

Item No. 03

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Through Video Conferencing)**

Original Application No. 50/2018 (WZ)

Nav Yuva Sanghatan & Ors.

Applicant(s)

Versus

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

Respondent(s)

Date of hearing: 11.07.2019

**CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

Mr. Asim Sarode, advocate

For Respondent (s):

Mr. Dhruv Pal, advocate for GPCB

Mr. S. S. Kanethar, advocate, Ms. Supriya Dangere,  
advocate, Mr. Bhairav B. Desai, Executive Engineer,  
SMC for Respondent No. 8

**ORDER**

1. This case pertains to damage to environment in the area of Tapi river at Surat in Gujarat caused by illegal construction activities, dumping of waste, dredging, digging, illegal discharge of effluents and absence of demarcation of blue line and red line in the river bed by the Irrigation Department.
2. Having appreciated the various facts and circumstances involved in the case, a Committee was constituted comprising of representatives of the Secretary, Irrigation Department of Gujarat, Gujarat State Pollution Control Board, Secretary, Urban Development and Housing Department of Gujarat, the Collector, Surat and the Municipal Commissioner, Surat Municipal Corporation to review and coordinate the necessary measures.
3. The Surat Municipal Corporation was directed to be the Nodal agency for coordination and compliance of the directions.
4. The Committee was directed to hold its first meeting within two weeks for taking up for consideration of all issues, including the issue of demarcation of the river bed into blue line and red line. The Committee

was permitted to invite public participation and undertake public education programmes and also to consider the plan prepared by the Committee constituted by this Tribunal vide order dated 26.0.2018 in Manoj Mishra Vs. Union of India & Ors., Original Application 06/2012 available on the website of the said Committee.

5. In terms of the directions, report has been received from the Committee which reflects substantial work having been undertaken by the concerned Municipal Corporation. Without going into the other details contained in the report, we may refer to some aspects of it.
6. The report deals with (i) pollution abatement and Conservation of Tapi River project (ii) identifying the actions initiated by the authorities, (iii) suggestion and observation of the Committee. Against pollution abatement and conservation of Tapi river project, it has inter alia observed that total 50 SPS and 39 STP require to be constructed in the area of Surat Municipal Corporation, Surat Urban Development Authority and the State Government. It is stated that DPR in this respect had been submitted for which Administrative approval and expenditure sanction has been received from National River Conservation Directorate, Ministry of Environment, MoEF & CC.
7. Activities identified and action initiated by the authorities indicates that tenders have been floated for various works which are presently at different stages.
8. More importantly it has been reported that:
  - (a) *The untreated sewage being disposed off from the area within jurisdiction of Surat Urban Development Authority have been intercepted and diverted from Valak, Gadhpur and Varachha creeks by Surat Municipal Corporation and as a result approximately 135 MLD of untreated sewage entering into river Tapti has been stopped at the cost of Rs. 41.57 crores.*
  - (b) *As a drive to stop untreated sewage entering in to river Tapi, more than 1000 ilegal drainage connections in the storm network have been identified and diverted its sewage into*

*the regular drainage network in last 02 years within jurisdiction of Surat Municipal Corporation.*

9. In so far as the matter relating to red line and blue line is concerned, the committee reports that drawings of red line and blue line showing demarcation along the bank of the river Tapi has been submitted by the Narmada Water Resources, Water Supply and Kalpser Department and that necessary action will be taken by respective authorities of the Municipal Corporation, Surat Urban Development Authority and Collector as per their jurisdiction.
10. It is stated that the entire process is likely to be completed within 18 months as allotted.
11. While taking the report on record, we direct that the time line fixed for completion of the work shall strictly be adhered to against which the Surat Municipal Corporation, the Surat Development Authority and State Government of Gujarat shall submit a performance guarantee of Rs. 1 crore each to the satisfaction of the CPCB within a period of 02 weeks from hence.
12. We make it clear that failure to adhere to the time line shall entail forfeiture of this guarantee. As regards the demarcation of the red line and blue line is concerned, learned counsel for the Municipal Corporation, on instruction by Mr. Bhairav B Desai, Executive Engineer, Surat Municipal Corporation, submits that the implementation of the red line and blue line submitted by the Narmada Water Resource, Water Supply & Kalpser department shall be completed within two months.
13. It is however, submitted that the Narmada Water Resources, Water Supply and Kalpser department would also be involved in the process.
14. We accordingly direct that the follow up action for implementation of the red line and blue line in terms of the draining shall be carried out by the Surat Municipal Corporation, Surat Urban Development Authority and the District Collector, Surat.

15. The Narmada Water Resources, Water Supply and Kalpser Department shall also coordinate with these departments for effective implementation of the demarcation.
16. We expect all these authorities to work as a team with the object to complete the work expeditiously within two months as stated before us.
17. We also direct the State Pollution Control Board to coordinate with the aforesaid authorities for effective implementation of the works envisaged in the report.
18. Let the progress report of the Surat Municipal Corporation and the State Pollution Control Board after 03 months by the Committee constituted vide order dated 25.02.2019.
19. List this matter on **19th September, 2019.**

S. P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 11, 2019  
Original Application No. 50/2018 (WZ)  
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