

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

EXECUTION APPLICATION NO. 04 /2023

IN

O.A. NO. 147/2021

IN THE MATTER OF:-

Mahesh Chandra Saxena Applicant

Versus

The Chief Secretary,

Govt. of NCT of Delhi & Ors. Respondents

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PLACE: NEW DELHI

DATED: 03.03.2024



Applicant in Person

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E.A. no. 04/2023

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Mahesh Chandra Saxena

...Applicant

versus

Chief secretary Govt of NCT of Delhi & Ors.

... Respondents

ADDITIONAL SUBMISSIONS ON BEHALF OF THE APPLICANT

1. That because of reduction of Ground Water level in Delhi NCR area the Central Govt issued a notification in 2001 mandating Roof Top Rainwater harvesting in building of more than 100 meter square area. The notification issued by the Central Govt is annexed as **ANNEXURE A/1**. The Central Govt has fixed the target by 2010 via public notice. CGWB has issued a standard roof top Rain Water Design. CGWB has opened its regional unit for Delhi region. CGWB for the first time provided the design of Roof Top Rain Water Harvesting System to the Societies in Dwarka.
2. However the design has been violated by the un-trained contractors by connecting the RWHS with storm water drain instead of Roof Top Rain Water. It is submitted that storm water drain receives many kind of waste water. The untrained contractor has for personal benefit has drilled the recharge borewell below the ground water level. And by mixing the rain water with waste water which in turn is recharged into the RWHS, has led to the ground water pollution in around 40 km square area of Dwarka region.
3. It is submitted that the inspection team while collecting samples has itself found that the Waste water was highly contaminated and was stinking. The Quality control team of

Delhi Jal Board has collected the samples and found Ammonia in the polluted water while testing in the Lab. It is further submitted that the DJB Quality control lab has not examined the sample in the manner tested by DPCC, CPCB etc. The Lab report of CPCB, DPCC is attached as **ANNEXURE A/2**. The Applicant has got the test done for the Roof Top Rain Water and the report is attached as **ANNEXURE A/3**.

4. During the proceedings in OA 147/ 2021, while inspecting the Societies in Dwarka region the Ground Water Cell of DJB realised that the RWHS system should be designed as per the standard design prescribed by the CGWB. Many Departments of Delhi govt and DJB itself are harvesting the Rain Water. Further the Ground Water cell of the DJB issued public notice dated 14.02.2023 and 16.02.2024 that only the Roof Top rain water should be recharged in the RWHS. The copy of the notice is annexed as **ANNEXURE A/4**.
5. It is however submitted that the aforesaid notice issued by the Ground Water Cell of the DJB has not been taken into cognisance by the Societies in Dwarka region, DJB itself, and other department of the Delhi Govt.
6. That the Applicant in this regard has written many letters to the Govt and various departments and requested that only the roof top rainwater be recharged in to the Recharge borewell. On date 07.02.2024 the Hon'ble President of India was written the letter conveying the aforesaid request and prayed for saving the Ground Water. The said letter has been sent over to the MoEFCC by the President Secretariat. The copy of the letter is annexed as **ANNEXURE A/5**.
7. It is submitted that the Societies in the Dwarka region has been harvesting the rain water for the last 20 years but not in accordance with the prescribed design provided by the CGWB. It is submitted at the cost of repetition that the Waste water has to be kept separate from the Rain Water. In this context, the Societies in Dwarka region are now questioning as to why the DJB and CGWB are referring the installed RWHS as functional.

8. That the Applicant submits that in Dwarka region, apart from Dwarka Societies, various DDA buildings, Malls, Commercial buildings are contributing to the pollution of the ground water by recharging waste water. That on the same line in the entire Delhi NCR region, the RWH System is being recharged through waste water and even in all the DDA flats, Commercial Buildings, Hospitals, Malls, NHA I offices etc the RWH system is being recharged through waste water only.
9. That for remediation of polluted ground water situation arisen due to the flawed design of RWHS in Dwarka region, the RWHS system installed in DWARKA societies must be connected with only Roof top rain water only and disconnected with storm water. The borewell in the Societies has been sealed by the DPCC and therefore they are using drinking water for horticulture purpose. That the Applicant would like to suggest that firstly the polluted ground water needs to be taken out through borewell and be used in irrigation. And for this DPCC has to de seal the borewell. And it appears that it would take around 15-20 years for improving the quality of ground water.
10. The Delhi Govt has put forward the plan to impose penalty for non- construction and for constructing the faulty design of RWHS. The Penalty chart is annexed as **ANNEXURE A/6**. The Hon'ble Tribunal is humbly requested to approve the proposal of penalty put forward by the Delhi Govt and pass an order in this regard. It is humbly being apprised that the in OA no. 217/2016, when the Hon'ble NGT imposed Environment Compensation of Rs 5 lakh then only the Schools and colleges in Delhi constructed the RWH System in their premises. And in similar lines the Dwarka Societies be directed to install functional RWH System which recharge only the Roof Top rain water otherwise penalties would be imposed. Further the drinking water should be stopped for horticulture use.
11. That during the course of hearing in EA no. 34/2023, the Hon'ble Tribunal has expressed anguish over the working of

CGWA. And asked why the Ground water is getting polluted. And also questioned them as to why the RWH System are being constructed with faulty design. And for the such kind concern shown by the Hon'ble Tribunal, the Applicant whole heartedly thankful to the Hon'ble Tribunal. It is submitted that the Applicant for the last 10 years has filed several petitions informing that the Delhi NCR region ground water is being polluted because of the inactiveness of the CGWA/CGWB. The letter 22.11.2023 dated addressed to the Chairman CGWA is attached as **ANNEXURE A/7**. The CGWA/CGWB has powers to regulate and prevent the pollution of the contamination of Ground Water and it does not require any direction from Hon'ble Court. However the CGWA/CGWB has delegated its responsibility to the untrained and inefficient officers of the State Govt. Applicant has visited many times the offices of the CGWA/CGWB and on all occasions found the staff sitting idle. It is further submitted that the officers of Ground water cell of the Delhi Jal Board has not received any training regarding the correct working of the RWHS. It is thus requested that the CGWB should again be made the Ground Water authority in Delhi. It is further requested that directions be passed for undertaking inspection of all 15000 RWH systems installed in the Delhi region on the parameter of Roof top rain water recharge only, and for this purpose the Applicant is willing to assist the team visiting the RWHSs. The faulty and non functional RWHS should be replaced with correct and functional design prescribed by the CGWA/CGWB. The officer of the CGWB/CGWA should be directed to follow the example of Indraprastha gas Limited who has trained its officers, contractors and supplied cooking gas in 10 lakh households in Delhi. Delhi region has around 50 lakh houses and have just 15000 RWH system installed and that too pollute the Ground Water. CGWA/CGWB should work similar to I G L.

12. It is submitted that DJB itself is responsible for polluting the ground Water of Delhi. In this regard the Applicant has written a letter to the CEO Delhi Jal Board. The letter is attached as **ANNEXURE A/8**. It is submitted that after the

DJB the biggest culprit is the NHAI who is constructing the RWH System along its highways with faulty designs.

