

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

**ORIGINAL APPLICATION NO. 94 of 2013
(M.A. NO. 904 OF 2014, M.A. NO. 592 OF 2015, M.A. NO. 662 OF 2015, M.A. NO.
674 OF 2015 & M.A. NO. 675 OF 2015,**

IN THE MATTER OF:

Vikrant Kumar Tongad Vs. Delhi Metro Rail Corporation Ltd.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present:

Applicant:	Mr. Rahul Choudhary, Ms. Maneka kaur, Adv.
Respondents No.2:	Mr. Siddarth Mehra, Adv
Respondents No. 3:	Mr. Sanjeev Ralli, Mr. Dinesh Jindal and Mr. Sahil Sagar, Adv.
Respondents:	Mr. Rajkumar Gupta, Adv (AIIMS)
Noticee:	Mr. Ankur Khandelwal, Adv, Ms. Pragya, Products Pvt Ltd, Mr. B.B Gupta, Adv
MGF Development:	Mr. K.M Panikkar, Adv
IBIS Hotel, Lemon Tree Hotel:	Mr. Neeraj Malhotra, Mr. Virat K. Anand, Adv
ESI Hospital:	Mr. Sunny Arora, Mr. Bhupesh Narula, Adv
Holiday Inn Hotel:	Mr. Ashish Aggarwal, Ms. Harleen Kaur, Adv
NDMC:	Ms. Sakshi Popli, Ms. Mansha Mehmood, Adv
S.Hospital,VMMC:	Mr. B.V Niren, Adv
CHLLTP, New Friends Colony:	Mr. G.J Varadayani
Kings Mall:	Mr. Rajeev Aggrawal, Adv
National Insittute of TB:	Ms. Sumedha Dang, Adv
R-44:	Mr. Ravikesh K. Singh, Mr. Rakesh K. Sinha, Adv
MCD:	Mr. Balendu Shekhar, Mr. Vivek Jaiswal, Adv
M/S GPS Properties Pvt. Ltd.:	Mr. Pulkit Srivastva with Mr. Sauravh Nihom, Director.
Santom Hospital:	Mr. Diwakar Singh Pundir, Adv Mr. Gopal Pandery , Mr. Maahesh Aiyar, Lemon Tree
South Corporation:	Ms. Puja Kalra, Adv
R-6:	Ms. Reena Singh, AAG of Up, ms. Bhakti Parija Sethi, Adv
R-14, DDA:	Mr. A.K Dhatwalia
ESI Hospital (Okhla):	Mr. Dhruv Chandra Saxena, Ms. Sakshi. A, Adv Mr. Rajeev Aggrawal, Adv
DSI IDC:	Mr. Moni Cinmoy, Adv
D.D Properties:	Mr. Siddharth Bambha, Mrs. Ayiala T.Adv
Jasmine Projects now Bharti Realty:	Mr. Karan Chndhiok Ms. Shritya Misra, Adv
B.R Ambedkar, Hedgewar Hospitals:	Mr. D. Rajeshwar Rao, Mr. Charanjeet Singh, Adv
Mata Chandi Devi Hospital:	Ms. Nischal K. Neeraj, Adv
M/S Asign Hotels:	Mr. Vaibhav Gaggar, Mr. Indresh Kumar, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 12 July 09,	Rajan Babu Institute for Pulmonary Medicine &

2015

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Tuberculosis Hospital and Kasturba Hospital

Rajan Babu Institute for Pulmonary Medicine & Tuberculosis Hospital and Kasturba Hospital has not filed their replies despite specific directions. The Learned Counsel appearing for the Rajan Babu Hospital submits that their reply is ready and they will file it during the course of the day. The representative of Kasturba Hospital submits that he has a copy of the reply, but he does not know whether it has been filed within time or not. Registry to check both these institutes, who have not filed their replies, and issue notice to file their replies within four weeks as per order dated 11th May, 2015.

