

Item No. 08

Court No. 1

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

(By Video Conferencing)

Original Application No. 353/2022

Kartik Sharma

Applicant

Versus

State of Uttarakhand

Respondent

Date of hearing: 02.09.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Mukesh Verma, Advocate for UKPCB

**ORDER**

1. Grievance in this application is against unregulated drawal of water from Mussoorie Lake, having potential for damage to the lake. The violators include Hotel Jaypee Residency, Mussoorie and others.

2. Vide order dated 18.05.2022, the Tribunal considered the grievance and adverse impact of unregulated drawal of water from lake which could affect natural water cycle and environmental functions performed by the Lake – recharge of ground water aquifer, habitat of aquatic and semi aquatic plants and animals, quality of water etc. To verify the factual position, the Tribunal constituted a joint Committee of CPCB, State PCB, District Magistrate, Dehradun and State Wetland Authority and required the said Committee to furnish a factual and action taken report to this Tribunal.

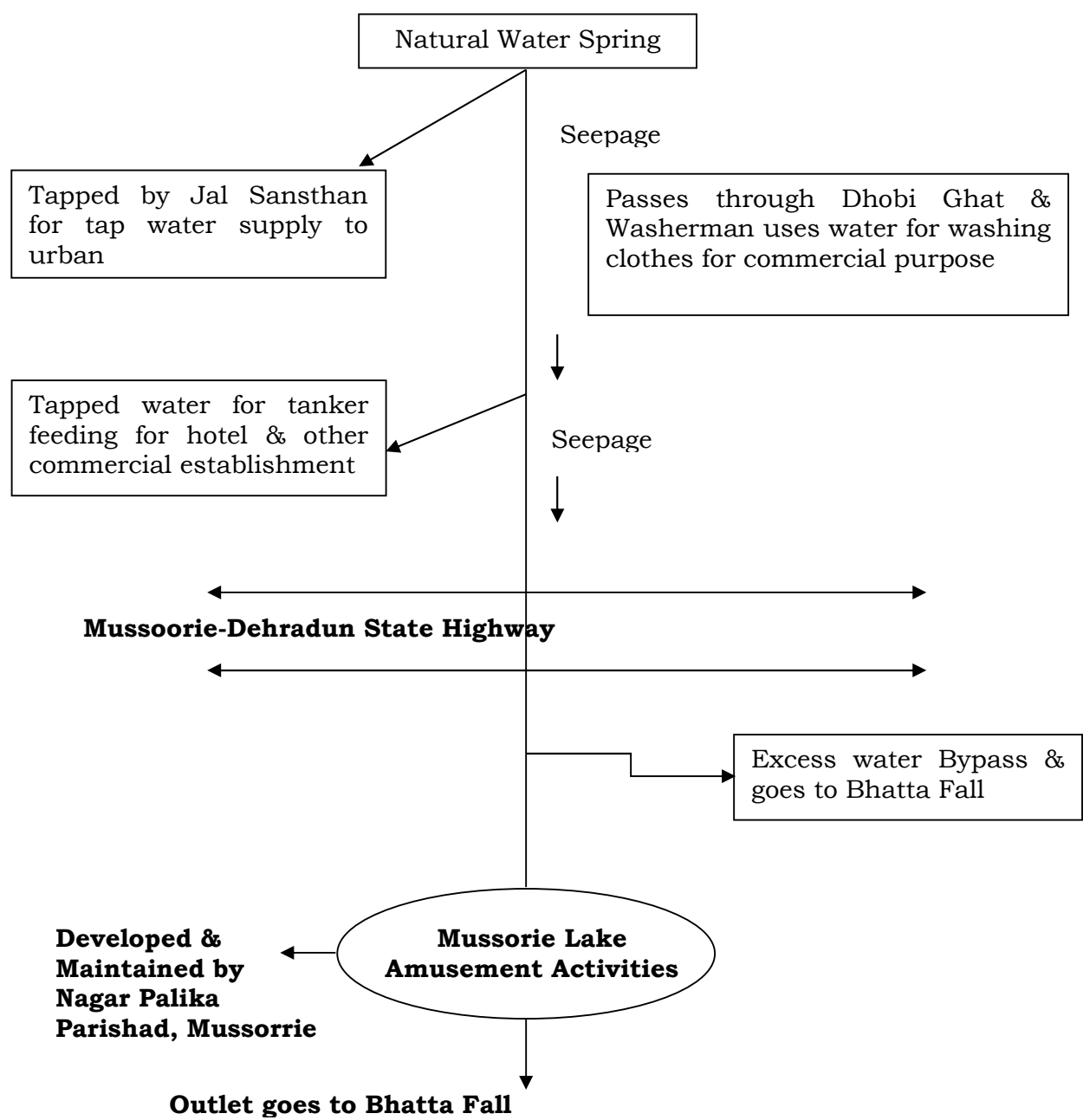
3. In pursuance of above, the State PCB on behalf of the joint Committee has filed its report on 20.08.2022, annexing observations during the field visit on July 13-14, 2022. Relevant extracts from the report are as follows:-

