

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

Original Application No. 144/2025

In the matter of:

News Item Titled "Deep Dive into illegal Water Business" appearing in the Times of India dated 02.04.2025

NDOH: - 10.09.2025

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Filed by

[Handwritten Signature]

New Delhi:

Dated: 14th.08.2025

Delhi Pollution Control Committee

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

Original Application No. 144/2025

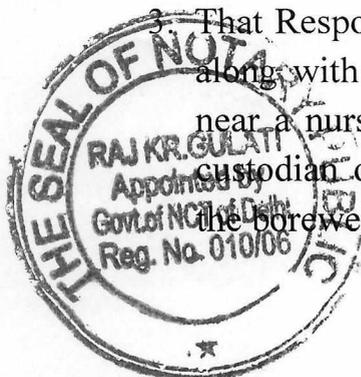
In the matter of:

News Item Titled "Deep Dive into illegal Water Business" appearing in the Times of India dated 02.04.2025

ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE (RESPONDENT NUMBER-3) WITH RESPECT TO THE ORDER DATED 04.04.2025.

I, M.S. Rawat, Sr. Environmental Engineer, Delhi Pollution Control Committee, 3th Floor, Block-B, IT Park, Shastri Park, Delhi- 110053, do hereby solemnly affirm and state as under:

1. That, I am working as Sr. Environmental Engineer, Delhi Pollution Control Committee and am conversant with the facts of the present case on the basis of record maintained by Delhi Pollution Control Committee in its ordinary course.
2. That this Hon'ble Tribunal took up the above referred matter on 04.04.2025, on the basis of the news report dated 02.04.025 regarding disclosing illegal extraction of ground water along the river Yamuna bed abutting Noida link road at Mayur Vihar, Delhi and clandestine and large-scale operation of such borewells extracting water even at night. This Hon'ble Tribunal pleased to issue notice.
3. That Respondent Number-5 informed to this Hon'ble Tribunal that, they along with local police visited the site and found two illegal borewells near a nursery in Yamuna Khadar. Despite vigorous efforts, the owner/Custodian of the said offending borewells could not be identified. Both the borewells have since been sealed.



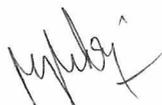
4. That, the answering respondent issued a letter on 26.06.2025 to the DM (East), requesting them to look into the matter and direct the concerned authorities to take necessary action. Further, Revenue Office was asked to provide the details of the borewell at the earliest, so that suitable Environmental Compensation can be levied in accordance with the CPCB guidelines. Copy of the letters dated 26.06.2025 is enclosed herewith as **ANNEXURE-1**. Response to this letter is yet to be received.
5. CGWA vide its directions dated 27.05.2025 has constituted a committee comprising of representative of DJB, CGWA/CGWB, DPCC, CPCB, DM (East) & DDA for investigation issues raised in Hon'ble NGT matter in OA No. 144/2025 "News Item Titled "Deep Dive into illegal Water Business" appearing in the Times of India dated 02.04.2025". Further, CGWA directed respective departments to depute representative for this Joint Committee. DJB shall be Nodal Agency of Joint Committee. CGWA letter dated 27.05.2025 attached as **ANNEXURE-2**
6. That, in compliance of CGWA directions dated 27.05.2025, DPCC has nominated Sh. Ajay Singh Meena, AEE for the joint committee and informed CGWA vide letter dated 04.08.2025. DPCC letter dated 04.08.2025 attached as **ANNEXURE-3**
7. That, in compliance of the order of this Hon'ble Tribunal in OA 685/2019, a meeting was taken by the Chief Secretary, Delhi with Municipal Authorities, Delhi Jal Board, DPCC and District Magistrates of Delhi on 12.06.2020. The Government of Delhi, has prepared a SOP titled as "Regulation of extraction of ground water, closure, prohibition of illegal activities relating to use of borewells / tubewells" for laying out an effective mechanism for prevention of illegal extraction of ground water. As per SOP following actions are required to be taken by different authorities of GNCTD:
 - Drawing ground water through borewell or tube well for domestic, commercial, agricultural or industrial uses without the prior permission of the "Competent Authority" will be considered illegal and without authority of law.
 - The Deputy Commissioner (Revenue) is required to supervise checking violation i.e. detection of illegal wells and closure thereof.



