

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

Original Application No. 329/2015
(M.A. Nos. 283/2018 & 1389/2018)

With

Original Application No. 521/2015

With

Original Application No. 448/2013 (THC)
(CW 4050/12)

(M.A. Nos. 1228/2015 & 513/2017)

With

M.A. No. 832/2014

In

Original Application No. 358/2013 (THC)

With

Original Application No. 20/2015 (THC)

With

Original Application No. 446/2013 (THC)
(CW 7932/11)

(M.A. No. 811/2015)

Gram Panchayat ARABA

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

M.M. Charitable Trust

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

U.R. Beniwal

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

Laxmi Suiting

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

Ramesh

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

Multan Singh

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

Date of hearing: 10.05.2019

CORAM:

HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER

HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

For Applicant(s)

Mr. Jaideep Singh, Ms. Eysha Marysha and Mr. Kartik Dabas, Advocates

Mr. Siddharth Tatiya, Advocate in O.A. No. 521/2015

For Respondent(s)

Ms. Padhmalakshmi Iyengar, AAG for State of Rajasthan

Mr. Shashank Saxena and Mr. Amritesh Raj, Advocates for Mr. Ardhendumauli Kr. Prasad, Advocate for CGWA

Mr. Raj Kumar, Advocate for CPCB

Mr. Keshav Pareek, Advocate for Mr. Sanjeet Purhoit, Advocate, Mr. Vineet Gupta and Mr. Amitabh Joshi, RM, RIICO

Mr. Raj Panjwani, Sr. Advocate, Mr. Adhiraj Singh, Mr. Lokendra Singh, Advocates for RSPCB with Mr. Sudarshan Sethi, Chairperson and Ms. Shailaja Deval, Member Secretary, RSPCB

Mr. Krishan Kumar Singh, Advocate for MoEF& CC

Mr. Pallav Shishodia, Sr. Advocate and Mr. Rishabh Sancheti, Advocate for JPNT

Mr. Pankaj K. Singh, ADG, Rajasthan Police

Mr. Ajay Jain and Ms. Smarithi Malhotra, Advocates for GNCTD

ORDER

We are now proceeding on monitoring the execution and compliance of this Tribunal's Order dated 16.11.2018 and 12.4.2019 which *inter alia* relates to closing of two industries, setting up of Primary Effluent Treatment Plants

(PETPs) by Textile and Steel industries, adoption of PETP standards, utilization of treated CETP effluents as well as sewage from sewage treatment plants, maintaining environmental flow in river Jojri and monitoring mechanism for execution of directions.

We have perused the affidavit filed by Secretary Department of Environment, State of Rajasthan dated 14.3.2019 (Page 1201-1297) conveying that review meetings were conducted on 20.11.2018, 13.12.2018, 24.1.2019 and 26.2.2019 for progress of compliance.

Rajasthan State Pollution Control Board has also filed an affidavit dated 14.3.2019 (Page 1299-1400) providing action taken report. However, with regard to actions taken on setting up of PETPs by the industries and utilization of treated effluents from CETP, the SPCB has simply attached the information provided by JPNT without providing any comments on execution at the ground level. Further, the State Pollution Control Board has not commented on modification of consent order granted to JPNT, in the light of the directions issued by the Tribunal on 16.11.2018.

Rajasthan State Industrial Development and Investment Corporation (RIICO) have filed an affidavit on 16.3.2019 (Page 1402-1474) regarding cleaning of drains and prohibiting burning of waste in the industrial area.

A Summary of Compliance of the Order of 16.11.2018 is as under:

Sr. No.	Directions	Compliance
1	Two industries namely M/s Universal Dye Stuff and M/s Dauxil Product to remain closed.	Both the industries are closed as per the directions of CPCB and shall be allowed to operate only after securing the compliance.
2	Steel, Textile and other industries to set up PETP before 31.12.2018.	Out of 419 industries (94 Steel, 312 Textiles and 13 others), 377 industries have set up PETP (87 Steel, 283 Textiles and 7 others) <u>31 units</u> are either found non-operational or have changed their process and <u>not set up PETP</u> , <u>11 units had merged/converted to non-polluting industries and their membership have been cancelled by the JPNT</u> . All the industries should be monitored and ensured that, they set up PETP if operate and comply with the standards.
3	Adoption of PETP and CETP standards by SPCB.	The State Pollution Control Board has adopted the standards suggested by the Committee and by MoEF and CC. An order to this effect has been passed by SPCB on 11.3.2019
4	Imposition of fine of Rupees one crore on RIICO and PCB.	Rupees one crore has been deposited with CPCB.
5	Sewage treatment plants (STPs) (3) to comply with the standards notified by MoEF and CC and utilization of treated sewage for irrigation.	Municipal Corporation of Jodhpur has informed while reporting the compliance to RSPCB that they are already utilizing treated effluents in agriculture and has auctioned the treated water for agricultural uses. Further, Nandri 20 MLD STP will be upgraded for which the work orders have been issued and the tentative date of completion is 7 th June, 2020. (Page 1351)
6	Irrigation and Flood Control Department has to provide potable water to the Gram Panchayat and village Araba.	Public Health Engineering Department (PHED) has on 5.12.2018, informed that, they are supplying potable water to these villages.
7	Irrigation and Flood Control Department has to prepare a plan for releasing fresh water in the upper stretches of	It is reported that, there is no excess water available in Kaylana lake for releasing water in river Jojri. However,

