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

EA No. 11/2023

In

Original Application No. 89/2021

In the matter of:

Varun

...Applicant

Versus-

Govt. of NCT of Delhi & Ors.

...Respondents

NDOH:- 08.05.2025

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Filed by

Dated: 05th April, 2025

Govt. of NCT of Delhi

Place: Delhi

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...Respondents

**ACTION TAKEN REPORT ON BEHALF OF GOVERNMENT OF
NCT OF DELHI IN COMPLAINE TO THE ORDER DATED
29.01.2025.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That, this matter was taken up by this Hon`ble Tribunal on 29.01.2025 and pleased to pass following direction: -

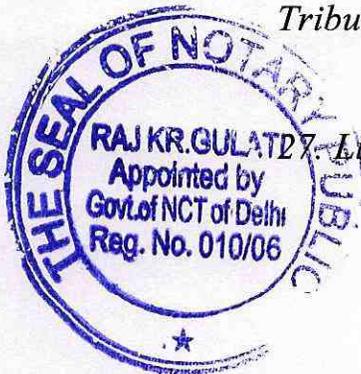
"...24.after the voluntary disclosure by the hotels/guest houses of Paharganj, no water meters were fixed on the tubewells/borewells to measure the quantity of water extracted from them and no groundwater extraction charges were charged from them. Thus,



hundreds of hotels/guest houses of Paharganj area for more than 10 years are drawing groundwater without any regulation, measurement or payment of any charges.

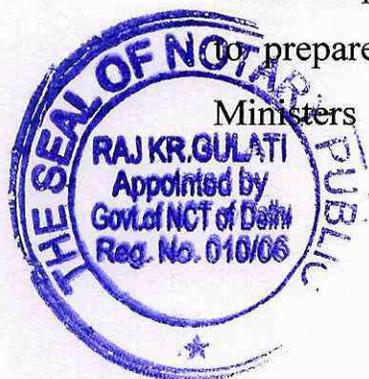
25. What makes the matter further more serious is that such withdrawal has been permitted by the authorities in the name of VDS whereas no such VDS exists. This confirms our apprehension expressed earlier that some kind of scam has taken place which has resulted in not only a huge loss of revenue and loss of public money but also illegal, unregulated withdrawal of groundwater by hundreds of hotels/guest houses in Paharganj area depleting the groundwater level and adversely affecting the environment.

26. Hence, we require the Chief Secretary, Delhi to conduct an enquiry on the above issue, ascertain the extent of loss of exchequer on account of such unregulated withdrawal in the name of VDS which does not exist, the extent of damage caused to the environment and the effect of such an illegal action on the groundwater of the area concerned, and also fix responsibility upon the officers concerned who are/were responsible for such unregulated withdrawal of water in the name of non-existing VDS and for whose dereliction of duty, such illegality took place and take appropriate action against those officers as permissible in law and submit the action taken report before the Tribunal within three months.....



List on 08.05.2025 for further consideration/orders..

2. That, as per decision recorded in the various meeting minutes, as per existing procedure under notification dated 12th July 2010 and as per the Standard Operating Procedure (SOP) titled as "Regulation of extraction of ground water, closure, prohibition of illegal activities relating to use of borewells/tubewells" finalized in the year 2020 in OA No. 685/2019 entitled as "Rakesh Kumar Vs. GNCTD", DJB being the Competent Authority, which recommends the case to the Advisory Committee as per notification dated 21.07.2010, had to process the VDS applications for deciding of grant of permission by Advisory Committee under concerned DM (Revenue). The DM (Revenue) is empowered to deal with issues of violation and sealing of illegal wells, launch of prosecution against offenders etc.
3. That, vide separate the order dated 08.01.2025 of this Tribunal in Original Application No. 639/2022 regarding imposition of environmental compensation on illegal borewells/ tubewewlls, the Council of Ministers and the Delhi Cabinet vide its decision no. 3182 dated 15.04.2025 has also noted all developments having taken place in the matter and also considered the direction of Hon'ble National Green Tribunal. Accordingly, the Council of Ministers has directed to ring fence Rs. 70 Crores by the Finance Department, GNCTD to be used by Delhi Pollution Control Committee in future, for the purposes identified by Hon'ble Tribunal. The Cabinet had also expressed concern about the water scarcity in the City during summer season. Apart from other actions, the Council of Ministers has also directed to prepare a new borewell policy to be placed before the Council of Ministers for its consideration at the earliest. Accordingly the new



borewell policy is being prepared in consultation with Central Groundwater Authority, Delhi Jal Board, Department of Revenue, GNCTD, Delhi Pollution Control Committee, New Delhi Municipal Council, and Delhi Cantonment Board and will also be submitted before the Tribunal after necessary approvals.

