

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 639/2022

In the matter of:

Pritipal Sharma

...Applicant

Versus

Govt. of NCT of Delhi & Others


...Respondents

NDOH: 18.04.2024

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Filed by


(K.S. Jayachandran)

Special Secretary, Environment
Government of NCT of Delhi

Dated:

Place: Delhi

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**STATUS REPORT ON BEHALF OF GOVERNMENT OF NCT OF
DELHI IN COMPLAINE TO THE ORDER DATED 18.03.2024.**

IT IS MOST RESPECTFULLY SHOWETH:

- (1) That in the order dated 18.03.2024, this Hon'ble Tribunal directed GNCTD for taking remedial measures for proper implementation of directions issued by Hon'ble Supreme Court, this Tribunal, provisions contained in Delhi Jal Board Act, 1998, directions issued with approval of Lt. Governor, Delhi on 18.02.2010 and 10.01.2014, Minutes of Meeting held by the CS, Delhi on 12.06.2020 and SOP finalized regarding same.
- (2) That, in compliance with the aforesaid order of this Hon'ble Tribunal, the Chief Secretary, Government of NCT of Delhi convened a meeting of the officers from Delhi Jal Board (DJB), Municipal Corporation of Delhi (MCD), Delhi Pollution Control

Committee (DPCC), Delhi Police, Urban Development Department, Revenue department and other concerned departments on 12.04.2024. Minutes of the meeting is enclosed herewith as **Annexure-1.**

- (3) That, DJB, District Magistrates and DPCC was directed to enforce the rules issued under Environment Protection Act, 1986 with respect to regulation of bore wells.
- (4) That, the DJB/Revenue Department shall initiate action for taking actions on illegal bore wells particularly focusing in areas that are over exploited or where extraction of water is being used for profiteering. Further, they would accord permissions where water table is satisfactory and water is potable.
- (5) That, DPCC has been directed to effect recovery of EDC imposed, by following due process. Its engineers may be authorized for effecting recovery for proper accountability. DPCC along with DMs have been directed to focus their efforts where ground water is under stress.
- (6) That, DJB was advised to improve the efficiency in water supply by preventing leakages in water/revenue.
- (7) That, the utilization of EDC needs to be targeted at full scale remediation of environmental damage caused by the illegal extraction of ground water; and hence it was decided that the Environmental Damages Compensation collected in respect of illegal ground water extraction shall be utilized through the committee constituted by Hon'ble High Court in WP© No.



7594/2018 in order dated 08.04.2024. The EC imposed on illegal bore wells will be used by the aforesaid district level committee for the rejuvenation of water bodies.

- (8) That, DPCC will develop an online portal for logging in the process of giving permission to bore wells, identification and action against bore wells and imposition and recovery of EC, which will be used by stakeholders as above.
- (9) That, the above status report is being filed with the prior approval of Chief Secretary, Delhi and the same may kindly be taken on record.



(K.S. Jayachandran)
Special Secretary, Environment
Government of NCT of Delhi

By Speed Post

	<p align="center">DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6 visit us at : http://dpcc.delhigovt.nic.in</p>	
F. No. DPCC/CMC-III/NGT/OA No-69/2022/ 2138-50		Dated: 16.04.2024

MINUTES OF THE MEETING

In compliance of order of Hon'ble NGT dated 18.03.2024 in O.A No 639/2022 in the matter of "Pritpal Sharma Vs Govt. of NCT of Delhi & Ors.", Chief Secretary, Govt of NCT of Delhi has convened a meeting of all the stakeholder departments in the Conference Hall of Chief Secretary at 5th Floor, Delhi Secretariat on 12.04.2024 at 4:00 PM. Minutes of the meeting are enclosed herewith for necessary action in letter and spirit



 (Satender Kumar)
 Sr. Env. Engineer

To:

