

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

(By Video Conferencing)

Original Application No. 50/2018 (WZ)

(With affidavit dated 19.09.2020 filed by the MC, Surat)

Nav Yuva Sanghatan & Ors.

Applicant(s)

Versus

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

Respondent(s)

Date of hearing: 21.09.2020

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

Respondent(s): Mr. Nikhil Nayyar, Senior Advocate with Mr. Sangram Singh R.  
Bhonsle, Advocate for SMC  
Mr. Maulik Nanavati, Advocate for State of Gujarat  
Mr. G.H. Trivedi, DEE for GPCB

**ORDER**

1. The issue for consideration is 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. In case of river beds of river Tapi, this procedure has not been followed. 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.

4. A Committee was directed to be constituted to be headed by the Secretary, Irrigation Department of Gujarat to review and coordinate necessary measures on the subject. 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. Accordingly, we have considered the matter alongwith OA 673/2018 wherein separate order has been passed today. While general directions issued in OA 673/2018 will apply to the present polluted river stretch, since there are certain specific issues, separate order is being passed for the present matter as a supplement to the order in OA 673/2018.

7. We have heard learned counsel for the State of Gujrat, Surat Municipal Corporation and the Officer of the GBCB, present during the hearing. We have also perused the affidavit filed on behalf of the Corporation on 19.09.2020, purporting to be in compliance with the order dated 19.12.2019 inter-alia states as follows:

*“2. I say and submit that in compliance to the direction 15(a) of the said order a meeting has been held on 30.12.2019, Under the chairmanship of Additional Chief Secretary, Urban Development &*

Urban Housing Dept.; State of Gujarat, with the Senior Officer of the Surat Municipal Corporation and Irrigation Department at Gandhinagar to decide the "No Development Zone" and "Restricted Zone" of Tapi River. That further meeting was held under the Chairmanship of Municipal Commissioner, Surat Municipal Corporation on date 08.01.2020 at SUDA Office, Vesu, Surat in which the Chairman, Surat Urban Development Authority (SUDA); CEO, SUDA; Dy. Commissioner (Planning & Development), SMC; Dy. Commissioner, Town Planning Department; I/c City Engineer, SMC; Town Development Officer, Town Planning Department, SMC; Executive Engineer, Gujarat Water Supply and Sewerage Board, Surat Irrigation Circle; Executive Engineer, Drainage Department, SMC; Executive Engineer, Tapi Rejuvenation Cell, SMC; I/c Town Planner, Town Development Department, SMC and I/c Dy. Town Development officer, Town Development Department, SMC was present, where several issues related to the Tapi River like, General Development Control Regulation, 2004 and 2017 and Coastal Regulation Zone, 2019 was discussed to create frame work as per the directions of this Hon'ble Tribunal. The minutes of the said meeting is annexed herewith and marked as "Annexure A." To decide the Restricted Development Zone as per the directions of this Hon'ble Tribunal, detailed discussion was also done in the meeting held at Gandhinagar on date 15.01.2020 between Commissioner, SMC; Secretary, Narmada Water Resources, Water Supply and Kalpasar Department and Chief Engineer, Narmada Water Resources, Water Supply and Kalpasar Department. A detailed discussion on map showing River line and 150 mt. control line (Red and Blue line) as supplied by Irrigation Department was done in the meeting.

3. I say and submit that during the said meeting it was discussed that the Recreation and Residential Developable Zones have been earmarked on banks of River Tapi in the Sanctioned Development Plan - 2004 of Surat. Total of 38 T.P. Schemes have been prepared on the banks of River Tapi. Out of these 38 T.P. Schemes, 19 final T.P. Schemes have been finalized and 19 Draft T.P. Schemes have been sanctioned by the State Govt., which are being implemented. Ukai Dam has been constructed at a distance of 94 Kms. upstream of the City of Surat in the year 1972. The length of left and Right bank of the River Tapi, passing through City of Surat is about 54 Kms. and embankment / Retaining walls have been constructed for about 41 Kms. length for protection against flood.

4. I say and submit that the Respondent No. 8 undertook Projects of construction of Barrage on River Tapi between Rundh-Bhatha area of Surat and River Front Development on River Tapi which is technically feasible as per survey carried out by the CWPRS of Central Govt.

5. I say and submit that in compliance to the direction under point 15(b) an Action plan for establishment of the requisite number of STPs with timeline has been prepared by the present Respondent for areas falling within its jurisdiction and by the other authorities in relation to the areas falling under them.

6. I say and submit that with respect to the Action Plan for establishment of STPs an administrative approval and expenditure sanctioned for the pollution abatement and conservation of River Tapi Project is received from National River Conservation Directorate, Ministry of Environment, Forest and Climate Change through letter dated 05/03/2019. The letter dated 5.3.2019 is annexed herewith and marked as "**Annexure B**" That the project cost of the said project is Rs.971.25 Crore. The project summary of the said project is as under:

**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>
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. I say and submit that the period of completion of project is estimated to be 36 months i.e. upto February 2022. However, this time line can only be adhered if land for construction of Sewage Pumping Station and Sewage Treatment Plant will be made available by SUDA/Collectorate within reasonable period.

8. I say and submit that there are total 50 SPS and 37 STP required to be constructed, out of which 6 SPS in the area of the present Respondent, 22 SPS & 14 STP in SUDA area and 22 SPS and 23 STP in remaining area by GWSSB.

9. I say and submit that the present Respondent has assessed the total discharge into Tapi River and also the total untreated discharge in the Tapi River in the area under the jurisdiction of the present Respondent as well as the other authorities.

