

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

M.A. No. 24 of 2023

IN

ORIGINAL APPLICATION NO. 33 of 2022

IN THE MATTER OF:

Ganesh Prasad

.....Applicant

Versus

Govt. of NCT of Delhi & Ors.

.....Respondents

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Through

Richa Kapoor
Advocate (D/725/1992)

Counsel for DJB
407, Lawyers Block I,
Delhi High Court
New Delhi – 110003
Mob. 9810400407

Email: office@marklegal.co.in

New Delhi
Date: 02.12.2023

**BEFORE THE NATIONAL GREEN TRIBUNAL
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**REPLY AFFIDAVIT ON BEHALF OF DJB IN COMPLIANCE OF
ORDER DATED 02.11.2023 & 09.11.2023**

I, A. Anbarasu S/o Sh. K. S. Appavoo, Aged 53 years, CEO, DJB, having its office at Varunalaya, Phase II, Karol Bagh, New Delhi – 110005, do hereby on solemn affirmation state and declare as under:

1. I, am holding the additional charge of CEO, Delhi Jal Board (DJB) and thus fully conversant with the facts of the case and hence competent to swear this affidavit on behalf of DJB in compliance of orders dated 02.11.2023 & 09.11.2023 passed by this Hon'ble Tribunal in the above captioned case. That the statements in the instant affidavit are based upon knowledge obtained during the regular course of business and records maintained by DJB.
2. That the Original Application No. 33 of 2022 was filed before this Hon'ble Tribunal by the Applicant namely Ganesh Prasad raising grievance regarding running of the unauthorised RO Plant at K-9, 25 feet Road, Part II, Chanakya Palace, New Delhi, by one Mr. Ashish. Accordingly vide order of the said date, this Hon'ble Tribunal taking cognizance of the grievance of the Applicant, constituted a Joint



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Committee of Chairman DJB, DPCC, District Magistrate (DM), New Delhi and Chairman, State Ground Water Authority (SGWA) to look into the grievance of the applicant. The State PCB i.e. DPCC was appointed as nodal agency for coordination and compliance. It was also observed in the said order that Joint Committee may meet within one month and undertake site visit and look into the grievance. Factual and action taken report may be furnished within 3 months before the Ld. Registrar General, NGT, Delhi by email at judicial-ngt@gov.in and if necessary he may put the matter before the bench for necessary action. True copy of the order dated 31.01.2022 passed in OA No. 33 of 2022 is annexed herein as **Annexure R-1**.



That the aforesaid order dated 31.01.2022, was communicated at the office of the CEO DJB through email dated 07.02.2022 sent by the Consultant Judicial – NGT (P.B.). Upon receipt of the order, the case was marked to the concerned Executive Engineer i.e. EE (M-30) on 21.02.2022 for necessary action. That the concerned EE(M-30) deputed Mr. Shashikant Yadav JE (Civil) to inspect and visit the premises in question i.e. K-9, Chanakaya Palace Part II, New Delhi and report back its observation at site.

4. That the concerned JE (Civil) visited the premises in question on 26.02.2022 and it was discovered that the illegal bore well and unauthorised RO Plant, was instead installed at K-7, Chanakaya Palace, Part II, New Delhi and was owned by Mr. Ajit Singh (8700939586). The relevant site facts noted during the inspection by the J.E. (Civil) are as follows:

- *One underground bore exists.*
- *Photograph of RO plant enclosed*
- *Electricity bill enclosed (non domestic) CA No. 103161369*

- Capacity of submersible pump installed 1.5hp
- Permission of bore well not available
- Daily operating hours as per owner 1 hr. Morning and 1 hr evening.
- Filling of bottles as per the owner 100 no filling of 20 litre bottles daily.

True copy of the site facts noted during the inspection by the J.E. (Civil) dated 26.02.2022 at Page 1/N of the concerned file along with its typed copy is annexed as **Annexure R-2.**

5. The concerned EE(M-30) upon receipt of site inspection report from JE(Civil), promptly reported about the illegal extraction of water through unauthorised ground water bore well existing at K-7, Chanakaya Place, Part II, New Delhi-59 (“site”), to the Sub-Divisional Magistrate (Dwarka) (“Concerned SDM”) vide letter dated 28.02.2022 and requested the concerned SDM to take necessary action as per the provision illegal extraction of ground water. True copy of the letter dated 28.02.2022 sent by the EE (M-30) to the SDM Dwarka is annexed as **Annexure R-3.**

6. That it is relevant to mention that the environment department of Govt. of NCT of Delhi had devised the Standard Operating Procedure (SOP) titled as “ *Regulation of extraction of groundwater, closure, prohibition of illegal activities relating to use of borewells/tubewells*” wherein clear responsibilities have been assigned to various agencies such as DJB/local bodies and block development officers for identification of illegal borewells depending on nature of use and Deputy Commissioners (Revenue) of the Districts have been assigned the role of supervision of checking the violation and closure of illegal borewells. An inter- departmental advisory committee has been



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constituted for each district to assist the Deputy Commissioners. The detailed procedure provided in the SOP is reproduced herein below :-

“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 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.
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.*



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.

True copy of the Standard Operating Procedures (SOPs) titled as "Regulation of extraction of groundwater, closure, prohibition of illegal activities relating to use of borewells/tubewells" devised by Govt. of NCT of Delhi is annexed as **Annexure R-4**.

- 
7. In terms of the aforementioned SOPs, the Delhi Jal Board, from time to time, upon receiving complaint about any such illegal bore well/tube well being installed and operated has acted promptly and vigilantly in informing the office of concerned SDMs who are competent authority for deduction of illegal wells and its closure under the supervision of Deputy Commissioner (Revenue).
8. That as stated above since in terms of the order dated 31.01.2022 passed in the OA No. 33 of 2022, DPCC was appointed as the nodal agency for coordination and compliance of the Joint Committee formed to look into the grievance of the Applicant namely Ganesh Prasad, the DPCC organized the inspection on 29.07.2022, of the site K-9, 25 feet Road, Part II, Chanakaya Palace, New Delhi. The officials of Delhi Jal Board (DJB), Central Ground Water Authority



(CGWA) & DPCC attended the inspection at site on 29.07.2022. However, the bore well in question could not be sealed on the date of inspection as no officer from the office of the concerned District Magistrate (South-West), Delhi was present during joint inspection. True copy of joint inspection report dated 29.07.2022 alongwith typed copy are annexed as **Annexure R -5.**

