

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPLE BENCH NEW DELHI

OBJECTION TO JOINT REPORT OF CPCB & DPCB COMMITTEE APPOINTED UNDER NGT  
ORDER OF 07 SEPTEMBER 2020 IN

EXECUTION APPLICATION NO.17/2020 IN

MA NO 238/2019 IN

ORIGINAL APPLICATION No 386 / 2017

IN THE MATTERS OF:

Rear Admiral A P Revi IN (Retd)

APPLICANT

VERSUS

DELHI JAL BOARD & OTHERS

RESPONDANT.

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APPLICANT

ACHOTH PAYYAN REVI

1396 SECTOR 'A' POCKET 'B'

VASANT KUNJ.

NEW DELHI 110070

M: 9873689609

NEW DELHI. DATE: 10 FEBRUARY 2021

E MAIL: [ap.revi@gmail.com](mailto:ap.revi@gmail.com)

## OBJECTION TO CPCB & DPCB REPORT OF 02 DECEMBER 2020.

### BRIEF HISTORY OF THE CASE

The Applicant would like to humbly submit that the crux of the issue is as follows:

- a) NGT order of 26 October 2017 at paragraph 4 – prohibits use of bore well water for irrigating of parks and puts the onus for providing treated water between DJB, DDA and SDMC. [R1]
- b) SDMC in their Affidavit on 09 / 11 July 2018 at paragraph 2 of their EA 48/2017 has confirmed that ground water supply to parks had been stopped. [R2]
- c) Also, SDMC Affidavit of 10 February 2020 at: Paragraph 2(c) – claims that treated water is being supplied to the parks [R3]

**REMARKS: Unfortunately, the fact remains that this was sustained only for the period till the NGT hearings on 10<sup>th</sup> and 14<sup>th</sup> February 2020.**

d) NGT order of 10 February 2020 directs the in house joint inspection team to give a status report on whether the NGT order of 26 October 2017 has been completed. The joint inspection team comprised of the Applicant, representatives from SDMC horticulture department and the RWAs involved. In respect of the deficiencies brought out in the status report - one year later, **the following are still the outstanding issues on 05 February 2021:** [R4], [R5]

- i. Paragraph 2(c). Presently, the arrangement with DJB / STP seems to be ad hoc for testing purpose only. **Permanent arrangement needs to be confirmed.**
- ii. Paragraph 2 (g) ii. As far as the distribution system is concerned:  
**None of the three parks, under the jurisdiction of ARWA and within Sector A Packet C have yet been connected.** It will take some time to connect them to the treated water distribution line.

e) In response to the opening given in the NGT order of 14 February 2020 to report on any non compliance by MCD to their order of 26 October 2017 – the applicant submitted EA 17 / 2020 stating that SDMC had not complied with paragraphs 2, 3 and 4 of the NGT order of 26 October 2017. [R6], [R7]

f) Since the status report at paragraph (d) and (e) above were in variance with the claims made by SDMC at paragraphs (b) and (c) above – in response, the NGT order of 07 September 2020 has instituted the joint Committee of CPCB & DPCB to examine the factual position. [R8]

g) To elaborate on the complex issue - the Applicant was also directed under the NGT order 07 September 2020 to furnish the requisite background papers to augment the order. The same was put up by eMail to CPCB & DPCB. [R9]

### GROUND FOR OBJECTION

It is regretted to report that - not only was the Joint Committee report submitted late, leading to postponement of the scheduled hearing of the 09<sup>th</sup> December 2020 to 25<sup>th</sup> February 2021 but also it did not address the core issue of **varifying the factual aspect of the case** as directed under the NGT order. The main deficiencies are listed below. This was also conveyed to Chairman CPCB and DPCB under my email: [R10], [R11]

- a) Only the DDA bore pump responsible for supplying water to the DDA District Park was identified and shown as sealed – seemingly applied on the day of the inspection. [Figure 4 of R10] [R10]
- b) There is no mention of any of the bore pumps in use for supply to over a dozen parks in the Sector A Pockets B & C under the jurisdiction of SDMC.
- c) The impression given in the report is that treated water supply to all the SDMC parks is available through the portable diesel pump - at least from the date of inspection i.e 03 November 2020. The fact however remains that:
  - i. The Diesel portable pump was operational only for that day. It has remained defective ever since.
  - ii. The new electric pump set are reported to have been made operational on 31 December 2020 but is unable to supply treated water due to inadequate supply from the upstream DJB STP.

- iii. Till 03 February 2021 the main reservoir was only getting filled up to quarter of its capacity whether due to leakage in the tank structure or blockage en-route from the STP as indicated by SDMC.
  - iv. Till logistic arrangement with the DJB STP is organized on a regular basis, the defect in the supply line rectified and pumping staff is provided in the pump house – the system will be unable to supply treated water to all the Parks under SDMC jurisdiction in the colony, as directed in the NGT order of 26 October 2017.
- d) The tabulated statement at Annexure R12 gives a summary of remarks against the CPCB report. [R12]

It is considered that serious deficiencies in the CPCB report are mainly due to the following. For rendering the report - the investigating field team:

- a) Relied entirely on the inputs given by the alleged offending party – hence not even all the bore wells involved in the colony for the parks were shown / identified.
- b) Did not even consult the Applicant or the RWAs concerned (the aggrieved party) – detail particulars in respective case were given in the email quoted above. [R9 / 9B].
- c) Was seriously handicapped due to not having had any access to the **back ground papers** submitted by the Applicant under direction of NGT - till after rendering the report. [i.e. My email of 11 September quoted above]. As a result the whole purpose of NGT directive of the Applicant having to submit a background paper was beaten – since the field team could take no cognisance of it. [R9]
- d) The report only talks about the DDA bore well – which only supplies water to the DDA District Park and not to the 15 odd parks in Sector A Pocket B & C under the jurisdiction of SDMC.
- e) It gives the false impression that SDMC is supplying treated water to all the fifteen parks in the colony under temporary arrangement with the help of a portable diesel pump. It does not give any indication of – since / for how long? **In fact, that arrangement only worked on the day of inspection and earlier for the benefit of NGT hearings in February 2020. There after it has been in a break down state**

To save valuable time of the Honourable Tribunal and taking into account the glaring shortcomings observed in the report rendered to NGT on 08 / 09 December – an appeal was made under the extraordinary circumstances, as explained above, for the Chairman's personal intervention to order a review of the report taking into account the deficiencies and submit a Supplementary or a Corrigendum report to NGT for their consideration by the next hearing on 25 February 2021. [R10], [R11]

Since the Joint Investigation Report had already been submitted to NGT - it seems that unfortunately the CPCB and DPCB, in their wisdom, have decided to leave it to the Honourable Tribunal to retrieve the situation.

### RECOMMENDATIONS

In the light of the above revelation – it is submitted that to fulfil the NGT order of 07 September 2020, in letter and spirit – the Joint CPCB & DPCB Committee may be requested to review their report also taking into consideration the background paper submitted by the applicant at R9. [R9]

Besides the report deficiencies indicated above - the following should also be clearly established:

- a) Dates on which each of the bore well pumps supplying water to the 15 parks in the colony were sealed permanently by SDMC – particularly in the light of SDMC Affidavit of 09 July 2018. [R2].
- b) Number of occasions, along with dates, and substantiated with documents, on which temporary arrangement of supply of treated water for the parks in the colony under SDMC jurisdiction was made by means of:
  - i. Tanker Bowser.
  - ii. Diesel portable pump.
- c) Date on which deficiencies indicated above in the inspection report of 12/13 February 2020 were full filled? [R5]
- d) Date on which **regular** supply of treated water to all the parks under SDMC was commenced?

It is further submitted that sealing of three tube wells in Sector A Pockets B & C and District parks will achieve - only saving of a drop in the ocean.

