

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL  
CENTRAL ZONE BENCH, BHOPAL**  
(Through Video Conferencing)

**Original Application No.49/2021(CZ)**

Ujjwal Sharma & Ors.

Applicant (s)

Versus

State of Madhya Pradesh & Ors

Respondent(s)

Date of hearing: **21.09.2021**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Ujjwal Sharma, in person

For Respondent(s):

Mr. Sachin K.Verma, Adv

Ms. Parul Bhadoria, Adv

Ms. Gunjan Chowksey, Adv

**ORDER**

1. The issue of the discharge of sewage water into the Motia Talab, Bhopal causing immense water pollution and annihilating the ecology of the lake has been raised by the applicant in this application. It is submitted that a test was conducted by CES Analytical and Research Services (I) Pvt. Ltd., Bhopal [an accredited organization by National Accreditation Board for Testing and Calibration of Laboratories (NABL)]. Test report reveals that the average COD (Chemical Oxygen Demand) level in water bodies is 250mg/liter. However, the COD level in the water of Motia Talab is 800% of the normal COD level of lake waters, and stands at an alarming 2000mg/liter. Further, the BOD level according to the test report is also unusually high, standing at 248mg/liter as opposed to 50mg/liter which is considered as normal level for water bodies. Additionally, the test reports showed that the normal TSS of any water body should be 100mg/liter, however, for

Motia Talab it is 4899mg/liter. Due to these reasons, there is little oxygen left in the water for aquatic organisms. This results in giving rise to various aquatic diseases and consequent, 2 declines in the aquatic life. The respondents have also failed to keep a check of Motia Talab's aquatic life which is depreciating, and is a matter of urgent need of action. The respondents have, further, failed to control the release of solid waste in the water body, which is resulting into the current dreadful situation in Motia Talab. This negligence on the part of the respondents is also resulting in affecting the quality of life of the people around the lake by spreading diseases.

2. The matter was taken up by this Tribunal on 20<sup>th</sup> July, 2021 and a Committee was constituted as follows:

- (i) Dr. Vinita Vipat, Chief Scientific Officer, EPCO, Bhopal (Retd.)
- (ii) Dr. Jai Prakash Shukla, Sr. Principal Scientist, Council of Scientific and Industrial Research (CSIR), Advanced Materials and Processes Research Institute (AMPRI), Bhopal
- (iii) Representative of Madhya Pradesh Pollution Control Board
- (iv) Representative of Central Pollution Control Board (M.P.)

3. The Committee was directed to visit the place and submit the factual and action taken report within six weeks. The State PCB was made the nodal agency for coordination and logistic support.

4. In compliance thereof, the Committee submitted the report which is as follows:

*“The facts observed during the site visit (dated 1910812021) of the Committee are as follows:-*

- 1. GPS locations of the site are recorded using a mobile-based GPS application.*
- 2. Committee observed that the Motia talab is located in the north direction (23.265337"N, 77.392133"E) in the vicinity of Taj-Ul Masjid, Bhopal. On the west side of the talab opposite to the road an old structure Benazeer Palace and*

*Masjid Al-Qadeem are located. A few temporary hutments for construction workers were also present in the Benazeer Ground. A historic structure (Taj Mahal Palace) is located in the north direction. A slum area of approximate 25-30 hutments are found located just adjacent to the talab boundary in the North-West direction.*

- 3. The periphery of Motia talab in the east, west and south side is provided with pucca RCC and stone-masonry structure. Especially, south side of the talab is well developed with steps and pucca pedestrian platform of approx. width 4 feet. A semi-circular shaped platform (of approx. 100 feet radius) has been developed' one old structure exists on the platform in the southern direction. Iron-railings along the pedestrian pathway and platform has also been provided. The development work of the Motia talab has been done by M. P. Tourism as per the signboard placed near the Talab.*
- 4. Two roads are located just adjacent to the Talab in the east and west direction. Iron railings of approx. height 3 feet and a footpath of width 5-6 ft are provided along the length of the road. on east side plantation has also been provided.*
- 5. One boat and safai-Karmchari deputed at the talab site by the Bhopal Municipal corporation were cleaning the area around the talab and were collecting the solid waste, garbage, etc. At the time of visit, no solid waste, garbage, floating waste material was observed in the vicinity of Motia talab.*
- 6. Committee observed that an old tunnel like structure exists at the north-east corner of Taj-ul Masjid which joins the talab. It was observed that a storm water drain of stone masonry exist to collect the surface run-off from the praying*

area (with the help of perforated-covered drains provided along its periphery), garden and open area of the masjid and drains into the talab through this tunnel. During heavy rainfall, back-flow from Motia talab enters the tunnel. Fishes inside the tunnel were also observed. At the time of inspection, floating garbage material was observed in the tunnel.