9. Thereafter, the concerned EE(M), DJB had issued reminder letter dated 09.09.2022 to SDM (Dwarka) alongwith the copy of order dated 31.01.2022 of this Hon'ble Tribunal requesting immediate action and sealing of the borewell in question. True copy of reminder letter dated 09.09.2022 issued by the DJB to the SDM (Dwarka) is annexed as **Annexure R-6.**

10. That on 21.07.2023 fresh MA No. 24 of 2023 in OA No. 33 of 2022 was taken up for hearing before this Hon'ble Tribunal wherein the grievance was made regarding running of unauthorized RO Plant at K-9, 25 feet Road, Part II, Chanakaya Palace, New Delhi. That on the said date none appeared either for the Respondent or for the Applicant. That vide order dated 21.07.2023 passed in MA No. 24 of 2023 in OA No. 33 of 2022, this Hon'ble Tribunal directed the '*District Magistrate (South west Delhi) to comply with the directions and submit further action taken report directed DPCC to calculate environmental compensation for the pass violations, assess and to realise in accordance with rules and to submit report within 2 months by e-mail @judicial-ngt@gov.in....*' Further considering such incidences of illegal extraction of ground water coming before the tribunal, CGWA/DJB was directed to launch awareness programmes on warning citizens to act according to due procedures and listed the



matter for consideration on 02.11.2023. True copy of order dated 21.07.2023 passed in MA No. 24 of 2023 in OA No. 33 of 2022 is annexed as Annexure R-7.

11. It is submitted that even though DJB has been taking active steps to launch awareness programmes in compliance of order dated 21.07.2023, the order of the said date did not come in the notice of DJB and hence on account of inadvertent but bonafide omission, the DJB remained unrepresented on the said date before this Hon'ble Tribunal, as the said M.A. 24 of 2023 was listed for the first time before this Hon'ble Tribunal.

12. That it is submitted that in terms of order dated 21.07.2023, the DJB has been actively carrying out Local Awareness Programmes through various RWAs and Commercial and Industrial Associations to create awareness among the residents to encourage rain water harvesting and warning the citizens not to engage in illegal activities such as erection, installation & use of borewell for residential, commercial and industrial use. Further, there is also helpline no. 1916 activated by DJB for reporting any illegal activities in respect of water and water connection including use of illegal borewells. True copy of the photographs of the awareness programme conducted by the DJB is annexed as Annexure-R-8.



13. Further, it is submitted that the DJB has vigilantly acted upon the three other complaints received in respect of illegal borewells installed in Chanakaya Place and its adjoining areas and has duly intimated the concerned office of SDM (Dwarka) through letters and telephonically, to initiate sealing actions as per the SOP. Further, reminders have also been sent to the concerned SDM (Dwarka) &

DM letters dated 29.11.2023. True copies of the letters dated 03.06.2022, 25.05.2023, 23.11.2023 & 29.11.2023 are annexed as **Annexure-R-9 (Colly)**.

14. That the DJB has been duly complying with the responsibilities as assigned as per the said SOP to prevent illegal extraction of ground water and installation of bore wells. It is pertinent to mentioned that due to the vigilant action of the DJB about 19661 illegal bore wells were identified as on 31.08.2021 and thereafter DJB has continued to identify illegal bore wells and prevent ground water extraction.



15. That since the order dated 21.07.2023, was not in the knowledge of DJB, the date of 02.11.2023 also bonafidely and inadvertently could not be attended to either by the counsel or by any of the representative of the DJB. This Hon'ble Tribunal taking note of the delay in sealing of the subject unauthorized RO Plant at site by District Magistrate (South West Delhi) from 07.02.2022 till 02.11.2023 without any justification, issued show cause notice to DPCC, DJB, District Magistrate (South West Delhi) and SDM Dwarka to explain as to why environmental compensation be not imposed upon them and directed them to file their response/reply on or before 08.11.2023 and listed the matter for hearing on 09.11.2023. True copy of the order dated 02.11.2023 passed in MA No. 24 of 2023 in OA No. 33 of 2022 is annexed as **Annexure R-10**.

16. It is most humbly submitted that the order dated 02.11.2023 was communicated to the office of the deponent on 04.11.2023 and the same was inadvertently forwarded by the personal secretary of the deponent to the concerned Member of DJB who then further assigned

the said email to the office of concerned EE(M-30) Sh. Pulkit Saigal, to take necessary action. However, since the concerned EE M 30 due to critical illness of his wife had taken leave w.e.f. 04.11.2023 and unfortunately the wife of Sh. Pulkit Saigal Expired on 09.11.2023, which was the date of hearing before this Hon'ble Tribunal. On this account Sh. Shashikant Yadav, subordinate of the concerned EE M 30, appeared before the Hon'ble Tribunal on 09.11.2023. True copy of death certificate of wife of EE(M-30) DJB is annexed as **Annexure R-11**

17. That the information about the order dated 02.11.2023 which was communicated through e mail dated 04.11.2023 was only brought to the knowledge of deponent for the first time on 09.11.2023. But the following meetings/inspections were prescheduled to be chaired/attended by the deponent on 09.11.2023 and could not be rescheduled as they required urgent executive decision in the presence of deponent.

- a) 10.00 am DJB lake Timarpur- visit of Hon. Minister water.
- b) 12.00 pm (Noon) conference hall CR building- meeting of state coordination committee regarding GST authorities from the state and central tax administration.
- c) 3.00 pm- conference hall MSO building- meeting under chairman ship of deponent.
- d) 3.30 pm conference room minister (Revenue)- Hon. Minister (Water).
- e) 4.30 pm conference room 6th level Delhi Secretariat- meeting under chairmanship of Hon. Minister water.

It was also orally conveyed on phone to the Registrar, NGT about my inability to attend and requested for a fresh date to appear before NGT. Non-appearance in NGT on 09.11.2023



and the resultant inconvenience caused to NGT is deeply regretted.



18. In view of the aforesaid, it is submitted that DJB could not effectively represent itself, and could not file its reply nor could move an application seeking exemption of the personal appearance of CEO, DJB, the deponent herein. The non-compliance/nonappearance was not intentional but was on account of bonafide reasons as narrated herein above and deponent undertakes remain personally present before this Hon'ble Tribunal on 04.12.2023.
19. The deponent, in all humility at his command, renders unconditional apology before this Hon'ble Tribunal and seek to place the reply/response in compliance to the order dated 02.11.2023 & 09.11.2023 which may kindly be taken on record.
20. It is submitted that the SDM has the authority to seal the unauthorized borewell for which the DJB promptly on receiving the information of the case on mail dated 07.02.2022, carried out the inspection on 26.02.2023 and consequently sent a letter dated 28.02.2022 to the SDM to take appropriate action in accordance with law and hence there is no delay on part of DJB. In view of the averment's contentions raised the bonafides of the DJB, it is most respectfully prayed that the show cause issued against DJB vide order dated 02.11.2023 be recalled.
21. The deponent is ready and willing to comply with any directions and instructions as this Hon'ble Tribunal may deem fit to prevent illegal ground water extraction.


