

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

Original Application No. 496/2016
(Earlier O.A. No. 253/2015)

Tribunal on its own motion

Applicant(s)

Versus

Govt. of NCT of Delhi & Ors.

Respondent(s)

Date of hearing: 03.02.2020

CORAM: **HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON**
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER

For Respondent(s):

Mr. H.S Phoolka, Sr. Advocate with Mr. Sumeet Pushkarna, Ms. Sakshi Popli, Advocates, Sh. Sahni, Chief Engineer for DJB
Mr. Ardhendumauli Kumar Prasad, Advocate for Ministry of Jal Shakti/CGWA
Mr. Anuj Aggarwal, Advocate for Directorate of Education
Mr. Balendu Shekhar, Advocate for EDMC
Mr. Rajkumar, Advocate for CPCB
Ms. Puja Kalra, Advocate for North & South MCD

ORDER

1. Issue taken up for consideration in the present matter is the water management in Delhi including rain water harvesting, revival of water bodies and use of treated water and control of illegal extraction of ground water. The problem of contamination of ground water in Delhi was highlighted in a news item dated 19.06.2015 in the Hindustan Times which led to initiation of proceeding by this Tribunal. On 10.12.2015, the Tribunal constituted a Committee headed by Special

Secretary (Environment), Delhi to take remedial action. The Committee gave its status report on 09.09.2016 recommending comprehensive ground water management plan covering Rain Water Harvesting (RWH) systems, use of treated water for ground water recharge and regulation of extraction of ground water, apart from revival and rejuvenation of water bodies.

2. The Tribunal by the order dated 30.08.2018, constituted an independent Monitoring Committee headed by Justice S.P. Garg, former Judge of Delhi High Court to oversee issues relating to water management in Delhi. The Committee has already furnished its reports dated 18.02.2019 and 31.07.2019 which were dealt with respectively by orders dated 19.02.2019 and 11.09.2019.
3. The first report mentioned identification of 50 water bodies in different parts of Delhi out of available list of 201 water bodies. On the subject of RWH systems, it was found that 6761 systems were in place. With regard to ground water recharge, it was mentioned that 14,231 borewells were illegally operating. 15% of ground water had already reached below 40 meters which requires serious efforts for recharge. Depleting level of ground water was also affecting the flow of river Yamuna.
4. Second report mentioned that the ground water resources were over-exploited. Out of 34 units, 22 were over-exploited (dark blocks), 2 were critical, 7 were semi critical and 3 were in safe category. Over use of ground water for drinking, irrigation and domestic purposes was resulting in rapid depletion of ground water. Water table

dropped to more than 300 feet in many areas. Kitchen water can be made potable by spending 10% money compared to converting other waste water into drinking water. 90% fresh water was being used for non-drinking purposes which could be substituted by reused water. 280 MCM rain water is lost which needs to be conserved. ULBs were to ensure that all Government buildings have RWH structures and if they were not functional, they have to be made functional. Treated water can be used for AC cooling towers, buses/trains washing, thermal power plants, other non-potable industrial uses and flushing in domestic uses. 300 installations of DJB have RWH. All Government buildings have to make a provision for RWH. PWD was to implement the RWH system where buildings are maintained by PWD. Decision of the Delhi Cabinet dated 02.07.2019 makes such a provision. List of 559 such buildings had already been prepared. On the subject of illegal borewells, the Committee mentioned that number of illegal borewells as on 30.06.2019 was assessed to be 17,062. Parks and gardens were also having tubewells which were required to be stopped to promote use of treated water for gardening. The DJB had improved its network for distribution of treated water. 400 borewells were operating in Patparganj Industrial area which matter needs to be resolved by the Chief Secretary. Environmental compensation suggested by CPCB ranging from Rs. 10,000/- to Rs. 1,00,000/- as an interim measure was required to be recovered for illegal extraction of ground water.

