

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application No. 33/2022**

In the matter of:

Ganesh Prasad

.....Applicant

Versus

Govt. of NCT of Delhi.

....Respondents

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Filed by


(Ajeeta Dayal Agrawal)
Sr. Environmental Engineer

Date: 14.12.2022

Place: Delhi

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

Original Application No. 33/2022

In the matter of:

Ganesh PrasadApplicant

Versus

Govt. of NCT of Delhi.Respondents

**STATUS REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE WITH RESPECT TO ORDER DATED
31.01.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That, this Hon`ble Tribunal vide its order dated 31.01.2022, while disposing of the application was pleased to constitute a Joint Committee comprising of Delhi Jal Board, DPCC, District Magistrate (New Delhi) and State Ground Water Authority to look into the grievances of the applicant after undertaking site visit.
2. That Sh. Ganesh Prasad has filed a complaint before this Hon`ble Tribunal against running of Reverse Osmosis Water Purification Plant at K-9, 25 Feet Road, Part II, Chanakya Puri Palace, New Delhi.
3. That, in Delhi there is no State Ground Water Authority, hence in place of State Ground Water Authority, Central Ground Water Authority was co-opted in the joint inspection team. Also, as the area falls under territorial jurisdiction of the District Magistrate (South-West), hence was opted in place of DM (New Delhi).
4. That, in compliance to the order passed by this Hon`ble Tribunal, the Joint Committee consisting of Officials from Central Ground Water Authority, Delhi Jal Board and DPCC carried out an inspection of the site on 29.07.2022. No one from the office of DM (South West) attended the joint

inspection. Following are the observations of team:

- No RO Plant was existing at plot no. 9, Block K, Part II, Chanakya Place.
- One RO plant was found working on nearby location i.e Plot No. 7, Block K, Part II, Chanakya Place, Uttam Nagar in the name of Sh. Ajit Kumar & Sh. Ashish Kumar.
- The major observations w.r.t. the R.O. Plant at Plot No. 7, Block K, Part II, Chanakya Place, Uttam Nagar are as follows:
 - No NOC permission has been obtained from DJB/ CGWA for running the RO plant/ extracting ground water.
 - The wastewater generated from the plant is being discharged directly to the drain.

Copy of the inspection report of joint committee dated 27.09.2022 is enclosed herewith as **ANNEXURE-1.**

5. That based on the observations, a letter was written by DPCC on 03.08.2022, to Delhi Jal Board, DM (South West) and CGWA for taking necessary action at their end. Copy of the letter dated 03/08/2022 is enclosed herewith as **ANNEXURE-2.**
6. The response from CGWA received on 14/09/2022, indicated that the unit has to take permission from the DJB/ District Administration and that the tube well should be sealed by DM as DM is authorized officer for sealing of tube well and taking legal action. Copy of the response from CGWA dated 14/09/2022 is enclosed herewith as **ANNEXURE-3.**
7. The DJB vide letter dated 22.09.2022 informed that the unit could not be sealed as no one from the office of DM (South West) was present during the joint inspection. It also enclosed a letter written by DJB to SDM (Dwarka) for taking action against the illegal bore well observed during the joint inspection on 29/07.2022. Copy of the response from DJB dated 22/09/2022 is enclosed herewith as **ANNEXURE-4.**

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8. No ATR has been received from DM(South West). DPCC wrote a letter to DM(South West) for taking necessary action on 05/12/2022. Copy of the letter dated 05/12/2022 is enclosed herewith as ANNEXURE-5.

The above status report is being filed with the prior approval of the member Secretary, DPCC, same may kindly be taken on record.