DEPONENT

VERIFICATION:

02 DEC 2023

Verified at New Delhi on 2 day of December, 2023 that the contents of present affidavit are true and correct to my knowledge, and no part of it is false and nothing material has been concealed therefrom.

DEPONENT

Richa Kapoor

Identify the deponent who has signed/put thumb impression in my presence.



CERTIFIED THAT THE DEPONENT
Shri/Smt./Km..... *A. Anbarasu*
S/o. W/o D/o Sh..... *K.S. Appavu.0*
R/o.....
Identified by *Richa Kapoor, Adv.*
Has Solemnly sworn at Delhi
on..... *36*
that the contents of the affidavit which have
been read & explained to him are true and
correct to his knowledge.

02 DEC 2023

Oath Commissioner, Delhi High Court

Annexure R-1

Item No.20

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH**

(By Video Conferencing)

Original Application No. 33/2022

Ganesh Prasad

Applicant

Versus

Gov. of NCT of Delhi

Respondent

Date of hearing: 31.01.2022

**CORAM: HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER****Application is registered based on a complaint received by Post****ORDER**

1. Grievance of the applicant Mr. Ganesh Prasad is regarding running of unauthorized R.O. plant at K-9, 25 Feet Road, Part II, Chankya Puri Palace, New Delhi by one Mr. Ashish (Mobile No. 9212025900), who has extracted lacs of liters of ground water and has caused damage to the environment.

2. In view of the above, we form a joint committee of Chairman, Delhi Jal Board, DPCC, District Magistrate, New Delhi and Chairman, State Ground Water Authority to look into the grievance of the applicant. The State PCB will be the Nodal agency for coordination and compliance. The joint Committee may meet within one month and undertake site visit and look into the grievance. Factual and action taken report may be furnished within three months before the Ld. Registrar General, NGT, Delhi by e-mail at judicial-ngt@gov.in preferably in the form of

searchable PDF/ OCR Support PDF and not in the form of Image PDF and, if necessary, he may put the matter before the Bench for necessary directions.

The application is disposed of accordingly.

A copy of this order, along with a copy of the complaint, be forwarded to the Chairman, Delhi Jal Board, DPCC, District Magistrate, New Delhi and Chairman, State Ground Water Authority, by e-mail for compliance.

Brijesh Sethi, JM

Prof. A. Senthil Vel, EM

January 31, 2022
Original Application No. 33/2022
AP & AG

Subject:-Reporting for unauthorized and illegal R.O. Plant operating at K-CP II Chanakya Place Part B New Delhi

w.r.t to the above mentioned subject it is reported that on visiting the premises K-CP II on dated 26-02-2022 mentioned in the complaint. It is a residential plot. Two children were present at time of visiting of premises. on asking them is there any RO plant in this premises they replied no. however I had gone to every room of the premises. do not found anything relating to RO plant. Further one child said there is plant but address is different. It is K-CP II. Afterwards I have gone to K-CP II and found R.O. Plant installed there.

Further enquiring with the owner of the plant (Ajit Singh 8760939586). Owner told that some days back two persons came from the DJB Jhandewalan office. Their names named as Mr. Praveen and Mr. Rana in this regard. However, some of the site facts are as under.

- One under ground bore exists
- Photograph of RO plant enclosed.
- Electricity bill enclosed.(non domestic) C A no 103163769
- Capacity of submersible pump installed - 1.5 hp
- Permission of bore well - not available
- Daily operating hours as per owner - 1hr morning and 1hr evening
- Filling of bottles as per the owner - 100 no filling of 20 liters bottles daily

दिल्ली जल बोर्ड
DELHI JAL BOARD

11/1/30

26/02/22
Sachin Kumar Yadav

Site Inspection report of concerned J.E. of area attached to the information letter written to SHM (S.I. Dept) District. Sealing of bore existing is site to any permission.

Sachin Kumar Yadav

A.E.F. (M) 30
DELHI JAL BOARD
Jary No. 512
Date 26/02/22

DELHI JAL BOARD

Add. CE (M)-8

Jary No. 674
Date 27/2/22

I/N

Subject:- Reporting for unauthorized and illegal R.O. Plant operating at K-9 Chanakya Place Part II New Delhi.

w.r.t to the above mentioned subject it is reported that on visiting the premises K-9 CP-II on the dated 26-02-2022 mentioned in the complaint. It is a residential plot Two children were present at time of visiting of premises. On asking them is there any RO plant existing in this premises they replied no, however I had gone to every room of the premises and do not found anything relating to RO plant. Further, one child said there is plant but the address is different. It is K-7 CP-II. After wards I have gone to K-7 CP-II and found RO Plant installed there.

Further enquiring with the owner of the plant (Ajit Singh-8700939586). Owner told that some days back two persons came from the DJB Jhandewalan office, room no 51 named as Mr. Praveen and Mr. rana in this regard. However some of the site facts were as under:-

- One under ground bore exists
- Photographs of RO plant enclosed.
- Electricity bill enclosed (non domestic) CA No.103161369)
- Capacity of submersible pump installed 1.5 hp
- Permission of bore well not available
- Daily operating hours as per owner 1hr morning and 1hr evening
- Filling of bottles as per the owner 100 no filling of 20 liters bottles daily

EE M-30

-Sd-
26/02/2022
Shashikant Yadav
JE Civil

<p>A.E.F. (M)30 Delhi Jal Board Dairy No.312 Date 02.03.2022</p> <p>DELHI JAL BOARD Addl. CE (M)-8 Dairy No. 674 Date 8/3/2022</p>	<p>Site Inspection report of concerned J.E of area is attached & reference from Letter written to SDM (S. West/Dwarka) for sealing of bore existing at site with any permission.</p> <p>Submitted please.</p>
--	---

-Sd-

EE M-30


TRUE COPY

Annexure R-3

STOP CORONA	
"Wear Mask, Follow Physical Distancing, Maintain Hand Hygiene"	
	DELHI JAL BOARD, GOVT. OF NCT. OF DELHI
	OFFICE OF THE EXECUTIVE ENGINEER (M) 30
	A BLOCK UGR, JANAKPURI, NEW DELHI-110058
Mail id : aeem30djb@gmail.com	

NO. DJB/AEE (M)-30/2022/120

DATE:- 28/02/2022

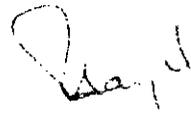
To,

Sub Divisional Magistrate (Dwarka)
SDM DWARKA Office,
Sector-10, Dwarka,
New Delhi.

