

Item No. 05

Court No. 1

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

(By Video Conferencing)

M.A. No. 25/2021
IN
Original Application No. 06/2012

Manoj Mishra

Applicant

Versus

Union of India & Ors.

Respondent(s)

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South Delhi Municipal Corporation

Applicant in MA

Date of hearing: 26.03.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Ms. Garima Prashad, Senior Advocate with Ms. Puja Kalra, Advocate for Applicant (SDMC) in MA 25/2021

Respondent: Ms. Sakshi Popli, Advocate for DJB

ORDER

1. This application has been filed by the South Delhi Municipal Corporation (SDMC) in a decided matter against the Delhi Jal Board (DJB). The grievance is that the Corporation is maintaining 6822 parks. It was having borewells for irrigation of the parks which have been sealed as per order of this Tribunal dated 27.01.2021 in *O.A. No. 06/2012*. The said order has been passed to conserve fresh water for drinking purposes and to use treated water for irrigation purposes. The applicant has also referred to later order of this Tribunal dated 25.02.2021 in *Execution Application No. 17/2020* in *O.A. No. 386/2017, Rear Admiral A P Revi (Retd.) v. DJB & Ors.* as follows:-

“We are of the view that even though the steps are reported to have been taken, the matter needs to be taken forward, after due consideration of the objections of the applicant to ensure that fresh water is not used for gardening in public parks by the DDA and the South Delhi Municipal Corporation and instead only treated water is so used. The order of this Tribunal dated 27.01.2021 in OA No. 6/2012, Manoj Mishra v. Union of India & Ors. approving the recommendations of the Yamuna Monitoring Committee may be duly followed. The DJB may ensure supply of such treated water with adequate pressure and wherever piped supply is not available, supply may be ensured by tankers.”

2. In view of above, it is stated that the DJB has to ensure supply of treated water with adequate pressure and wherever piped supply is not available, to supply such water by tankers. The DJB is in the process of providing pipe network from STP to the parks. But till such pipelines are laid, there is need for tankers for supply of water to 5357 parks. Hiring of tankers is the responsibility of the Jal Board and not of the Municipal Corporation. The Member Secretary, DPCC vide letter dated 09.03.2021 has directed the Jal Board to hire tankers. Responsibility of water supply and maintenance of sewage is the statutory responsibility of the Jal Board under the Jal Board Act, 1998.

3. We are of the view that *inter se* dispute of Municipal Corporation and the Jal Board can be better resolved at the higher level in the Administration, taking into account all practical considerations, including availability of funds and need for conserving scarce resource of drinking water, in accordance with the directions of this Tribunal already issued in the subject.

Accordingly, we dispose of the application by directing the Chief Secretary, Delhi to look into the matter and take appropriate decision in the matter, following due process of law.

The application is disposed of.

A copy of this order be forwarded to the Chief Secretary, Delhi and the Secretary to LG, Delhi by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 26, 2021
M.A. No. 25/2021 In
Original Application No. 06/2012
SN