

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

**Original Application No. 518 of 2015
(M.A. No. 1249/2015)**

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**Original Application No. 108/2013
(M.A. No. 489/2015)**

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**Original Application No. 179/2013
(M.A. No. 866/2014 & M.A. NO. 644/2015)**

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**Appeal No. 67/2015
(M.A. NO. 652/2015)**

In the matter of :-

**Deepak Enterprises Vs. Govt. of NCT Delhi & Ors.
&**

**Legal Aid, National Green Tribunal Bar Association
Vs.**

**NCT of Delhi & Ors.
&**

**Raj Hans Bansal Vs. Ministry of Water Resources & Ors.
&**

**Apex Chambers of Commerce and Industries of N.C.T. of Delhi & Ors.
Vs.
Govt. of NCT Delhi & Ors.**

**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**

In Original Application No. 518 of 2015:

**Present: Applicant/Appellant(s) : Mr. Pinaki Mishra Sr. Adv., Mr. Manish, Advs.
and Mr. Pardeep Kumar, Advs.
Respondent No. 3 : Ms. Sakshi Popli, Adv. for NDMC and DJB
Respondent No. 4 : Mr. B.V. Niren, Adv.
Respondent No. 7 : Mr. Tarunvir Singh, Adv. for GNCTD
Respondent No. 8 : Mr. Dinesh Jindel, Adv. for DPCC**

In Original Application No. 108/2013:

**Present: Applicant/Appellant(s) : Mr. Ritwick Dutta and Mr. Rahul
Choudhary, Advs.
Respondent No. 1 : Mr. Tarunvir Singh, Adv. for GNCTD
Respondent No. 2 : Mr. B.V. Niren, Adv.
Respondent No. 3 : Ms. Sakshi Popli, Adv. for NDMC and DJB
Respondent No. 3 : Mr. Vivek Kr. Tadon, Adv.
Respondent No. 5 : Mr. S. Tripathy, Adv. for DJB
Respondent No. 6 : Mr. D. Rajeshwar Rao & Mr. Charanjeet
Singh, Advs.
State of Haryana : Mr. Anil Grover, AAG with Mr. Rahul
Khurana
Mr. Anshuman, Adv. for DCB
C.P.C.B. : Mr. Raj Kumar, Adv. with Ms. Niti
Choudhary (L.A.)**

In Original Application No. 179/2013:

**Present: Applicant/Appellant(s) :
Respondent No. 1 : Ms. Panchajanya Batra Singh, Adv. for Moef
Respondent No. 2 : Mr. V.K. Tandon, Adv.
Respondent No. 5 : Mr. S. Tripathy, Adv. for DJB**

Respondent No. 6 : Mr. Sakshi Popli, Adv.
Respondent No. 7 : Mr. Narender Pal Singh, Adv. and Mr. Dinesh Jindal, L.O. for DPCC
State of Haryana : Mr. Anil Grover, AAG with Mr. Rahul Khurana
Mr. Pardeep Mumar & Mr. Manish C. For Apex Chambers
Mr. Anshuman, Adv. for DCB
C.P.C.B. : Mr. Raj Kumar, Adv. with Ms. Niti Choudhary (L.A.)

In Appeal No. 67/2015 :

Present: Applicant/Appellant(s) : Mr. Pinaki Mishra, Sr. Adv. with Mr. Pradeep Kumar & Mr. Manish C., Adv.
Respondent No. 2 to 3 : Mr. Narender Pal Singh, Adv. Mr. Dinesh Jindal, Law Officer
Respondent No. 4 : Ms. Puja Kalra, Adv. for North MCD
: Mr. Ardhenduhaul Kumar Prasad, Adv., Mr. Jigdal Gyatso Chankapa and Mr. Panshul Chandra, Adv.
Respondent No. 5 : Mr. Vivek Kr. Tandon, Adv.
Respondent No. 7 : Mr. Tarunvir Singh Khehar, Adv.
: Mr. Ranjana Roy Gawai and Mr. Surya Kapur
DSI IDC : Mr. Moni Cinmoy, Adv. for DSI IDC

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 06 to 09</p> <p>February 22, 2016</p> <p>ss</p>	<p>Original Application No. 518/2015</p> <p>The Appellant Apex Chambers of Commerce and Industries of N.C.T. of Delhi in Appeal No. 67 of 2015 had filed M.A. No. 505 of 2014 in Original Application No. 179 of 2013 which was disposed of by the common order dated August 22, 2014.</p> <p>The order specifically provided that the <u>Members of the Applicant's Association who are located in the industrial area of Bawana and Narela are genuine allottees of the DSI IDC Industrial plots and their borewells may not be sealed and the electricity disconnected, till the next date of hearing but strictly in the compliance of the conditions</u> enumerated therein. Industry of the Applicant in Original Application No. 518 of 2015, is a water packaging industry. Condition number 8 of the order dated August 22, 2014 specifically relate to such industries. It reads "If the industry is a water packaging industry and is extracting water for that purpose, that</p>

		<p>Unit shall pay a sum of Rs. 50,000/- per year per borewell for utilization for the period ending upto 31st December, 2012. The said order is being extended from time to time till date. The Association thereafter filed Appeal No. 67 of 2015. The Tribunal has passed an order on 12th August, 2015. It reads “In such circumstances, we feel that the Government should take appropriate decision for fixing a criteria to be adopted for analyzing the feasibility of the request made by the units of such kind, particularly the water intensive industries, and take an appropriate decision as regards installation of flow meters on the borewell for measuring the extraction of ground water and decide the extent to which the ground water can be drawn in the given area. The Government shall also decide the charges for the ground water extractions. Time sought for taking appropriate decision in this matter. Time granted for taking appropriate decision. No coercive action be taken till the next date”. That order is being extended from time to time and is in force.</p> <p>In such circumstances there is force in the submission of the learned counsel appearing for Applicant in Original Application No. 518 of 2015 that the applicant should not have singled out. On the facts we agree with this submission. The order dated August 22, 2014 directing not to seal the borewells or disconnect the electricity operates and is available to all the units being run by the Members of the Association including the applicant herein. If so, when that order is prevailing, no coercive action could have been taken against the applicant. Therefore, the respondents are directed to</p>
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restore the unit of the applicant in Original Application No. 518 of 2015 to that stage, when the order was passed on 22nd August, 2014, so that the said industry is also put at par with other similar industries, to which the earlier orders are applicable.

It is also made clear that the order is operative only in respect of water packaging industry of the applicant. The learned senior counsel appearing for the Applicant submits that they would be using the water, only for the water packaging purpose and not for beverages.

Original Application No. 518 of 2015, Original Application No. 108/2013, Original Application No. 179/2013 and Appeal No. 67/2015

List these matters for final arguments on 10th March, 2016.

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

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

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

.....,EM
(Ranjan Chatterjee)