13. That the Applicant is willing to assist the team for the inspection of the Societies in Dwarka region. It is further requested that the new societies in the Dwarka region should be installed with the correct the design prescribed by the CGWB/CGWA.
14. That the DPCC was directed by the Hon'ble Tribunal to file report as to why the contamination of the ground water in Dwarka region occurred and why ammonia is present in the Ground water. The order is attached as **ANNEXURE A/9**. However same has not been filed till this date.

PLACE: NEW DELHI

DATED: 03.03.2024



Applicant in Person

Mahesh Chandra Saxena
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The copy of the Gazette Notification issued by Ministry of Urban Development & Poverty Alleviation vide No.N-11011/9/98-DDVI(PI)/DDIB dtd 28th July, 2001 regarding modifications/ additions to the building bye laws 1983 is as under:-

NOTIFICATION

S.O. - Whereas the issue of making suitable provision in the Building Bye laws 1983 to ensure that the buildings that are erected in Delhi provide for the water harvesting through storing of rain water runoff to recharge underground aquifers has been under the consideration of the Government.

Whereas the following modifications/additions which the Central Government proposed to make in the Building Bye-laws, 1983 in this regard were published for public information vide Public Notice dated 20th June, 2001 and were advertised in the leading newspapers on 30.6.2001. In all five objections/suggestions were received and they were examined by a Committee under the convenorship of Chief Planner of Town and Country Planning Organisation.

Whereas after thorough consideration of the report Central Government has decided to make the following Modifications/additions in the Building Byelaws, 1983.

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 11A of Delhi Development Act, 1957, the Central Government hereby makes the following modifications/additions to the Building Bye-laws, 1983 with effect from the date of publication of this notification in the Gazette of India.

MODIFICATIONS

1. Clause 22.4 Part - III (Structural Safety and Services) of the Building Bye-laws, 1983.
2. 22.4.1 Water harvesting through storing of water runoff including rain water in all new buildings on plots of 100 sq. mtrs and above will be mandatory. The plans submitted to the local bodies shall indicate the system of storm water drainage along with points of collection of rain water in surface reservoirs or in recharge wells. These provisions will be applicable as per the Public Notice (s) of Central Ground Water Authority issued from time to time.
3. 22.4.2 All buildings having a minimum discharge of 10,000 litres and above per day shall incorporate waste water recycling system. The recycled water should be used for horticultural purposes.

Note: These modifications/amendments will be applicable from the date of Notification.

(No.N-11011/9/98-DDVI(PI) DDIB)

Sd/-

(Devendra Kumar Goel)

Under Secretary to the Govt of India

CENTRAL GROUND WATER AUTHORITY

(Constituted under Section 3(3) of Environment (Protection) Act, 1986)

A-2/W-3, K.G. Marg, New Delhi-110001 Ph-23385620/23384973 Fax-23388310

No.26-1/CGWA/D1/09/743/783

Dated the 8th October, 2009

PUBLIC NOTICE

Attn: All the Residential Group Housing Societies/Institutions/Schools/Hotels/Industrial Establishments falling in the Over-Exploited and Critical areas in the country.
(Except in the water logged areas)

Whereas the Central Government constituted the Central Ground Water Authority (hereinafter referred to as the Authority) vide notification of the Government of India in the Ministry of Environment and Forests number S.O.38(E) Dated the 14th January, 1997, as amended from time to time, for the purpose of regulation and control of ground water development and management in the whole of India.

And whereas the Central Government have authorized the Authority to issue directions under Section 5 of the said Act, in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions;

And whereas the Authority with a view to protect and preserve the ground water resources of the country from further depletion, has decided to promote the technique of rain water harvesting including Roof Top Rain Water Harvesting for groundwater recharge.

Now, therefore, the Authority in exercise of its powers and functions conferred under Section 5 and clause(xiv) of sub-Section(2) of section 3 of the Environment (Protection) Act, 1986, hereby directs All the Residential Group Housing Societies/ Institutions / Schools / Hotels/ Industrial Establishments falling in the Over-Exploited and Critical areas as specified in the schedule to adopt Roof Top Rain Water Harvesting Systems in their premises. These systems should be completed by May 2010 so that these are effectively operational in the forthcoming monsoon of 2010. For any technical guidance, Regional Directors of Central Ground Water Board or the Groundwater Department of the State/Union Territory having jurisdiction over the area may be contacted at the address specified in Annexure.

(For schedule and Annexure kindly refer to the website:

<http://www.cgwb.gov.in/Ground Water/gw regulation.htm>)

-sd/-

CHAIRMAN

Davp 45103/11/0043/0910

THE TRIBUNE, JALANDHAR, WEDNESDAY, JANUARY 6, 2010

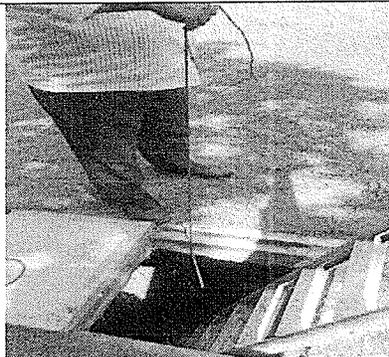
Annexure A-2

INSPECTION PROGRAMME

As per order of chairperson Retd. Justice Hon'ble S P Garg, the monitoring committee for groundwater visited following places for assessment of water quality of available ground water in certain specified area to assess the suitability of design given by CGWB and DJB. The following observations were made:

1. RWH at SDA, The YWA Girls Hostel, Hauz Khas

The team reached first to SDA, Hauz Khas. The YWA Girls Hostel exists in the said locality. The CGWB had designed the RWH in this area. The preliminary design description were assess at the time of inspection. During inspection- the existing recharge borewell were found dry. The harvesting pit was also found clear all the ways. The depth of the recharge borewell was measured 26 meters. As discussed with the petitioner, the static groundwater level of the said area is around 30-35 meters. . Accordingly, the rain water which was coming through roof top is seems to be reaching to ground water readily. Since no barrier was observed in between, the water seems to be free from all sort of visible- and non-visible contaminants. NO SAMPLE WAS AVAILABLE FOR ANALYSIS.

	
YWA Girls' hostel- measurement of RWH is in progress- sampler inside the well	YWA Girls' hostel- measurement of RWH is in progress- measurement of length

2. MEHRAULI STP

In the subsequent monitoring step, the team reached to Mehrauli STP. In this place, 2 RWH pits were inspected by the team. In this point of monitoring- on measurement of a recharge borewell- the depth of the borewell was measured 30 meters. As stated by the applicant, the static water level in the area is only around 16-18 meters. Sample from this point was collected and report is as mentioned in Table 1.