5. On the subject of subsidy under Free Water Scheme, the Committee observed:

“8. The Committee then considered the status of illegal borewells and found it necessary to seal the same. Action of sealing was too slow. Number of illegal borewells as on 30.06.2019 was assessed to be 17,062. Parks and gardens were also having tubewells which were required to be stopped to promote use of treated water for gardening. The DJB has improved its network for distribution of treated water. 400 borewells are operating in Patparganj Industrial area which matter needs to be resolved by the Chief Secretary. Environmental compensation suggested by CPCB ranging from Rs. 10,000/- to Rs. 1,00,000/- as an interim measure was required to be recovered for illegal extraction of ground water. Theft of water in any form should be dealt with as per law promptly.

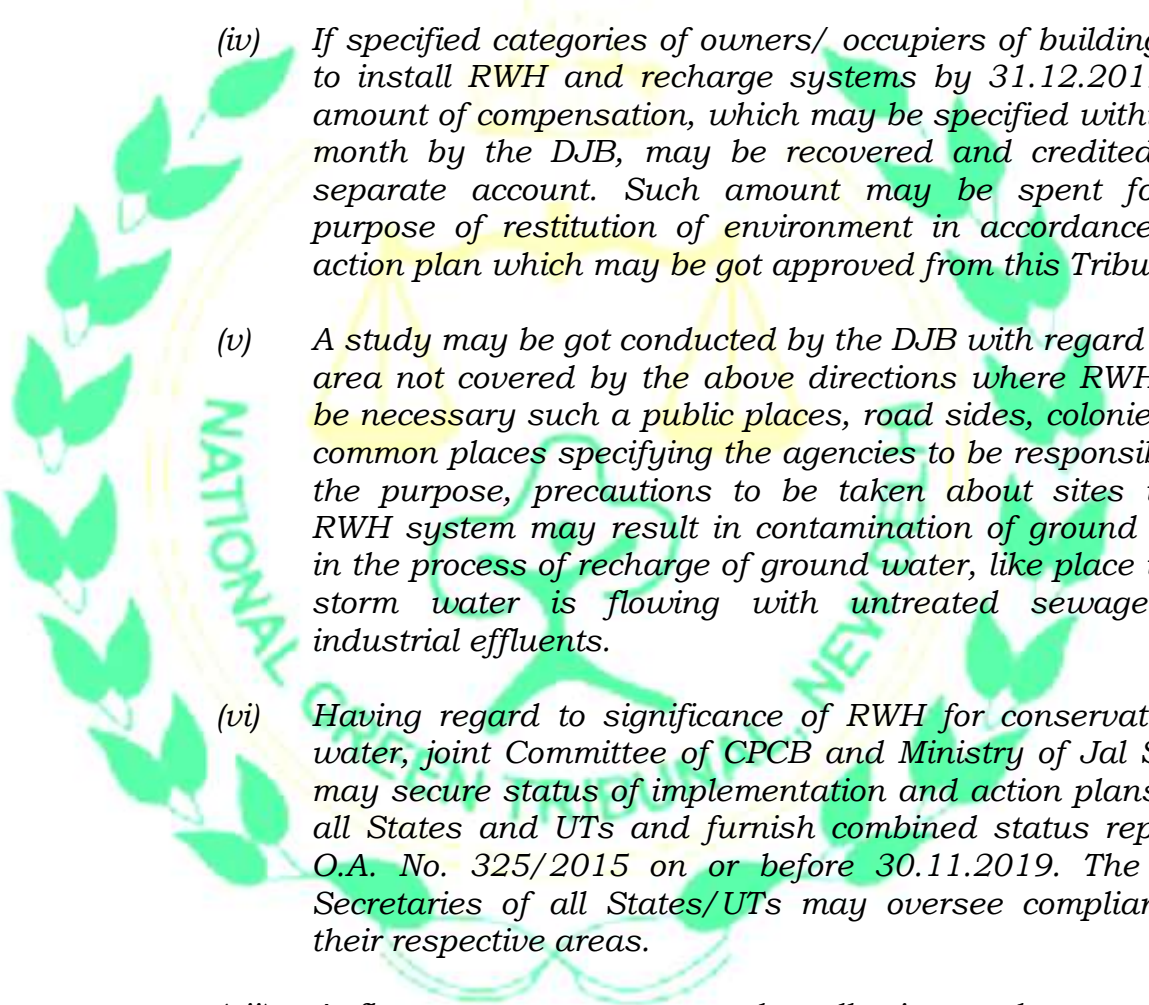
9. The Monitoring Committee has been informed that subsidy being provided under 20,000 liter free water scheme is misused by several Group Housing Societies. After availing the required quantity of 20,000 liters free of cost, these societies start extracting groundwater by using tube-wells/bore-wells to avoid payment of water tariffs. DJB should take effective steps to prevent this practice.”

