BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 342/2016

Ashok Kumar Vs. Govt. of NCT of Delhi & Ors.

HON'BLE MR. JUSTICE U. D. SALVI, JUDICIAL MEMBER **CORAM:**

HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant : Mr. Chetan Dutt and Mr. R. K. Yadav, Advs.

Respondent nos 1,2 &5 : Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar, Advs., Ms. Japnam Bindra, Adv.

Respondent No. 3 :Ms. Sakshi Popli, Adv with Ms. Juhi, Adv.for

Delhi Jal Board.

Respondent No. 4 :Ms. Juhi, Adv. for Ms. Puja Kalra, Adv.

:Mr. Dinesh Jindal, LO DPCC, Mr. T.S. Kheher, Respondent No. 5

Adv.				
Date and Remarks	Orders of the Tribunal			
Item No. 09	Original Application No. 342 of 2016			
August 17, 2016	No reply has been filed by any of the Respondents			
jg	and as such the facts asserted by the applicant stand			
1000	admitted.			
2 2	The Applicant is seeking following reliefs:			
N A	(a) Direct the respondents Authorities to urgently			
O O	take necessary actions to book and seal the illegal			
1 5	bore well which is extracting the ground water,			
21/1/2	(b) Direct the respondents Authorities to urgently			
	take necessary actions to book and seal the			
	restaurant/banquet hall and the swimming pool			
	depending on illegally extracted water;			
	(c) Call for the records and actions of the respondent			
	authorities relating to the said issues,			
	(d) Award appropriate costs to the applicant,			
	including costs to cover the costs incurred in			
	present application,			
	(e) Pass such other and further orders as this			
	Hon'ble Tribunal may deem fit and proper in the			
	interest of justice.			

In substance what is sought is the sealing of the illegal borewell operated and used by one Country Club Sainik Farms alias Saket Club situated at Neb Sarai, New Delhi within the limits of SDMC. Any order in the given situation passed will affect the said Farm or Club and it will have to be executed through the Authorized Officer. Section 19 of NGT Act, 2010 requires that the Tribunal shall be guided by Principles of Natural Justice. For doing complete and effectual Justice the presence of the said Farm and Club as well as the Dy. Commissioner (Revenue) for the revenue area, GNCTD an Auth<mark>orized Offic</mark>er to take acti<mark>on</mark> in emergent violation cases such as illegal ground water drawal vide para 8(page 41) of the order/direction u/s. 5 of the Environment (Protection), Act, 1986 dated 18-05-2010 to the application as Annexure A-2 before the Tribunal is necessary.

We asked the Learned Counsel appearing on behalf of the Applicant whether he intends to make said Club or Farm as a party to the present Application. He insisted that there is no necessity of making the said Farm or Club party respondent and the Applicant will not make said Farm or Club Party to the present Application Moreover, the Dy. Commissioner(Revenue) for the revenue area of GNCTD is also not before us -he not being made party.

We, therefore, do not wish to entertain this Application any further. Hence, dismissed.

The Original Application No. 342/2016 is Disposed of.

		,JM (U. D. Salvi)
	Tal exc.	,EM (Ranjan Chatterjee)

