

Original Application No. 34/2013 (CZ)

Subhash C. Pandey v. Municipal Corporation, Bhopal & Ors.

CORAM : HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. P.S. RAO, EXPERT MEMBER

PRESENT : Applicant : Mr. Subhash C. Pandey,
Respondent 1: Mr. Asad Ullah Khan, Advocate for
Mr. Vivek Agrawal, Adv.
Respondent 2 to 6: Mr. G.S.Saluja, City Er. Bhopal City
Mr. Sachin Verma, Advocate with
Mr. Ayush Dev Bajpai, Adv.
Mr. S.K.Chaturvedi, OIC, EE, PHED
Mr. Rakesh Rawat, OIC, UADD
Respondent 3 & 5: Mr. Dr. Sanjeev Sachdev,
Chief Scientific Officer, EPCO
Mr.R.Tiwari & Mr. N.D.Ahirwar
Respondent No. 7: Ms. Parul Bhadoria Advocate for
Mr. Purushaindra Kaurav, Advocate
Dr. P.S.Bundela
Mr. Shantanu Saxena, Advocate

Date and Remarks	Orders of the Tribunal
<p>Item No. 1 5th July, 2014</p>	<p>Heard. Perused.</p> <p><u>M.A.No. 323/2014</u></p> <p>The Applicant has moved this Tribunal to ensure the health of Shahpura Lake/Tank. On 10.01.2014, the concerned authorities were directed to take note of bioremediation treatment for improving the quality of water in Shahpura Lake/Tank and to examine its feasibility vis-a-vis, the lakes/tanks in Bhopal city.</p> <p>Today, an application is moved by the Applicant for taking action against the concerned authorities for not taking due cognizance of the order dated 10.01.2014 particularly with reference to the suggestion on bioremediation treatment of the lake water. Grievance is also made against the Respondent No.2, Directorate of Town and Country Planning, for not filing any reply since 02.07.2013.</p> <p>As regards this grievance, the Learned Counsel appearing for Respondent No. 2 submits that a suitable reply would either be filed by Respondent No. 2 or reply filed by the State Government would be adopted within a week.</p>

Learned Counsel on behalf of Respondent No. 7, MPPCB submits that they had been in consultation with the Bhopal Municipal Corporation in order to come out with a concept for remedying the pollution in the lakes. However, it is revealed that the Consultant's report which has been tendered to the BMC has not yet been circulated amongst the stakeholders.

The Learned Counsel for the BMC submits that a copy of the Consultant's report will be tendered within a week and the copies there of would be circulated amongst all the parties for getting their response, if any. Learned Counsel on behalf of the BMC further submits that the Consultant's report was made available to the Corporation on 20.05.2014 and due to Model Code of Conduct in force during pre-election period, it awaited the sanction of the Corporation and now it has been duly approved by the Mayor in Council and Corporation, and thereafter, has been forwarded to the UADD of the State of MP for examining its feasibility, both working and financial, and to take further action for its implementation. Learned Counsel appearing on behalf of Respondent State submits that it would take eight more weeks to finalise its feasibility. However, technical feasibility of the Consultants report can be assessed within four weeks.

Considering this aspect, the Applicant does not wish to press the M.A.No. 323/2014. M.A.No. 323/2014 stands disposed of.

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As regards the compliance report dated 05.07.2014 filed by the Respondent No. 1, the BMC has pleaded that the Consultant's report is being considered by the State Government and it enjoys a privilege till it is cleared by the State Government. In view of the statement made by the Learned Counsel for the BMC, this plea no more survives and needs to be put to rest.

List the matter on **7th August, 2014.**

.....,JM
(U.D. SALVI)

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