Having spent over Rupees two crores of public expenditure between DDA and

9/12

SDMC to lay two separate pipe lines from Sector B STP to Sector A Pocket B & C – a distance of over six kilometres. To get full potential out of this very noble venture – the next logical step would be to mandate same solution to all the colonies along this pipeline i.e. especially Sectors A Pocket A, Sector A Pocket B & C (Annexe Flats 3000 onwards), D1, D2, D3, D4, B1, B2, B3 and all DDA parks enroute etc using the same pipeline. All that would be required would be to take a branch lines to the respective Sectors from the main line already in place at a few meters distance across the road. There is no need to wait for the master plan for the entire NCR to materialise.

My final submission is that if any disciplinary / penal action is contemplated against SDMC for consistantly giving incorrect inputs to NGT – that should be directed against the DD (Horticulture) who has been continuously misleading the Hounerable Tribunal under his signature. [R2], [R3]

### **PRAYER**

Taking into account the Applicant's objections and recommendations as stated above against the Joint CPCB and DPCB report and re-emphasising on my prayers in my EA number 17 / 2020 of August 2020 – the Appellant sincerely prays to the Honourable NGT to direct: [R7]

- a) The Joint NPCB and DPCB Committee to review their report considering the serious deficiencies brought out above. [R10]
- b) Before submission of their final ATR on fulfilment of the NGT order of 27 October 2017 and 07 September 2020 - SDMC to demonstrate, to the Applicant / ARWS / ARWA concerned the fully functional system including all the non-compliant items listed above,

### **VARIFICATION**

I A P Revi, son of late Shri A Kumaran, age 87, resident of 1396 Sector A Pocket B Vasant Kunj New Delhi, do hereby verify that the contents of the above Objection are believed to be true to my personal knowledge and that I have not suppressed any material facts.



Signature of Applicant

Date: 10 February 2021

Place: New Delhi

### **AFFIDAVIT**

In view of the Corona Virus Epidemic and being an octogenarian – attestation has not been possible

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPLE BENCH NEW DELHI

OBJECTION TO JOINT REPORT OF CPCB & DPCB COMMITTEE APPOINTED UNDER NGT  
ORDER OF 17 SEPTEMBER 2020

IN

EXECUTION APPLICATION NO 17 / 2020. IN

MA NO 238/2019. IN

ORIGINAL APPLICATION No 386 OF 2017

IN THE MATTERS OF:

Rear Admiral A P Revi IN (Retd)

APPLICANT

VERSUS

DELHI JAL BOARD & OTHERS

RESPONDANT.

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AFFIDAVIT

I, Rear Admiral A P Revi IN (Retd), s/o Late Shri. A Kumaran, aged 87, R/O 1396 Sector 'A' Pocket 'B' Vasant Kunj New Delhi 110070, presently at New Delhi, do hereby solemnly affirm and declare as under.

1. That I am the author of the above titled Objection statement and conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of the above titled Report are true and correct and nothing material has been concealed there from.

DEPONENT

Rear Admiral A P Revi IN (Retd)

VERIFICATION

Verified on this 10th of February 2021 that the contents of the present Objection statement are true and correct to my knowledge and belief and nothing has been concealed there from.

DEPONENT Rear Admiral A P Revi IN (Retd)

