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

E.A.No. 44 /2023 IN

O.A. 407/2015

IN THE MATTER OF:

SHALESH SINGH ...APPLICANT

VERSUS

HOTEL SURYAA, NEW DELHI & OTHERS ...RESPONDENTS

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Through

Place: New Delhi
Date: 06.02.2024

Gigi.C.George,Advocate
Standing Counsel(UOI)
Ch No. 457, Lawyers Block-1
Delhi High Court, New Delhi

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

E.A. NO. 44/2023
IN
O.A.NO. 407/2015

IN THE MATTER OF:-

SHAILESH SINGH ...APPLICANT

V/S

HOTEL SURYAA, NEW DELHI &OTHERS --RESPONDENTS

REPLY ON BEHALF OF CENTRAL GROUND WATER AUTHORITY

MOST RESPECTFULLY SHOWETH:

1. That the content of para 1 are the matter of record hence needs no reply.

2. That the content of para 2 are the matter of record hence needs no reply.

3. That the content of Para 3 clause a,b,c,d,e and f of the Execution Application are wrong and denied as far as answering respondent is concerned.That as per direction of this Hon'ble Tribunal an amount of compensationhas been imposed on the offenders as payable as per the provision of Section 15 of the Environment (Protection) Act, 1986 which had already been communicated to the concerned authorities under intimation to Hon'ble Tribunal vide letter dated 12.09.2018. The copy of the same is annexed as **Annexure-A.**

(2)

Further a compliance report had also been submitted to this Hon'ble Tribunal on 18.10.2018 within 02 Months as directed by this Hon'ble Tribunal. The same is annexed as **Annexure-B.**

4. That the content of Para 4 clause'a' is wrong and denied. It is admitted that CGWA was competent authority prior to order dated 18-05-2010 issued by Lieutenant Governor, NCT of Delhi. It is submitted that vide DEPARTMENT OF ENVIRONMENT AND FORESTS AND WILDLIFE notification no. F8(348)/EA/Env/09/2246 dated 12/07/2010 ground water management, control and regulation was transferred to Delhi Jal Board. The copy of the same is annexed as **Annexure-C.**

Lieutenant Governor, NCT of Delhi vide para (1) of above order issued directions that *"In the whole of the National Capital Territory of Delhi, no person, group, authority, association or institution shall draw ground water through bore-well or tube-well (both new as well as existing and drawing ground water without permission of Central Ground Water Authority) for domestic, commercial, agricultural and or industrial uses without the prior permission of the "Competent Authority" that is to say, the Delhi Jal Board or the New Delhi Municipal Council as the case may be".*

As per above given provision the competent authority is DELHI JAL BOARD AND NEW DELHI MUNICIPAL COUNCIL not CENTRAL GROUND WATER AUTHORITY so all the directions for seeking permission for extraction of ground water in NCT of Delhi is under jurisdiction of the Delhi Jal Board and New Delhi Municipal Corporation.

(3)

The contents of Clause 'b' of Para 4 of the Execution Application are wrong and denied as far as answering respondent is concerned.That as per direction of this Hon'ble Tribunal an amount of compensation has been imposed on the offenders as payable as per the provision of Section 15 of the Environment (Protection) Act, 1986 which had already been communicated to the concerned authorities under intimation to Hon'ble Tribunal vide letter dated 12.09.2018. The copy of the same is annexed as **Annexure-A.**

The reply to clause 'c' and 'd' is CGWA has already determined the Compensation and communicated to the concerned authorities. It is further submitted that the same has been communicated to this Hon'ble Tribunal and as far as clause 'c' is concerned no reply is required.

5. That the content of Para 5 of the Execution application is wrong and false, hence denied. It is submitted that compensation payable as per the provision of Section 15 of the Environment (Protection) Act, 1986 had already been imposed and communicated to the concerned authorities under intimation to this Hon'ble Tribunal vide letter dated 12.09.2018.

6. That the contents of Para 6 of the Execution application is wrong and false, hence denied. The compliance report has already been forwarded to this Hon'ble Tribunal on 18.10.2018 within 02 Months as directed by this Hon'ble Tribunal.

7. That the content of para 7 is admitted up to the extent that CGWA was a competent authority prior to order dated 18-05-2010 issued by Lieutenant

(4)

Governor, NCT of Delhi notified vide DEPARTMENT OF ENVIRONMENT AND FORESTS AND WILDLIFE notification no. F8(348)/EA/Env/09/2246 dated 12/07/2010. Thereafter Delhi Jal Board and New Delhi Municipal Corporation are the competent authority for ground water extraction.

8. That the content of para 8 is the matter of records and needs no reply. It is submitted that this Hon'ble Tribunal has only stated Competent Authority for permission not CGWA.

9. That the content of para 9 is the matter of record and hence need no reply.

10. That the content of para 10 is the matter of record and hence need no reply.

11. That the content of para 11 is matter of record and hence need no reply.

12. That the content of para 12 is matter of record and hence need no reply.

13. That the content of Para 13 of the Execution application is wrong and false, hence denied. It is submitted that CGWA after calculating the compensation informed the concerned authorities and the same has also filed before this Hon'ble Tribunal.

