

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 06 of 2012

And

(M.A. No.199 of 2015, M.A. No.238 of 2015, M.A. No.344 of 2015,
M.A No. 512/2015, M.A No. 513/2015 & M.A. No. 692 of 2015)

In

Original Application No. 300 of 2013

And

M.A. No. 868 of 2014, M.A No. 440/2015, M.A No. 441/2015,
M.A No. 641/2015 & M.A No. 646/2015

In

Original Application No. 06 of 2012

IN THE MATTER OF:

Manoj Mishra Vs. Union of India &Ors.

And

Manoj Kumar Misra & Anr. Vs. Union of India & Ors.

And

Manoj Mishra Vs. Union of India &Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Original Application No. 06 of 2012

Present: Applicant

Mr. Rahul Choudhary, Adv.

Mr. Vivek Chib, Adv

Mr. Asif Ahmed, Adv

Mr. Ankit Prakash, Adv

Respondent No. 2, 5 & 8

Mr. Vivek Kumar Tandon, Adv. for NCT

Respondent No. 3 :

Mr. Rajiv Bansal, with Mr. Kush Sharma and

Ms. Arpita, Adv. For DDA

Respondent No. 4 :

Mr. Narender Pal Singh, Adv. with Mr. Dinesh Jindal, L.O. DPCC

Respondent No. 6 & 7 :

Ms. Savitri Pandey & Ms. Azma Parveen, Adv. and Mr. K.K. Jain, Chief Engineer, Yamuna, state of U.P. and Mr. Dven Kumar, Assistant Engineer, U.P. Irrigation

Respondent No.8 & 12

Mr. Balendu Shekhar, Adv. For EDMC

Mr. Mahesh Kumar Sharma, Adv. with Mr. Alkesh for DCB

Ms. Pinky Anand, Additional Solicitor General for Delhi Jal Board with Prabal Bagchi Adv for DJB with Ms. Kritika Sachdeva, Adv. for DJB

Mr. Ishwer Singh, Adv. for NMCG

Dr. Abhishek Atrey, Adv., Mr. Ashutosh Sharma, Mr. Brijesh Panchal, Minakshi Joshi (Additional Secretary Forest) and Mr. Subhash Chand Pandey (Executive Engineer, Eragation and Development)

Mr. Suryanarayana Singh, Addl. AG for State of Himachal Pradesh

Sushil Kapta, Special Secretary, IPH

Mr. S.S. Shanshery, AAG with Preeti Bhardwaj Adv Ms. Aparajta Sharma, Adv. Mr. Sumesh Mathur, Addl. Secretary for State of Rajasthan and Mr. Vinod Shah, Chief Engineer (Interstate)

Mr. Anil Grover, AAG with Mr. Rahul Khurana, Advocate for State of Haryana

Mr. Pawan Verma, Chief Engineer, IYWS (South), Irrigation Dept, Haryana
 Mr. Moni Chinmoy, Adv. For DSIIDC
 Ms. Mansha Mehmood, Adv. with Ms. Sakshi Popli, Adv. for NDMC
 Mr. S.L. Gundli, Sr. LO
 Ms. Puja Kalra, Adv. with Taeyal Ahmed and Sh. Devender Kumar, Chief Secretary for Noth & South MCD

Original Application No.300 of 2013

(M.A. No.199 of 2015, 238/2015. 344/2015, 512/2015 & 513/2015)

Present: Applicant

Mr. Rahul Choudhary, Adv.

**Shri Venkates, Anuj P. Agarwale, M.A. 238
 Mr. Salik Shafique and Mr. Adarsh Shrivastava, Adv. – Applicant in MA 513/15.**

Respondent No. 2, 4 & 7:

**Mr. Vivek Kumar Tandon, Adv. for NCT
 Ms. Pinky Anand, Additional Solicitor General for DJB and Mr. Prabal Banghi, Adv. For DJB
 Mr. Ravi P Mehrotra and Mr. Abinav Malik Adv.**

Respondent No. 3:

Mr. Vivek Kumar Tandon, Adv. for NCT

Respondent No. 5 & 8:

**Mr. Balendu Shekhar, Adv. For EDMC
 Mr. Rajiv Bansal, with Mr. Kush Sharma and Ms. Arpita, Adv. For DDA**

Respondent No.9 :

