

Item No. 01

**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: 19.12.2019

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

For Applicant(s): None

For Respondent (s): Mr. R. M Patel Superintending Engineer Surat Irrigation
Circle NWR, Department Gujarat
Ms. Nidhi Jaswal and Ms. Manyaa Chandok, Advocate
for Counsels for GPCB
Mr. J. M Patel Deputy Municipal Commission (P&D)
SMC, Ketan Patel DRMC, SMC, B.I Dalal, City Engineer,
SMC, Bhairav Desai, Executive Engineer, Officers of R-8
Mr. Maulik Navaravati for R-1,3,4 and 5
Mr. Nikhil Nayyar, Senior Advocate
Mr. Sangramsingh R. Bhosle, Advocate
Mr. Siddharth A. Mehta, Advocate
Mr. Asim Sarod and Mr. Parikrama Khot, Advocate

ORDER

1. This case pertains to damage to environment in the area of Tapi river at Surat in Gujarat alleged to have been 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 2 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 the consequential report submitted by the Committee, we have noted a substantial work said to have been undertaken by Surat Municipal Corporation which Inter-alia is as follows:-

"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 Tapi 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 illegal drainage connections in the storm network have been identified and diverted its sewage into 3 the regular drainage network in last 02 years within jurisdiction of Surat Municipal Corporation."

6. Regarding drawing of red line and blue line of river Tapi, it was submitted that a drawing indicating the demarcation along the bank of the river Tapi had been submitted by the Narmada Water Resources, Water Supply and Kalpser Department and action would be taken by the respective authorities as per their jurisdiction.
7. It had been submitted by the Learned Counsel for the Municipal Corporation on instruction of the Executive Engineer, Surat Municipal Corporation, that implementation of red line and blue line submitted by the Narmada Water Resources, Water Supply and Kalpser Department would be completed within two months. As prayed for on behalf of Municipal Corporation, the said department was directed to coordinate with the other departments for effective implementation of the demarcation. It had been clearly directed that work should be completed expeditiously within two months.
8. The Surat Municipal Corporation by file an affidavit prayed that the period for demarcation of the blue line and red line be extended by two months in notification of the order dated 11.7.2019 taking note of the laxity on the part of the respondent no. 1, it was directed that the exercise be completed within three months as proposed in the meeting held on 16.9.2019 that is within December 2019 in accordance with the directions issued earlier making it clear that failure to adhere to the timeline would entail cost to Rs. 50 lakhs upon the State of Gujarat and further delay thereafter would result in enhancement of the cost by Rs. 50 lakhs more.

9. The Municipal Corporation on their part was directed to identify the encroachments in the light of the demarcation done earlier in the year 2009 and to submit the details of the extent of encroachments that had taken place within the area demarcated in the year 2009, the action taken against such encroachments, etc.

10. The report has accordingly filed by the Surat Municipal Corporation according to which large number of hutments/encroachments had been shifted from the no construction zone proposed by the SUDA and restricted development within 30 to 150 meters from the river boundary as contained in the development plan. Massive slum shifting and encroachment removal programme was undertaken as suggested by Surat Flood Commission after the flood of August 2006. The details of the encroachment/slums removed/shifted provide in tabular is as follows;

Sr. No.	Name of Place	Nos. of Hutments shifted/Alloted
1	Subhas Nagar	1615
2	J.P.Nagar-1	360
3	J.P. Nagar-2	185
4	Iqbal Nagar	492
5	Jalaram Nagar	595
6	Mena Nagar	306
7	Nehru Nagar	1144
8	Bapu Nagar	2399
9	Nava Halpatiwias	75
10	Rajiv Nagar	168

11	Chhaprabhatha-River wall	244
12	Indira Nagar	11
13	Raja Ovara	105
14	Ambedkar Vasahat	86
15	Dhartinagar	1708
16	Ramkrishna Colony	34
17	RamnathOvara, Fulpada Gam	05
18	MotaVarachha (Green Open Space)	37
19	Lanka Vijay Ovara, Katargam	05
20	Near Water Works, Kataragam	800

11. So far as matter relating to drawing of the blue line and red line of the river Tapti is concerned it is stated that the proposed blue line and red line prepared by the respondent no. 1 is concerned, it is stated on behalf of SMC that the matter is at the stage of consultation between the two authorities as differences arisen in this regard. It is submitted that the issue would be resolved after due deliberation on the question. The next question for consideration in the case is with regard to the establishment of STPs along the river where the entire stretch is about 535.1 MLD. It is stated that out of this 165 MLD discharge is being done after treatment in the STP and 149 MLD of untreated sewage had been observed from Surat city limit caused by illegal drainage connections made in the storm drainage network. The details of the discharge into the Tapti river has been illustrated in the following table;

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 into Tapti River		370.1
4	SMC with Treatment	165.0
Total Discharge into Tapti River		535.1

12. Illegal connections have been identified most of which have been diverted into regular sewage system of the respondent no. 8 within Surat city.

13. The respondent no. 8 would require to prepare an action plan with timeline for completion of all the STPs and for diversion of the sewage. This would also apply to the authorities within whose areas the other stretches of river would fall.

14. The third aspect under consideration is with regard to the disposal of the legacy waste in the water shed of the Tapti River which requires to be treated scientifically for its disposal by resorting to bio-remediation in accordance with provision of Solid Waste Management Rules, 2016. No specific proposal has been before us on this aspect.

15. In the aforesaid circumstances we direct as follows;

- a. The said respondent, more particularly the respondent no. 1 and the respondent no. 8 shall hold urgent meeting and undertake other exercises necessary to arrive at an environmentally sustainable solution relating to the no development zone to be prescribed for the river Tapti.
- b. Action plan for establishment of the requisite number of STPs with timeline be prepared by the respondent no. 8 SMC for areas falling

within its jurisdiction and by the other authorities in relation to the areas falling under them.

- c. Action plan with timeline be prepared by the respondent no. 8 for disposal of legacy waste in the water shed of the Tapti River.

16. Report on the above shall be filed within one month by email judicial-ngt@gov.in

17. List on 17th January, 2020.

