

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

**M.A. No.821 of 2014 & M.A. No. 826 of 2014  
In  
Original Application No.494 of 2014**

**IN THE MATTER OF:**

**Shri Vijender Singh Vs. MoEF & 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 PROF. A.R. YOUSUF, EXPERT MEMBER

**Present:** Applicant: Mr. Parag Tripathi, Sr. Adv., Mr. Manik Sood, Adv. and Ms. Padma with Applicant  
Respondent No. 1: Mr. Vikas Malhotra and Mr. M.P. Sahay, Adv.  
Respondent No. 2: Mr. Ardhendumanti Kumar Prasad, Adv.  
Respondent No. 4 : Ms. Anubha Agarwal, Adv. for HUDA and Mr. Mohit Bhjardwaj, Advocate.  
Respondent No. 7 : Mr. Pinaki Mishra, Sr. Adv. Mr. Joy Basu, Sr. Adv., Mr. Tanmay Sinha, Mr. Ankit Bhatnagar, Mr. Abhishek Mishra and Mr. Rajat Khattry, Advocates

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	Item No. 4 December 1, 2014 A	<p>We have heard the Learned counsel appearing for the parties.</p> <p>The Learned counsel appearing for the respective Respondents submit that they have not received the complete paper book to take instruction and pray for further time to file the Reply. Learned counsel appearing for the Applicant however submits that keeping in view the extra ordinary situation that exists in the case of Respondent No. 7, certain interim directions should be passed in relation to the occupancy of buildings that have been constructed.</p> <p>Learned counsel appearing for HUDA submits that he has not received any instructions.</p> <p>However, Learned counsel appearing for the Central Ground Water Authority submits that he also require time to take instructions to file the Reply to clearly state that Central Ground Water Authority has not granted any permission for extracting underground water.</p>

It is necessary for the Tribunal to have certain facts on record, particularly from the Public Authority, before the merit or otherwise of the contention can be effectively dealt by the Tribunal. However, in the meanwhile, the activity in relation to the extraction of underground water is to be checked in the larger public interest and interest of the environment.

We grant one week's time to all the Respondents to file their respective Replies, if any. Copies of the Replies should be provided to all the learned counsel appearing in the case, including the Applicant who may file Rejoinder thereto, if any, within three days thereafter.

We direct the Administrator of HUDA to file an Affidavit clearly stating as to whether it is supplying water to any of the sectors which have been referred to by the Applicant in the Application and to any of the projects in all the Sectors mentioned in the Application. It will be specifically stated whether water has been supplied by HUDA to Respondent No. 7 and by what means, including water tankers. If the answer is in the affirmative, complete details in regard to the water supplied and money received should be annexed to that Affidavit.

HUDA shall also clearly state as to when and for which part of the above mentioned sectors, it would be in a position to supply water, potable or otherwise. Needless to say that this information should be unambiguous and certain in all respects. It shall also state as to from where it procured the water to supply

to the said sectors.

We further direct that the Member Secretary, Central Ground Water Authority to file a personal Affidavit as to whether or not any permission for extracting underground water was granted, to any of the builders in the Sectors that have been mentioned by the Applicant in the Application. The said permission shall be in relation to both the already existing and new tubewells. It shall also be stated in that Affidavit what is the effect of the two notifications that have been issued by the Authority on 05<sup>th</sup> October, 2007 and the Public Notice dated January, 2011, annexed on page 60 of the paper book. It should specify whether the entire Gurgaon even as of today is a severely over exploited area as well as critically and notified area for ground water extraction, and to which category the area falls and what should be the limit, if any, for extraction of the underground water.

Learned counsel appearing for Respondent No. 7 has given a statement that they have never extracted underground water and the three tubewells existing on their land were sealed and are in the same condition. He further submitted that underground water shall not be extracted in future as well.

We direct that Respondents shall specifically state in the Reply as to when the STPs that of Respondent No. 7 became operative and what is their capacity and how the treated water is being used. The representative of the MoEF

along with Official of the Haryana Pollution Control Board shall inspect these sectors and submit report on the above facts before the next date of hearing.

In the meanwhile, any action taken by the Authorities including occupancy of the area in question shall be subject matter to the Orders as may be passed by the Tribunal.

We will also direct the parties to place on record the Order that may be passed by the Hon'ble High Court Haryana and Punjab on 03<sup>rd</sup> December, 2014.

List this case on 15<sup>th</sup> December, 2014.

**M.A. No. 826 of 2014**

This Application is allowed subject to just exception.

Accordingly, M.A. No. 826 of 2014 stands disposed of.

.....,CP  
(Swatanter Kumar)

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

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

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