- For the purpose of closure of illegal borewells/tubewells, joint action teams under the supervision of the concerned SDM will be formed for ensuring effective coordination. The joint team will comprise field functionaries from DJB, DISCOMs and Local Police.
- The Deputy Commissioner who is the chairperson of the Advisory Committee will forward the details of illegal borewells to the DPCC for levying Environmental Compensation (EC) for illegal extraction of ground water.
- The DPCC will assess EC as per the methodology devised by CPCB in its report dated 26.06.2019. After assessment of the EC, demand will be raised and in cases of non-recovery, SDM to recover EC as arrears of land revenue.

Copy of the SOP and copy of minutes of meeting dated 19.06.2020 attached as ANNEXURE-4 (Colly.)

8. That para 7 as above shows that Delhi Jal Board has to identify the illegal borewell, concerned SDM has to seal it and DPCC has to impose EDC.
9. That, in view of the above, the present action taken report may kindly be taken on record.


DEPONENT

VERIFICATION

I, the above-named deponent, declare the contents of the present affidavit are true and correct to the best of my knowledge based upon the documents and records available in the office and nothing material has been concealed therefrom.

Verified at New Delhi on this 11 day of August 2025.



~~ATTESTED~~

NOTARY PUBLIC
GOVT. OF NCT OF DELHI

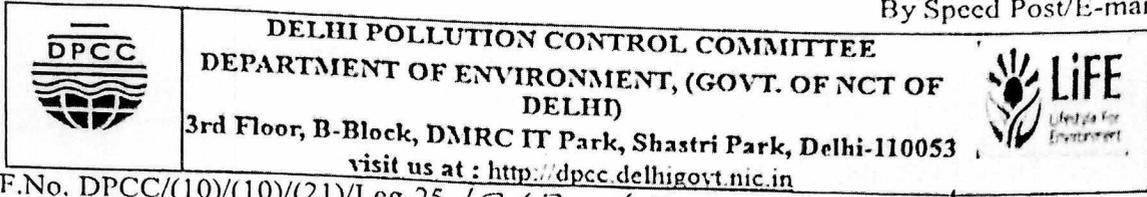
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DEPONENT

Annexure - 1

(4)

By Speed Post/E-mail



F.No. DPCC/(10)/(10)/(21)/Leg-25 / 763-68

Date: 26/06/2025

To,

The District Magistrate (East) O/o
District Magistrate (East), LM Bund,
Shastri Nagar, Delhi-110031

Subject: Compliance of the Order of Hon'ble NGT dated 04.04.2025 in OA No.144/2025 titled "News Item Titled "Deep Dive into illegal Water Business" appearing in the Times of India dated 02.04.2025".

Sir,

This is in reference to the Order of Hon'ble NGT dated 04.04.2025 in OA No.144/2025 titled "News Item Titled "Deep Dive into illegal Water Business" appearing in the Times of India dated 02.04.2025"(copy enclosed).

The matter relates to the illegal extraction of groundwater along the Yamuna riverbed abutting Noida link road at Mayur Vihar in Delhi. As per the article, a clandestine and large-scale operation of illegal borewell-based water extraction during nighttime is going on, involving an organized network of tankers siphoning off groundwater. The article reveals that heavy machinery like JCBs and earthmovers are used to dig these borewells, and the extracted water is sold to unauthorized buyers.

The news item further states that the extraction process is highly organized. At night, workers begin operating multiple borewells using underground pipelines connected to powerful submersible pumps. The water is pumped continuously into large tankers, each of which takes approximately 30 minutes to fill. A designated man maintains a register, recording each tanker's details before it leaves for delivery. The news item also highlights that as per the Central Ground Water Board, Delhi extracted 100.7% of its groundwater in 2024, meaning thereby it drew out more groundwater than it recharged. It is also stated that the Delhi Jal Board has identified 20,625 illegal borewells or sites where the groundwater was being illegally extracted.

In view of above, you are hereby requested to look into the matter and direct the concerned to take necessary action under intimation to this office. If the borewell found without permission from the competent authority, please take necessary actin and ensure sealing of illegal borewell and stoppage of ground water use with immediate effects.

Further, please inform this office following details of borewell (as per the format) as the earliest so that suitable Environmental Compensation can be levied as per the CPCB guidelines (Chapter- IV) dated 15.07.2019 (copy enclosed) accordingly:

o/c

5

Sl. No.	Information
1	Name and address of premises
2	Total no. of Borewells.
3	Details of permission from Competent Authority if any. (Enclose copy of permission for extraction of groundwater from the competent authority)
4	Quantum of Groundwater extracted (in KLD)
5	Power of Pump being used to extract groundwater (in HP).
6	Diameter of borehole (in Inches)
7	Depth of Borewell (in meter)
8	Operational Hours of Pump per day
9	No. of days of operation of Borewell
10	Purpose of Borewell (Industrial/ Commercial/Domestic)
11	Area category (Safe, Semi critical, Critical , Over-exploited)

This issues with the approval of Competent Authority, DPCC.

