

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3546/2023

AGRA DEVELOPMENT AUTHORITY APPELLANT(S)
VERSUS
DEVANSHU BOSE AND OTHERS RESPONDENT(S)

O R D E R

1. *Vide* order dated 03.07.2023, while issuing notice in the present appeal, we had directed the appellant, Agra Development Authority¹, to deposit a sum of ₹25,00,000/- (Rupees twenty five lakhs only) with the Uttar Pradesh Pollution Control Board². We also asked the ADA to comply with the directions given in the impugned judgment dated 18.01.2023 passed by the National Green Tribunal, Principal Bench, New Delhi, which directions are in a nature of an interim order. The UPPCB was asked to verify and ascertain and file a status report on compliance/non-compliance with the directions.

2. *Vide* order dated 04.12.2023, we had directed the ADA to ensure that the sewage treatment plant discharge etc., conforms to the statutory requirements. The UPPCB was asked to verify as

1 For short, "ADA".

2 For short, "UPPCB".

to whether there are lapses/default, and to rectify the defects and also submit data/test reports as evidence of compliance.

3. In view of the report submitted by the UPPCB, by order dated 03.05.2024, we had directed the ADA to deposit a further sum of ₹10,00,000/- (Rupees ten lakhs only). It was also directed that this amount and the earlier amount of ₹25,00,000/- (Rupees twenty five lakhs only) should be used for the upgradation of the sewage treatment plant. The action plan with regard to the same was directed to be filed by the ADA within a period of four weeks from the date of the said order.

4. The aforesaid order also mentions that respondent No. 1, Devanshu Bose, claimed that the entire untreated sewage was being dumped on land behind his residence. The officers of the ADA were asked to visit the site/location in question and submit an affidavit along with photographs. This order also directed the ADA to furnish the details of the internal and external development charges collected by them from the builder(s)/ owners/occupants in the colony in question and the adjacent colonies. The expenses incurred by the ADA on the sewage drains/sewage treatment plant(s) etc. were directed to be stated.

5. The ADA filed an affidavit stating and accepting that they had

received a sum of over ₹23,50,00,000/- (Rupees twenty three crores fifty lakhs) as external development charges. The details of the expenditure incurred by them of about ₹7,21,00,000/- (Rupees seven crores twenty one lakhs only), have been given. Most of the expenditure is on roads and bridges, etc. The details do not show that any expenditure has been incurred on the sewage treatment plant, sewage drainage etc.

6. The UPPCB in its status report, submitted that the sewage treatment plant at the site/location in question was inspected on 01.10.2024, and was found to be not in operation. Photographs were taken, which show that the effluent had stagnated and also collected near the roadside. The sample collected from the outlet of the sewage treatment plant was not found to be meeting the norms.

7. The stand taken by the ADA is that, on the said date, the sewage treatment plant was not working. The stand, however, does not satisfy us, as it is apparent that the sewage treatment plant is actually not working and functional.

8. The UPPCB had issued a letter to the Vice-Chairman of the ADA, stating that the builder(s) are liable to pay environmental compensation of ₹2,13,98,438/- (Rupees two crores thirteen lakhs ninety eight thousand four hundred thirty eight only).

The Vice-Chairman was requested to take up the steps for the arrangement for setting up the sewage treatment plant or ask the builder(s) to undertake the construction of the same, failing which legal action would be taken by the Board.

9. The ADA will deposit the amount of compensation/cost(s) as directed by the National Green Tribunal³. The amount deposited would be utilized for the sewage treatment plant/drainage etc. In addition, the ADA must ensure that sewage is lifted and transported from the colony so that there is no collection of sewage or effluent in the colony itself. This exercise must be undertaken every week and an affidavit in this regard will be filed by the Vice-Chairman of the ADA before the NGT. In case there is any default and failure to lift and transport the sewage and the sewage treatment plant is not working as per the required parameters, the NGT will be entitled to pass appropriate orders, including imposing costs/compensation as may be required and justified in law.

10. The Vice-Chairman of the ADA will nominate a senior officer of the said authority, who shall be responsible for ensuring compliance with this order as well as the directions given by the NGT. The details, including name and designation of the said officer, will be furnished by the ADA to the NGT within a period of three weeks from today.

3 For short, "NGT."

11. The amount lying in this Court will be sent to the NGT and would be treated as a deposit made towards costs/compensation as awarded.

12. In view of the aforesaid factual background, we are not inclined to interfere with the impugned judgment and, accordingly, the present appeal is dismissed. Pending application(s), if any, shall stand disposed of.

.....CJI.
(SANJIV KHANNA)

.....J.
(SANJAY KUMAR)

NEW DELHI;
DECEMBER 03, 2024.

ITEM NO.8

COURT NO.1

SECTION XVII

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

Civil Appeal No. 3546/2023

AGRA DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

DEVANSHU BOSE & ORS.

Respondent(s)

(IA No. 247901/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 97706/2023 - EXEMPTION FROM FILING O.T.
IA No. 247900/2023 - GRANT OF INTERIM RELIEF
IA No. 51387/2024 - INTERVENTION/IMPLEADMENT
IA No. 121137/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON
IA No. 51390/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON
IA No. 247902/2023 - PERMISSION TO FILE APPLICATION FOR DIRECTION
IA No. 97703/2023 - STAY APPLICATION)

Date : 03-12-2024 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Appellant(s) Mrs. Ashwarya Bhati, A.S.G.
Mr. Sudhir Kulshreshtha, AOR

For Respondent(s) Respondent-in-person

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.

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

Permission to appear and argue in-person is granted.

The appeal is dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)