

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 50/2018(WZ)

Nav Yuva Sanghatan & Ors.

Applicant(s)

Versus

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

Respondent(s)

Date of hearing: 19.09.2019

**CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mrs. Parikrama Khot holding for Mr. Asim Sarode, Advocate

For Respondent (s): Ms.Ruchi Kohliand Ms. Manyaa Chandok, Advocates for GPCB (Respondent No. 6) Mr.Nikhil Nayyar, Senior Advocate along with Ms.Supriya Dangere, Mr.Aditee Dangrawat, Mr. Siddharth A Mehta, and Mr.Navin, Advocates for Respondent No. 8.

ORDER

1. This case pertains to damage to environment in the area of Tapi river at Surat in Gujarat alleged to have been caused by illegal construction activities, dumping of waste, dredging, digging, illegal discharge of effluents and absence of demarcation of blue line and red line in the river bed by the Irrigation Department.
2. Having appreciated the various facts and circumstances involved in the case, a Committee was constituted comprising of representatives of the Secretary, Irrigation Department of Gujarat, Gujarat State Pollution Control Board, Secretary, Urban

Development and Housing Department of Gujarat, the Collector, Surat and the Municipal Commissioner, Surat Municipal Corporation to review and coordinate the necessary measures.

3. The Surat Municipal Corporation was directed to be the Nodal agency for coordination and compliance of the directions.

4. The Committee was directed to hold its first meeting within two weeks for taking up for consideration of all issues, including the issue of demarcation of the river bed into blue line and red line. The Committee was permitted to invite public participation and undertake public education programmes and also to consider the plan prepared by the Committee constituted by this Tribunal vide order dated 26.0.2018 in Manoj Mishra Vs. Union of India &Ors., Original Application 06/2012 available on the website of the said Committee.

5. In the consequential report submitted by the Committee, we have noted a substantial work said to have been undertaken by Surat Municipal Corporation which *Inter-alia* is as follows:-

“5. In terms of the directions, report has been received from the Committee which reflects substantial work having been undertaken by the concerned Municipal Corporation. Without going into the other details contained in the report, we may refer to some aspects of it.

6. The report deals with (i) pollution abatement and Conservation of Tapi River project (ii) identifying the actions initiated by the authorities, (iii) suggestion and observation of the Committee. Against pollution abatement and conservation of Tapi river project, it has inter alia observed that total 50 SPS and 39 STP require to be constructed in the area of Surat Municipal Corporation, Surat Urban Development Authority and the State Government. It is stated that DPR in this respect had been submitted for which Administrative approval and expenditure sanction has been received from

National River Conservation Directorate, Ministry of Environment, MoEF& CC.

7. *Activities identified and action initiated by the authorities indicates that tenders have been floated for various works which are presently at different stages.*

8. *More importantly it has been reported that:*

(a) The untreated sewage being disposed off from the area within jurisdiction of Surat Urban Development Authority have been intercepted and diverted from Valak, Gadhpur and Varachha creeks by Surat Municipal Corporation and as a result approximately 135 MLD of untreated sewage entering into river Tapi has been stopped at the cost of Rs. 41.57 crores.

(b) As a drive to stop untreated sewage entering in to river Tapi, more than 1000 illegal drainage connections in the storm network have been identified and diverted its sewage into 3 the regular drainage network in last 02 years within jurisdiction of Surat Municipal Corporation.”

6. Regarding drawing of red line and blue line of river Tapi, it was submitted that a drawing indicating the demarcation along the bank of the river Tapi had been submitted by the Narmada Water Resources, Water Supply and Kalpser Department and action would be taken by the respective authorities as per their jurisdiction.

7. It had been submitted by the Learned Counsel for the Municipal Corporation on instruction of the Executive Engineer, Surat Municipal Corporation, that implementation of red line and blue line submitted by the Narmada Water Resources, Water Supply and Kalpser Department would be completed within two months. As prayed for on behalf of Municipal Corporation, the said department was directed to coordinate with the other departments for effective implementation of the demarcation. It had been clearly directed that work should be completed expeditiously within two months.

8. An affidavit filed on behalf of the Surat Municipal Corporation in substance states that the implementation of blue line and red line would depend on the respondent no. 1 providing identification and demarcation on the ground and, as the stretch involved is about 66 Kms, two months period was prayed in modification of the period prescribed in paragraph 12 of the order dated 11.07.2019.
9. We are disappointed to note that the said Respondent No. 1 has failed to put in appearance despite specific and categorical order passed by us directing the Chief Secretary to look into the matter which involved various aspects including prevention of illegal construction. We notice absolute indifference on part of the State Respondents in responding to the directions issued by the Tribunal. This, despite the fact that serious questions relating to environment are involved in the present case which naturally is of grave public interest. We are informed that the process for completion of the proposed red line and blue is likely to take about 3 months more to complete. This has been informed based on the minutes of the meeting held on 16.09.2019. Let the exercise be completed within the period as informed, i.e, within December, 2019 in accordance to the directions issued earlier. Failure to adhere to the timeline shall entail cost of Rs. 50 lakhs upon the State of Gujarat. Further delay thereafter shall result in enhancement of the cost by Rs. 50 lakhs more.
10. The approach of the Municipal Corporation is also not above Boarding as much as, if the red line and the blue line had not been drawn, the earlier demarcation stated to have been made in 2009

ought have been resorted to prevent encroachments. This has not been done despite the fact the demarcation is admittedly available with the concerned authorities.

11. We, therefore, direct the direct Surat Municipal Corporation to place before us the extent of encroachments that have taken place within the area demarcated in the year 2009, the action taken against such encroachments, etc. Let the report be filed within one month from hence.

12. A copy of this order be transmitted to Chief Secretary, Government of Gujarat for compliance.

13. List on 19.12.2019.

S. P. Wangdi, JM

K. Ramakrishnan, JM

Dr.Nagin Nanda, EM

19thSeptember, 2019
Original Application No. 50/2018 (WZ)
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