# **ANNEXURE - R 1 TO OBJECTION STATEMENT**

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

**Original Application No. 386 of 2017 Rear**

**Admiral AP Revi IN (Retd.)**

**Vs.**

**Delhi Jal Board & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present:**

**Applicant**

**Delhi Jal Board**

**DDA**

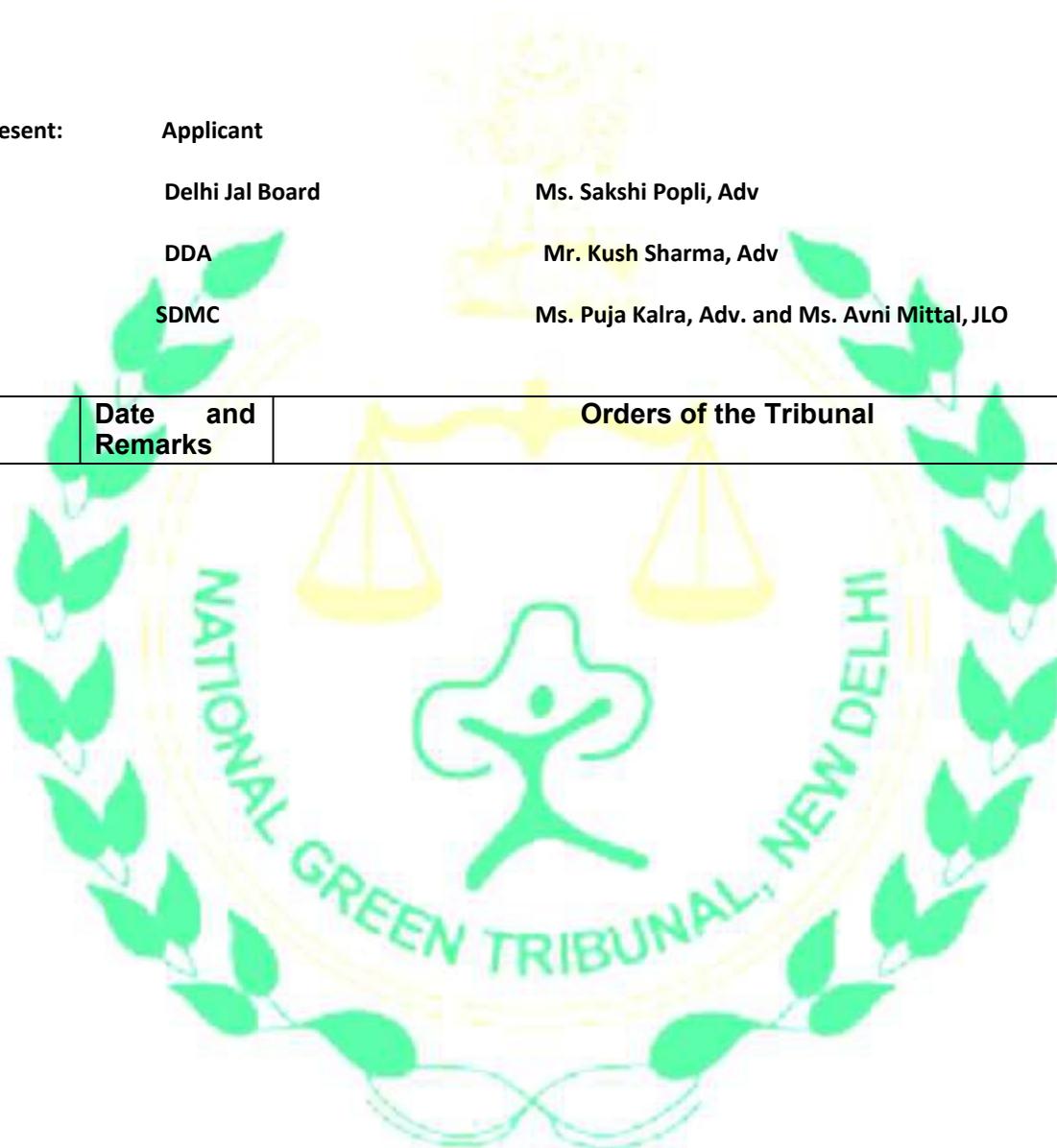
**SDMC**

**Ms. Sakshi Popli, Adv**

**Mr. Kush Sharma, Adv**

**Ms. Puja Kalra, Adv. and Ms. Avni Mittal, JLO**

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
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	<p><b>Item No.</b> <b>13</b></p> <p><b>October</b> <b>26, 2017</b> <b>ss &amp; hb</b></p>	<p>We have heard the Learned Counsel appearing for the respondents and the applicant who appears in person. We dispose of this application with the following directions:-</p> <ol style="list-style-type: none"><li>1. If the DJB is of the considered view technologically or otherwise that it is not appropriate to upgrade or establish a new STP at the site in question, we do not feel that this issue can be interfered with the reason recorded in this order.</li><li>2. Primary purpose of the applicant is that like a good citizen they would not like to use fresh water for gardening &amp; other such purposes in their colony and they should be provided treated sewage water which would be helpful for development &amp; maintenance of greenery in the said area.</li><li>3. The Learned Counsel appearing DJB submits that there is another STP in Vasant Kunj itself from where the treated sewage water can be provided to the residents including the park in question for</li></ol>
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	<p><b>Item No.</b> <b>13</b></p> <p><b>October</b> <b>26, 2017</b> <b>ss &amp; hb</b></p>	<p>gardening and other purpose. The park belongs to DDA/MCD and it is their obligations to maintain the park and to do its gardening, etc.</p> <p>Therefore, we pass direction that DDA/MCD shall ensure and DJB shall supply treated sewage water for gardening at the fixed rate which will be the primary responsibility of the public authority.</p> <ol style="list-style-type: none"> <li>4. The residents, DDA/MCD and DJB are prohibited to use fresh water for gardening purpose in that area.</li> <li>5. It is commonly agreed that there is a pipeline in existence for supplying of treated sewage for gardening purpose in the said area.</li> <li>6. It shall be a joint responsibility of DDA and MCD to ensure that this pipeline is made effectively operative and duly maintained.</li> </ol> <p>With the above directions Original Application No. 386 of 2017 stands disposed of. No order as to cost.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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ANNEXURE R2 TO OBJECTION STATEMENT

**BEFORE THE NATIONAL GREEN TRIBUNAL:**

**PRINCIPAL BENCH , NEW DELHI**

**Ex. App. NO. 48 OF 2017**

**O.A. NO. 386 OF 2017**

IN THE MATTER OF :

**REAR ADMIRAL AP REVI IN (REGD) ..... APPLICANT**

**VERSUS**

**DJB &ORS. .... RESPONDENTS**

SHORT COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENT /SDMC.

AFFIDAVIT OF **SHEESH PAL MEENA** , DEPUTY DIRECTOR (HORTICULTURE)  
SOUTH ZONE, SOUTH DELHI MUNICIPAL COPORRATION GREEN PARK NEW  
DELHI:-

I, the deponent above named, do hereby solemnly affirm as state as follows:

1. That I am presently posted as Deputy Director (Horticulture), South Zone, SDMC, Green Park, New Delhi and am conversant with the facts of the present and as such am competent to depose / file the instant affidavit on behalf of respondent /SDMC on the basis of

the record maintained and made available in this

2. That the pursuant into order of this Hon 'ble Tribunal

that the Horticulture Department, South Zone, SDMC

use of ground water for gardening  
Respondent No. 2 SDMC has immediately stopped the

3. That, Further it is also stated that Respondent No.2 SDMC has started to take the STP water from its own STP located at Saket Nursery for gardening of parks located at parks in Sector 'A', Pocket 'B', Vasant Kunj.

4. That further it is relevant to mentioned here that a letter bearing No. DDH/SZ/SDMC/2018-19/1173 Dated 06.07.2018 has already been issued to Project Department South Zone/SDMC in order to laying of Pipeline from STP to other parks Vasant Kunj show that the order of the this Hon 'ble Tribunal could be

complied. The copy of letter is enclosed as annexure 'A'.

**Verification:-**

Verified at New Delhi on 11 July 2018 that the contents of the above affidavit are true and correct to my knowledge derived from the records being maintained by SDMC during its ordinary course noting herein is false and nothing material has been concealed there from.

  
Deputy (Advt.)  
**Deponent**  
South Zone : SDMC

## **ANNEXURE R3 TO OBJECTION STATEMENT**

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

EX. PETITION NO.48/2017

In

OA NO. 386 OF 2017

**IN THE MATTER OF:**

**REAR ADMIRAL AP REVI IN (REGD) ...APPLICANT  
VERSUS**

**DJB & ORS. ... RESPONDENTS**

**STATUS REPORT BY WAY OF AFFIDAVIT ON BEHALF OF THE  
RESPONDENT /SDMC PURSUANT TO ORDER DATED 17/01/2020.**

AFFIDAVIT OF KAMAL SINGH , S/O SH. RAGHUBIR SINGH, AGED ABOUT 58, POSTED AS DEPUTY DIRECTOR (HORTICULTURE) SOUTH ZONE, SOUTH DELHI MUNICIPAL CORPORATION GREEN PARK NEW DELHI:-

I, the deponent above named, do hereby solemnly affirm as state as follows:

1. That I am presently posted as Deputy Director (Horticulture) , South Zone, SDMC, Green Park, New Delhi and am conversant with the facts of the present and as such am competent to depose / file the instant -affidavit on behalf of respondent /SDMC on the basis of the record maintained and made available in this regard. ✓

2. That the instant report/ affidavit is being filed pursuant to order dated 17/01/2020 of this Honble Tribunal.

2. That it is submitted that in order to execute the impugned order dated 26/10/2017, the answering respondent /SDMC has taken / carried out the following actions / steps :

- The concerned Projects Department of South Zone has completed its civil infrastructure work ( i/c laying down of water pipe line from STP, sump and pump room ) including that of construction of reservoir and the Pump House and the same has also been shown to the petitioner. The copy of the letter in this regard is annexed herewith as

**Annexure -A.**

**The** Horticulture Department of South Zone has also laid down the distributory / peripheral pipe lines from reservoir / sump to the parks at Sector -A, Pocket B & C , Vasant Kunj, New Delhi.

The treated water has now been started supplying through the said distributory / peripheral pipe lines into the said parks for irrigation purpose in terms of the directions of the Hon 'ble Tribunal. The photographs in this regard are annexed herewith as **Annexure -B (Colly).**

  
DEPONENT

**VERIFICATION:**

Verified at Delhi on this \_\_\_ day of Feb, 2020, that the contents of the above affidavit are true and correct to my knowledge derived from the official records maintained by the SDMC and I believe the same to be true and correct.

  
DEPONENT

**ANNEXURE R 4 T O O B J E C T I O N S T A T E M E N T**

Item No. 01

Court No. 2

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

M.A. No. 238/2019

In

Execution Application No.48/2017 In

Original Application No. 386/2017

Rear Admiral A P Revi In (Retd.)

Applicant(s)

Versus

Delhi Jal Board &Ors

Respondent(s) Date of hearing: 10.02.2020

**CORAM:**

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s) Mr. A.P. Revi, applicant in person

For Respondent(s) Ms. Puja Kalra, Advocate with Dy.Dir.(Hort.)

Ms. Shakshi Popli, Advocate

**ORDER**

An action taken report has been filed by South Delhi Municipal Corporation. A copy of the same has been given to the applicant.

In order to resolve the issues mentioned in the order dated 26<sup>th</sup> October, 2017, we direct the Counsel for SDMC to send an officer along with the applicant to visit the site today. Thereafter, the applicant shall submit as to whether the aforesaid order deciding the original application has been complied with or not.

List the matter on 14<sup>th</sup> February, 2020.

