one year of constituting the Committee, we are of the view that monitoring mechanism needs to be modified. **We request Justice B.C. Patel, former Chief Justice of Delhi High Court (and former Judge of Gujarat High Court) and now available in Ahmedabad, who has also been overseeing certain other environmental issues, on being requested by this Tribunal,<sup>1</sup> to also oversee the functioning of the existing Committee.** We also request Justice Patel to preside over the meetings of the Committee, steer deliberations and send his report in the matter after four months 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. The GPCB may facilitate and coordinate the functioning of Justice B.C. Patel and provide all such logistics and assistance as may be required.

11. **Since river Tapi is one of the polluted river stretches and monitoring of remedial measures for the polluted river stretches is within the purview of the Central Monitoring Committee, headed by Ministry of Jal Shakti which also comprises CPCB, in terms of orders of this Tribunal, this particular river stretch in terms of implementation of the action plan may also continue to be overseen by the said Central Monitoring Committee.”**

9. Accordingly, a compliance report dated 15.02.2021 has been filed by the Surat Municipal Corporation (SMC) giving the details of the meetings held and status of progress as follows:

**“6.1.1. Status on Tapi River Action Plan as on 05.02.2021**

Sr. No.	STP name & capacity	Physical Progress (in %)	Time Line given in the River Action Plan	Expected Date of Completion
Operational/Completed				

<sup>1</sup> Vide order dated 29.06.2020 in OA 616/2019, Ramdevbhai Samatbhai Sanjva v. State of Gujarat & Ors. and vide order dated 01.09.2020 in OA 105/2019, Ajitsinh Bhurubha Vaghela & Inhabitants of several Villages of Kheda Taluka, Distt. Kheda v. State of Gujarat

1	Gavier STP, (53 mid) SMC	Existing		Operational
2	Bhesan STP Augmentation (100 mid) SMC	100%	Dec-20	completed
<b>Work in progress</b>				
3	Bhatar STP Augmentation (115 mid) SMC	58%	Apr-21	July-2021
4	Singapore STP Up gradation & expansion (' 00 mid) SMC	90%	Apr-21	Jun-2021
5	Valak creek STP(43.24 mid) SUDA	26%	Feb-22	March-2022
6	Varachha Creek STP(51.72 mid) SUDA	0%	Feb-22	March-2022
<b>Possession of Land recently received and work yet to start</b>				
7	Bharthana STP at TPS-83 (22.7 MLD) SUDA	0%	Feb-22	September-2022
8	Kholwad STP (16.09 MLD) SUDA	0%	Feb-22	September-2022
<b>Physical possession of Land yet to receive</b>				
9	Dhoran Pardi-2 (12.5 +1.18 mid) SUDA	0%	Feb-22	September-2022
10	Dungra (0.67 mid) SUDA	0%	Feb-22	September-2022
11	Kamrej STP (18.5 mid) SUDA	0%	Feb-22	September-2022
12	Karjan (1 mid) SUDA	0%	Feb-22	September-2022
13	Kolibharthana (4.3 mid) SUDA	0%	Feb-22	September-2022
14	Pasodara(4.15 mid) +Laskana (5.17 MLD)- SUDA	0%	Feb-22	September-2022
<b>Possession of Land yet not received</b>				
15	Kholeshwar (0.33 mid) SUDA	0%	Feb-22	September-2022
16	Kathor (16 MLD) SUDA	0%	Feb-22	September-2022
<b>Possession not required</b>				
17	Moje Laskana Block no. 159, (5.17 MLD) SUDA	<p>The land proposed for Laskana STP was block no. 159 of village Laskana which is gauchar land. As per Collector shree remarks there is smashan bhoomi /kabarastan existing in the said block number and adjacent to it. Therefore this land cannot be allotted. An option for the said has been work out by consultant Green Design and Engineering Services Pvt. Ltd., who is consultant for Tapi Shuddhikaran Project and he has proposed to transfer sewage of Laskana area to pasodra Sewage Treatment Plant (STP) where sufficient land is available. Therefore land will not effect project progress.</p>		

18	Moje vav, old Survey no.667/P, T.P.Scheme no. 41(Vav), F.P. no. 128 (16.09 MLD) SUDA	Moje vav, old Survey no.667/P, T.P. Scheme no. 41 (Vav), F.P. no. 128 was proposed for Vav STP. However kabrastan / smashanbhomi is existing over this and therefore other option was explore to construct STP for Vav area as per the report of consultant Green Design and Engineering Services Pvt. Ltd. , he has proposed to construct STP of Vav area at Kamrej Block no.598/1 where sufficient land is available. Therefore land will not effect project progress.
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### 6.1.2. Status on STPs under operation / Augmentation

1. *Gavier STP - being existing STP, it is functional & operational*
2. *Bhesan STP 100% put in operation*
3. *Bhatar STP- Work in progress with 58% physical progress*
4. *Singapore STP - Work in progress with 90% physical progress*

### 6.1.3. Status on STPs under jurisdiction of SUDA

1. *Valak STP — Work in progress with 26% physical progress*
2. *Varacchha STP —The Work was interrupted and restarted upon possession handed over by SUDA officials on date:22/01/2021,1and made available with police protection.*
3. *Bharthana STP & Kholvad STP — Work has started*
4. *Kathor STP — The land is in name of District President, SUDA has given option of allotting optional land to District President and after code of conduct get over, as district panchayat President takes over, the official procedure will be completed by end of March 2021and land possession is expected accordingly.*
- 5.

