

**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 MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present:

Applicant	: Mr. Rahul Khurana & Mr. Satish Kapoor, Advs.
Respondent No. 4	: Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, Advs.
CGWA	: Mr. B.V. Niren Adv.
DJB	: Ms. Sakshi Popli with Mr Anurag Kr Adv.
DDA	: Mr. Rajiv Bansal, Mr. Kush Sharma, Mr. Anurag, Mr. Anirudh and Mr. Ekant Luthra Adv.

	Date and Remarks	Orders of the Tribunal
	<p style="text-align: center;">Item No.15</p> <p style="text-align: center;">November 03, 2016 <small>HB</small></p>	<p>We have heard the Learned Counsel for the applicant and also the respondents. The grievance of the applicant is that the design of the Rain Water Harvesting System installed by respondent no. 1 is defeated and is likely to seriously affect the ground water. Respondent no. 1 through its counter has refuted this allegation. It contends that the design of the RWHS is as per the design approved by the Committee constituted by the Hon'ble High Court and therefore they cannot make any alteration.</p> <p>Respondent no. 1 is virtually taking a refuge on the ground that the design of the RWHS is approved by the Committee but we do not find any such material on record.</p> <p>We do not wish to make any observation in this regard but we take notice of the submissions of DJB that it is prepared to consider and examine the design of the RWHS, provided the Respondent no. 1 approach as them. They are ready and willing to give expert opinion</p>

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and cooperate fully.

In these circumstances, we direct the Respondent no.1, 2 and 7 to examine the design of the RWHS and submit a report to the Tribunal within three weeks from now.

We also direct that the authority may inspect the site for the purpose of ascertainment whether the design of the RWHS is merely copied from the manual without examining suitability to the place where it to be established.

Respondent no. 1 is imposed with the cost of Rs. 5000/- but same has not been paid on the plea that they did not know to whom the amount is to be paid or deposited.

The order passed by us is very clear. Hence, we impose further cost of Rs. 2000/- to the respondent no. 1. In all they shall deposit Rs. 7000/- in the Registry of this Tribunal.

List the matter on 6th December, 2016.

.....,JM
(Dr. Jawad Rahim)

.....,EM
(Ranjan Chatterjee)