

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No. 295/2022

In the matter of:

S. R. Sangar

...Applicant

Versus

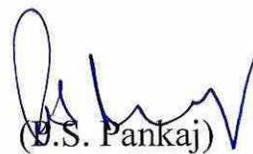
Govt. of NCT of Delhi

...Respondents

NDOH: 28.07.2022

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(U.S. Pankaj)

Sr. Environmental Engineer

Dated: 11 July, 2022

Place: Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

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Original Application No. 295/2022

In the matter of:

S. R. Sangar

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Govt. of NCT of Delhi

...Respondents

ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE WITH RESPECT TO ORDER DATED 05.05.2022.

IT IS MOST RESPECTFULLY SHOWETH:

1. That, this matter was taken up by the Hon'ble Tribunal on 05.05.2022 and directed as under:

(A) A factual and action taken report from a Joint Committee comprising of CGWA, DPCC, Commissioner, EDMC, Director Horticulture, Government of NCT of Delhi and Deputy Commissioner, East Delhi.

(B) The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicants and take requisite action by following due process of law.

(C) Factual and action taken report shall in particular cover the material aspects whether parks in question are situated within 5 kilometers of 2 STPs established; whether arrangements have been made for supply of treated sewage water for gardening in the above said parks; justification for closure of the tubewells/ borewells and necessity for restoration of any of the tubewells/borewells in conformity with the directions given by Hon'ble Supreme Court and this Tribunal in similar matters....."

2. That, a Joint team of the officials of DPCC, CGWA, EDMC, (Horticulture), DJB and DM (Shahadra) inspected all 13 parks in societies as per the list provided by applicant herein on 02.06.2022 and following are the

observations of team:

S. No.	Parking Society	N. of Parks (Maintained by)	No. of Borewell & Current Status	Supply of Water in Park	Park Condition
1.	Law Apartment	1 EDMC	1 Sealed	Supply of treated water from Kondli STP	Satisfactory greenery found
2.	Kiran Vihar	3 EDMC	1 Sealed	No proper supply of water	Poor condition
3.	Shanti Vihar	1 EDMC	1 Working	Supply from tubewell	Good condition
4.	Bahubali Enclave	4 EDMC	2 borwell defunct 1 Working	EDMC mobile tankers	Good condition 1 Satisfactory 3
5.	Dayanand Vihar	6 EDMC	6 Working 1 Defunct	Supply from tubewell	Good condition
6.	Karkardooma	1 EDMC	1 Sealed	Storage tank	Poor condition
7.	Saini Enclave	Nil-EDMC 3 Society	1 Working	Supply from tubewell	Good condition
8.	Ashoka Niketan	1 EDMC	1 Working	Supply from tubewell	Good condition
9.	Manak Vihar	2 EDMC 1 DDA	2 Working	Supply from tubewell	Good condition
10.	Yojna Vihar	9 EDMC	6 Working	Supply from tubewell & tanker from EDMC	Good condition
11.	Savita Vihar	2 EDMC	2 Working	Supply from tubewell	Good condition
12.	Anand Vihar	20 EDMC	14 Working 2 Non Working	Supply from tubewell	Good condition
13.	Surajmal Vihar	12 EDMC	13 Working 1 Defunct	Supply from tubewell	Good condition

The joint committee checked the radial distance from kondli STP & Yamuna vihar STP, (nearby STPs being operated by Delhi Jal Board). Copy of the inspection report dated 02.06.2022 is enclosed herewith as ANNEXURE-1.

3. The aforesaid joint inspection, inter alia, reveals:

- a) Only one park (Dayanand Vihar) was found within a 5 km radius of the Kondli STP.
- b) Other parks were found beyond the 5 kms radius of both STPs.
- c) 03 borewell were found sealed in 3 societies i.e. Law Apartment, Kiran Apartment and Karkardoma Society. All these three societies parks are located beyond 5 kms of radial distance from both STPs.
- d) Park at Law Apartment is being maintained with treated water from STP and is in good condition. There is no arrangement of water Supply in other two Societies` Park i.e. Kiran Apartment and Karkardoma Society.
- e) Other 10 society`s parks are being maintained by EDMC. Out of 10 societies, 8 societies were being maintained through borwells/ tubewells.
- f) The joint committee recommends de-sealing of borewell for maintaining the park with prior permission from the Hon`ble Green Tribunal/ & other statutory bodies. Till then EDMC & DJB should make necessary arrangement for supply of water for maintaining greenery in parks.