Sub: - Illegal extraction of water through bore well.

It has been brought to the notice of the office of under signed that illegal ground water bore are existing at K-7 Chanakya Place Part-II, New Delhi 110059. It is therefore requested to kindly take necessary action as per the provision of the illegal extraction of ground water.

Submitted please.


 Executive Engineer (M)-30

c/c



DELHI JAL BOARD, GOVT. OF NCT. OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER (M) 30
A BLOCK UGR, JANAKPURI, NEW DELHI 110058
Mail id : aeem30djb@gmail.com

No. DJB/AEE(M)-30/2022/120

DATE: 28.02.2022

To,

Sub Divisional Magistrate (Dwarka),
SDM Dwarka Office, Sector-10, Dwarka,
New Delhi

Sub:- Illegal extraction of water through bore well.

It has been brought to the notice of the office of under signed that illegal ground water bore are existing at K-7 Chanakya Place Part-II, New Delhi 110059. It is therefore requested to kindly take necessary action as per the provision of the illegal extraction of ground water. .

Submitted Please.

-Sd-
Executive Engineer (M)-30


TRUE COPY

Annexure R-4

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

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.

- 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.

- 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.

---X-----X-----X-----X---

Department of Environment

26

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 Department of Environment borewells/tubewells, directions under Section 5 of the Environment (Protection) Act, 1986 have been issued

with the approval of Hon'ble Lt. Governor on 18" May, 2010 and on 10" 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 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.
- 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.
- 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.

-----X-----X-----X-----X


TRUE COPY

Annexure R-5

INSPECTION REPORT

Dated: 29/07/2022

In compliance of Hon'ble NGT order dated 31.01.2022 in OA NO. 33/2022, a joint inspection was carried out by joint committee including officials of DPCC, CGWA, DJB

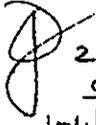
Following were the facts/observations gathered during the inspection:-

1. An RO plant was verified at the address Plot No-7, Block-K, Chanakya Palace-II, Uttam Nagar, New Delhi on the name of Ajit Kumar & Ashish Kumar. However at plot No-9, Block-K, do -- no RO plant was present.
2. The person present during the inspection at plot No-7 named Ajit accepted the fact that he is operating RO plant in plot-7 instead of plot No-9.
3. So, at plot No-7 Block K, do -, our observations are as follows:-
 - (a) Borewell with submersible pump (4" dia, 2-4 HP pump) and exact capacity of the pump could not be verified as it is underground.
 - (b) No Noc/permission is obtained from DJB CGWA for running an RO plant for the extracted water from ground.
 - (c) RO plant set up is verified alongwith pictures. It is operational since 1-2 years as told by person contacted.

- (d) ^{5/c} As per the information given by the person contacted around 300-400 bottles of capacity 20 liters suppling in the nearby places.
- (e) Ground water sample tested with a ~~to~~ TDS meter ~~from~~ (collected from site) and reported value of TDS is 739 mg/l.
- (f) The waste water generated from plant was being directly discharged into the sewer.

~~(g) AA~~

Amrind Khan
JEE, DPCC

 29/7/22
S.K. Padan
JEE(U)
/0 EEM-30.
ACEM-8

 29/7/22
(Shilpi Gupta)
Sci-B

ATTENDANCE

29/07/2022

- ① SHILPI GUPTA, SCIENTIST-B, CGWB, NEW DELHI
- ② AMZAD KHAN, JEE, DPCC
- ③ SHASHIKANT YADAV, JE, DJB

Amzad Khan
29/07/2022

No member/representative from DM (South-West) was present during the inspection.

Dated: 29/07/2022

INSPECTION REPORT

In compliance of Hon'ble NGT order dated 31.01.2022 in OA No. 33/2022, a joint inspection was carried out by joint committee including officials of DPCC, CGWA, DJB.

Following were the facts/observation gathered during the inspection:-

1. An RO Plant was –illegible- at the address plot No.-7, Block –K, Chanakya Place-II, Uttam Nagar, New Delhi on the name of Ajit Kumar & Ashish Kumar house was at plot No.-9, Block-K, do --- no RO plant was present.
2. The person present during the inspection at plot No-7 named Ajit accepted the fact that he is operating RO plant in Plot -7 installed of Plot No.-9.
3. So, at plot No.-7 Block K, do – our observation are as follow:-
 - (a) Borewell with submersible pump (4” dia, 2-4 HP pump) and exact capacity of the pump could not be find as it is underground.
 - (b) No Noc/permission is obtained from CGWA for running an RO plant for the extracted water from ground.
 - (c) RO plant set up is unfixed alongwith pictures. At is operational since 1-2 years as told by person contacted.
 - (d) As per the information given by the person contacted around 300-400 bottles of capacity 20 litres supplying in the near by places.

- (e) Ground water sample tested with TDS meter (collected from site) and reported value of TDS is 739 Mg/L.
- (f) the waste water generated from plant was being directly discharged into the sewer.

-Sd-
JEE, DPCC

-Sd-
29/7/22
S.K. Yadav
JE(C)
C/o EEM-30
ACE M-8

-Sd-
29/7/22
(Shilpi Gupta)
Sci-B



TRUE COPY

29/07/2022

ATTENDANCE

1. SHILPI GUPTA, SCIENTIST-B, CGWB, NEW DELHI
2. AMZAD KHAN, JEE, DPCC -SD- 29/07/2022
3. SHASHIKANT YADAV, JE, DJB

No member/representative from DM (South-West) was present during the inspection.



TRUE COPY



DELHI JAL BOARD, GOVT. OF NCT. OF DELHI
 OFFICE OF THE EXECUTIVE ENGINEER (M) 30
 A BLOCK UGH, JANAKPURI, NEW DELHI-110058
 Mail id : neem30djb@gmail.com

7
 11/09/22

NO. DIB/EE(M)30/2022/

DATE : 09.09.2022

R-6

To,
 Sub-Divisional Magistrate (Dwarka),
 SDM Dwarka Office, Sector-10, Dwarka,
 New Delhi.

Subject: Regarding running of unauthorized R.O Plant a K-7/ K-9, 25 Feet Road,
 Part-II, Chankya Place, New Delhi - 110046.

