

Item No. 1

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

**Original Application No. 32/2020 (CZ)**

Vijit Patni & Anr.

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

**Date of completion of hearing and reserving of order : 30.03.2022**

**Date of uploading of order on the website : 04.04.2022**

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

For Applicant(s): None.

For Respondent(s): Mr. Sachin K. Verma, Adv.  
Mr. Mahesh Goyal, Adv.  
Ms. Parul Bhadoria, Adv.

**ORDER**

1. The main grievances in this application are :-

a) That while carrying out the construction activity and building a high rise building under Smart City Project near New Market, TT Nagar and Malviya Nagar, a drainage system, nalla connecting the above area, the portion of the said nalla have been intentionally or inadvertently filled up with sand and dust and thus natural and free flow of water has been either blocked or interrupted.

b) That the construction of high rise building by respondent no. 2 Bhopal Smart City Development Corporation is in violation of approved map or in violation of environmental rules and without any requisite permission/authorization by the competent authority.

2. The brief facts giving rise to the present application are that due to important location and its proximity and being a Capital of a big State (Bhopal, Madhya Pradesh) the Union of India has planned to develop

the city of Bhopal as Smart City under its Smart City Initiative. That the Respondent no. 2 while carrying out the construction activity in the said area and building a high rise building dug-up the area and also a portion of the nala and have intentionally or inadvertently filled up the area and thus flow of draining system has been either disturbed or proportionately blocked.

3. The matter was taken up by this Tribunal on 29.06.2020 and the committee consisting three officials of the State was constituted with direction to submit the factual and action taken report. Additional Commissioner, Bhopal Municipal Corporation vide letter dated 23.07.2020 communicated that the members of the committee visited the site and found the following facts. The report of the committee is reproduced here as under :-

*“The committee discussed the matter with Bhopal Smart City representative Shri O.P. Bhardwaj, Chief Engineer and Shri Chandramani Mishra, Assistant Engineer (Civil) regarding components of the project and construction work of high rise building by the "Bhopal Smart City" Development Corporation Ltd., in the T.T. Nagar area of Bhopal.*

*As per the documents and information duly collected during the said inspection, It came to the light that Department of Urban Development & Housing, Government of Madhya Pradesh has allotted about 342 hectare for the BSCDCL by order No. F-10-08/2017/18-2 dt. 23.05.2017.*

*The above allotted land with details of existing land use (as per Bhopal Development Plan - 2005) and proposed land use for development by BSCDCL are notified vide Notification No. F3-79/2018/18-5 dt. 13.06.2018 published on 15.06.2018 in the Gazette of Madhya Pradesh out of 342.0 Acres of land allotted to BSCDCL, about 2.5 hectare land (part of Khasra 1421) to be developed as high rise residential complex for government employees and the approval for the same is given by Town and country Planning (T&CP) vide letter dated 26/07/2018.*

*It is noted that the land use map provided with approval letter doesn't have any natural stream/nallah marked therein. The revenue map provided to the committee duly verified by Revenue Inspector also has no details of any natural nallah in the Khasra No. 1421. The overall land given to the project by Urban Development and Housing*

*Department, GoMP, vide notification dated 13/06/2018 describes the land use before and after diversion to project. The concerned khasra no 1421 is described therein and no nallah is mentioned in the said notification.*

*The committee after discussion and verification of land documents and land use maps, visited the construction site and the alleged nallah in question. It is observed that the area allotted earlier was also used for commercial and residential purposes and therefore at present construction of high rise building is at an advanced stage under the Government Housing phase-1 project of Area Based Development Project of Bhopal Smart City Development Corporation Limited. The committee further observed that for drainage of the storm water and other seepage/leakages artificial drainage was used and presently most of the parts of this drain is covered by road culverts, hotels, commercial units etc and there is no "natural nallah" situated at the said Khasra in question.*

*The BSCDCL has started construction for 06 blocks of multistoried buildings at this site and these structures are in various stages of construction and about Rs. 132.00 crores have been invested till the visit. Presently this storm water drain is diverted for drainage during construction phase and for complete drainage detailed network of open box type drainage has been proposed which will take care of the storm water from the area to nearby Bananga nallah. It is informed that the work towards this systematic drainage system has also been initiated.*

*After visiting the site, it is found that there is no blockage of natural flow of water has been created due to construction of high rise building and there is a systematic drainage system in process.*

