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BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

EXECUTION APPLICATION NO. 04 OF 2023
IN
O.A. NO. 147/2021

IN THE MATTER OF:

MAHESH CHANDRA SAXENA

...APPLICANT

VERSUS

THE CHIEF SECRETARY,
GOVT. OF NCT OF DELHI & ORS.

...RESPONDENTS

ON BEHALF OF:

FEDERATION OF CGHS
DWARKA LTD.

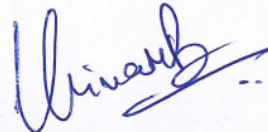
...RESPONDENT NO. 6

N.D.O.H.:13.07.2026

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Through:



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NEW DELHI
25.04.2026

BEFORE THE NATIONAL GREEN TRIBUNAL,
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DWARKA LTD.

...RESPONDENT NO. 6

**REPLY TO ADDITIONAL SUBMISSIONS FILED BY THE
APPLICANT ON BEHALF OF RESPONDENT NO. 6**

MOST RESPECTFULLY SHOWETH:

PRELIMINARY OBJECTIONS

1. That at the outset, the present additional submissions filed by the Applicant are liable to be rejected *in limine* as being wholly misconceived, beyond the permissible scope of execution proceedings, and an abuse of the process of this Hon'ble Tribunal. The Applicant, under the guise of Additional Submissions in an Execution Application, seeks to introduce entirely new reliefs, fresh policy directions, and expansive prayers which were neither part of the original O.A. No. 147/2021

nor are covered by the limited scope of Execution Application No. 04 of 2023.

2. That it is a settled proposition of law that execution proceedings are confined solely to enforcement of the specific order passed in the original proceedings. The scope of execution before this Hon'ble Tribunal under Sections 25–26 of the National Green Tribunals Act, 2010 is limited to ensuring compliance with directions already issued it cannot be expanded to adjudicate fresh disputes or grant new reliefs not contemplated by the original order. The prayers now sought by the Applicant, namely constitution of a new Committee with himself as a member, blanket directions against all Dwarka societies, and imposition of environmental compensation ranging from Rs. 5 lakhs to Rs. 10 crores, go entirely beyond the original order dated 10.12.2021 and are wholly impermissible in execution. The same deserve to be rejected on this ground alone without further inquiry.
3. That without prejudice to the above, the averments made in the Additional Submissions are denied in entirety, save and except those specifically admitted herein.

PARA WISE REPLY:

4. That the contents of para 1 of the additional submissions are misleading and denied. It is submitted that the Central Ground Water Board (CGWB) has not prescribed a restrictive “rooftop-only” rainwater harvesting model as alleged. On the contrary, the CGWB guidelines for Rain Water Harvesting and Artificial Recharge clearly provide that runoff from driveways, parking

areas, and open spaces can also be diverted to recharge structures through properly designed stormwater systems. The said design, including provision for recharge borewells, has been duly approved by the Central Ground Water Authority (CGWA). The design so approved has also been examined and found technically efficient by the Joint Committee comprising DPCC, CPCB, and DJB, as recorded in the Minutes of Meeting dated 06.10.2021. The contrary assertions of the Applicant are therefore denied.

5. That the contents of para 2 of the additional submissions are denied to the extent they seek to attribute fault to the societies. It is submitted that the rainwater harvesting systems in the Dwarka societies were installed strictly in accordance with the CGWB-approved design and were executed by contractors under the supervision of competent authorities. The Delhi Jal Board (DJB) released subsidies for such installations only after due inspection and verification through its RWH Cell. Further, the sewerage and storm water infrastructure was planned, sanctioned, and approved by statutory authorities including DDA and MCD. Therefore, the allegation that the systems were arbitrarily or improperly constructed is baseless and contrary to record.
6. That the contents of para 3 of the additional submissions are denied. It is submitted that the sampling methodology relied upon by the Applicant is fundamentally flawed and scientifically unreliable. The samples were collected from stagnant or residual water present at the bottom of recharge pits and borewells, which

had already been in contact with groundwater and other contaminants. Such samples do not represent the quality of rainwater entering the recharge system and cannot be relied upon to establish causation. Further, Annexures A-2 and A-3 relied upon by the Applicant pertain to locations outside the Dwarka sub-city and are not relevant to the present matter, and hence are liable to be disregarded.

7. That the contents of para 4 of the additional submissions are denied. It is submitted that the rainwater harvesting systems installed in the societies are fully compliant with the design prescribed and approved by CGWB and have been found technically efficient by the Joint Committee comprising DPCC, CPCB, and DJB. It is further submitted that the presence of ammoniacal nitrogen and fecal coliform in groundwater is indicative of sewage contamination and not rainwater recharge. The DPCC has, in its communications, clarified that such contamination is attributable to sewerage-related issues. The public sewerage systems maintained by DJB, DDA, and MCD are in several instances found to be leaking, choked, and overflowing, and such leakage results in ingress of contaminated water into the recharge systems. These facts have been repeatedly brought to the notice of the concerned authorities by the societies and the Federation, but no effective remedial action has been taken.

It is further submitted that an independent Performance Audit conducted by the Comptroller and Auditor General (CAG) on the functioning of the Delhi Jal Board clearly establishes that contamination in Delhi is primarily attributable to systemic deficiencies in sewerage infrastructure, including discharge of untreated sewage into stormwater drains, non-compliant sewage treatment plants, and absence of proper monitoring mechanisms. These findings reinforce that the presence of contaminants is linked to sewage management failures and not to the rainwater harvesting systems installed by the societies.