Justice Raghuvendra S. Rathore, JM

Dr.Satyawan Singh Garbyal, EM  
JG

**ANNEXURE R5 TO OBJECTION STATEMENT**

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPLE BENCH NEW DELHI  
REPORT UNDER NGT ORDER OF 10 FEBRUARY 2020

IN  
EXECUTION APPLICATION NO.48/2017  
IN  
ORIGINAL APPLICATION No 386 / 2017

IN THE MATTERS OF:

Rear Admiral A P Revi IN (Retd)

APPLICANT

VERSUS

DELHI JAL BOARD & OTHERS

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APPLICANT

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VASANT KUNJ

NEW DELHI 110070

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NEW DELHI

DATE: 13 February 2020

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPLE BENCH NEW DELHI  
REPORT IN COMPLIANCE WITH NGT ORDER OF 10 FEBRUARY 2020 IN  
MA NO 238/2019  
EXECUTION APPLICATION No 48/2017 IN  
ORIGINAL APPLICATION No. 386 OF 2017

Between Rear Admiral A P Revi IN (Retd) Applicant  
Versus  
Delhi Jal Board (Drainage & Sanitation Department) & Others Respondents.

REPORT AS DIRECTED UNDER NGT ORDER OF 10 FEBRUARY 2020

The Applicant named above begs to present the following Status Report, as directed under NGT order of 10 February 2020 (copy enclosed for ready reference):

1. The site was inspected in the afternoon of 10 February 20, in the presence of:
  - a) SO (Horticulture) SDMC – Shri Mohit Sharma.
  - b) MCD Chowdhuri (Horticulture) – Jagpal Singh.
  - c) Three members of ARWS of Pockets B & C, including the Treasurer – Dr Jay Ram Singh.
  - d) Representative of ARWA of Pocket C – Joint Secretary Treasurer Smt.Bandana Unial.

2. **STATUS OF SDMC'S WORK - SITE INSPECTION REPORT**

With reference to paragraph 6 of NGT order of 26 October 2017 - it is clear from the status observed at the site, as detailed below, that **the task envisaged has not been completed**

- a) The underground tank is in place.
- b) Pipe line is connected to STP and filling arrangement tested.
- c) Presently, the arrangement with DJB / STP seems to be ad hock for testing purpose only. **Permanent arrangement needs to be confirmed.**
- d) When the original captive STP was operational – the STP pumping station was manned round the clock and horticulture water was available at all hydrant points in the parks simultaneously during working hours. That position must be restored.
- e) The basic Pump house structure has been put up – **electric pump and power supply arrangement is awaited.**

- f) A diesel driven portable pump was available on site for testing the distribution system.
- g) As far as the distribution system is concerned:
- i. **Four of the parks, under the jurisdiction of ARWS and in Pocket B & C - were not yet connected to the distribution system.** Assurance was given that within 48 hrs that could be connected.
  - ii. **None of the three parks, under the jurisdiction of ARWA and within Packet C had yet been connected.** It will take some time to connect them to the distribution line.
3. The above also clearly contradicts the claim made at paragraph 5(b) and (c) of the Status Report Affidavit submitted by Respondent 2 (SDMC) and verbally reiterated so emphatically at the Honourable Tribunal hearing on 10 February 2020.

#### SUPPLEMENTARY OBSERVATION / RECOMMENDATION

4. Paragraph 4 of the NGT order of 26 October 2017, prohibits use of tube well water in Sector A Pocket B & C parks. To ensure adherence to that order in *letter and spirit* – experience of last 27 months has shown that it is essential to establish an institutionalised system for monitoring and enforcement. As an interim solution it is suggested that the two RWAs in the Sector be nominated as the monitoring and enforcing authority within their respective jurisdiction to ensure compliance and held accountable to NGT for reporting any noncompliance.
5. SDMC must ensure strict compliance with NGT's Expert Committee recommendations (as reported in TOI on 10 February 2020) on quality of horticulture water used in the parks. In this specific case, since the large storage tank is located in close proximity of lived in flats, not only must the system be maintained regularly – the last date of cleaning and when next cleaning is due must be conspicuously displayed on the front of the tank. Especially so, since the tank is prone to residual stagnation. Also, notice boards must be put up in each park to inform the users that the water is not potable.

Rear Admiral A P Revi IN (Retd)

13 February 2020

## **ANNEXURE R6 TO OBJECTION STATEMENT**

Item No. 02

Court No. 2

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

M.A. No. 238/2019

In

Execution Application No. 48/2017 In  
Original Application No. 386/2017

Rear Admiral A P ReviIn (Retd.)

Applicant(s)

Versus

Delhi Jal Board & Ors.

Respondent(s) Date

of hearing: 14.02.2020

**CORAM:**

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER HON'BLE DR.  
SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

Mr. A.P. Revi, applicant in person

For Respondent(s)

Ms. Puja Kalra, Advocate with Mr.

K.S. Meena, Dy. Dir.(Hort.) Ms.

Shakshi Popli, Advocate

#### **ORDER**

This misc. application (238/2019) has been filed by compliance of the order dated 16.11.2018 wherein the misc. application 1633/2018 was filed by South Delhi Municipal Corporation seeking six months time to complete the work. Similarly, another misc. application 1643/2018 was also filed by Delhi Development Authority for the same purpose.

The original application (386/2017) was decided by the Tribunal on 26.10.2017.

While considering the instant misc. application, we had thought it proper to have a joint inspection by the applicant and the officer of the respondent department and the same has been done.

The fact which emerges from the present status of the site is that the pipeline has been laid

down and reservoir has been constructed. However, application for electricity connection has been moved and order in the same is still awaited. In the meanwhile the respondent corporation had used Gen-sets. The submission of the applicant is that electricity connection is necessary to make pipeline and pump set functional so as to fully comply with the order of 26.10.2017. The learned counsel for Corporation submits that they have applied for electricity connection and are pursuing the same and they expect that connection would be granted within a short time.

In this regard, we direct the learned counsel for Corporation who is assisted by the officer present in Court that the electricity connection application should be immediately pursued with the electricity department so as to get the connection immediately.

In so far as present misc. application is concerned, we deem it proper to dispose of the same. However, the applicant would be at liberty to move a fresh application in case the aforesaid remaining compliance of the order of 26.10.2017 still remains.

The application is disposed of with no order as to cost.

Justice Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

JG

**ANNEXURE R7 TO OBJECTION STATEMENT**

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPLE BENCH NEW DELHI

EXECUTION APPLICATION 17/2020

(u/s 25/26/28 of NGT ACT 2010) IN

M.A. No 238/19

IN

ORIGINAL APPLICATION No. 386 OF 2017

Between Rear Admiral A P Revi IN (Retd)

APPLICANT

VERSUS

1. Delhi Jal Board (Drainage & Sanitation Department).
2. South Delhi Municipal Corporation (Horticulture Department).
3. Delhi Development Authority. Division 4. Horticulture Department.

RESPONDENTS.

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4.	MY REPORT 13 FEB 2020 - ANNEXURE P3	9 & 10
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NEW DELHI  
18 AUGUST 2020

APPLICANT  
ACHOTH PAYYAN REVI  
1396 SECTOR A POCKET B  
VASANT KUNJ  
NEW DELHI 110070  
M: 9873689609  
E MAIL: ap.revi@gmail.com

SYNOPSIS.

The Applicant named above, begs to present the Execution Application, against the Respondents Nos 2 & 3, on the grounds set out, here under, and in compliance with the NGT order of 14 February 2020.

It is submitted that SDMC has not complied with paragraphs 2, 3 and 4 of the NGT order of 27 October 2017.