4. That, the Hon`ble High Court of Delhi passed order dated 06.05.2015 in WP(C) 2345/2014 titled as, "Court on Its Own Motion vs Union Of India: Ministry of Urban Developments & Others" regarding deplorable state of affairs in the Children Park . Operative portion with respect to parks is as under:

.....

(III) each of the agencies concerned within whose territorial jurisdiction / domain any of the parks / children parks fall, to prominently display the policy aforesaid on their respective websites as

well as at all parks/children parks, together with the designation of the officer so nominated for implementation thereof and from time to time also display the name of the officer occupying the said post and the telephone number(s), email address(s) and address, where grievances / complaints with respect to the implementation of the policy can be lodged, along with the address, email address(s) and telephone number(s) of DCPCR to which grievances of non-redressal of the complaints can be made;

(V) DCPCR, to actively concern itself with the maintenance and upkeep of all children parks in Delhi, in accordance with the policy aforesaid and to from time to time have the parks inspected and to suggest to the governmental agencies concerned the steps to be taken for improvement thereof and to either on its own or on receipt of any complaint of failure to maintain the parks in terms of policy, enquire into same and take consequent action including of identifying the erring / guilty officials and reporting the same for appropriate administrative action....

5. That, the issue of 5 kilo meters from STP arises out from the order dated 11.09.2019 passed by this Hon`ble Tribunal in OA 6/2012 i.e. "Manoj Mishra vs Union of India and Others". Relevant portion, on the issue may be read as under:

X. Use of treated waste water:

DJB uses only 90 MGD of treated waste water against 500 MGD of waste water treated at its 35 operational STPs. This is only 18% utilisation of treated waste water. The MC had highlighted that some of the treated waste water is of very good quality with BOD as low as 5-6 mg/L. Not utilising this water results in wasteful expenditure besides wasting a scarce natural resource treated at a very high cost of about Rs 11.90 per KLD (as per the information furnished by DJB). MC had asked the DJB and the Park owning agencies like the DDA, DMC and PWD to use treated waste water from STPs for all the parks within 5 Km radius of STPs and pending laying pipelines to have water transported through tankers. This has not been implemented by the

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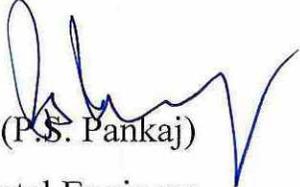
authorities, despite DJB having pursued the matter with the DMCs, DDA, PWD and others. The DJB has now reported to NGT that it has done the following:

I) Plotted all the Parks located within 5 Km radius of all the DJB STPs and shared details with the Park Owning agencies.

II) Installed filling points at all the STPs for tankers lifting water. Notices issued to DDA, NDMC, All DMCs, CPWD, DMRC, PWD, DSUIB to submit ATR for utilisation of treated waste water failing which Advisory Committee shall be asked to seal the bore wells.

6. That, the Delhi Pollution Control Committee issued a letter dated 20.6.2022 to DM(Shahadara) in view of the recommendation of the joint inspection committee to take necessary action as per the recommendation of the joint committee. DPCC issued letter to Additional Chief Engineer, Delhi Jal Board with the request to provide treated STP water in all the parks to maintain greenery. Copies of the letters dated 20.06.2022 are enclosed herewith as **ANNEXURE-2 (Colly)**.

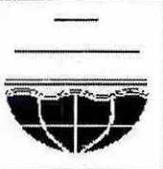
It is therefore requested to this Hon'ble Tribunal that the present status report may kindly be taken on record.


