

Item No.02

Court No. 1

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

Original Application No. 138/2023

Sanjaya Kumar Mishra

Applicant

Versus

Central Ground Water Authority & Ors.

Respondent(s)

Date of hearing: 06.03.2023

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

Applicant: Mr. Sanjaya Kumar Mishra, Applicant in Person

ORDER

1. Grievance in this application is against illegal extraction of ground water by Respondent No. 3, M/s Mitsui Kingzoku Components India Pvt. Ltd. in Rewari District in Haryana, the project proponent (PP).

2. According to the applicant, NOC was granted to the PP by the ground water authority for groundwater abstraction up to 30m³/day, not exceeding 18,000 m³/year. But much more extraction is taking place. Net groundwater availability in Bawal, as reported by Central Ground Water Board (CGWB) was 7265 Ham. on 31.03.2009, which has declined to 4428.35 Ham. CGWB has categorized the area as 'Over Exploited'. Condition lay down in NOC dated 28.08.2011 issued by CGWA is thus violated. HSIIDC vide notice dated 23.01.2009 directed dismantling of tubewell but the said direction remained un-complied. Thus, there is

violation of judgment of the Hon'ble Supreme Court in M.C. Mehta v. UOI¹. Vide order dated 15.11.2022 in OA No. 392/2022, this Tribunal directed CGWA to take remedial action against non-compliances including recovery of compensation equal to the 0.5% of the project cost but no such action has been taken. The Applicant has also referred RTI response dated 06.10.2020 to the effect that unit is not complying with the condition on which ground water extraction has been permitted.

3. In view of the above, we find it necessary to require a factual report in the matter from a joint Committee of CGWA, CPCB, State PCB and District Magistrate, Rewari which may be filed by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF within two months. The State PCB will be the nodal agency for coordination and compliance.

List for further consideration on 10.07.2023.

A copy of this order be forwarded to the CGWA, CPCB, State PB and District Magistrate, Rewari for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

March 06, 2023
Original Application 138/2023
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¹ (1997) 11 SCC 312