7. Committee observed a thin water stream (D-1) emerging from inside of Masjid area joining the Motia talab at the entrance of Taj-ul Masjid from its side gate in the South-East corner of the talab which is surface run-off from the open area of the masjid, hence, it is considered as a storm-water drain.
8. Two nallahs carrying sewage namely SBI nallah (D-2) and Idgah Hills nallah (D-4) join Motia talab in the South-West and North-West direction of the talab.
9. One small drain (D-3) in the West direction carrying wastewater from Al- Qadeem Masjid also joins the talab.
10. The sewage and sullage from the slum settlement in the north-west corner of the talab is disposed of in the Motia talab directly.
11. One aerator (fountain) at the center of the talab has been installed by the BMC to facilitate the aeration of talab water. The sprinkler was found operational at the time of inspection.
12. Aquatic life (turtles, fishes, ducks, snakes) were observed during the inspection.

#### *Water Quality Analysis*

13. Water samples at different locations of the talab (L1, L2, L3, L4) and corresponding nallahs/drains (D1,D2,D3,D4,D5) meeting the Motia Talab were collected and analyzed in Central Laboratory of MppCB, Bhopal.

14. As per the standards of CPCB for "Designated best use criteria" for surface waters quality assessment the water quality of Motia talab falls under "D" class of water which is fit for propagation of wildlife and fisheries.
15. A comparative statement of the water quality (we) data of Motia talab reported by petitioner and samples analyzed by MPPCB is as follows:

S. No	Parameters	WQ analyzed by MPPCB (range)		WQ Data given by petitioner
		Talab	Drain	
1	pH	7.78-8.2	7.34-8.16	6.43
2	TS (mg/l)	326-376	364-670	5385
3	TSS (mg/l)	16-20	16-248	4899
4	DO (mg/l)	7.5-9.4	-	-
5	BOD (mg/l)	1.6-7.6	0.8-20.4	248
6	COD (mg/l)	19.6-29.4	19.6-68.6	2000

16. Based on water quality data analyzed by MppcB, Bhopal, it seems that the water quality data of Motia talab given by petitioner (in point no. I of the order dated 20/07/202r) in respect to COD, BOD and TSS levers of the talab are very high.

**Hon'ble NGT cases in similar issues**

17. Environmental compensation for non-compliance of bio-remediation of drains and commencement of STPs in the matter of NGT 606/201g (PB) has already been imposed on the Bhopal Municipal corporation by the MPPCB for drains carrying sewage falling into talabs / water bodies of Bhopal. Also, Environmental Compensation in the matter of NGT O.A. No. 07/2018 (CZ) has been imposed on BMC for discharge of sewage into Hasan Siddiqui Talab, in which the discharge from Motia talab into Hasan Siddiqui Talab has been considered.

**Action Taken**

18. *As informed by Shri Santosh Gupta, S.E. (Sewage), BMC, in compliance to the orders issued in the above cases, sewerage network on the west and east side adjacent to the talab has been laid by the Bhopal Municipal Corporation. The drains falling into Motia Talab will be intercepted and diverted to Maholi Damkheda Sewage Treatment Plant with the help of Koluva Pump House. Laying of sewer line from north-west to north-east corner of the talab is under progress*

**Recommendation:**

- (i) BMC should ensure that the drains discharging wastewater into Motia talab should be trapped and connected into the sewer line within given time-frame of one month.*
- (ii) Immediate action is needed to prevent the discharge of wastewater generated from existing slum area (north-west direction of the talab) by BMC. Relocation of these settlements may be considered.*
- (iii) Presently the source of water for Motia talab is rainwater, surface runoff from the catchment and the wastewater from the drains. Therefore, appropriate measures needs to be taken in order to maintain the minimum ecological quantity of water throughout the year and to avoid the eutrophic conditions.*
- (iv) One more aerator (fountain) may be installed at the south-west corner of the talab to increase the oxygen levels especially during summer season.*
- (v) In the north side of the talab pucca boundary and platform for walking should be made.*

*(vi) Regular maintenance and cleaning of the talab and its surrounding should be ensured by BMC.*

*(vii) Placards/signages should be installed at prominent locations around the talab suggesting the protection and cleanliness of the talab water for public awareness.*

5. Learned counsel appearing for Bhopal Municipal Corporation and other respondents have raised a question that applicant has not provided the copy of the application for submitting the reply. The copy of the application must be provided to the respondents within three days by e-mail or through other available means. Policy, Planning and Action Taken Report by the BMC be submitted within four weeks. State Pollution Control Board is directed to suggest and take remedial measures and submit Action Taken Report before the next date of hearing.
6. Municipal Corporation, Bhopal is directed to consider the recommendations submitted by Joint Committee and submit the Planning and Action Taken Report within four weeks.

List it **on 25<sup>th</sup> November, 2021.**

**Sheo Kumar Singh, JM**

**Arun Kumar Verma, EM**

September, 21<sup>st</sup> 2021  
O.A. No. 49/2021(CZ)  
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