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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1117 OF 2024

In the matter of:

NEWS ITEM TITLED "FROM OASIS TO FORSAKEN WHERE DID"
APPEARING IN HINDUSTAN TIMES DATED 16.08.2024

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Srinivas Vishven

Filed by Adv. Srinivas Vishven
(On behalf on Central Pollution Control Board)

Place: Delhi
Dated: 10.12.2024

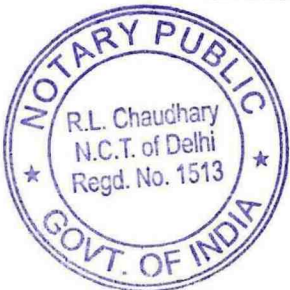
**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1117 OF 2024**

In the matter of:

NEWS ITEM TITLED "FROM OASIS TO FORSAKEN WHERE DID"
APPEARING IN HINDUSTAN TIMES DATED 16.08.2024.

**REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD
(CPCB) i.e. RESPONDENT NO. 2**

1. That, Hon'ble NGT vide order dated 30.08.2024 and vide notice dated 19.10.2024 has sought the reply of Central Pollution Control Board (hereinafter referred as CPCB) in the instant matter. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and control of Pollution) Act 1974 (hereinafter Water Act), The Air (Prevention and control of Pollution) Act, 1981 (hereinafter Air Act) and The Environment (Protection) Act, 1986.
3. That, it is humbly submitted that the State Pollution Control Boards/ Pollution Control Committees (hereinafter referred as SPCBs/PCCs) have been constituted in States/ Union Territories under Water Act, 1974 and Air Act, 1981 to perform the functions and implement the provisions of these Acts in respect of their territorial Jurisdiction.



4. That, the present matter is related to the increased urban flooding in Delhi and its connection to the disappearance of water bodies in the capital. As per the article, though short bursts of heavy rainfall and climate change are contributing factors, experts largely attribute the problem to the disappearance of water bodies and wetlands in the region, coupled with inadequate drainage infrastructure. The article alleges that there has been a significant reduction in the number of water bodies, not just in Delhi but in all urban centres due to the disappearance of many water bodies and encroachments upon connecting channels, the water has nowhere to go but onto the roads and other impervious surfaces, exacerbating the flooding problem.
5. That, in compliance with Hon'ble NGT order dated 30.08.2024 passed in instant matter, CPCB had sent written communication in the matter to Delhi Pollution Control Committee, Delhi Wetland Authority and Geospatial Delhi Limited, seeking the status report/ action taken report in the matter vide letter dated **29.10.2024 and 19.11.2024 and 27.11.2024**. A copy of the letters is enclosed as **Annexure I-III**.
6. That, the status report/ action taken report of the matter is awaited from the concerned authorities by the answering Respondent.
7. That, Geospatial Delhi Limited vide letter dated 04.12.2024 (**Annexure-IV**) mentioned that the Wetland Authority of Delhi (WAD), Govt. of NCT of Delhi (GNCTD) is the nodal agency concerned with the ownership and validation of all locational data, including latitudes and longitudes of water bodies in Delhi.



8. That, it is humbly submitted that the subject matter is related to the increased urban flooding in Delhi due to disappearance of water bodies and wetlands, coupled with inadequate drainage infrastructure in the capital which falls within the purview of local bodies and state specific agencies such as Delhi Pollution Control Committee, Delhi Wetland Authority and Geospatial Delhi Limited. The status report / action taken report from the agencies, as sought vide aforesaid letter 29.10.2024 and 19.11.2024 and 27.11.2024 is awaited. It is prayed that the Hon'ble Tribunal may consider the response filed by state agencies for adjudication of the instant matter.
9. That, the answering respondent craves leave of the Hon'ble Tribunal to file additional reply, if required, in future.
10. That in the light of the above submissions, it is respectfully submitted that this Answering Respondent No. 2, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Court in the instant OA.



