

Significant interventions of the National Green Tribunal in February 2019

1. Case: *Paryavaran Suraksha Samiti & Anr. Versus Union of India & Ors.* (O.A. No. 593/2017)

Issue: Establishment and functioning of Effluent Treatment Plants (ETPs), Common Effluent Treatment Plants (CETPs) and Sewage Treatment Plants (STPs)

Date: 19.02.2019

Impact: The Tribunal is monitoring the implementation of a 2017 order of the Supreme Court on the establishment and functioning of ETPs, CETPs and STPs. Taking a report filed by the Central Pollution Control Board in December 2018, the Tribunal noted the methodology evolved for assessing environmental compensation and action plan to utilize the fund. The compensation would be a minimum of Rs. 5000 per day and could be in two components providing for immediate relief and other long-term measures such as remediation. CPCB has also informed the court that separate report is being prepared for municipal solid waste and sewage.

The scientific formula to calculate environmental compensation by polluting industries is a significant step in combating pollution. The Action plan also lists out the Environmental Compensation to be levied on all violations of [Graded Response Action Plan](#) (GRAP) in Delhi NCR. The GRAP was notified in 2017 as per directions of the Supreme Court to be implemented under different Air Quality Index (AQI) categories namely, Moderate & Poor, Very Poor, and Severe as per National Air Quality Index.

2. Case: *Anil Tharthare) Versus The Secretary, Env't. Dept. Govt. of Maharashtra & Ors.* (Appeal No. 122/2018)

Issue: 'Amendment' to the Environment Clearance (EC) for expansion of real-estate projects.

Date: 11.02.2019

Impact: The Tribunal held that the Maharashtra government's consistent practice of treating expansion of construction projects as a minor amendment and modifying the Environmental Clearance accordingly is invalid and has no legal sanction.

The Tribunal held that the office order permitting this practice is in violation of the Environment Impact Assessment Notification, 2006 which clearly lays down that prior environmental clearance is required for certain kinds of projects.

Further, the Tribunal directed the [project proponent](#) to deposit a sum of Rs. 1 crore with the CPCB within one month towards interim cost of damage to the environment and setup an expert committee to ascertain total damage. The Tribunal reasoned that penalty was imposed despite having complied with the Maharashtra law since grant of legal sanction is never to be treated as unconditional and does not obviate the requirement to maintain environment norms.

3. Case: ***CharudattKoli Versus M/s. Sea Lord Containers Ltd.*** (O.A. No. 40/2014)

Issue: Air pollution in the outskirts of Mumbai due to emissions by oil companies and similar businesses.

Date: 05.02.2019

Impact: The Tribunal having considered the issue of deterioration of ambient air quality below the prescribed standards due to emissions by oil companies in 2015 has noted that the situation has not vastly improved. The Tribunal has noted that the liability of companies including Bharat Petroleum Corporation Limited and Hindustan Petroleum Corporation Limited has been established in failing to comply with the previous directions.

The Tribunal has directed preparation of an integrated action plan to be submitted to CPCB. Further CPCB may determine a suitable Performance Guarantee to comply with the action plan and also determine, prima-facie, the amount liable to be paid for the damage to the air quality caused so far on account of failure to take adequate measures, inspite of orders passed by this Tribunal more than three years ago.

4. Case: ***V. Manickam Versus The Secretary, Tamil Nadu Pollution Control Board & Ors.*** (O.A. No 51/2015 (SZ))

Issue: Pollution of Thirumanimuthar River in Tamil Nadu due to discharge of industrial effluents and municipal sewage.

Date: 04.02.2019

Impact: The Tribunal took a serious view of grim situation in Salem district where the Salem Municipal Corporation has failed to prevent, curb pollution of River Thirumanimuthar. In 2009, based on the orders of the Madras High Court 155 unauthorized dyeing and bleaching units were to be closed in Salem District. However, the discharge of untreated effluents continues into the river. In October 2018, it was stated that the STPs were to be operative. The task is yet to be completed and it is not clear whether an underground sewerage system has been commissioned.

In view of the discrepancies, the Tribunal directed a joint inspection to ascertain present status by a team comprising of representatives of CPCB and Tamil Nadu Pollution Control Board to finalise compensation is required to be recovered from Salem Municipal Corporation as well as from polluting industries. Meanwhile, Salem Municipal Corporation is directed to deposit an interim compensation of Rs. 25 lacs with the CPCB within one month and also furnish a Performance Guarantee of Rs 50 lakhs to CPCB to ensure that untreated effluents will not be discharged and necessary steps to prevent such discharge will be taken positively within three months failing which the amount of Performance Guarantee will be forfeited.