## MEMO OF PARTIES

Address of Applicant: Rear Admiral A P Revi IN (Retd).  
1396 Sector A Pocket B  
Vasant Kunj.  
New Delhi. 110070  
Tel: 011-26895396.  
M: 9873689609.  
Email: [ap.revi@gmail.com](mailto:ap.revi@gmail.com)

### Address of Respondents:

1. Delhi Jal Board.  
Chief Executive Officer.  
Varulaya Phase II.  
Jandanwalla. Karol Bagh.  
New Delhi. 110005.  
Email ID: [ceodelhi.djb@nic.in](mailto:ceodelhi.djb@nic.in)  
Ex Engineer M:9650290684  
Email: [eesdw5.djb@nic.in](mailto:eesdw5.djb@nic.in)
2. South Delhi Municipal Corporation.  
Deputy Director (Horticulture)  
SDMC Building. Green Park.  
New Delhi. 110016.  
Email ID: [dcsdmc@mcd.org.in](mailto:dcsdmc@mcd.org.in)  
DD(HORT) M:9717788795;9717788097.  
AE(PROJ) M: 9717787665
3. Delhi Development Authority.  
Deputy Director Horticulture.  
DDA Division 4. Shekhsara I.  
New Delhi. 110017.  
Email ID: [vcdda@dda.org.in](mailto:vcdda@dda.org.in)  
Ex Eng M: 9990539159.; AE: 9818447833

## APPLICATION

### BRIEF FACTS

Ever since the mid 1980s when the colony was offered for allocation – Vasant Kunj Sector A Pocket B & C had a captive STP within the compound walls. The STP was declared unviable in 2015.

The Original Application 386/2017 was regarding restoring horticulture water supply and finding an alternative source of supply of horticulture treated water for the parks in the colony. NGT order on the subject of 26 October 2017 (copy at Annexure P1) spells out the following:



- a) Paragraph 2A – Primary objective of the proposal is to provide treated sewage water for the parks.
- b) Paragraph 3 – Directed DDA / MCD to ensure and DJB to supply treated water for gardening.
- c) Paragraph 4 – Prohibits use of fresh water for gardening.

NGT order of 10 February 2020 (copy at Annexure P2) required a joint inspection of the status of implementation and directed the Applicant to render a status report. The same was accordingly rendered on 13 / 14 February 2020 (copy at Annexure P3).

The present Application is in response to NGT order of 14 February 2020 (copy at Annexure P4) – which calls upon the Applicant to apply, in case SDMC / DDA do not comply with NGT order of 26 October 2017.

#### GROUNDS

It is submitted that SDMC has not complied with paragraphs 2, 3 and 4 of the NGT order of 27 October 2017. Specifically, this refers to the following:

- a) According to paragraph 2 of the NGT order – the primary purpose of the exercise was to ensure supply of treated horticulture water to all the parks in Sector A Pockets B & C Vasant Kunj.
- b) In spite of having invested around Rupees two crore of public money between DDA & SDMC – MCD has failed to supply even a drop of treated horticulture water to the parks in the colony, ever since the trial run was conducted to check part of the supply line. This was done on the day before the NGT hearing on 14 February 2020 and was done to test part of the system with a portable diesel pump. Since then the portable pump has been lying inoperative at the site and the electrical pump has not been fitted in the pump house and made operational.
- c) In this context, paragraphs 2(c), (e), (g) ii and 3 of my status report (copy at Annexure P3), submitted to NGT as on 14 February 2020 still remain unfulfilled.
- d) Further, paragraph 4 of the NGT order calling for discontinuation of the supply of ground water from bore pumps to the parks - has also not been complied with. Proof of this can be called for by getting SDMC and DDA to provide the electricity bill from BSES in respect of the three dedicated bore pumps in the parks for the period 27 October 2017 to end July 2020. Two of these pumps belong to SDMC and one to DDA.

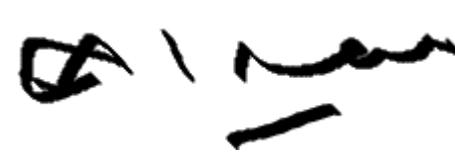
LIMITATIONS: Within limits.

#### PRAYER

The above is considered gross violation of the NGT order of 26 October 2017. The undue delay is considered inexcusable even taking into account the extraordinary situation created by the Corona epidemic, effectively since April 2020. Especially since at the NGT hearing on 14 February 2020 - the learned council for the Respondent had once again emphatically assured the court that within 24 hours, the order would be fully implemented. Same claim was made earlier, under paragraph 5(b) and (c) of their Status Report submitted at the NGT hearing on 10 February 2020. Paragraph 3 of Annexure P3 also refers.

Pray NGT take appropriate action against the Respondents Nos 2 and 3 under Section 25, 26 and 28 of the NGT Act and ensure expeditious execution of paragraphs 2, 3 and 4 of the NGT order of 26 October 2017.

Before rendering their completion report - the system must be proved working in all the parks of the colony and demonstrate capability of effectively working three sprinklers simultaneously in parks spread across the colony.



APPLICANT

Rear Admiral A P Revi IN (Retd)

VARIFICATION

I A P Revi, son of late Shri A Kumaran, age 86, resident of 1396 Sector A Pocket B Vasant Kunj New Delhi, do here by verify that the contents of the above Executive Application are believed to be true to my personal knowledge and that I have not suppressed any material facts.



Date: 18 August 2020

Signature of Applicant

Place; New Delhi

AFFIDAVIT

In view of the Corona Virus Epidemic attestation has not been possible

## ANNEXURE R8 – OBJECTION STATEMENT

Item No. 01

Court No. 1

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

(By Video Conferencing) Execution

Application No. 17/2020

IN

M.A. No. 238/2019 IN

Original Application No. 386/2017

Rear Admiral A P Revi IN (Retd)

Applicant(s)

Versus

Delhi Jal Board & Ors.

Respondent(s)

Date of hearing: 07.09.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON HON'BLE MR.  
JUSTICE S. P. WANGDI, JUDICIAL MEMBER HON'BLE DR. NAGIN NANDA, EXPERT  
MEMBER**

Applicant: Rear Admiral A P Revi, Applicant in person

### **ORDER**

1. This application seeks execution of order dated 26.10.2017 directing DDA/MCD that treated sewage water, supplied by the DJB, be used for gardening, instead of fresh water. Such direction obviously was to save fresh water for drinking and other such purposes for which treated water could not be used. Vide order dated 14.02.2020, the Tribunal considered M.A. 238/2019 filed by the Applicant for the same purpose. Joint inspection was got conducted and it was found that pipeline had already been laid down. The Tribunal directed that pending application for electricity connection may be immediately considered to facilitate compliance of orders of this Tribunal. The applicant was given liberty to move again, if necessary.

2. In the present application, the applicant has submitted that the DDA and the South Delhi Municipal Corporation (SDMC) are still not using the treated water in the parks and the ground water extraction is still continuing for gardening.

3. Let a joint Committee of the Central Pollution Control Board (CPCB) and the Delhi Pollution Control Committee (DPCC) verify the factual aspects and if the ground water is still being used for gardening in public parks by the DDA and the South Delhi Municipal Corporation, as alleged, instead of sewage treated water, appropriate remedial action may be ensured. The Committee may file its report within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

The applicant may furnish a set of papers to the CPCB and the DPCC and file an affidavit of service within one week.

A copy of this order be sent to the CPCB and the DPCC by e-mail for compliance.

