

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

Original Application No. 134/2015

(With report dated 31.12.2019)

Friends through its General Secretary

Applicant(s)

Versus

Ministry of Water Resources

Respondent(s)

Date of hearing: 10.01.2020

**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 Applicant(s): Mr. Rahul Choudhary and Mr. Sany Antony,  
Advocates

For Respondent(s): Mr. Ardhendumauli Kr. Prasad and Mr. Shashank  
Saxena, Advocates for CGWA  
Mr. Attin Shankar Rastogi, Advocate for MoEF  
Ms. Sakshi Popli, Advocate for DJB  
Mr. Debarshi Bhuyan, Advocate for WQIA

**ORDER**

This Application seeks four months' time for execution of order of this Tribunal dated 20.05.2019. The issue of execution of the said order has been pending for the last six months. The matter was last considered vide order dated 04.11.2019 in the light of the status report filed on behalf of Ministry of Environment, Forest and Climate Change (MoEF&CC). The Tribunal observed:

*"6. The status report filed by the MoEF&CC is as follows:-*

*“In order to ensure the compliance of the directions passed by the Hon’ble Tribunal the Ministry after 5 having consultation with expert institutions like IIT BIS, NEERI, CPCB and examining the legal formalities the Ministry has asked CPCB to frame holistic policy for use of RO Technology in the Country and submit draft notification. However, the draft notification has not been received till date.*

*Further, it is submitted that after receiving the draft notification from CPCB, the same will be further examined by the Ministry on the aspects of Monitoring Mechanism for compliance of the notification, Institutional Framework for monitoring and implementation of the notification, identification of stakeholders and their roles and responsibilities for various functions, legal sanctity, etc. for consideration. As issuing notification is a policy related matter, comprises features of multidimensional in character which inter alia, include complex geographical spread, varied users i.e. commercial, residential, etc. Hence, region wise detailed consultation will be required before notification.*

*It is also submitted that in view of the intricacy of the matter a progress report on monthly basis will be submit by the Ministry before the Hon’ble Tribunal.”*

- 7. During the hearing, the officers present have not shown any valid reason for non-compliance beyond what is mentioned above which stand has no merit. As already noted, delay in compliance of order is causing harm to public health and environment in terms of expert committee report to which MoEF&CC is a party.*
- 8. The above stand clearly shows failure of concerned Officers to comply with the directions of order of this Tribunal dated 20.05.2019. The said order is a binding decree under Section 25 of the National Green Tribunal, Act 2010 and the Officers of MoEF&CC are liable to be proceeded against for noncompliance. Section 26 provides for punishment by way of imprisonment for such failure.*
- 9. Accordingly, we give last opportunity to comply with the directions already issued latest by 31.12.2019 failing which from 01.01.2020, the concerned officer(s) in-charge in MoEF&CC for carrying out the directions of this Tribunal will not be entitled to draw salary till the order of this Tribunal is complied. Further coercive measures may be considered on the next date.*
- 10. A copy of this order be also sent to the Secretary, MoEF&CC for compliance by e-mail.*
- 11. We note that CGWA has given the requisite data to CPCB and CPCB has filed its report on the subject of checking wastage of ground water and connected issue. This aspect will be gone into in O.A. No. 176/2019 fixed for hearing on 28.11.2019.”*

In pursuance of the above, further status report has been filed on 31.12.2019. Justification for seeking period of four months is claimed to be as follows:

*“It is humbly prayed that in order to delineate the appropriate provision for effective compliance of the Hon’ble NGT’s order 4 months is required which includes 2 months for wide circulation of draft notification for inviting comments and 2 months for incorporation of comments, finalization of notification and obtaining approval from Ministry of Law and Justice. The Hon’ble Tribunal may kindly grant 4 months to carry out the abovementioned tasks.”*

Having regard to the fact that any steps for environmental protection have to be prompt, period for circulation of the draft notification or inviting comments need not be so long as is proposed. The same may be reduced to two months.

Let compliance report now be filed before the next date by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

List again on 23.03.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

January 10, 2020  
Original Application No. 134/2015  
SN