Rajan Babu Hospital and Kasturba Hospital, both these Hospitals are Govt Hospital. The Learned Counsel appearing for both these hospitals submits that they have complied with the direction issued by the DPCC and the Rain Water Harvesting Systems are fully operative. In this situation, we do not impose any compensatory cost for environment upon them. However, upon inspection, if they are found to be non-functional, the hospital and its officers would be liable to pay compensation.

With the above directions these cases are disposed of. The DPCC will inspect these Hospitals again.

Sanjay Gandhi Hospital and Lal Bahadur Shastri Hospital

Sanjay Gandhi Hospital and Lal Bahadur Shastri Hospital have also not filed their replies till today. Sanjay Gandhi Hospital has not filed affidavit of compliance in terms of order dated 11th May, 2015. Nobody is present on behalf of them. Issue Bailable Warrant for production

of the Medical Superintendent of the said hospital. Bailable Warrant is to be executed by SHO of the concerned area in the sum of Rs. 20,000/- subject to satisfaction of the arresting officer. Bailable Warrant returnable on 07th August, 2015.

Executive Engineer, PWD in charge of Lal Bahadur Shastri Hospital appeared in person. Reply has not been filed despite grant of opportunity. However, he states that existing Rainwater Harvesting System have been completed and made functional and the new system would be completed by 31st July, 2015.

It is 100 bedded Government Hospital. Therefore we do not propose to impose environment cost at this stage. However, default has been made by the Medical Superintendent and Executive Engineer, and therefore we impose cost of Rs. 25,000/- each which is to be deducted from their salary from the month of August, 2015. If they complete by 31st July, 2015 and submit report before the Tribunal, we would consider for waiver of this cost. They shall submit application to DPCC/Inspection Team to inspect the Hospital again.

With this direction the case of these hospitals is disposed of.

National Institute of Tuberculosis & Respiratory Disease.

It is a Government 100 bedded Hospital. The Learned Counsel appearing submits that they had complied with the required directions issued by the DPCC/Joint Inspection Committee and the Rain Harvesting System is fully operational. At this stage we do

not impose any cost for compensating degradation of environment. However, the Joint Inspection Team shall conduct a fresh inspection & check as to whether the Rain Harvesting System is installed and operational as per requirement. In the event of default Hospital shall be liable to pay Rs. 5 Lakh as environmental compensation; to DPCC and it will be recoverable from Medical Superintendent, Director and Engineer Incharge of the said Hospital.

With this direction the case is disposed of.

Jai Prakash Narayan Apex Trauma Centre

Learned counsel appearing for the Hospital submits that they have complied with the directions issued by the DPCC. By this they have complied with the required direction of the Joint Inspection Committee. Let the DPCC again conduct inspection and submit a report before the Tribunal. At this stage, we do not impose environmental cost upon them. As this is a Govt Hospital, we direct Medical Superintend and the Engineer Incharge to complete the construction activity and to ensure that the Rain Water Harvesting System is installed completely & effectively operative by 31st July, 2015.

MA No. 675 of 2015

Heard the Learned Counsel appearing for the parties. The environment compensation cost of Rs. 5 Lakh imposed vide our order dated 11th may, 2015, is reduced to Rs. 3 Lakh in the circumstances stated in the application. The amount be paid to DPCC.

With the above direction M.A. No. 675 of 2015 stands disposed of. The Environmental Compensation

cost of Rs. 3 Lakh would be paid within two weeks from today. The amount be paid to DPCC. In the event of default hospital shall be sealed by the DPCC.

E.S.I. Hospital

Nobody is present on behalf of E.S.I. Hospital, Rohini. As per the Inspecting Team no Rain Water Harvesting System has been installed in the Premises. Let Bailable warrant be issued against the Medical Superintendent and Executive Engineer, Incharge of the hospital to be produced before the tribunal on the next date of hearing. The Bailable Warrant shall be in the sum of Rs. 20,000/- to the satisfaction of the Arresting Officer. The Bailable Warrant shall be executed by the SHO, Rohini, who shall be present on the next posting day before the Tribunal, in the event of default of execution of the Bailable Warrant.

List this matter on 7th Aug 2015.