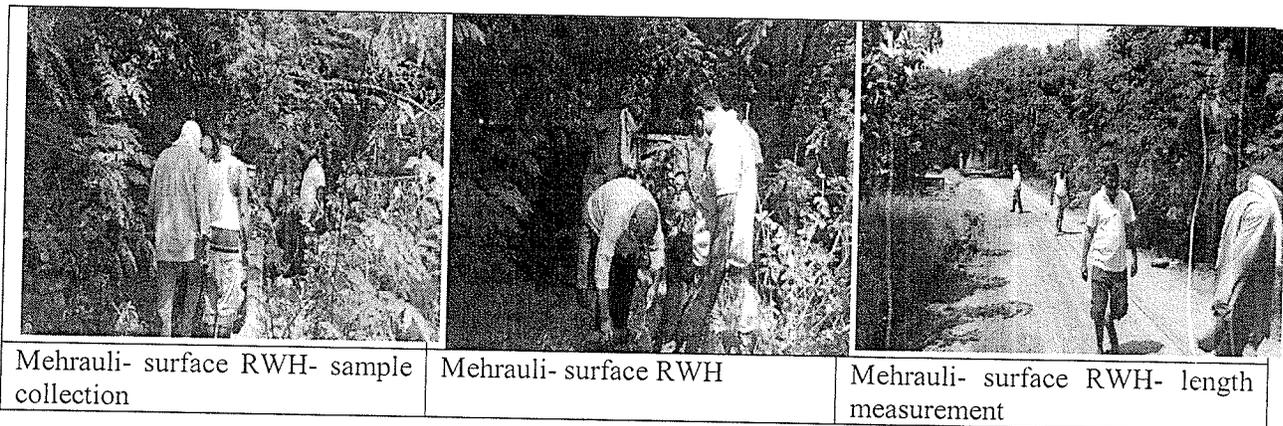
Table 1: Analysis report of water sample collected form Recharge borewell at Mehrauli STP- M1:

Physico-chemical analysis

Sample collection from	parameters					
	pH	Conductivity (u mho/cm)	COD (mg/l)	TSS (mg/l)	TDS (mg/l)	Chloride (mg/l)
M1-Mehrauli Recharge pit	7.4	511	151	652	280	30

Microbiological analysis

Sampling location	Parameters		
	Total coliform MPN/100ml.	Fecal coliform MPN/100ml	Fecal streptococci MPN/100ml
M1 Mehrauli Recharge pit	8200	320	130



In another part of same STP, it has been observed that there was no recharge well in the existing RWH system. In this system, the rain water from roof top of pump house was reaching in the harvesting pit. Because of non availability of recharge borewell, the standing rain water was seen. The quality of standing water was also not good as it was exposed to environment and increased chances of contamination through air sweeping. During discussion, it has been observed that if there would be a recharge borewell, the same would be helped in dispersal of rain water below the surface. Since it was stagnant fresh water, there are increased risk of mosquitoes population especially dengue breeds. The analysis report is given Table 2.

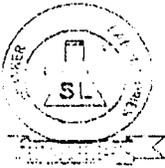
Table 2: Analysis report of water sample collected form Recharge borewell at M2_

Physico-chemical analysis

Sample collection from	parameters					
	pH	Conductivity (u mho/cm)	COD (mg/l)	TSS (mg/l)	TDS (mg/l)	Chloride (mg/l)
M-2 Recharge borewell	8.1	1143	33	71	628	111

Microbiological analysis

Sampling	Parameters
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Shanker¹¹Laboratories

F-277, Flatted Factory Complex, Captain Gaur Marg,
(Near Okhla NSIC Metro Station), Okhla, New Delhi - 110020

Known for Excellency in Testing



TEST REPORT

Dated: 13 July, 2023
Report No: 28499

Source: M/s Roof Top Rain Water, Mahesh Chand Saxena, A-388, Phase - 1, Chhatar Pur
Enclave, Phase -1 New Delhi-110074

Nature of Sample: Said to be Water

Sample ID: Drinking Water

Dt. of Receipt: 11.07.2023

Laboratory Mark: SL 28499

Test period: 11-13 July 2023

S. No	Parameter	Results	Test Method	Acceptable Limits as per IS: 10500-2012
1	pH	7.39	3025-Pt 11	6.5-8.5
2	Total Hardness as CaCO ₃ mg/L	15.00	3025-Pt 21	Not more than 200 mg/L
3	Calcium Ca mg/L	5.02	3025-Pt 40	Not more than 75 mg/L
4	Magnesium Mg mg/L	0.48	3025-Pt 46	Not more than 30 mg/L
5	Total Alkalinity CaCO ₃ mg/L	32.00	3025-Pt 23	Not more than 200 mg/L
6	Total Dissolved Salts TDS (mg/L)	54.00	3025-Pt 16	Not more than 500 mg/L
7	Chloride Cl mg/L	14.00	3025-Pt 32	Not more than 250 mg/L
8	Sulphate SO ₄ mg/L	8.00	3025-Pt 24	Not more than 200 mg/L

Remarks: The Water sample conforms For Drinking Water to the above specifications of IS 10500

Conditions:

1. Results given above refer only to the sample supplied.
2. The report is being issued on the specific understanding that Shanker Laboratories will not in any way be involved in any action following the interpretation of the above results.
3. This report shall not be reproduced, except in full, without the written permission of CEO, Shanker Laboratories, New Delhi..

Esha
Esha
Analyst

Neeraj
Neeraj Katyal
Authorised Signatory

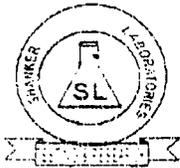
--- End of Test Report ---

NABL Accredited (TC-6113). MSME Reg. No. DL08D0002143

Phones : 9999993311, 9999990481, 9999552799, 9811505398

Email : shankerlaboratories@gmail.com

Website : www.shankerlaboratories.com



12 Shanker Laboratories

**F-277, Flatted Factory Complex, Captain Gaur Marg,
(Near Okhla NSIC Metro Station), Okhla, New Delhi - 110020**

Known for Excellency in Testing

TEST REPORT

Dated: 13 July, 2023

Report No: 28499

Source: M/s Roof Top Rain Water, Mahesh Chand Saxena, A-388, Phase - 1, Chhatar Pur Enclave, Phase-1, New Delhi-110074

Nature of Sample: Said to be Water

Sample ID: Drinking Water

Dt. of Receipt: 11.07.2023

Laboratory Mark: SL 28499

Test period: 11-13 July 2023

S. No	Parameter	Results	Test Method	Acceptable Limits as per IS: 10500-2012
1	Colour Hz	1	3025-Pt 4	Not more than 5Hz
2	Odour	Agreeable	3025-Pt 5	Agreeable
3	Turbidity NTU	Nil	3025-Pt 10	Not more than 1
4	Iron Fe mg/L	BDL (DL 0.01mg/L.)	3025-Pt 53	Not more than 1 mg/L
5	E Coli	Absent	1622	Absent
6	Total Coliform	Absent	1622	Absent

Remarks: The Water sample conforms For Drinking Water to the above specifications of IS 10500
BDL: Below detection limit. DL: Detection limit.