14. That the contents of Para 14 of the Execution application is legal hence needs no reply. But the applicant be put to strict proof thereof.

(5)

15. That the contents of Para 15 of the application needs no reply.

16. That the answering respondent prays to this Hon'ble Tribunal to verify the credentials of the applicant.

Reply to Grounds and Limitation

That the answering respondent has complied whatever the directions passed by this Hon'ble Tribunal to the answering respondent.

Reply to Prayer

That nothing survives against the answering respondent as the directions for calculation of Environmental Compensation was done by the answering respondent and same has been conveyed to the concerned authorities and filed before this Hon'ble Tribunal.

PRAYER:

It is, therefore, most respectfully prayed to this Hon'ble Tribunal that the execution application against the answering respondent may kindly be pleased to be dismissed.

Respondent

CGWA

VINOD KUMAR DHAUNDIYAL
Administrator
Central Ground Water Authority
Government of India
Ministry of Jal Shakti
Department of Water Resources, RD & GR
New Delhi

Through

Gigi.C.George
Advocate
Standing Counsel(UOI)
Ch.No.457, Lawyers Block
DHC, New Delhi
gigicgeorge.adv42@yahoo.in
M-9810625315

Annexure - A

(6)

CENTRAL GROUND WATER AUTHORITY

[Constituted under section 3(3) of Environment (Protection) Act, 1986]
Gallery No. 18/11,Jamnagar House, Mansingh road, New Delhi-110011
Phone:23072580,Fax:23382051;e mail: cgwa@nic.in

No. 22-205/CGWA/OA-175/2018 - 1754 Dated 12.09.2018

To

The Deputy Commissioner,
Govt. of NCT of Delhi,
District New Delhi/North Delhi/North West /West Delhi/South West/
South Delhi/South East/Central/North East/Shahdra/East Delhi.
Delhi/New Delhi.

Sub: Directions of Hon'ble NGT, New Delhi dated 14.8.2018 in OA No. 175/2015 in the matter of Sh. Shailesh Singh Vs Hotel Jaypee Vasant, New Delhi and Others & dated 23.8.2018 in OA No. 407/2015 in the matter of Shai lesh Singh Vs the Surya Hotel and Others – reg.

Sir,

Please find enclosed herewith the copies of orders of Hon'ble NGT, New Delhi dated 14.8.2018 in OA No. 175/2015 and dated 23.8.2015 in OA No. 407/2015, for filing compliance reports at your end in the Hon'ble NGT in the capacity of 'Authorized Officer' as per the timelines fixed.

The Hon'ble Tribunal under orders dated 14.8.2018, directed the Respondent Hotels to inform CGWA the time and quantity of ground water extracted and on having received the application, to decide the same in accordance with law within one month. The Hon'ble Tribunal under order dated 23.8.2018 directed CGWA to determine the amount of compensation payable for excess or illegal drawal of ground water.

As per the Provisions of Section 15 of the Environment (Protection) Act, 1986, the maximum fine prescribed for any failure in compliance or contravention of the provisions of the Act is Rs. 1.00 Lakh in respect of each such failure or contravention. For continued failure or contravention, additional fine which may extend to Rs. 5000/- for every day after the conviction for the first such failure or contravention has been prescribed. The Hon'ble Tribunal under its judgment(para 61) dated 4.5.2017 in OA No. 4/2015 and Appeal No. 97/2015, imposed fine of Rs. 1.00 Lakh on CISF and BPRD for failure/contravention under Environment (Protection) Act, 1986. Since the Hon'ble Tribunal directed CGWA to determine the amount of compensation for illegal ground water withdrawal, fine of Rs. 1.00 Lakh is proposed under Environment (Protection) Act, 1986 on each of the Hotel. None of the Hotels have approached CGWA with details of permitted withdrawal (by GNCTD)to determine the excess withdrawal if any. The concerned Deputy Commissioners are requested to report compliance to Hon'ble NGT as per the timelines fixed, in accordance with the provisions of Environment (Protection) Act, 1986 under intimation CGWA. This has the approval of Chairman, CGWA.

Kindly accord priority.

Yours faithfully,

(V.V.Vardhan)
Administrator

Encl: As above.

Copy to:

1. Registrar, Hon'ble National Green Tribunal, New Delhi.

(V.V.Vardhan)
Administrator

sent by mail on dt 13/9/18
to all dc's in NCR

Annexure-B

(7)

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

OA No. 175 OF 2015

OA No. 407/2015

In the matter of:

Mr. SHAILESH SINGH ...APPLICANTS

VERSUS

HOTEL JAYPEE VASANT AND OTHERS ...RESPONDENT(S)

AFFIDAVIT ON BEHALF OF RESPONDENT No. 10

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4.	**ANNEXURE R-3,** Letter dated 13.9.2018 from The Leela Palace, New Delhi.	
5.	**ANNEXURE R-4,** Letter dated 10.8.2018 from Taj Palace, New Delhi	

ADVOCATE FOR THE RESPONDENT No. 1 –ARDHENDUMAULI KUMAR PRASAD

Place: New Delhi

Date: 18.10.2018

(5)

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

ORIGINAL APPLICATION. No.175 /2015.

