

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 98 of 2021

With

CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2024

In R/WRIT PETITION (PIL) NO. 98 of 2021

With

CIVIL APPLICATION (FOR DIRECTION) NO. 4 of 2022

In R/WRIT PETITION (PIL) NO. 98 of 2021

With

MISC. CIVIL APPLICATION (FOR CLARIFICATION) NO. 8 of 2022

In R/WRIT PETITION (PIL) NO. 98 of 2021

With

CIVIL APPLICATION (FOR JOINING PARTY) NO. 9 of 2022

In R/WRIT PETITION (PIL) NO. 98 of 2021

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SUO MOTU

Versus

**AHMEDABAD MUNICIPAL CORPORATION THROUGH THE MUNICIPAL
COMMISSIONER, AHMEDABAD & ORS.**

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Appearance:

MR HEMANG M SHAH(5399) for the Applicant(s) No. 1

SUO MOTU for the Applicant(s) No. 1

for the Opponent(s) No. 15

DEVANSHI P MALKAN(9307) for the Opponent(s) No. 10

MS NIKITA C GANDHI(11570) for the Opponent(s) No. 6

MS RUMI M GANDHI(3472) for the Opponent(s) No. 6

MS. KRUTI M SHAH(2428) for the Opponent(s) No. 5

SHIVANG P JANI(8285) for the Opponent(s) No. 16

SINGHI & CO(2725) for the Opponent(s) No. 11,12,7,8

TANAYA G SHAH(8430) for the Opponent(s) No. 14

VATSAL M PARIKH(9340) for the Opponent(s) No. 10

**MR KAMAL B TRIVEDI, SR. ADVOCATE with G H VIRK(7392) for the
Opponent(s) No. 1,15**

GOVERNMENT PLEADER for the Opponent(s) No. 4

MR CHINMAY M GANDHI(3979) for the Opponent(s) No. 6

**MR DEVANG VYAS, SR. ADVOCATE with MR. JASH THAKKAR (2794) for
the Opponent(s) No. 3**

MR KH BAXI(150) for the Opponent(s) No. 4

MR MRUGEN K PUROHIT(1224) for the Opponent(s) No. 13

MR RUTUL P DESAI(6498) for the Opponent(s) No. 2

MS MEGHA JANI(1028) for the Opponent(s) No. 9

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**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL
and
HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**

Date : 02/08/2024

**ORAL ORDER
(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. The report submitted by the Joint Task Force after taking spot inspection of 7 Common Effluent Treatment Plant (CETP) on 30.07.2024 has been filed by Mr. Hemang M. Shah, learned Amicus Curiae today, in the court. Placing the said report, it is submitted that two sets of samples were collected from each of the locations of sampling. One set of collected samples was sent to the laboratory of the Gujarat Pollution Control Board, Gandhinagar. Another set was sent to third party laboratory, viz. Bhagwati Enviro Care Pvt. Ltd., Ahmedabad, recognised laboratory under the Environment (Protection) Act, 1986 by the Ministry of Environment, Forests and Climate Change, Government of India. In the report of the Joint Task Force (JTF), analysis results of parameters reported by the respective laboratories as on 31.07.2024 of 7 CETPs, however, could not be incorporated in the report because of the paucity of time. Summary of the analysis results of three outfalls near V.N. Bridge, Ahmedabad, has been placed in the record. The report states that three separate outfalls, viz. treated effluent discharge from CETP Narol Textile Infrastructure & Enviro Management (NTIEM), discharge of Mega Pipeline, meant for discharge of treated effluent from 6 CETPs and untreated sewage by-pass through

conduit are located close to the V.N. Bridge. The JTF collected samples of the said outfalls during their visit.

2. Results show no infraction on COD (Chemical Oxygen Demand), which is found as per discharge norms, whereas the concentration values of TDS and colour are exceeding the relevant discharge norms prescribed for the CETPs. The daily average load with respect to COD and TDS discharge through the above three outfalls are summarised in the report, which shows that the TDS load is very high, whereas, the COD load is in permissible concentration limit. With regard to the validity of the consent status, consented capacity, number of member units, treatment scheme, hydraulic load based on available data, provision of Online Continuous Effluent Monitoring System (OCEMS), operational status of the CETPs, it is stated that the Joint Task Force had examined these aspects during the visits of the CETPs on 30.07.2024 besides collection of samples inlet and outlet of CETPs. It is stated that the parameters prescribed by the Gujarat Pollution Control Board (GPCB) are referred for compliance status based on the results of reported parameters till 31.07.2024 by laboratories.
3. It is stated that the report with regard to the 7 CETPs in all the above noted aspects has been submitted to summarise the findings with quick review of the CETPs and prominent outfalls in river Sabarmati located near V.N. Bridge of Ahmedabad. It was concluded in the report, as under :-