Conditions:

- Results given above refer only to the sample supplied.
- The report is being issued on the specific understanding that Shanker Laboratories will not in any way be involved in any action following the interpretation of the above results.
- This report shall not be reproduced, except in full, without the written permission of CEO, Shanker Laboratories, New Delhi.

Esha

Esha
Analyst

Neeraj

Neeraj Katyial
Authorised Signatory

--- End of Report ---

NABL Accredited (TC-6113). MSME Reg. No. DL08D0002143

Phones : 9999993311, 9999990481, 9999552799, 9811505398

Email : shankerlaboratories@gmail.com

Website : www.shankerlaboratories.com

DELHI JAL BOARD: GOVT. OF NCT DELHI
OFFICE OF THE DY. SE (RWH)
ROOM NO-208, VARUNALAYA PHASE-I,
KAROL BAGH, NEW DELHI-110005

No.DJB/DY.SE(RWH)/2023/1084 to 1088

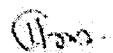
Date: 14/9/2023

PUBLIC NOTICE

Ground water resources in many parts of the city are over exploited. The extent of replenishment of ground water is much less than what the city as a whole is withdrawing due to its rapid urbanization. There is need to preserve ground water resources and to take effective measures for its sustainable availability. Rain Water Harvesting is considered as a simple, viable and eco-friendly method of conservation of water and a simple solution for ground water recharge.

Hon'ble NGT constituted a Joint Committee of DJB, DPCC and CPCB in the matter of O.A. No.147/2021 to ascertain the technical efficacy of installed systems, changes, if any required and the issue of contamination of ground water. Accordingly DPCC has directed DJB under section 33 (A) to issue necessary instructions to all the Group Housing Societies giving suitable timeline to make the arrangements for separate pipelines for roof top rain water for reaching in the Rain Water Harvesting Structures and separate disposal of Sewage/other waste water including the waste water arising from washing area and floor washing water.

It is here by informed to the Public that only Roof Top Rain Water should be connected to Rain Water Harvesting System and all other waste water from Balcony, Washing and Paved/Parking area should be separated from Rain Water Harvesting System. All concerned are directed to implement the above provision by 31.03.2023 positively failing which action shall be taken as per DJB norms.


Dy. SE (RWH)
(Delhi Jal Board)



DELHI JAL BOARD: GOVT. OF NCT OF DELHI
 OFFICE OF THE EXECUTIVE ENGINEER(RWH)-I
 ROOM NO. 208, VARUNALAYA PHASE-1
 KAROL BAGH, NEW DELHI-110005
 E-mail: rainwaterharvesting2013@gmail.com

75
 अमृतमयी
 अमृत महोत्सव

No.DJB/EE (RWH)-I/2024/ 2-265.

Dated:- 16/02/2024

PUBLIC NOTICE

It is here by informed to the Public that:

- > Only Roof Top Rain Water be connected to Rain Water Harvesting System and all other waste water from Balcony, Washing and Paved/Parking areas, where vehicular movement takes place, be separated from Rain Water Harvesting System. After installation of adequate & functional Rain Water Harvesting system, the Adequacy Certificate be obtained from RWH Cell of DJB, HQ/ DJB Empanelled Service Providers/ Architects registered with Council of Architects to avail rebate on monthly water bill & financial assistance scheme to the consumers of DJB.
- > On expiry of the validity of Adequacy Certificate of RWH system i.e. after two years from issue date, the same will be renewed mandatorily from RWH Cell of DJB, HQ for regular monitoring & inspection of recharge structures to avoid contamination and continuity of rebate.

All concerned are advised to ensure for implementation of the above provisions, failing which action will be taken as per DJB norms.


 EE (RWH)-I
 (Delhi Jal Board)
 EXECUTIVE ENGINEER
 RWH-I. D.J.B.
 JHANDEWALAN, N.D.-05

Scanned with OKEN Scanner

CS Scanned with CamScanner

जल बचाएं

07 FEB 2024

सेवा में,

दिनांक: 06/02/2024

महामहिम राष्ट्रपति महोदया

RECEIVED

पत्र सं० 120/2024

भारत सरकार, राष्ट्रपति सचिवालय,

राष्ट्रपति भवन, नई दिल्ली-110001

विषय: जल संरक्षण एवं पर्यावरण के संबंध में अनुरोध पत्र ।

महामहिम महोदया,

आपने भारत सरकार के बजट से पहले संसद भवन में भारत सरकार द्वारा किए गए कार्यों की जानकारी एवं अभिभाषण दिया । मैंने आपके समस्त अभिभाषण को सुना एवं देखा, आपके द्वारा दी जानकारी समस्त देश की जनता को मिली । वर्तमान भारत सरकार ने पिछले 10 वर्षों में जनता के कल्याण के लिए क्या-क्या कार्य किए हैं

आपने धाराप्रवाह शुद्ध हिन्दी में भाषण दिया । भारतीय इतिहास में आप पहली राष्ट्रपति महोदया हैं, जिन्होंने प्रिय सरल भाषा हिन्दी में एक घंटा भाषण दिया, मुझे बहुत प्रसन्नता हुई ।

महोदया, मैं Senior Citizen हूँ व दिल्ली NCR एवं देश के अन्य भागों के लिए Ground Water, Drinking Water, Sewage Water एवं पर्यावरण के लिए कार्य कर रहा हूँ । दिल्ली NCR एवं देश के अन्य क्षेत्रों में भूमिजल स्तर नीचे जाने के कारण व भूमिजल की उपलब्धता कम होने के कारण तत्कालीन केन्द्र सरकार ने सन् 2001 में एक Notification जारी किया था । कि 100 वर्ग मीटर से बड़े मकान, स्कूल, कॉलेज, फैक्ट्री, अस्पताल एवं अन्य भवनों में Roof-Top Rain Water Harvesting System बनाना अनिवार्य किया । और यदि कोई संस्थान प्रतिदिन 10,000 लीटर से ज्यादा Sewage Water, Waste Water (Generate) पैदा करता है ।

उस संस्थान को अपने यहां Sewage Treatment Plant बनाना होगा, Treated Water को Horticulture एवं अन्य कार्यों में उपयोग करना था। Roof-Top Rain Water Harvesting System जल संरक्षण के लिए बहुत अच्छा संसाधन है। सरोवर एवं तालाबों से अच्छी तकनीक Roof-Top RWH System है शहरों के अन्दर Water Body नहीं बनाई जा सकती। किसी भी शहर के Drinking Water की जरूरत पूरी करनी हो, जल स्तर उपर लाना हो या शहर में Water Logging खत्म करनी हो।

उस शहर के प्रत्येक मकान में केन्द्रिय भूमिजल बोर्ड केन्द्र सरकार की Recharge Borewell वाली डिजाईन से RWH System बनाएं। जिससे उस शहर की Drinking Water की समस्याएं खत्म हो जाएंगी। शहरों, कस्बों, टाऊन ऐरिया के सीवेज के लिए STP बनानी चाहिए थी। उस Treated Water को खेती के लिए सिंचाई में उपयोग करना चाहिए था। लेकिन STP न बनाकर सीवेज को नदियों एवं तालाबों में डाल दिया गया जिससे भूमिजल दूषित हो रहा है।