Robin R David

Respondent No. 10 & 11 :

Mr. Narender Pal Singh, Adv. with Mr. Dinesh Jindal, L.O., DPCC

Respondent No. 14 to 16 :

Mr. Yusuf Khan, Advocate Ms. Pinky Anand, Additional Solicitor General, Ms. Kritika Sachdeva, Adv. for DJB

Mr. Mahesh Kumar Sharma with Mr. Alkesh Sharma, Adv. for DCB

Mr. Moni Chinmoy, Adv. For DSIIDC

Pooja Kalra Adv for North and South MCD

**D. Bharaki Reddy for the State of Uttrakhand
 Ardhendumauli Kumar Prasad, Adv.**

M.K Sharma Adv for Delhi Cantonment Board

Mr. Sanjay Upadhyay Adv.

Original Application No. 06 of 2012

M.A. No. 868 of 2015, 440/15 & 441/2015

Present: Applicant

Mr. Rahul Choudhary, Adv.

Respondent No. 2:

Mr. Shaurya Sahay, Adv. in MA 440 & 441/2015

Respondent No. 3 :

Mr. Vivek Kumar Tandon, Adv.

Respondent No. 4:

Mr. Rajiv Bansal, with Mr. Kush Sharma and Ms. Arpita, Adv. For DDA

Respondent No. 6 & 7 :

Mr. Narender Pal Singh, Adv. with Mr. Dinesh Jindal, L.O., DPCC

Ms. Savitri Pandey & Ms. Azma Parveen, Adv. and Mr. K.K. Jain, Chief Engineer, Yamuna, state of U.P. and Mr. Dven Kumar, Assistant Engineer, U.P. Irrigation

Ms. Pinky Anand, Additional Solicitor General with Ms. Kritika Sachdeva, Adv. for DJB and Mr. Mahesh Kumar Sharma with Mr. Alkesh Sharma, Adv. for DCB

Mr. Moni Chinmoy, Adv. For DSIIDC

Dr. Vijendra Mahndiyan and Ms. Pallavi Awasthi, Adv. for Applicant in M.A. Nos. 627/2015 & 628/2015

	Date and Remarks	Orders of the Tribunal
	Item Nos. 01 to 03 July 14, 2015 A	It is unfortunate that none of the parties have filed their status reports bringing on record compliance with various directions passed by the Tribunal from time to

time, particularly, vide its orders dated 13th January, 2015, 02nd March, 2015, 27th March, 2015, 08th May, 2015 and 11th June, 2015. Vide these orders number of directions have been issued for compliance by various State Governments and public authorities. We certainly expect high-priority attention from all the concerned State Governments and Authorities in regard to the execution of the directions issued by this Tribunal in such an important matter relating to cleaning and restoring the water in river Yamuna to its pristine form. We see no reason as to why the Authorities should not act in full coordination and cooperation to achieve the object of cleaner environment in relation to river Yamuna. One Department writes letter to the other and with such act the burden of performance is sought to be shifted to the other or uses it as a defence for failure on its part to comply with these directions. We have tried our best and involved highest hierarchy of the State and the concerned authority to ensure compliance and the execution of the directions of this Tribunal, which is the only hope for restoring Yamuna to its original status.

Before we travel in the realm of passing of punitive orders and costs, personally imposable upon the Officers concerned, we would as final opportunity pass the following directions with a voice of hope that the concerned State Governments and the Authorities/Corporations would not force us to delve into the punitive and contempt jurisdiction of the Tribunal.

Without any hesitation, we make it clear that any further violation and non-compliance to the directions of

the Tribunal shall now be viewed very seriously and we would not grant any further time for compliance of our directions. The project, which is required to be completed by 2017, has to move on priority basis and cannot be at the whim and mercy of the Authorities, as its would be concerned with the public health and serious environmental issues relating to the river Yamuna in this case.

Directions

1. Learned Addl. Solicitor General appearing for the DJB submitted that DJB has yet not taken final view on the recommendations of the Principal Committee constituted under the order of the Tribunal dated 13th January, 2015 suggesting that the sewer connection charges payable by an individual would be in the range of Rs. 32000 to Rs. 50000, thereby proving it to be a disincentive for the house owners; and therefore, need to be reduced to Rs. 2000 to Rs. 3000 per connection. She submitted that final decision in this regard would be taken shortly.