OA No. 407/2015

IN THE MATTER OF:

Mr. SHAILESH SINGH **...APPLICANTS**

VERSUS

HOTEL JAYPEE VASANT AND OTHERS **...RESPONDENT(S)**

SHORT COUNTER AFFIDAVIT FOR AND ON BEHALF OF THE RESPONDENT No.10, CENTRAL GROUND WATER AUTHORITY, NEW DELHI.

MOST RESPECTFULLY SHOWETH:

I, V. Vijay Vardhan, aged about 58 years, employed / appointed as the Administrator, in Central Ground Water Authority, 18/11, Jamnagar House, New Delhi functioning / officiating at New Delhi, do hereby solemnly affirm and declare as under:-

1. That the Hon'ble Tribunal under its order dated 14.08.2018 passed the following directions to CGWA:

"In view of the aforesaid notifications, discussion of the meeting chaired by the Chief Secretary of Delhi and the clarification submitted before the Tribunal by the Director (Environment), we consider it appropriate to direct Respondent nos. 1 to 6 to approach the competent Authority for seeking permission to extract ground water and submit the quantity which is required by them. This exercise shall be done within one month from 16th August, 2018.

(9)

Further, we direct the Respondent Hotels to inform CGWA the time since when the extraction of ground water is being done and what is the monthly quantity extracted. On having received such application, the CGWA shall decide the same in accordance to law within a month. In case it is found that total extraction of water by the Respondent concerned was in excess of the permissible limit, then the authority is to take action.

Thereafter a compliance report in the matter be submitted before the Tribunal in two months i.e. 22nd October, 2018. On receipt of the compliance, the office is directed to list the same before the Court, by listing it separately."

2. That in compliance of directions of this Hon'ble Tribunal to respondent No. 1 to 6 of OA No. 175/2015(i.e Hotel Jaypee Vasant, New Delhi, Indian Hotel Taj palace, New Delhi, A.B. Hotel Ltd, Delhi, Hotel Leela Palace, New Delhi, Hotel Janpath, New Delhi, Hotel Blu Bird, New Delhi), the following Hotels have filed their reports on ground water withdrawal which are enclosed as **Annexure-R/1 to 4** with details of time since when the extraction of ground water is being done and the monthly quantity extracted as per the details given below:

S.No.	Name of the Hotel	Time since when the GW is being extracted	Reported monthly quantity of GW extraction
1.	Jaypee Siddarth, New Delhi.	From April,2006 to July, 2018(From 2006 to2018 July- GW withdrawal reported from own well is 159420 KL)	Average daily requirement reported is 210 KLD including DJB supplies.
2.	Vivanta Ambassador, New Delhi.(By Taj)	From 1998 onwards	40 to 50 KLD
3.	Hotel Leela Palace, New Delhi.(NDMC permit dated 5.3.14 without quantity)	From May, 2014 to August, 2018	1,58,618 KL/ 98.2 KLD(Average)
4.	Taj Palace, New Delhi.	From April 2015 to March, 2018	143 KLD

(10)

3. That the section 15 of the Environment(Protection) Act, 1986, envisage the following penalty:

Section-15: Penalty for contravention of the provisions of the Act and the rules, or orders and directions.

(1) Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued there under, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

(2) If the failure or contravention referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years.

The offences/violations related to ground water are being considered as economic offences by Judicial Magistrates to impose fine under Environment (Protection) Act, 1986 or Environmental Compensation or recovery of damages under NGT, Act, 2010. The maximum fine prescribed under EPA is Rs. 1.00 lakh on first conviction.

The Hon'ble NGT under its order dated 28.8.2018 in OA No. 176/2015 directed Ministry of Water Resources, River Development and Ganga Rejuvenation, that the legislative framework for policy on penalty will be Environment (Protection) Act, 1986. Hence this Hon'ble Tribunal may like to impose fine on respondent Hotels including the above Hotels to the extent of Rs.1.00 Lakh or as may be decided by this Hon'ble Tribunal for ground water extraction without a valid NOC for such extraction from 31.3.2009 as directed by this Hon'ble NGT.

4. That the Hon'ble NGT under its judgment dated 13.7.2017 in OA No. 200/2014 passed the following directions:

"There shall be complete prohibition on extraction of ground water in the critical areas."

(11)

If the above direction is applicable to over-exploited and critical areas in the entire Ganga Basin and its catchment area and Tributaries, the NCT of Delhi is covered under this direction and the prohibition applies from 13.7.2017. If the prohibition is applicable to over exploited and critical areas within in the 500 kilometres stretch falling in Segment-B, between Hardwar to Unnao-Kanpur, necessary orders of this Hon'ble NGT are considered necessary so that different authorities may not interpret differently the orders/directions under the judgment.

5. That the respondents 1 to6/above Hotels have since not submitted any NOC containing permitted quantity of ground water withdrawal are liable to pay fine under Environment (Protection) Act, 1986. The respondent Hotels are also liable to pay fine @ Rs. 5000/- per day after first conviction by this Hon"ble NGT.

