

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
NEW DELHI**

Original Application No. 639/2022

IN THE MATTER OF:

PRITPAL SHARMA

.....APPLICANT

VERSUS

GOVT. OF NCT OF DELHI

.....RESPONDENT

I N D E X

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FILED THROUGH

ADVOCATE FOR THE RESPONDENT

DATE: 09.2023

PLACE: NEW DELHI

IN THE HON'BLE NATIONAL GREEN TRIBUNAL

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Original Application No. 639/2022

IN THE MATTER OF:

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**COMPLIANCE/ ACTION TAKEN REPORT ON BEHALF OF
DISTRICT MAGISTRATE (SOUTH) BEFORE THIS
HON'BLE TRIBUNAL IN TERMS OF ORDER DATED
20.04.2023**

1. That Hon'ble Tribunal had pleased to issued direction vide dated 20.04.2023 directing therein that to evolve mechanism and take appropriate remedial action regarding illegal borewells operating in the area.
2. That illegal ground water extraction has been a rampant issue. The Water table as per CGWB report said that in 2011-2020, groundwater levels depleted by 2-4m in almost all districts of Delhi. The groundwater table was reported to be falling at a rate of 0.7m per year on an average basis.



3. The draft guidelines for groundwater extraction issued by Government of NCT of Delhi vide dated 19.04.2023, online with Notification of the Central Ground Water Authority, Ministry of Jal Shakti (Department of Water Resources, River Development and Ganga Rejuvenation, Government of India) vide notification dated 24.09.2020, the relevant portion of guidelines is reproduced below:-

“.....1.0 Applicability for seeking No Objection Certificate (NOC): In the whole of the National Capital Territory of Delhi, no person, group, authority, association or institution shall draw ground water without permission (Both new as well as existing and drawing) for domestic, commercial, agricultural and or industrial uses, without permission of Competent Authority i.e., Delhi Jal Board (DJB), Delhi Cantonment Board (DCB) and New Delhi Municipal Council (NDMC). The entire process of grant of "NOC" shall be online through a web based application system, to be done by Delhi Jal Board (DJB), Delhi Cantonment Board (DCB) and New Delhi Municipal Council (NDMC) as per area jurisdiction. While granting NOC, CGWA report on Aquifer mapping and ground water management plan of NCT Delhi should be taken into consideration.....”

4. As per the notification, the District Magistrate is given the authority to sanction the borewell and seal all the illegal operating borewells in the district. The intimation of operation of any illegal borewell are intimated to this office through any complaint by an individual, through email or letter, through DJB which forwards any complaint. Partly the issue of illegal borewell is that



there is no piped water supply in this area by DJB or Municipal Authorities.

5. The South Delhi district has adopted the following mechanism to regulate and act upon the illegal borewells operating in the district:

(i) All the complaints received through email, DAK, DJB or any other source are catalogued Sub-Division wise.

(ii) A Multi-Disciplinary team is formed at sub-division level, comprising of Sub-Divisional Magistrate, Officials from DJB, Police, DPCC & BSES to act upon the complaints.

Order dated 29.08.2023 Annexed as Annexure-“A”.

- a. On the complaints, the team at sub-divisional level visits the site, at first confirms the presence of any operating borewell.
- b. If any such borewell is found, an opportunity is given to the person residing at the premises to produce any documents relating to sanction of permission for the said borewell.
- c. If the said person, fails to produce any satisfactory document, the borewell is instantly sealed.
- d. The parameters of the borewell, like the operating capacity, the depth of the borewell etc. are noted down by the officials at site.

