

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

Original Application No. 92/2015/EZ

ANIL KUMAR SINGH

Vs

The Chief Secretary, Government of Jharkhand & Ors

CORAM: **Hon'ble Mr. Justice S.P.Wangdi, Judicial Member**
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: **Applicant : None**
Respondent Nos. 1 to 3 : None
Respondent No. 4 & 5 : Mr. Surendra Kumar, Advocate
Respondent No. 6 : Mr. Sanjay Banerjee, Advocate.

Date & Remarks	Orders of the Tribunal
Item No. 5 23 rd March, 2017.	<p>In the order dated 16.2.2017, it had been noted by us that the affidavit filed by the respondent No. 6, Ranchi Municipal Corporation, indicated that the date for completion of the long term measures for cleaning of Harmu river under the “Rejuvenation and Conservation of Harmu River Project” was 23.8.2017 as per the contract agreement dated 24.2.2015 entered into between the Ranchi Municipal Corporation, the Jharkhand Urban infrastructure Development Company Limited (JUIDCO) and M/s Eagle Infra India Ltd. which</p>

had been awarded the work.

In view this, we were curious to know the logic of continuing with the short term measure which we were informed was at its very initial stage of having only selected the contractor, viz. M/s Eagle Infra Ltd., for executing the work.

Accordingly, we had directed the respondent No. 6 to place before us an affidavit on the necessity of continuing with the short term measure. In order to get the matter clarified, we had also directed that an Engineer Officer of the contractor company, i.e. M/s Eagle Infra Ltd. and the Commissioner of Ranchi Municipal Corporation to be present before us today.

It is stated that Shri Prashant Kumar, Municipal Commissioner, RMC, is unable to be present today as he has suffered severe knee injury and is even unable to walk. In his place, Mr. Bidyanand Sharma Pankaj, Addl. Municipal Corporation, Ranchi Municipal Corporation is present.

On behalf of M/s Eagle Infra Ltd. none has appeared despite our order. However, Mr. Alok Kumar Mondal, Dy. General Manager and Mr. Prabhjit Singh, Dy. Project Manager, JUIDO, the executing authority, are present.

In view of this, absence of the Municipal Commissioner and representative of M/s Eagle Infra Ltd. is condoned.

Affidavit filed on behalf of the Ranchi Municipal Corporation by Mr. Sanjay Banerjee, Ld. Adv., is ordered to be taken on record.

For the sake of convenience, we may reproduce the relevant portion of the affidavit which reads as follows :

“ 4. To treat the sewage getting into Harmu River through various inlets and drains, total of 8 (eight) Nature based/Phytorid Technology based Sewerage Treatment Plants (STOs) designed by CSIR- National Environmental Engineering Research Institute (NEERI) are proposed in the Project, “Rejuvenation and Conservation of Harmu River” being executed by the agency named Jharkhand Urban Infrastructure Development Company Limited (JUIDCO) under the administrative control of Urban

Development & Housing Department, Government of Jharkhand.

5. It is submitted that the proposed eight STPs are under construction and commissioning of all these STPs will become functional by 23.08.2017 as per Contract executed between JUIDCO and M/S Eagle Infra India Ltd. on 24.02.2015, the channelization of inlets as well as the adoption of bioremediation/eco-remediation at all 6 major inlets will also be completed within the stipulated completion time i.e 23.08.2017 and it will be integrated in the main project and also will be maintained by the agency during its 5 year of Operation & Maintenance period.

6. That only 5 months are left in the stipulated completion of the project, no separate short term measure for abatement of pollution of river by discharge from the Inlets are required. Adoption of any short term measure at this stage will only lead to wastage of public money. Also all the measures explored till now in respect of short term measures are already incorporated in the agreement dt. 24/02/2015.

7. That the channelization work of all the major 6 inlets are under the scope of this project and the proposal of adoption of bioremediation/eco-remediation in the inlets can only be completed once the channelization work of Inlets are over. In this regard out of 6 major inlets, the channelization work of Inlet-1 has already started and the finalisation of design and drawing of rest 5 major inlets are under process.

8. The Agency (M/s Eagle Infra India Ltd.) has submitted the detailed cost estimate for adoption of Bio remediation at all 6 major inlets, whose affluent are discharging directly into Harmu River.

In reference to the cost estimate submitted by the agency, JUIDCO has surveyed all the major inlets (like Catchment area of inlet, Discharge from each inlets, present dimensions of each inlets etc) and instructed the agency to modify the estimate based upon the actual site condition and submit the same at the earliest.

9. That a detailed presentation will be presented before the Hon'ble Tribunal on the appointed date by JUIDCO.

10. That since all the measures are under way and rejuvenation and conservation work of Harmu River is expected to be completed shortly, this case may be disposed off."

During the course of proceeding, Mr. Banerjee has placed before us hard copy of the presentation of the project prepared by the contractor. We have taken note of this and are quite satisfied that the project has been soundly conceived.

It is specifically stated, as noted in our earlier order, that the work shall be completed by 23.8.2017 as per the contract agreement.

In view of the above facts and circumstances, we do not find any necessity to keep this matter pending further except to direct that the project should be completed within the date stipulated i.e. 23.8.2017. No delay in execution of the work shall be caused on any account whatsoever. If any delay is caused on account of the contractor, it shall be at their risk and cost and if occurs due to the default on the part of the Corporation or other authorities, responsibility shall be fixed on the person who caused it.

An affidavit of compliance on completion of the project shall be filed without fail on 31.8.2017.

With the above directions and observations, the OA stands disposed of.

No order as to costs.

List on 31.8.2017 for filing compliance report.

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Justice S.P.Wangdi, JM

23-3-2017

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Prof. (Dr.) P. C. Mishra, EM

23-3-2017

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