	Jojri river through Kaylana lake or through lift canal of IGC.	it has been recorded in the minutes of the meeting held on 13.12.2018 (Page 1213) that, options will be explored for maintenance of E-flows.
8	Monitoring of directions under the Chairmanship of District Magistrate on weekly basis and by the Secretary Environment Department of the State on monthly basis and reports are to be filed on bi-monthly basis.	District Collector Jodhpur has taken meetings on 20.11.2018, 13.12.2018, 14.01.2019, 07.02.2019, 22.02.2019, 01.03.2019, and Secretary Environment took the meetings on 20.11.2018, 13.12.2018, 24.01.2019, and 26.02.2019. Minutes of meetings are provided in Annexure.

We are of the view that, still many more actions are required to be taken and each requires timelines for execution. We have also noted similar conditions of industrial pollution being caused at Pali and Balotra. In these cases, we have directed for seeking Performance Guarantee and imposed Environment Compensation to provide relief to the victims on account of loss of water resources, effect to the health and loss to the agriculture. We, therefore, further direct the followings:

1. Secretary of Environment State of Rajasthan will undertake an assessment on account of environmental damages and its cost, in terms of monetary loss for Jodhpur area where the industrial effluents and the sewage has been/being disposed and such assessment report will be filed in two months time.
2. Monitoring of action plan at the level of District Collector and the Secretary Environment will continue and the Chief Secretary will also review the progress.

3. Rajasthan State Pollution Control Board should monitor performance of CETPs on fortnightly basis and the samples of the finally treated effluents should be tested in the recognized laboratory and record the compliance with the consented parameters and the norms prescribed. The Board should also consider that, if the CETP is non-compliant with the standards, then all the members of CETP will be responsible for their act and are liable for closure till deficiency in is rectified. Since the entire effluent of CETP is not utilized by industries and irrigation, the treated effluent before it enters river Jojri should comply with strict standard, as the river carries no fresh water. It should be clarified by the State Board that how it would deal with the non-compliance of CETP while flouting the consent condition. Compliance report should be filed by RSPCB within two months.

4. The Secretary Agriculture, Irrigation and Flood Control and Forest/Horticulture Departments should certify that the treated effluents used for agriculture, forestry or horticultural purpose is fit and has no deleterious effect. A report to this effect should be filed within two months. This is in context to CETP effluents, proposed for agriculture/horticulture.

5. Rajasthan Pollution Control Board will also file a report in two months to the effect that PETPs installed by the member industries are adequate with respect to the

quantity of effluents being treated and capability of meeting the prescribed standards. The State Board will further file a statement on setting up of a reliable monitoring mechanism/system, with required frequency/schedule to check the compliance.

6. The Central and State Ground Water Board should file a statement in respect of, as to what is the source of water supply to the industries located in RIICO and Non-RIICO area and ground water regarding which permissions has been granted to the industries to use for industrial purposes. It should also contain the permissions granted to the ground water suppliers in context of “over exploited” zone. Affidavit to this effect should be filed within two months.

7. We direct Secretary State Urban Development Department to file a statement on compliance of existing STPs with the standards prescribed under consent conditions by the State Pollution Control Board, the timelines for upgradation of STPs and setting up of new STPs to ensure that entire sewage generated, is treated and treated effluents are utilized. Treated sewage effluents should be discharged in the river, only after exhausting other options of utilization. In such circumstances, the treated effluents should meet the most stringent norms.

8. With regard to maintaining e-flow in the river Jojri, options should be explored but in no case industrial or sewage effluents should be disposed in the river Jojri, as it has already been badly abused which has not only resulted in death of the river but has also affected ground water and agricultural areas in the catchment.

We, therefore, direct the Chief Secretary to review the status of all such dried rivers in the State and ensuring that they are not mis-utilized for the purpose of disposal of solid and liquid waste, on the pretext that these are dried rivers. This should be made applicable to the entire state. An affidavit to this effect will be filed by Secretary Irrigation and Flood Control Departments of the State in consultation with all concerned departments and under the supervision of Chief Secretary, within two months.

The Tribunal in due course of time may appoint an independent Committee/Court Commissioners to assess the progress made in securing the compliance of these directions.

The Additional DGP is present before the Tribunal today. The DGP and Additional DGP, Rajasthan shall remain present before the Tribunal on the next date of hearing, with a proposal for constituting a Special Task Force to check activities of the industries contrary to Environmental Law and the orders passed by the Tribunal.

Clippings of newspaper Rajasthan Patrika dated 28.04.2019 marked as 'X' and 'Y' be taken on record.

List this part heard matter for further consideration on 17th May, 2019.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

May 10, 2019
MN

