

## GOA STATE POLLUTION CONTROL BOARD

## गोंय राज्य प्रदूषण नियंत्रण मंडळ

(An ISO 9001-2015, ISO 14001:2015, ISO 45001:2018 Certified Board)

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No. 2025/GSPCB/Letter/4792/Tech/ 7054 Speed post

ate 27 /06/2024

To,

M/s. Konkan Railway Corporation Ltd,  
Rawanfond, Near Railway Overbridge,  
Navelim, Margao-Goa. 403707The General Manager Office,  
South Western Railway.  
Gadag Road,,  
Hubali, Karnataka. 580020Sub: NGT Order dated 16/05/2024 passed in O.A. No.263/2022-Harpal Singh Rana V/s.  
Delhi Metro Rail Corporation

Ref: e-mail dated 01/06/2024 received from Consultant Judicial(NGT)

Sir,

With reference to the subject cited above, this is to inform you that Board is in receipt of e-mail dated 01/06/2024 from Consultant Judicial(NGT w.r.t NGT Order dated 16/05/2024 passed in O.A. No.263/2022-Harpal Singh Rana V/s. Delhi Metro Rail Corporation(Copy of e-mail along with NGT Order enclosed)

In view of the above, the said NGT order is herewith forwarded to your office, directing to submit an action plan for rain water conversation to this office at the earliest.

Yours Faithfully,

  
(Dr Shamila Monteiro)  
Member Secretary,  
Goa State Pollution Control Board

Copy to,

1. Consultant Judicial – NGT e-mail : [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)
2. Office file.
3. Guard file.

Email

ORDER passed in Original Application No. 263/2022 (PCB/PCC)

Sat, Jun 01, 2024 01:32 PM

**From :** Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in>  
**Subject :** ORDER passed in Original Application No. 263/2022 (PCB/PCC)

1 attachment

**To :** membersecretaryjkspcb@gmail.com, Member Secy JKPC <membersecy.pcb@jk.gov.in>, chairman87jkspcb@gmail.com, Chairman JKPC <chairman.spcb@jk.gov.in>, mspcb-hp <mspcb-hp@nic.in>, Haryana Pollution Control Board <hspcb@hry.nic.in>, hspcbms@gmail.com, hspcbngtcell@gmail.com, rkhranallegal@gmail.com, Dr. K.S Jayachandran <msdpcc@nic.in>, msukpcb@gmail.com, msukpcb@yahoo.com, mvermadv@gmail.com, advrahulverma9999@gmail.com, ms@uppcb.in, Vivek Pandey <cpcc-chd@nic.in>, Member Secretary PPCB <msppcb@punjab.gov.in>, membersecretarylpcc@gmail.com, regionaldirectoelpcc@gmail.com, pollutioncontrolcommitteeh@gmail.com, bspcb@yahoo.com, Member Secretary <msbspcb-bih@gov.in>, mail@gautamsinghh.com, gautamsinghh ind <gautamsinghh.ind@gmail.com>, ranchijspcb@gmail.com, membersecretary@ospcbboard.org, paribesh1@ospcbboard.org, chairman@ospcbboard.org, member secy <member.sec@ospcbboard.org>, arunachalspcb@gmail.com, ssmishtha@gmail.com, membersecretary@pcbassam.org, mukherjee manas <mukherjee\_manas@rediffmail.com>, Pollution Control Board <pcb-man@nic.in>, megspcb@rediffmail.com, Member Secretary of Meghalaya State Pollution Control Board <memsecy.spcb-meg@gov.in>, duhawma15@yahoo.com, MPCB <mpcb@mizoram.gov.in>, mizorampcb@gmail.com, rusovi1jhon@yahoo.com, npcb2@yahoo.com, csraoifs@gmail.com, membersecretary@spcbsikkim.org, ms@wbpcb.gov.in, RAJESH KUMAR <ms.wbpcb-wb@bangla.gov.in>, sundarbantiger@gmail.com, subho advocate <subho.advocate@gmail.com>

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**Reply To :** Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in>

Respected Sir/Madam,

I am directed to forward a copy of the **Order dated 16/05/2024 passed in Original Application No. 263/2022 Harpal Singh Rana Applicant(s) Versus Delhi Metro Rail Corporation Respondent(s)** for your kind perusal & necessary action. for further correspondence please send all the documents on the new mail-id i.e.

[judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)

Kindly acknowledge the same.

**REGARDS**

**CONSULTANT (Judicial)**

🌐 (N.G.T.) (P.B.) 🌐 New Delhi 🌐



**Harpal Singh Rana.pdf**

412 KB

Item No.04

Court No.02

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

Original Application No.263/2022

Harpal Singh Rana

Applicant(s)

Versus

Delhi Metro Rail Corporation

Respondent(s)

Date of hearing: 16.05.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant(s): None

Respondent(s): Ms. Sakshi Popli, Advocate for DPCC (through VC)  
Mr. Ajay Vikram Singh, Advocate for Delhi Jal Board  
Mr. A.S. Rao, Senior Law Officer and Mr. Sushant  
Tripathi, Law Officer, DMRC  
Ms. Puja Kalra, Advocate for respondent 8, MCD

**ORDER**

1. This Original Application under Sections 14 and 15 of National Green Tribunal Act, 2010 (hereinafter referred to as '**NGT Act, 2010**'), has been filed by Sh. Harpal Singh Rana, R/o A-1, village Kadipuri, Delhi-110036, complaining that Metro Service has commenced in Delhi in year 2002, after laying down underground Metro Lines. At some places, rain water is being discharged along metro pillars through four inches pipes on the road it results in discharge of rain water on roads at some places. Delhi Metro Rail Corporation Ltd. (hereinafter referred to as '**DMRC**') i.e., respondent 1 is violating Rule 50 of Delhi Water and Sewer (Tariff and Metering) Regulation, 2012. Discharge of rain water on roads leads to many problems such as wastage of water, traffic jams, damage to roads and also causing accidents. Provisions have been made and

directions have been issued by High Court as well as Tribunal for making Rain Water Harvesting mandatory for buildings having area 500 meters or more but the same are being violated by DMRC. Complaint was examined by Tribunal on 27.04.2022 and it found appropriate to obtain a factual Report by constituting a Joint Committee comprising (i) DMRC, (ii) Delhi Pollution Control Committee (hereinafter referred to as 'DPCC'), (iii) Delhi Jal Board (hereinafter referred to as 'DJB'). The said Committee was required to submit Report within four weeks after visiting the site and collecting relevant information.

2. Pursuant to above order, action taken Report dated 18.10.2022 was filed through DPCC, stating that Joint Committee visited various metro stations on 08.07.2022 and 28.07.2022. Its observations are as under:

*"3. That, the joint team inspected the various metro stations like PaschimVihar West, Peeragarhi, Nangloi, MIA, Tikri Border Metro stations and several pillar locations on Line-5 of DMRC on 08.07.2022. Following are the observations with regard harvesting at these locations:-*

1. *At metro stations to drainage of water and rainwater the rain water from the steel structure/ roof comes to terrace. The drain pipes from terrace takes water to ground level into the rain water harvesting pits. Further, rain water pits are generally available at one side of station, so water from one terrace goes to RWH. The drain pipes from the other terrace are connected to storm water drainage system of the road. It was noted that RWH systems have been constructed wherever land is available with DMRC (generally utilized for parking of vehicles). Where land is not available, pipes are connected to storm water drainage system. No spillage of water was observed on road. Due to unavailability of land, construction of RWH was not found to be feasible. Further, certain deficiencies in regard to rain water harvesting system were observed, which are given below:*

a. *An some locations, rain water pipes are left over the drainage pits having perforated covers. This may lead to loss of some water. DMRC was advised to extend drain pipe to the inside of pit to avoid any spillage.*

