

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

Original Application No. 108 of 2013

**Legal Aid, National Green Tribunal Bar Association
Vs.
NCT of Delhi & Ors.**

CORAM : HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. (DR.) P.C. MISHRA, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT

Present:

Applicant:	Ms. Parul Gupta, Advocate
Respondent No.1,5&6:	Mr. Vivek Kr. Tandon, Advocate
Respondent No.3:	Mr. P.L. Gautam, Advocate
Respondent No. 4:	Mr. Mohit Kumar Gupta, Advocate
Respondent No. 7:	Mr. D. Rajeshwar Rao along with Mr. Charanjeet Singh, Advocate
OA No. 179 of 2013	
Respondent Nos. 1to4:	Ms. Kimmi Brara, Advocate
Respondent No. 3:	MR. V.K. Tondon, Advocate

Date and Remarks	Orders of the Tribunal
Item Nos. 7 December 19, 2013	<p style="text-align: center;"><u>Original Application No. 108 of 2013</u></p> <p>Heard. Perused.</p> <p>A concern regarding falling of underground water levels in the NCT of Delhi due to unauthorized extraction of water through the tubewells is the subject matter of the present Application.</p> <p>On 03rd September, 2013, after hearing the parties particularly the responsible Officers of DJB and Scientists of Central Underground Water Authority and on considering Notification dated 12th July, 2010 issued in pursuance of Section 5 of the Environment (Protection) Act, 1986, we had passed elaborate directions in order to have before us complete data of all illegal as well as permissible tubewells operating in NCT of Delhi. The Committee consisting, Secretary, Environment and Forests, Government NCT of Delhi- as the Chairman of the Committee, and CEO of DJB, DC, South West, Divisional Commissioner, Chairman of Central Ground Water Authority and Secretary, Department of Irrigation and Flood Control was constituted to execute our directions.</p> <p>On 12th November, 2013 the Chairperson of the Committee appointed by us made a statement that complete efforts shall be made and comprehensive scheme will be provided for checking illegal extraction of underground water as well as to ensure the compliance of the Order passed by us in full measure. Relying on the said statement six weeks'</p>

time was granted to file the Report and give the data long awaited by us. We further directed the Committee to reveal in their Report:-

- (i) *As to how many authorized underground water extraction connections have been permitted;*
- (ii) *What are the conditions imposed where restoration of the underground water is contemplated and how many prosecutions have been launched against unauthorized underground water extraction units and if so, to what effect.*

Today we have before us the action taken report of the Committee. It reveals that only yesterday a meeting was called by the DC, Revenue, South – West to mobilise the door to door survey of borewells/tubewell in South, Dist of Delhi with the help of law students.

We do appreciate the steps taken to collect the data but we would have been happy if the data already available with the various Authorities regarding tubewells and Borewells could have been taken into consideration for effective enforcement of our directions expeditiously.

Learned counsel appearing for the NCT of Delhi submits that a more comprehensive Report would be filed on the next date, and the details regarding the work actually done and the proposed amendment to the Notification dated 12th July, 2010 would be placed before us on the next date.

List this case on 04th February, 2014.

.....,JM
(U.D. Salvi)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. (Dr.) P.C. Mishra)

.....,EM
(Ranjan Chatterjee)