List for further consideration on 09.12.2020.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 07, 2020  
Execution Application No. 17/2020 In  
M.A. No. 238/2019 In  
Original Application No. 386/2017 SN

## **ANNEXURE R9 TO OBJECTION STATEMENT**

A P Revi <ap.revi@gmail.com>  
To: ccb.cpcb@nic.in, senv@nic.in, chdpcc@nic.in

11 September 2020 at 19:17

**Please refer to NGT order of 07 September 2020 constituting a Joint Committee of CPCB & DPCC to examine the factual position against issues raised in the EA 17 / 2020.**

**In compliance with the NGT directive the following documents are attached herewith for the consideration of the Committee:**

- |   |            |
|---|------------|
| <b>1. An explanatory letter APR/06/09/20 of 11 September 2020.</b>            | <b>I</b>   |
| <b>2. NGT order of 07 September 2020.</b>                                     | <b>II</b>  |
| <b>3. A copy of the EA No 17 / 2020 along with its enclosures – P1 to P4.</b> | <b>III</b> |
| <b>4. NGT order of 16 November 2018.</b>                                      | <b>IV</b>  |
| <b>5. SDMC Affidavit of 10 February 2020.</b>                                 | <b>V</b>   |
| <b>6. SDMC counter Affidavit of 11 July 2018.</b>                             | <b>VI</b>  |
| <b>7. Photo of sprinkler in operation in District park.</b>                   | <b>VII</b> |

**Rear Admiral A P Revi IN (Retd)**

**The Applicant**

**7 attachments**

-  **I NGT CPCB LTR.docx**  
24K
-  **II NGT ORDER SEP20.pdf**  
155K
-  **III NGT EA TEXT AUG20.pdf**  
3322K
-  **IV NGT ORDER NOV 18.pdf**  
265K
-  **V NGT MCD AFF 20X.pdf**  
763K
-  **VI NGT MCD AFF JUL18X.pdf**  
686K
-  **VII SPRINKLER DISTR PARK.docx**  
112K

A P Revi <ap.revi@gmail.com>  
To: upc1.cpcb@gov.in

11 December 2020 at 19:06

**As desired, I am forwarding a copy of my letter along with all the enclosures sent to Chairman CPCB & DPCC. This was according to the directive given under NGT order of 07 September 2020.**

**It is considered that the NGT order requires the Joint Committee of CPCB & DPCC to:**

25

1. **Verify the facts of the case related to:**
  - **Execution of NGT Order of 26 October 2020.**
  - **SDMC Affidavit of 10 February 2020. at Encl V. - consider would require checking of record of payment to BSES against the bore wells from February 2020.**
  - **SDMC Affidavit of 11 July 2018 at Encl VI. - consider would require evidence of use and frequency of supply of treated water to parks in the colony by tankers from July 2018.**
  
1. **Ensure sealing of all the tube wells in use for supply of water to the parks by SDMC in the colony and DDA in the adjacent District Park. - consider will require evidence of date of sealing and written instruction to BSES to disconnect supply permanently.**
2. **Inlieu, ensure supply of sewage treated water to all the fifteen parks in the colony and the District Park adjacent to it. Consider, will require satisfaction of all deficiencies reported in the joint site inspection report of 14 February 2020 submitted to NGT at Annexure P3 to Encl I.**

The case has been summed up in:

1. **The explanatory letter to both the Chairman at Encl I.**
2. **My MA in EA to NGT at Encl III.**
3. **The joint site inspection report at Enclosure P3 to MA at encl III - involving the Applicant, the Respondent SDMC and ARWS / ARWA Management - would require site confirmation and fulfilment confirmation from President ARWS & ARWA.**
4. **NGT Order of 16 November 2018 at encl IV.**

**In light of the above, which I am given to understand was not known to the team undertaking the investigation - would appreciate a review of the report rendered to NGT on 02 / 09 December 2020 and submit a Supplementary Report to NGT at the earliest - taking into account the information presented. This would considerably save the valuable time of the court.**

**Please acknowledge receipt.**

[Quoted text hidden]

**7 attachments**

-  **I NGT CPCB LTR.docx**  
24K
-  **II NGT ORDER SEP20.pdf**  
155K
-  **III NGT EA TEXT AUG20.pdf**  
3322K
-  **IV NGT ORDER NOV 18.pdf**  
265K
-  **V NGT MCD AFF 20X.pdf**  
763K
-  **VI NGT MCD AFF JUL18X.pdf**  
686K
-  **VII SPRINKLER DISTR PARK.docx**  
112K

## ATTACHMENT – 9B TO OBJECTION STATEMENT



MOST IMMEDIATE.

APR/06/09/20

11 September 2020

A P Revi

1396 Sector A Pocket B

Rear Admiral.I.N. ( Retd )

Vasant Kunj

New Delhi

Tel : 011-26895396

110070



: 011-41006560

M : 9873689609

email: ap.revi@gmail.com

Chairman CPCB

Parvesh Bhavan

East Arjun Nagar

New Delhi 110032

Chairman DPCC

6<sup>th</sup> Floor C Wing

Delhi Secretariat

IP Estate.

New Delhi 110002

### NGT ORDER OF 07 SEPTEMBER 2020 TO EA 17 / 2020

#### JOINT COMMITTEE

Please refer to NGT order of 07 September 2020 (copy at Attachment II). At paragraph 3 thereof, a joint Committee comprising of CPCB and DPCC has been constituted to examine the factual position against issues raised in the EA 17 / 2020 (copy at Attachment III along with enclosures). In compliance with the directive - following documents are submitted, for consideration of the Committee:

#### Attachment No

- |  |     |
|--|-----|
| a) NGT order of 07 September 2020.                                   | II  |
| b) A copy of the EA No 17 / 2020 along with its enclosures P1 to P4. | III |
| c) NGT order of 16 November 2018.                                    | IV  |
| d) SDMC Affidavit of 10 February 2020.                               | V   |

e) SDMC counter Affidavit of 11 July 2018.

VI

f) Photo of sprinkler in operation in District park.

VII

### **BACK GROUND INFORMATION / INTRODUCTORY NOTE**

**Following additional background information is also submitted for consideration of the Committee.**

The case Pertains to supply of STP treated water for the parks in Vasant Kunj Sector A Pocket B & C and District Park. The Sector is under the jurisdiction of two RWAs:

- a) ARWS – President. Flat No 1113. Col. KY Kumar. M:9810069785
- b) ARWA - President. Flat No 353. Shri. VK Gupta. M: 9811022398.

Since the inception of the colony from mid 1980s - the Sector was serviced by a captive STP. The STP was declared unviable in 2015. NGT order of 26 October 2017 (Annexure P\*1) put the responsibility for supply of treated water to the District park on DDA and to all the parks in Sector A Pocket B & C on the MCD.

[Note: P\* - Enclosures to Attachment No II]

The NGT order of 16 November 2018 (Attachment IV) briefly indicates the status of the case then.

The NGT order of 10 February 2020 (Attachment V) directed the Applicant to render a status report after a joint inspection on the site. Representatives from SDMC and both the ARWS and ARWA participated in the joint inspection, The status report was rendered (Annexure P\*3) on 14 February 2020. The list of items not complied with are as follows and still stands. The EA 17 / 2020 at Attachment III is also relevant:

- a) Permanent arrangement to be confirmed. Para.2(c)
- b) Electrical pump & power supply in the pump house is awaited. Para 2(e).
- c) Three parks in ARWA Pocket C – not connected. Para 2(g)

ii

It would seem that the Respondent No2 i.e. SDMC DD (Horticulture), has taken the NGT order of 26 October 2017 very lightly. It is quite evident that at least two of their recent Affidavits submitted to the Honourable Tribunal have made incorrect / misleading, if not, downright false declarations e.g.:

- a) Affidavit - Status report of **10 Feb 2020** in E A # 48/2017 (Attachment V) has declared at :
  - i. Para 2 (b) – that Horticulture Dept has completed laying of the distribution pipe. [ I]
  - ii. Para 2 (c) - that it is supplying Treated water to parks. [J]
- b) Counter Affidavit **of 11 July 18** in Ex Application # 48 /2017 of 11 July 2018 (Attachment VI) has declared at Para 2 – that SDMC *has immediately stopped the use of ground water for gardening.* [S]

As far as compliance to paragraph 4 of NGT order of 26 October 2017 (Attachment III Enclosure [P\*1]) is concerned – calling from DDA and SDMC the following documents will reveal the facts:

- a) The electricity bill for the period October 2017 to October 2020 in respect of the three dedicated bore well pumps in the parks and the contracts concluded for supply of treated water in tankers during the interim period.