(Vishal Gandhi)

Scientist 'E'
Central Pollution Control Board

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1117 OF 2024**

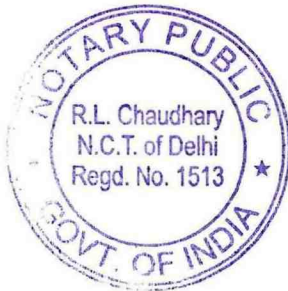
In the matter of:

NEWS ITEM TITLED "FROM OASIS TO FORSAKEN WHERE DID"
APPEARING IN HINDUSTAN TIMES DATED 16.08.2024.

AFFIDAVIT

I, **Vishal Gandhi** working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 2 in the above matter, do hereby solemnly affirm, declare on oath and state as under:-

1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit as I am competent to swear this affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.




DEPONENT

विशाल गांधी / Vishal Gandhi
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Ministry of Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110042
Parivesh Bhawan, East Arjun Nagar, Delhi-110042

VERIFICATION

Verified at New Delhi on this day of 10 DEC 2024 2024 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis- stated.


DEPONENT



विशाल गांधी / Vishal Gandhi
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Mo Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अजुन सड़क दिल्ली-110002
Parivesh Bhawan, East Side Road, Delhi-110002

ATTESTED

NOTARY PUBLIC
GOVT. OF INDIA

10 DEC 2024



Speed Post /Email

F. No. A-14011/2024-WQM-I

/694

Dated: 29.10.2024

To

The Member Secretary
Delhi Pollution Control Committee
Building No. TC-12V, 6th floor, C Wing
Delhi Secretariat, I P Estate,
Delhi-110002

Sub: Compliance of Hon'ble NGT (PB) order dated 30.08.2024 in the matter of OA No. 1117/2024; News Item titled "From oasis to forsaken Where did" appearing in the Hindustan Times dated 16.08.2024

Sir,

Enclosed please find a copy of Hon'ble NGT (PB) order dated 30.08.2024 in the matter of OA No. 1117/2024; News Item titled "From oasis to forsaken Where did" appearing in the Hindustan Times dated 16.08.2024

In this regard, it is requested to provide your views/ comments/ action taken report in the said matter at earliest.

Yours faithfully

(Vishal Gandhi)

Scientist -E, WQM-I

Encl: As above

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpbc.nic.in



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केन्द्रीय प्रदूषण नियंत्रण बोर्ड

CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार.

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA.

Speed Post /Email

Reminder-I

F. No. A-14011/2024-WQM-I /709

Dated: 19.11.2024

To

The Member Secretary
Delhi Pollution Control Committee
Building No. TC-12V, 6th floor, C Wing
Delhi Secretariat, I P Estate,
Delhi-110002

Sub: Compliance of Hon'ble NGT (PB) order dated 30.08.2024 in the matter of OA No. 1117/2024; News Item titled "From oasis to forsaken Where did" appearing in the Hindustan Times dated 16.08.2024

Reference: CPCB letter no F. No. A-14011/2024-WQM-I dated 29.10.2024

Sir,

Kindly refer to our earlier letter dated 29.10.2024 wherein it was requested to provide your views/ comments/ action taken report in the matter of OA No. 1117/2024; News Item titled "From oasis to forsaken Where did" appearing in the Hindustan Times dated 16.08.2024

In this context, it is again requested to kindly provide the status report/ action taken report in the said matter at earliest.

This may be treated as URGENT.

Thanking you

Yours faithfully


(Vishal Gandhi)
Scientist -E, WQM-I

Encl: As above

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.

Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट/Website: www.cpcb.nic.in



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केन्द्रीय प्रदूषण नियंत्रण बोर्ड

CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार.

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA.