A complaint has been received from Hon'ble NGT (Copy Enclosed)
 regarding running of unauthorized R.O Plant a K-7 / K-9, 25 Feet Road,
 Chankya Place Part-II, New Delhi - 110046.

A joint inspection was conducted on 29.07.2022 by the officials of DPCC,
 Delhi Jal Board and Central ground water authority and an unauthorized R.O.
 Plant was existing at K-7 alongwith an unauthorized ground bore. It is therefore
 requested to kindly take urgent action as per the provision of the illegal
 extraction of ground water.

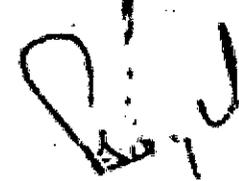
Submitted Please.

Enclosed: Copy of observations of NGT.

Sd/-
 (Pulkit Saigal)
 Executive Engineer (M)-30

Copy to:-

1. ACE (M)-8 for kind information please.
2. Sh. Shashikant Yadav, JE
3. Office copy


 Executive Engineer (M)-30

DELHI JAL BOARD, GOVT. OF NCT. OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER (M) 30
A BLOCK UGR, JANAKPURI, NEW DELHI 110058
Mail id : aem30djb@gmail.com

No. DJB/EE(M)30/2022/

DATE: 09.09.2022

To,
Sub Divisional Magistrate (Dwarka),
SDM Dwarka Office, Sector-10, Dwarka,
New Delhi

Subject: Regarding running of unauthorized R.O Plant a K-7/K-9, 25 Feet Road, Part-II, Chankya Place, New Delhi- 110046

A complaint has been received from Hon'ble NGT (Copy Enclosed) regarding running of unauthorized R.O Plant a K-7/K-9, 25 Feet Road, Part-II, Chankya Place, New Delhi- 110046.

A joint inspection was conducted on 29.07.2022 by the officials of DPCC, Delhi Jal Board and Central ground water authority and an unauthorized R.O. Plant was existing at K-7 alongwith an unauthorized ground bore. It is therefore requested to kindly take urgent action as per the provision of the illegal extraction of ground water.

Submitted Please.

Enclosed – Copy of observations of NGT.

-Sd-
(Pulkit Saigal)
Executive Engineer (M)-30

Copy to:-

1. ACE (M)-8 for kind information please.
2. Sh. Shashikant Yadav, JE
3. Office Copy

-Sd-
Executive Engineer (M)-30

Annexure R-7

Item No. 09

Court No. 1

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

M.A. No. 24/2023

In

Original Application No. 33/2022

Ganesh Prasad

Applicant

Versus

Gov. of NCT of Delhi

Respondent

Date of hearing: 21.07.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. Grievance in this application is running of unauthorized RO plant at K-9, 25 Feet Road, Part II, Chanakya Puri Palace, New Delhi and extraction of ground water without any permission of the authority.

2. A report was called from the DPCC and DPCC in its report dated 14.12.2022 has submitted that:-

“

- *No RO Plant was existing at plot no. 9, Block K, Part II, Chanakya Place.*
- *One RO plant was found working on nearby location i.e. Plot No. 7, Block K, Part II, Chanakya Place, Uttam Nagar in the name of Sh. Ajit Kumar & Sh. Ashish Kumar.*
- *The major observations w.r.t. the R.O. Plant at Plot No. 7, Block K, Part II, Chanakya Place, Uttam Nagar are as follows:*
 - *No NOC permission has been obtained from DJB/ CGWA for running the RO plant/ extracting ground water.*
 - *The wastewater generated from the plant is being discharged directly to the drain.”*

3. It has further been submitted that CGWA and the District Magistrate (South) has been directed to take necessary action and in response to the letter, DM has been authorized and directed to seal the tube well and for taking legal and necessary action. No further report has been filed.

4. District Magistrate (South West) is directed to comply with the directions and submit the further action taken report. DPCC is further directed to calculate environmental compensation for the past violations, assess and to realize in accordance with rules and to submit the report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF while observing that such incidences of illegal extraction of ground water are coming before this Tribunal, we direct that CGWA/DJB launch awareness programmes on warning citizens to act according to due procedures.

5. List the matter on 02.11.2023.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 21, 2023
M.A. No. 24/2023 In
Original Application No. 33/2022
SN







Attendance sheet for RWH Awareness program at EE(M)-30 Office.

Date: 17/06/2023

S.No.	Name	Area representative	Mobile No.	Mail ID	Signature
1	Yogesh Mahajan	A7 Block	9911074030		-Sd-
2	Darshan Diwan	A2 Block	9811088412		-Sd-
3	A.S. SACHDEVA	Secretary C-3 Block RWA	9811710161		-Sd-
4	Sandhip Bhatt	RWA A-I/Block	9810043625		-Sd-
5	Deepak Singh	JE DJB	7048992916		-Sd-
6	VINAY KUMAR	JE DJB	9650270076		-Sd-
7	PULKIT SAIGAL	EE DJB	960290768	aeem30djb@gmail.com	-Sd-

STOP CORONA

"Wear Mask, Follow Physical Distancing, Maintain Hand Hygiene"



DELHI JAL BOARD, GOVT. OF NCT. OF DELHI
 OFFICE OF THE EXECUTIVE ENGINEER (M) 30
 A BLOCK UGR, JANAKPURI, NEW DELHI-110058
 Mail id : aeem30djb@gmail.com

NO. DJB/EE(M)-30/2022-23/65

DATE :- 03.06.2022

Sub Divisional Magistrate (Dwarka)
 SDM DWARKA Office, Sector-10, Dwarka,
 New Delhi

Sub: - **Illegal extraction of water through Bore well.**

A complaint has been received by this office vide Complaint No. F-22(09)/DJB/Dy.Dir.(Enf.)2022/447 dt 26.05.2022, through Enforcement Cell Delhi Jal Board regarding illegal extraction of ground bore used by the resident of RZ-4 Sita Puri, Near Dabri More, New Delhi-110059 in Janak Puri Constituency for R.O. Plant existing at site. It is therefore requested to kindly take urgent action as per the provision of the illegal extraction of ground water.

Submitted please.

-Sd-

EXECUTIVE ENGINEER (M)-30

Copy to:

1. ACE(M)-8, for kind information please
2. Sh Shashikant Yadav JE.
3. Office Copy

EXECUTIVE ENGINEER (M)-30

	DELHI JAL BOARD, GOVT. OF NCT. OF DELHI OFFICE OF THE EXECUTIVE ENGINEER (M) 30 A BLOCK UGR, JANAKPURI, NEW DELHI 110058 Mail id : aeem30djb@gmail.com
--	---

No. DJB/EE(M)-30/2022-23/65

Date:- 03.06.2022

Sub Divisional Magistrate (Dwarka)

SDM Dwarka Office, Sector-10, Dwarka,

New Delhi

Sub:- Illegal extraction of water through Bore well.

