

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

**Original Application No. 175/2015**

**Shailesh Singh V/s. Hotel Jaypee Vasant, New Delhi & Ors.**

**CORAM: HON'BLE MR. JUSTICE M. S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**Present:**

<b>Applicant / Appellant</b>	<b>: Mr. Sudeep Dey, Adv. with Mr. Shailesh Singh</b>
<b>Respondent no. 1</b>	<b>: Mr. Pawan Upadhyay, Mr. Nishant Kumar, and Mr. Akash Tyagi, Advs.</b>
<b>CPCB</b>	<b>:Mr. Rajkumar, Adv. with Mr. Niti Choudhary, (LA)</b>
<b>Respondent No. 2</b>	<b>:Mr. Pinaki Misra, Sr. Adv., Ms. Ruby Singh Ahuja, Adv., Mr. Utsav Trivedi</b>
<b>Respondent No. 3, 5</b>	<b>:Mr. A.P. Singh, Mr. Vijay M. Chauhan, Advs.</b>
<b>Respondent No. 4</b>	<b>:Mr. Abhimanshu Mahajan, Mr. Milan Deep Singh and Ms. Anubha Goel, Advs.</b>
<b>Respondent No. 6</b>	<b>:Ms. Sakshi Popli, Adv. for NDMC</b>
<b>Respondent No. 10</b>	<b>:Mr. Ardhendumauli Kr. Prasad and Mr. Jigdal Chankapa, Ms. Priyanka Swami, Advs.</b>
<b>Respondent No. 11</b>	<b>:Mr. Balendu Shekhar, Mr. Akshay Abrol, Advs. and Mr. Dinesh Jindal, LO for DPCC</b>

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item No. 02 January 20, 2016</b> R	Heard the dispute regarding hotel Jaypee Vasant Continental. The learned counsel appearing for the applicant submitted that the report submitted after the joint inspection, does not reveal the true facts. It is pointed out that as per the report, there is no bore well and the Proforma submitted by the applicant before the authorities shows that the source of water is ground water also and, therefore, the report can never be correct. Learned counsel appearing for the hotel submitted that the reliance placed on the reply for the RTI application, is not correct as it was based on the Proforma and the Proforma could be filled up only as provided therein and there was no choice for the applicant to show in the Proforma the other source of the water and at the same time, the application submitted by the hotel specifically shows that the balance water is procured from tankers and in these circumstances, the finding of the joint inspection team

that there is no bore well, is perfectly correct. As the learned counsel appearing for the applicant is factually disputing the non existence of the bore well, we find it necessary to direct a further inspection. The learned counsel appearing for the applicant submitted that he has no objection for a direction to the officer of the CPCB to inspect the hotel of find out whether any bore well exists or not and he only submitted that the applicant also be permitted to be present at the time of inspection. We find the submission proper.

We direct the Secretary of CPCB to depute a senior officer to inspect the premises of the respondent no. 1- Jaypee Vasant Continental and submit a report whether bore well exists there or not. Inspection expenses are to be met by the hotel. The inspection shall be conducted within one week from today and the report be submitted within 10 days. It is made clear that the applicant shall be permitted to accompany the Commissioner at the time of the inspection. The report be filed by 04.02.2016.

The arguments of the learned senior counsel appearing for respondent no. 2 and the applicant are concluded. Learned counsel appearing for the applicant prays time with regard to the remaining hotels.

As agreed, list this matter on 04.02.2016.

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

.....,EM  
(Ranjan Chatterjee)