6. The Committee also found dumping of garbage in water bodies and encroachments which are required to be checked by the land owning agencies. Eutrophication was also noticed in lakes and ponds. Misuse of water bodies for cultural or religious festivals was causing a threat to such water bodies, apart from immersion of idols resulting in contamination. Free supply of water was resulting in injudicious use of water.

7. Vide order dated 11.09.2019, the Tribunal issued following directions:

“

- (i) *The DJB may prepare an action plan in consultation with the local bodies or any other expert to ensure that RWH systems are installed in all Government buildings, group housing societies, new buildings where occupancy certificate is yet to be issued with such exceptions as may be carved out such as where there will be contamination of ground water on account of its location close to storm water drain carrying untreated sewage / trade effluents or where water level is high.*

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- (ii) *The existing Government buildings and group housing societies buildings where roof top RWH is required to be installed and has not been installed, may be required to furnish a declaration of compliance at a specified web portal upto 31.12.2019 that such systems have been installed with compensation being required to be paid for failure.*
 - (iii) *Technical specification for the RWH systems and recharge purposes and indicative list of available service providers may be placed on the website of the DJB and the Local bodies within one month from today. Online interactive helpline/information may also be made available to facilitate the users. It may be made clear that the users are at liberty to engage services of their choice from any source.*
 - (iv) *If specified categories of owners/ occupiers of buildings fail to install RWH and recharge systems by 31.12.2019, the amount of compensation, which may be specified within one month by the DJB, may be recovered and credited to a separate account. Such amount may be spent for the purpose of restitution of environment in accordance with action plan which may be got approved from this Tribunal.*
 - (v) *A study may be got conducted by the DJB with regard to the area not covered by the above directions where RWH may be necessary such a public places, road sides, colonies and common places specifying the agencies to be responsible for the purpose, precautions to be taken about sites where RWH system may result in contamination of ground water in the process of recharge of ground water, like place where storm water is flowing with untreated sewage and industrial effluents.*
 - (vi) *Having regard to significance of RWH for conservation of water, joint Committee of CPCB and Ministry of Jal Shakti may secure status of implementation and action plans from all States and UTs and furnish combined status report in O.A. No. 325/2015 on or before 30.11.2019. The Chief Secretaries of all States/UTs may oversee compliance in their respective areas.*
 - (vii) *A flat recovery rate towards collection and treatment of sewage may be adopted as a viable option for sustainable sewage management.”*

8. In pursuance of direction (vi) above, a joint report has been submitted by the CPCB to the effect that six States have furnished status reports on implementation of rain water harvesting systems while the

remaining States are yet to furnish their action plans in the matter. We are informed that action plans of all the States are likely to be available within next one month. The same may be filed in O.A. No. 325/2015 as already directed.

9. The Committee headed by Justice S.P Garg, former Judge, Delhi High Court has filed its third report dated 19.12.2019. With regard to rain water harvesting system, the highlights of the report are:

- The DMRC needs to set up RHS at various locations. The DMRC as per report dated 31.10.2019 installed such systems at 185 out of 236 locations. At 45 locations, it was not found feasible. Further steps were underway.
- Out of 44 Government schools in NDMC, RWH system was functional in 30. Further action was in progress.
- In SDMC area, the deadline was fixed for 64 schools and further work was in progress.
- In EDMC, RWH system was in existence in 217 out of 231 schools and further work was in progress.
- RWH systems were also installed in 65 community halls and similar steps were initiated in 70 private schools and colleges under Directorate of Education.
- RWH systems were completed in 699 out of 740 institutions in schools and colleges, under Higher Education Department further steps were being taken.
- In North DMC, RWH systems were completed in 455 out of 568 primary schools and some further work was being carried out.

