
(2012) 09 DEL CK 0447

In the Delhi High Court

Case No : Writ Petition (C) No. 1762 of 2012

Vinod Kumar Jain

APPELLANT

Vs

Secretary, Ministry of Environment and Others

RESPONDENT

Date of Decision : 26-09-2012

Acts Referred:

Citation : (2012) 09 DEL CK 0447

Hon'ble Judges : Rajiv Sahai Endlaw, J;D. Murugesan, J

Bench : Division Bench

Advocate : Arvind Sah, for the Appellant; Nitin Saluja, for Mr. N. Waziri, for R-1, Mr. Suresh Tripathi, for DJB and Mr. Biraja Mahapatra and Mr. D.K. Pradhan for R - 4/DPCC, for the Respondent

Final Decision : Disposed Off

Judgement

Rajiv Sahai Endlaw, J.—This writ petition, filed in public interest, seeks direction to the respondent No. 1 Ministry of Environment (MoE) and the respondent No. 2 Delhi Jal Board (DJB) to ensure that the treated sewage water flowing into the water bodies conforms to the designated best use standards and meets the Guidelines set up by the Central Pollution Control Board (CPCB) (impleaded as respondent No. 3), direction is also sought against the DJB to regularly monitor the flow of treated water from the various Sewerage Treatment Plants (STPs) and to submit report to this Court from time to time. Notice of the writ petition was issued and counter affidavits have been filed on behalf of MoE, DJB and the respondent No. 4 Delhi Pollution Control Committee (DPCC).

2. The petition pleads:

(i) that CPCB was constituted under the Water (Prevention and Control of Pollution) Act, 1974 to promote cleanliness of streams and wells in different areas of the States and for which purpose it lays down standards for a stream or wells, collects and compiles data relating to water pollution and devises measures for prevention and control of pollution and relating to disposal of

sewage and sewage effluents;

(ii) that CPCB has carried out sample testing of the STPs in Delhi and has also fixed the best designated use standards for streams;

(iii) that the responsibility of maintaining the standards fixed by respondent No. 3 CPCB is of the respondent No. 2 DJB;

(iv) that the STPs are in abysmal state of inefficiency and inadequacy as is evident from the colour and foul smell that emanates from the treated water which is discharged into the water bodies and which is unfit to support any plant, animal or marine life or even for irrigation;

(v) that the report of CPCB of the year 2003 gives details of inadequacies of STPs to treat sewage, under-utilization of STPs etc.;

(vi) that of 3267 million liters of sewage generated everyday, capacity exists only for treating 2330 million liters per day and actual treatment is only of about 1478 million liters per day;

(vii) Master Plan of Delhi 2021 has also adopted the standards laid down by respondent No. 3 CPCB;

(viii) that the purity of water is determined inter alia by its capacity to hold Oxygen and the Biochemical Oxygen Demand, pH measurement, Fecal Coliform etc.;

(ix) that in order to reuse the treated sewage water, it is imperative that the STPs should be efficient enough;

(x) that the report of CPCB of the year 2003 found the treated sewage water to be much below the designated best use standards;

(xi) that the STPs currently in operation are not even designed to achieve the standards laid down;

(xii) that the treated sewage water is not fit for revitalization even for the water bodies where it is emptied;

(xiii) that the technology of STPs is outdated;

(xiv) that the STPs are run by persons who do not have knowledge and experience of operation thereof;

(xv) comparison is drawn with STPs in use in Singapore, where 30% of the daily water requirement is met from treated water from the STPs; and

(xvi) Owing to insufficiency and inefficient treatment, the water bodies are drying up.

3. MoE in its counter affidavit has stated that STPs are being operated by respondent No. 2 DJB and monitored for treated waste water quality by the

DPCC.

4. DJB in its counter affidavit has pleaded that the treated effluent may be used for all non-potable purpose i.e. irrigation, horticulture, washing, cooling and industrial use; that the treatment depends on the intended use of the treated effluent; that for enhancing the quality standard of treated effluent, the cost of treating sewage becomes expensive exponentially; that however to avoid pollution of ground water and harm to plants, animals and aqua life, it is not advisable to recharge ground water or water bodies with treated sewage because of the standards maintained of the STPs; the treated effluent is discharged into flowing water i.e. drains / rivers so that due to self natural process, the treated effluent further improves its quality - that is why discharging treated effluent in water bodies like ponds, lakes etc. is never recommended; that the Supreme Court has already taken up the matter in W.P.(C) No. 725/1994 and DJB has submitted its Action Plan for improving the quality of river Yamuna through the project of "Laying of Interceptor Sewer along three major drains for abatement of Pollution in river Yamuna" and which work is to be completed by the year 2014 and which will ensure that all untreated sewage flowing into the natural stream will be intercepted and conveyed to the nearest STPs for proper treatment. DJB has however admitted that the total sewage generated is 680 mega gallon per day while the treatment capacity is only of 513.4 mega gallon per day, to be increased to 618.4 mega gallon per day by December, 2012 and 730.4 mega gallon per day by the year 2014. It is stated that the conditions of Singapore cannot be compared with Delhi. Along with the counter affidavit, analysis reports for the different months of the year 2012 have been filed and which are stated to be as per the prescribed standards.

5. We have considered the matter. The reliefs claimed in the writ petition are threefold. Firstly, that the treated sewage flowing into the water bodies conforms to the standards prescribed therefore; secondly, for the STPs to meet the Guidelines set up by CPCB and lastly for monitoring of the STPs.

6. As far as the last of the three reliefs is concerned, DPCC has admitted that it is continuously monitoring the 24 STPs. vis-?-vis the second relief, though the petitioner on the basis of the reports of the year 2003 has contended that the STPs do not meet the prescribed standards but DPCC on the basis of the reports of the year 2012 has shown the STPs to be compliant therewith. DPCC in its counter affidavit has further assured to continue monitoring the STPs in future also.

7. That brings us to the first of the aforesaid reliefs. The apprehension of the petitioner is that the treated sewage water flowing into the water bodies does not conform to the prescribed standards. However DJB in its counter affidavit has made a distinction between water bodies as ponds and lakes on the one hand and a river on the other hand and pleaded that while discharge of treated sewage into river Yamuna is seized of by the Supreme Court, treated sewage water is not prescribed to flow into the water bodies as ponds and lakes.

8. The Supreme Court being seized of the matter qua discharge of treated sewage into river Yamuna, it is not for this Court to entertain the petition qua the same. As far as the discharge of treated sewage into other water bodies is concerned, as aforesaid, it is the stand of DJB that it is not advisable to so discharge treated sewage into such water bodies. It is rather further stated that wherever treated sewage water is found to be flowing into the water bodies as ponds and lakes, complaint thereof is made. In view of the said stand, qua the said relief, we dispose of the writ petition with the following directions:

A. We direct the DPCC to, from time to time check / monitor all the STPs to ensure functioning thereof as per prescribed standards and upon finding any defect / deficiency therein or upon finding treated sewage therefrom to be not conforming to prescribed standards, immediately bring the same to notice of DJB.

B. We direct DJB to operate the STPs as per prescribed standards and to immediately upon receipt of any complaint from DPCC or otherwise, rectify the defects.

C. We direct DPCC as well as DJB to ensure that treated sewage from STPs is not discharged into water bodies as lakes / ponds etc., unless the same is compliant with prescribed standards.

No other directions are required in this petition, the same is disposed of.