1. Additional Chief Secretary, Urban Development Department, Govt. of NCT of Delhi, 9th Floor, Delhi Secretariat, I.P. Estate, Delhi-02
2. Chairman NDMC, Palika Kendra, Sansad Marg, New Delhi-110001
3. Divisional Commissioner, GNCTD, 5 Sham Nath Marg, Delhi-54.
4. Commissioner, Department of Transport, GNCTD 5/9, Underhill Road, Civil Lines, New Delhi,
5. Commissioner of Police, Delhi Police Headquarter, Jai Singh Road, New Delhi-01
6. Principal Secretary (Environment & Forest), 6th Floor, Delhi Secretariat, I.P. Estate, Delhi - 02.
7. Chief Executive Officer, Delhi Jal Board, Varunalya Phase-II, Jhandewalan, Delhi-110055.
8. Commissioner, Municipal Corporation of Delhi, Dr. S.P.M Civic Centre, JLN Marg, Delhi.
9. All District Magistrates, GNCTD.
10. Dy. Conservator of Forests(South), Department of Forests and Wildlife, GNCTD, near Dr. Karni Sing Shooting Range, Tughlakabad, New Delhi-110044
11. DCB, Chief Executive Officer, Office of the Cantonment Board, Sadar Bazar, Delhi

Copy to:

1. Staff Officer to Chief Secretary, Govt of NCT of Delhi, 5th level, Delhi Secretariat, I.P. Estate, Delhi-02- For kind information to the Chief Secretary, GNCTD.
2. PPS to Chairman, Delhi Pollution Control Committee, GNCTD


 (Satender Kumar)
 Sr. Env. Engineer

	<p style="text-align: center;">DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6 visit us at : http://dpcc.delhigovt.nic.in</p>	
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Minutes of the Meeting

Hon'ble National Green Tribunal vide its order dated 18.03.2024 in O.A No 639/2022 in the matter of "Pritipal Sharma Vs Govt. of NCT of Delhi & Ors." found serious deficiencies in the working of Government agencies who have been assigned the task of taking remedial action on complaints received regarding operation of illegal borewells in NCT of Delhi and directed Chief Secretary, Govt. of NCT of Delhi to convene a meeting with Delhi Jal Board (DJB), Municipal Corporation of Delhi (MCD), Delhi Pollution Control Committee (DPCC) and all concerned officers of GNCTD (including all District Magistrates) for taking remedial measures for proper implementation of the directions of the Hon'ble Tribunal.

In pursuance of Hon'ble NGT directions, Chief Secretary, Government of NCT of Delhi convened a meeting of all officers of concerned departments on 12.04.2024 in his conference hall in Delhi Secretariat. The list of the participants who attended the meeting is enclosed as **Annexure-A**.

All the officers of the concerned organizations were apprised about the directions of Hon'ble Tribunal as mentioned in the order dated 18.03.2024 and compliances required in matters related to illegal ground water extraction which are as follows: -

- a. *DJB had identified 19661 illegal borewells on which action was being taken and around 11,000 illegal borewells had already been closed by district authorities and remaining illegal borewells were to be closed. DJB is further directed to file status report with reference to all illegal borewells identified by DJB in the NCT of Delhi including illegal borewells remaining to be closed out of above mentioned 19661 illegal borewells.*
- b. *Show cause notices for imposition of EDC were issued in 18493 cases but orders for imposition of EDC were passed in 18481 cases. EDC has been recovered only in 121 cases and recovery of EDC is pending in 18372 cases. DPCC was further directed to file additional status report giving complete information with respect to all relevant aspects including total amount of EDC imposed and total amount of EDC which has been recovered.*
- c. *GNCTD was also directed to file its response as to why in view of delay on the part of its officers in realization of amount of environmental compensation imposed on the violators, be not directed to pay the amount of environmental compensation for remediation of the environmental damage caused with liberty to recover the same from the violators through the proceedings initiated on references received from DPCC.*