(Ajeeta Dayal Agrawal)

Sr. Environmental Engineer

Dated: 14 December, 2022

Place: Delhi

In compliance of Hon'ble NGT order dated 31.01.2022 (4) in OA NO. 33/2022, a joint inspection was carried out by joint committee including officials of DPCC, CGWA, DJB

Annexure-1

Following were the facts/observations gathered during the inspection:-

1. An RO plant was verified at the address Plot No-7, Block-K, Chanakya Palace-II, Uttam Nagar, New Delhi on the name of Ajit Kumar & Ashish Kumar. However at plot No-9, Block-K, do - no RO plant was present.
2. The person present during the inspection at plot No-7 named Ajit accepted the fact that he is operating RO plant in plot-7 instead of plot No-9.
3. So, at plot No-7 Block K, do -, our observations are as follows:-
 - (a) Borewell with submersible pump (4" dia, 2-4 HP pump) and exact capacity of the pump could not be verified as it is underground.
 - (b) No Noc/permission is obtained from DJB CGWA for running an RO plant for the extracted water from ground.
 - (c) RO plant set up is verified along with pictures. It is operational since 1-2 years as told by person contacted.

As per the information given by the person contacted around 300-400 bottles of capacity 5 20 liters supplied in the nearby places.

1) Ground water sample tested with a TDS meter (collected from site) and reported value of TDS is 739 mg/l.

2) The waste water generated from plant was being directly discharged into the sewer.

g) A#

Anwarul Khan
JEE, DPCC
MOB-8860364102

29/7/22
S.K. Padan
JE(U)
EEM-30.
ACEM-8
MOB-9650094556

29/7/22
(Shilpi Gupta)
Sci-B
MOB-9560188658

ATTENDANCE

(17) 29/07/2022

(6)

- ① SHILPI GUPTA, SCIENTIST-B, CGWB, NEW DELHI - 9560188658
- ② AMZAD KHAN, JEE, DPCC - 8860364102
- ③ SHASHIKANT YADAV, JE, DJB - 9650094556

Amzad Khan
29/07/2022

No members/representative from DM (South West) was present during the inspection.

C/20

By Speed Post



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-06
visit us at : <http://dpcc.delhigovt.nic.in>

7

F.No.DPCC/CMC-II/NGT/OA-33/2022/

1513-6

Dated: 31/8/22

To,

1. The CEO,
Delhi Jal Board,
GNCTD,
Varunalaya, Phase-II,
Jhandewalan,
New Delhi-110005
2. District Magistrate (South-West),
Old Terminal Tax Building,
Kapashera,
New Delhi-110075
3. Chairman
Central Ground Water Authority,
18/11, Jamnagar House, Mansingh Road,
New Delhi-110011

Annexure-2

Sub:- Hon'ble NGT matter OA No. 33/2022 " Ganesh Prasad Vs Govt. of NCT of Delhi"

Sir,

This has reference to the orders of Hon'ble NGT dated 31.01.2022 in OA No. 33/2022 "Ganesh Prasad Vs Govt. of NCT of Delhi" (**Copy enclosed**) regarding running of unauthorised R.O. plant at K-9, 25 Feet Road, Part-II, Chankya Palace, New Delhi-110045. As directed by Hon'ble NGT, a joint inspection was conducted on 29.07.2022 by the officials of DPCC, Delhi Jal Board, & Central Ground Water Authority but no one from office of District Magistrate(South-West) attended the joint inspection. Inspection report is also **enclosed** herewith.

You are therefore, requested to kindly take the necessary action at your end and provide the ATR in the said matter at the earliest, so that the same may be apprised to Hon'ble NGT.

Encl : As above

Yours sincerely,


(Satender Kumar)
Sr. Env. Engineer



Search in mail



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Inbox 1,131

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More

Hon'ble NGT matter OA No. 33/2022 "Ganesh Prasad Vs Govt. of NCT of I

HOO oicnd-cgwb@nic.in via nic.in
to me

Hindi English Translate message

Labels

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Westend Green

Sir,

Please find attached herewith the ATR in respect of OA No. 33/2011 Ganesh Prasad Vs Govt. of NCT, Delhi for further neeces:
This is issued with the approval of Chairman, CGWA.

सधन्यवाद/नमस्कार,

(सयदे क मोहिदिन)

प्रभारी अधिकारी,

केंद्रीय भूमि जल बोर्ड

राज्य एकक कार्यालय- नई दिल्ली

पश्चिमी ब्लॉक-2, विंग-3, सैक्टर-1 आर. के. पुरम,

नई दिल्ली-110066.

दूरभाष: (011)-20861123,20861161,20861162

मोबाइल: 9560699977

सब मिलकर करो सहयोग, पानी का कभी न करो दुरुपयोग !!

