

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

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

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 PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present:

Applicant / Appellant	:	Mr. Rahul Choudhary, Ms. Meera Gopal, Advs.
NDMC & GNCTD	:	Ms. Sakshi Popli, Adv.
MCD	:	Mr. Balendu Shekhar and Mr. Akshay Abrol, Advs.
DJB	:	Mr. Suresh Tripathi, Adv.
CGWA	:	Mr. B.V. Niren, Adv.
Noticee No. 1	:	Mr. Hrishikesh Baruah and Mr. Kshitij Paliwal, Advs.

Date and Remarks	Orders of the Tribunal
Item No. 05 March 03, 2016	<p>The learned counsel appearing for M/s ABW Infrastructure Ltd submitted that an additional affidavit is being filed. Let it be taken on record. The learned counsel submitted that as disclosed in the additional affidavit, Delhi Jal Board has approved the proposed design submitted for construction of rain water harvesting system and today the DJB was requested to inspect the site for finding out the suitability of the site chosen. The learned counsel also submitted that to enable the construction of the rain water harvesting system, a portion of the existing structure has been demolished. On the facts it is clear that M/s ABW Infrastructure Ltd, Rectangle-1, D-4, District Centre, Saket, New Delhi-17 has caused environmental degradation as disclosed from the report dated 06.02.2015 and 26.10.2015. The rain water harvesting system is not made operative till day and in fact permission for installation of rain water harvesting system was also not obtained, except there is a technical approval of the design. In such circumstances, we apply</p>

the Polluter Pays Principle and direct M/s ABW Infrastructure Ltd to pay an environmental compensation of Rs. 5 lakhs. The compensation is to be paid to Delhi Pollution Control Committee within 3 weeks from today. It is made clear that the environmental compensation awarded is for causing the environmental degradation till this day and the question of payment for the subsequent period will be considered later

The joint inspection team is direct to inspect the site and find out whether the rain water harvesting system is in order.

. The inspection be carried out with prior notice. It is made clear that if the DJB on inspection finds that the site is not suitable for the proposed rain water harvesting system or the structure as such cannot be permitted as not according to the design approved, there need not be a joint inspection.

Let the report be submitted to the Tribunal on or before 17.03.2016.

List the matter on 17.03.2016.

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

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

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

.....,EM
(Ranjan Chatterjee)