Yours sincerely,

Meghraj
Singh Rawat

Digitally signed by Meghraj
Singh Rawat
Date: 2025.06.26 16:58:05
+05'30'
SEE, CMC-I

Encl: as above

Copy to:

1. The Divisional Commissioner (Revenue), GNCDT, 5, Shammah Marg Delhi-110054.
2. The Vice-Chairman, DDA B-Block, 1st Floor, INA, New Delhi- 110023.
3. The Member Secretary, CGWA, Ministry of Jal Shakti, CSMRS Campus, Olof Palme Marg, Hauz Khas, New Delhi-110016.
4. The SDM (Mayur Vihar), Block-A O/o District Magistrate (East), LM Bund, Shastri Nagar, Delhi-110031.
5. Master file, CFC-I.

2. Central Ground Water Authority (CGWA) so far has notified 162 areas, in the country for the purpose of regulation of ground water development.
3. Regulation of Ground Water development in Notified areas is through District Administrative Heads assisted by Advisory Committees under the provisions of Section 4 of the Environment (Protection) Act, 1986.
4. In Notified areas, ground water use in individual houses, infrastructure complexes like group housing societies, hospitals, schools etc. and drinking water requirements of workers in industries can be allowed.
5. NOC for ground water withdrawal will be considered only if Water Supplying Department is not providing adequate water in the area/premises. Proof for this is to be produced from the concerned authority by the applicant.
6. For individual houses, the maximum diameter of the tube-well should be restricted to 4 inch only and the capacity of the pump should not exceed 1HP. For infrastructure projects, maximum diameter of the ground water abstraction structures should be restricted to 150 mm (6 inches) only and capacity of the pump should not exceed 5 HP.
7. Any violation of the above conditions will attract legal action under Section 15 of the Environment (Protection) Act, 1986.

For Non-Notified Areas:

NOC for ground water withdrawal will be considered for industries/infrastructure/packaging as per safe, semi critical, critical and over-exploited criteria.

4.5 Formula for Environmental Compensation for illegal extraction of ground water

The committee decided that the formula should be based on water consumption (Pump Yield & Time duration) and rates for imposing Environmental Compensation for violation of illegal abstraction of ground water. The committee has proposed following formula for calculation of Environmental Compensation (EC_{GW}):

$$EC_{GW} = \text{Water Consumption per Day} \times \text{No. of Days} \times \text{Environmental Compensation Rate for illegal extraction of ground water (} ECR_{GW} \text{)}$$

Where water Consumption is in m^3/day and ECR_{GW} in $Rs./m^3$

Yield of the pump varies based on the capacity/power of pump, water head etc. For reference purpose, yield of the pump may be assumed as given in **Annexure-VI**.

Time duration will be the period from which pump is operated illegally.

In case of illegal extraction of ground water, quantity of discharge as per the meter reading or as calculated with assumptions of yield and time may be used for calculation of EC_{GW} .

4.6 Environmental Compensation Rate (ECR_{GW}) for illegal use of Ground Water

The committee decided that the Environmental Compensation Rate (ECR_{GW}) for illegal extraction of ground water should increase with increase in water consumption as well as water scarcity in the area. Further, ECR_{GW} are kept relaxed for drinking and domestic use as compared to other uses, considering the basic need of human being.

Chapter-IV: Environmental Compensation in Case of Illegal Extraction of Ground Water

4.1 Background

The Hon'ble National Green Tribunal (NGT), Principal Bench in the matter of Shailesh Singh v/s Central Ground Water Board & Ors. (Original Application No. 327/2018) vide order dated 03/01/2019 (Annexure-V) directed Central Pollution Control Board (CPCB) that:

"CPCB may constitute a mechanism to deal with individual cases of violation of norms, as existed prior to Notification of 12/12/2018, to determine the environment compensation to be recovered or other coercive measures to be taken, including prosecution, for past illegal extraction of ground water, as per law."

4.2 Constitution of the Committee

In compliance to Hon'ble NGT dated 03/01/2019, CPCB constituted a committee under the Chairmanship of Shri A. Sudhakar, DH, WQM-I Division with Shri P. K. Gupta, DH, IPC-VI, Shri Vishal Gandhi, Sc. D, UPC-I Division and Smt. Suniti Parashar, Scientist B, WQM-I Division as members. The committee was asked to deliberate on this issue and come up with draft formulation of mechanism to determine the Environmental Compensation for illegal extraction of ground water.