- In PWD, at 149 out of 339 locations, RWH systems were completed. Further work was also being undertaken.
 - Out of 1048 buildings maintained by the PWD, RWH systems were functional in 756 and at other locations also steps were being taken.
 - Steps were being taken for RWH systems in buildings occupied by the Police Department, hospitals, dispensaries, DTC and Railways.
 - In Delhi Urban Shelter Improvement Board (DUSIB) out of 129 locations, RWH system existed in 39 locations.
 - Delhi Jal Board has set up RWH system at 368 locations and has mapped 4800 schools and colleges.
 - DDA has RWH system at 324 locations so far and is planning to cover other locations also.
 - DTTDC has RWH systems at 9 locations.
10. On the subject of revival of water bodies, action plans have been prepared by the DJB, DDA, I&FC and ASI. 10 water bodies belonging to DDA may be revived within three months and thereafter 10 water bodies every three months so that 60 water bodies are revived in a year. The DDA has given NOC for revival of 20 water bodies to DJB. 91 water bodies will be revived by the DDA in a time bound manner.
11. With regard to preventing uncalled for extraction of ground water for horticulture purposes, it is mentioned that tube-wells/bore-wells will be closed and only treated water will be used for horticulture purposes. A time bound action plan has been indicated.

12. Steps have also been indicated for preventing encroachments of water bodies by demarcation and other steps. The water bodies newly created in Yamuna flood plains i.e. in Golden Jubilee Park and in Ghonda Gujran Khader areas (6 in number) will be surveyed, demarcated and entered in the revenue records within next 3 months. Status of restoration of other water bodies has also been given. 95 water bodies have been taken up for revival by Irrigation and Flood Control Department (I&FC) out of which 11 will be revived by September, 2020. Wet land system based on SWAB (Scientific Wet Land with Activated Bio-digester) Technology on the left bank of Bawana Escape Drain between RD-9700 M to RD-9970 M to treat 1 MLD of waste water of Ghoga Drain in North-West Delhi has been set up. Water bodies under ASI are to be revived either by ASI itself or by the DJB. Out of 11, 3 are to be revived by the DJB for which NOC has been given and the remaining by the ASI. 155 water bodies under the Delhi Jal Board are to be revived by CSIR-NEERI and IIT Delhi. Revival of 22 such water bodies will be completed by June, 2020 and 24 such water bodies will be revived by 31.07.2020, 18 water bodies by October, 2020. There is plan for revival of remaining water bodies. The Committee has also mentioned the progress made by the DJB with reference to different locations.

13. The report also mentions the steps taken for sealing of illegal bore-wells, including 400 tube-wells in Patparganj industrial area.

14. Since the same Committee was requested to oversee compliance of environmental norms by entities organizing various functions, the

progress on the said issue is also mentioned but the same may be dealt with separately in the concerned matter.

The summary in the report is as follows:

“SUMMARY

- *There is remarkable progress in implementation of RWH Systems in schools and colleges. Barring few, all the schools and colleges have adequate and functional RWH Systems.*
- *After successful implementation of RWH Systems in schools and colleges, the Monitoring Committee concentrated upon implementation of RWH Systems in various other buildings under DDA, DJB, PWD, DMRC, DTTDC, DUSIB. Substantial progress has been shown by these bodies. Number of buildings now have RWH Systems in place. In other buildings, RWH Systems is under construction and action plan has been chalked out for completing the same.*
- *The Monitoring Committee is now concentrating for implementation of RWH Systems in buildings under DTC, Railways, Group Housing Societies, Hospitals, Private Industries etc.*
- *Monitoring Committee has visited several water bodies. Some of the water bodies have been revived. Some are in the process of revival. The DJB, DDA and I&FC have furnished action plan for revival of the water bodies under their jurisdiction in a time bound period. The Monitoring Committee shall supervise the implementation. The Monitoring Committee intends to visit sites where the work of revival of water bodies is being undertaken and is in progress.*
- *DDA has been impressed upon to fill water body at Ashoka Park with treated water either by transportation from Okhla plant through tankers or by connecting STP line for which connection has been permitted by DJB.*
- *Monitoring Committee shall ensure that Satpula Lake near District Court, Saket is revived in a time bound period with landscaping. It will be a tourist spot surrounded by monuments. Water body at Gogha is on verge of complete revival. Water has been filled in this water body by laying a pipeline near the wetland system. The water body is full of water. On persuasion by Monitoring Committee DSIIDC has already given permission for landscaping of the water body to I&FC. The work is to be allotted soon.*
- *The Monitoring Committee shall coordinate among various government departments, NEERI and concerned DMs to remove difficulties in revival of the water bodies.*

