

Item No. 01 (In Chamber)

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

Review Application No. 23/2019
In
Execution Application No. 05/2018
In
O.A. No. 217/2016
With
(I.A. No. 217/2019)

Mahesh Chandra Saxena Applicant(s)

Versus

Govt. of NCT of Delhi & Ors. Respondent(s)

Date of hearing: 28.03.2019

CORAM:

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

ORDER

This review application has been filed in relation to orders dated 30.01.2019 and 22.02.2019 passed in Execution Application No. 05/2018 for compliance of the final order dated 16.11.2017 passed in O.A. No. 217/2016.

It is to be noted that by the order dated 16.11.2017 the Tribunal (Bench consisting of four members) had finally decided Original Application Nos. 217/2016 and 591/2017.

It was specifically directed in the said order

“All the schools and colleges (private or government) in NCT Delhi shall install rainwater harvesting systems, if not already installed, within a period of two months from today at their own cost.”

“Any institution which does not comply with these directions shall be liable to pay a environmental compensation of Rs. 5 Lakh after expiry of the period of two months granted in this judgment.”

In other words the compliance of the order dated 16.11.2017 was to be made by 15.01.2018. As the implementation of the order had not been done it led to filing of Execution Application (05/2018) before the Tribunal.

However, the execution of the order of the Tribunal had not been made by the parties during the entire year of 2018. Therefore, a detail order was passed by the Tribunal on 30.01.2019, after taking into consideration all the facts and circumstances. By the said order directions were issued to all the educational institutions in NCT Delhi, including South Delhi Municipal Corporation who were also party in the original application. Thereafter, another order was passed on 22.02.2019.

Despite of the specific order having been passed by the larger bench of the Tribunal on 16.11.2017 with the specific time frame, the same was not implemented within the period of two months. On filing of the execution application the Tribunal was proceeding only to have the said order executed. The application filed by the review applicant also mentions about the time required in the process for initiating the work and for construction of

rainwater harvesting system. It would suffice to say that such a plea cannot be accepted for the reason that had they started the work in execution of the order since November, 2017, the work would have been completed much earlier. It is only after passing of the order in the execution application that the respondent Authorities have come into action. In this execution application the Tribunal has only imposed the environmental compensation which was ordered on 16.11.2017. In fact the defaulting persons are liable for further compensation/cost for not completing the rainwater harvesting system within the time schedule. During the intervening period one monsoon season has already lapsed.

In the aforesaid facts and circumstances and the specific order passed on 16.11.2017 as well as the fact that in case of default environmental compensation was already fixed by the Tribunal in its order while deciding the original application, we do not find any error apparent on the face of the record in the orders dated 30.01.2019 and 22.02.2019.

Consequently, Review Application No. 23/2019 is dismissed, with no order as to cost.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

March 28, 2019
MN