

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Miscellaneous Application No 356 of 2023

In

Writ Petition (Civil) No 375 of 2012

Paryavaran Suraksha Samiti

Petitioner

Versus

Union of India and Others

Respondents

ORDER

- 1 The judgment of this Court in ***Paryavaran Suraksha Samiti and Another vs Union of India and Others***¹ laid down mandatory time lines for the setting up of *Common Effluent Treatment Plants*² and *Sewage Treatment Plants*³. The judgment which was pronounced on 22 February 2017 envisages that CETPs and STPs shall be set up within a period of three years. Paragraph 16 of the order indicates thus:

“It however needs to be clarified that the instant directions and time lines shall not in any way dilute any time lines and

1 (2017) 5 SCC 326
2 “CETPs”
3 “STPs”

directions issued by courts or Benches of the National Green Tribunal, hitherto before, wherein the postulated time lines would expire before the ones expressed through the directions recorded above. It is clarified that the time lines expressed hereinabove will be relevant, only in situations where there are no prevalent time line(s), and also, where a longer period has been provided for.”

- 2 The State of Uttar Pradesh has instituted the present miscellaneous application seeking the following directions:

“Allow the present Application and allow the State more time to install and operationalise 100% STP coverage in the State of U.P. in terms of directions in para 12 of final order dt. 22.02.2117.”

- 3 The State of Uttar Pradesh has in support of its application purported to submit that the time lines which were provided in the judgment of this Court dated 22 February 2017 “are impractical and artificial and impossible to implement in the time frame, given present funding and institutional capacities and other competitive priorities of the State”. The State has also averred that “STPs are typically set up by the government and hence the typical time consuming procurement process of tendering needs to be followed”. Moreover, it has been submitted that the judgment of this Court does not take into account aspects such as the steps required in the pre-construction phase and the post-construction phase.
- 4 It has been stated in the application that the State of Uttar Pradesh has one of the highest population densities in the country of 828 per square

kilometer whereas the national average is 464 per square kilometer. Hence, the laying of sewerage networks and acquisition of land poses a challenging task. The State has further submitted that the Million Litres per Day⁴ of waste generation of Uttar Pradesh is much higher than other States requiring a larger installation of STPs. The State has also referred to the implementation of various other administrative schemes, the impact of the Covid-19 pandemic and the budgetary requirements for 100 per cent treatment of sewage discharge.

- 5 Another reason for moving the miscellaneous application, it is stated, is that the National Green Tribunal has imposed penalties on diverse States which have not complied with the time lines imposed by this Court and that this may delay the projects.
- 6 Mr Maninder Singh, senior counsel appearing on behalf of the applicants with Ms Garima Prashad, Additional Advocate General for the State of Uttar Pradesh and Ms Ruchira Goyal, Standing Counsel has tendered a note on Sewage Management in the State of Uttar Pradesh. The present status which has been indicated in the note tendered before this Court is in the following terms:

“Brief Note on Sewage Management

- Total Sewage Generated in the State is 5500 MLD.
- 122 STPs with treatment capacity of 3860 MLD are

operational. **List of 122 STPs is annexed as Annexure no-1**

Time line for the Way Ahead

- There are 52 STPs with treatment capacity 1004 MLD under construction to be commissioned by Dec, 2024. **(Annexure 2)**
- 15 STPs with treatment capacity 854 MLD are under tendering process, and shall be commissioned by June 2025. (Annexure 3).
- **State shall have treatment capacity of 5718 MLD by June 2025 and gap shall be zero in between Sewage generation and treatment.**

Future plan

- 317 STPs with treatment capacity of 1593 MLD are proposed to be installed by Dec.2025. **List of 317 STPs is annexed as Annexure 4.**
- State shall have a total treatment capacity of 7311 MLD by Dec.2025.
- **100% treatment of sewage by June 2025.**
- **Projects to meet the MLD Gap have already been grounded.**
- **Funds have been tied up for the same in the respective project accounts"**

- 7 The above statement indicates that the total sewage generated in Uttar Pradesh is 5500 MLD. 122 STPs with a treatment capacity of 3860 MLD are stated to be operational. 52 STPs with a treatment capacity of 1004 MLD are under construction and are to be commissioned by December 2024. 15 STPs with a treatment capacity of 854 MLD are under 'tendering' and are

proposed to be commissioned by June 2025. Moreover, it has been submitted that 317 STPs with a treatment capacity of 1593 MLD would be installed by December 2025. In sum and substance, it has been submitted that 100 per cent treatment of sewage would be envisaged by June 2025.