(P.S. Pankaj)

Sr. Environmental Engineer

Delhi

Dated:- 11 July, 2022



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
 visit us at : <http://dpcc.delhigovt.nic.in>

Inspection Report

Annexure-1

In compliance of Hon'ble NGT order dated 05.05.2022 in OA no.295/2022 in the matter of S.R. Sangar Vs. GNCTD, a joint committee comprising officials of CGWA, DPCC, EDMC, Director Horticulture, GNCTD, DJB & DC/DM East visited the sites as mentioned in the said order and observed that

① In compliance NGT Order dated 05.05.2022 in OA NO. 295/2022 a Joint Committee comprising of officials of DPCC, CGWA, EDMC (Horticulture), DJB & DM, DC Shabara has met the applicant Shri S.R. Sangar on 2.6.2022 to provide a detailed list of parks in question in said Order. Mr. Sangar has provided names of societies wherein parks are situated. Accordingly, the Joint Committee has inspected said parks on 02.06.2022 and following observations were made:-

S.NO	Park in Society	NO. of Parks maintained by	NO. of borewell & Current Status	Supply of water in park	Park Condition
①	Law Apartment	① - EDMC	① (sealed)	Supply of treated water from Kanali STP	Satisfactory Greenery found.
②	Kiran Vihar	③ - EDMC	① (sealed)	NO proper supply of water.	Poor Condition
③	Shanti Vihar	① - EDMC	① (working)	Supply from tubewell	Poor Good Condition - ①
④	Bahubali Enclave	④ - EDMC	③ (2 borewell defunct, 1 working)	EDMC mobile tankers	Good Condition - ① Satisfactory - ③
⑤	Dayanand Vihar	⑥ - EDMC	⑦ (6 working, 1 defunct)	Supply from tubewell	Good Condition
⑥	Karkardooma	① - EDMC	① - sealed	Storage tank	Poor Condition
⑦	Saini Enclave	NIL - EDMC ③ - Society	① (working)	Supply from tubewell	Good Condition
⑧	Ashoka Niketan	① - EDMC	① (working)	Supply from tubewell	Good Condition
⑨	Manak Vihar	③ (2 - EDMC 1 - DDA)	② (working)	Supply from tubewell	Good Condition
⑩	Yojna Vihar	⑨ - EDMC	⑥ (working)	Supply from tubewell & tanker from EDMC	Good Condition
⑪	Savita Vihar	② (EDMC)	② (working)	Supply from tubewell	Good Condition
⑫	Anand Vihar	⑫ - EDMC	⑫ (14 working, 2 non working)	Supply from tubewell	Good Condition
⑬	Sureshmal Vihar	⑫ - EDMC	⑫ (13 working, 1 defunct)	Supply from tubewell	Good Condition

② All the parks in 13 societies were inspected by the Joint Committee and checked the radial distance from Kondli STP & Yamuna Vihar STP, it had been identified that out of all the parks, only one park (Dayanand Vihar, One of the six parks) was found within a 5 km radius of the Kondli STP which is in good condition. The remaining parks were found beyond the 5 km radius of both mentioned STPs.

③ Three numbers of borewell were found sealed in three societies viz. Law Apartment, Kiran Vihar & Karkardooma Park out of which, park at Law Apartment is being maintained with treated water from STP and is in good condition. Rest of the parks in good condition. *Sumit Kumar*

④ There is no arrangement of water supply in the said 2 societies's parks out of 3 societies's parks in which borewell were sealed.

⑤ Since all the 3 society's parks where borewell were sealed are located beyond 5 kms of radial distance from both STPs. The Joint Committee recommends descaling of borewell for maintaining in park with prior permission from NGT & Other Statutory bodies. TIIU then EDMC & DTB should make necessary arrangements for supply of water for maintaining greenery in parks.

(Dr. K. Vijayakumar, AHA)
Signature of officials of CGWA

Sumit Kumar
Signature of officials of DPCC
Ramesh Chandra

(Narpat Singh)
Signature of officials of EDMC

(Devender Kumar)
Signature of officials of DJB

Not attended,
Signature of officials of Horticulture (GNCTD)

(Sumit Kumar)
Signature of officials of Horticulture (EDMC)

(Sumit Kumar)
Signature of officials of DC/DM East

ATTENDANCE SHEET



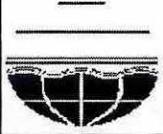
Ref: Original Application No. 295/2022 titled as "S.R Sangar Vs. Govt. of NCT of Delhi"