- b. *DMRC was advised for periodic cleaning of RWH, doing numbering of RWH in entire section, putting signage on RWH.*
  - c. *At Tikri Kalan metro station, one drain pipe was found to be leaking from the joint, and other pipe, though in dry condition, was not connected to any pit. Corrective action needs to be taken by DMRC for these pipes.*
  - d. *At road under Tikri Kalan metro station, PWD drain inlet was found choked, leading to stagnation of water on the road.*
  - e. *At Nangloi Metro station, surroundings around RWH were found untidy. DMRC was advised to put fencing around RWH and take up the cleaning work.*
2. *The committee further visited Metro pillar no. 376, 377, 384, 385 on Line-5. All these metro pillars are near Nangloi metro station. These pillars have been constructed on the median between service road and main carriage way. It was observed that drain pipes from the metro viaduct are coming to the road level. Due to unavailability of any drain in the surrounded area, though these pipes were presently dry, 3. These will discharge water on the road. Rain water harvesting pits are also not available for collecting this water. DMRC submitted that the construction of RWH is not feasible due to non-availability of land with DMRC and technical constraints.*
3. *Following submissions were made by DMRC against non-availability of rain water pits at certain bridge locations:*
- a. *RWHs have been constructed at most of feasible locations in viaduct (bridge) in recent construction of Phase-III. These were shown to the joint committee in the section of MIA to Tikri Border station.*
  - b. *The construction of RWH in old viaduct locations is not feasible due to following constraints:*
    - i. *The location where RWHs are to be construction is in road median, which is under the maintenance of PWD and DMRC does not own land at these locations.*
    - ii. *The size of RWH pit is approx. 1.5m x 6m. Road median itself is approx. 1.5-2m. Considering working space requirement, the construction of RWH will require at least closure of one carriage way on both side of median, digging in carriage dismantling restoration way, of of demolition of railings/fencing carriage way, road on which*

median including ) median is and again later in the jurisdiction of PWD. The work will also require permission from traffic police and traffic diversion.

- iii. Utilities like electric cables, traffic signals, if present, may require to be diverted/shifted.
- iv. Such RWH pits will be required at every alternate bridge location i.e at every 50-60m.
- v. Construction of RWH at this stage will cause disruption to traffic and inconvenience to public in addition to huge incurrence of expenditure of public money.

Copy of the joint inspection report dated 08.07.2022 is enclosed herewith as Annexure-I

4. That, another joint inspection was carried out on 28.07.2022 in section 105, between Azadpur and Jahangirpuri metro stations for examining the issues of water discharge from DMRC viaduct at pillars nos. 58, 89, 90, 103, 114, 125, 31, 33, 131, 133 and construction of Rain Water Harvesting Systems. In addition to the pillars mentioned above, the team also visited Azadpur and Jahangirpuri Metro Stations to witness the existing RWH structures. Following are the observations are under:-
1. It was observed that adequate arrangements have been made by DMRC. It was a rainy day and the team found that rain water was falling in open earthen portion of the central verge of the road. At some of the locations (Pier no. 106, 103, 90, 89, 59) C&D waste, Municipal solid waste etc. was also found at median of the road (Latitude: 28.72013 Longitude: 77.1674, Latitude: 28.7083 Longitude: 77.1778). DMRC submitted that the maintenance of the median of this road is carried out by PWD and in this situation on construction of RWH system will not be useful. However, rain @ water is penetrating in ground from Kuteha area of the median.
  2. It was also observed that at Pier No. 58, 89, 92, 125, 31, the lower end of rain water pipes were broken and at pier no. 114, no rain water pipe found, only clamp attached found. The broken pipes need maintenance or replacement as the need may be. DMRC team informed that recently before monsoon period all the pipes were put in place, but some of them have been stolen."
5. At some of the locations water was overflowing along surface of the pillar at Pier no. 103, 105, and it was decided to ascertain the regular cleaning of the pipes to avoid any blockage and water overflow.