4.3 Methodology for Assessing Environmental Compensation

The committee discussed the issue on 07/02/2019, 07/03/2019 and 20/3/2019. The committee deliberated on the issue of Environmental Compensation to be recovered from individuals/industries such as domestic, packaging drinking water units, mining & infrastructure projects and industrial units in case of illegal extraction of ground water. The Guidelines/Criteria for evaluation of proposals/requests for Ground Water Abstraction, 2015 were also discussed and based on this further formulation to levy Environmental Compensation has been evolved.

4.4 Ideology of Environmental Compensation w.r.to illegal extraction of ground water

Ground water is becoming an increasingly scarce resource because of its unabated and indiscriminate over-exploitation. Growth in ground water exploitation, however, has led to a steep fall in water table in several parts of the country. Use of ground water is becoming unsustainable day by day. The falling water table is a matter of special concern since it tends to reduce the accessibility of the resource to small and marginal farmers due to increase in costs of extractions.

Specific conditions applicable in Notified/Non-Notified areas for various users, as mentioned in Guidelines/Criteria for evaluation of proposals/requests for Ground Water Abstraction, 2015 are given below:

For Notified Areas:

1. Permission to abstract ground water through any energized means will not be accorded for any purpose other than drinking water.



4.6.4 ECR_{GW} for Industrial Units:

Sl. No.	Area Category	Water Consumption (m ³ /day)			
		<200	200 to <1000	1000 to <5000	5000 & above
Environmental Compensation Rate (ECR _{GW}) in Rs./m ³					
1	Safe	20	30	40	50
2	Semi critical	40	60	80	100
3	Critical	60	80	110	150
4	Over-exploited	80	120	160	200
Minimum ECR _{GW} =Rs 1,00,000/-					

For better understanding of implementation of ECR_{GW} policy, some example calculations are given below:

Example No. 1 (For drinking and domestic Use):

It is observed that a household in safe zone is extracting ground water illegally from past 2 year and 3 months with the help of 1 HP pump, dia 4 inches and head as 25 meter. It is assumed that the house-owner runs the pump for 0.5 hr/day. What Environmental Compensation (EC_{GW}) will be charged to the owner?

Solution:

Pump Yield (Please refer Annexure-VI) = 3 m³/hr

Daily Consumption = 3 x 0.5 = 1.5 m³

ECR_{GW} = 4 Rs./m³ (Please refer para 4.6.1)

EC to be levied = 4 x 1.5 = 6 Rs./day

Total time period = 820 days

Then, EC_{GW} = 6 x 820

Calculated EC_{GW} = 4,920 Rs.

EC_{GW} to be levied = 10,000 Rs. (minimum prescribed ECR_{GW}, please refer para 4.6.1)

Example 2 (For Industrial Units):

It is observed that an industry in critical zone is extracting ground water illegally from past 1 year with the help of 5 HP pump, dia 6 inches and head as 50 meter. It is assumed that the industry runs the pump for 3 hrs/day. What Environmental Compensation (EC_{GW}) will be charged to the owner?

Solution:

Pump Yield (Please refer Annexure-VI) = 12 m³/hr

Daily Consumption = 12 x 3 = 36 m³/day

ECR_{GW} = 60 Rs./m³ (Please refer para 4.6.4)

EC to be levied = 60 x 36 = 2,160 Rs./day

Total time period = 365 days

Then, EC_{GW} = 2,160 x 365

EC_{GW} = 7,88,400 Rs.

As per CGWB, safe, semi-critical, critical and over-exploited areas are categorized from the ground water resources point of view (CGWB, 2017). List of safe, semi-critical, critical and over-exploited areas are available on the website of CGWB and can be accessed from- <http://cgwa-noc.gov.in/LandingPage/NotifiedAreas/CategorizationOfAssessmentUnits.pdf#ZOOM=150>.

Environmental Compensation Rates (ECR_{GW}) for illegal use of ground water (ECR_{GW}) for various purposes such as drinking/domestic use, packaging units, mining and industrial sectors as finalized by the committee are given in tables below:

4.6.1 ECR_{GW} for Drinking and Domestic use:

Drinking and Domestic use means uses of ground water in households, institutional activity, hospitals, commercial complexes, townships etc.

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<2	2 to <5	5 to <25	25 & above
Environmental Compensation Rate (ECR_{GW}) in Rs./m^3					
1	Safe	4	6	8	10
2	Semi Critical	12	14	16	20
3	Critical	22	24	26	30
4	Over-Exploited	32	34	36	40
Minimum EC_{GW}=Rs 10,000/- (for households) and Rs. 50,000 (for institutional activity, commercial complexes, townships etc.)					