4. That, in compliance to this Tribunal's order dated 21.03.2025 in the matter OA 639/2022 titled Pritpal Sharma Vs. GNCTD, a meeting had also been convened by Additional Chief Secretary (Revenue), GNCTD on 29.04.2025 to prepare an Action Plan in consultation with DJB, CGWA, State Wetland Authority and DPCC for utilization of the amount of Rs. 19,62,95,000/- for rejuvenation of water bodies and recharge of ground water within one month and the Action Plan alongwith progress report will be filed before this Tribunal.
5. That, another review meeting was convened under the Chairmanship of Chief Secretary, GNCTD, on 22.04.2025 in reference to the order dated 29.01.2025 (Minutes of the meeting annexed as **Annexure-1**) and Chief Secretary, GNCTD directed the Revenue Department and Delhi Jal Board to furnish requisite information on action taken on the VDS applications in the Paharganj area.
6. That, with regard to ascertaining the extent of loss of exchequer on account of such unregulated withdrawal in the name of VDS which does not exist, it is hereby submitted that Water cess/Usages charges were levied @1670/- per month per tube well from July 2015 to Nov 2020 by Delhi Jal Board



(DJB). The water cess was stopped in view of abolition of Cess Act and as per guidelines of CGWA issued in compliance of order of Hon'ble National Green Tribunal. In addition to it for using ground water, additional sewer charges are being levied @ Rs. 2000/- per month for 1-50 rooms and Rs. 10,000/- per month for 51-100 rooms from the hotel/ guest Houses from 1-11-2018 onwards. A total of Rs. 559.88 lacs have been levied towards sewer and water cess charges. Further, there is an outstanding amount of Rs. 556.39 lacs for which notices have been issued to the Hotels/Guest Houses by DJB.

7. That, to address the extent of damage caused to the environment and the effect of such an illegal action on the groundwater of the area concerned, following action has been taken by District Magistrate (Central), Revenue Department, GNCTD, and Delhi Pollution Control Committee (DPCC) against illegal extraction of ground water by 536 Hotels/Guest Houses in Paharganj area. Notices were issued to 536 hotels by the DPCC on 04.08.2021. 423 Hotels /Guest Houses submitted EDC. 14 hotels have not deposited the EDC while 4 hotels have partially deposited the EDC. Penalty recovered from violating hotels amounts to Rs 4.16 cr., till date.
8. That, in reference to this Tribunal's order dated 03.09.2024, vide which the Tribunal has directed that if any hotel/guest house in question deposits the environmental damage charges under protest, applies for permission, gives an undertaking to comply with all norms and to pay regular water charges, the concerned Authority will defer the action of sealing of the borewells against that hotel/guest house till the next date of hearing. Accordingly,

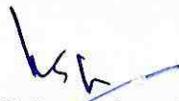


action has been taken against the violating hotels which did not fulfill these 03 conditions

- Hotels/Guest Houses sealed - 40
- Hotels/Guest House where borewell not found - 05

9. That, considering the EDC imposed and action taken against illegal borewells as mentioned in above paragraphs, the issue of fixing responsibility upon the officers concerned who are/were responsible for such unregulated withdrawal of water in the name of non-existing VDS and for whose dereliction of duty such illegality took place does not require inquiry. However, with regard to this Tribunal's direction, Additional Chief Secretary (Revenue), GNCTD, has been directed to conduct enquiry on behalf of Chief Secretary Delhi and the outcome of the enquiry will be submitted to the Tribunal.

10. It is requested to this Hon'ble Tribunal that the present affidavit may kindly be taken on record.


(Dr. KS Jayachandran)

Special Secretary (Environment)

Delhi

Dated 5 May, 2025

5 MAY 2025

Dr. K.S. Jayachandran, IFS
Spl. Secretary (Environment)
Govt. of N.C.T. of Delhi
Delhi Secretariat,
New Delhi-110002



ATTESTED

NOTARY PUBLIC
GOVT. OF NCT OF DELHI

F.10(133)/Env/2013/Vol-IV/735-40

Dated: 30-04-2025

MINUTES OF MEETING

Subject: Minutes of meeting held under the Chairmanship of Chief Secretary, GNCTD on 22.04.2025 at Delhi Secretariat, in reference to the order dated 29.01.2025 of Hon'ble National Green Tribunal in Execution Application No. 11/2023 In Original Application No. 89/2021 titled Varun Vs GNCTD & ORS.

A Meeting was convened under the Chairmanship of Chief Secretary, GNCTD, on 22.04.2025 at 03:00 PM in reference to the order dated 29.01.2025 of Hon'ble National Green Tribunal in Execution Application No. 11/2023 In Original Application No. 89/2021 titled Varun Vs GNCTD & ORS. List of participants is at Annexure- 1

The Hon'ble National Green Tribunal, in Execution Application No. 11/2023 in Original Application No. 89/2021, vide its order dated 29.01.2025, has issued the following directions:

"...24. after the voluntary disclosure by the hotels/guest houses of Paharganj, no water meters were fixed on the tubewells/borewells to measure the quantity of water extracted from them and no groundwater extraction charges were charged from them. Thus, hundreds of hotels/guest houses of Paharganj area for more than 10 years are drawing groundwater without any regulation, measurement or payment of any charges.