Warm Regards

(S. K. Mohiddin)

Officer Incharge, State Unit Office, Delhi,

Central Ground Water Board

West Block-2, Wing-3,

Annexure-3

8

Subject: Hon'ble NGT matter OA No. 33/2022 "Ganesh Prasad Vs Govt. of NCT of Delhi "

The case is regarding running of unauthorized R.O. Plant at K-9, 25 feet road, Par-II, Chanakya place, New Delhi -110045. A joint inspection was conducted on 29-07-2022 by the officials of DPCC, DJB, CGWB, SUO, Delhi. **Ms. Shilpi Gupta, Sc B from CGWB, SUO, Delhi has been nominated as the part of the inspection team and she has participated in the inspection of the premises.**

The committee has observed that:

1. As per NGT order, Plot no -9, block -K, Chanakya place-II, Uttam Nagar, was inspected, But there is no illegal R.O. Plant in this plot. Instead, an illegal R.O plant was found at plot no 7, block-K, Chanakya place-II, Uttam Nagar in the name of Ajit Kumar & Ashish Kumar. The borewell water is being used in the R.O. Plant. The diameter of the borewell is 4 inch and the H.P. of the submersible pump cannot be ascertained as it is underground.
2. No Objection Certificate was not obtained from District Advisory Committee for withdrawing the ground water from bore well for R.O plant (sale of Groundwater).
3. Waste water coming-out from R.O plant is discharged directly to sewerage.
4. No flow meter was installed.

Comments:

5. As per the notification of Govt. of NCT, Delhi, Vide order No F8 (348)/EA/Env/09/1041-1061 dated 18.05.2010, the Lt. Governor of NCT Delhi has directed for regulation of ground water through bore well/ tube well in the whole NCT Delhi. No one can extract ground water for domestic, commercial, agricultural and or industrial uses without prior permission of the "**Competent Authority**" i.e DJB/NDMC. Deputy Magistrate of each revenue district appointed as "**Authorized Officer**" for the purpose of regulation of ground water development and management in the respective revenue areas under the jurisdiction.
6. Proponent must obtained No Objection certificate from district advisory committee for running an R.O Plant (sale of Ground Water).
7. Thus CGWA is not regulating the ground water extraction in NCT, Delhi and DJB/District administration is responsible for taking action against the illegal

extraction of ground water. In the present case, the R.O. Plant is being running without proper approval from DJB/ District administration.

8. If, the proponent does not compliance with the guidelines mentioned in the notification sited above, one should be penalized as per the penalty provision for non Compliance of No Objection Certificate conditions mentioned in the guidelines. The tubewell shall be sealed by District Magistrate (South-West) as D.M is authorized officer for sealing of tubewell and taking legal action.

Annexure-4 (11)

	<p>DELHI JAL BOARD, GOVT. OF NCT. OF DELHI OFFICE OF THE EXECUTIVE ENGINEER (M) 30 A BLOCK UGR, JANAKPURI, NEW DELHI-110058 Mail id : aeem30djb@gmail.com</p>	 <p>आजादी का अमृत महोत्सव</p>
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NO. DJB/EE(M)30/2022/ 256

DATE :- 22.09.2022
Delhi Pollution Control Committee
Dairy No. / 22632
27 SEP 2022
Cmc-92
Sign. of Receiving Officer

To,
✓ Sh. Satender Kumar, Sr. Env. Engineer,
Delhi Pollution Control Committee,
5th Floor, ISBT Building,
Kashmere Gate, Delhi - 06.

Subject: Hon'ble NGT matter OA No. 33/2022 "Ganesh Prasad Vs Govt. of NCT of Delhi". Regarding running of unauthorised R.O. Plant at K-9/ K-7, 25 Feet Road, Part-II, Chankya Place, New Delhi-110045.

Ref. F. No. DPCC/CMC-II/NGT/OA-33/2022/1513-15 dated 03.08.2022.