- (iii) If the team at sub-division level fails to find presence of any borewell, a letter is written to the said complainant from which this information is received, seeking help.
- (iv) This information is then communicated to DPCC for levying of EDC (Environment Damage Compensation).
- (v) A committee is further formed at the level of District Magistrate to periodically review the same. The committee reviews the status of complaints received; action taken by the sub-divisional committee on the complaints, the status of recovery of EDC as levied by the DPCC. **Order annexed as Annexure- "B"**
6. The following is the status of action taken at sub-division level with regard to sealing of illegal borewells and illegal tankers in the district since March 2022:

S. No.	Borewell sealing order & dated	Site description	Sub-Division	Environment Damage Compensation Collected
1	SDM/HK/Borewell/Sealing/2023 /3782-87 dated 27/06/2023	H.No.188, Shahpurjat village New Delhi-110049	Hauz Khas	DPCC order awaited
2	SDM/HK/Borewell/Sealing/2023 /3870-75 dated 27/06/2023	D-1/B, Green Park, Ashirwad Complex, New Delhi	Hauz Khas	DPCC order awaited



3	27/SDM/HK/Borewell/2022/7780-24 dated 24/09/2022	S-168, Panchsheel Park, New Delhi	Hauz Khas	DPCC order awaited
4	SDM/HK/Borewell/2022/7810-14 dated 24/09/2022	A-1 & A-2, South Extension Part-II, New Delhi.	Hauz Khas	DPCC order awaited
5.	No. F (B-Sealing) /SDM Saket/ 2022/945 dated 17.05.2023	H. No. 138, Opp. House No. 211, Rajpur Khurd	Saket	DPCC order awaited
6.	No. F (B-Sealing) /SDM/saket/2023/ 1597 dated 03.08.2023	Khasra No. 409, Village Neb Sarai	Saket	DPCC order awaited
7.	No. F (B-Sealing) / SDM/Saket / 2023/1620 dated 09.08.2023	Opp. Farm No. 6 (Single Farm Bandh Road, Satbari	Saket	DPCC order awaited
8.	No. F (B-Sealing) / SDM/ Saket /2023/1619 dated 09.08.2023	Community Centre Gali, Opp. Gali No. 4	Saket	DPCC order awaited
9.	No. F (B-Sealing) / SDM/Saket /2023/1692 dated 22.08.2023	Farm No. 7, Mother Teresa Drive	Saket	DPCC order awaited
10	30.01.2023	Near Second Avenue Chandanholla Village Fatehpur Beri	Mehrauli	DPCC order awaited
11	30.01.2023	Back Side of M K Garden, Sizra Road Villgae Fatehpur Beri	Mehrauli	DPCC order awaited

12	24.05.2023	Khasra No. 1011, Village Fatehpur Beri	Mehrauli	DPCC order awaited
13	30.05.2023	Sabji Mandi, Main Chhattarpur Bhati Road, Opposite Harswaroop Colony Bus Stand Village Asola	Mehrauli	DPCC order awaited
14	01.06.2023	Road near Bus Stand Dera More Village Bhati	Mehrauli	DPCC order awaited
15	13.04.2023	H. No. G1-2038, Aya Nagar, New Delhi	Mehrauli	DPCC order awaited

Illegal Water Tankers confiscated in District South
Since March 2023

S. No.	Tanker Number	Date of Seizing	Sub Division	Fine Imposed & Recovered
1.	HR-55X-6106	18.07.2023	Saket	Rs. 10,000/-
2.	DL-1GC-3815	16.07.2023		Rs. 10,000/-
3.	HR-55AD-6753	16.07.2023		Rs. 10,000/-
4.	HR-38X-1929	14.08.2023		Rs. 10,000/-
5.	HR-38AB-1748	25.08.2023		Rs. 10,000/-
6.	DL1LM-8331	10.05.2023		Rs. 15,000/-
7.	HR38W-1571	06.05.2023		Rs. 30,000/-
8.	HR38X-1929	22.04.2023		Rs. 30,000/-
9.	HR55-V-8894	09.04.2023		Rs. 25,000/-
10.	HR55U3934	02.04.2023		Rs. 1,00,000/-
11.	HR38V8685	02.04.2023		
12.	HR-38Z-6376	30.05.2023		Rs. 20,000/-
13.	HR55-X-2238	16.06.2023		Rs. 20,000/-