Speed Post /Email

Reminder-II

F. No. A-14011/2024-WQM-I / 725

Dated: 27.11.2024

To

The Member Secretary
Delhi Pollution Control Committee
Building No. TC-12V, 6th floor, C Wing
Delhi Secretariat, I P Estate,
Delhi-110002

Reference: i. CPCB letter no F. No. A-14011/2024-WQM-I dated 29.10.2024**ii. CPCB letter no F. No. A-14011/2024-WQM-I dated 19.11.2024**

Sub: Compliance of Hon'ble NGT (PB) order dated 30.08.2024 in the matter of OA No. 1117/2024; News Item titled "From oasis to forsaken Where did Delhi's water bodies go?" appearing in the Hindustan Times dated 16.08.2024

Sir,

Kindly refer to our earlier letter dated 29.10.2024 and 19.11.2024, on the subject matter, wherein it was requested to provide your views/ comments/ action taken report in the matter of OA No. 1117/2024; News Item titled "From oasis to forsaken Where did Delhi's water bodies go?" appearing in the Hindustan Times dated 16.08.2024

In this context, it is again requested to kindly provide the status report/ action taken report in the said matter at earliest.

This may be taken on priority as the matter is listed on 11.12.2024

Yours faithfully

R. P. Gurung
(Ritesh Prasad Gurung)
Scientist -E

Encl: As above

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.

Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट/Website: www.cpcb.nic.in



Geospatial
DELHI LIMITED
(A Govt. of NCT of Delhi Company)

Regd. Office:- 3rd Level, 'C' wing, Vikas Bhawan-2,
Civil Lines, Delhi-110054, INDIA
PH: +91-11-23813287, Fax: +91-11-23813541
E-mail: cs.gsdl@nic.in; Website: www.gsdl.org.in
CIN No.: U85191DL2008SGC178367

Annexure- IV

GSDL/Wetland Authority in GNCTD/2018-19/1383(Part-I)/9367 Dated:04/12/2024

To

Shri Ritesh Prasad Gurung,
Scientist E
Central Pollution Control Board (MoEF, Govt. of India)
Parivesh Bhawan, East Arjun Nagar
New Delhi – 110 032

Sub: Compliance of Hon'ble NGT (PB) order dated 30.08.2024 in the matter of OA No. 1117/2024: news Item titled "From oasis to forsaken Where did Delhi's water bodies go?" appearing in the Hindustan Times dated 16.08.2024

Sir,

This has reference to the CPCB letter No. A-14011/2024-WQM-I/ 725 dated 27.11.2024 (Reminder-II) on the above cited subject.

In this connection, it may please be noted that GSDL has been one of the five respondents including the Wetland Authority of Delhi (WAD), Govt. of NCT of Delhi (GNCTD). WAD has been the agency concerned with the ownership and validation of all locational data, including latitudes and longitudes of water bodies in Delhi. GSDL uses the data provided by WAD to perform desktop-based GIS analysis within its lab, leveraging base maps and satellite imagery.

It is thus requested that CPCB may directly approach WAD, GNCTD for seeking views/ comments/ action taken report in respect of the water bodies of Delhi.

Thanking you,

Yours faithfully,

(P. S. Acharya)
Consultant-cum-CTO

Item No. 06

Court No. 1

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

Original Application No. 1117/2024

News Item titled "From oasis to forsaken Where did" appearing in the Hindustan Times dated 16.08.2024

Date of hearing: 30.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

ORDER

1. This original application is registered *suo motu* based on the news item titled "From oasis to forsaken Where did" appearing in the 'Hindustan Times' dated 16.08.2024.

2. The news item relates to the increased urban flooding in Delhi and its connection to the disappearance of water bodies in the capital. As per the article, though short bursts of heavy rainfall and climate change are contributing factors, experts largely attribute the problem to the disappearance of water bodies and wetlands in the region, coupled with inadequate drainage infrastructure. The article highlights that wetlands comprising water bodies, including ponds, lakes, and percolation ponds (johads), have traditionally played an indispensable role in flood management and water security by acting as natural reservoirs. During heavy rains, these areas absorb excess water, preventing the city's drainage systems from being overwhelmed. The article alleges that there has been a significant reduction in the number of water bodies, not just in Delhi but in all urban centres. It states that due to the disappearance of many water bodies and encroachments upon connecting channels, the

water has nowhere to go but onto the roads and other impervious surfaces, exacerbating the flooding problem.

