

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

**Original Application No.108 of 2013
And
M.A. No.505 of 2014 & M.A. No.591 of 2014
In
Original Application No.179 of 2013**

IN THE MATTER OF:

**Legal Aid, National Green Tribunal Bar Association Vs. NCT of Delhi & Ors.
And
Raj Hans Bansal Vs. Ministry of Water Resources & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER**

(Original Application No. 108 of 2013)
Present: **Applicant:** Mr. Raj Panjwani, Sr. Adv. and Ms. Preeta Dhar, Advocate
Respondent Nos.1,5&6: Mr. V.K. Tondon, Advocate
Respondent No. 2: Mr. V.V. Jayvardhan
Respondent No.3: Mr. P.L. Gautam, Advocate
Respondent No. 4: Mr. Suresh Tripathy, Advocate
Respondent Nos. 5&7: Mr. D. Rajeshwar Rao along with Mr. Charanjeet Singh, Advocate
Mr. Sunil Satrarathi, Adv.
Ms. Sakshi Popli, Adv.

(Original Application No.179 of 2013)
Present: **Appellant/Applicant** :Mr. Rajhans Bansal and Mr. Gaurav Kumar Bansal, Adv.
Respondent No. 1&4: Mr. Kimmi Brara, Advocate
Respondent No. 2: Ms. Panchajanya Batra Singh, Advocate with Mr. S. Khan, Advocate
Respondent No. 3: Ms. Mamta Tondon, Adv. for Mr. Tandon, Advocate.
Respondent No. 5: Mr. Suresh Tripathy, Advocate
Respondent No. 6: Mr. P.L. Gautam, NDMC.
Respondent No. 7: Mr. Narender Pal Singh, Advocate, Mr. Dinesh Jindal, L.O.
Mr. Bindra Adv.
Ms. Anusuya Salwan and Mr. Vikas Sood, Advs.
For DSIIDC

	Date and Remarks	Orders of the Tribunal
	Item Nos. 5 & 6 September 18, 2014	<p>The Status report on behalf of the NCT of Delhi has been filed. The same is taken on record.</p> <p>We have heard the Learned counsel appearing for the parties at some length.</p> <p>In furtherance to our Order dated 08th September, 2014 the DSIDC is represented by the learned counsel before the Tribunal. At the very outset we must notice</p>

that it is the categorical stand of the DSIDC that the corporation has not permitted any of its allottee to install borewell and to extract ground water. As far as, the question of supplying water and its quantity the concerned, Learned counsel prays for time to file the detailed Affidavit. Let the detailed Affidavit on behalf of DSIDC be filed within two weeks from today with advance copy to all the Learned counsel appearing in the case.

We had also notice that the President of Bottled Water Processor's Association is present. It is stated on behalf of this Association that they would file an Application for impleadment and bring all the relevant facts on record. In fact Learned counsel appearing for the Association has brought to our notice the judgment of the Hon'ble Delhi High Court in Writ Petition No. 11672 of 2009 wherein a mandamus has been issued to the concerned Respondents to take action against all the relevant Units manufacturing and selling packaged drinking water without license and without BIS certification mark. Let an appropriate Application with requisites be filed by this Association within two weeks with advance copy to the all Learned counsel appearing in the case.

Learned counsel appearing for various Units submits that they have filed Applications for obtaining consent of the competent Authority to operate the borewell in accordance with law. However, their Applications are pending and have not finally disposed of by the concerned Authorities.

It is submitted on behalf of the other group of

Units that they are willing to file Application in accordance with our Order dated 22nd August, 2014 and would operate the borewell only after permission is granted and that too in accordance with law.

Learned counsel appearing for NCT of Delhi submits that most of the Applications have been submitted beyond the period stated in the Order and also that requisite amounts in terms of the Order dated 22nd August, 2014 have not been deposited and therefore the Applications will not be dealt with and disposed of in accordance with law.

In view of the rival contentions, we issue the following directions:-

- 1) That any unit which has installed and/ or operating borewells should submit Application, if not already submitted, with deposit of the amounts stated in our order dated 22nd August, 2014 which provides for per year amount to be deposited with the competent authority.
- 2) Last and final date for deposit of such applications shall be 30th September, 2014. Any unit which is operating illegally and without submitting the application along with the requisite amount by the aforesated date shall be sealed by the team as already directed.
- 3) All the applications which are filed by 30th September, 2014 shall be disposed of by the competent authority as expeditiously as possible and in any case not later than 15th October, 2014.
- 4) The Application already pending should be disposed of as early as possible preferably on

30th September, 2014.

5) The Application where requisite amount in term of our order dated 22nd August, 2014 have not been deposited shall be summarily rejected and need not to be examined. The Delhi Pollution Control Committee and Delhi Jal Board in consultation with NCT of Delhi shall file a Status Report of complete compliance of all the directions that are contained in our order dated 22nd August, 2014 before the Tribunal on next date of hearing.

Once the Application is disposed of in favour of the unit and in accordance with law, the Unit shall be permitted to function and its seal shall be removed by the Team.

List these matters on 29th October, 2014.

All the units affected by the order be impleaded as party Respondents in the matter. Consequently, M. A. No. 591 of 2014 and all other connected Miscellaneous Applications in the matter are disposed of.

.....,CP
(Swatanter Kumar)

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

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

.....,EM
(Dr. R.C. Trivedi)