***“Field visit and observation of the Joint Committee During July 13-14, 2022***

- A) *Status of water resources in Mussoorie during the visit: - It was found that the **major water resources for the supply in the city or lake is natural water springs emanating from different points in the hilly area. These water springs are being tapped and supplied by the Jal Sansthan to their consumer that is domestic (Urban Area) as well as commercial purpose (hotels and other commercial activities).** As per the discussion had with representative of Jal Sansthan Mr. Abhay Bhandari (Asst. Engineer), Mr. Abhay Singh Tirthwal(J.E), all the hotels are having water connection to fulfill their regular water requirements in normal days. The committee has verified some of the water bill, which was raised by Jal Sansthan and paid by hotels, which are enclosed for reference. **(Annexure-1).***
- B) *As the prime matter of concern of the complainant is "Mussoorie Lake" which is manmade and is being developed and maintained by the Nagar Palika Parishad, Mussoorie. Mussoorie Lake is newly developed picnic spot located at 6 km from Mussoorie on Dehradun-Mussoorie Road. The Mussoorie Lake get water form natural water spring of the nearby hill, which is passing through Dhobi Ghat. The Mussoorie Lake is being used as aesthetic scenic beauty as well as amusement activities for the children as well as tourists.*

***In Dhobi Ghat approximately 50-60 families are habituating on the either bank of the water spring in this hilly area. All of them are engaged in the washing of clothes for commercial purpose. During discussion with the people around that they get clothes mostly from the hotels/ hospitals. They are not well organized and the wastewater generated from washing activities being directly discharged into the continuous flowing water spring which further goes to different hotel industries, commercial establishment and Mussoorie Lake. In the upstream of Dhobi Ghat water has been tapped by the Jal Sansthan, which they are using for the supplying in the urban areas, which includes hotels and other commercial activities. The seepage form this point goes downstream and used by the washerman, tapping by the tankers and rest water goes to Mussoorie Lake and Bhatta fall. Detailed flow diagram of water feeding system in Mussoorie lake is given as under with relevant photographs.***

# Water Feeding System in Mussoorie Lake



- ❖ No metering system installed in this water spring.
- ❖ Water extraction is not regulated by any authority

No water extraction point in the Mussoorie Lake has been seen by the Joint Committee, which could be the potential use for the commercial establishment such as by hotels etc.

- C) Operation and maintenance of the water supply by the Jal Sansthan in Mussoorie is being carried out by tapping of different natural water springs & extraction of ground water to the local urban area, which includes commercial establishments.
- D) To ascertain the facts as applicant has raised in their grievances that hotels are withdrawing the water from Mussoorie Lake to fulfill their requirements, some of the hotels which are having more than 100 rooms capacity and operating in Mussoorie area has been visited by the Joint Committee to see their water management system they have adopted.

**(1) Hotel The Savoy, Library Bazar Gandhi Chowk Post Savoy, Mussoorie, Uttarakhand**

- Room Capacity — 110 Rooms (as per the Consent granted by UKPCB)
- Total Water connection from Jal Sansthan — 12
- Receives approximately 30 KLD (average) of water during month of April — May 2022 (Data is based on the April — May Bill raised by Jal Sansthan)
- Additional water requirements during the peak periods the hotel management take water from the natural water spring using water tankers, during night hours (10:00 PM to 5:00 AM) to avoid traffic congestion.
- It was informed by the hotel management that during month of April—May approximately 56 KLD water they consume from the natural water springs which is located on the Dehradun-Mussoorie State Highway.
- The wastewater generated by the different activities by the hotel is being treated by the existing Sewage Treatment Plant (STP) of 80 KLD Capacity as well as Effluent Treatment Plant (ETP) of 10 KLD Capacity. The quality of water outlet of these treatment facilities as per the analysis report provided by the hotel, complying with the prescribes norms.
- It was informed that the treated waste water is being used for horticulture activities within the premises.

**2) M/s Jaypee Residency Manor Near St Georges Collage, Barlowganj, Mussoorie**

- Room capacity — 135 number (as per the Consent granted by UKPCB)
- Total Water connection from Jal Sansthan — 02
- Total water received during April-May, 2022 as per the bill raised by the Jal Sansthan — 45.6 KLD (Average)
- Additional water fetch through water tanker — 1.6 KLD (Average). **They are meeting out their additional requirement through water tanker, which they fetch from the natural water spring near Mussoorie Lake as other hotels or commercial establishments**

**practices. The collection of additional water is carried out from the natural water springs during night hours (10:00pm to 5:00am) as per direction of local administration to avoid traffic congestion as the water extraction point is on the Dehradun-Mussoorie State Highway.**

- Sewage Treatment Plant (STP) for the treatment of the Sewage generated in the hotel — 110KLD, Effluent Treatment Plant (ETP) for the treatment of laundry- 12KLD
- As per the analysis report provided by the hotel for the treated waste water, which is being used for horticulture purpose all the prescribed parameters, were found well in the prescribed norms.
- The Hotel is surrounded by the residential area, it seems the treated/untreated waste water is not being discharged by the hotel in the surrounding water bodies. In this regard, State Pollution Control Board not found any public complaint in the recent past.
- As per available log book with the hotel 35-40 KLD treated waste water generated from treatment facility, which is being used for horticulture within the premises (approx. 6-acre area out of 9-acre land).