"The effort has been made in this report to summarize the findings based on quick review of the CETPs and

prominent outfalls in River Sabarmati located close to V.N. Bridge of Ahmedabad. Exceedance with respect to the parameters TDS and Colour has been observed in the discharges from the CETPs as well as in the two outfalls discharging treated industrial wastewater. However, in the case of outfall of the untreated sewage COD, ammonical nitrogen and suspended solids are exceeding. Various steps, actions and measures have been taken by various stakeholders including industries, CETPS, STPs and their respective governing bodies. Many actions were initiated based on earlier reports and recommendations of JTF submitted to Hon'ble High Court and directions passed by Hon'ble High Court from time to time.

Certain changes with respect to treatment mechanism and operation also observed in few CETPs. The provision of Hydrodynamic Cavitation with chlorination in M/s. Odhav Enviro Projects Limited & M/s. Naroda Enviro Projects Ltd. has resulted in significant removal of colour in effluent. However, TDS concentration in treated effluent increases significantly along with chlorinated compounds. It is also felt that continuity and need of operation of two small CETPs (M/s. The Narol Dyestuff Enviro Society and M/s Odhav Green Enviro Project) may be examined and option of diversion of influent from member units to other large CETPS may be explored. Due to the stoppage of disposal of hazardous waste during monsoon period, excessive storage & lapses in hazardous waste handling were observed in M/s. Narol Textile Infrastructure & Enviro Management & M/s. Naroda Enviro Projects Ltd. It is recommended that these facilities may put extra efforts to properly manage the hazardous waste during the monsoon period. Excess COD & TDS loads (based beyond permissible concentration) observed at outfalls discharging in to River Sabarmati near V. N. Bridge. In light of above findings corrective measures or technical interventions may be taken by the respective stakeholders with holistic approach and close

coordination. The inferences with respect to concentration of various parameters are limited to the results available as on 31st July 2024. The remaining results may be submitted as supplementary information after receipt of the same."

4. Mr. Devang Vyas, learned senior counsel appearing for the GPCB has referred to the affidavit of the Senior Scientific Officer and Regional Officer, Ahmedabad, who is In-charge Regional Officer, Ahmedabad to submit that the industrial effluent is discharged into the river Sabarmati, mainly from two outfalls :-

i) Treated effluent of 06 CETPs and M/s. Reliance Industries Ltd., Naroda; through mega pipeline operated by Ahmedabad Mega Clean Association (AMCA):-

About 35 to 40 MLD of industrial wastewater generated from Ahmedabad East region i.e. GIDC Vatva, GIDC Naroda, GIDC Odhav and dyes industries located in Narol area is treated in a total 6 numbers of Common Effluent Treatment Plants (CETPs) and finally discharged into River Sabarmati through outfall of mega pipelines near V.N. Bridge.

(ii) Treated effluent from the CETP of Narol Textile Infrastructure Enviro Management (NTIEM):-

Wastewater generated from the textile industrial units located in Narol Industrial Area after in-house treatment in Effluent Treatment Plants (ETPs) of individual industries is sent to CETP of NTIEM for further

treatment. After treatment at CETP NTIEM, about 100 million liters per day (MLD) of treated industrial wastewater is finally discharged into the River Sabarmati near V.N. Bridge through underground pipe line of NTIEM.

5. It is stated that there exists a third outfall of 182 MLD Sewage Pumping Station Station of Ahmedabad Municipal Corporation nearby the above two industrial effluent outfalls of Mega Pipeline and NTIEM pipeline, at the eastern end of Vasana Narol Bridge. It is stated that the Regional Office, Ahmedabad (East), GPCB, regularly carries out the monitoring of all the 7 CETPs as well as 2 industrial outfalls, viz. Mega Pipeline and outfall of NTIEM CETP into river Sabarmati at V.N. Bridge, Narol for verifying the compliance status as per the prescribed outlet norms. Sampling of wastewater from CETPs as well as 2 outfalls of Mega Pipeline and NTIEM at V.N. Bridge into river Sabarmati are also being regularly carried out.
6. The GPCB has allotted the work for study on "Adequacy assessment, upgradation and retrofitting of CETPs" to Council for Scientific & Industrial Research - National Environment Engineering Research Institute (CSIR-NEERI), Nagpur. The detailed study report carried out by the CSIR-NEERI, Nagpur, containing various recommendations has been submitted to GPCB, which in turn has issued directions to all the 7 CETPs for implementation of recommendations given by NEERI in the final report. Majority of the CETPs have completed their work of upgradation and retrofitting with the