5. Case: ***Hardeep Singh & Ors. Applicant(s) Versus SDMC & Ors.*** (O.A. No. 519/2016)

Issue: Curbing noise pollution as per statutory mandate of Noise Pollution (Regulation and Control) Rules 2000.

Date: 12.02.2019

Impact: The Tribunal noted that its previous directions on the subject directing establishment of call centres, drawing up a Standard Operating Procedure (SOP) regarding control of noise pollution and banning the use of generator sets of capacity of 5 KVA and above in the residential areas between 10 pm to 6 am have not been fully complied with. While an action plan had been drawn providing for setting up of call centres and detailed SOP for controlling noise pollution it is yet to be implemented even after four months since the order was passed. The helpline and the website have not been set up weekly meetings have not been held by the nominated DSP and SDM, as required. The Tribunal granted further opportunity to the Delhi government to file fresh compliance report within one month directed that it deposit a sum of Rs. 5 Lakhs as costs with the Central Pollution Control Board (CPCB) within one week.

6. Case: ***Tribunal on its own motion Versus Govt. of NCT of Delhi & Ors.*** (O.A. No. 496/2016)

Issue: Contamination of groundwater in Delhi

Date: 19.02.2019

Impact: The Tribunal took into account several steps taken by the independent monitoring committee appointed to implement the action plan prepared by the Delhi Jal Board to curb contamination and rejuvenation of ground water. The committee has identified three key focus areas- revival and rejuvenation of water bodies, encroachments around water bodies and Rain Water Harvesting Systems (RWHS).

Appreciating the progress, the Tribunal also suggested that expert committees appointed to looking into cleaning of River Yamuna and illegal industrial entities on the Yamuna River may meet the committee on this matter for coordinating efforts, if any.

7. Case: ***Kashinath Shetye & Ors. Versus Srinet Kotwale & Ors.*** (O.A. No. 486/2018 (WZ))

Issue: Prevention and remedying pollution in river Mandovi in Goa.

Date: 20.02.2019

Impact: Despite the Tribunal's intervention since 2014, the Mandoviriver continues with fecal Coliform greater than permissible limits and pH less than standards. Referring to the latest report filed in 2017 by the Goa Pollution Control Board, the Tribunal noted that problem areas Porvarim, Reis-Magos, Britona, Nerul, Candolim and Mayem and Teleigao, Se Old Goa, Goltim-Diwar, Corlim and Carambolim in the south side have been identified. The report also states that notices under Section 40 of Goa Public Health Act, 1985, were issued to the commercial establishments and several recommendations

have been made and the action plan proposed various measures including setting up of water treatment devices.

The Tribunal also noted that since Mandovi is one of the 351 polluted river stretches identified by the CPCB, the River Rejuvenation Board of the state has separately submitted an action plan pursuant to previous directions. The Tribunal also directed GPCB to make an assessment of the amount of compensation to be recovered and the persons from whom such recovery is to be effected.

8. Case: ***Sobha Singh & Ors. Versus State of Punjab & Ors.*** (O.A. No. 916/2018)

Issue: Pollution of rivers Satluj and Beas in the State of Punjab.

Date: 28.02.2019

Impact: The Tribunal took on record reports filed by the CPCB referring to action plans to be prepared by the River Rejuvenation Committee (RRC) of the concerned states. The action plans that are to be submitted to the CPCB include those for rejuvenation of river Satluj and Beas by the state of Punjab.

The Punjab action plans identified the major drains which are being polluted and the sources of pollution as mainly industrial and municipal. The action plans also deal with the gaps in solid waste management, bio-medical waste management, hazardous waste management as well as in discharge of untreated sewage and industrial effluents. The monitoring committee appointed by the Tribunal previously and the Punjab Pollution Control Authority have also drawn up a utilization plan for the interim penalty already imposed on the state of Rs. 50 crores. Additionally, the Tribunal also appointed new members to the monitoring committee to strengthen its functioning.

9. Case: ***P. Edwin Wilson Versus The State of Tamil Nadu & Ors.*** (O.A. No. 168/2017(SZ))

Issue: Measures to protect the trees planted at public places

Date: 01.02.2019

Impact: The Tribunal noted that concretising and cementing area around the trees without leaving any space is detrimental to the health of trees and environment. In 2013, the Tribunal had directed that concrete surrounding the trees within one metre of the tree should be removed.

After Greater Chennai Corporation submitted that Detailed Project Planning for Sustainable Plantation Strategy has already been prepared and approved and in the process of implementation, the Tribunal directed that de-concretizing to the extent of less than one metre around the trees may be completed within three months.