

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

EA No. 16 of 2019
IN
OA No. 153/2014

IN THE MATTER OF:
Indian National Trust for Art and Cultural Heritage

Applicant

Versus

Govt. of NCT of Delhi & Ors.

Respondents

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Place: Panchkula
Dated: 15.02.2024


Pardeep Kumar
Member Secretary,
State Wetland Authority, Haryana

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**Status Report by Pardeep Kumar, Member Secretary, State
Wetland Authority, Haryana in compliance of the order
dated 22.12.2023 passed by this Hon'ble Tribunal.**

MOST RESPECTFULLY SHOWETH

1. That the State of Haryana through Environment & Climate Change Department is committed to provide clean and healthy environment to people, animals, flora and fauna. To achieve the objectives of Article 48A of the Constitution of India and in exercise of power conferred under section 5 of the Environment Protection Act, 1986 various notifications have been issued and rules have been framed to protect the environment and to maintain ecological balance in the State, to prevent environmental degradation and to avoid human health hazards.

2. That the instant case involves the issue regarding the Najafgarh water body on Delhi-Gurgaon Boarder. In this regard, the Indian National Trust for Art & Cultural Heritage approached the Hon'ble NGT by filing O.A. No. 153 of 2014 with the prayer for issuing directions for conservation of Najafgarh water body. Subsequently, O.A. No. 325 of 2015 was also filed by Lt. Col. Sarvadaman Singh Oberoi for revival of water bodies in Gurugram. The Hon'ble NGT disposed of the said O.A. No. 153 of 2014 vide order dated 20.02.2017 keeping in view of the statement of Ld. State Counsel to the effect that the State Government of Haryana has taken



up the stand in O.A. No. 325 of 2015 that the Najafgarh Jheel has been accepted to be a water body and approval in that behalf is under process. Hon'ble Tribunal also recorded in the order dated 20.02.20217 that the matter still has to receive approval from the competent authority in the State Government. Accordingly, the said O.A. No. 153 of 2014 was disposed of with directions to the NCT of Delhi to take appropriate steps in accordance with law.

3. That an Execution Application No. 16 of 2019 was filed in above said O.A. No. 153 of 2014 by the applicant Indian National Trust for Art & Cultural Heritage. This Hon'ble NGT, vide order dated 26.03.2019 called for status and action taken report from Government of NCT of Delhi as well as Government of Haryana.

4. That in view of the above facts, the Hon'ble NGT passed interim order dated 17.09.2020 with the following directions: -

“In view of the fact that there is a large trans-boundary water body which partly falls in Delhi and partly in Haryana, it will be appropriate that an Environment Management Plan is prepared jointly by the State of Haryana and NCT of Delhi. The MoEF&CC may steer the proceedings for preparation of Environment Management Plan with the assistance of CPCB. CPCB may coordinate as a nodal agency. Such plan may be prepared within three months.”

5. That it is necessary to mention here that a committee was constituted under the Chairmanship of ACS, Irrigation & Water Resources Department, Haryana. A meeting with all the stakeholders was convened on 20/11/2021 and the Committee recommended that so called Jheel did not exist in Haryana side, historically it was in Delhi and the area which is now under submergence is due to discharge of rain water and treated waste water of Gurugram city flowing through city drains viz. Leg-2 and Leg-3 (Badshahpur Drain) and the area of submergence increases due to addition of more water by Drain No. 8 during monsoon coming from Jhajjar District. There is no water in Delhi side in front



of area of submergence in Haryana side as a bank has been constructed on Delhi side of Najafgarh Drain. There is need to construct bank on Haryana side on Najafgarh Drain to avoid spreading of water in large area on the same lines as constructed on Delhi side. It was further recommended that the water flows slowly in the Najafgarh drain as it is silted in Delhi portion and the matter is required to be taken up with Delhi Government to carry out desilting of Najafgarh drain regularly. It was also recommended that the land of private owners has also submerged due to spread of water and declaring land of private people as wetland is not justified.