In respect of DDA - copy of DDA's tender is available for tanker water supply at paragraph 4 of their Affidavit to EA 48 / 2017 of 04 July 2018. As far as known – during the three years since the NGT order of 26 October 2017 - MCD could not have deployed tankers, for the interim supply, for more than two occasions.

- b) As far as known to the Applicant – the District park under the jurisdiction of DDA has started receiving treated water under gravity from the storage tanks installed.

The photo at Attachment VII shows one sprinkler in operation, on 22 October 2019, presumably working from the bore water pump.

To make the DDA system fully operational - all that need to be done now is to install a suitable pump on the discharge line from the tank and prove the system working.

- c) SDMC counter Affidavit of 11 July 2018 (Attachment VI) declared at paragraph 2 – that *SDMC has immediately stopped use of ground water for gardening.*

Rear Admiral A P Revi IN (Retd)

# **ANNEXURE R 10 TO OBJECTION STATEMENT**

BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL,

Principal Bench, New

Delhi In

Execution Application No. 17/2020

Original Application No. 3gs/z017

In the Matter of: -

Rear Admiral A P IN Revi (Retd)

Applicant

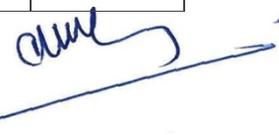
Delhi Jal Board & Ors.

Vs.

Respondent(s)

## **INDEX**

S. No.	Particulars	Page No.
1.	Joint Inspection Report in compliance to Hon'ble NGT order dated 07.09.2020 in the matter of Execution Application No. 17/2020 In O.A. No. 386 of 2017 titled as Rear Admiral A P IN Revi (Retd) Vs. Delhi Jal Board & Ors. before Hon'ble National Green Tribunal, Principal Bench, New Delhi.	
2.	Annexure-I: Photograph of display unit of OCEMs.	
3.	Annexure- II: Letter dated 12.11.2020 issued by SDMC to CPCB regarding Action Taken Report.	
4.	Annexure-III: Letter dated 12.11.2020 issued by DDA to CPCB regarding irregular supply of treated water for parks & water bodies and identification of DJB lines in Pashim Vihar, Pashchimpuri and Vikaspuri area.	
5.	Annexure-IV: A copy of Hon'ble NGT order dated 07.09.2020.	



(N. K. Gupta)  
Scientist 'E'

Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar,  
Delhi-110032

Place: Delhi

Date: 02.12.2020

# JOINT INSPECTION REPORT

By

Central Pollution Control

Board Delhi Pollution Control

Committee As per

Hon'ble National Green Tribunal  
(Order dated 07<sup>th</sup> September, 2020)

IN THE MATTER OF

Rear Admiral A P Revi

(Retd) Versus

Delhi Jal Board & Ors

Execution Application No. 17/2020

IN M.A. No. 238/2019

IN

Original Application No. 386/2017

## 1.0 Background:

Hon'ble NGT vide order dated 07.09.2020 in above said matter directed as follows:

*“Let a joint Committee of the Central Pollution Control Board (CPCB) and the Delhi Pollution Control Committee (DPCC) verify the factual aspects and if the ground water is being used for gardening in public parks by the DDA and the South Delhi Municipal Corporation, as alleged, instead of sewage treated water, appropriate remedial actions may be ensured. The Committee may file its report within two months in e-mail at [judicial-ngt@goo.in](mailto:judicial-ngt@goo.in) preferably in the form of searchtable PDF/ OCR Support PDF and not in the form of Image PDF.*

### Compliance to Hon'ble NGT directions:

In compliance to Hon'ble NGT directions, team comprising following officials of Delhi Pollution Control Committee and Central Pollution Control Board conducted inspections to verify compliance of Hon'ble NGT directions:

1. Sh Shyam Sunder, Environmental Engineer, DPCC
2. Sh Danish Meena, Scientist 'B', Central Pollution Control Board.

### Observations

During inspection by joint committee on 03.11.2020, following observations are made:

1. It was found that treated effluent of STP at Vasant Kunj being utilized for horticulture purpose by Delhi Development Authority and South Delhi Municipal Corporation
2. Vasant Kunj Sewage Treatment Plant of Delhi Jal Board was found operational. OCMS reading depicts BOD-I 1.17 mg/l, COD-31.50 mg/l, TSS-16.71 mg/l, Ph 7.09. Photograph of display unit of OCMS is depicted in Figure 1 of Annexure-I.
3. Delhi Development Authority and South Delhi Municipal Corporation has laid down necessary infrastructure for supply of treated water from Vasant Kunj STP to B&C Block, Vasant Kunj. OverHead tank of DDA and UGR tank of SDMC are shown in Fig 2 and Fig 3 of Annexure-I respectively.
4. Delhi Development Authority has laid waterlines from STPs of DJB installed overhead tanks of 50,000 litres for supplying treated water in B&C Block. SDMC has constructed UGR tank of 1,08,000-litre capacity for supplying treated water in 30 Nos park of B&C Block, VasantKunj.
5. During inspection DDA Bore well for B&C Block was found closed and not in use  
.Closed bore well is depicted in Fig 4 of Annexure-I.

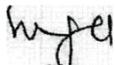
## FINDINGS

Based on the inspections made, following findings are made:

1. DDA is supplying treated water into BMC Block, Vasant Kunj parks.
2. SDMC is supplying treated water into B&C Blocks through interim arrangements by Diesel Genset as tender for installation of pump is under progress, which is scheduled to be completed by the end of November. Letter from SDMC is attached as annexure-IT
3. DJB has laid down pipelines in various sector of Rohini Zone. DDA has requested DJB to provide layout of these lines and to resolve issue of low-pressure supply in Pashcim Vihar so that treated water may be utilized in DDA parks & water bodies in Rohini zone and Paschim Vihar area. Letter from DDA is attached as annexure-III.

### Recommendation:

1. DDA, SDMC and other similar agencies should take proactive measures for expansion of pipeline Network for distribution of treated water from operational STPs to nearby parks.
2. Existing issues between agencies for expediting supply of treated water in Parks to be taken up or priority. A person should be nominated from each agency for resolving inter agency disputes



Shvan

S yarn Sunde  
Environmental En neer  
Delhi Pollution Control Committee



Danish Meena  
Scientist 'B',

Central Pollution Control Board

**Figure 4 – Closed bore well inside DDA park**



# **ATTACHMENT R11 TO OBJECTION STATEMENT** **NGT ORDER OA 386/2017 OF 07 SEPTEMBER 2020**



**A P Revi** [ap.revi@gmail.com](mailto:ap.revi@gmail.com) 05 January 2021

18:01 (59 minutes ago)

to ccb.cpcb, senv, chdpcc, bcc: upc1.cpcb

## **MOST IMMEDIATE**

NGT ORDER 07 SEPT 2020– OA #386/2017

Please refer to my eMail of 11 September 2020, NGT order of 07 September 2020 and the Joint Committee Report to NGT of 02 December 2020.

To save valuable time of the Honourable NGT and taking into account the glaring shortcomings observed in the report rendered to NGT on 08 / 09 December as elaborated at attachment 1 – an appeal is made here under the extraordinary circumstances, as explained in the succeeding paragraphs, for the Chairman’s personal intervention to order a review of the report taking into account the serious deficiencies and submit a Supplementary or a corrigendum report to NGT for their consideration by the next hearing on 25 February 2021.

Regret to inform that not only was the report submitted late, leading to postponement of the scheduled hearing of the 09<sup>th</sup> December to 25<sup>th</sup> February 2021 but also did not address the core issue of varifying the factual aspect of the case. To elaborate on the complex issue - the Applicant was directed under the NGT order to furnish the requisite background papers to augment the order. The same was put up at Attachment 1 to my eMail quoted above.