महामहिम महोदया, निःशंदेह आपकी सरकार के नेतृत्व में देश बहुत विकास कर रहा है। और आगे भी करेगा लेकिन मैं आपको एक जानकारी दे रहा हूँ, कि दिल्ली NCR एवं कुछ राज्यों में भूमिजल बचाने के प्रयास में RWH System से, तालाबों में Sewage Water डालने से, मकानों के अंदर कच्चे शौचालय बनाने से भूमिजल दूषित हो रहा है। मैंने अनेक गाँव एवं कस्बों में देखा है, कि गरीब किसानों की खेती वाली जमीन पर भी Sewage Water की Water Body बन गई है। जिससे वह बेरोजगार हो गए हैं।

मैंने Ground Water बचाने के लिए, दूषित न हो इसके लिए दिल्ली सरकार, हरियाणा सरकार, उ०प्र० सरकार व केन्द्र सरकार को अनेक पत्र लिखे । सरकार द्वारा मेरे पत्रों को संज्ञान में न लेने पर मुझे मजबूरन माननीय National Green Tribunal पर्यावरण कोर्ट में अनेक Petition File करनी पड़ी । कोर्ट ने अनेकों बार CPCB, CGWB, CGWA, DPCC, DJB की कमेटी बना कर Inspection करवाया । RWH System में दूषित जल मिलने पर सरकार एवं निजी संस्थानों पर करोड़ों रु० का पर्यावरण जुर्माना भी लगाया गया । लेकिन अभी भी दिल्ली NCR में भूमिजल लगातार दूषित हो रहा है ।

दिल्ली के द्वारका City में Rain Water Harvesting System की वजह से लगभग 40 वर्ग कि०मी० में भूमिजल दूषित हो गया है । कृप्या समाचार पत्र की प्रतिलिपी पेज सं० पर देखें ।

मैंने माननीय प्रिय प्रधानमंत्री सहित अनेक उच्च अधिकारियों एवं निजी संस्थानों को RWH के संबंध में पत्र लिखे, लेकिन किसी ने भी संज्ञान में नहीं लिया । इसीलिए मुझे बार-बार माननीय NGT, Hon. Delhi High Court, Hon. Supreme Court में जाना पड़ा भूमिजल बचाने के लिए लगभग 6 केस अभी भी विचाराधीन हैं । यदि महामहिम महोदया जी के निर्देश के अनुसार दिल्ली सरकार, उ०प्र० सरकार, हरियाणा सरकार एवं केन्द्र सरकार भूमिजल को दूषित करना बंद कर दे, तो मैं माननीय न्यायालय से सभी केस Withdraw कर लूँगा ।

केन्द्र सरकार के नेतृत्व में देश में NHA की बड़ी संख्या में हाईवे रोड़ बना रहा है । लेकिन Storm Water Drain में RWH System से गंदा पानी जमीन में रिचार्ज करके भूमिजल को दूषित कर रहा है ।

महामहिम महोदया, देश के इतने तरक्की करने के बाद भी यदि

गरीब जनता को पीने के लिए दूषित पानी मिले तो इसे देश के विकास के लिए क्या समझा जाए ? यदि इस भूमिजल को दूषित होने से न रोका गया तो आने वाले 10 से 15 वर्षों में भूमिजल इतना अधिक दूषित हो जाएगा । कि R.O./W.T.P. से भी पीने योग्य जल Recycle नहीं हो पाएगा । दिल्ली, उ०प्र०, हरियाणा में महाविनाश हो जाएगा ।

मैं Ground Water को दूषित करने के लिए Secretary MOJS, Chairman CGWA, CEO DJB और दिल्ली सरकार को दोषी मानता हूँ । क्योंकि इन्होंने अपनी जिम्मेदारी राज्य के अशिक्षित, Untrained अधिकारियों को सौंप दी । जबकि केन्द्र सरकार, CGWA/CGWB, पर करोड़ों रू० प्रतिवर्ष खर्च करती है । उत्तर प्रदेश में सरकार ग्रामीण क्षेत्रों में घर-घर मुफ्त शौचालय बनवा रही है । यह उ० प्र० सरकार का महिलाओं के प्रति बहुत सराहनिय कदम है । महिलाओं को बार-बार जंगल जानें के लिए बहुत कष्ट होता था । रात्रि के समय में जंगली जानवर हमला कर देते थे, जिससे उनकी मृत्यु तक हो जाती थी । लेकिन शौचालय की Non-Functional Design की वजह से भूमिजल दूषित हो रहा है । इसमें कुछ सुधार की आवश्यकता है, मैं आपके माध्यम से उ०प्र० के अति पिछड़े गाँव को Adopt करके Proper Functional सुन्दर शौचालय बनाना चाहता हूँ । जिससे भूमिजल दूषित नहीं होगा व Waste Water को खेती के कार्यों में उपयोग किया जाएगा ।

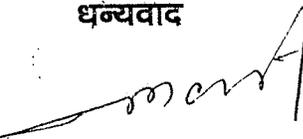
महामहिम महोदया से विनम्र पूर्वक अनुरोध है, कि देश के इस गंभीर जल समस्या को संज्ञान में लेकर केन्द्र सरकार, दिल्ली सरकार, Chairman CGWA को सुझाव एवं निर्देश दें ।

कि वह भूमिजल को दूषित न करें और Applicant के साथ मिलकर जहां-जहां भूमिजल दूषित हो रहा है । वहां Inspection करके उस समस्या का समाधान करें ।

लिखे गए पत्रों की लिस्ट निम्न प्रकार है:-

क्रम सं०	विवरण	दिनांक	पेज सं०
1.	माननीय PMO	01/03/2023	8-15
2.	सचिव जल शक्ति मंत्रालय	10/10/2022	16-18
3.	Chairman CGWA	22/11/2023	19-25
4.	Chairman NHAI	03/01/2022, 06/08/2022	26- $\frac{30}{31}$ -34
5.	Chief Secretary Delhi	14/02/2023	
6.	MD DMRC	20/09/2021	35-36
7.	CEO DAIL IGI Airport	05/02/2020	37-39
8.	Water Minister Delhi	02/06/2023	40-41
9.	Director AIIMS Delhi	24-4-2023	42-44
10.	MS DPCC	31/10/2023	48-49
11.	Chief Secretary Haryana	04/05/2023	50-55
12.	CEO Medanta Hospital		56-57
13.	मुख्य सचिव उ०प्र० सरकार	14-02-2023	58-59
13.	Report Water Body South Delhi CPCB OA499/2016	25/03/2019	60-64
14.	RWH Report CPCB OA166/2020		68-75
15.	प्रतिलिपी समाचार पत्र द्वारा सोसाईटी RWH System		76-77
16.	Article News Report Applicant		78-86.

धन्यवाद



महेश चन्द्र सक्सेना

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DPCC Report

unauthorized/illegal bore-wells and penalties imposed on violations by the court of local jurisdiction every quarter.