Inspection Date-02.06.2022

Sl. No.	Name, Designation and Department	Contact No.	Signature
1	Dr. h. Vijayakumar, AHA CHWA	9940484688	
2	Devender Kumar, Ex En Delhi Jal Board	8800702917	
3	Navpat Singh DPH/MD	9717267523	
4	Jagdish Ed. So / M-ED	8588889932	
5	Santosh Kumar C.M (East)	9999989536	
6	Rajender Kumar SDM (Rural Urban), East.	886880480	
7	R.K. MITTAL, Tch. (PV)	9540818121	
8	Gulshan KUMAR Teh (CV)	9811019927	

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By Speed Post/By e-mail

 DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110 006
visit us at : <http://dpcc.delhigovt.nic.in>

F.No. DPCC/CMC-1/NGT/2022/ 446-47

Dated: 20.06.2022

To,
The Additional Chief Engineer,
Delhi Jal Board (DJB),
Chitra Vihar, Delhi-110092

Annexure-2 (Copy)

Sub: - Original Application No. 295/2022 titled as "S.R Sangar Vs. GNCTD"

Sir,

Please find enclosed herewith order of Hon'ble NGT dated 05.05.2022 (copy enclosed) wherein Hon'ble NGT vide para 2 of the order has directed:

"a factual and action taken report from a Joint Committee comprising of CGWA, DPCC, Commissioner, EDMC, Director Horticulture, Government of NCT of Delhi and Deputy Commissioner, East Delhi. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicants and take requisite action by following due process of law. Factual and action taken report shall in particular cover the material aspects whether parks in question are situated within 5 kilometers of 2 STPs established; whether arrangements have been made for supply of treated sewage water for gardening in the above said parks; justification for closure of the tubewells/borewells and necessity for restoration of any of the tubewells/borewells inconformity with the directions given by Hon'ble Supreme Court and this Tribunal in similar matters. DPCC will be the nodal agency for coordination and compliance"

In compliance of the order of Hon'ble NGT, a joint inspection was conducted on 02.06.2022 by the officials of DPCC, CGWA, EDMC (Horticulture), DJB and DM/DC Shahdara. The copy of inspection report is enclosed for ready reference.

You are requested to provide treated water in all the parks to maintain greenery. The parks which have been found in poor conditions may be taken up on priority.

Yours Sincerely,


P.S. Pankaj
SEE, CMC-1

Encl: As above

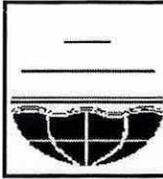
Copy to:

1. The Commissioner, MCD, 9th Floor, Dr. S.P.M. Civic Centre, JLN Marg, New Delhi-110002- for necessary action.

o/c

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By Speed Post/By e-mail

	<p>DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110 006 visit us at : http://dpcc.delhigovt.nic.in</p>
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F.No. DPCC/CMC-1/NGT/2022/ 448

Dated: 20.06.2022

To,
**The District Magistrate (Shahdara),
Nand Nagri, Opposite Gagan Cinema,
Delhi-110093**

Sub: - Original Application No. 295/2022 titled as "S.R Sangar Vs. GNCTD"

Sir,

Please find enclosed herewith order of Hon'ble NGT dated 05.05.2022 (copy enclosed) wherein Hon'ble NGT vide para 2 of the order has directed:

"a factual and action taken report from a Joint Committee comprising of CGWA, DPCC, Commissioner, EDMC, Director Horticulture, Government of NCT of Delhi and Deputy Commissioner, East Delhi. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicants and take requisite action by following due process of law. Factual and action taken report shall in particular cover the material aspects whether parks in question are situated within 5 kilometers of 2 STPs established; whether arrangements have been made for supply of treated sewage water for gardening in the above said parks; justification for closure of the tubewells/borewells and necessity for restoration of any of the tubewells/borewells inconformity with the directions given by Hon'ble Supreme Court and this Tribunal in similar matters. DPCC will be the nodal agency for coordination and compliance"

In compliance of the order of Hon'ble NGT, a joint inspection was conducted on 02.06.2022 by the officials of DPCC, CGWA, EDMC (Horticulture), DJB and DM/DC Shahdara. The copy of inspection report is enclosed for ready reference.

You are requested to take necessary action as per the recommendation of the joint committee.

Yours Sincerely,


**F.S. Pankaj
SEE, CMC-I**

Encl: As above

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