*For ensuring the compliance of various permissions and clearances, the committee further suggested following actions by concerned departments:*

- 1) The BSCDCL to submit compliance of storm water drainage system of the Government Housing Phase-1 Project to SEIAA/MoEF&CC as per stipulation given in EC.*
- 2) T&CP and SEIAA/MoEF&CC to verify the compliance of conditions given in the respective permission/clearance.*
- 3) The BSCDCL to obtain consent and authorization from the State Pollution Control Board.”*

4. Copy of the letter dated 23.05.2017 issued by the Govt. of Madhya Pradesh has been attached whereby and whereunder the area of land as mentioned in list attached as 'A' has been transferred to the Bhopal Smart City Development Corporation Ltd. for giving effect to the above. State of MP issued the Gazette Notification dated 29.05.2018 in part-1, which was published on 15.06.2018 at Serial No. 24.
5. The Joint Director, Nagar and Gram Nivesh (District Bhopal, Sihor Raisen, M.P.) with reference to the letter issued from the Bhopal Smart City Development Corporation Ltd. has issued relevant orders for construction of residential flats for Govt. officials and further issued directions to reserve the open area approximate 30 mtr. in accordance with the Bhopal Development Plan, 2005 and to make necessary arrangements for management of solid waste and discharge of sewage water and its treatment. The different conditions from Serial no. 1 to 33 have been contained in the letter which has been annexed with the annexure-4 with the report.
6. Madhya Pradesh Pollution Control Board has submitted that report received in the application from Bhopal Smart City Development Corporation Ltd. for obtaining Consent To Establish on 25.09.2020 which was decided by the MPPCB within the time frame and Consent to Establish was granted to BSCDCL on 19.10.2020 under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and Section 21 of Air (Prevention & Control of Pollution) Act, 1981. While issuing the consent to establish, the SPCB had put certain conditions with regard to the daily quantity of sewage of the unit which shall not exceed the limit, which is prescribed by the SPCB and further that the Project Proponent shall provide comprehensive sewage treatment system as per the proposal submitted to the Board and maintain the same properly to achieve the standard. A further condition has been put in the order that all hazardous waste / sludge shall be disposed of as per the authorization issued under Hazardous & Other Wastes (Management And Trans-boundary Movement) Rules, 2016 and further that the effluent shall be treated up to the prescribed standard and reuse in the process for cooling and for green belt

development/gardening within premises. Zero discharge condition shall be practiced and in no case treated effluent shall be discharged outside of project premises.

7. Respondent No. 2 Bhopal Smart City Development Corporation Ltd. has further submitted that the BSCDCL had already submitted its storm water drainage system plan of Government Housing Phase-I Project to MPSEIAA alongwith the application submitted to obtain EC but again after passing of order dated 14.06.2021, the answering respondent has resubmitted the relevant extract of storm water drainage system of Government Housing phase-I Project to MPSEIAA vide letter dated 23.06.2021. The MPSEIAA in turn vide letter dated 02.07.2021 has forwarded the same to the Regional Office of MoEF&CC and that respondent BSCDCL immediately after the recommendations of the committee constituted by the Hon'ble Tribunal had applied to obtain Consent to Establish (in short, CTE) from the MPPCB on 25.09.2020 and MPPCB in turn after due appraisal issued the Consent to Establish dated 19.10.2020 in the favour of BSCDCL.
8. Respondent no. 4 was directed to submit the action taken report and in compliance thereof, the report submitted are as follows:-

*“6. That further in order to comply with the orders of the Hon'ble Tribunal dated 14.06.2021, Respondent No. 4 have issued a letter dated 06.07.2021 bearing ref no. 1534/ अ आ श /2021 to Respondent no. 2 for ensuring the compliance as required.*

*7. That in reply to the said letter dated 06.07.2021, Respondent No. 2 vide letter dated 08.07.2021 bearing ref. no. 805/ बी एस सी डी सी एल /2021 provided the list of documents in respect of the action taken by them in compliance of Hon'ble Tribunals order dated 14.06.2021.*

*8. The further, according to letter dated 08.07.2021 of Respondent no.2, a letter dated 28.06.2021 bearing ref no. 38/ बी एस सी डी सी एल /2021 has been addressed to Deputy Secretary, Urban Development and Housing, Department. Further, Respondent No. 2 has also written a letter dated*

23.06.2021 bearing ref. no. 722/BSCDCL/2021-22 to Member Secretary, State Environment Impact Assessment Authority, MP (MPSEIAA) in compliance of storm water drainage system plan and the same has been forwarded by MPSEIAA to the Regional Office of MoEF vide letter dated 02.07.2021 bearing Endt. No. 349/SEIAA/2021.