A complaint has been received by this office vide Complaint No.F-22(09)/DJB/Dy.Dir.(Enf.)2022/447 dt. 26.05.2022, through enforcement Cell Delhi Jal Board regarding illegal extraction of ground bore used by the resident of RZ-4 Sita Puri, Near Dabri More, New Delhi-110059 in Janak Puri Constituency for R.O. Plant existing at site. It is therefore requested to kindly take urgent action as per the provision of the illegal extraction of ground water.

Submitted please.

-Sd-

EXECUTIVE ENGINEER (M)-30

Copy to:

1. ACE (M)-8, for kind information please
2. Sh Shashikant Yadav JE
3. Office Copy

-Sd-

EXECUTIVE ENGINEER (M)-30


 TRUE COPY



DELHI JAL BOARD, GOVT. OF NCT. OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER (M) 30
A BLOCK UGR, JANAKPURI, NEW DELHI-110058
Mail id : aeem30djb@gmail.com

NO. DJB//EE (M) 30/2022-23/ 167

DATE:-25.05.2023

To,

Sub-Divisional Magistrate (Dwarka),
SDM Dwarka Office, Sector-10, Dwarka,
New Delhi.

Subject: Illegal extraction of water through Bore well.

A complaint has been received through mail from the office of ACE M-8 on Gmail vide EE M-30 Diary no. 203 DT. 23.03.2023, regarding illegal extraction of ground water used for commercial purpose at below mentioned address:-

1. RZ-2B Gali No 1 Chankya Place part I
2. A2/18 Chanakya Place part I

The site has been checked by field staff and an illegal bore well found at site. It is therefore requested to kindly take urgent action as per the provision of the illegal extraction of ground water.

Submitted Please.

(Pulkit Saigal)
Executive Engineer (M)-30

30362

	DELHI JAL BOARD, GOVT. OF NCT. OF DELHI OFFICE OF THE EXECUTIVE ENGINEER (M) 30 A BLOCK UGR, JANAKPURI, NEW DELHI 110058 Mail id : aeem30djb@gmail.com
--	---

No. DJB/EE(M)-30/2022-23/65

Date:- 25.05.2023

To,

Sub Divisional Magistrate (Dwarka)
SDM Dwarka Office, Sector-10, Dwarka,
New Delhi

Subject: Illegal extraction of water through Bore well.

A complaint has been received through mail from the office of ACE M-8 on Gmail vide EE M-30 Dairy no.203 DT. 23003.2023, regarding illegal extraction of ground water used for commercial purpose at below mentioned address:-

1. RZ-2B Gali No. 1 Chanakya Place part I
2. A2/18 Chanakya Place part I

The site has been checked by filed staff and an illegal bore well found at site. It is therefore requested to kindly take urgent action as per the provision of the illegal extraction of ground water.

Submitted Please.

-Sd-
(Pulkit Saigal)
Executive Engineer (M)-30

Dy. No.30362
Sub Divisional Magistrate (Dwarka)
Distt/-South-West, N. Delhi-37
26 May 2023


TRUE COPY



DELHI JAL BOARD, GOVT. OF NCT. OF DELHI
 OFFICE OF THE EXECUTIVE ENGINEER (M) 30
 A BLOCK UGR, JANAKPURI, NEW DELHI-110058
 Mail id : aeem30djb@gmail.com

NO. DJB/AEE (M)-30/2022/ 500

DATE: 23-11-23

To,

Sub Divisional Magistrate (Dwarka)
 SDM DWARKA Office,
 Sector-10, Dwarka,
 New Delhi.

Sub: Illegal extraction of water through bore well.

It has been brought to the notice of the office of under signed that illegal ground water bore are existing at A1A/7 Pawar gym, gali no 20 Chanakya Place Part-I, New Delhi 110059. It is therefore requested to kindly take necessary action as per the provision of the illegal extraction of ground water.

Submitted please.

Executive Engineer (M)-30



	DELHI JAL BOARD, GOVT. OF NCT. OF DELHI OFFICE OF THE EXECUTIVE ENGINEER (M) 30 A BLOCK UGR, JANAKPURI, NEW DELHI 110058 Mail id : aeem30djb@gmail.com
--	---

No. DJB/AEE (M)-30/2022/500

DATE: 23-11-23

To,

Sub Divisional Magistrate (Dwarka)

SDM, DWARKA Office,

Sector-10, Dwarka,

New Delhi

Sub:- illegal extraction of water through bore well.

It has been brought to the notice of the office of under signed that illegal ground water bore are existing at A1A/7 Pawar gym, gali no.20 Chanakya Place Part-I, New Delhi 110059. It is therefore requested to kindly take necessary action as per the provision of the illegal extraction of ground water.

Submitted please.

-sd-

Executive Engineer (M)-30

-sd-

Sub Divisional Magistrate (Dwarka)

Distt/-South-West, N. Delhi-37

24 Nov. 2023


TRUE COPY

Reminder



DELHI JAL BOARD, GOVT. OF NCT. OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER (M) 30
A BLOCK UGR, JANAKPURI, NEW DELHI-110058
Mail id : aeem30djb@gmail.com

NO. DJB/EE (M)30/2023-24/ ९१९

DATED : 29.11.2023

To,

Sub-Divisional Magistrate (Dwarka),
SDM Dwarka Office, Sector-10, Dwarka,
New Delhi.

Subject: Illegal extraction of water through Bore well at 3 locations in AC-30 Janakpuri.

Ref.: This office letter nos.

1. DJB/EE (M)30/2022-23/64 dated 03.06.2022
2. DJB/EE (M)30/2022-23/107 dated 25.05.2023
3. DJB/EE (M)30/2022-23/500 dated 23.11.2023

May please refer to the letters stated above regarding illegal bore wells installed at following locations in AC-30 Janakpuri and are extracting ground water for commercial use through RO Plants:

1. RZ-2B Gali No 1 Chankya Place part I
2. A2/18 Chanakya Place part I
3. A1A/7 Pawar Gym, Gali No. 20, Chankya Place-I

The area Assistant Engineer, Sh. Shashikant Yadav is also in regular contact with your concerned Tahsildar (Smt. Harmider) telephonically for last 15 days to get these illegal bores sealed at the earliest. The next date of hearing at NGT is on 04.12.2023 in this regards.

