

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 :** Shri Subhash C.Pandey
Respondent No. 1 : Shri Vivek Agrawal, Advocate
Shri G.S. Saluja, City Engineer, BMC
Respondent No. 2 to 6 : Shri Sachin K. Verma, Advocate
with Shri Ayush Dev Bajpai, Advocate
Dr. Sanjeev Sachdev, OIC, EPCO
Dr. R.N. Ghagre, Dy. GM, MPSTDC, Bhopal
Shri Rakesh Rawat, A.E. & OIC, UADD
Respondent No. 7 : Shri Shivendu Joshi, Advocate for
Shri Purushaindra Kaurav, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 02 6th January, 2014	<p>Shri Sachin K.Verma appearing for the respondent no. 2 to 6 has filed a copy of the Minutes of the Meeting presided over by the Principal Secretary, UADD on 02.01.2014. The M.A.No. 10/2014 has been filed with the prayer for taking the same on record. Copy of the minutes has also been furnished to the applicant. The same is allowed and stands disposed with the documents taken on record.</p> <p>Dr. Subash C.Pandey, the applicant, has also placed for our perusal photographs showing the state of lake at the point where the Panchsheel Nalah merges with the lake showing the amount of solid waste that is lying in the lake and has submitted that yesterday alongwith Shri G.S.Saluja, City Engineer, BMC and media persons they had taken a round and whatever has been depicted in the photographs is something which has been noticed by everybody. The Learned Counsel appearing for the BMC alongwith Shri Saluja had stated that in pursuance of the decision taken in the meeting dated 02.01.2014, an amount of Rs. 50 lakhs has been sanctioned for construction of sump well and other related activities including diversion structures around the two sewage channels</p>

O.A. No. 34/2013	<p>entering the Shahpura Lake, i.e. one from Manisha Market side and the other from Shahpura Chhawani. They further submitted that as far as the aforesaid amount is concerned, the works to be undertaken by the BMC shall be completed within six months. Construction of sump well is likely to be completed in six months and also the construction of structure within a period of four months. In the next 04 days, steps would be taken for the purchase of the pumping set and other equipment for which the tender process is being initiated. He says that all these activities would go on simultaneously and within a period of 6 months the aforesaid project which has been sanctioned will be completed.</p>
6th January, 2014	<p>As pointed out by Dr. Subhash C. Pandey, the applicant and agreed by all the concerned, collection of solid waste in an around the Shapura lake still remains the cause of concern.</p>
	<p>The Learned Counsel appearing for the Bhopal Municipal Corporation (BMC) assisted by Shri Saluja, Municipal Engineer has submitted that an action plan has been drawn up for collection of the solid waste and the difficulties which are being faced and as being pointed out and submitted before the Tribunal today relate to the area where the Panchseel Nalah is entering the Sahapura Lake. The problem has become more acute as submitted by Shri Saluja, because the site is inaccessible and is surrounded by the Ekant Park which is within the jurisdiction of the Capital Project Authority and with a view to approach the Panchseel Nalah, equipment has to be moved in and vehicles would be required to pass through the Ekant Park. Looking to the aforesaid difficulty as pointed out by the Learned Municipal Engineer and also agreed to by the applicant we deem it proper to direct that Superintending Engineer of the Capital Project Authority(CPA), Bhopal to conduct a joint inspection alongwith Shri Saluja, Municipal Engineer and / or Municipal Commissioner in order to provide access to BMC officials and their work</p>

O.A. No. 34/2013	<p>force to approach the site where the solid waste is lying in the Shahpura Lake and which is being brought in through Panchseel Nalah and for its removal if necessary through use of heavy vehicles. While finding the aforesaid way to the points of removal care must be taken so as to not to cause any damage to the existing vegetation in the Park and with minimum interference and inconvenience to the members of the public who utilise the Park for recreation and other activities.</p>
6th January, 2014	<p>The Municipal Engineer shall forward a copy of this order to the Superintending Engineer of the Capital Project Authority, Bhopal for carrying out the joint inspection and also for framing a work plan for the aforesaid purpose of removal of solid waste from the Lake. We grant time upto 09.01.2014 to the aforesaid officials of the Capital Project Authority, Bhopal and Bhopal Municipal Corporation to carry out the aforesaid exercise and submit their plan before this Tribunal. The applicant is at liberty to accompany the officials of the BMC & CPA and the Municipal Engineer shall communicate the time and date of visiting the area for carrying out an inspection. A plan shall be drawn including the permission and also the assurance of the CPA in writing to the officials of the BMC for the aforesaid purpose.</p> <p>Shri Saluja, Municipal Engineer also assured us that for filtration purpose of the solid waste and to ensure that the solid waste does not enter the lake through Nalahs wire mesh of sufficient strength would be fixed at different points alongwith the course of Nalahs. The BMC shall work out the aforesaid points on different Nalahs including Panchseel Nalah where they propose to put the said filtration / obstruction to prevent the solid waste from entering into the Shahpura Lake on a sketch and the time frame within which the aforesaid task shall be completed. We are of the view that such filtration points can also be installed so far as the other Lakes are concerned and the drains through which sewage water and</p>

O.A. No. 34/2013	solid waste enter the water bodies of the city of Bhopal including the upper lake and for which the BMC carried out survey and identify such points for carrying out the aforesaid activity.
6th January, 2014	<p>The blue print that is to be submitted by the BMC shall also include the cost factor taking into account the requirement of the man power, equipment, vehicles for transportation duly ensuring that the work force and equipment which is normally used by the BMC for removal of solid waste and for maintaining the cleanliness of the city, shall not be disturbed while carrying out the aforesaid exercise of removing the solid waste from the Shahpura Lake. Let the matter be listed on 10.01.2014.</p>
	<p>The City Engineer Shri Saluja alongwith the Superintending Engineer of the CPA be directed to remain present before the Tribunal on the next date of hearing.</p>
	<p>Liberty is granted to the respondents as well as the applicant to approach this Tribunal in case they wish to seek any clarification or further direction from this Tribunal even prior to 10.01.2014 if any difficulty arises in implementing the aforesaid directions. Copy of this order be sent to the Principal Secretary, Urban Administration and Development Department as well as the Principal Secretary, Housing & Environment for necessary compliance. The Registrar is directed to send copy of this order to the concerned officers as directed herein above.</p>
	<p>We have noted from the Minutes of the Meeting as well as what was submitted before us that earlier the BMC had submitted the proposal involving expenditure of about Rs. 42 crores for improving the condition of the Shahpura Lake, improving the sewage system and quality of water in the lake for which a Consultant firm from Gurgaon had been engaged. The said Consultant is expected to give the project report (DPR) in the second week of March 2014, as submitted before us. We may add that the said Consultant may be requested to recommend certain immediate</p>
O.A. No.	

34/2013

6th January,
2014

steps which can be taken by the BMC while carrying out the aforesaid exercise as indicated above and in addition to the same, the Consultant may be requested by the BMC and the State Government to give an interim report with regard to the immediate steps to be taken without waiting for the final report till the month of March, 2014 so that the work may be started without any loss of time as it was given out that there is every likelihood that in view of the ensuing Lok Sabha Elections, the State budget may be delayed and further the Model Code of Conduct may be brought into effect resulting in delay for necessary financial sanctions.

Since, we consider the matter to be of priority, we would emphasise upon the State Government and the BMC to consider taking the aforesaid steps without any further delay and request the Consultant to give the interim report suggesting measures for improving the sewage system resulting in the improvement of the quality of water in Shahpra Lake and other Lakes of Bhopal city.

The matter stands over to 10.01.2014.

.....JM
(DALIP SINGH)

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