9. Therefore, from the aforesaid it is crystal clear that Respondents have been continuously following up with respect to the concerned matter and the compliance of the same is under process. However, it is pertinent to mention here that whatever delay which has been caused is solely for the reason of the ongoing pandemic which has obstructed the general operations. Moreover, it is submitted that the Respondents shall be able to submit the complete compliance report only after the said process is completed.”

9. To examine the fact as to whether the necessary authorization and consent order and the Environment Clearance has been obtained or not, MoEF&CC was directed to submit the report and in compliance thereof MoEF&CC vide its communication dated 30.11.2021 has submitted the report with the monitoring report that the application which was sent by the authorities concerned was duly considered by the Department and the facts which have been narrated, have been examined and the necessary order has been issued in accordance with the law. The terms and conditions with regard to the compliance of the environmental rules have been contained as follows :-

"Sr. No.	Particulars	Details	
		Particulars	Details
6.	Salient Features a.) Of the project	Latitude and Longitude	230 13' 48.36" N 770 23' 54.20" E
		Elevation above Mean Sea Level	Average 500 m
		Nearest Highway	NH 46 passing through Bhopal (from Northeast to Southeast)
		Nearest railway station	Bhopal Railway Junction 4.5 km, North direction
		Nearest airstrip	Raja Bhoj International Airport which is 10.5 km Northwest
		Nearest city	Bhopal
		Lakes Hills/valleys, Monuments	Upper and Lower Lake on North and

		<table border="1"> <tr> <td></td> <td><i>Northwest side</i></td> </tr> <tr> <td><i>Archaeologically Important places</i></td> <td><i>Taj Ul Masjid 4 km from site</i></td> </tr> <tr> <td><i>National Parks/ Forest areas</i></td> <td><i>Van Vihar National Park 1. 5 km from site</i></td> </tr> <tr> <td><i>List of industries in 10 km radius</i></td> <td><i>NTTPS, 4.10 km Northeast direction</i></td> </tr> <tr> <td><i>Wildlife Sanctuary</i></td> <td><i>None within the 10km radius</i></td> </tr> <tr> <td><i>Core Biosphere reserve</i></td> <td><i>None within the 10km radius</i></td> </tr> </table> <p><i>Key Infrastructure Components</i></p> <ul style="list-style-type: none"> <li>✓ <i>24 x 7 Water Supply Network 100% coverage with Sewer Network and STPs</i></li> <li>✓ <i>Recycled water distribution network &amp; Pumping.</i></li> <li>✓ <i>Dual plumbing system.</i></li> <li>✓ <i>Storm Water drainage including connectivity to natural ponds.</i></li> <li>✓ <i>Road networks, NMT and parking facility. Strong pedestrian connectivity.</i></li> <li>✓ <i>ICT infrastructure.</i></li> <li>✓ <i>Smart street lighting</i></li> <li>✓ <i>24X7 uninterrupted power distribution.</i></li> <li>✓ <i>Underground utility corridor.</i></li> <li>✓ <i>Landscaping.</i></li> </ul>		<i>Northwest side</i>	<i>Archaeologically Important places</i>	<i>Taj Ul Masjid 4 km from site</i>	<i>National Parks/ Forest areas</i>	<i>Van Vihar National Park 1. 5 km from site</i>	<i>List of industries in 10 km radius</i>	<i>NTTPS, 4.10 km Northeast direction</i>	<i>Wildlife Sanctuary</i>	<i>None within the 10km radius</i>	<i>Core Biosphere reserve</i>	<i>None within the 10km radius</i>
	<i>Northwest side</i>													
<i>Archaeologically Important places</i>	<i>Taj Ul Masjid 4 km from site</i>													
<i>National Parks/ Forest areas</i>	<i>Van Vihar National Park 1. 5 km from site</i>													
<i>List of industries in 10 km radius</i>	<i>NTTPS, 4.10 km Northeast direction</i>													
<i>Wildlife Sanctuary</i>	<i>None within the 10km radius</i>													
<i>Core Biosphere reserve</i>	<i>None within the 10km radius</i>													
	<i>b) Of the Environment management Plan</i>	<p><i>Proponent will set up an Environmental Monitoring Cell (EMC) to review the effectiveness of environment management system during construction and operational phase of New Capital City. EMC will work out a schedule for monitoring and will meet regularly to review the effectiveness of the EMP implementation. The data collected on various EMP measures would be reviewed by EMC and if needed corrective action will be formulated for implementation.</i></p> <p><i>The basic objective of the environment monitoring program is:</i></p> <ul style="list-style-type: none"> <li>✓ <i>To ensure implementation of mitigation measures during project implementation.</i></li> <li>✓ <i>To provide feedback to the decision makers about the effectiveness of their actions.</i></li> <li>✓ <i>To determine the project's actual environmental impacts so that modifications can be made to the mitigation measures.</i></li> <li>✓ <i>To identify the needs for enforcement action before irreversible environmental damage occurs.</i></li> <li>✓ <i>To provide scientific information about the response of an ecosystem to a given set of human activities and mitigation measures.</i></li> </ul>												
10.	<p><i>Forest Land Requirement</i></p> <p>a) <i>The status of approval for diversion of forest land for non forestry use.</i></p> <p>b) <i>The status of cleaning felling.</i></p> <p>c) <i>The status of</i></p>	<p><i>Not Applicable (As per Notification S.O.3777(E) dt 30.11.2017 the eco sensitive zone is reduced to 100 m.</i></p>												