6. That accordingly the above submissions to this Hon'ble NGT for imposing Fine/Environmental Compensation in accordance with law.

In view of above submissions, it is respectfully submitted that the application may kindly be disposed/dismissed with appropriate orders as deem fit and proper in the interest of justice. The answering respondent may kindly be exempted from appearance.

DEPONENT

V. Vijay Kumar
Administrator
Central Ground Water Authority
Min Water Resources, RD & GR
New Delhi-110066

(12)

VERIFICATION:

Verified at New Delhi, on this the 22nd day of October, 2018 that the contents of the above Affidavit are true and correct to my knowledge. No part of it is false and nothing material has been concealed there from.

DEPONENT

V Vijay Kumar
Administrator
Central Ground Water Authority
Min Water Resources, RD & GR
New Delhi-110066

Place: New Delhi.
Dated: 18.10.2018

Through:

(ARDHENDUMOULI KUMAR PRASAD)
Advocate,

(No. 2 of 1899) read with the Government of India, Ministry of Home Affairs, Notification No. S. O. 148 (E) dated the 24th January, 2008, the Chief Controlling Revenue Authority, Delhi hereby directs that M/s. Supreme Build-Cap Limited, Flat No. 116, First Floor, Plot No. D-1, Ashirwad Complex, Green Park, New Delhi-110016, shall pay a consolidated stamp duty of Rs. 7,49,994 (Rs. Seven lac forty nine thousand nine hundred ninety four) only on the aggregate value of shares of Rs. 74,99,94,000 for Equity Share Certificates with distinctive Nos. 5100001 to 10000000 to be issued by the said company.

By Order,
Of Chief Controlling Revenue Authority,
Govt. of National Capital Territory of Delhi,
R. K. MISHRA,
Special Inspector General (Registration)

पर्यावरण वन एवं वन्य जीव विभाग

अधिसूचना

दिल्ली, 12 जुलाई, 2010

फा. सं. 8(348)/ईए/पर्या./09/2246.—दिनांक 10 सितम्बर, 1992 की अधिसूचना संख्या यू. 11030/जे/91-यूटीएल के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 30 मार्च, 2009 के आदेश संख्या फा. 8(348)/ईए/पर्या./09/14433-14451 तथा फा.सं. 8(348)/ईए/पर्या./09/14452-14470 के अनुसार जारी तथा दिनांक 30 अप्रैल, 2009 के आदेश संख्या फा. 8(348)/ईए/पर्या./09/555-582 तथा फा. 8(348)/ईए/पर्या./09/583-610 के अनुसार जारी निर्देशों का अधिक्रमण करते हुए, राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल ने दिल्ली में भूमिगत जल विनियम तथा प्रबंधन के लिये दिनांक 18 मई, 2010 को आदेश सं. फा. 8(348)/ईए/पर्या./09/1041-1061 के द्वारा संलग्न निर्देश जारी किए हैं।

जारी किए गए यथा संलग्न निर्देश इसके द्वारा जनसाधारण की जानकारी के लिये प्रकाशित किए जाते हैं।

राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल
के आदेश से तथा उनके नाम पर,
सुषमा जैरथ, उप-सचिव

पर्यावरण विभाग

आदेश

दिल्ली, 18 मई, 2010

विषय : पर्यावरण संरक्षण अधिनियम, 1986 की धारा 5 के अन्तर्गत निर्देश।

सं. फा. 8(348)/ईए/पर्या./09/1041-1061.—जबकि केन्द्रीय सरकार ने राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार के लिए पर्यावरण संरक्षण अधिनियम, 1986 की धारा 5 के अन्तर्गत शक्तियों को प्रयोग करने के लिए तथा किसी कार्य या प्रक्रम के समापन, प्रतिषेध या विनियमन या विद्युत या जल या किसी अन्य सेवा की पूर्ति में रोक या विनियमन के लिए किसी व्यक्ति, अधिकारी या किसी प्राधिकरण को इसके अन्तर्गत निर्देश जारी करने के लिए दिनांक 10 सितम्बर, 1992 की अधिसूचना एसओ 667 (अ) के अनुसार राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार के उपराज्यपाल को प्राधिकृत किया है।

और, जबकि दिल्ली जल बोर्ड अधिनियम, 1998 (1998 का दिल्ली अधिनियम 4) के अन्तर्गत गठित दिल्ली जल बोर्ड, राष्ट्रीय राजधानी क्षेत्र दिल्ली में पेय, घरेलू औद्योगिक तथा वाणिज्यिक जल पूर्ति के नेटवर्क का संचालन कर रहा है;

और जबकि निरन्तर भूमिगत जल दोहन से भूमिगत जल संसाधनों के जल स्तर में भारी ह्रास हुआ है;

और जबकि अप्रतिबंधित एवं अनियमित भूमिगत जल दोहन के गंभीर दीर्घकालिक पर्यावरणीय संकट होते हैं;

