

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

**Original Application No. 94/2013
(M.A. No. 904 of 2014, 592 of 2015 and 806 of 2015)**

Vikrant Kumar Tongad Vs. Delhi Metro Rail Corporation Ltd.

CORAM : HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. D. K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Present:

Applicant / Appellant	:Mr. Rahul Choudhary, Adv. & Ms. Mehak Rastogi, Adv.
GDA	:Ms. Reena Singh, AAG, State of UP, Mr. Ashish Malik & Ms. Saumya Malik, Adv.
CGWA	:Mr. B.V. Niren, Adv
Noticee no.5	:Mr. Neeraj Malhotra, Mr. Rupla Luthra, Ms. Sakshi Sachdev, Adv
Noticee No.11	:Mr. Suresh Tripathy, Adv for DJB
NCT	:Mr. Vivek Tondon, Adv
DPCC	:Mr. Sanjeev Ralli, Mr. Vinod Kapoor, Adv, Mr. Dinesh Jindal, LO
GNCT	:Mr. Tarunvir Singh Khekar & Ms. Guneet Khehar, Adv
NDMC	:Ms. Sakshi Popli, Adv
For Jaypee Sidhartha	:Mr. Pawan Upadhyay, Mr. Nishant Kumar, Adv

Date and Remarks	Orders of the Tribunal
Item No. 03 March 23, 2016	<p>Two reports have been submitted today, one of M/s Jaypee Sidharth Hotel and other of IBIS Hotel. On going through the report, it is seen that as per the report on IBIS hotel, it is recorded that the rain water harvesting system is as per the Central Ground Water Authority design and it is in good condition. In the other report, it is not disclosed whether the rain water harvesting system is as per any approved design. Learned counsel appearing for the Pollution Control Board and the Delhi Jal Board were asked to explain the discrepancy. The Learned counsel explained that there is no uniform procedure on the proper design of the rain water harvesting system. We find that there should be a uniform procedure in respect of the rain water harvesting system, approved by the CGWA/DJB.</p>

As it is disclosed that there is no such uniform procedure, we direct the CGWA, DJB and the Delhi Pollution Control Committee to convene a meeting within 10 days and fix a uniform procedure, prescribe a format as well as proper design for the rain water harvesting system to be installed by the hotels, hospitals and malls. Another Joint inspection shall be conducted and report shall be filed on the sufficiency of the rain water harvesting system of these two hotels in accordance with the said procedure.

Vide order dated February, 18, 2015, we had made clear that besides the inspection, the Tribunal may appoint Local Commissioner to inspect at random any of the malls/commercial building, the subject matter of the present Application. We find that it is an apt case to direct a Local Commissioner to inspect the two hotels today itself. Mr. Sudipto Sircar, Adv is appointed as the Local Commissioner. He shall inspect the IBIS Hotel and M/s Jaypee Sidharth Hotel today itself and submit the report before the next posting date. The Delhi Pollution Control Committee shall furnish copies of the two reports stated earlier to the Local Commissioner and the Local Commissioner shall verify the facts stated therein. The Commissioner may also examine other relevant aspects on the rain water harvesting systems. The Local Commissioner shall be paid a sum of Rs. 10,000/- each by the two hotels i.e M/s Jaypee Sidharth Hotel and of IBIS Hotel. It is submitted by the Commissioner that he will be inspecting the two hotels at 3:00 PM today.

Learned counsel appearing for the DJB submits that a senior Officer would accompany the Commissioner at the time of the inspection.

List the matter on 28.04.2016.

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

.....,JM
(Raghuvendra S. Rathore)

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

.....,EM
(Prof. A.R. Yousuf)

