

Item No. 03

Court No. 1

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

(By Video Conferencing)

Original Application No. 147/2021

Mahesh Chandra Saxena

Applicant

Versus

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

Respondent(s)

Date of hearing: 07.07.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Mahesh Chandra Saxena, Applicant in person

ORDER

1. The applicant has sought following directions:-

“(a) For inspection of all the Rainwater Harvesting Systems constructed in all Societies of Dwarka by a Team consisting of Ground Water Cell of Delhi Jal Board, Member from Central Pollution Control Board and the applicant, collection and sending of samples for examination in the Lab.

(b) Direct Dwarka Fenderation of cooperate in the above said inspection, collection of samples.

(c) For making the non-functional Rainwater Harvesting Systems found in the inspection as functional for recharge of only roof top pure rain water in the ground so that ground water is not contaminated.

(d) To modify the recharge borewells constructed in the Rain water Harvesting Systems of all Societies of Dwarka to make it five meter above the ground water level.

(e) To stop inspection and charging of fee of Rs. 40,000/- by the Contractors of the Rainwater Harvesting Systems.

(f) To make responsible the Dwarka Federation for cleaning of Pit of Rainwater Harvesting Systems of all Societies prior to Monsoon i.e. in January, February, March and April and to furnish report to this effect to the Ground Water Cell of Delhi Jal Board through Affidavit, thereafter the Ground Water Cell of Delhi Jal Board may conduct random inspection of the Rainwater Harvesting Systems to ensure that all are functional. In case any Rainwater Harvesting System is found non-functional then to serve notice for making its functional, if even after notice concerned society does not make Rainwater Harvesting System as functional then Ground Water Cell of Delhi Jal Board may recommend to this Hon'ble Tribunal for imposing penalty or Delhi Jal Board may disconnect water supply of that society.

(g) To put rain water of surface area and roads of all Societies into Water Body and the responsibility to clean the Water Body and drain of Storm Water be entrusted to Dwarka Federation.

(h) Not to seal the borewells of all Societies after the Rainwater Harvesting Systems are made functional. To send the sample of ground water from borewells of the Society to lab to make ensure as to which society's ground water is contaminated.

(i) To allow the Society to draw its contaminated ground water for use in horticulture and to impose ban from drawing groundwater of good quality to daily use or in horticulture, to utilize treated water for horticulture by bringing through tankers.

(j) To allow the society to draw the ground water whenever drinking water supply of Delhi Jal Board may fail.

(k) To allow the applicant to provide free of cost service to the Dwarka Federation for saving ground water.

(l) If any person, Institution harvests more than 10 lakh liters rain water of roof, he be allowed to draw the ground water but not to waste the same."

2. According to the applicant he has conducted survey of rain water harvesting systems of 40 Societies in Dwarka and found deficiencies. The borewells are deeper, enabling polluted water to mix with the groundwater. This requires joint inspection of rain water systems in all areas of Delhi to ensure proper functional design, level at which the borewell should be installed, use of gravel, coarse, sand in filter media. The DPCC has issued notice to seal the borewells of all the societies and to impose penalty which is not justified. On surface areas of the societies the water is wasted which should be taken to the water bodies. Work

should be entrusted to a private body for planning and executing the rain water harvesting project, high fee is being charged by the Delhi Jal Board for inspection of the pit of the rain water harvesting systems from the societies.

3. The matter of rain water harvesting systems was dealt with by this Tribunal on the basis of reports submitted by Justice S.P. Garg former Judge of the Delhi High Court. The Tribunal directed as follows:-

*“13. In view of above, it is not necessary for the matter being kept pending with this Tribunal for indefinite period separately. As already directed, the issue can be further considered in OA 593/2017 and OA 673/2018 dealing with preventing water pollution and maintaining flow in rivers and water bodies. Vide order dated 21.09.2020 in OA 593/2017 and OA 673/2018 and vide order dated 18.11.2020 in OA 325/2015 and other orders mentioned above, the Tribunal has already directed that the issue of restoration of water bodies, use of treated water for secondary purposes, **installation of RWH systems** and control of illegal extraction of groundwater **being part of the water management may be dealt with in a holistic manner** at the District level, State level as well as National level by the designated authorities for the purpose at periodical intervals and final consolidated reports may be furnished by the CMC to this Tribunal by e-mail. The said directions cover Delhi also.*

*14. Accordingly, **the Chief Secretary, Delhi may in coordination with the concerned authorities, including the DJB and the DDA take further action on the subject of restoration of water bodies, installation of RWH systems, utilisation of treated sewage water, extraction of ground water and prevention of contamination of water in the light of the earlier orders referred to above and the report of the Committee. It will be desirable that the matter is monitored by the River Rejuvenation Committee (RRC) atleast once a month and by the Chief Secretary atleast once in every three months. The periodical reports of the steps taken may be furnished by e-mail to the Secretary, MoWR who is chairing the CMC for rejuvenation of polluted rivers and water bodies. Needless to say that rain water harvesting is a component of such rejuvenation. As already observed in para 12 above, the Delhi Government and all other States/UTs as well as **the CMC may explore whether a model can be developed as a strategy for augmenting supply of drinking water by linking water collected through RWH systems to the water supply systems on the pattern of schemes for connecting solar energy generated in individual houses with the Grids with requisite incentives to motivate the concerned individuals/organizations.**”***

4. In view of the above, a joint Committee of DJB, CPCB and DPCC may look into the matter and take remedial action in the matter in accordance with law. The Committee may inter-alia ascertain the technical efficacy of installed systems and changes, if any, required and the issue of contamination of ground water.

5. An action taken report may be furnished to this Tribunal within two months 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. The DJB will be the nodal agency for coordination and compliance.

List for further consideration on 22.10.2021.

A copy of this order be forwarded to the DJB, CPCB and DPCC by email for compliance.

The applicant may serve a set of papers on the DJB, CPCB and DPCC and file affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

July 7, 2021
Original Application No. 147/2021
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