(c) MCD

Shall prepare and share the list of all such buildings where the area is more than 100 sq. mtrs and share the list with the office of Divisional Commissioner of Delhi. MCD shall also ensure the adherence to building bye laws notified by MoUD vide notification dated 28.07.2001 by all the buildings having plot area greater that or equal to 100 sq. mtr regarding rain water harvesting.

(d) Delhi Jal Board

Shall provide all technical assistance regarding designing and inspection of the rain water harvesting systems through the executors empanelled by it. In case of violations of the Hon'ble NGT orders dated 16.11.2017 in O.A. No. 217/2016 DJB shall be recovered by DJB as per the compensation laid down by Hon'ble NGT.

11. That the Government of NCT of Delhi has suggested in the compliance report dated 17.05.2023 to this Hon'ble Tribunal to issue suitable directions so that Environmental Compensation may be imposed on faulty / non- installation/ non-operational RWHs, where it is mandatory to install, as per Building By-Laws, as per following slab with respect to residential purposes:

Plot size	Amount of Environmental Compensation
100-500 Mts	50,000/-
501-2000 Mts	1,00,000/-
2000-5000Mts	2,00,000/-
5000 Mts and above	5,00,000/-

For non residential purpose fine may be enhanced by 50%. The above proposed EC shall be imposed by Delhi Jal Board/ DPCC/ District Magistrate/ Municipal Zonal Deputy Commissioner in their territorial jurisdictions and deposited in the separate account (which

will be operated by DPCC) and the amount so collected will be utilized for the purpose of promoting the RWHS in Delhi. In case of non-deposition of EC by the defaulter, the same shall be recovered by Revenue Department as arrears of land revenue on emergent basis.

12. That it is most respectfully submitted that the present status report may kindly be taken on record.


(Ajeeta Dayal Agrawal)
Sr. Env. Engineer,
Delhi Pollution Control Committee

Date: 4/1/24

Place: Delhi

To,
Chairman
CGWA/CGWB
Jamnagar House
New Delhi

Sub: With respect to rainwater harvesting design, water management development and treatment of polluted water

Sir,

1. The undersigned is writing this letter to bring to your notice the pathetic situation of the ground water in the Delhi NCR area .
2. Till the year 2000 the groundwater of Delhi NCR area was at par with Mineral water. And the borewells used to supply drinking water in the thousands of apartments flats, colonies etc constructed by the DDA. And therefore there was no requirement of RO System for drinking water. Delhi Jal board also used to supply drinking water from this borewells.
3. However today the groundwater of Delhi and ancient areas has become polluted at several places and it cannot be used for drinking. R O is being used for supply of drinking water. If this speed of deterioration continues than in the coming 10-20 years the RO system could not be able treat the existing ground water. And this will mostly affect the poor people who will not be able to afford costly treated water. It proves that the quality of environment also affect the economy of the people.
4. In the year 1970 the then central government has established the central groundwater board and during that time the entire Delhi NCR area did not have any deficiency of good quality groundwater which as stated above was equivalent to mineral water. The central government has established the Central Groundwater Board with the purpose that Delhi and the entire country should not face the deficiency of groundwater in the future and further to prevent the pollution of the groundwater.
5. However in the year 1980 the groundwater of the Delhi NCR area started receding and availability of the groundwater in the year 1990 also seriously affected and the depth of groundwater in many parts of Delhi have gone below 30 metre. By the year 2000 the depth reached 40 metre and in many areas the groundwater has now reached below 60 metre.
6. It is a matter of fact that in South Delhi area the Delhi Jal Board is digging more than 600 feet below the ground to extract groundwater

and despite this it does not find groundwater even at this depth. This fact can be compared with the situation that in the year 1980 the depth of groundwater was around 3 to 8 metre below the ground level and depth of borewell never went below 100 to 150 feet and the borewell used to provide around 50000^{Ltrs} per hour of groundwater.

7. This increasing trend of depletion of ground water captured the conscience of the govt and Courts. The Supreme Court took cognisance of the situation in the case of M C Mehta versus Union of India and directed the Central Government to establish CGWA and also directed to give this body certain powers. The purpose of establishment of the CGWA was water management, water development and prevention of pollution etc. And thus the CGWA got established in 1997.
8. In the year 2000, the Central government has issued a notification that in every building in Delhi NCR area whose area is more than 100 metre square should be having rooftop in water harvesting system as a mandatory feature on the instructions of the central government the CGW B scientist geologist Hydrologist Civil Engineer Mechanical Engineer has used drilled machines and dug up the bore wells and did extensive research and survey. After the survey the standard rooftop rain water harvesting design was formulated which is scientific design. And further they have found that at places where the groundwater level is 5 metre below the ground level the Rainwater Harvesting System is not required in those places and places where the groundwater is below 5 to 15 metre then the recharge bore well is not required for such structures. For borewell below 15 metre the recharge borewell is required to be constructed.
9. The recharge borewell was mandated to be kept 3-5 metre above the groundwater level. For building area between 100 metre to 500 metre, the RWH pit recharge structure is mandatory.
10. As per the experience of the undersigned the design with recharge borewell design is proper functional. In Delhi region most of the buildings are between 100 to 300 metre square and with full covered area. In these buildings without borewell recharge design should be followed. This will make the foundation of the building weak and vulnerable. Because foundation of the building should be kept strong and dry.

I am providing you the following information as to how, why and who is responsible for the pollution of the ground water-

1. After 2001 notification by Central govt for mandatory construction of the Roof Top Rain Water Harvesting System, it was first implemented in the Residential Societies in Dwarka region of the Delhi by construction of the Roof Top Rainwater Harvesting System. For the

Dwarka region till 2013, around 250 societies have implemented the design of RWH system where the RWH system was connected with the Storm Water Drain. The same storm water drain of the society also receives the waste water from the balcony, washing area, surface area and other waste water. The contractors have constructed the RWH system and linked them with the storm water drain. CGWB has prescribed the depth of the recharge borewell as 15 to 18 metre in the Dwarka region. However the contractor for his personal interest, has dug up the borewell with 20 to 50 metre depth. And also connected the storm water drain with the RWH system and thus recharged the polluted water along with rain water through these RWH system.

2. After 2013, the Delhi Jal Board has been constituted as the ground water authority for the Delhi region. Till 2016 the Delhi Jal Board was providing the design prescribes by the CGWB to the residential societies of the Dwarka region. However from 2017, the Delhi Jal Board has adopted the design of RWHS without recharge borewell.
3. To prevent the pollution of the ground water of Dwarka, the undersigned has filed an Original Application No. 147/2021 before the National Green Tribunal Principal Bench New Delhi. The inspection was carried out by the committee constituted by the Hon'ble Tribunal and which has found chemical in the sample collected from the RWH pits of the Dwarka Societies. Thereafter the Delhi Jal Board issued notification for the understanding of the common man, that for the purpose of RWH only roof top rain water should be recharged. The notice was also given to the Societies of Dwarka region.