4.6.2 ECR_{GW} for Packaged drinking water units:

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<200	200 to <1000	1000 to <5000	5000 & above
Environmental Compensation Rate (ECR_{GW}) in Rs./m^3					
1	Safe	12	18	24	30
2	Semi critical	24	36	48	60
3	Critical	36	48	66	90
4	Over-exploited	48	72	96	120
Minimum EC_{GW}=Rs 1,00,000/-					

4.6.3 ECR_{GW} for Mining, Infrastructure and Dewatering Projects

Sl. No.	Area Category	Water Consumption (m^3/day)			
		<200	200 to <1000	1000 to <5000	5000 & above
Environmental Compensation Rate (ECR_{GW}) in Rs./m^3					
1	Safe	15	21	30	40
2	Semi critical	30	45	60	75
3	Critical	45	60	85	115
4	Over-exploited	60	90	120	150
Minimum EC_{GW}=Rs 1,00,000/-					

Annexure-2

(10)

1667037/2025/CMC 1 DPCC

भारतसरकार
जलशक्तिमंत्रालय
जलसंसाधन, नदीविकास और गंगा संरक्षण विभाग
केंद्रीय मूलजल प्राधिकरण
CSMRS कैंपस, ओसोफ पाल्मे मार्ग, से, 3-हौज
खास, आर.के. पुरम, नई दिल्ली-110016
ई-मेल: cgwa@nic.in



Government of India
Ministry of Jal Shakti
Department of Water Resources, RD & GR
Central Ground Water Authority
CSMRS Campus Olaf Palme Road, Sec.-
3, Hauz Khas, R.K. Puram,
New Delhi - 110016
E-mail: cgwa@nic.in

301C

No. NGT/PB/088/OA.144/2025 - 188

Dated:- 27 MAY 2025

Direction under Section 5 of Environment (Protection) Act, 1986 to constitute a Joint Committee in Original Application No. 144/2025/ titled as News Item Titled "Deep Dive into illegal Water Business" appearing in the Times of India dated 02.04.2025 in Hon'ble National Green Tribunal, Principal Bench, New Delhi.

Whereas the Central Government has constituted the Central Ground Water Authority hereinafter referred to as 'Authority' under Section 3 (3) of the Environment (Protection) Act, 1986 to regulate and control development and management of ground water resources in the country.

And whereas Hon'ble NGT(PB), New Delhi suo-motu registered the Original Application No. 144/2025 on the basis of the news item titled "Deep Dive into Illegal Water Business" appearing in the Times of India dated 02.04.2025.

And whereas, issue related to the illegal extraction of groundwater along the Yamuna riverbed abutting Noida link road at Mayur Vihar in Delhi has been raised. As per the article, a clandestine and large-scale operation of illegal borewell-based water extraction during nighttime is going on, involving an organized network of tankers siphoning off groundwater. The article reveals that heavy machinery like JCBs and earthmovers are used to dig these borewells, and the extracted water is sold to unauthorized buyers.

And whereas Hon'ble Tribunal impleaded DJB, CGWA, DPCC, CPCB, DM (East) & DDA respondents 1 to 6 in the matter.

And whereas the Authority considers it expedient and necessary to protect and preserve the ground water resource of the abovesaid area.

Hence the Authority constitutes a Joint Committee comprising representative of DJB, CGWA/CGWB, DPCC, CPCB, DM (East) & DDA to investigate the issues raised in the Original Application.

Contd. on page 2

Deputy Commissioner (District)
GNCT of Delhi
R & I Branch

Diary No. 6692
Date... 30/05/25 (D.M.E)

Received on

17/6/25

29/11

-2-

Now therefore the Authority, in exercise of the powers under section 5 of the Environment (Protection) Act, 1986 hereby issues the following directions to the Joint Committee:

1. Delhi Jal Board shall be the Nodal Agency of joint committee.
2. Aforesaid Committee shall collect relevant information and if, it finds that there is any violation of environmental laws, shall take appropriate, punitive, prohibitive and remediation action in accordance with the law.
3. Committee shall submit Compliance Report to CGWA by 1st week of August, 2025.

Therefore, it is directed to depute representative on the behalf of your department, for Joint Committee and communicate to the Nodal Agency.

