

Item No. 10

Court No. 1

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

Execution Application No. 34/2023
In
Original Application No. 526/2019

Mahesh Chandra Saxena

Applicant

Versus

Central pollution Control board & Anr.

Respondent(s)

Date of hearing: 24.04.2024

**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. Rahul Khurana, Mr. Hasil Jain & Mr. Satish Kumar, Advs. for
Applicant in E.A 34/2023

Respondents: Mr. Gigi. C. George, Adv. for CGWA
Mr. Virendra Singh & Ms. Puja Kalra, Advs. for MCD
Mr. Narender Pal Singh & Ms. Anjali, Advs. for DPCC
Mr. Rajkumar, Mr. Ankit Chaudhary, Mr. Sumit Chaudhary, Ms. Neetu
Singh, Mr. Bharat Bhushan, Ms. Vandana Sachdeva & Ms. Anamika
Singh, Advs. for NDMC (Through VC)
Ms. Mehal Nakra & Mr. Devansh Solanki, Advs. for NDMC
Ms. Jyoti Mendiratta & Ms. Ananya Basudha, Advs. for PWD, GNCTD
(Through VC)
Ms. Kritika Gupta, Adv. for DDA (R - 4) (Through VC)
Ms. Richa Kapoor & Ms. Eesha Sharma, Advs. for DJB

ORDER

1. In this execution application, plea of the Applicant is that the order dated 11.09.2019 passed in OA No. 526/2019 has not been complied with. In the OA, the issue of rain water harvesting system in Delhi was raised and the OA was disposed of on 11.09.2019 with the following directions:

“xxxxxx.....xxx

7. Accordingly, we direct that the suggestions of the Committee be acted upon. RWHS may not be installed close to storm water drains to avoid contamination of ground water in the process of recharging the ground water from the RWHS. Piezometers be installed near the RWHS for monitoring of ground water level and water quality of recharged water. Separators be installed to separate pollutants before recharging. Depth of the borewells should be at least 5m above the Static Water Table. Deficient RWHS be closed.

8. *In light of observations of the Committee, the Delhi Jal Board (DJB), Delhi Development Authority (DDA), Public Works Department (PWD), Delhi; New Delhi Municipal Corporation (NDMC) and South Delhi Municipal Corporation (SDMC) are directed to take appropriate remedial measures for mitigation.”*

2. The Tribunal on the previous occasion had considered the report filed by the Central Ground Water Authority (CGWA) and Delhi Pollution Control Committee (DPCC) and found the same to be deficient and cryptic, hence, had directed them to file fresh report.

3. After the previous direction, the fresh reports on behalf of the CGWA, MCD, DPCC and DDA have been filed but a perusal thereof also does not reflect disclosure of any material and relevant information. Hence, we direct all the concerned respondents to file their response on the following specific points:

- (a). Number of RWHS erected along with the location details and contact details of the officer responsible for maintaining.
- (b). Whether the RWHS erected are as per the suggestions of the Committee constituted earlier by Hon'ble NGT.
- (c). Number of the structures erected near to the storm water drains.
- (d). Status and number of piezometers installed near the RWHS for monitoring of ground water level.
- (e). Number of Deficient RWHS.

4. Let fresh report on the above points be filed within a period of three weeks by all the concerned respondents, failing which the Tribunal may not have any option but to direct personal appearance of the Heads of these authorities.

5. List on 29.05.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 24, 2024
Execution Application No. 34/2023
In Original Application No. 526/2019
DV