6. That in the instant Execution Application the Hon'ble NGT was pleased to consider the following facts in its order dated 21.01.2022:

“.....Our attention has also been drawn to letter issued by the MoEF&CC on 19.01.2022 to the effect that Inter-Ministerial Expert Group has been constituted in following terms of reference:

- i. "To identify the factors relating to unwanted submergence of land areas*
- ii. To undertake a study so as to identify various factors /issues embodying the flow of water through Najafgarh drain including connectivity of the drains up to river Yamuna. de-silting of such drains etc.,*
- iii To draw up Standard Operating Procedure (SOP) for de-silting of the Najafgarh drain so as to facilitate uninterrupted flow of water into river Yamuna.*
- iv. SOP also to include periodicity and extent of de-silting of the drains, estimation of the cost involved and such other factors as may be considered relevant.”*

We hope that the Inter-Ministerial Expert Group will ensure measures for conservation and protection of Jheel in the light of observations in Para nos. 5 and 9 above. Water quality of

the Jheel need to be maintained for atleast Class 'C' and healthy biodiversity needs to be ensured. The outlet of the Najafgarh Jheel which is leading to Najafgarh drain (earlier referred as Sahibi River) should remain free from sewage before it joins river Yamuna.

b. In view of the above, further action of preparing integrated EMP by the MoEF&CC be taken and till it is done, EMPs prepared for rejuvenation and protection of the lake be enforced by the State of Haryana and the NCT Delhi. The EMPs of Delhi and Haryana do not make specific provision for budget which is necessary except saying that provision will be made immediately making of such provision may be ensured by the Chief Secretaries of Delhi and Haryana. Wetland (Conservation and Management) Rules, 2017 be strictly followed along with the Guidelines issued by MoEF&CC on the subject. Further, direction of the Hon'ble Supreme Court in Balakrishnan & Ors. v. Union of India & Ors. and order of this Tribunal dated 25.11.2021 in O.A. No. 351/2019, Raja Muzaffar Bhat v. State of Jammu and Kashmir & Ors. to the extent applicable, be complied. It will be open to any party to make representation to the respective Wetland Authorities. If any grievance survives, it will be open to the aggrieved party to take further remedies in accordance with law. The National Wetland Authority needs to monitor progress of implementation of action plans with both the States i.e. Haryana and Delhi through their respective State Wetland Authorities and resolve inter-State dispute, if any..."

7. That thereafter the Hon'ble tribunal was pleased to pass the following directions vide order dated 21.01.2022:-

"...12. Action taken/status reports as on 31.07.2022 may be filed by the concerned Wetland Authorities with the Registrar General of this Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF, by 15.08.2022, who may, if necessary, place the matter before the Bench, for any further direction. Subject to above, the application is disposed of.

In view of order in the main matter, I.A. No. 235/2021 also

stands disposed of.

A copy of this order be forwarded to the Chief Secretaries of Haryana and Delhi, CPCB, National Wetland Authority, State Wetland Authorities of Haryana and Delhi and State PCB by e-mail for compliance..."

8. That, the Inter-Ministerial Expert Group (herein-after as 'IMEG') have submitted its report on 25/06/2022 through convenor of the IMEG, Sh. J. Chandra Babu, Scientist E, CPCB to the Ministry of Environment, Forest & Climate Change (herein-after as 'MoEF&CC') for consideration and issuing the further guidelines/instructions in the matter; However, the above stated report of IMEG is under consideration of MoEF&CC for issuance of guidelines /instructions. Further action in this case will be taken after receipt of instructions/guidelines from MoEF&CC.
9. That, to ensure the compliance of directions issued by this Hon'ble Tribunal vide its order dated 21.01.2022, the Expert Representative Member of IMEG from the State of Haryana has intimated that an Action Plan has been prepared for utilization of the waste water of city Gurugram towards agriculture purposes after treating the same.
10. That as per the Status Report dated 09.01.2024 of Expert Representative Member of IMEG from the State of Haryana, the progress and the latest status of the project of construction Sewage Treatment Plant channel for utilization of treated waste water for irrigation purposes in Gurugram and Jhajjar Districts are as follows:
- i. An action plan has been prepared for utilization of city waste water. A lined channel, namely STP Channel having length of 26.247 kms is in existence since 2007 to carry 188.60 MLD (million litres per day) treated waste water from STP (Sewage Treatment Plant) at village Dhanwapur, District Gurugram wherein treated waste water from this channel is being utilised for irrigation purpose and balance supplies are released into a



drain namely Outfall Drain No. 8 near Village Sondhi, District Jhajjar, Haryana.