Location of STP	Status
Dhoranpardi STP	Principle sanction has been received and accordingly procedure for advance 10 % of jantri amount payment for the physical possession of the said land has been initiated. In addition to this Collector shree stated that considering principle sanction, SMC can start the work at site during this process also and accordingly design, drawings, mobilisation process started.
Dungra STP	
Kamrej STP	
Karjan STP	
KoliBharthana STP	
Pasodra STP	

6. *Kholeswar STP - The District Collector stated that the proposal for the sanction has been done and sanction from GoG is awaited. Like other Gauchar (Grazing) land, this land is likely to be made available in compliance with*

GoG Revenue Act and Rules and Guidelines made there under.

7. Status of land for STP and SPS are annexed herewith as annexure-4

xxx .....xxx.....xxx

#### **6.1.5 Details on Actions by SMC on Management of Legacy Waste**

- SMC has already remediated the legacy waste accumulated at Khajod disposal site (within the designated area or 62 Hector).
- Work tier Bic mining of waste overflowing from Sanitary Land fill cell including old
- dump site at Rhatar with estimated 25 lags or waste ,has been started at the cost of Rs. 103.00 Crores (under SBM).
- Approximately 3000 MT I day waste is treated through bio mining process
- bio mining work likely to be completed by December-2022,
- None of the SMC site falls in the catchment area of River Tapi

#### **6.1.6 Details on Actions by SMC on Prevention of Solid Waste Dumping in River Tapi**

Surat Municipal Corporation has taken a series of steps to prevent unauthorized solid waste dumping in River Tapi. The Details are presented below: -

- a) Fabricated nets have been fixed on all the bridges across Tapi river within Municipal Limits to prevent solid waste dumping in river Tapi
- b) Wire net/barricading. on tributaries leads to river Tapi to prevent solid waste entering from tributaries meeting river Tapi, and scheduled cleaning is being done.
- c) Door to Door garbage collection system has been efficiently working since 2004 which does not allow citizen to litter the waste.
- d) Fabricated nets on the outlet of storm water drain falling in to Tapi river.
- e) 43,000 catch pits of storm drainage are covered with CC jail (nets) to prevent entering solid waste to river Tapi.

#### **6.1.7 Details on Actions by SMC on Prevention of Pollution in Rivers — Other Activities**

**Prevention of Idol Immersion in river Tapi:-Since 2015, immersion of idols in River Tapi has been banned, annually around 75,000 idols (various idols including Lord Ganeshji) being prevented to be immersed into River Tapi and the same is observed by immersion in 21 artificial ponds across the city.**

**Aquatic Weed Hamstine Machine — Removal of Invasive Flora & Vegetation like Water Hyacinths, Hvdрила &**

***Algae:-Since 2018, Total 3,85,260 Cubic meter Vegetation like water hyacinths / Flydrila t Algae etc, Has been removed from river Tapi. Three de weeding machine is purchased by SMC apart from on rent machineries.***

#### **6.1.8 Reporting to Overseer & GPCB**

***SMC have submitted the status report to The Overseer appointed by Hon'ble NGT — Retd. Justice Shri B.C. Patel sir and GPCB. The Copy of Submission is attached vide Annexure-3***

#### **6.2 Actions by Other Committee Members**

*In compliance with Hon'ble NGT Order, The Committee Members had organized meetings with. The appointed Overseer - Retd. Justice Shri B.C. Patel sir and have submitted compliance and status reports directly as instructed. However, a brief summary is presented below for reference:-*

##### **6.2.1 Demarcation of Red and Blue Line Across the Stretch of Tapi River**

*In SUDA areas, the regulations for Tapi Flood Prone Areas i.e. "No Development Zone" (NDZ-1A, NDZ-1B, NDZ-2A) and "Restricted Development Zone" (RDZ-1C, RDZ-2B)" are incorporated in Comprehensive General Development Control Regulations-2017 and implementation has been initiated with immediate effect via Notification dated 11.11.2020, no. GH/V/174 of 2020/EDB-102016-3629-L by Town Development Department of Surat Municipal Corporation.*

*In Pursuant to these Notification dated 11.11.2020 ,Necessary variation in Development Plan--2035 is in progress.*