और जबकि भूमिगत जल के अत्यधिक दोहन के परिणामस्वरूप भूमिगत जल संसाधन सूख सकते हैं और जल की गुणवत्ता पर प्रतिकूल प्रभाव पड़ सकता है;

और जबकि केन्द्रीय भूमि जल प्राधिकरण ने वर्ष 2000 में दिल्ली के दक्षिण और दक्षिण-पश्चिम जिलों को "अधिसूचित क्षेत्रों" के रूप में अधिसूचित किया था और उक्त जिलों में अधिक गिरते जल स्तर को तथा जल की गुणवत्ता में गिरावट को रोकने के लिए भूमिगत जल संसाधनों का दोहन हेतु निर्माण और किसी संरचना के प्रतिस्थापन करने संबंधी, प्रतिबंध और अंकुश लगाया गया था;

और जबकि मार्च, 2006 की एक अन्य अधिसूचना से केन्द्रीय भूमि जल प्राधिकरण ने दिल्ली के पूर्वी, नई दिल्ली, उत्तर पूर्वी, उत्तर पश्चिमी एवं पश्चिमी जिलों को विनियमन की आवश्यकता वाले अधिक शोषित क्षेत्रों के रूप में अधिसूचित किया है और उन जिलों में भूमिगत जल दोहन की संरचनाओं का पंजीकरण अनिवार्य किया।

अतः, अब गृह मंत्रालय, भारत सरकार की दिनांक 10 सितम्बर, 1992 की अधिसूचना एसओ 667(अ) फा. सं. यू. 11030/1/91-यू.टी.एल. के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 30 मार्च, 2009 के आदेश सं. फा. 8(348)ईए/पर्या./09/14433-14451 तथा सं. फा. 8(348)ईए/पर्या./09/14452-14470 तथा दिनांक 30 अप्रैल, 2009 के आदेश सं. 8(348)ईए/पर्या./09/555-582 तथा सं. 8(348)ईए/पर्या./09/583-610 के अनुसार जारी निर्देशों का अधिक्रमण करते हुए, राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल एतद्द्वारा निम्नलिखित निर्देश जारी करते हैं :-

(1) समूचे राष्ट्रीय राजधानी क्षेत्र दिल्ली में कोई भी व्यक्ति, समूह, प्राधिकरण, संघ या संस्थान, "सक्षम प्राधिकरण" अर्थात् दिल्ली जल बोर्ड या नई दिल्ली नगर परिषद्, जैसी भी स्थिति हो, की पूर्व अनुमति के बिना घरेलू, वाणिज्यिक कृषि तथा या औद्योगिक प्रयोगों के लिए बोरवैल या नलकूप (नए तथा विद्यमान दोनों तथा केन्द्रीय भूमि जल प्राधिकरण की बिना अनुमति वाले) से भूमि जल का दोहन नहीं करेगा/करेगी।

(2) बोरवैल/ट्यूबवैल की अनुमति प्रदान करने संबंधी कार्यवाही दिल्ली सरकार के प्रत्येक राजस्व क्षेत्र के उपायुक्त (राजस्व) के माध्यम से सक्षम प्राधिकारी द्वारा की जाएगी जिसको विधुक्ति, उसके अन्तर्गत आने वाले संबंधित राजस्व क्षेत्र में भू-जल विकास एवं प्रबंधन के विनियमन के उद्देश्य से "अधिकृत अधिकारी" के रूप में की जाती है।

(3) इसके अलावा, दिल्ली सरकार के प्रत्येक राजस्व क्षेत्र के उपायुक्त राजस्व; जो कि अधिकृत अधिकारी है, नियमों के उल्लंघन की जांच, अवैध बोरवैल/ट्यूबवैल को सील करना, अपराधियों के विरुद्ध मुकदमें दायर करने आदि जैसे अन्य मुद्दों पर भी कार्यवाही की शक्तियां प्रदान की जाती हैं, जिसमें सलाहकार समिति की सिफारिशों के आधार पर भू-जल संबंधी शिकायतों का निवारण भी शामिल है।

(4) राष्ट्रीय राजधानी क्षेत्र दिल्ली के नौ राजस्व क्षेत्रों में, प्रत्येक राजस्व क्षेत्र के उपायुक्त की अध्यक्षता में अलग-अलग एक सलाहकार समिति का एतद्द्वारा गठन किया जाता है, जिसमें निम्नलिखित सदस्य होंगे :–

1.	उपायुक्त (राजस्व), संबंधित क्षेत्र	अध्यक्ष
2.	निदेशक (पंचायत)	सदस्य
3.	मुख्य अभियन्ता दिल्ली जल बोर्ड द्वारा मनोनीत	सदस्य
4.	केन्द्रीय भूमि जल बोर्ड, नई दिल्ली का प्रतिनिधि	सदस्य
5.	क्षेत्र का अधिकार रखने वाले स्थानीय निकायों के प्रतिनिधि	सदस्य
6.	पर्यावरण विभाग, राष्ट्रीय राजधानी क्षेत्र दिल्ली/दिल्ली प्रदूषण नियंत्रण समिति के प्रतिनिधि	सदस्य
7.	संबंधित उपायुक्त द्वारा मनोनीत प्रसिद्ध भूमि जल प्रबंधन की गैर सरकारी संस्था (एनजीओ) के प्रतिनिधि	सदस्य