- ii. Capacity of STP Channel will be enhanced from 188 MLD to 550 MLD for utilization of treated waste water in Jhajjar District. Work has already been started. After completion of the project, the capacity of Treated Waste Water (TWW) Channel will be enhanced from 188 MLD to 550 MLD within in two years, TWW which is being discharged through Leg-2 and Leg-3 at present in the submergence area/Najafgarh drain will be diverted to STP Channel and will be utilized for irrigation purposes and the submergence area will be reduced considerably.
- iii. 550.00 MLD shall include total discharge of STP at village Dhanwapur (320.00 MLD) plus the discharge of STP at Behrampur (170.00 MLD) with scope of 60.00 MLD for future requirements.
- iv. Project for increasing the capacity of STP Channel from existing 188.60 MLD to 550.00 MLD and the project for utilizing the treated waste water has been approved and administrative approval has been accorded by the Government vide Memo. dated 10.08.2021.
- v. That it is submitted that the administrative approval is broadly divided into two components i.e., one component pertains to increase in the capacity of STP Channel from existing 188.60 MLD to 550.00 MLD along with expansion of intermediate structures and the other component pertains to its utilization.
- vi. That it is submitted that the work on first component i.e., increasing the capacity of STP Channel was allotted to the successful bidder on 21 February 2022. The work has been completed at site. As regard expansion of intermediate structures like construction of Syphon, Pump House, Crossings etc., tenders of major components have been called and work is likely to start by 15 March 2024 with expected date of



completion as 31 December 2024. After completion of this component, the channel will be able to safely carry the design discharge of 550 MLD.

- vii. That it is submitted that the work on second component i.e. utilization of the treated waste water from STP Channel, works pertaining to utilization of 110 MLD has also been allotted to successful bidders. The work is in progress and 35% work has been completed till date and remaining work will be completed by 31st December 2024. Further, “in-principle” approval has been accorded from 2 No. Thermal Power Plants i.e. Jhajjar Power Limited (JPL), Jharli and APCPL/NTPC, Jharli in Jhajjar district for utilization of 100 MLD TWW from STP Channel in cooling towers, whose work, will be taken up separately as deposit work, as and when financial commitment is received. As regard utilization of remaining treated waste water from STP Channel, feasibility is being explored to divert and utilize 210 MLD TWW in the existing commands of various channels like Salawas Link Channel (SLC), Pataudi Minor, Lohari Minor, Faridpur Minor etc. in district Jhajjar, Gurugram & Rewari.
- viii. Over all 62% work has been completed at site and entire project including all work components is likely to be completed by 31.12.2024 as scheduled.

11. That a proposal has been approved in the 10th Authority Meeting of Gurugram Metropolitan Development Authority (GMDA) regarding connection of Leg-II and Leg-III to the Najafgarh Drain to avoid submergence of farmer’s land. The work of desilting/de-weeding has been started by Delhi Government

12. That as per the Status Report dated 18.01.2024 from Gurugram Metropolitan Development Authority (GMDA), the progress and the latest status of the project/technical scheme to prevent submergence in submerged area of Najafgarh, are as follows:

- i. The administrative approval to the technical scheme has been accorded by the Authority of the GMDA.
- ii. The work of Leg-II and Leg-III shall be implemented by GMDA. The tender for Leg II has been invited by GMDA.
- iii. NCT Delhi shall be requested by IWR Department, Haryana for desilting Najafgarh Drain in complete width of 100 Mtr.
- iv. The entire scheme including all work components is likely to be completed before on set of Monsoon season 2025.

The above stated status/progress report may kindly be taken on record in the interest of justice. It is humbly submitted that further action shall be taken on completion of above projects by Irrigation & Water Resources Department, Haryana & Gurugram Metropolitan Development Authority (GMDA) including reutilization of treated waste water as well as on the receipt of instructions/guidelines from the MoEF&CC on the report submitted by Inter-ministerial Expert Group (IMEG) as mentioned above.

Place: Panchkula
Dated: 15.02.2024


Pardeep Kumar
Member Secretary
State Wetland Authority, Haryana