Santom Hospital

Heard the Learned counsel appearing for this Hospital submits that they have complied with requirement for RWHS of the DPCC/Joint inspection team. They pray that they area small hospital with the low occupancy rate and they are unable to pay the amount of Rs. 5 Lakh imposed as Environmental Compensation and prayed that it may be reduced. The amount be paid to DPCC. For the reasons stated the environmental compensation is reduced to Rs. 3 Lakh to be paid within two weeks from today. The amount be paid to DPCC. If the compensation is not paid, the Medical Superintendent and Director both will be present before

the Tribunal on 07th August, 2015.

Pushpawati Singhania Research Institute of Liver

Renal and Digestive Diseases

List this matter on 07th August, 2015.

M.A. No. 674 of 2015.

Heard the learned counsel appearing for the party. Subject to payment of Rs. 5 Lakh to be paid to the DPCC within two weeks from today and, on further undertaking that the Rain Water Harvesting System would become operative by 31st July, 2015. Inspection would be conducted by the DPCC and report be submitted to the Tribunal.

With the above direction M.A. No. 674 of 2015 stands disposed of.

M/s Jasmine Projects Pvt. Ltd. (Bharti Reality Ltd.)

List this matter on 07th August, 2015.

In the meanwhile the Joint Inspection Team shall conduct the inspection and report be submitted to the Tribunal.

M/s MGF Development Limited Metropolitan Mall,

Saket

Heard the learned counsel appearing for the mall. Subject to the payment of Rs. 3 Lakh as environmental compensation to the DPCC compliance and in all respect by 31st July, 2015, the DPCC shall conduct inspection and submit the report before the Tribunal. With the above direction the matter is disposed of.

G.P.S. Properties Pvt. Ltd.

Heard the learned counsel appearing for the mall. Subject to the payment of Rs. 3 Lakh as environmental compensation to the DPCC and comply the direction on report of the Joint Inspection Team by 31st July, 2015 the DPCC shall conduct inspection and submit report on compliance. With the above direction the matter is disposed of. The environmental compensation amount is to be paid within four weeks from today as prayed.

M/s Pragma Products (P) Ltd.

Heard the learned counsel appearing for the mall. Subject to the payment of Rs. 1 Lakh as environmental compensation to DPCC on the undertaking that they will rectify all the defects as pointed out by the DPCC by 31st July, 2015 the Joint Inspection Team shall inspect and report on compliance.

With the above direction the case stands disposed of. The environmental compensation amount as prayed be paid within two weeks from today.

M/s Suncity Project Pvt. Ltd.

Heard the Learned counsel appearing for the mall. Subject to the payment of Rs. 3 Lakh as environmental compensation to DPCC and compliance of the direction issued by the DPCC by 31st July, 2015 the Joint Inspection Team shall inspect and report on compliance. .

With the above direction the case stands disposed of. The environmental compensation amount as prayed be paid within four weeks from today.

Despite the fact that in some of the cases Bailable Warrants were issued and later were directed not to be

executed as per the assurance and undertakings given to the Tribunal, today again nobody is present except Respondent No. 6, 9 & 10.

Issue Bailable Warrants against Managing Director of these Hotels/Malls. SHO of the area concerned shall be responsible for executing of the Bailable Warrant. In the event of default and execution of the Bailable Warrants, SHO, shall be present before the Tribunal. The Bailable Warrants are issued to a sum of Rs. 20,000/- subject to satisfaction of the Arresting Officer.

M.A. No. 592 of 2015.

Reply to the Application be filed within two weeks from today.

List this matter on 07th August, 2015 as the date is already fixed.

The DPCC shall file statement of people who have paid/not paid compensation imposed under the order of the Tribunal. Company/Person who has not paid compensation imposed, should be given notice to appear on 07th August, 2015 before the Tribunal.

DPCC shall issue Notice in the name of Managing Director, Medical Superintendent and other senior most Officers of the defaulters.

DPCC to submit a proposal as to how they propose to utilize the amount received as environmental compensations imposed by the Tribunal in relation to Rain Water Harvesting Systems only.

.....,CP
(Swatanter Kumar)

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