14.	HR55Q-9933	16.06.2023		Rs. 20,000/-
15.	DL1LM-8331	16.06.2023		Rs. 10,000/-
16.	DL-1LK-5408	24.05.2023		Rs. 10,000/-
17.	DL1LW-9421	16.06.2023		Rs. 10,000/-
18.	HR-55T-1251	16.06.2023	Mehrauli	Rs. 10,000/-
19.	HR-74A-8376	16.06.2023		Rs. 10,000/-
20.	HR-55X-2238	30.01.2023		Rs. 05,000/-
21.	DL-1M-8147	30.01.2023		Rs. 05,000/-

7. That the Delhi Pollution Control Committee (DPCC) issued the notice for levying Environmental Compensation amounting to Rs. 9,46,080/- in compliance of Hon'ble Tribunal order to Sh. RinkuR/o H. No. G1-2035, Opposite Side of Street in front of H. No. GI-2038, Aya Nagar, New Delhi-110047 and further given 07 days opportunity for filing the response of notice. Further that if DPCC issued the recovery through Revenue Department the same shall be recovered as per law promptly.

8. Based on the above facts, a report/reply is being submitted for kind consideration before this Hon'ble Tribunal. Undersigned assures that the orders/directions passed by this Hon'ble Commission shall be complied timely with in toto and spirit.

M. Chaitanya Prasad

**(MEKALA CHAITANYA PRASAD)
DISTRICT MAGISTRATE (SOUTH)**

THROUGH



OFFICE OF THE ADDL. DISTRICT MAGISTRATE (SOUTH)
M.B. ROAD, SAKET, NEW DELHI-110068.

No.F-ADM(S)/2023/1496

Dated: - 29/08/23

OFFICE ORDER

Many complaints have been received regarding illegal Bore-wells and unauthorized extraction of ground water which is depleting the water table at Revenue District South Delhi. Hon'ble NGT have directed the concerned departments to take necessary action and to develop effective mechanism for preventing extraction of ground water by unauthorized operators vide O.A. No. 639/2022 in the matter of Pritipal Sharma Vs. Govt. of NCT of Delhi & Ors. and O.A. No. 25/2019 in the matter of Abdul Farukh Vs. Govt. of NCT of Delhi.

Accordingly, a joint team is constituted for enforcing directions of Hon'ble NGT and applicable Acts / guidelines, in this regard. The composition of joint team is as follows: -

Sub-Division, Hauz Khas	Sub-Division, Mehrauli	Sub-Division, Saket
Dr. Mukesh Kumar, SDM (Hauz Khas) M. No. 8900984021	Dr. Shashi Pal Dabas, SDM (Mehrauli) M. No. 9540324806	Sh. Radhey Shyam Meena, SDM (Saket) M. No. 9119111191
Sh. Vineet Dewedi, Assistant Engineer, DJB M. No. 9650286969	Sh. Vijay Kumar, Junior Engineer, DJB M. No. 9650300985	Sh. Abhishek Kumar Assistant Engineer, DJB M. No. 9650291129 & Sh. Atul Anand Junior Engineer M. No. 7303565635
District In-charge of DPCC	District In-charge of DPCC	District In-charge of DPCC
Sh. Rajesh Yadav, BSES M. No. 9312782413	Sh. Abhishek Singh, BSES M. No. 9811504890	Sh. Vishal Prabhakar, BSES M. No. 9310926740
Area S.H.O.	Area S.H.O.	Area S.H.O.

This issues with the approval of District Magistrate (South).

(Ankit Agarwal)
(ANKIT KUMAR AGARWAL)
ADM (SOUTH)
ANKIT KUMAR AGARWAL
Addl. District Magistrate
Saket, New Delhi-88
M.B. Road, Saket, New Delhi-88

Copy to: -

1. CEO, Delhi Jal Board, 306, 3rd Floor, Varunalaya, Ph-II, Jhandewala, Saket Colony, Karol Bagh, New Delhi - 110005.
2. Member Secretary, DPCC, 6th Floor, C-Wing, Delhi Secretariat, IP Estate, New Delhi - 110002.
3. District Magistrate (South), M. B. Road, Saket, New Delhi - 110068.
4. DCP, South District, Police Station Colony, Mayfair Gardens, Hauz Khas, New Delhi - 110016.