The copy of the public notice by the DJB and to the Dwarka Societies is at page no. → 8-10 :

4. After the said notice only 6 societies in Dwarka region has constructed the Roof Top Rain Water as per the CGWB design. The other societies have raised question as to why DJB has declared the previous design as functional??? The Delhi Jal Board has given a grant of Rs 177 Crore to these societies. The ground water got polluted and the money also got wasted.
5. Under the supervision of the CGWB, the Chhatarpur mandir has constructed 12 RWHS in its premises. However instead of roof top rain water, the surface water was recharged into the RWHS. The Surface area water also included the cow dung and manure present in the area and in Original Application no. 166 of 2020 before the

National Green Tribunal Delhi, inspection was carried out and found that sample from the RWH pit consisted of sewage. Further as per the report of the CPCB on this, the recharge borewell of the RWHS in the temple were dug upto 200 feet below the ground level. And due to deposition of silt, the borewell has become 130 feet deep. Gradually the recharge borewell will get choked.

6. The firm/company which has constructed the RWHS in Dwarka and Chhatarpur temple, is named as Rachna water well. The firm has untrained contractors who have no knowledge of the RWHS. And despite this the DJB and CGWB has registered them as contractors. The contractors need to be trained by the DJB/CGWB in installing the RWHS. The training certificate is enclosed herewith → C.S.E.N.G.O Page N. 10A
7. In the year 2013, the then Hon'ble LG of Delhi has formed the DJB as the ground water authority in place of CGWB. The Hon'ble LG was not aware of the fact that the DJB was not having Hydrologist, Geologist etc. No officer of the DJB has ever researched or surveyed upon the RWHS or water bodies. DJB has adopted the CGWB design of the recharge borewell till 2016 and thereafter suddenly dropped it after 2017 and instead adopted the without recharge borewell design whose filter media is defective. The DJB is continuously adopting and prescribing the without recharge borewell design in Delhi region where water level is 15 to 60 metre deep. As per the standard design prescribed by the CGWB, the place where the depth of the ground water is below 15 metre then recharge borewell must be included in RWHS.
8. The DELHI JAL BOARD is itself polluting the ground water. In OA 166/2020 before the Hon'ble NGT, the CPCB in its report at page no. 11-18 Delhi Jal Board has transformed the drinking water borewell of 500 metre depth into recharge borewell of RWHS. The monsoon and surface water which comes in to storm water drain is entering these RWHS and thus recharging the polluted water in the ground. In this regard the undersigned has written letter to the CEO, XEN RWH etc. The same are at page no. 19-22
9. In the same manner the PWD is recharging the street surface water and sewage water in to the recharge borewell. The inspection report is at page no. 23
10. National Highway Authority of India (NHAI) is another agency creating havoc in the country by constructing the RWHS all along the high ways where these system are connected with storm water drain which receives sewage and street water. And thus the sewage water is going into these recharge pits. In Original Application No. 526/2019 before the Hon'ble NGT, the DPCC after inspection found sewage water in the recharge pits and the Rs 50-50 Lakh Compensation each was imposed upon the NHAI, DDA, PWD. The copy of the DPCC notice

imposing compensation upon DDA is at page no. 0-24. The committee which recommended for penalty was also having Sh. Jyoti Kumar as CGWB Scientist and he himself suggested for closure of such types of RWHS. And neither such system be installed in future. The report of the committee is enclosed herewith. And the order of the NGT is also at page no. 32-35. Pg. 25-31

11. The NHAI has constructed the recharge borewell in the storm water drain all over the road from Delhi to Agra and in cities like Faridabad, Palwal etc and further these borewells are around 220 feet deep. NHAI can only harvest the rain water which falls on flyover. The copy of the letter written to the NHAI is at page no. 36-42.
12. The private institutions and people in the Delhi region are adopting the non functional design from the DJB and constructing the RWH system as per these designs. The govt departments like DDA, NBCC, PWD, MCD, Hospitals, Factories, Malls etc have adopted faulty designs in their RWHS. In Delhi Fish Market, the waste water mixed with blood is being recharged into the RWHS.
13. Every one in Delhi is either adopting the faulty design of the DJB or adopting its own whimsical design of the RWHS where the waste water, sewage water etc is being recharged through these inherently faulty designs. All builders, architects, Consultants etc are linking the Storm water drain with the RWHS.
14. The NCR region cities like Gurugram, Faridabad, Noida, Ghaziabad, Raj Nagar etc are witnessing the same situation where the builders of commercial buildings, Malls, Factories, Hospitals have connected the storm water with the RWHS and thus waste water is going in the RWHS all over the NCR region which is the reason for the pollution of the ground water.
15. In Original Application no. 147 of 2021, the Hon'ble National Green Tribunal has passed the order that Rain Water Harvesting system should receive only rooftop rain water for harvesting. The copy of the same is at page no. 43-48.
16. That the recharge borewell designed by the CGWB has clearly mentioned that the rain water harvesting pit should receive only rooftop rainwater and this pipe of rooftop rain water should open directly in RWH pit without any leakage and the overflow from the rainwater harvesting pit should reach storm water drain and not the vice versa and these contractors architect and the consultant has never studied the design and never monitored the functioning of this RWH System.
17. The standard rooftop rain water harvesting design prescribed by the CGWB is never been followed and adopted by any agency be it NHAI, PWD, DJB, DDA, MCD, Schools, Hospitals, RWA etc.

18. It is submitted that it is the responsibility of the CGWB to prevent the Ground water of the country from being polluted and for this purpose it cannot shy away from its responsibility of monitoring and ensuring that its design of RWHS is followed in letter and spirit by every institution be it private or govt and with a accountability to the environment.
19. The CGWB should widely publicise the correct RWHS design to be adopted by each and every institution. There should be punitive action against those who are not following the design prescribed by the CGWB.
20. In the similar manner in the outskirts of the NCR region mainly in villages the septic tanks have been constructed under the various schemes of constructing toilets etc. However, these septic tanks are weak base and chances of leakage of excreta is high from these structures. And thus Ground water which is at depth of just 10 metre, below these structures is vulnerable to pollution.
21. It is requested from the Chairman of the CGWB/CGWA to immediately ensure that new RWHS must be constructed with the CGWB roof top RWHS design. The copy of the rooftop parameter report is at page no. 49-50
22. The existing RWHS installed in the Delhi NCR area must be redeveloped on the lines of the standard design prescribed by the CGWB and the defunct system and non functional system should be closed. No recharge is better than polluted recharge.
23. The change of the ground water authority to DJB does not end the responsibility of the CGWB.
24. The undersigned have written letters to the Hon'ble Prime Minister. The copy is at page no. 51-57 The CGWB has replied by two letters whose copy is at page no. 58-61. It is submitted that no real outcome will come by only writing letters and for the real outcome things have to be done at the ground level. The CGWB has to use its power under section 5 of the EP Act 1986. The CGWB has power to inspect the RWHS and also has power to remedy the situation and impose appropriate penalty and compensation without any permission from any other authority or Courts etc.
25. The CGWB has been setup by the Central Govt and the Hon'ble Supreme Court with the motive of Ground water development, Ground water management. However nothing has been done in the name of Ground water management. The silver lining is that we still have time to remedy the situation if we act diligently and with positive attitude towards preventing pollution of ground water rather than just creating RWHS for the name sake.