(5) सलाहकार समिति की प्रत्येक माह कम से कम एक बैठक होगी जिसमें समिति संबंधित राजस्व क्षेत्र के भूमि जल के विनियम एवं प्रबंधन संबंधित विभिन्न विषयों पर विचार करके अपनी सिफारिशों को विचारार्थ एवं प्रदान हेतु उपायुक्त को भेजेगी। केवल संस्तुत भू-जल दोहन के मामले ही अनुमति प्रदान करने हेतु सक्षम प्राधिकारी को भेजे जाएंगे।

(6) गैर कानूनी भूमि जल निकासी के तत्काल उल्लंघन जैसे मामलों में अधिकृत अधिकारी अपनी संतुष्टि के आधार पर, ड्रिलिंग रिग को जब्त करके, निर्मित ट्यूबवैल/बोरवैल अगर निर्मित है तो उसे सील करे, तथा बिजली पूर्त ट्यूबवैल की बिजली आपूर्ति चाहे वह डीजल जेनरेटर सैट के माध्यम से हो, काटकर, बिना सलाहकार समिति की सिफारिश का इंतजार किए भूमिगत जल के अवैध दोहन को रोकने को सुनिश्चित करेगा। तथापि ऐसी कार्यवाही का विवरण अधिकृत अधिकारी द्वारा अगली सलाहकार समिति की बैठक में रखा जाएगा।

(7) यदि कोई व्यक्ति, समूह प्राधिकरण, संघ या संस्थान बोरवैल या ट्यूबवैल (नए तथा विद्यमान दोनों तथा केन्द्रीय भूमि जल प्राधिकरण की अनुमति के बिना भूमि जल निकासी करने वाले) के माध्यम से जल निकासी करना चाहता है तो वह सक्षम अधिकारी की पूर्वानुमति लेगा। यह अनुमति सक्षम प्राधिकारी के क्षेत्रीय कार्यालयों में, विनिर्दिष्ट फार्म में आवेदन देकर प्राप्त की जाएगी।

(8) सक्षम प्राधिकारी का कार्यकारी अभियन्ता, संबंधित क्षेत्र का प्रभारी, तथ्यों के आधार पर राजस्व क्षेत्र के संबंधित उपायुक्त (राजस्व) को मामले की सिफारिश करेगा, जो सक्षम प्राधिकरण के कार्यकारी अभियन्ता तथा सलाहकार समिति की सिफारिशों को देखते हुए आदेश जारी करेगा।

(9) यदि भवन का प्लाट का आकार 200 वर्ग मीटर से अधिक है तो बोरवैल या ट्यूबवैल (नए तथा विद्यमान दोनों तथा केन्द्रीय भूमि जल प्राधिकरण की अनुमति के बिना भूमि जल निकासी करने वाले से भूमि जल निकासी की अनुमति इस शर्त पर होगी कि उक्त प्लाट या भवन का अधिकारी या स्वामी भवन में वर्षा जल संचयन प्रणाली स्थापित करेगा।

(10) अत्यावश्यक या औद्योगिकी उपयोग हेतु बोरवैल या ट्यूबवैल (नए तथा विद्यमान दोनों तथा केन्द्रीय भूमि जल प्राधिकरण की अनुमति के बिना भू-जल निकासी करने वाले) से भूमि जल निकासी की अनुमति इस शर्त पर होगी, कि संबंधित व्यक्ति या प्राधिकरण, वर्षा जल संचयन संरचना स्थापित करेगा, तथा यह सुनिश्चित करेगा कि अपशिष्ट जल का उचित प्रशोधन के बाद बागवानी, शीतलीकरण या शौचालय आदि में पुनः प्रयोग होगा या संबंधित सलाहकार समिति द्वारा दिए गए किसी अन्य सुझाव के अनुकूल होगा।

(11) प्रत्येक सलाहकार समिति ऊपर लिखित सांविधिक शक्तियों के अतिरिक्त, गलकूप या बोरवैल से जल दोहन के कारण किसी प्रकार के हुए जल प्रदूषण संबंधी सूचना, दिल्ली प्रदूषण नियंत्रण समिति को देगा ताकि जल (प्रदूषण रोकथाम एवं नियंत्रण) अधिनियम, 1974 के उपबंध के अन्तर्गत आवश्यक कार्रवाई की जा सके।

(12) कृषि प्रयोजनों के लिए बोरवैल लगाने की अनुमति खंड विकास अधिकारी तथा कृषि विभाग अथवा बाढ़ एवं सिंचाई नियंत्रण विभाग, दिल्ली सरकार की संस्तुति पर आधारित संबंधित उपायुक्त (राजस्व) के अन्तर्गत सलाहकार समिति द्वारा वास्तविक कृषकों को प्रदान की जा सकती है। कृषि कार्यकलाप खसरा वास्तविक प्रलेखों से सत्यापित की जा सकती है और यह गिरदावरी मूल्यांकन पर भी आधारित की जा सकती है।

