

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**Original Application 156 of 2015
(M.A. No. 474 of 2015)**

Mrs. Sunita Pandey & Anr. Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Present:

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| Appellant: | Mr. Mithlesh Pandey, Mr. Ajit Sharma and Ms. Sunita Pandey, |
| Respondent No. 1: | Mr. Vishwendra Verma and Ms. Shivali, Advs. for MoEF |
| Respondent Nos. 2 to 4: | Ms. Savitri Pandey and Ms. Azma Parveen, Advs. |
| Respondent No. 5: | Mr. Inder Kumar Kapia, Adv. with Mr. C.K. Tyagi, CECRI, Mr. R.M. Tripathi, SE, UP Jal Nigam |
| Respondent No. 6 : | Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Advs. for UPPCB |
| Respondent No. 8 : | Mr. Ardhendumauli Kumar Prasad, Adv. for CGWA |
| Respondent No. 9 : | Mr. Rajkumar, Adv. and Mr. S.L. Gundli, Sr. Law Officer, CPCB Mr. Ardhendumauli Kumar Prasad, Adv. |

| Date and Remarks | Orders of the Tribunal |
|---|--|
| Item No. 16 July 23, 2015 ss | <p>Mr. Rohit Verma, Assistant Engineer from Balia made incorrect statement initially before the Tribunal that the 365 hand-pumps equipped with the plant for the removal of Arsenic from the groundwater are fully operational and potable water is being provided. When further questions were asked to him, he altered his statement to say that he is not certain if all of them are functional. We do not expect such incorrect statement before the Tribunal from a public servant in relation to supply of potable drinking water to residents of the villages. It is undisputable and in fact it is not disputed that Arsenic causes very serious health hazards. The CPCB has filed a report before us to show that study carried out in that area clearly shows that groundwater is</p> |

contaminated and contain much higher quantity of Arsenic than the prescribed limit. The Applicant has filed a report which remains undisputed where it has been stated that the Arsenic content in water is 0.05 as opposed to 0.01, the prescribed limit. We are unable to appreciate the approach of this officer and hence we impose cost of Rs. 1,000/- on him which is to be deducted from his salary as his incorrect statement has necessitated issuance of further directions and adjournment of this case.

We direct :-

1. The Member Secretary or Senior Most Engineer of U.P. Pollution Control Board along with Mr. C.K. Tyagi, Chief Engineer and SDM of the area in question to pay personal visit in the entire area.
2. They will give status in relation to the said 365 hand-pumps operating with plant and or without plant as afore referred.
3. They will collect samples from each hand-pump as well as from the groundwater, analyse the same and submit the report before this Tribunal.
4. The committee will further examine the villages and make specific report, whether sufficient potable drinking water is being provided to all the families or not.
5. Their report will be counter signed by the Sarpanch/Gram Pradhan of the respective villages.

Applicant is at liberty to be present during that inspection.

Report be submitted to the Tribunal within three weeks from today. Even if the standard is taken to be 0.05, even then as per the CPCB it is more than 50 PPB at some places, which means it is 50 times more than the prescribed limit.

During their inspection the team will ensure that potable drinking water is being provided to all the villagers, whether through tankers or other-ways. In the event of default, we make it clear that all these three officers would be liable to be prosecuted personally in accordance with law.

List this matter on 26th August, 2015.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)