manj
Thanking You
Mahesh Chand Saxena

Environment and Ground Water Activist
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M. 9540844936
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CHIEF EXECUTIVE OFFICER
RECEIVED

13/11/23
DELHI JAL BOARD

Copy to :

1. Chief Secretary Delhi Govt
2. CEO Delhi Jal Board



जल बचाएं

सेवा में,

Annexure A-8

दिनांक: 26/02/2024

CEO, दिल्ली जल बोर्ड

DELHI JAL BOARD

पत्र सं० 121/2024

नई दिल्ली, दिल्ली

विषय: RWH एवं महरौली STP के संबंध में पत्र ।

श्रीमान जी,

जैसा कि आपने EA.34/2023 माननीय NGT कोर्ट में Reply File की है । जिसकी प्रतिलिपी साथ में संलग्न है । श्रीमान जी, मैं आपको जानकारी दे रहा हूँ कि आपके द्वारा Reply में दी गई जानकारी असत्य है । आपसे निवेदन है, कि आप Reply में स्वयं हस्ताक्षर ना किया करें । Chief Engineer के द्वारा Reply File करवाया करें । दिनांक 22/02/2024 को माननीय NGT ने गलत Reply File करने पर Member Secretary DPCC पर Rs.10,000/- का जुर्माना लगाया है । मैंने दिनांक 25/02/2024 को Chief Engineer STP एवं आप को जानकारी दी थी । फिर भी आपने गलत Reply File की है, दिनांक 25/02/2024 को लिखा पत्र संलग्न है । श्रीमान जी विनम्र अनुरोध है, कि आप तत्काल Chef Engineer water body, Director Quality Control को मेरे साथ दिल्ली जल बोर्ड द्वारा बनाए गए RWH System का Inspection करने के लिए भेजें ।

सभी RWH System, Water Level से 50-500 फिट गहरे हैं । सभी RWH System में Sewage Water, Waste Water है । ज्यादातर सभी RWH Storm Water Drain से जुड़े हुए हैं व Non-Functional हैं । आपके द्वारा कार्यवाई न करने पर मैं इस संबंध में Hon. NGT को दूँगा ।

महरौली STP की दूसरी गंभीर समस्या डिस्पेंसरी की सड़क को लेकर है महरौली डिस्पेंसरी महरौली STP के अंदर है, इसके लिए अलग से By-Pass रास्ता बनाया हुआ है, इस रास्ते को दिल्ली जल बोर्ड के अफसरों ने Sewar Line डालने के लिए पिछले 6 महीने से गड़दा खोद रखा है । जिससे डिस्पेंसरी में जाने वाले Sr. Citizen Hard Patent को बहुत ज्यादा दिक्कत हो रही है । Patent को STP के अंदर होकर डिस्पेंसरी जाना पड़ता है । STP के अंदर रास्ते में Mithen Gas की बहुत बदबू होती है । कृपया by-pass रोड़ को ठीक करने का सख्त निर्देश दें ।

स धन्यवाद

श्री महेश चन्द्र सक्सेना

Ground Water Activist

ए-388, छत्तरपुर एन्क्लेव, फेज-1,

नई दिल्ली-74

मो० 9540844936

Item No.07

Court No. 1

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

Execution Application No. 04/2023
in
Original Application No.147/2021

Mahesh Chandra Saxena

Applicant

Versus

The Chief Secretary, Govt. of NCT of Delhi &Ors.

Respondent(s)

Date of hearing: 05.01.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Mahesh Chandra Saxena, Applicant in Person

Respondent: Ms. Richa Kapoor & Ms. Shisham Pradhan, Advs. for DJB
Ms. Anjali & Mr. Narender Pal Singh, Advs. for DPCC

ORDER

1. This execution application has been filed for execution of the order of the Tribunal dated 10.12.2021 passed in OA No.147/2021.
2. The Original Application involved the issue of contamination of water of the rain water harvesting systems installed in the housing societies in Dwarka, Delhi.
3. Tribunal, in the execution application, by order dated 09.02.2023 had directed for filing the action taken report and accordingly, compliance report was filed on behalf of Govt. of NCT of Delhi dated 17.05.2023. Tribunal had taken note of the alarming aspect of the report disclosing that in 180 societies contamination was found in sample water on account of presence of ammonical nitrogen and total dissolved solid for which no plausible explanation was submitted and no remedial action

was suggested. Accordingly, a direction was issued to submit the report on both the aspects i.e. relating to factual situation found on the spot and the remedial action.

4. In terms of the directions of the Tribunal, one action taken report dated 04.01.2024 has been filed by the DPCC which reiterates the fact that 180 samples were found to be contaminated primarily on account of presence of ammonical nitrogen and total dissolved solid in sample water. The report states that contamination in the sample was found due to presence of organic matter and mixing of society waste in RWA pits. The reason disclosed for the same was that common pipeline for roof top rain water harvesting structure and waste water emanating from washing machines and floor washing area were found to be connected and mixed. said reason does not appear to be appealing in view of the presence of ammonical nitrogen found in the sample.

5. There is another report filed by DPCC on the same date relating to remedial action and the said report discloses the following remedial action by DJB:-

“8. Remedial Action taken by Delhi Jal Board in the present case, so far:

(a) The Delhi Jal Board has issued Public Notice for public at large on 14-02-2023 whereby the Societies, in which non-functional or partially functional RWHS were found, were directed to take remedial steps by 31-03-2023 and furnish compliance report to DJB.

(b) In the above public notice, DJB issued directions to all the stake holders for taking following remedial measures to avoid contamination of Ground Water through RWH System:

- i. Paved, balcony and washing area runoff to be diverted into municipal drain.*
- ii. Only rooftop rain water to be harvested.*
- iii. Ensure the capacity of RWH system as per roof top runoff.*
- iv. Filter media to be replaced at regular interval as per norms.*
- v. Recharge bore well to be end capped and to be cleaned at regular interval as per norms.*

(c) The Delhi Jal Board on 28.04.2023 has written to the Federation of Dwarka CGHS, requesting the Federation to ensure that no contamination of ground water takes place through RWHs.

(d) The Federation of Dwarka CGHS has responded to the letter issued to it, on behalf of all the residential societies in Dwarka, which is under consideration with Delhi Jal Board."

6. In the proposed way forward, report only states about constitution of the committee and awareness programmes.
7. Learned Counsel appearing for the DPCC seeks four weeks time to file a fresh report after re-examining the source of contamination and reason for presence of ammonical nitrogen and total dissolved solid in samples. The said report will also disclose the extent of fecal coliform in the samples.
8. Let the same be filed within four weeks.
9. List on 05.03.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

January 05, 2024
Execution Application No. 04/2023
IN Original Application No. 147/2021
JG.