3990/CMC II
29/9/22

Sir,

May please refer to your letter no. F. No. DPCC/CMC-II/NGT/OA-33/2022/1513-15 dated 03.08.2022 regarding above mentioned subject. As per direction of Hon'ble NGT, a joint inspection was carried out by committee including officials of DPCC, CGWA and DJB on 29.07.2022. But no official from the office of District Magistrate (SW) attended the joint inspection. It was confirmed by the committee of officials of DPCC, CGWA and DJB that a ground bore exists at plot no. 7 Block K, Chankya Place but the same could not be sealed as officials of DM (SW) were not present and since this is in jurisdiction of DM office the matter was reported to your office also. Another request to seal the ground bore has been sent and received to the office of SDM (SW), Dwarka, on 13.09.2022 (Copy of receipt attached for kind reference).

It is further requested that the matter may please be taken up with DM (SW) for urgent action as per provision of the illegal extraction of ground water.


(Pulkit Saigal)
Executive Engineer (M)-30

29/09 E/E
Sh. Anzard (JEE)
30/9/22



DELHI JAL BOARD, GOVT. OF NCT. OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER (M) 30
A BLOCK UGR, JANAKPURI, NEW DELHI-110058
Mail id : aeem30djb@gmail.com



12

NO. DJB/EE(M)30/2022/ 2366238

DATE :-09.09.2022

To,
Sub-Divisional Magistrate (Dwarka),
SDM Dwarka Office, Sector-10, Dwarka,
New Delhi.

Subject: Regarding running of unauthorized R.O Plant a K-7/ K-9, 25 Feet Road,
Part-II, Chankya Place, New Delhi -110045.

A complaint has been received from Hon'ble NGT (Copy Enclosed)
regarding running of unauthorized R.O Plant a K-7 / K-9, 25 Feet Road,
Chankya Place Part-II, New Delhi -110045.

A joint inspection was conducted on 29.07.2022 by the officials of DPCC,
Delhi Jal Board and Central ground water authority and an unauthorized R.O.
Plant was existing at K-7 alongwith an unauthorized ground bore. It is therefore
requested to kindly take urgent action as per the provision of the illegal
extraction of ground water.

Submitted Please.

Enclosed:- Copy of observations of NGT.

Sd/-
(Pulkit Saigal)
Executive Engineer (M)-30

Copy to:-

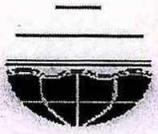
1. ACE (M)-8 for kind information please.
2. Sh. Shashikant Yadav, JE
3. Office copy


Executive Engineer (M)-30



13

By Speed Post

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-06 visit us at : http://dpcc.delhigovt.nic.in
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F.No.DPCC/CMC-II/NGT/OA-33/2022/ 3755

Dated: 05/12/22

To,

District Magistrate (South-West),
Old Terminal Tax Building,
Kapashera,
New Delhi-110075

Annexure-5

Sub:- Hon'ble NGT matter OA No. 33/2022 "Ganesh Prasad Vs Govt. of NCT of Delhi".

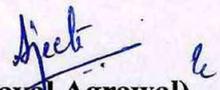
Sir,

This has reference to the letter no. DJH/EE(M)30/2022/256 dated 22.09.2022 received from the Executive Engineer (M)-30, Delhi Jal Board enclosing therewith a copy of letter DJB/EE(M)30/2022/236 10238 dated 09.09 2022 addressed to the Sub-Divisional Magistrate (Dwarka) (copy enclosed) in reference to the above captioned matter. The Executive Engineer (M)-30, DJB vide its aforesaid letter dated 22.09.2022 informed that a joint inspection was carried out by the committee on 29.07.2022, wherein no official from the office of DM: (SW) attended the joint inspection. Further, a ground bore was found exists at Plot No.7, Block-K. Chankya Place, but the same could not be sealed as officials of DM (SW) were not present during the inspection. In this contest, a request was sent to the SDM (SW), Dwarka on 09.09.2022 to seal the ground bore, but reply in this regard is still awaited.

It is, therefore, requested to issue necessary direction to the concerned official for taking further necessary action w.r.t. sealing of ground bore and provide Action Taken Report at the earliest to enable this office to apprise the same to the Hon'ble NGT.

Yours sincerely,

Encl: As above.


(Ajeeta Dayal Agrawal)
Sr. Env. Engineer (CMC-II)