	compensatory afforestation, if any d) Comments on the viability & sustainability of compensatory afforestation programme in the light of actual field experience so far.	
11	The status of clear felling in non forest areas (such as submergence area of reservoir, approach roads) if any with quantitative information	NA

10. The descriptive report on status of compliance to conditions of Environmental Clearance and environmental management have been communicated as follows :-

<b>“Sr. No.</b>	<b>EC Condition</b>	<b>Status of Compliance as submitted by the PP</b>	<b>Remarks of MoE&amp;CC, Integrated Regional Office based on the compliance status furnished by the Project Proponent and the on-field observations of the site visit</b>																																																																	
A.	<b>Specific Conditions as recommended by SELAA:</b>																																																																			
(1)	The entire demand of water should be met through Municipal Corporation, Bhopal there should be no extraction of ground water.	All water demand <b>will</b> be fulfilled by Municipal connection only. The copy of connection letter for bulk water supply is attached. The water demand for the projected population as per master plan has been calculated according to the unit water demands mentioned in Table. An additional 15% was added to account for losses. The total water demand for the Bhopal ABO area comes around 20.89 MLD. Out of which, 10.81 MLD is potable water demand and 12.59 MLD is non-potable water demand.  <table border="1"> <thead> <tr> <th>Category</th> <th>Population/ Area</th> <th>Total</th> <th>Potable</th> <th>Non-Potable</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="text-align: center;">Water demand in MLD</td> </tr> <tr> <td>Residential</td> <td>60140</td> <td>9.02</td> <td>6.31</td> <td>2.71</td> </tr> <tr> <td>Commercial</td> <td>55899</td> <td>0.79</td> <td>0.35</td> <td>0.44</td> </tr> <tr> <td>Floating</td> <td>80082</td> <td>1.20</td> <td>0.40</td> <td>0.80</td> </tr> <tr> <td>PSP/School</td> <td>-</td> <td>1.43</td> <td>0.64</td> <td>0.79</td> </tr> <tr> <td>Recreation</td> <td>-</td> <td>0.02</td> <td>0.01</td> <td>0.01</td> </tr> <tr> <td>Utilities</td> <td>-</td> <td>0.27</td> <td>0.12</td> <td>0.15</td> </tr> <tr> <td>Open space park</td> <td>-</td> <td>4.66</td> <td>-</td> <td>4.66</td> </tr> <tr> <td>GreenSpace /Road</td> <td>-</td> <td>0.27</td> <td>-</td> <td>0.27</td> </tr> <tr> <td>Fire demand</td> <td>-</td> <td>0.78</td> <td>0.78</td> <td>-</td> </tr> <tr> <td>Net demand</td> <td>-</td> <td>18.17</td> <td>8.61</td> <td>9.56</td> </tr> <tr> <td>Total (15%)</td> <td></td> <td>20.89</td> <td>9</td> <td>11.89</td> </tr> </tbody> </table>	Category	Population/ Area	Total	Potable	Non-Potable	Water demand in MLD					Residential	60140	9.02	6.31	2.71	Commercial	55899	0.79	0.35	0.44	Floating	80082	1.20	0.40	0.80	PSP/School	-	1.43	0.64	0.79	Recreation	-	0.02	0.01	0.01	Utilities	-	0.27	0.12	0.15	Open space park	-	4.66	-	4.66	GreenSpace /Road	-	0.27	-	0.27	Fire demand	-	0.78	0.78	-	Net demand	-	18.17	8.61	9.56	Total (15%)		20.89	9	11.89	<p><b>Observation during the site visit:</b></p> <p>It is noted that the project is in construction phase. The PP stated that all water demand will be fulfilled by Municipal connection only. During the visit, the PP informed that they are not extracting ground water.</p> <p><b>In view of the information furnished by PP and as per the site observations noted above, the stipulated condition is considered as agreed to comply.</b></p> <p><b>AGREED TO COMPLY</b></p>
Category	Population/ Area	Total	Potable	Non-Potable																																																																
Water demand in MLD																																																																				
Residential	60140	9.02	6.31	2.71																																																																
Commercial	55899	0.79	0.35	0.44																																																																
Floating	80082	1.20	0.40	0.80																																																																
PSP/School	-	1.43	0.64	0.79																																																																
Recreation	-	0.02	0.01	0.01																																																																
Utilities	-	0.27	0.12	0.15																																																																
Open space park	-	4.66	-	4.66																																																																
GreenSpace /Road	-	0.27	-	0.27																																																																
Fire demand	-	0.78	0.78	-																																																																
Net demand	-	18.17	8.61	9.56																																																																
Total (15%)		20.89	9	11.89																																																																
(2)	The inlet and outlet point of natural drain system should be maintained with adequate size of channel for ensuring unrestricted flow of water.	NA. no natural drains are available in the proposed ABO area.	<p><b>Observation during the site visit:</b></p> <p>During the visit, a small drain is observed along the boundary of the construction site. It is noted that to facilitate the construction activities hume pipes are provided in the drain to maintain the flow. However, the PP should ensure &amp; provide adequate size of channel for peak rainfall during monsoon period.</p> <p><b>In view of the information</b></p>																																																																	

