

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 4677/1985

M.C.MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(ISSUE OF WATER BODIES OF REPORT NO. 128 SUBMITTED BY MONITORING COMMITTEE)

Date : 27-11-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Ranjit Kumar, Sr. Advocate (A.C.)

Mr. A.D.N. Rao, Advocate (A.C.)

Ms. Anitha Shenoy, Advocate (A.C.)

Mr. Rishi Raj Sharma, Adv.

Ms. Srishti Agnihotri, Adv.

Mr. Sudipto Sircar, Adv.

Ms. Saumya Singh, Adv.

Petitioner-In-Person

For Respondent(s) Mr. D.N. Goburdhun, Advocate
Delhi Ms. Gauri Goburdhun, Adv.
Ms. Pallavi Chopra, Adv.UOI Mr. A.N.S. Nadkarni, ASG
Mr. R. Bala, Adv.
Mr. Sachin Sharma, Adv.
Mr. Pranay Ranjan, Adv.
Mr. Raj Bahadur, Adv.
Mr. A.K. Kaul, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Ritesh Kumar, Adv.
Ms. Suhasini Sen, Adv.
Mr. B.V. Balram Das, Advocate
Ms. Rachna Gupta, Adv.
Mr. Vikas Chaudhary, Adv.
Ms. Anil Katiyar, Advocate

CPCB	Mr. Vijay Panjwani, Adv.
MCD	Mr. Sanjiv Sen, Sr. Adv. Mr. S. Wasim A. Qadri, Adv. Mr. Saeed Qadri, Adv. Mr. Praveen Swarup, Advocate Mr. Sayan Ray, Adv. Mr. B.C. Santosh Kumar, Adv.
NDMC	Mr. Yoginder Handoo, AOR Mr. Prashant Bhatnagar, Adv.
DDA	Ms. Garima Prashad, Advocate Mr. G.S. Oberoi, Adv.
DJB	Mr. Alok Gupta, AOR [NP] Mr. Chirag M. Shroff, Advocate. Ms. Neha Sangwan, Adv. Mr. Arvind Kumar Sharma, Advocate

UPON hearing the counsel the Court made the following

O R D E R

REPORT NO. 128

The Monitoring Committee has raised several issues in this Report.

1. Functioning of the Special Task Force (STF)

The STF has not filed any report for quite some time, which they were required to file after every 15 days. This is rather unfortunate. Learned counsel appearing for the Delhi Development Authority says that she has instructions that a report has been prepared and will be filed within next two days. We make it clear that the STF is required to submit timely reports and not as and when they choose to do so.

2. Petitions being entertained by other Courts / Tribunals /

Authorities

The Monitoring Committee has brought to our notice that other Courts / Tribunals / Authorities including the State Consumer Commission and District and Sessions Judge are entertaining the petitions despite order passed by this Court.

We have requested Mr. A.D.N. Rao to look into these cases. We reiterate that no Court or Tribunal or any other Authority shall look into these matters as well as the petitions which are pending before us.

3. Advance notice before sealing

This issue has been sorted out and appropriate directions have been issued.

4. Encroachment on DDA lands

Learned counsel for the DDA says that she will take instructions in this regard and file an affidavit on what steps have been taken and are being taken to recover the land belonging to the DDA which has been encroached upon.

5. Encroachment on Forest Land and its retrieval

We would like a status report to be filed by the Forest Department in terms of our order dated 29.10.2018.

6. Revival of water bodies by Delhi Jal Board

An affidavit has been filed by the Chief Engineer of the Delhi Jal Board, Govt. of NCT of Delhi.

It has been pointed out by learned *Amicus Curiae* that the affidavit / response is extremely vague. It is pointed out that the action plan mentioned in para 2 of the affidavit has not been made available and it should be handed over the learned *Amicus Curiae*.

It is further stated that even though 1011 water bodies have been identified in Delhi, steps have apparently been taken to prepare an action plan for rejuvenation of 201 water bodies.

It is further stated that with regard to pilot project in Rajokri and Gogha villages, the details have not been given, including when the pilot project was initiated and when it is likely to be completed. A report indicating all time-lines in this regard must be made available to the learned *Amicus Curiae*.

Finally, it is submitted that the Delhi Jal Board has given a contract to the Government Corporation that is Water and Power Consultancy Services with regard to rejuvenation of 12 water bodies and consultancy assignment has been given for 93 water bodies to IIT Delhi.

As far as the remaining water bodies (201-12-93) are concerned, they have been taken up through NEERI and other empanelled consultants.

Details of the same should be furnished to the learned *Amicus Curiae*.

It appears that there is a problem of sewage and drainage which is affecting the quality of water in the water bodies. The Delhi Jal Board will file a specific affidavit what steps have been taken and are being taken so that sewage and drainage do not

destroy the existing water bodies.

Needful be done within a period of four weeks from today.

List the matter on 09.01.2019.

**(MEENAKSHI KOHLI)
COURT MASTER**

**(KAILASH CHANDER)
ASSISTANT REGISTRAR**