- *The Monitoring Committee has already involved the concerned District Magistrates for sealing illegal tube-wells/bore-wells. DDA and other land owning agencies have been directed to stop extraction of water through tube-wells/bore-wells in the parks for horticulture purposes and to use treated water.*
- *The Monitoring Committee shall supervise implementation of plan for carrying out the work in Patparganj Industrial Area to provide DJB water. It will enable 400 tube-wells presently being used for extraction of groundwater to be closed.*
- *The Monitoring Committee shall review the steps taken by Urban Development Department for implementation of the directions given by Hon'ble NGT in O.A. No. 400 of 2017.*
- *Area in Lutyen Zone has been surveyed to assess the water level position. The comprehensive report has been prepared by Central Ground Water Body.*
- *PWD was persuaded to provide net/mesh to prevent people standing on the road to throw garbage in the water body at Neela Hauz Khas as requested by Prof. Babu. The PWD has since provided the said protection.*
- *The Monitoring Committee had wider consultations with senior officers i.e. Vice Chairman, DDA, Secretary, Urban Development, CEO DJB and I&FC, Member (Water) Scientist of NEERI. They have been persuaded to implement the directions of the Hon'ble NGT and the Monitoring Committee in letter and spirit in a time bound period.*
The contractors to whom the work has been allotted were called and persuaded to complete the projects in the allotted time period.

15. We take the report on record and record our appreciation for the outstanding work executed by the Committee. We request the Committee to further monitor the compliance on the subject. The report may be placed on the website of the Tribunal and the CPCB for a period of 2 months. Further report may be furnished within three months preferably by 30.04.2020 by email at judicial-ngt@gov.in.

16. Before parting with this order, we are of the view that having regard to significance of issues dealt with that is revival of water bodies in

view of their potential for recharge of ground water, which in turn impacts water availability in river Yamuna, preventing illegal extraction of ground water to preserve the ground water table, rain water harvesting systems having impact on ground water table and use of treated water (from STPs) for secondary purposes, to increase availability of potable water, it may be necessary to consider compensation regime with a view to ensure sustainable development and inter-generational equity. Accordingly, we lay down such regime as an interim measure as follows:-

(i)	Failure in revival of water bodies by the land owning agencies till 31.03.2021.	@ Rs. 50,000/- per month payable to and to be recovered by CPCB who may notify such agencies within one month about this direction.
(ii)	For failure to install rain water harvesting systems by the institutions responsible for such failure.	As per earlier order dated 16.11.2017 in O.A. No. 217 of 2016 <i>Mahesh Chandra Saxena Vs. The Ministry of Urban Development & Ors.</i> @ Rs. 5 Lakh per institution required to be paid by educational institutions in terms of the said order will apply to all such institutions as may be specified by the Committed and the amount will be payable to and to be recovered by DJB who may notify such institutions within one month about this direction.
(iii)	Illegal extraction of ground water by the person doing so.	As per earlier order dated 11.09.2019 in O.A. No. 176/2015, <i>Shailesh Singh v. Hotel Holiday Regency</i> as per formula suggested by CPCB payable to and to be recovered by DJB who may notify all concerned

		by a general order on its website or otherwise within one month about this direction.
(iv)	For failure to use treated water for secondary purposes after 31.03.2021 and use of fresh in lieu thereof by the DJB.	@ Rs. 1 Lakh per month per STP payable to and to be recovered by CPCB who may notify all concerned by a general order on its website or otherwise within one month about this direction.

List for further consideration on 11.05.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

February 03, 2020
Original Application No. 496/2016
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