

ITEM NO.21

COURT NO.14

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 8547-8548/2022

NEW OKHLA INDUSTRIAL DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

IA No. 176359/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 176361/2022 - EXEMPTION FROM FILING O.T.

IA No. 176358/2022 - STAY APPLICATION

WITH

C.A. No. 8967-8968/2022 (XVII)

FOR EX-PARTE STAY ON IA 179810/2022

IA No. 179810/2022 - EX-PARTE STAY

Date : 03-12-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Appellant(s) : Ms. Asha Gopalan Nair, AOR

Mr. V Giri, Sr. Adv.

Mr. Anil Kaushik, Sr. Adv.

Mr. Rajinder Singh, AOR

Mr. Abhishekh Mishra, Adv.

Mr. Rajat Rana, Adv.

Mrs. Shashi Sharma, Adv.

Mr. Mayank Gautam, Adv.

Mr S V Raju, ASG.

Mr Sandeepan Pathak, Adv.

For Respondent(s) :

Mr. Sunil J Mathews, Adv.

Samawaya Rautray, Adv.

Ms. Jyoti Singh, Adv.

Mr. Rajeev Singh, AOR

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.

Mr. V Giri, Sr. Adv.
Mr. Anil Kaushik, Sr. Adv.
Mr. Rajinder Singh, AOR
Mr. Abhishekh Mishra, Adv.
Mr. Rajat Rana, Adv.
Mrs. Shashi Sharma, Adv.
Mr. Mayank Gautam, Adv.

Mr. Tahir Ashraf Siddiqui, AOR
Mr. Mayur Punjabi, Adv.
Mr. Kartikey Sahai, Adv.

Mr. S.d. Sanjay, A.S.G.
Mr. Akshay Amritanshu, Adv.
Mr. Padmesh Mishra, Adv.
Ms. Rajeshvari Shankar, Adv.
Mr. Shashwat Parihar, Adv.
Mr. C. K. Sharma, Adv.
Dr. N. Visakamurthy, AOR

Mr Shubham P Mishra, Adv.
Mr Shubh Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. We have perused the compliance affidavits filed by Central Pollution Control Board (CPCB) in these appeals.
2. In the compliance affidavit filed in the appeal of NOIDA, findings are codified in paragraph 5. In sub-para (4) of paragraph 5, it is stated that till date possession of land has not been provided to U.P. Jal Nigam in Khoda - Makanpur, as a result,

construction work of Sewage Treatment Plant (STP) has not yet started. It is also stated that the entire wastewater generated from Khoda Nagar Palika flows through Delhi and eventually merges into the Kondli / NOIDA drain.

3. The learned Counsel representing NOIDA submits that the land for setting up STP unit has been provided to Khoda - Makanpur Municipality. However, the land has not yet been handed over to the U.P. Jal Nigam for construction of STP.

4. In such circumstances a response from State of UP is required.

5. As per Office Report, no one has entered appearance to represent the State of U.P. though it is impleaded as first respondent in the appeal. In such circumstances, we deem it appropriate to issue notice to the State of U.P., returnable in two weeks. Notice may be served through the standing counsel representing the State of UP in this Court.

6. The State of UP shall file its response, by way of an affidavit, disclosing whether U.P. Jal Nigam has been handed over possession of the land provided by NOIDA for setting up STP. The affidavit shall also indicate the time frame within which the

STP shall be established at Khoda-Makanpur.

7. The other compliance affidavit submitted by Central Pollution Control Board ("CPCB") discloses the analytical results of STPs of NOIDA in respect of samples drawn on 15.10.2025 by Shriram Institute for Industrial Research. However, it is not disclosed whether the analytical results, reflected in the table, are in conformity with the norms. We, therefore, require the CPCB to file a better affidavit disclosing whether the analytical data of the samples analyzed by Shriram Institute for Industrial Research conforms with the norms or not.

8. Further, the samples analyzed were drawn on 15.10.2025 when the extended rainy season of this year had not ended. We therefore deem it appropriate to require the CPCB to draw fresh samples from the eight STPs (inlet /outlet) as well as wetlands within two weeks from today.

9. Likewise, the State Pollution Control Board ("SPCB"), U.P. shall also draw samples from all 8 STPs (inlet/ outlet) as well from wetlands from each of the 8 STPs within two weeks from today.

10. CPCB and SPCB shall obtain analysis report of

the samples so drawn and shall bring it on record by the next date.

11. The samples so drawn shall be shared with the appellants-Delhi Jal Board as well as NOIDA so that they may carry out analysis of the samples from their own sources.

12. List these matters on 21.01.2026.

13. By the next date, Delhi Jal Board may file its response to the compliance affidavit.

14. The complainant may also file its response to the compliance affidavit by the next date.

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)