

Item No. 04

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

Original Application No. 47/2021 (CZ)

Dr. Dharnendra Jain

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: **22.11.2021**

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

For Applicant(s):

Ms. Nikita Delouri, Adv.

For Respondent(s):

Ms. Shraya Srivastava, Adv.
Mr. Sachin K. Verma, Adv.

ORDER

1. The issue raised in this application is construction of Sewage Tanks and laying down Sewage Pipelines around the Lakha Banjara Lake of Sagar, Madhya Pradesh. It is stated that Municipal Corporation, Sagar has initiated laying down of underground sewage pipeline with sewage /Septic Tanks and underground sewage pipelines for collecting waste water/storm water drains adjacent to the Lakha Banjara Lake, in contravention of the Order of this Tribunal passed in Original Application No. 47/2015 titled as Deepak Tiwari vs. Municipal Corporation, Sagar & Ors.
2. Main challenge in this Original Application are –
 - I. In spite of the no construction zone, the respondents are continuing construction activities.
 - II. Precautionary Principle has not been followed by the respondents.

- III. Laying out the pipelines, construction of Sewerage pipe/ Septic Tanks for shifting sewage/storm water to an environmentally safe place away from the lake also amounts to construction.
- IV. Permission of continuance of providing Sewage Disposal System from the lake area towards outside of lake area for treatment or disposal also comes within the prohibited activities and may damage the ground water.
- V. The activities as alleged are said to be in violation of order passed in Original Application No. 47/2015 titled *Deepak Tiwari Vs. Municipal Corporation, Sagar & Ors.*
- VI. That the activities may reduce the catchment area of the lake.

3. The matter was taken by this Tribunal on 16.07.2021 and a Joint Committee was constituted to visit and submit factual and action taken report. The Committee consisting of :-

- i. Commissioner, Municipal Corporation, Sagar, M.P.
- ii. Executive Engineer, Smart City Mission, M.P.
- iii. Assistant Engineer, Smart City Mission, M.P.
- iv. Regional Officer, MPPCB
- v. Chief Chemist, MPPCB.
- vi. Assistant Engineer Municipal Corporation, Sagar

has submitted the factual report as follows:-

1. The main reasons for the pollution of the lake is discharge of untreated water into the water bodies.
2. Due to gravity flow, the natural discharge of used water from the Abadi situated near the lake is towards lake side.

3. It is reported that there are approximately 36 Nalla are discharging dirty water towards the lake. The natural flow of the untreated water of Abadi side is towards Nalla and Nallas are discharging their water towards the lake, it is reported to be the main cause of pollution in the lake.
 4. The Municipal Corporation and the officers of the Smart City Planning, called the Expert Report through a consultancy from M/s Ashwath Infratech Pvt. Ltd., Delhi and it was advised to lay down the 5.36 Km pipeline connecting the sewage/untreated water discharging towards the lake and to direct towards treatment plant so that the water may be treated.
 5. The Expert report finds it the most suitable method to intercept the water which is naturally being thrown or discharged towards the Nalla and to take it outside the lake area for treatment.
4. Learned Counsel for the applicant has filed a response against the joint committee report and stated that the committee has fairly admitted that there is discharge of untreated domestic effluent towards the lake but no legal action has been taken against the person who were discharging the untreated water towards the lake or no environmental compensation has been calculated or realised from the violators.
 5. In response thereof, the learned counsel appearing for the State Pollution Control Board has submitted that the planning has been done by the Municipal Corporation. Due to very old and in damaged condition open drainages are not repairable and thus new connectivity for intercepting of the water discharging towards the lake has been suggested by technical experts and if it is done, in view of the expert or the committee, the discharge of water

towards the lake would be prevented and it would be taken outside the lake area for treatment purpose towards the treatment plant and the process is within the principle of sustainable development and is not the construction within the lake area.

6. Learned Counsel Ms. Parul Bhadoria for the MPPCB has submitted that in light of the various orders passed by this Tribunal for preventing discharge of untreated water towards the water bodies, the Municipal Corporation has taken action in three phases i.e (1) Preventing the discharge of sewage/untreated water (2) Treatment of the untreated water (3) Rejuvenation of the water bodies.
7. Accordingly, the matter as stated at point no.1 has been taken by the authorities concerned and for remedial measures at point no. (2). At present actions are being taken and it is not the construction of any commercial or residential activities within the lake area. The Learned Counsel for the applicant has further raised a question that in case of damage of pipeline it may adversely affect the water quality of the lake and adjacent drinking water pipe line. In response thereof, the Learned Counsel for the MPPCB has submitted that the quality of the pipeline and its laying down is based on technical advice and by the technical experts. As per their advice NP-3 pipelines are laid, which are very strong. Additional safety is provided through incasing them in concrete and also cleaning chambers are made at specified interval. Mere unfounded apprehension of damage in future cannot raise the stoppage of the work. It is further argued that as per technical advice there is no other option available before the authorities concerned. It is also submitted that this is also in compliance to orders in Original Application No. 47/2015 titled *Deepak Tiwari Vs. Municipal Corporation, Sagar & Ors.*
8. Accordingly, we think that the activities which are being done by the Municipal Corporation or the authorities concerned for tapping the sewage water to channelise them towards the treatment plant is not in violation of

order passed in O.A. No. 47/2015 or O.A. No. 26/2012 and they are not in any way reducing the catchment area of the lake.

9. Accordingly no further action is required by this Tribunal. **Original Application No. 47/2021 is finally disposed of.**

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

22nd November 2021
O.A. No. 47/2021(CZ)
PN