8. That the contents of para 5 of the additional submissions are denied. It is submitted that the public notices issued by DJB mandating a rooftop-only rainwater harvesting model are contrary to the CGWB-approved design and inconsistent with the earlier stand taken by DJB before this Hon'ble Tribunal acknowledging the technical adequacy of the existing systems. The DJB has failed to take cognizance of communications of DPCC and has not undertaken any effective steps to address the deficiencies in the public sewerage system, which is the primary cause of contamination.
9. That the contents of para 6 of the additional submissions are a matter of record and hence need no reply.
10. That the contents of para 7 of the additional submissions are denied. The contents of the preceding paragraphs are reiterated

and reaffirmed. It is reiterated that the systems installed by the societies are in accordance with approved designs and are not responsible for groundwater contamination.

11. That the contents of para 8 of the additional submissions are denied for being irrelevant to the present proceedings for not being the subject matter of the present proceedings. The same does not pertain specifically to the Dwarka societies and is therefore not liable to be considered.
12. That the contents of para 9 of the additional submissions are admitted to the extent that groundwater in certain areas is contaminated; however, it is denied that the same is attributable to the rainwater harvesting systems installed by the societies. The contamination is primarily due to deficiencies in sewerage infrastructure, as explained hereinabove. It is submitted that in view of the contaminated nature of groundwater, it would be appropriate to permit the use of borewell water for non-potable purposes such as horticulture and sanitation so as to conserve potable water resources and improve groundwater management.
13. That the contents of para 10 of the additional submissions are denied. It is submitted that the societies in Dwarka have installed functional and compliant rainwater harvesting systems, which have contributed to the improvement of groundwater levels in the area, from approximately 25 meters to 17 meters, as noted in the joint committee findings. Imposition of penalties or coercive

measures against such compliant societies would be arbitrary, counterproductive, and would discourage adherence to environmental norms.

14. That the contents of para 11 - 14 of the additional submissions does not warrant any response for beyond scope of the answering Respondent No. 6.

PRAYER

In light of the facts, law, and submissions set out hereinabove, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- (a) Dismiss the Additional Submissions filed by the Applicant as being misconceived and beyond the scope of execution proceedings;
- (b) Hold that no liability can be fastened upon Respondent No. 6 or its member societies; and
- (c) Direct that no coercive action, including disconnection of water supply, be taken against any society on account of alleged RWH system defects without prior physical verification and an opportunity of hearing to the concerned society;
- (d) Pass such other order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.

**RESPONDENT NO. 6**

For Federation of CGHS Dwarka Ltd.

NEW DELHI
25.04.2026

Authorised Signatory

VERIFICATION:

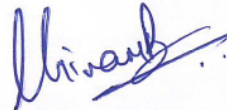
Verified at New Delhi on this 25th day of April 2026, that the contents of the above reply are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

For Federation of CGHS Dwarka Ltd.

**RESPONDENT NO. 6**

Authorised Signatory

Through:

**SHIVAM BAJAJ, AKASH TANDON
MITALI TAKKAR, ADVOCATES**C-293, Defence Colony, New Delhi - 24
9999660747 | officeofadvocatebajaj@gmail.comNEW DELHI
25.04.2026

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

EXECUTION APPLICATION NO. 04/2023

IN

O.A. No. 147/2021 (Disposed Off)

IN THE MATTER OF:

MAHESH CHANDER SAXENA

...APPLICANT

VERSUS

THE CHIEF SECRETARY,

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ON BEHALF OF:

FEDERATION OF CGHS

DWARKA LTD.

...RESPONDENT NO. 6

AFFIDAVIT

I, Harkishan Maan S/o Sh. Chandgi Maan, aged about 73 years, being the Vice President of Respondent No. 6 having office at K M Apartments, Plot No. 12, Sector-12, Dwarka, New Delhi - 110078, do hereby solemnly affirm and stated as under: -

5. That I am the authorized representative of the Respondent No. 6 association duly authorized vide Board Resolution dated 21.04.2024 in the captioned matter and I am fully conversant with the facts and circumstances of the case, and I am also competent to swear the present affidavit.



- 6. That the contents of the accompanying reply have been drafted by my counsel as per my instructions and the contents of the same have been duly read and understood by me in my vernacular language and the same are not being reproduced herein for the sake of brevity.
- 7. That the annexures filed along with the reply are true copies of their respective originals.
- 8. That this is my true and correct statement.

[Signature]
 I identify the deponent
 who has signed in my Presence

[Signature]
 For Federation of GHS Dwarka Ltd.
DEPONENT
 Authorised Signatory

VERIFICATION:

25 APR 2026

I, above named deponent do hereby state on solemn affirmation that the contents of the above affidavit are true and correct to the best of my knowledge. Nothing material has been concealed therefrom.

Verified on this 25 APR 2026 day of April 2026.



CERTIFIED THAT THE DEPONENT
 Shri / Smt. / Km. Harkishan Maan
 S/o. W/o. D/o. an chran
 R/o. [Signature]
 Identified by Shri/Smt. [Signature]
 has solemnly affirmed before me at Delhi
 on [Signature] St. No. [Signature]
 that the contents of the affidavit which
 have been read over & explained to him/her
 are true and correct to his/her knowledge

NOTARY PUBLIC GOVT. OF INDIA

[Signature]
DEPONENT
 Authorised Signatory