			<p><b>furnished by PP and as per the site observations noted above, the stipulated condition may be considered as partly complied.</b></p> <p><b>PARTLY COMPLIED</b></p>
(4)	Disposal of waste water.		<p>In view of the information furnished for all sub-conditions by PP and as per the <b>site observations, the overall compliance of the stipulated condition may be considered as agreed to comply.</b></p> <p><b>AGREED TO COMPLY</b></p>
(a)	PP should ensure linkage with municipal sewer line for disposal of extra treated waste water.	<p>Entire sewerage is proposed to be treated and non-potable reclaimed water will be used for flushing toilets, watering parks or residential lawns, supplying fire hydrants, washing cars and streets, filling decorative fountains, and many other purposes. The wastewater networks are designed to collect &amp; convey the wastewater generated from project area to the treatment plant and safe disposal of treated water.</p> <p>An entirely new sewage system based on zero discharge concepts have been planned to the project area and will focus on recycling of water. The Recycle water obtained from the 2 STP are pumped to the 2 recycle water distribution lines and are used from flushing and landscape's purpose.</p>	<p>The PP informed that an entirely new sewage system based on zero discharge concepts have been planned to the project area and will focus on recycling of water.</p>
(b)	Project Proponent shall ensure power requirement for running the STP will be fulfilled by solar energy system.	<p>Suitable use of solar energy will be ensured in the project.</p>	<p>The PP agreed to comply with the sub condition.</p>
(c)	Ensure regular operation and maintenance of the STP.	<p>Execution contract of all the Projects is with minimum 5 years of Operation &amp; Maintenance including STP. Necessary operation &amp; Maintenance will be regular in future.</p>	<p>The PP agreed to comply with the sub condition.</p>
(d)	PP should maintain zero discharge in case of the municipal sewer line not laydown in the project area.	<p>An entirely new sewage system based on zero discharge concept.</p> <p>The concept of Zero Discharge is:</p> <ul style="list-style-type: none"> <li>✓ By reusing treated wastewater for non-potable water demand, Optimum utilization of natural water resources can be ensured.</li> <li>✓ Reuse of treated wastewater ensures efficient utilization of available water based on the water Quality requirements.</li> <li>✓ With an increase in demand of natural resources it is essential to target</li> </ul> <p>Zero Discharge system for any upcoming infrastructure development.</p> <ul style="list-style-type: none"> <li>✓ In view of above, the proposed township has been suggested to meet its non-potable water demand (e.g., Landscaping, Horticulture, Flushing, and makeup water for HVAC etc.) by recycling the treated wastewater, hence reducing the raw water demand from source, and making the water supply scheme more sustainable. For this purposed Tertiary Treatment will be provided</li> </ul>	<p>During the visit, the PP informed that an entirely new sewage system based on zero discharge concepts have been planned to the project area and will focus on recycling of water.</p>