- d. Further, Hon'ble Tribunal observed apathy/laxity/delay/inaction on part of concerned District Magistrates/Sub Divisional Magistrates in number of cases coming up before the same Bench. In view of such deficiencies and for ensuring proper transparency and accountability, all DMs in NCT of Delhi are directed to upload on respective website of District Administration latest by 15.04.2024 information regarding:
- ❖ complaints received regarding illegal borewells and action taken on the same, Minutes of Meeting and recommendations of District Advisory Committee regarding the same,
 - ❖ references received for realization of EC and action taken for realization of the same and
 - ❖ remedial measures taken for remediating environmental damage caused
- e. The Chief Secretary, Delhi has been asked by the Hon'ble Tribunal to issue appropriate instructions for requisite compliance while specifically mentioning that in case of inaction/negligence on the part of concerned administrative officers strict disciplinary action will be taken against them and further directed to look into the matter of recovery of EDC in remaining cases and issue appropriate instructions for expediting recovery thereof.

All the participants were also apprised about Hon'ble Supreme Court order, Hon'ble National Green Tribunal orders on the issue, provisions of the GNCTD - Ground Water Regulation & Management Notification, 2010, and the amendments done in 2014, decisions taken in the Meeting by Chief Secretary in 2020 on the subject, and the Standard Operating Procedure in respect of prevention and control of illegal ground water extraction in NCT of Delhi-2020.

The Standard Operating Procedure in respect of illegal ground water extraction framed as per the order of Hon'ble Tribunal in OA No. 685/2019 is enclosed herewith as **Annexure-B**.


After detailed discussions in respect of all the directions contained in the order dated 18.03.2024 passed by the Hon'ble National Green Tribunal following decisions were taken:

- 1) It was noted that the extraction of ground water is regulated by rules under EP Act. Further, SOP on regulation already exists delineating responsibilities of DJB/DMs/DPCC.
- 2) DJB should urgently collate the list of bore wells permitted. It could not give whether any list of legal bore wells permitted is available with it being a competent authority under the rules.
- 3) The DJB/Revenue Department shall initiate action for taking actions on illegal bore wells particularly focusing in areas that are over exploited or

extraction of water is being used for profiteering. Further they would accord permissions where water table is satisfactory and water is potable.

- 4) DJB and DMs should issue permission for bore wells as per norms where water table is good and water is potable. Illegal extraction also occurs when legal permission is not given, even where it is feasible.
- 5) Illegal bore wells are a product of unreliable water supply and hence Delhi Jal Board was directed to efficiently plan, supply potable water and plug leakages in water and revenue. DJB was also directed to efficiently plan for, regulate and manage exploitation of ground water in Delhi in consultation with CGWA, as per the statutory obligation enshrined in the DJB Act 1998.
- 6) DPCC was directed to expedite the recovery process of the Environmental Damages Compensation imposed by following due process. Its engineers may be authorised for effecting recovery for proper accountability.
- 7) Recovery of EC is poor. District Magistrates stated that there is need for verification of data of illegal bore wells, as addresses are incomplete and vague. They also stated that they sometimes face strong objection from public while sealing bore wells. This is due to failure of DJB in providing drinking water. It was decided that the bore wells in area having critical water table and used for selling the water or used for purposes other than drinking be prioritised for action. Instructions to this effect were issued to District Magistrates and DJB accordingly to take action.
- 8) In WP© No. 7594/2018, Hon'ble High Court has also formed a multi member committee for rejuvenation of water bodies, comprising of DMs, DCs MCD/Secretary NDMC/DCB, SE, DDA, SE, DJB and SE IFC.
- 9) The EC imposed on illegal bore wells will be used by the aforesaid district level committee for the rejuvenation of water bodies.
- 10) DPCC will develop an online portal for logging in the process of giving permission to bore wells, identification and action against bore wells and imposition and recovery of EC, which will be used by stakeholders as above.
- 11) It was emphasised to DJB to control wastage of potable water and loss of revenue, which is essential for the better management of water supply. It should also ensure proper utilisation of the treated waste water
- 12) DJB and other agencies will step up efforts for water conservation.

The meeting ended with vote of thanks to the Chair.



Dr. K.S. Jayachandran
Spl. Secretary (Environment)
Member Secretary (DPCC)
Govt. of N.C.T. of Delhi
Delhi Secretariat, New Delhi-2