C. K. Ambast
26/08/24
Dr. Sunil Kumar Ambast
Chairman, CGWA

To:

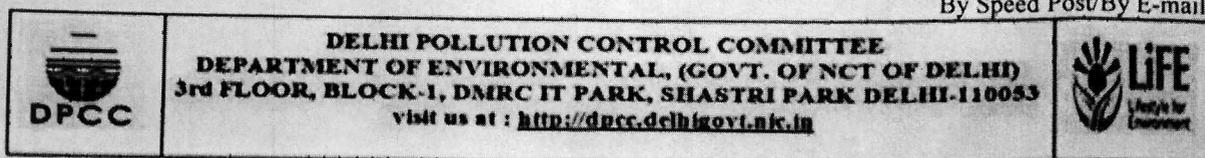
1. The Chief Executive Officer (CEO)
Delhi Jal Board (DJB),
Varunalya Phase-II, Jhandewalan, Karol Bagh,
New Delhi-110005
2. The Regional Director,
CGWB, State Unit Office, R.K. Puram, New Delhi
3. Member Secretary,
Delhi Pollution Control Committee (DPCC),
6th Floor, C Wing, Delhi Secretariat, I.P. Estate, Delhi-110002
4. Member Secretary,
Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi-110032
5. The District Magistrate (East Delhi)
Office of District Magistrate (East),
L.M. Bund, Shastri Nagar, Delhi - 110031
6. The Vice Chairman,
Delhi Development Authority,
Vikas Sadan, INA, New Delhi - 110023

2

Annexure-3

12

By Speed Post/By E-mail



File No: DPCC/(10)/(10)/(21)/Leg-25 / 1829-35 Date: 04/08/2025

To,

**The Chairman,
Central Ground Water Authority,
CSMRS Campus, Olaf Palme Road,
Sector- 3, Hauz Khas, R.K. Puram,
New Delhi-110016**

Subject: Direction under Section 5 of Environment (Protection) Act, 1986 to constitute a Joint Committee in Original Application No. 144/2025 titled as News Item Titled "Deep Dive into illegal Water Business" appearing in the Times of India dated 02.04.2025 in Hon'ble National Green Tribunal, Principal Bench, New Delhi

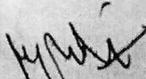
Sir,

This refers to your letter no. NGT/PB/088/O.A.144/2025-188 dated 27.05.2025 vide which a joint committee comprising representative of DJB, CGWA/CGWB, DPCC, CPCB, DM (East) & DDA to investigate the issues raised in the Original Application 144/2025 has been constituted.

In this context, Sh. Ajay Singh Meena, AEE, DPCC (M- 8285439842) is hereby nominated as representative from DPCC for the said joint committee.

This issues with the approval of the Competent Authority in DPCC.

Yours sincerely


M.S. Rawat
SEE, CMC-I

Copy to:

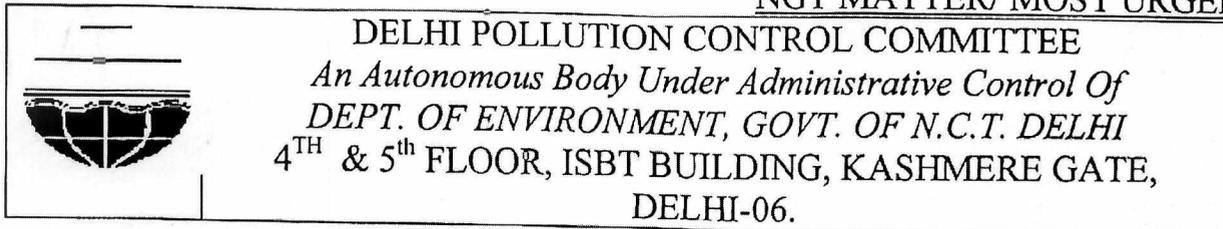
1. The Chief Executive Officer (CEO) Delhi Jal Board, GNCTD, Varunalaya Phase-II, Jhandewalan, Karol Bagh, New Delhi-110005
2. The Vice Chairman, Delhi Development Authority, Vikas Sadan, INA, Delhi-110023.
3. The Member Secretary CPCB, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.
4. SDM, Mayur Vihar, Block-A O/o District Magistrate (East), LM Bund, Shastri Nagar, Delhi-31.
5. Master file CMC-I

6 Sh. Ajay Singh Meena, AEE, DPCC

Annexure-4 (Colly)

13

NGT MATTER/ MOST URGENT

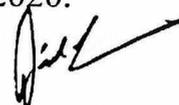


F. No. DPCC/(10)/(10)(12)/Leg-20/368

Dated: 19.06.2020

Sub:-Minutes of Meeting held under Chairmanship of Chief Secretary, Delhi on 12.06.2020 at 5.30 PM through video conferencing in connection with Hon'ble NGT matter OA No. 685/2019 titled as "Rakesh Kumar Vs. Govt. of NCT of Delhi.