6. *The team witnessed that adequate RWH arrangements have already been provided at Azadpur metro station by DMRC and are in functional state.*
7. *At Jahangirpuri metro station, Rain water harvesting pits are not available. DMRC submitted that the construction of RWH is not feasible due to non-availability of DMRC land. However, RWH structures are constructed and in functional state in parking area.*
8. *The team consisting of DMRC, DJB, DPCC officials was of the view that adequate arrangements have already been done by DMRC to ensure no overflow of water occurs from the piers to the public roads and the possibility of creating RWH structures at each location was not feasible.*
9. *It was further submitted by DMRC that in all new constructions, provision of RWH is being made at all the feasible locations.*
10. *Copy of the joint inspection report dated 28.07.2022, photographs collected during the visit are enclosed herewith as Annexure-II."*

3. Report also mentions response of DMRC in respect of non-availability of rain water pits at certain bridge locations which is reproduced as under:

*"3. Following submissions were made by DMRC against non-availability of rain water pits at certain bridge locations:*

- a. *RWHs have been constructed at most of feasible locations in viaduct (bridge) in recent construction of Phase-III. These were shown to the present committee in the section of MIA to Tikri Boarder station.*
- b. *The construction of RWH in old viaduct locations is not feasible due to following constraints:*
  - i. *The location where RWHs are to be constructed is in road median, which is under the maintenance of PWD DMRC do not own land at these locations.*
  - ii. *The size of RWH pit is approx. 1.5m x 6m. Road median itself is approx. 1.5-2m. Considering working space requirement, the construction of RWH will require at least closure of one carriage way on both side of median, digging in carriage way, demolition of road median including dismantling of railings/fencing on median and later restoration of carriage way, which is again in the jurisdiction of PWD. The work will also require*

*permission from traffic police and traffic diversion.*

- iii. Utilities like electric cables, traffic signals, if present, may require to be diverted/shifted.*
- iv. Such RWH pits will be require at every alternate bridge location i.e. Every 50-60m.*
- v. Construction of RWH at this stage will cause disruption to traffic and inconvenience to public in addition to huge incurrence of expenditure of public money."*

4. Above Report was considered by Tribunal on 31.10.2022 and in the light of observations made by Joint Committee, Tribunal found it appropriate to implead DPCC, DJB and Commissioner of Municipal Corporation, Delhi as respondents 6, 7 and 8. Following respondents 1 to 5 were already impleaded i.e.,

- (i) Delhi Metro Rail Corporation, Metro Bhawan, Fire Brigade Lane, New Delhi-110001,
- (ii) Central Public Works Department, A-Wing, Room No.101, Nirman Bhawan, New Delhi-110011,
- (iii) Public Works Department, 12th Floor, MSO Building, I.P. Estate, New Delhi-110002,
- (iv) Govt. of NCT, Delhi, Old Secretariat Building, Civil Lines, Sham Nath Marg, New Delhi- 110054,
- (v) Union of India, Secretary Paryavaran Bhawan, JorBagh Road, New Delhi-110003. Respondents were directed to submit their response.

5. Respondents were directed to submit their response, Pursuant to order dated 31.10.2022, DMRC submitted its Report/Reply vide e-mail dated 25.02.2023, DPCC filed its reply vide e-mail dated 20.12.2022 and Municipal Corporation, Delhi filed its reply vide e-mail dated 28.02.2023.

6. In reply dated 20.12.2022 filed by DPCC, reference is given to various orders passed in **OA 94/2013, Vikrant Kumar Tongad Vs. Delhi Metro Rail Corporation Ltd.** which was disposed of vide order dated 17.07.2018, by issuing following directions:

*"6. We accordingly direct all the Deputy Commissioners to ensure that ground water harvesting systems are duly installed in every building. The Chief Secretary of Delhi may convene a meeting of all the Deputy Commissioners on the focused issued of implementation of the guidelines for installation of rain water harvesting systems in all the buildings where the area is more than 100 ms, within one months from today. The steps already taken or proposed to be taken may be discussed in the said meeting so as to make the installation of ground water harvesting system a reality on the ground. After the systems are installed, the same must be maintained and remain effective. Effective monitoring mechanism may be put in place in suitable manner.*

*7. An affidavit of the Chief Secretary of Delhi may be filed within two months from today and the said compliance affidavit may be registered separately.*

*The Original Application no.94 of 2013 is disposed of accordingly. M.A. No 904 of 2013 is disposed of accordingly. M.A. No. 904 of 2014, M.A. o.592 of 2015, M.A. No.806 of 2015, M.A. No.236 of 2016 and M.A. No.289 of 2017 do to survive for consideration as the main application stands disposed of."*