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5. DCP, South West District, Basant Lok, Vasant Vihar, New Delhi - 110070.
6. SDM (HQ), District South, M. B. Road, Saket, New Delhi - 110068.
7. Manager, BSES Bhawan, Nehru Place, New Delhi - 110019.
8. Guard File.

Ankit Agarwal
29/08/23
(ANKIT KUMAR AGARWAL)
ADM (SOUTH)
ANKIT KUMAR AGARWAL
Addl. District Magistrate
(District South)
M.B. Road, Saket, New Delhi-68



OFFICE OF THE ADDL. DISTRICT MAGISTRATE (SOUTH)
M.B. ROAD, SAKET, NEW DELHI-110068.

No.F-ADM(S)/Bore-Well Committee/2023/1520

Dated: 30/8/23

OFFICE ORDER

Many complaints have been received regarding illegal Bore-wells and unauthorized extraction of ground water which is depleting the water table at Revenue District South Delhi. Hon'ble NGT have directed the concerned departments to take necessary action and to develop effective mechanism for preventing extraction of ground water by unauthorized operators vide O.A. No. 639/2022 in the matter of Pritipal Sharma Vs. Govt. of NCT of Delhi & Ors. and O.A. No. 25/2019 in the matter of Abdul Farukh Vs. Govt. of NCT of Delhi.

In this context, Sub-Division wise committee had been constituted vide office order F-ADM(S)/2023/496 dated 29/08/2023. To review the functions of Sub-Divisional Committee in this regard, a district committee under the chairmanship of District Magistrate (South) is constituted. The composition of the committee is as follows: -

Chairman -

District Magistrate (South)

Members: -

Addl. District Magistrate (South)

SDM (Saket)

SDM (Mehrauli)

SDM (Hauz Khas)

SDM (HQ)

Addl. DCP South

Senior Environmental Engineer, DPCC

Executive Engineer, DJB

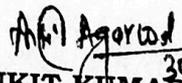
Scientist, CGWB

Member Secretary -

BDO (South)

The committee will meet once in month to review the status regarding complaints received, action taken by the Sub-Divisional Committee, interim compensation imposed on violators, remedial actions taken in this regard etc.

This issues with the approval of District Magistrate (South).


(ANKIT KUMAR AGARWAL)

ADM (SOUTH)
ANKIT KUMAR AGARWAL

Addl. District Magistrate
(District South)

M.B. Road, Saket, New Delhi-68

Copy to: -

1. CEO, Delhi Jal Board, 306, 3rd Floor, Varunalaya, Ph-II, Jhandewalan, State Colony, Karol Bagh, New Delhi - 110005.

2. Member Secretary, DPCC, 6th Floor, C-Wing, Delhi Secretariat, IP Estate, New Delhi - 110002.
3. District Magistrate (South), M. B. Road, Saket, New Delhi - 110068.
4. DCP, South District, Police Station Colony, Mayfair Gardens, Hauz Khas, New Delhi - 110016.
5. DCP, South West District, Basant Lok, Vasant Vihar, New Delhi - 110070.
6. SDM (HQ), District South, M. B. Road, Saket, New Delhi - 110068.
7. Manager, BSES Bhawan, Nehru Place, New Delhi - 110019.
8. Guard File.

Ankit Agarwal
30/08/23
(ANKIT KUMAR AGARWAL)
ADM (SOUTH)


GOVERNMENT OF NCT OF DELHI
OFFICE OF THE SUB DIVISIONAL MAGISTRATE (HAUZ KHAS)
DISRICT MAGISTRATE (SOUTH) OFFICE M.B. ROAD, SAKET, NEW DELHI-110068
Tel No. 011-29536904: Email-hauzkhazsdm@nic.in

F. No.SDM/HK/borewell/2023/ 4365-68

Dated: 29.08.2023

To

The Member Secretary
 Delhi Pollution Control Committee
 Department of Environment
 4th Floor, ISBT Building, Kashmere Gate
 Delhi-110006

Sub:- Details of sealed borewells and requirement of the total amount of environment compensation in Sub Division Hauz Khas.

