

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 34/2013

Subhash C. Pandey Vs. Municipal Corporation Bhopal & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S. RAO, EXPERT MEMBER

PRESENT : **Applicant :** Dr. Subhash C. Pandey
Respondent No. 1 : Shri Asad Ullah Khan, Advocate
Shri G.S. Saluja, City Engineer
Respondent No. 2 to 6 : Shri Ayush Dev Bajpai, Advocate
for Shri Sachin K. Verma, Advocate
Shri R.N. Ghagre, Dy. GM, MPSTDC, Bhopal
Shri S.K.Chaturvedi, EE, PHED
Respondent No. 7 : Shri Shivendu Joshi, Advocate

Date and Remarks	Orders of the Tribunal
<p>Item No. 03 28th October, 2013</p> <p>O.A.No.</p>	<p>The Learned Counsel appearing for the Bhopal Municipal Corporation (BMC) has filed Misc. Application No. 111/2013 with a prayer for taking on record the documents in Annexure IA/1 which is a status report pertaining to the Shahpura Lake and certain steps the Municipal Corporation has taken in pursuance to the directions of the Tribunal. The said application is allowed and the report filed by the Municipal Corporation is ordered to be taken on record. A copy of the said application and the report has been furnished by the Learned Counsel to the applicant.</p> <p>Pursuant to our earlier directions dtd. 26.09.2013, it has been submitted that a committee was constituted comprising the Executive Engineer, Public Health Engineering Department; Executive Engineer, Pollution Control Board; City Engineer of the Bhopal Municipal Corporation and Senior Scientist, EPCO and the committee held the meeting on 24.10.2013. The aforesaid committee has submitted a report dtd.26.10.2013 with its proposals and action plan which is at Annexure-G. It is, however, stated that the aforesaid report is yet to be submitted to the Government and the Municipal Corporation, Bhopal would be required to obtain necessary finances for executing the works as proposed in the action plan. It was submitted that once the aforesaid report along with the action plan and necessary proposals are submitted to the Government it would be sent to the Ministry of Housing & Environment and then to the Urban Administration and Development Department and thereafter to the Finance Department as it requires</p>

34/2013

28th October,
2013

necessary finance clearance and allocations.

Since the matter is of considerable urgency looking to the high level of pollution in the Shahpura lake, we deem it proper that for taking expeditious decision copies of the report of the aforesaid committee be sent to all the concerned departments including the Chief Secretary, by the BMC within a week from today. All the concerned departments shall go through the proposals and within a week thereafter meeting in this regard with all the concerned shall be conducted by the Chief Secretary to take a final decision based upon the proposed action plan as well as inputs received from all the concerned departments. We would appreciate if some effective work is started during the current financial year itself and financial allocation is made available based upon the proposals given in the report and the remaining work and balance financial allocation to be made in the financial year 2014-15 or funds may be tapped from any other source as we were also given to understand that certain aid and grants for improvement of 10 lakes in Bhopal city, are also made available by the State Government. The respondent shall place the outcome of the meeting to be conducted by the Chief Secretary and the decision taken therein before us by 16.12.2013.

Having said so, as far as the long term proposal in the action plan is concerned we would further order that the work which has been initiated by the Bhopal Municipal Corporation for the manual cleaning and removal of solid waste and debris from the Shahpura Lake is concerned, the same shall be continued. In addition the Municipal Corporation is free to take all possible steps required to ensure preventive action against the sources generating the solid waste and being put in the lake, which it may deem proper. The applicant is also free to approach the City Engineer of the Municipal Corporation, Bhopal and the Health Officer with the details of locations pointed out by him where it is alleged that the solid waste and debris that is removed from the lake is lying accumulated on the banks of Lake. It is expected that the Municipal Corporation shall arrange for the transportation and removal of the same to the designated solid waste disposal site so that the surroundings of the lake are clean and desanitized.

Earlier we had also directed that the Pollution Control Board, shall carry out periodical checks by taking and analysing the water samples from the lake.

O.A.No.
34/2013

28th October,
2013

However Shri Joshi, Learned Counsel appearing on behalf of MP Pollution Control Board is not in a position to state whether such periodical check is being carried out and what are the results of the checks. Today no official of the MPPCB is present at the hearing. It is directed that the OIC shall remain present during the hearing of all cases of MPPCB.

The applicant Shri Subhash C. Pandey has pointed out that he has obtained information under the Right to Information Act wherein it has been disclosed that whenever periodical checking and analysis of the water was carried out in the lakes, no data with regard to the presence of heavy metals which are highly poisonous, is found in the reports and not placed on record. It is directed that the Pollution Control Board shall henceforth analyse and indicate the contents of the heavy metals in the lakes including Shahpura Lake in Bhopal and based upon the same, advise the Municipal Corporation and other concerned authorities whether to permit fishing in respect of a particular water body or lake including Shahpura Lake having heavy metals and whether consumption of such fish is conducive to human health. Based upon the aforesaid recommendations the Municipal Authorities and other concerned Authorities of the State shall take necessary action in accordance with law in public interest.

A copy of this order be sent to the Chief Secretary, Government of M.P.
Matter be listed on **16.12.2013**.

.....JM
(DALIP SINGH)

.....EM
(P.S. RAO)