25. What makes the matter further more serious is that such withdrawal has been permitted by the authorities in the name of VDS whereas no such VDS exists. This confirms our apprehension expressed earlier that some kind of scam has taken place which has resulted in not only a huge loss of revenue and loss of public money but also illegal, unregulated withdrawal of groundwater by hundreds of hotels/guest houses in Paharganj area depleting the groundwater level and adversely affecting the environment.

26. Hence, we require the Chief Secretary, Delhi to conduct an enquiry on the above issue, ascertain the extent of loss of exchequer on account of such unregulated withdrawal in the name of VDS which does not exist, the extent of damage caused to the environment and the effect of such an illegal action on the groundwater of the area concerned, and also fix responsibility upon the officers concerned who are/were responsible for such unregulated withdrawal of water in the name of non-existing VDS and for whose dereliction of duty, such illegality took place and take appropriate action against those officers as permissible in law and submit the action taken report before the Tribunal within three months.....

With approval of the Chair, Special Secretary (Environment) gave a brief presentation on Hon'ble NGT order dated 29.01.2025 and action required to be taken by stakeholder departments i.e, Revenue Department and DJB. The matter is regarding voluntary disclosure by hotels and guest houses in the Paharganj area and illegal groundwater withdrawal in that area.

CEO, Delhi Jal Board appraised the Chair that vide a resolution DJB is charging ground water extant rates from consumer which have disclosed borewell/tubewell under VDS.

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The Principal Secretary (Env.) clarified that the voluntary disclosure of borewell/tubewell does not tantamount as permission for groundwater drawl. The permission granted by the concerned District Magistrate is the only valid document authorizing groundwater drawl. (8)

After detailed deliberations and discussion the following decisions were taken by Chair :

- i. Revenue department to submit an enquiry report conducted in compliance to UO note dated 12.03.2025 sent by Department of Environment in reference to order dated 29.01.2025 and furnish information on the total number of illegal borewell & number of Environmental Damage Compensation (EDC) imposed, with status of EDC recovery and action taken on non-compliance, and action taken regarding fixing of responsibility to the disclosure under VDS.
- ii. Delhi Jal Board to furnished details of ground water extracting charges imposed on VDS applicants in Paharganj area and further processing of their applications for grants of permission.
- iii. The Delhi Pollution Control Committee was directed to seek legal opinion for filing appeal/revision against the order dated 29.01.2025 before a higher court and also engage a senior advocate in this matter for defending GNCTD.
- iv. In compliance to Cabinet Decision no 3182 dated 15.04.2025, a new borewell policy has to be prepared & brought before Council of Minister. Hence stakeholder departments were directed to provide necessary inputs for the preparation of the policy to Department of Environment.

In the end, Chief Secretary Delhi directed the Revenue Department and Delhi Jal Board to furnish requisite information within one working day to Environment Department for filing of the affidavit before the Tribunal.

The meeting ended with a vote of thanks to the Chair

Copy to :

1. Chairman, DPCC
2. Chairman, New Delhi Municipal Council
4. Divisional Commissioner, Revenue Department, GNCTD
5. Chief Executive Officer, Delhi Jal Board

Copy for kind information to:

1. SO to Chief Secretary, Delhi
2. PPS to Pr. Secretary (Environment), GNCTD


Nigam Agarwal
Director (Environment)

(a)

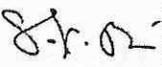
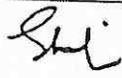
Attendance Sheet

Meeting conducted in compliance of Hon'ble NGT order dated 31.03.2025 OA No 639/20222 in the matter of "Prtipal Sharma Vs Govt. of NCT of Delhi and in reference to the order dated 29.01.2025 of Hon'ble National Green Tribunal in Execution Application No. 11/2023 In Original Application No. 89/2021 titled Varun Vs GNCTD & ORS of concerned organizations held on 22.04.2025 at 3:00 P.M. in the conference Hall of Chief Secretary, GNCTD at 5th floor, A-Wing, Delhi Secretariat, IP Estate, New Delhi.

S.No	Name & Designation	Name & Address of the Organization	Contact No.	Email address	Signature
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3	Dr. Sarvendra	DM (East)			
4	G. Sushant	DM (Central)			

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S.No	Name & Designation	Name & Address of the Organization	Contact No.	Email address	Signature
5	AJY Kumar	DM (North East)			AJY
6	Assistant Gupta	DM (SH)			DM
7	Dr. Ashish Prasad	Dir (Hort) MCD			Ashish
8	Dr. Anand Arand	Senior Scientist Jhansi (G.M)			Anand
9					

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4	Sanjay Murali DC, HQ	Revenue Dept.	965072233		
5	Shilpa CEO	DJB	9420685612	shilpa.ias@nic.in	
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