Taking of sewerage connection by the individuals, particularly in unauthorised colonies, is the most preferential method of controlling direct sewerage pollution of river Yamuna. It is only when the sewerage connections are provided the sewerage can be brought to the proposed STP for treatment and consequent re-utilisation and recycling before being discharged into the river Yamuna.

Thus we direct the DJB to take a final decision in this regard within one week from today.

Such decision would be widely advertised and brought to the notice of all concerned, particularly, in the un-authorized colonies. Incentives for taking sewerage connections be offered to unauthorised colonies and such colonies be educated on benefit and necessity of taking sewer connection.

2. The Project of providing interceptor drain/parallel drain which is an integral part of Phase – I of the project approved by the Tribunal is in progress. It is stated that nearly 78% of the work has been completed. Let the DJB expeditiously complete the remaining 22% of the project and report to the Tribunal of its compliance. DJB submits that they would be able to complete this work by June, 2016. We direct the completion of the work by 31st March, 2016.

3. In relation to the completion of the first phase of the Project in terms of the order afore-referred, tenders have been invited. We direct that all the tenders should be dealt with expeditiously and works awarded without any undue delay.

In relation to the Delhi Gate Nallah, it is stated that STP has already been installed and it is on trial run and shall be operating to its optimum capacity by September, 2015. Let the compliance report alongwith analysis report of the treated water from this STP be placed before the Tribunal. The sample of treated water from the STP shall be

analysed by the CPCB. Learned Counsel appearing for the CPCB has been intimated of this order. The sample shall be collected by DPCC and would analyse the same. The tenders should be awarded by 31st August, 2015 and if for any reason there is delay, liberty is granted to DJB to approach the Tribunal with reasons along with the resume of works done and the details of the work required to be completed. Such application will be considered on merits.

4. Learned Counsel appearing for DDA have submitted that the floodplain in Delhi territory stands fully demarcated. Learned Counsel appearing for Uttar Pradesh on instructions submits that 75% portion of flood plain falling in Uttar Pradesh on the banks of River Yamuna, has already been demarcated and remaining 25% of demarcation work shall be completed within one week from today. Mr. Durn Kumar, Assistant Engineer submits that the Chief Engineer namely Mr. Gulesh Chandra, U.P. Irrigation Department has directed him to make such statement regarding demarcation of flood plain before the Tribunal. We accept the undertaking/statement given and direct that the work should be completed within one week from today as afore directed.

In view of the above, we pass further

directions that DDA and State of Uttar Pradesh shall send within one week from today a list of the structures that have been found to be existing on the floodplain of River Yamuna whether in Delhi or in U.P. We further direct the Principal Committee to make its recommendation in terms of our orders dated 13th January, 2015 and 11th June, 2015. Let the Committee submit its recommendation to the Tribunal as expeditiously as possible.

5. Learned counsel appearing for DDA as well as State of Uttar Pradesh submit that all the construction debris and allied waste have been cleared from the flood plain of river Bank of Yamuna. According to them the Agency is in place for overseeing that nobody dumps any waste of any kind on the floodplain. They submit that they will furnish the details, of person/s caught or found throwing any construction debris and MSW on the flood plain of River Yamuna and challaned. Let them do so before the next date of hearing.

6. We direct the DDA to submit a status report in relation to the steps taken for re-charging of ground water particularly on the flood plain area and bio-diversity park development of the river banks in terms of the judgment dated 13th January, 2015.