It is therefore requested to kindly take urgent action as per the provision of the illegal extraction of ground water and seal the existing bore wells.

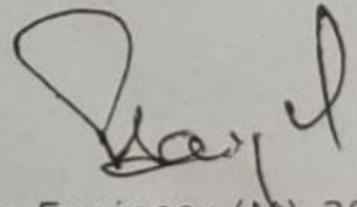
Submitted Please.

-sd-

(Pulkit Saigal)
Executive Engineer (M)-30

Copy to:

1. DM (South West), DC Office South West, Old Terminal Tax Building, Kapashera, Delhi-110037- for kind information please and request for directions accordingly.
2. ACE (M)-8 -do-
3. ZE-I- to pursue.
4. Office copy


Executive Engineer (M)-30



	DELHI JAL BOARD, GOVT. OF NCT. OF DELHI OFFICE OF THE EXECUTIVE ENGINEER (M) 30 A BLOCK UGR, JANAKPURI, NEW DELHI 110058 Mail id : aeem30djb@gmail.com
--	---

No. DJB/EE(M)-30/2023-24/514

DATED: 29.11.2023

To,

Sub Divisional Magistrate (Dwarka)
 SDM Dwarka Office, Sector-10, Dwarka,
 New Delhi

Subject: Illegal extraction of water through Bore well at 3 locations in AC-30 Janakpuri.

Ref.: This office letter nos.

1. DJB/EE(M)-30/2022-23/64 dated 03.06.2022
2. DJB/EE(M)-30/2022-23/107 dated 25.05.2023
3. DJB/EE(M)-30/2022-23/500 dated 23.11.2023

May Please refer to the letters stated above regarding illegal bore wells installed at following locations in AC-30 Janakpuri and are extracting ground water for commercial use through RO Plants:

1. RZ-2B Gali No 1 Chanakya Place part I
2. A2/18 Chanakya Place part I
3. A1A/7 Pawar Gym, Gali No. 20, Chankya Place-I

The area assistant engineer, Sh. Shashikant Yadav is also in regular contact with your concerned Tahsildar (Smt. Harmider) telephonically for last 15 days to get these illegal bores sealed at the earliest. The next date of hearing at NGT is on 04.12.2023 in this regard.

It is therefore requested to kindly take urgent action as per the provision of the illegal extraction of ground water and seal the existing bore wells.

Submitted Please.

-Sd-
 (Pulkit Saigal)
 Executive Engineer (M)-30

Sub Divisional Magistrate (Dwarka)
 Distt.-South-West, N. Delhi-37
 30 Nov 2023


 TRUE COPY

Annexure R-10

Item No.6

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

M.A No. 24/2023

In

Original Application No. 33/2022

Ganesh Prasad

Applicant

Versus

Gov. of NCT of Delhi& Ors.

Respondents

Date of hearing: 02.11.2023.

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the applicant.

Respondents: Ms. Jyoti Mendiratta Advocate for DM (South West).
Mr. V.K. Mongia SDM (Dwarka) (Through VC).
Mr. Kush Sharma Advocate for DPCC.**Application is registered based on a complaint received by Post.****ORDER**

1. O.A. No. 33 of 2022 was filed with the grievance that R.O. plant was being run unauthorizedly at Plot no. K-9, 25 Feet Road, Part II, Chankya Palace, New Delhi by Mr. Ashish.
2. Vide order dated 31.01.2022 a Joint Committee comprising of Chairman, Delhi Jal Board, DPCC, District Magistrate, New Delhi and Chairman, State Ground Water Authority was constituted to look into the grievance and submit factual and action taken report within three months before Ld. Registrar General, NGT, Delhi who was given liberty to put the matter before the Bench for necessary directions, if considered necessary and the application was disposed of accordingly.

3. Report dated 14.12.2022 was filed by the DPCC and relevant part of the report reads as under:

“STATUS REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE WITH RESPECT TO ORDER DATED 31.01.2022.

2. That Sh. Ganesh Prasad has filed a complaint before this Hon'ble Tribunal against running of Reverse Osmosis Water Purification Plant at K-9, 25 Feet Road, Part II, ChanakyaPuri Palace, New Delhi. .

3. That, in Delhi there is no State Ground Water Authority, hence in place of State Ground Water Authority, Central Ground Water Authority was coopted in the joint inspection team. Also, as the area falls under territorial jurisdiction of the District Magistrate (South-West), hence was opted in place of DM (New Delhi).

4. That, in compliance to the order passed by this Hon'ble Tribunal, the Joint Committee consisting of Officials from Central Ground Water Authority, Delhi Jal Board and DPCC carried out an inspection of the site on 29.07.2022. No one from the office of DM (South West) attended the jointinspection. Following are the observations of team:

- No RO Plant was existing at plot no. 9, Block K, Part II, Chanakya Place.
- One RO plant was found working on nearby location i.e. Plot No. 7, Block K, Part II, Chanakya Place, Uttam Nagar in the name of Sh. Ajit Kumar & Sh. Ashish Kumar.
- The major observations w.r.t. the R.O. Plant at Plot No. 7, Block K, Part II, Chanakya Place, Uttam Nagar are as follows:

-No NOC permission has been obtained from DIB/ CGWA for running the RO plant/ extracting ground water,

-The wastewater generated from the plant is being discharged directly to the drain.

Copy of the inspection report of joint committee dated 27.09.2022 is enclosed herewith as ANNEXURE-1.

5. That based on the observations, a letter was written by DPCC on 03.08.2022, to Delhi Jal Board, DM (South West) and (GWA for taking necessary action at their end. Copy of the letter dated 03/08/2022 is enclosed herewith as ANNEXURE-2.

6. The response from CGWA received on 14/09/2022, indicated that the unit has to take permission from the DJB/ District Administration and that the tube well should be sealed by DM as DM is authorized officer for sealing of tube well and taking legal action. Copy of the response from CGWA dated 14/09/2022 is enclosed herewith as ANNEXURE-3.

7. The DJB vide letter dated 22.09.2022 informed that the/unit could not be sealed as no one from the office of DM (South West) was present during the joint inspection. It also enclosed a letter written by DJB to SDM (Dwarka) for taking action against the illegal bore well observed during the joint inspection on 29/07.2022. Copy of the responsefrom DJB dated 22/09/2022 is enclosed herewith as ANNEXURE-4.

8.No ATR has been received from DM(South West). DPGC wrote a letter to DM(South West) for taking necessary action on 05/ 12/2022. Copy of the letter dated 05/12/2022 is enclosed herewith as Annexure-5.”