Please find enclosed herewith minutes of meeting held under chairmanship of Chief Secretary, Delhi on 12.06.2020 at 5.30 PM through video conferencing in connection with Hon'ble NGT matter OA No. 685/2019 titled as "Rakesh Kumar Vs. Govt. of NCT of Delhi regarding Hon'ble NGT order dated 15.05.2020.



(Dinesh Jindal)
 Asst. Law Officer

Encl:- As above

To

1. Chairperson, New Delhi Municipal Council,
2. Division Commissioner Delhi, Delhi 110054.
3. Pr Secretary UD, Government of NCT Delhi.
4. Commissioner, South Delhi Municipal Corporation.
5. Commissioner, North Delhi Municipal Corporation.
6. Commissioner, East Delhi Municipal Corporation.
7. CEO, Delhi Jal Board
8. All District Magistrates.

Copy to:-

1. OSD to Chief Secretary- For information pl.
2. PA To Chairman, DPCC- For information of Chairman, pl.



Minutes of meeting taken by Chief Secretary, Delhi through video conference on 12.06.2020 at 5:30 PM in OA no. 685 /2019 "Rakesh Kumar vs Govt. of NCT of Delhi"

The meeting was attended by Principal Secretary (Environment), CEO, Delhi Jal Board, Commissioners of Municipal Corporations, Member Secretary, DPCC and the Deputy Commissioners (Revenue).

The following are the records of discussions:

1. At the outset, Principal Secretary (Environment) informed that while hearing a complaint regarding operation of illegal borewells in the areas of Chandni chowk, Kashmiri Gate and other colonies in the jurisdiction of North DMC and after going through the reports filed, the Hon'ble NGT observed that there is inadequate action by the regulatory authorities resulting in illegal extraction of ground water. Accordingly, Hon'ble NGT has directed for devising suitable effective mechanism for preventing extraction of ground water by unauthorized tubewells and wherever such illegalities are found, prompt coercive measures must be taken. The Hon'ble NGT vide its order dated 15.05.2020 has further directed the Chief Secretary, Delhi to call a meeting of all concerned within one month and oversee the preparation of an appropriate SOP for fixing responsibility.
2. Principal Secretary (Environment) also informed that pursuant to the aforesaid order of the Hon'ble NGT, draft SOP has been circulated to CEO, Delhi Jal Board and office of Divisional Commissioner for their inputs. CEO, DJB suggested that he has gone through the SOP prepared by Environment

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Department, which has been prepared on the basis of notification dated 18.05.2010 and 10.01.2014 issued by the Environment Department whereby the mechanism for giving approval to authorized connections and taking action against unauthorized tubewells has been laid down. However, both the Divisional Commissioner as well as CEO, DJB were of the opinion that the present SOP needs to be further modified by the inclusion of identification of illegal borewells at the ground level i.e. at the level of Tehsildar/SHO and ensuring their effective closure, making the concerned SHOs responsible to ensure that the bore wells which have been sealed by concerned DMs are not started again. The responsibility should also be fixed on the ground level functionaries to ensure that the closure is effective and not tampered with.

3. In view of the above suggestions, it was decided that all concerned departments may go through the draft SOP prepared by Environment Department and offer their comments to Environment Department by Monday evening i.e. 22.06.2020 so that the final SOP may be sent to Chief Secretary for his approval.

The meeting ended with vote of thanks to the chair.

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**Department of Environment
Govt. of NCT of Delhi**

Standard Operating Procedure

Subject: Regulation of extraction of ground water, closure, prohibition of illegal activities relating to use of borewells/tubewells in NCT of Delhi.

1. The Hon`ble National Green Tribunal in Original Application No. 685/2019 entitled as, "Rakesh Kumar Versus Govt. of NCT of Delhi vide its order dated 15.05.2020 directed as under:

"In view of the above, we reiterate our directions for devising suitable effective mechanism for preventing extraction of ground water by way of unauthorized tubewells and wherever such illegalities found, prompt coercive measures must be taken. Illegal extraction of ground water is a criminal offence under the EP Act. Compensation must be recovered on the formula already laid down. It will be appropriate that Chief Secretary, Delhi calls a meeting of all concerned within one month from today and oversees preparation of an appropriate SOP for fixing responsibility on the subject. Ministry of Jal Shakti may also take necessary steps in the matter."

