

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

**Original Application No. 148 of 2016**

**Mahesh Chandra Saxena Vs. SDMC and Ors.**

**CORAM:**

**HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

**Present:**

<b>Applicant</b>	<b>: Mr. Rahul Khurana, Adv.</b>
<b>Respondent No. 4</b>	<b>: Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, Mr. Charanjeet Singh Advs. Mr. Dinesh Jindel, LO</b>
<b>CGSC</b>	<b>: Mr. B.V. Niren Mr. Vinyak Gupta, Advs.</b>
<b>DJB</b>	<b>: Ms. Sakshi Popli, Adv.</b>
<b>DDA</b>	<b>: Mr. Rajiv Bansal, Mr. Kush Sharma, Ms. Arpita, Advs.</b>
<b>SDMC</b>	<b>: Ms. Puja Kalra, Adv. Mr. Narender Pal Singh Adv.</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Item No. 17</b> <b>April 18, 2017</b> <b>jg</b></p>	<p>The principal prayer in this application is to direct the SDMC to stop construction or installation work of rain water harvesting system in SDMC park near Chhattarpur Temple, New Delhi and further direction to SDMC to stop ground water used through borewell. Instead use recycled treated water of the STP of DJB situated at Qutub Metro Station, Meharauli Gurgaon Road for horticulture use.</p> <p>The Environment Department, NCT of Delhi to be directed to stop ground water used through borewell and use recycled treated water of STP of DJB as referred to above.</p> <p>The respondents have entered contest and filed their replies. After considerable time had lapsed and opportunity given to both sides this Tribunal passed an order on 06-12-2016 by way of an interim direction to prevent wastage of STP water of huge quantity and instead, to use it for horticulture purposes. The reasons which prevailed on the mind of this Tribunal is indicated</p>

in the order, which resulted in passing of the following order:

*“Heard. Perused.*

*Respondent nos. 1, 2 and 7 were to examine the design of rain water harvesting system in the SDMC park, Chattarpur Village, New Delhi and submit a report before us vide order dated 03-11-2016.*

*Learned Counsel appearing on behalf of the respondent no. 2-DJB submits that the Joint Inspection of the RWHS in question was carried out by respondent nos. 2 and 7 and requisition has been sent to the respondent no. 1 –SDMC to furnish the specifications of the design of the RWHS in question vide letter dated 28-11-2016 and Copy of this letter be furnished to the Respondent No. 1 or its counsel.*

*Learned Counsel holding on behalf of the respondent no.1-SDMC submits that copy of the said letter be given so as to enable them to take instructions’ in the matter and place the facts before us. There is no response yet from the respondent no.1-SDMC.*

*We also find from the application that an issue regarding utilization of treated water from STP situate at 2kms distance from the said park arises. The facts asserted in that regard in the application at para(iv) (page no. 6) are not disputed by DJB.*

*Learned Counsel appearing on behalf of the DJB submits that the DJB is ready to make available the treated water of the STP for SDMC park in Chattarpur area.*

*Now, a new debate arises regarding laying of the pipeline for fetching the treated water from the STP to the SDMC park. We, therefore, direct the Learned Counsel appearing on behalf of the SDMC and respondent no.2-DJB to make submissions in this regard with reference to the legal provisions made therefore.”*

We also find from the application that the issue regarding utilization of treated water from the STP situated at a distance of 2 km from the said park. The fact asserted in this regard in the application at para no. 4, page no.61 are not disputed by the DJB.

Learned Counsel appearing on behalf of DJB submits that DJB is ready to make available treated water of STP for SDMC Park at Chhattarpur area.

Now, dispute arises regarding laying down of pipeline for fetching treated water for SDMC park.

We, therefore, direct Learned Counsel appearing on

behalf of SDMC and respondent no.2-DJB to make submission with regard to and reference to the legal provision made therefore.

Thus, we have taken this case for hearing today. Mr. Rahul Khurana, Learned Counsel appearing for the applicant has rightly pointed out that despite the direction of this Tribunal in the month of December, the authorities named therein have not responded, consequent to which huge quantity of water of the STP has been wasted. The statement so made is disputed by the Learned Counsel appearing for the DJB who submits that they have filed their submission in detail making it clear that the DJB is prepared to lay the pipeline if the cost is borne by the SDMC or the DDA concerned. She would also submits that they may procure the water through tankers the facility which they already have for their utilization.

Learned Counsel appearing for the DDA submits that as far as the DDA is concerned, a meeting was held on 13-06-2016 and proceedings have already been placed on record of this Tribunal in which this issue was discussed and considered.

Ms. Puja Kalra, Learned Counsel appearing for the SDMC submits that they will be willing to utilize recycled water for park provided the DJB lays down the pipelines for the colonies, where it could be utilized.

We do not find any serious dispute on the issue between the authorities referred to above for utilization of recycled water. The only hesitation expressed by these authorities is with regard to the facility of supplying



water to the area where it could be utilized.

Ms. Puja Karla, Learned Counsel for SDMC submits that DJB has already been laying the pipeline in Delhi for utilization of STP water and the same could be done with regard to Chhattarpur area as well.

Apart from the above, the authorities have not indicated to us as to whether the recycled water from STP is usable for horticulture purposes or not. Hence, the directions:

1. The DPCC shall ensure the quality of water is within in the prescribed parameters.
2. There being no serious dispute amongst the authorities referred as above about the water, we direct a meeting to be conducted by SDMC, DJB , DDA and also by the NCT of Delhi to reach a consensus with regard to laying of pipeline or otherwise, lifting the recycled water for its utilization and to take steps for immediate stoppage of wastage of the water so generated. The Principal Secretary Urban Development, Delhi Administration will be the Chairman of this Committee and the other senior most officer of the Department in question will participate in the meeting. The report shall be filed within two weeks from now after serving copy on the applicant's counsel. By mutual agreement the date of meeting is fixed on 27<sup>th</sup> April, 2017 and report shall be filed by 5<sup>th</sup> May, 2017.

List the matter on 8<sup>th</sup> May, 2017.

Copy of order be issued by dasti to all concerned.

		<p>NCT of Delhi is also directed to consider the use STP water for the green belt also.</p> <p>.....JM (Dr. Jawad Rahim)</p> <p>.....EM ( Dr. Nagin Nanda)</p>
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