*The Maps with demarcated "No Development Zone" (NDZ-I A, NDZ-1B, NDZ-2A) and "Restricted Development Zone" (RDZ-1C, RDZ-2B)"across the stretch of River Tapi are attached wide Annexure-2*

##### **6.2.2 Dredging in River Tapi**

*The Irrigation Department have floated the tender for Dredging in River Tapi, however, due to Judicial Interventions (Court Case) the procurement process has been stayed, henceforth, it will be continued further in compliance with the Orders of Hon'ble Court*

##### **6.2.3 Monitoring of Water Quality in Tapi River.**

*GPCB are monitoring the water quality in River Tapi in compliance with the Orders of Hon'ble NGT. The Reports were already submitted by GPCB to The Overseer."*

10. From the above, it is seen that several STPs are still at sanction stage or even the land is yet to become available. There is huge gap in waste generation and treatment. Thus, untreated waste is being discharged into the water bodies which is a crime under the law of the land enacted 47 years ago. This sorry state of affairs where the State is not discharging its basic obligation needs to be remedied on war footing. Failure in doing so is resulting in water crisis, spread of diseases and challenge to food safety, apart from aesthetics and failure of rule of law and contempt of binding directions of the Hon'ble Supreme Court in *Paryavaran Suraksha*, (2017) 5 SCC 326 laying down the mandate of all requisite STPs/ETPs/CETPs in place by 31.3.2018 after which coercive measures must be taken. Sources of funding are clearly indicated in the judgement. The matter has already been dealt with by a detailed order passed today in OA 673/2018, supra (alongwith OA 593/2017, *Paryavaran Suraksha Samiti & Anr. v. Union of India & Ors.*) by directing steps in mission mode for setting up necessary equipments to ensure that no untreated waste goes into the water bodies and if it does not happen, necessary coercive measures are taken, fixing responsibility of erring officers. After detailed discussion in paras 24 to 38, the Tribunal directed:

*“39. Our directions are summed up as follows:*

- (i) In the light of observations in Para 38 above, MoJS may devise an appropriate mechanism for more effective monitoring of steps for control of pollution and rejuvenation of all polluted river stretches in the country. The said mechanism may be called “National River Rejuvenation Mechanism” (NRRM) or given any other suitable name. NRRM may also consider the observations with regard to setting up of National/State/District Environment Data Grid at appropriate levels as an effective monitoring strategy.*
- (ii) Chief Secretaries of all States/UTs and PCBs/PCCs must work in mission mode for strict compliance of timelines for*

*commencing new projects, completing ongoing projects and adopting interim phyto/bio-remediation measures, failing which compensation in terms of earlier orders be deposited with the MoJS, to be utilised in the respective States as per action plan to be approved by the NRRM. Other steps in terms of action plans for abatement of pollution and rejuvenation of rivers, including preventing discharge or dumping of liquid and solid waste, maintaining e-flow, protecting floodplains, using treated sewage for secondary purposes, developing bio-diversity parks, protecting water bodies, regulating ground water extraction, water conservation, maintaining water quality etc. be taken effectively. The process of rejuvenation of rivers need not be confined to only 351 stretches but may be applicable to all small, medium and big polluted rivers, including those dried up.*

- (iii) The Chief Secretaries of all States/UTs may personally monitor progress at least once every month and the NRRM every quarter.*
- (iv) Directions of this Tribunal in earlier order, the last being dated 21.9.2020 are reiterated.*
- (v) The NRRM and the Chief Secretaries of all the States/UTs may take into account the observations in Paras 24 to 38 above.*
- (vi) In view of discussion in para 38 above, it is made clear that accountability for failure to comply with the direction for payment of compensation will be of the concerned Chief Secretaries under Sections 25, 26, 28 and 30 of the NGT Act, 2010. The MoJS or any other aggrieved person will be free to take remedies by way of initiating prosecution or execution.”*

11. The above observations apply to the present matter also. The concerned authorities in the State of Gujarat may accordingly take further action in the matter which may be monitored by the Chief Secretary, Gujarat atleast once in a month and thereafter the NRRM in terms of the above order. Since the report of Committee headed by Justice B.C. Patel, former Chief Justice of Delhi High Court is awaited, on receipt thereof, the Registry may forward the same to the Chief Secretary, Gujarat and Secretary, MoJS, GPCB and Surat Municipal Corporation for further appropriate action in the light thereof and in the light of orders of this Tribunal.

The application is disposed of.

A copy of this order be forwarded to the Secretary Jalshakti, GoI, Chief Secretary and Secretary Irrigation and Flood Control, Gujarat, GPCB, the Surat Municipal Corporation and District Collector, Surat by e-mail for compliance.

A copy of this order be also forwarded to Justice B.C. Patel, former Chief Justice of Delhi High Court (and former Judge of Gujarat High Court) and now available in Ahmedabad by e-mail.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

February 22, 2021  
Original Application No. 50/2018 (WZ)  
DV