2. As far as the various districts of NCT of Delhi are concerned, the CGWA vide its notification of March, 2006 has notified all districts of Delhi as over exploited areas, needing regulation, and registration of ground water abstraction structures mandatory. Regarding regulation of extraction of ground water and to provide procedure for closure /prohibition of illegal activities regarding operation of

borewells/tubewells, directions under Section 5 of the Environment (Protection) Act, 1986 have been issued with the approval of Hon'ble Lt. Governor on 18th May, 2010 and on 10th January, 2014. In the aforesaid directions the authorities and the procedure to permit use of ground water and to prevent misuse have been detailed along with the responsibilities of various authorities. The SOP has been devised based on the detailed procedure provided in the aforesaid directions dated 18.05.2010 and 10.01.2014.

3. Standard Operating Procedure (SOP):

- 1) Drawing ground water through borewell or tubewell for domestic, commercial, agricultural or industrial uses without the prior permission of the "Competent Authority" will be considered illegal and without authority of law. The Competent Authority is Delhi Jal Board in the entire NCT of Delhi except areas under the New Delhi Municipal Council (NDMC) and Delhi Cantonment Board (DCB). For borewells/tubewells for agricultural uses, the information on illegal extraction of ground water will be provided by the BDO to the Advisory Committee.
- 2) The Deputy Commissioner (Revenue) of each district, who is the Authorised Officer under the direction dated 18.05.2010 is required to supervise checking violation i.e. detection of illegal wells and closure thereof through the SDMs.
- 3) An Advisory Committee in each of the revenue districts with representatives from DJB, CGWB, ULBs, DPCC, reputed NGO has been constituted to assist the DC in detecting illegal borewells for

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taking action. Accordingly, the advisory committee will prepare a list of such illegal borewells every month by taking information from all available sources including Revenue Officers, representatives of Delhi Jal Board, ULBs, DPCC, NGOs and other relevant sources. Proactive action needs to be taken by the above representatives in detection of illegal extraction of ground water and furnishing the same to the Advisory Committee promptly. Superintending Engineer (SE), DJB is the Member Secretary of Advisory Committee, and he is required to ensure timely conduct of the meeting and also to record the proceedings.

- 4) The Delhi Jal Board has already identified 19661 such illegal borewells on which action is being taken and 7248 units have already been closed down by the district authorities. The remaining units to be closed down on priority as these have been already identified and the process to be completed within a period of three months. A weekly progress report district wise will be submitted to the Divisional Commissioner for monitoring. The illegal borewells/tubewells other than the list provided by DJB will be taken up for closure thereafter. Further, in the first phase, action against borewells/tubewells engaged in commercial exploitation of ground water will be taken.
- 5) In case the illegal borewell/tubewell is already constructed/operating, the same will be closed and the electricity supply to the energized tubewell will be disconnected even if it is through DG sets. In case of the illegal borewell/tubewell is under construction, then the drilling rig will also be sealed.

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- 6) For the purpose of closure of illegal borewells/tubewells, joint action teams under the supervision of the concerned SDM will be formed for ensuring effective coordination. The joint team will comprise field functionaries from DJB, DISCOMs and Local Police.
- 7) The Deputy Commissioner who is the chairperson of the Advisory Committee will forward the details of illegal borewells to the DPCC for levying Environmental Compensation (EC) for illegal extraction of ground water.
- 8) The DPCC will assess EC as per the methodology devised by CPCB in its report dated 26.06.2019. After assessment of the EC, demand will be raised and in cases of non-recovery, SDM to recover EC as arrears of land revenue.
- 9) All the drilling machines/rigs utilized for boring purposes in Delhi are required to obtain registration from the offices of Deputy Commissioners of the concerned districts. The movement of drilling machines/rigs will be allowed for authorised drilling to the identified location and for specified duration by the concerned Deputy Commissioner.
- 10) The Delhi Police and Transport Department of Govt. of NCT of Delhi will allow movement of the drilling machines/rigs having the prior permission for such movement from the concerned Deputy Commissioner. The concerned Deputy Commissioner (Revenue), Deputy Commissioner of Police and Deputy Commissioner, Enforcement of Transport Department will be responsible for strict compliance of the guidelines regarding movement of drilling machines/rigs.

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- 11) As provided in the direction dated 18.05.2010 issued under Section 5 of the Environment (Protection) Act, 1986 the Deputy Commissioner of each district will launch prosecution against the offenders related to ground water extraction on the recommendations of the Advisory Committee.
- 12) The concerned Advisory Committee of each district is responsible to ensure that there is no illegal extraction of ground water in the district.

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