(13) उक्त निर्देशों का किसी प्रकार का उल्लंघन पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 15 के अन्तर्गत दंडनीय होगा।

राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल
के आदेश से तथा उनके नाम पर,
धर्मेन्द्र, सचिव (पर्यावरण)

DEPARTMENT OF ENVIRONMENT AND FORESTS AND WILDLIFE

NOTIFICATION

Delhi, the 12th July, 2010

No. F8(348)/EA/Env/09/2246.— In exercise of power conferred by Section 5 of the Environment (Protection) Act, 1986 (29 of 1986) read with the notification No. U-11030/J/91- UTL dated the 10th September, 1992 and in supersession of directions issued vide Order Nos F8(348)/EA/Env/09/14433-14451 and F8(348)/EA/Env/09/14452-14470 dated the 30th March 2009 as well as Order Nos. F8(348)/EA/Env/09/555-582 and F8(348)/EA/Env/09/583-610 dated the 30th April 2009, the Lt. Governor of the National Capital Territory of Delhi, has issued Annexed directions vide order No. F8 (348)/EA/Env/09/1041-1061 dated the 18th May 2010 for groundwater regulation and management in Delhi.

The direction issued as Annexed are hereby published for information of the general public.

By Order and in the name of Lt. Governor
of the National Capital Territory of Delhi,

SUSHMA JERATH, Dy. Secy.

ANNEXURE

DEPARTMENT OF ENVIRONMENT

Order

Delhi, the 18th May, 2010

Sub : Direction under section 5 of the Environment (Protection) Act, 1986

F8. (348)/EA/Env/09.—Whereas, the Central Government has authorized the Lieutenant Governor of the National Capital Territory of Delhi vide notification S.O. 667 (E) dated the 10th September, 1992 to exercise powers under section 5 of the Environment (Protection) Act, 1986 for the National Capital Territory of Delhi and to issue directions thereunder, to any person, officer or any authority for the closure, prohibition or regulation of any operation or process or stoppage or regulation of the supply of electricity or water or any other services.

And whereas Delhi Jal Board constituted under the Delhi Water Board Act, 1998 (Delhi Act 4 of 1998) is dealing with water supply network of drinking, domestic, industrial and commercial water in the National Capital Territory of Delhi;

And whereas continued abstraction of ground water has led to serve depletion of ground water resources;

And whereas non-restricted and non-regulated abstraction of ground water has serious long term environmental implications;

And whereas over abstraction of ground water can result in drying up of ground water resources and may also affect water quality;

And whereas Central Ground Water Authority had, in the year of 2000, notified the South and South-West districts of Delhi as "Notified Areas" and imposed prohibition and restriction in those districts on the construction and installation of any structure for abstraction of ground water resources to avoid further depletion and deterioration in water quality in the said districts;

And whereas through, another notification in March 2006, Central Ground Water Authority has notified East, New Delhi, North-East, North-West and West districts of Delhi as over exploited areas needing regulation, and registration of ground water abstraction structures in those districts was made compulsory.

Now, therefore, in exercise of power conferred by section 5 of the Environment (Protection) Act, 1986 (29 of 1986) read with the Ministry of Home Affairs, Government of India Notification S.O. 667 (E) bearing F.No. U-11030/J/91- UTL dated the 10th September, 1992 and in supersession of directions issued vide Order Nos. F8(348)/EA/Env/09/14433-14451 and F8(348)/EA/Env/09/14452-14470 dated the 30th March 2009 as well as Order Nos. F8(348)/EA/Env/09/555-582 and F8(348)/EA/Env/09/583-610 dated the 30th April 2009, the Lt. Governor of the National Capital Territory of Delhi , hereby issues the following directions, namely:—

(1) In the whole of the National Capital Territory of Delhi, no person, group, authority, association or institution shall draw ground water through bore-well or tube-well (both new as well as existing and drawing ground water without permission of Central Ground Water Authority) for domestic, commercial, agricultural and or industrial uses without the prior permission of the "Competent Authority" that is to say, the Delhi Jal Board or the New Delhi Municipal Council as the case may be.

(2) The issue of grant of permission for borewell/ tubewell shall be dealt by Competent Authority through the Deputy Commissioner (Revenue) of each revenue area, GNCTD, who is hereby appointed as "Authorized Officer" for the purpose of regulation of ground water development and management in the respective revenue areas under the jurisdiction.

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(3) The Deputy Commissioner (Revenue) of each revenue area, GNCTD, who is the Authorized Officer, are further delegated with the power of dealing with other issues such as checking violation and sealing illegal wells, launching of prosecution against offenders etc. including grievance redressal related to ground water, based on the recommendations of the Advisory Committee.