		to the secondary treated wastewater to achieve required quality of reclaimed water to be recycled.	
(e)	The project proponent shall install and operate own sewage treatment plant(STP) having primary, secondary and tertiary treatment with advance technology. The treated sewage after achieving the norms prescribed by the Madhya Pradesh Pollution Control Board, shall be reused /recycled in the project for flushing, gardening, air conditioning etc within premises.	<p>The water balance diagram is prepared with zero discharge concepts. All wastewater generated from domestic and commercial consumers will be treated appropriately to the required standards in the wastewater treatment plants (up to tertiary treatment level) located inside smart city area. The treated wastewater will be used for irrigation of land and gardens, parks and agricultural fields, and industrial uses; hence, the treated wastewater will be reused 100% for recycle purpose. The treated wastewater will be used for flushing purpose.</p> <p>During monsoon season the treated water requirement for irrigation purpose is less compared to non-monsoon season, the excess tertiary treated wastewater will be collected in collection tank and the overflow from the collection tank will be safely discharged into nearby water body. Treated sewage quality parameters shall be as per present CPCB/CPHEEO Norms for inland surface water whichever is stringent</p>	The PP agreed to comply with the sub condition.
(f)	Best available technology such as ultra violet radiation shall be used for disinfection of treated sewage before reuse / recycle/ discharge.	<p>The area available for the plant is limited and its cost is relatively high in Bhopal and hence this aspect is considered in selection of suitable process. Also, it is expected certain variation in wastewater quantity and quality which will be considered for process selection/ flow sheet. MBBR &amp; SBR technologies are proposed for the wastewater treatment in proposed scheme.</p> <p>The treatment process basically will be Aerobic process. The following aspects will be considered:</p> <ul style="list-style-type: none"> <li>✓ Population projection and wastewater generation.</li> <li>✓ Influent and effluent characteristics (considering further treatment for recycling, if required).</li> <li>✓ Area available (compact plant).</li> </ul> <p>Capable of absorbing hydraulic and organic shock loads.</p> <ul style="list-style-type: none"> <li>✓ Aesthetically acceptable.</li> <li>✓ Capable of producing specified effluent standards.</li> <li>✓ Health and safety aspects.</li> <li>✓ Modular construction.</li> <li>✓ Automatic operation of plant with PLC.</li> <li>✓ Least life cycle cost i.e., capital and O &amp; M cost.</li> </ul>	The PP stated that MBBR & SBR technologies are proposed for the wastewater treatment in proposed scheme.
5.	<b>Solid Waste Management:</b>		
(a)	Separate wet and dry bins must be provided at the ground level for facilitating segregation of waste.	<p>The AWC system is a specialized system of waste collection and follows the Indian Standard Codes for the general material and equipment requirement. The quality of steel pipes used in the chutes, Intake hopper and other equipment are of SS304 material. Installation of vertical chute shall be as per BS 1703:2005; IS 6924:2001 and NBC 2005.</p> <ul style="list-style-type: none"> <li>✓ It is proposed that there shall</li> </ul>	<p>The segregated waste will be diverted to systematic treatment as per the category of waste.</p> <p>The PP informed that household Hazardous waste will be segregated from municipal solid waste and treated separately in accordance with the Hazardous Waste (Management and Handling) Rules, 2016.</p>