4. Under orders of Hon'ble Chairperson of this Tribunal, the matter has been listed for further directions.

5. Vide order dated 21.07.2023 the District Magistrate (South West) was directed to comply with the directions issued by the DPCC and submit further action taken report and the DPCC was directed to calculate environmental compensation and to realize the same in accordance with the rules and to submit report in this regard.

6. No reports have been submitted by the District Magistrate (South West) and the DPCC in compliance of above mentioned order.

7. Mr. V.K. Mongia SDM (Dwarka) has appeared before this Tribunal through VC and verbally submitted that the R.O. plant has been sealed today and report will be submitted in due course of time.

8. Learned Counsel appearing for the DPCC has submitted that appropriate proceedings are being initiated for imposition and realization of environmental compensation from the project proponent.

9. This case speaks volumes of insensitivity to environmental issue and inefficiency, inaction, gross negligence on the part of instrumentalities of the State, which are under Constitutional obligation to protect and improve the environment. Unauthorized R.O. plant is stated to have been sealed today despite the fact that order constituting the Joint Committee with direction to submit factual and action taken report within three months was passed on 31.01.2022 and was conveyed to the concerned authorities by email dated 07.02.2022 sent at the email ids-Chairman, DPCC chdpcc@nic.in, Member Secretary msdpcc@nic.in, Spl. Secretary Env. ssenv@delhi.gov.in, ceodelhi.djbceodelhi.djb@nic.in, UdaiBhan, secy.djb@nic.in, Dr. Monica Priyadarshinidcnd@nic.in, Central Ground Water Authority,

cgwa@nic.in, Ashok Kumar Pater mcgwa-cgwb@nic.in, yet the Joint Committee consisting of officials from Central Ground Water Authority, Delhi Jal Board and DPCC carried out an inspection of the site after more than five months on 29.07.2022 and submitted its report after about two months on 27.09.2022. The DPCC wrote letters dated 03.08.2022 to DJB, District Magistrate (South West) and CGWA for taking necessary action. CGWA sent response dated 14.09.2022 to the DPCC that tubewell was to be sealed by the concerned District Magistrate. The DJB informed the DPCC vide letter dated 22.09.2022 that the unit could not be sealed as no one from the office of the District Magistrate (South West) was present during the inspection. The DPCC wrote letter dated 05.12.022 to the District Magistrate (South West) for taking necessary action. The illegal borewell in question has been sealed today after notice was issued on the present miscellaneous application. The above said authorities have allowed the illegal borewell to operate from 07.02.2022 (the date of communication of order passed by this Tribunal) till 02.11.2023 without any justification and have flouted the rule of law and illegitimately betrayed the trust of the people by neglecting to discharge the statutory duties entrusted to them.

10. In these facts and circumstances, we are of the considered view that besides the person illegally operating the borewell, the above said statutory authorities are also responsible for causing damage to environment and environmental damage compensation ought to be imposed on and realized from not only the violator but also the DPCC, DJB, District Magistrate (South West) and SDM Dwarka. However, before passing any further order in this regard, we consider it appropriate to give them opportunity to show cause as to why environmental compensation be also not imposed on them.

11. The Registry is directed to issue notices to (i) the Member Secretary, DPCC, (ii) CEO, DJB, (iii) the District Magistrate (South West)

and (iv) SDM Dwarka accordingly requiring them to file their reply/response on or before 08.11.2023 e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

12. Notices be also issued to Ajit Kumar and Ashish Kumar Plot no. 7, Block-K, Chanakya Palace II, Uttam Nagar requiring them to file their reply/response on or before 08.11.2023 e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

13. List for further consideration 09.11.2023.

14. In view of the facts and circumstance of the case, we consider personal appearance of (i) the Member Secretary, DPCC, (ii) CEO, DJB, (iii) the District Magistrate (South West) and (iv) SDM Dwarka **(physically or through VC)** on the next date of hearing to be essential for producing the relevant record and assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on that date.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 02nd 2023

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फॉर्म संख्या / Form No. 6
राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार
Govt. of National Capital Territory of Delhi
दिल्ली नगर निगम
MUNICIPAL CORPORATION OF DELHI
मृत्यु प्रमाण पत्र / Death Certificate



0223-111115687

(Issued under section 17 of the Registration of Death Act, 1969 and 8/13 of Delhi Registration of Death Rule,1999)

This is to certify that the following information has been taken from the original record of DEATH which is the register for Municipal Corporation Of Delhi of KESHAVPURAM ZONE of N.C.T. Delhi

नाम / Name	REKHA SAIGAL
लिंग / Gender	FEMALE
मृत्यु की तिथि / Date Of Death	09/11/2023
मृत्यु का स्थान / Place Of Death	ACTION CANCER HOSPITAL A4, PASCHIMVIHAR NEW DELHI-110063 DELHI PASCHIMVIHAR NORTH EAST DELHI INDIA 110063
पंजीकरण की तिथि / Date Of Registration	11/11/2023
पंजीकरण संख्या / Registration No	MCDOLIR-0223-1111106755
माता का नाम / Name of Mother	RITA RANI PAUL
पिता का नाम / Name of Father	KRISHAN KUMAR PAUL
जीवनसाथी का नाम / Name of Spouse	PULKIT SAIGAL
वर्तमान / मृत्यु के समय पता Present / Address at the time of Death)	FLAT NO-2 RITU APARTMENT A-4 PASCHIMVIHAR NEW DELHI DELHI INDIA 110063
स्थायी पता / Permanent Address	FLAT NO-2 RITU APARTMENT A-4 PASCHIMVIHAR NEW DELHI DELHI INDIA 110063
जारी करने की तिथि / Date of Issue	11/11/2023



प्रत्येक जन्म एवं मृत्यु का पंजीकरण सुनिश्चित करे
ENSURE REGISTRATION OF EVERY BIRTH & DEATH

Note: This certificate is system generated and does not require any seal/signature in original. The authenticity of this certificate can be verified at mcdonline.nic.in

Govt. of National Capital Territory of Delhi

Municipal Corporation of Delhi

Death Certificate

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Date Of Registration	11/11/2023
Registration No	MCDOLIR-0223-1111106755
Name of Mother	RITA RANI PAUL
Name of Father	KRISHAN KUMAR PAUL
Name of Spouse	PULKIT SAIGAL
Address at the time of Death	FLAT NO-2 RITU APARTMENT A-4 PASCHIM VIHAR NEW DELHI DELHI INDIA 110063
Permanent Address	FLAT NO-2 RITU APARTMENT A-4 PASCHIM VIHAR NEW DELHI DELHI INDIA 110063
Date of Issue	11/11/2023

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