**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>

10.

I say and submit that out of 370.10 MLD of untreated sewage, 135 MLD of untreated sewage has intercepted and diverted in to Mithi Creek as an immediate measure, however after construction of Valak STP and Varachha STP, this 135 MLD will be treated and released.

11. I say and submit that for setting up the SPS and STP the land required and the land which is in possession for the same is enlisted below. I say and submit that the land which is required and the possession of which is still not handed over, the time limit for the same can be provided by the collector i.e. Respondent No. 7.

**12. Status for Possession of land for SPS 8s STP in SUDA area**

Sr. No.	Taluka	Name of Village	Survey No.	Land Holder	Remarks from Collectorate
1	Kamrej	Varachha creek	TP 53 (SUDA)R-107	TP Reserve plot	possession received Work in Progress
2	Kamrej	Valak Creek	T.P.S.No.85 (Sarthana- Pasodara- Laskana), R-13 86 15	T.P. Reservation Plot	possession received Work in Progress
3	Choryasi	Bharthana SPS 2	TP 46 (Bharthana-Kosad), FP 166,167)	Government	SUDA gives consent letter to collector to submit cost of Land for advance possession vide letter dated 23/12/2019.
4	Kamrej	Vev-2	TP 41(Vav) PP No 17	Government Land	SUDA gives consent letter to collector to submit cost of Land for advance possession vide letter dated 23/12/2019

5	Kamrej	Kholwad SPS 1	TP 49 (Kholwad Navagam) Reservation No.166 (Sale for residence) & 157 (SEWS) Moje kholwad, OP No:417a(3128 new),	TP Reserve plot	possession received
6	Kamrej	Vav - 1	TP 41(Vav) FP No.128	WDC SUDA	Possession not received.
7	Kamrej	Kathor	1 (moje kathor)	Jilla Panchayat President of Surat	Possession not received.
8	Kamrej	Kholeswar	153 (157 new) (moje kholeswar)	Brick panjva (Gram Panchayat)	Possession not received.
9	Kamrej	Kathor Main SPS	521 (moje kathor) Main SPS	Gram Panchayat	Possession not received.
10	Kamrej	Kholwad SPS-2	Moje kholwad Survey no 496 block no 455 Now TP 49 (Kholwad Navagam) FP No 69/A	Sarkari Gouchar	Possession not received.
11	Kamrej	Dungra	568 - (moje dungra)	Gouchar	Possession not received
12	Kamrej	Kamrej 1	598/ 1 (moje kamrej)	Gouchar	Possession not received
13	Kamrej	Laskana	159 (moje laskana)	Gouchar	Possession not received
14	Kamrej	Kolibharthana	388/ 1 (444 new) (moje kolibharthana)	Gouchar	Possession not received
15	Kamrej	Pasodara	36 (moje laskana)	Gouchar	Possession not received
16	Kamrej	Karjan	447 (547 new) (moje karjan)	Gouchar	Possession not received
17	Kamrej	Dhoran Pardi-2	260 (453 new) (moje dhoranpardi)	Gouchar	Possession not received
18	Kamrej	Kholwad SPS 3	T.P.S. No. 48 (Kholwad), FP No. 43, Block no. 96	Gouchar	Possession not received
19	Kamrej	Dhoran Creek	Creek Paikee		Possession not received
20	Kamrej	Dhoran Pardi-2	Creek Paikee		Possession not received

13. I say and submit that incompliance to the direction under point 15 (c) of the order an Action plan with timeline is prepared by the present Respondent for disposal of legacy waste in the water shed of the Tapti River. I say and submit that the present Respondent has adopted door to door collection since year 2004 and

*100 % area of city is covered with door to door collection. As a result, no waste is being dumped in the water shade of River Tapi within the jurisdiction of Surat City.*

*14. I further say and submit that the present Respondent has already remediated the legacy waste accumulated at **Khajod** disposal site (in the area of 37 Hector). I say and submit that for the waste overflowing from Sanitary Land fill cell including old dump at bhatar, Tender for Biomining of estimated 25 lacs **M.T.** waste has been awarded at the Cost of Rs. 103.00 Crores. The said work is estimated to commence by October 2020, shall be completed within 30 months thereafter. However, both the sites of solid waste are not in the catchment of River Tapi.*

*15. I say and submit that the present Respondent has fixed fabricated nets on the bridges across Tapi River to prevent garbage dumping. I further submit that to prevent garbage entering from tributaries meeting River Tapi, wire net is also installed on tributaries and scheduled cleaning has also been done.*

*16. I say and submit that the present Respondent has also started installing fabricated nets on the outlet of storm water drain falling in to Tapi River. It is pertinent to note that the total length of river is 38 Km passing in the City and no garbage dump site is in existence in the catchment area of River Tapi in the limits of the present Respondent. That the existing landfill site of the solid waste generated in the city is in the south side of the City which is not falling under catchment of River Tapi.”*

8. We have also perused the report filed by the State PCB which by and large is already covered in the compliance affidavit filed by the Surat Municipal Corporation except that the GPCB has given the status of functioning of STPs by way of Annexure-I.

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 and 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 biodiversity 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](mailto: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.

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<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

List for further consideration on 16.02.2021.

A copy of this order be forwarded to Justice B.C. Patel, Chief Secretary, Gujarat, CPCB, GPCB, NMCG, Surat Municipal Corporation and District Collector, Surat by e-mail for compliance.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 21, 2020  
Original Application No. 50/2018 (WZ)  
DV