3. The news item mentions that the floodplains of the Yamuna, the city's largest wetland and the network of wetlands in Delhi, help accommodate excess rainfall and thus buffer floods. However, when these wetlands are reclaimed and constructed, it is these areas that are exposed to high flood risk. Moreover, it is alleged that relentless urban expansion and high demand for land have led to rapid development and encroachment on Delhi's water bodies and wetlands, causing many to disappear or be repurposed. This has left the city increasingly vulnerable to flooding. It is further revealed that nearly half (49.1%) of the city's 1,367 recorded water bodies have either disappeared been encroached upon or are present on paper but missing on the ground, leaving only 656 intact. The article highlights the issues faced by the wetland authority due to a lack of clear guidance for local-level officials as due to insufficient training or understanding, they often face difficulties in accurately locating the water bodies. Additionally, there are misconceptions that land which experiences water logging only during the monsoon does not count as a water body. However, seasonally flooded areas are also to be recognized as significant water bodies. Furthermore, there are huge discrepancies in the number of water bodies found as per various surveys, mainly because many of these water bodies exist only on paper (in revenue records), but not on the ground. This is primarily due to urban expansion, where valuable land in village areas has been reclaimed, effectively erasing these water bodies from existence. The article further claims that the disappearance of these bodies is not just a recent phenomenon but a result of a longer, systematic neglect. It states that wetlands remain healthy only if they continue receiving water

from their catchment areas. However, many of these have been blocked due to development, leading to the drying up of these water bodies. Moreover, Delhi's surfaces have also become increasingly impermeable due to extensive concretization. The loss of natural catchment areas means that rainwater, which would previously have been absorbed by the ground or stored in water bodies, now runs off rapidly into the streets, leading to flash floods. It states that when development blocks the natural water paths, they eventually dry up. This drying up is the precursor to encroachment, and once a water body is perceived as 'dry,' it becomes a target for further development. The lack of clear demarcation of water bodies' boundaries also has made it easy for encroachers to claim these lands.

4. The news item also highlights that the Delhi government's policy to reduce the contours of solid waste dumps, while not directly targeting wetlands, has a collateral impact. The policy involves filling low-lying areas with chemically inert waste, which reduces space for water absorption and aggravates flooding by overburdening storm drains. Combined with this, the loss of wetlands and soil's natural absorption capacity creates a perfect storm for urban flooding in Delhi. It alleges that the agencies have often focused on cosmetic beautification rather than ecological restoration, leading to superficial enhancements that fail to address core issues like blocked water channels and pollution, whereas what a water body needs is restoration of its natural condition.

5. The news item raises a substantial issue relating to compliance with environmental norms.

6. The power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal*

Corporation of Greater Mumbai vs. Ankita Sinha & Ors.” reported in 2021 SCC Online SC 897.

7. Hence, we implead the following as respondents in the matter:

- (1). Delhi Pollution Control Committee, through its Member Secretary, Building No. TC-12V, 6th floor, C wing, Delhi Secretariat, I P Estate, Delhi-110002.
- (2). Central Pollution Control Board, through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.
- (3). Ministry of Jal Shakti, through its Secretary, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001.
- (4). Delhi Wetland Authority, through its Member Secretary, Office of the Wetland Authority Department of Environment, Govt. of N.C.T. of Delhi “C” Wing, 6th Level, Delhi Secretariat, I.P. Estate, New Delhi – 110002.
- (5). Geospatial Delhi Limited, through its Managing Director, 3rd Level, ‘c’ Wing, Vikash Bhawan-II, civil Lines, Delhi-110054.

8. Issue notice to the above respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

9. List on 11.12.2024.

Prakash Shrivastava, CP

Dr. Afroz Ahamd, EM

August 30, 2024
Original Application No. 1117/2024
dv