recommendations/suggestions by NEERI. Compliance status of the implementation of recommendations verified by GPCB during the regular monitoring of the CETPs and latest status has been appended with the affidavit. It is stated that the Mega Pipeline was conceptualised for carrying the treated effluent from all the CETPs to downstream of river Sabarmati. A Special Purpose Vehicle called as Mega Clean Association has been constituted to look over the operation and maintenance of the Mega Pipeline.

7. The GPCB has issued CTE (Consent to Establish) and Consolidated Consent & Authorisation (CCA) to the Ahmedabad Mega Clean Association (AMCA) for the effluent conveyance pipe line known as Mega Pipeline. Validity of CCA is upto 30.06.2027. The AMCA has provided SCADA (Supervisory Control and Data Acquisition) system, OCEMS and auto sampler at the final outlet of Mega Pipeline. Analysis result of effluent sample collected during the period 01.01.2024 to 30.07.2024 from outfall point of Mega Pipeline into river Sabarmati at V.N. Bridge has been appended therewith. It is, thus, submitted that regular monitoring of Mega Pipeline outlet is being conducted by GPCB and it can be said that the Mega Pipeline is meeting with the norms prescribed by the GPCB for critical parameters of COD, BOD, pH, NH₃-N and SS in majority cases except TDS and color. However, inconsistency has been observed in the analysis result of the wastewater samples for the critical parameters in the last six months. The GPCB has issued Notice of Direction to AMCA on 04.05.2024 for ensuring the installation of Auto Samplers, OCEMS, SCADA system at the inlet and outlet unit

of member CETP units to carry out regular monitoring of its member units to ensure the achieving norms at the outlet leading to Mega Pipeline. It is, thus, submitted that the inspections made in the last six months by GPCB have shown very positive results in the improvement of the CETPs and the resultant outfalls of the Mega Pipelines. However, the fact remains that the industrial water after treatment is being released in the Sabarmati river. The prescribed norm for TDS and colour of water have not been able to achieve by CETPs and it is submitted by Mr. Devang Vyas, learned Senior counsel for GPCB that the TDS parameters are high in the beginning, but once the water is mixed with the sewage after 6-7 kms., in the downstream, the TDS is not an issue.

8. Though these submissions seem to be very attractive on the face value, but the fact remains that the purity of water is compromised even after treatment of water. The ground water or the river water supplied to the industry, which is pure in all other respect, remains impure even after treatment by the CETPs, not meeting the standards of the prescribed norms. In the order dated 10.12.2021, this Court has observed that all the CEPTs should focus on re-usability of water released by it after treatment. Such water should be diverted back to the industries which, in turn, may further process the same and thereafter use it in their units or directly use such water. This will ensure re-usability of water.
9. It was also observed by this Court, as noticed in the order dated 29.07.2024, that the use of industrial waste water for irrigation to grow vegetables, for almost three decades, has contaminated the soil with heavy metals. The indiscriminate

disposal of city's sewage and industrial waste into the Sabarmati river has been turning the river into a cesspool of dangerous drug-resistant bacteria and toxic heavy metals that have contaminated sediments on the riverbed and harmed the aquatic life in the Sabarmati river.

10. The Joint Task Force, in its first report dated 23.06.2022 submitted to this Court, had also suggested to all CETP representatives to explore possibility for re-use of treated wastewater, but it seems that there is no breakthrough to the said direction. No efforts seems to have been made by the CETPs in the matter of re-usability of industrial waste water after treatment.
11. We, therefore, issue directions to the GPCB, the Ahmedabad Mega Clean Association and 7 CETPs to engage all the stakeholders to workout the modalities in the direction of re-usability of industrial wastewater released by CETPs after treatment. The Joint Task Force, GPCB, AMCA and CETPs, all have to engage their energy in this direction to bring a positive solution before this Court so that the purity and sanctity of water of river Sabarmati can be maintained to achieve the standard of zero discharge of Industrial wastewater in the river Sabarmati.
12. To place the progress in this direction, we post the matter on 30.08.2024.

(SUNITA AGARWAL, CJ)

(VAIBHAVI D. NANAVATI,J)

BIJOY B. PILLAI