It is considered that serious deficiencies in the report are mainly due to the following:

For rendering the report - the investigating field team:

- a) Relied entirely on the inputs given by the alleged offending party – hence not even all the bore wells involved in the colony for the parks were shown / identified.
- b) Did not even consult the Applicant or the RWAs concerned (the aggrieved party) – detail particulars of whom were given in the eMail quoted above.
- c) Was seriously handicaped due to not having had access to the background papers submitted by the Applicant under direction of NGT - till after rendering the report?[i.e. My eMail of 11 September quoted above]. As a result the whole purpose of the NGT directive of the Applicant having to submit a background paper was beaten – since the field team took no cognisance of it.

## **BACK GROUND TO THE CASE**

The crux of the issue is as follows:

- a) NGT order of 26 October 2017 at paragraph 4 – prohibits use of bore well water for irrigating parks and puts the onus for providing treated water between DJB, DDA and SDMC.
- b) SDMC in their Affidavit on 09 July 2018 at paragraph 2 of their EA 48/2017 have confirmed that ground water supply to parks had been stopped.  
[At VI to email]
- c) Also, SDMC Affidavit of 10 February 2020 at: [Attachment V to email above.]
  - i. Paragraph 2(c) – claims that treated water is being supplied to the parks
  - ii. At the same time, at Paragraph 4 – a request is made by the Executive Engineer (Project II) SZ to DD (Horticulture) to lay the distribution line from the underground tank to the parks.
- d) NGT order of 10 February 2020 directs the Joint Inspection Team to give a status report on whether the NGT order of 26 October 2016 has been completed. The status report, rendered, after joint inspection on site, is at attachment III P3 of the above eMail. The joint inspection team comprised of the Applicant, representatives from SDMC horticulture department and the RWAs involved. In response to the opening given in the NGT order of 14 February 2020 (Attachment IV Annexure P4) to report on any non compliance by MCD to their order of 26 October 2017 – the EA 17 / 2020 was submitted

stating that SDMC had not complied with paragraphs 2, 3 and 4 of the NGT order of 26 October 2017. [ Attachment III to above eMail]

e) Since the status report at paragraphs (c) and (d) above were contrary to the claims made by SDMC at paragraphs (b) and (c) above - the NGT order of 07 September 2020 has instituted the joint Committee of CPCB & DPCC to examine the factual position.

It is to resolve this wide disparity between the claims made by SDMC from time to time in Affidavits and the Applicant's assessment of the status of work at that point of time that it is believed that NGT has appointed this independent body to *verify the factual aspects*.

#### RECOMMENDED ACTION PLAN

In view of the above, this submission is an appeal to the Chairman to issue a directive to the Joint Inspection Team to review their report and submit a Supplementary or a corrigendum report to NGT by the next hearing on 25 February 2021.

It is considered that the report does not address the core objectives set in the NGT order of 07 September 2020. The Absence of answers in the report to the following simple questions – is considered to cause a serious lacuna and as a result, that could lead to miscarriage of justice. Specific remarks against the report are given at Attachment I:

- a) Number of occasions on which treated water was supplied to the parks in the colony, using the portable diesel pump?
  - i. Since demonstrated to the CPCB / DPCB Joint Inspection team on 11 November 2020
  - ii. Since demonstrated during test run, before the NGT hearing on 14 February 2020.
- b) In respect of the bore well pumps available for use in parks of Sector A Pockets B & C:
  - i. Numbers installed?
  - ii. Dates on which each one of them was permanently sealed - supported with evidence?
  - iii. Record of BSES electricity bill in respect of each, since 11 July 2018 – the date from when SDMC assured NGT of having stopped use of ground water for gardening (Paragraph 2 of their Short Counter Affidavit at EA #48 of 11 July 2018 refers)?  
[Attachment VI to above eMail]
- c) Number of occasions when the colony parks were watered using treated water in tankers as implied at paragraph 3 of the above Short Counter Affidavit to NGT?
- d) Date on which the Electrical Pump station (stated to be in the process of installation at the time of Joint Inspection on 03 November 2020) was made operational and supply of STP treated water to all the fifteen parks in Sector A Pocket B & C commenced on a regular basis?

#### MOST IMMEDIATE

#### Attachments area



**A P Revi**

18:28 (32 minutes ago)

to ccb.cpcb, senv, chdpcc

**Please correct the date erroneously recorded at Attachment I under column REMARKS at paragraph 1(b) as 14 February 2020 to 07 September 2020. The error is regretted.**

## ANNEXURE R12 – TABULATED RESPONSE TO R10

### ATTACHMENT I -REMARKS AGAINST JOINT INVESTIGATION REPORT CCPB / DPCB – NGT ORDER OA 386 / 2017 – R10

PAGE / PARA #	REPORT CONTENT	REMARKS
2 / 3.0	<p><b><u>OBSERVATIONS on 03 XI 2020</u></b></p> <p>1. Found treated water being utilised for horticulture by DDA &amp; MCD.</p> <p>5. DDA bore well for B&amp;C Blocks was found closed &amp; not in use. Closed bore well depicted in Fig 4 of Annexure I</p>	<p>1. (a).In the case of SDMC – was this a rigged show? How often was this water supplied since Feb 2020? (b).Same claim was made by SDMC in an Affidavit on the date of NGT hearing on 07 September 2020.</p> <p>5. (a). DDA supplies to the District park only and not to the fifteen odd Sector A Pocket B &amp; C parks.</p> <p>(b). The picture at Figure 4 Annexure1 is specific to the DDA pump only.From the picture it is clear that the paper stuck is a fresh white paper put for the occasion that day only.</p> <p>(c). (i) What about the bore pumps in Sector A Pockets B &amp; C – which is in SDMC jurisdiction &amp; is the main thrust of the NGT order? How many pumps are there? *</p> <p>ii. When were they sealed? NGT order of 26 October 2017 prohibits use of ground water for parks.</p> <p><input type="checkbox"/> * Had the Applicant / the RWAs been consulted, as part of the investigation involved or the back-ground paper submitted as directed by the NGT (Attachment to my eMail to CPCB &amp; DPCC refs) been consulted –this discrepancy would not have happened.</p>

3 / 4.0	<p><b><u>FINDINGS</u></b></p> <ol style="list-style-type: none"> <li>1. DDA is supplying treated water to to Pockets B &amp; C parks.</li> <li>2. (a).Treated water is being supplied to the parks through diesel portable pump. (b). Installation of electrical pump set is scheduled to be completed in November 2020.</li> </ol>	<ol style="list-style-type: none"> <li>1. DDA is only responsible for the District park and not for parks in Sector A Pocket B &amp; C.</li> <li>2 (a) In the ATR submitted to NGT on 10 February 2020 at paragraph 5c SDMC also makes a claim to the same effect. <ol style="list-style-type: none"> <li>i. Since then, on how many occassion was treated water suplied to the park? Not more than three.</li> <li>ii. Since it was again demonstrated to the Joint Inspectors on 03 November 2020 – on how many occassion was the diesel pump deployed for supplying treated water to the parks since then? Not more than once.</li> </ol> </li> <li>(b). Date of commencement of supply of treated water using electrical pump on a regular basis? As of 03 February 2021 this has not happened</li> </ol>

## NGT ORDER OA 386 / 2017

1 message

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**A P Revi** <ap.revi@gmail.com>  
To: ccb.cpcb@nic.in, chdpcc@nic.in

10 February 2021 at 19:19

**Further to my email of 11 September 2020. A copy of my Objection Statement to Joint CPCB & DPCB report of 02 December 2020 is attached.**

 **NGT OBJ FEB X.pdf**  
578K