		<p>be two system of waste management of AWC within the project boundary. The collection station for government housing is proposed on plot no. 21. The same shall be linked with other projects having a capacity of 10TPD.</p> <ul style="list-style-type: none"> <li>✓ The rest of ABD area will be catered by another separate Collection station which will be located on plot93 as per the Master Plan. The said collection station will be having a capacity of 50 TPD.</li> <li>✓ The segregated waste as discussed in above sections will be diverted to systematic treatment as per the category of waste. The wet waste is proposed to be treated using Bio Methanation technology within the plots 21 &amp; 93 itself to reduce the multiple waste handling. Thus, the waste transportation is reduced to a larger extent. One Bio Methanation plant of 5T/ day capacity is proposed on plot 21 to cater to the collection station capacity of 10T/ day and two 10 T/day capacity Bio Methanation plant at plot 93 for the remaining waste.</li> </ul> <p>The inert waste will be sent to the centralized landfill of Bhopal City.</p> <p>The dry waste collected shall be sold to the authorized recycling vendors within the Bhopal City.</p> <ul style="list-style-type: none"> <li>✓ All non-biodegradables will be sent to authorized recyclers as per norms.</li> <li>✓ Household Hazardous waste will be segregated from municipal solid waste and treated separately in accordance with the Hazardous Waste (Management and Handling) Rules, 2016.”</li> </ul>	<p><b>In view of the submission by PP, the stipulated condition is considered as agreed to comply.</b></p> <p><b>AGREED TO COMPLY</b></p>
--	--	---	---

11. A further compliance report about the compliance of the EC has been called from the MPSEIAA and in reply thereof MPSEIAA has communicated/submitted that a six monthly compliance report was called from the PP and the Project Proponent submitted the Six-Monthly compliance report against Environmental Clearance dated 23.08.2018 with the answering respondent, which was duly verified and a descriptive report of status of compliance to conditions of Environment Clearance and Environment Management was issued by Ministry of Environment, Forest & Climate Change and that a total of 145 conditions were stated in the Environmental Clearance granted to the Project Proponent, out of which; (1) 8 have already

been complied with; (2) 11 are compliance in progress; (3) 28 are partly complied; (4) 67 are agreed to comply with; (5) 2 are not applicable and (6) 29 are noted by the project proponent.

12. It is further submitted that the alleged issues raised in the current application are concerned with the flow of drainage in the concerned area and exploitation of ground water without following to the due process of law and that the issues raised by the Applicant were addressed in Point 1 to 4 of the Descriptive Report, all of which are either partly complied with or have been agreed to comply by the Project Proponent.
13. We have also examined the Khasra Map in light of the joint committee report, where it was noted that the land use map provided with the approval letter does not have any natural stream / nallah. The revenue map provided to the committee which was verified by the revenue inspector also has no details of the natural nalla in the khasra no. 1421. The overall land given to the project proponent by the Urban Development and Housing Department vide notification dated 13.06.2018 described the land use before and after diversion to project.
14. The committee observed that for drainage of storm water and other seepage/leakage, artificial drainage was used and presently most of the parts of this drain is covered by road, culverts, hotels, commercial units and there is no natural nalla situated at the said khasra under question. The construction has been started for six blocks of multistory building and more than approximately 132 crores have been invested. Presently, the storm water drain is diverted for drainage during construction phase and for complete drainage, detail network of open box type drainage has been proposed which will take care of the storm water from the area to nearby Bananga Nalah.
15. In view of the above facts and in view of the report submitted by the joint committee and the reply submitted by the respondents, the project is under the Bhopal Smart City Initiative, a project under the Union of India scheme and there is no blockage of natural flow of water and necessary environmental clearance has been obtained from the competent authorities. So far as the

compliance of the conditions of the Environmental Clearance are concerned, the SPCB has submitted the report that it is regularly monitored by the concerned authorities and some of the conditions have been complied and since the project is under construction, the project proponent has undertaken to comply all the conditions of Environment Clearance.

16. In view of the above facts, we are of the view that there is no blockage of drainage system and there is no violation of any environmental clearance conditions and project has been initiated in accordance with the rules. So far as the compliance of the conditions of the Environment Clearance are concerned, we direct the Secretary (Environment) and Member Secretary, Madhya Pradesh Pollution Control Board to regularly monitor that the environmental rules are further observed and complied with and all the conditions which have been laid down in the Environment Clearance shall be complied and regularly monitored. In case of any violation of Environment Clearance conditions, the necessary legal action with remedial measures must be initiated and taken by the authorities, according to the rules.

The **Original Application No. 32 of 2020** stands **disposed of** accordingly.

**Sheo Kumar Singh, JM**

**Dr. Arun Kumar Verma, EM**

04<sup>th</sup> April, 2022  
O.A. No. 32/2020(CZ)  
PN