Sir,

It is hereby submitted that this office is in receipt of various representations/ complaints regarding illegal extraction of ground water through unauthorized private borewells at different places under Sub Division Hauz Khas, the details of borewells sealed in this Sub Division is given below:-

S.No.	Borewell sealing order & dated	Site description
1	SDM/HK/Borewell/Sealing/2023/3782-87 dated 27/06/2023	H.No.188, Shahpurjat village New Delhi-110049
2	SDM/HK/Borewell/Sealing/2023/3870-75 dated 27/06/2023	D-1/B, Green Park, Ashirwad Complex, New Delhi
3	27/SDM/HK/Borewell/2022/7780-24 dated 24/09/2022	S-168, Panchsheel Park, New Delhi
4	SDM/HK/Borewell/2022/7810-14 dated 24/09/2022	A-1 & A-2, South Extension Part-II, New Delhi.

And as per the directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi in the matter of Abdul Farukh Vs Government of NCT of Delhi in O.A. No.25/2019 at para 8 (iii)..... The DJB shall also provide the list of units to DPCC alongwith the vital information i.e. capacity of the motor installed with the bore wells etc. After receiving the same, DPCC shall calculate the quantum of EDC to be imposed upon bore wells owners and pas the necessary

[Handwritten Signature]

orders. ... (iv) EDC amount shall be recovered by the concerned SDM, after DPCC issues the recovery certificate.

Therefore, in compliance of the above directions and for recovery of the EDC amount, you are hereby requested to kindly provide the quantum of EDC amount of the above sealed borewells to this office, thereafter only the undersigned will recovery the EDC amount from the violators. The copy of sealing orders are enclosed for ready reference.

Encl:- As abovw

Mukesh
29/8/17

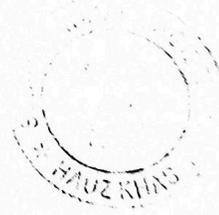
DR. MUKESH KUMAR
SDM (HAUZ KHAS)

Copy for necessary action and with the request to provide requisite information to DPCC for calculation of EDC amount :-

1. The Executive Engineer (M)-50, Delhi Jal Board, Govt. of NCT of Delhi office of the Executive Engineer (M)-50, Engineers Bhawan, 2nd Floor, Andrews Ganj, Near Moolchand Crossing, New Delhi-110049.
2. Assistant Engineer (Enforcement), Delhi Jal Board, Govt. of NCT of Delhi, Office of the Dy. Director, (Enforcement) HQ, Varunalya Phase-I, Jhandewalan, Karol Bagh, New Delhi.

Copy of kind information :-

1. DM (South) M.B. Road, Saket, New Delhi.



Mukesh
29/8/17

DR. MUKESH KUMAR
SDM (HAUZ KHAS)

GOVERNMENT OF NCT OF DELHI
OFFICE OF THE SUB DIVISIONAL MAGISTRATE (MEHRAULI)
OLD TEHSIL BUILDING, MEHRAULI
NEW DELHI-110030

F. No. 01/SDM/Meh/Misc/GC/2023/3800-04

Dated: 29/8/23

To

The Member Secretary,
Delhi Pollution Control Committee,
Department of Environment,
4th Floor, ISBT Building, Kashmere Gate,
Delhi-110006.

Sub:- Report of Bore-well sealed in Sub Division (Mehrauli) there of calculating of Environmental Compensation.

Sir,

Report of bore well sealed in Sub Division Mehrauli is "07" in nos. and the details of bore well sealed are as follows:-

S.NO.	DATE OF SEALING	SITE OF BORE -WELL	No. of Bore-well
1	30.01.2023	Near Second Avenue Chandanholla Village, Fatehpur Beri	01
2	30.01.2023	Back side of MK Garden, sizra road Village, Fatehpur Beri.	01
3	24.05.2023	Khasra No. 1011, Village, Fatehpur, Beri	02
4	30.05.2023	Sabji Mandi, Main Chattarpur Bhati Road, Opposite Harswaroop Colony Bus Stand Village Asola.	01
5	01.06.2023	Road near Bus Stand Dera More village, Bhati	01
6	13.04.2023	H. No. G1-2038, Aya Nagar, New Delhi.	01

However, Environment Compensation is to be calculated and levying. You are requested do needful in respect of above matter.