(4) An Advisory Committee in each nine revenue areas of the National Capital Territory of Delhi is hereby constituted under the Chairmanship of the Deputy Commissioner of each revenue area comprising of the following members:

1. Deputy Commissioner (Revenue), of concerned revenue area : Chairman;
2. Director (Panchayat) : Member;
3. Chief Engineer nominated by Delhi Jal Board : Member;
4. Representative of Central Ground Water Board, New Delhi : Member;
5. Representatives of local bodies having jurisdiction over the area : Member;
6. Representative of Department of Environment, GNCTD/DPCC : Member;
7. Representative of reputed NGO in the field of Groundwater Management nominated by the Deputy Commissioner concerned : Member.

(5) The Advisory Committee shall meet atleast once in every month to take up various issues related to ground water regulation and management in the concerned revenue area and give recommendations to the Deputy Commissioner for further consideration and enforcement. Only the recommended groundwater boring cases shall be forwarded to Competent Authority for grant of permission.

(6) In emergent violation cases such as illegal groundwater drawl, the Authorized Officer, subject to his satisfaction, shall ensure the discontinuation of the same by the seizure of drilling rig, sealing of tubewell/borewell if so constructed and also disconnection of electricity supply to the energized tubewell even if it is through DG sets, without waiting for recommendation of Advisory Committee. However the details of such action shall be placed by the Authorized Officer in the next Advisory Committee meeting.

(7) If any person, group, authority, association or institution, intends to draw ground water through bore-well or tube-well(both new as well as existing and drawing ground water without permission of Central Ground Water Authority), he shall take prior permission from Competent Authority. Such permission shall be obtained through submission of an application to Zonal Offices of the Competent Authority, in the form specified by the Competent Authority.

(8) The Executive Engineer of the Competent Authority, incharge of the concerned area shall recommend the case, based on the facts on the ground, to the concerned Deputy Commissioner (Revenue) of the revenue area who shall issue orders in the light of the recommendations of Executive Engineer of the Competent Authority and the Advisory Committee.

(9) If the plot size of the building is more than 200 sq. meters, the permission to draw ground water through borewell or tubewell (both new as well as existing and drawing groundwater without permission of Central Ground Water Authority) shall be subject to the condition that the occupier or owner of the said plot or building shall install rain water harvesting system in such building.

(10) The permission to draw ground water through borewell or tubewell (both new as well as existing and drawing ground water without permission of Central Ground Water Authority) for commercial and or industrial use shall be subject to the condition that the concerned person or authority shall install the rain water harvesting structure, and shall ensure reuse of the water in horticulture or cooling or toilet flushing, etc after proper treatment of waste water or any other suggestions given by the concerned Advisory Committee.

(11) Each of the Advisory Committee in addition to their above mentioned statutory duties, will inform Delhi Pollution Control Committee about any water pollution occurring, due to extraction of water from tube-well or bore-well so that, necessary action may be initiated under the provision of the Water (Prevention and Control of Pollution) Act, 1974.

(12) The permission of borewell installation for agricultural purpose may be granted to genuine agriculturists by the Advisory Committee under concerned Deputy Commissioner (Revenue) based on the recommendation of Block Development Officer and Agriculture Department/Irrigation and Flood Control Department, Govt. of N.C. of Delhi.

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Agriculture activity may be verified from Khasra Girdawari documents and also based on actual evaluation.

(11) Any violation of the above directions shall be punishable under section 15 of the Environment (Protection) Act, 1986 (29 of 1986).

By Order and in the Name of the Lieutenant Governor of the National Capital Territory of Delhi,

DHARMENDRA, Secretary (Environment)

कार्यालय पंजीयक सहकारी समितियाँ

अधिसूचना

दिल्ली, 7 जुलाई, 2010

फा. संख्या 6(14)/85/स्था./सह./पार्ट फाइल 2349.— दिल्ली के उपराज्यपाल, दिल्ली सहकारी समितियां अधिनियम, 2003 (दिल्ली अधिनियम 2004 का 3) की धारा 3 की उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री हरि नारायण मीणा, एडहॉक दानिक्स सहकारी समितियां को उपरोक्त अधिनियम के अधीन कार्य को निपटाने के लिए उपरोक्त पद पर कार्य ग्रहण करने की तिथि से पंजीयक की सहायतार्थ नियुक्त करते हैं।

राष्ट्रीय राजधानी क्षेत्र, दिल्ली के उपराज्यपाल के आदेश एवं नाम से,

एस. के. झा, अतिरिक्त सचिव (सहकारिता)

OFFICE OF THE REGISTRAR COOPERATIVE SOCIETIES

NOTIFICATION

Delhi, the 7th July, 2010

No. F. 6/14/85/Estt./Coop/Pt. file 2349.—In exercise of the powers conferred by sub-section (1) of section 3 of the Delhi Co-operative Societies Act, 2003 (Delhi Act 3 of 2004), the Lt. Governor of the National Capital Territory of Delhi is pleased to appoint Sh. Hari Narain Meena, Adhoc DANICS as Assistant Registrar Cooperative Societies, Delhi, to assist the Registrar in discharging his duties and functions under the aforesaid Act with effect from the date he assumed charge of the said office.

By Order and in the Name of the Lt. Governor of the National Capital Territory of Delhi,

S. K. JHA, Addl. Secretary (Coop.)

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