

Item No. 04

Court No. 1

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

Execution Application No. 04/2023

In

Original Application No. 147/2021

Mahesh Chandra Saxena

Applicant

Versus

The Chief Secretary, Govt. of NCT of Delhi & Ors.

Respondent(s)

Date of hearing: 13.10.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant Mr. Mahesh Chandra Saxena, Applicant in Person

Respondent: Mr. Narender Pal Singh, Adv. for DPCC
Ms. Sakshi Popli, Adv. for DJB (Through VC)

ORDER

1. In the Original Application, the issue relating to ground water contamination in reference to the rain water harvesting system installed in the Housing Societies in Dwarka was raised. The OA was disposed of with certain directions and thereafter, this Execution Application has been filed.

2. The Tribunal by order dated 09.02.2023 had directed the Chief Secretary, Delhi to file action taken report after interacting with the concerned authorities/persons. The Secretary, MoEF&CC was also directed to file the action taken report in terms of earlier order of the Tribunal dated 10.12.2021.

3. The compliance report filed on behalf of the Government of NCT dated 17.05.2023 reveals that total societies in Dwarka are 354, out of which 8 Societies have refused the inspection team to enter the premises

and samples of water were collected from 235 societies. The alarming part of the report is that in 180 societies, contamination was found on account of presence of Ammonical Nitrogen and Total Dissolved Solid in sample water. There is no plausible explanation given in the report for presence of Ammonical Nitrogen in the samples which were collected from the concerned societies. The report is also deficient in respect of the action taken at the end of the authorities to remedy the situation.

4. Learned Counsel appearing for DPCC seeks four weeks' time to ensure that appropriate remedial measures are taken and also that the correct picture is reflected before the Tribunal. He also submits that some police help may be provided so that the eight remaining societies can be inspected by the team.

5. The Tribunal by order dated 09.02.2023 had also called for a report in respect of installation of well-designed rain water harvesting system with due precautions by the Housing Societies and other Institutions and further the steps taken to provide empaneled executors of rain water harvesting system as per the approved Guidelines and measures to create awareness in societies and other Institutions. The report does not specifically cover the aforesaid issues, though there was a clear direction in this regard.

6. In view of above, we deem it proper to issue a direction for filing two separate reports, one relating to the factual situation found on the spot and the other relating to the remedial action. Let these reports be filed by the DPCC within 8 weeks 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.

7. We also direct that DPCC officials along with the other concerned authorities will be entitled to have the police protection for the purpose of inspection of the remaining eight societies.

8. In pursuance to the earlier directions of the Tribunal, the MoJS has also filed the report dated 03.04.2023, which is taken on record.

9. List this matter on 05.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

October 13, 2023
SN