During the site visit by the Joint Committee, no clear-cut evidence could trace out which can make responsible the hotel for polluting the Mussoorie Lake.

- E)** As the complainant raised the issue of environmental function performed by lake, recharge of ground water aquifer, habited to aquatic and semi-aquatic plants and animals and quality of water etc. the Joint Committee visited the site and collected water samples from different locations of water spring and Mussoorie Lake to find out the factual position. These water samples are being analysis in Uttarakhand Pollution Control Board laboratory. The report and observations will be submitted in due course of time.
- F)** The detail study of environmental function performed by lake, recharge of ground water aquifer, habited to aquatic and semi-aquatic plants and animals is specialized task and required expert/specialized designated organization such as Limnologist/Lake Conservation Dept., Ground Water Board etc. The specialist of the subject concerned/department of the area concerned may be involved/engaged in this investigation to ascertain the factual position of Mussoorie Lake in Mussoorie in case Hon'ble NGT feel necessary considering the interim report submitted by Joint Committee.
- G)** **As per the information available in Uttarakhand Pollution Control Board the total number of hotels is 282 of different categories that is Red, Orange and Green, operating in Mussoorie. Categorization is made based on the number of rooms of hotel being operated. The status of these hotels with respect to their regulatory requirement is annexed for reference (Annexure No 2).The Uttarakhand Pollution Control Board required to have strict vigil over the water quality management being**

***practice by hotels to avoid deterioration of environmental conditions nearby water resources. They also required to prepare an inventory of potential water resources, which are being used for commercial purposes, in coordination with Jal Sansthan and Urban Local Bodies in this area to ensure sustainable water resource management.***

***H) Regarding washing activities at commercial level by the washerman in Dhobi Ghat, the local urban body required to regulate washing activities as per the establish norms to avoid further deterioration the water quality of the natural water spring, in coordination with Jal Sansthan, Wetland development authority & State Pollution Control Board.”***

4. We have heard learned counsel for the State PCB and considered the matter.

5. From the report it is seen that apart from water connections from the Jal Sansthan, the hotels are taking water through tankers which is taken from natural water spring near the Lake. Collection of additional water from natural water spring is in night hours.

6. In view of the report, it is clear that water is being collected from springs near the lake which is bound to adversely affect flow of water in the lake and downstream. There is no regulation for such drawal for commercial use to the detriment of those who depend on spring for scarce drinking water. Thus, scarce and precious clean water is being unauthorizedly taken from the catchment area of the Lake at the cost of the environment as shown by the flow chart report. This situation needs to be remedied, particularly when water is not surplus. If such drawal of water is not regulated, content of water in the Lake will be substantially reduced and downstream water bodies and water supply will be obstructed, to the detriment of the environment. Further, it needs to be ensured that no wash water from washing of clothes or other source of waste water goes into the Lake and contaminates the same. The water

quality of Lake needs to be monitored at least of Class 'B' of Primary Water Quality Criteria.

7. Accordingly, we direct a five member joint Committee to be headed by Chairman, Uttarakhand Pay Jal Sansthan with nominees of National Wetland Authority, State Wetland Authority, State PCB and District Magistrate, Dehradun to ensure that drawal of water from the catchment area of the Lake is duly regulated. State PCB needs to regulate consents only to the extent of availability of water with a commercial establishment from water harvesting or recycled waste water or water supplied by the Jal Sansthan. No hotel be allowed to draw water from springs flowing into the lake without strict regulation, considering the extent of availability and priority for availability of water for drinking purposes for the inhabitants. The State PCB will be the Nodal Agency for coordination and compliance. The Committee may ascertain the extent of capacity of the Jal Sansthan to supply water for domestic and commercial purposes separately. The Committee may also suggest regulatory measures to ensure that no unregulated drawal of water takes place for commercial purposes from the catchment areas of the Lake. A report about compliance status as per above directions as on 31.10.2022 be furnished by 15.11.2022 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration on 30.11.2022.

A copy of this order be forwarded to the Uttarakhand Pay Jal Sansthan with nominees of National Wetland Authority, State Wetland Authority, State PCB and District Magistrate, Dehradun by email for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

September 02, 2022  
Original Application No. 353/2022  
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