As far as sites for construction and installation of STPs are concerned, the Learned counsel appearing for the DJB submits that out of

total 19 sites for that purpose, 10 sites have already been taken possession of by the DJB and they have started their due process for construction and installation of STPs on those sites. Out of the remaining sites, it is submitted that the sites at Kair, Kajipur, Tajpur, Tikri Kalan, Brijwasan have not been handed over to the DJB. Learned counsel appearing for NCT of Delhi submits that a joint survey has already been conducted and steps are being taken to handover the lands to DJB. Learned counsel appearing for NCT of Delhi submits that expeditious steps would be taken to hand over the possession, however, he will be able to ascertain the exact position and report to the Tribunal only before the next date of hearing. Learned counsel appearing for DDA submits that for the sites at Kakraula, they have already granted working permission to DJB in relation to the site in question. In regard to site at Bapraula village the DSIIDC is in possession of the land which belongs to the Health Service Government Department. Learned counsel appearing for NCT of Delhi and DSIIDC submits that they will hand over its possession to DJB expeditiously. There is no dispute of any kind in this behalf. Therefore, we direct DSIIDC and NCT of Delhi to hand over the possession of this site within two weeks from today and report be submitted to the Tribunal.

7. The location at Galibpur is stated to be a Gram

Sabha and the possession is expected to be handed over to the DJB by the Revenue Department within two weeks from today. We order accordingly.

8. In relation to the location at Triki Kalan, 25% of the demanded land has already been given to DJB while for the remaining, there is some controversy. However, we direct NCT of Delhi and DJB and the concerned Revenue Department to resolve this controversy. The DJB shall submit a copy of revised demand along with plan within one week from today to the concerned Department and also take all steps to show demanded land of 37 bighas 3 is reduced to most reasonable limits to enable NCT of Delhi to give its possession to them. Copy of this letter and the plan will be filed before the next date of hearing.

9. Learned counsel appearing for DSIIDC and DPCC shall file a combined status report which shall be complete in relation to the directions contained in our earlier orders, stating what is the fate of the 2000 Notices stated to have been issued and what actions have been taken by the Authorities concerned.

10. The Principal Committee shall submit its report to the Tribunal within two weeks from today. Amongst others it will answer the questions for its recommendations as formulated by the Tribunal in its order dated 11th June, 2015. Let the Committee

put its recommendations which would also relate to the enhancement in the e-Flow of river Yamuna with consequent higher discharge at Hathnikund (more than 10 cumecs already directed) on the Ministry's website.

11. All the three Corporations, DDA, NCT of Delhi, and the Irrigation Department shall, within two weeks from today, submit a comprehensive report as to the construction of ghats for controlled immersion of *Pooja* material on the river banks of Yamuna.

12. Learned counsel appearing for NCT of Delhi submits that out of 44 missing drains as shown in the Drainage Plan of 1976, which is taken to be the very basis, Department has been able to trace 26 drains and remaining 18 are still missing and are possibly no longer available. Let this be brought to the notice of the Committee, which will take a view as to any amendments are required for channelling sewerage to the main drains, or interception or any other remedies that are required to be taken for effective compliance of the judgment of the Tribunal.

13. All the three Corporations and DPCC shall submit a complete comprehensive report in regard to dredging of drains and utilisation of silt material along with its storage before the next date of hearing.

14. All the Corporations submit that they have cleaned the drains and that is why, comparatively, this time water logging is less; had they not been cleaned, it could have been worse.

Liberty is granted to the Corporations to consult any other agency for implementation of the order.

We direct that on the 21st July, 2015 the Secretary Finance, Delhi, Secretary of NMCG, Secretary of MoUD, Government and Principal Commissioner of Land Disposal of DDA will be present before the Tribunal. All the Officers will be present at 10.30 AM sharp.

M.A. No. 629 of 2015

This Misc. Application is allowed subject to just exception. The Applicant is permitted to intervene in the matter at the time of hearing.

With the above order, M.A. No. 629 of 2015 stands disposed of.

M.A. No. 630 of 2015

Let copy of this application be furnished to all the learned counsel appearing in the case. Liberty is granted to them to file Replies to this Application.

List this matter on 21st July, 2015.

M.A. No. 440 of 2015

This Misc. Application is allowed subject to just exception. The Applicant is permitted to intervene in the matter at the time of hearing.

With the above order, M.A. No. 440 of 2015 stands disposed of.

M.A. No. 441 of 2015

Let copy of this application be furnished to all the learned counsel appearing in the case. Liberty is granted to them to file the Replies to this Application.

List this matter on 21st July, 2015.

We make it clear that if any of the above Misc. Applications are not served within two days to the learned counsel appearing in the case the Applications will automatically stand dismissed.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

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

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

.....,EM
(Ranjan Chatterjee)