- 8 The above statement which has been tendered before this Court would require factual verification. Moreover, this Court had categorically set up time lines in its judgment for the setting up of CETPs and STPs as the case may be. Whether there has been *bona fide* compliance with the judgment of this Court is also a matter which warrants consideration.
- 9 Apart from the above, the mere setting up of STPs is not enough. The maintenance of the STPs and their performance and capacity to deal with sewage which is generated is another matter which has to be duly scrutinized and monitored. The treatment of sewage which is generated in the villages, towns and cities is a matter of utmost concern. Untreated sewage waste is discharged into rivers and naalas polluting the very sources of water upon which the survival of the population and bio diversity depends.
- 10 While this Court had in its judgment laid down time lines for the construction of STPs and CETPs, of equal importance is the need to ensure that:
 - (i) The CETPs with the requisite technology and capacity are duly commissioned;

- (ii) After the commissioning of the CETPs/STPs, they continue to remain operational;
- (iii) The CETPs/STPs are duly maintained and upgraded as the need may arise;
- (iv) There is due monitoring at the administrative level on a real time basis of the performance of the CETPs, the deficiencies which may arise in the course of functioning and work of repair and maintenance; and
- (v) Entrustment to an authority which would be accountable for the due performance of the CETPs.

11 The above aspects are necessary to be borne in mind to supplement the directions of this Court. It is only if all other consequential steps are taken as adverted to above that the object and purpose of the order of this Court would be duly met.

12 We accordingly permit the applicant to move the National Green Tribunal with an application in that regard. The National Green Tribunal shall duly monitor compliance with the directions including the time-lines which have been spelt out in the order of this Court. It would be open to the applicant to place on the record of the Tribunal all material to indicate the *bona fide* steps which were taken to comply with the order of this Court and, if there were any genuine hindrances in doing so, the nature of the hindrances. The

Tribunal would be at liberty in the exercise of its discretion to consider any request for a further extension of time.

- 13 The National Green Tribunal is authorized in terms of the present order to suitably extend time should it be satisfied that all necessary steps have been pursued with a sufficient degree of alacrity. The Tribunal shall also take stock of the issues which have been set out above in relation to due monitoring of the performance of the STPs and steps for ensuring up-gradation and maintenance. The Tribunal shall also ensure that an accountable mechanism is set up in the State of Uttar Pradesh to take stock of the performance of the STPs, providing for adequate funds for up-gradation and maintenance as required and for attending to all other administrative issues and problems.
- 14 The Miscellaneous Application shall stand disposed of in the above terms.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Pamidighantam Sri Narasimha]

.....J.
[J B Pardiwala]

New Delhi;
March 20, 2023
CKB

ITEM NO.16

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No.356/2023 in W.P.(C) No.375/2012

PARYAVARAN SURAKSHA SAMITI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With IA No.45621/2023-EXTENSION OF TIME)

Date : 20-03-2023 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

Mr. Maninder Singh, Sr. Adv.
Ms. Garima Prashad, Sr. A.A.G.
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For Respondent(s)

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Mr. Divyansh H Rathi, Adv.

Mr. Varinder Kumar Sharma, AOR

Mr. Rahul Khurana, Adv.
Ms. Himani Bhatnagar, Adv.
Mr. Sanjay Kumar Visen, AOR

Mr. Gopal Singh, AOR
Mr. Guntur Prabhakar, AOR
Mr. S. Udaya Kumar Sagar, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 The Miscellaneous Application is disposed of in terms of the signed order.

**(CHETAN KUMAR)
A.R. -cum-P.S.**

**(SAROJ KUMARI GAUR)
Assistant Registrar
(Signed order is placed on the file)**