

Item No. 11

Court No. 2

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

Original Application No. 754/2022

Khem Chand

Applicant

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 03.01.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

**Application is registered based on a complaint received by post**

**ORDER**

1. This original application has been registered under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**') on a letter petition received from Shri Khem Chand, Advocate, Chamber No. 83, District Court, Raj Nagar, Ghaziabad, Uttar Pradesh alleging that Shri Amit and Shri Dinesh residents of Baradari, E-Block, in front of temple, Nehru Nagar II, Ghaziabad, U.P. are carrying on business of sale of water by extracting groundwater illegally through submersible pump in Ghaziabad area which is already in the category of "Over Exploited Area" and thereby not only contaminating groundwater but also creating scarcity of availability of drinking water to the local residents.

2. The Tribunal dealt with the issue relating to regulation of indiscriminate boring and withdrawal of ground water for sustainable water resource management vide order dated 17.10.2022 in OA No.

438/2018, *Arti vs. Central Ground Water Authority & Ors.* Relevant part of the order is reproduced below:

“xxx .....xxx.....xxx

29. We further direct that while granting consents, requirement of installing digital water metres connected to central servers may be laid down. Concerned establishment may be required to furnish an ‘Appraisal report’ with regard to the quantity of ground water available for extraction in the area and replenishment measures proposed by the concerned establishment such as rain water harvesting, sewage treatment, use of treated sewage. Such Appraisal report may be duly verified by the State PCB by an appropriate mechanism. Such project proponents may also undertake measures to compensate environment, particularly augmenting water quantity and improve water quality by afforestation, education and other measures which may be mentioned in the consent conditions and NOCs for extraction of ground water. Further, in respect of establishments having water supply from the local bodies and also extracting ground water, there should be separate digital metres in respect of both sources.

30. We also direct the concerned statutory regulators to look into and regulate use of potable water for non-contact purposes for which non potable water can be used to augment availability of potable water for drinking. If consents/NOCs are not applied for within one month, the establishments may be closed by the State PCB. If filed, such applications may be examined within next one month. Consent mechanism may also cover conditions in terms of order of this Tribunal dated 23.07.2020 in O.A. No. 400/2017, *Westend Green Farms Society vs. Union of India & Ors.* applicable to such establishments.

31. The States other than Uttar Pradesh may also study above directions and take further action by issuing necessary SOP through their Water Resources Departments and State PCBs within one month from today.”

3. In our view, it would be appropriate first to obtain a factual report before taking any further action.
4. Hence we constitute a joint Committee comprising State PCB and District Level Authority of UP Ground Water Department who shall submit a factual report within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
5. State PCB will be nodal agency for coordination and compliance.

6. List for further consideration on 17.03.2023.

7. A copy of this order, alongwith copy of complaint, be forwarded to State PCB and District Level Authority of UP Ground Water Department by e-mail for compliance.

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

January 03, 2023  
Original Application No. 754/2022  
DV