In this regard, nos. of 07 bore-well have been sealed by the field functionary and it was found that illegal extraction of ground water through unauthorized private tube-wells without obtaining proper permission from the competent authority. **(Copy of Photographs of Bore-Well is annexed as Annexure-I).**

Report is being submitted before DPCC.

Matter may kindly be Treated "**Most Urgent**".



Yours faithfully

(DR. SHASHIPAL DABAS)
SDM (MEHRAULI)

Dated: 29/8/23

F. No. 01/SDM/Meh./Misc/GC/2023/3800-04

Copy to:-

- 1 The Consultant Judicial, Hon'ble National Green Tribunal Principal Bench, J69J_F7X, Faridkot House, Copernicus Marg, Near India Gate, New Delhi-110001 for information.
- 2 The Superintending Engineer (South), DJB, Jal Sadan, Lajpat Nagar, New Delhi for information.
- 3 JE, DPCC, 4TH & 5TH Floor, ISBT Kashmiri Gate, New Delhi for information.
- 4 PA to DM (South), M.B. Road, Saket, New Delhi for information.

**OFFICE OF THE SUB-DIVISIONAL MAGISTRATE (SAKET)
REVENUE DEPARTMENT: GOVERNMENT OF NCT OF DELHI
M. B. ROAD : SAKET : NEW DELHI
Tel. No. 011-29535190 (O) Email Address- admsaket@gmail.com**

No.F./SDM (Saket)/2023/505-09

Dated:- 29/08/2023

To,

The Member Secretary,
Delhi Pollution Control Committee,
Department of Environment,
4th Floor, ISBT Building, Kashmere Gate,
Delhi-110006.

Sub:- Report of Bore-well sealed in Sub Division (Saket) there of calculating of Environmental Compensation.

Sir,

Report of bore well sealed in Sub Division Saket is "05" in nos. and the details of bore well sealed are as follows:-

S. No.	ORDER NO. & DATE	SITE OF BORE-WELL	No. of Bore-well
1.	NO. F(B-SEALING)/ SDM SAKET/2022/945 DATED 17/05/2023	H. NO. 138 OPP. HOUSE NO.211, RAJPUR KHURD	01
2.	NO. F(B-SEALING)/ SDM/SAKET/2023/1597 DATED 03/08/2023	KHASRA NO. 409 VILLAGE NEB SARAI	01
3.	NO. F(B-SEALING)/ SDM/SAKET/2023/1620 DATED 9/8/2023	OPP. FARM 6 (SINGLA FARM), BANDH ROAD, SATBARI	01
4.	NO. F(B-SEALING)/ SDM/SAKET/2023/1619 DATED 9/8/2023	COMMUNITY CENTRE GALI, OPP GALI NO. 4	01
5.	NO. F(B-SEALING)/ SDM/SAKET/2023/1692 DATED 22/08/2023	FARM NO 7, MOTHER TERESA DRIVE	01

However, Environment Compensation is to be calculated. You are requested to kindly heard the fact in this regard do needful in respect of abovematter.

In this regard, nos. of 05 bore-well have been sealed by the field functionary and it was found that illegal extraction of ground water through unauthorized private tube-wells without obtaining proper permission from the competent authority. **(Copy of Photograph of Bore-Well is annexed as Annexure-I).**

Report is being submitted before DPCC.



Yours faithfully

**(RADHEY SHYAM MEENA)
SUB DIVISIONAL MAGISTRATE
(SAKET)**

Dated:- 29/08/2023

No.F./SDM (Saket)/2023/505-09

Copy to:-

1. PA to DM (South), M. B. Road, Saket, New Delhi for kind information.
2. The Superintending Engineer (South), DJB, Jal Sadan, Lajpat Nagar, New Delhi for information
3. JE DPCC, Mob No.
4. The Consultant (Judicial) NGT PB, New Delhi