7. References is also made by DPCC to order dated 16.11.2017, passed in **OA 217/2016, Mahesh Chandra Saxena vs. Ministry of Urban Development &Ors.**, which was disposed of issuing following directions:

*"We have all the Learned Counsel appearing in these applications. We dispose of these applications with the following directions:-*

*1. All the schools and colleges (private or government) in NCT Delhi shall install rainwater harvesting systems, if not already installed, within a period of two months from today at their own cost.*

*2. After having established and making rainwater harvesting system operative institution shall apply to the committee constituted under this judgment informing them about their becoming operative.*

*3. The joint inspection team shall inspect and issue a certificate of*

*fitness of operationalization of rainwater harvesting system.*

*4. Any installation which does not comply with these directions shall be liable to pay a environmental compensation of Rs. 5 Lakh after expiry of the period of two months granted in this judgment.*

*5. In the event it is not possible for any institution to construct or install rainwater harvesting system, in that event within one month it will submit application to the committee constituted under this judgment praying for exemption. The Committee shall inspect the premises of the institution and upon inspection if it find that it is not possible to install or provide then the committee shall issue an exemption certificate to the said institution.*

*We make it clear that such certificate shall be issued only in the compelling and exceptional circumstances and not otherwise. We constitute the following committee:*

- 1. Senior most officer from Delhi Jal Board;*
- 2. Senior officer from NCT, Delhi;*
- 3. Senior officer from PWD,*
- 4. Representative of Central Ground Water Authority,*
- 5. A member not below the rank of Director Education and*
- 6. Representative of Delhi Pollution Control Committee.*

*This committee shall meet twice a month at least and deal with all such application expeditiously. However, for the first month commencing from today, it shall meet twice a week.*

*The institutions which are granted subject to payment of compensatory environmental cost which then should be utilized for providing rainwater harvesting system in the adjacent area, even if necessary in residential area wherever such places are available and as demarcated by the committee or if necessary in public parks. We leave this to the wisdom of committee. The Director of Education, Delhi and Delhi Jal Board shall issue notice in terms of this order within three days from today to all the institutions.*

*We also direct the Chief Engineer of Delhi Jal Board along with senior technical officer of the Central Ground Water Authority to issue design guideline for construction of rain water harvesting system shall also be applicable.*

*The order of the Tribunal in the case of Vikrant Kumar Tongad Vs. Delhi Metro Rail Corporation Ltd., in Original Application No.94/2023 requiring all buildings particularly the commercial buildings shall have their own rainwater harvesting system.*

*With the above directions Original Application No. 217 of 2016 and Original Application No.591 of 2016 stands disposed of. No order as*

*to cost."*

8. DPCC has further said that in respect of rainwater harvesting system, it has no function or power under Environment (Protection) Act, 1986, or under any notification or authorization issued by Ministry of Environment, Forest and Climate Change (hereinafter referred to as 'MoEF&CC') and Central Ground Water Authority (hereinafter referred to as 'CGWA') and the same comes within jurisdiction of CGWA, or respective Deputy Commissioners of National Capital of Territory, Delhi or DJB.

9. In reply of DMRC, i.e., respondent 1 dated 24.02.2023, certain photographs have been filed to show pier drainage pipe maintenance work done and discharge in road divider and a copy of Minutes of Meeting dated 28.07.2022, has been filed wherein following observations have been recorded by Joint Committee of official of DMRC:

*"Observations by the joint committee are as follows:*

*1. All the piers mentioned above were inspected to check whether the water from the piers was overflowing on the roads or not. It was observed that adequate arrangements have been made and rain water is falling in open earthen portion of the central verge of the road. It was a rainy day and it was found that at any of the pillars water is not flowing on road. At some of the locations C & D waste Municipal Solid Waste etc., was found at median at the road. DMRC submitted that the maintenance of the median of this road is carried out by PWD and in this situation construction of RWH will not be useful. However, rain water is penetrating in ground from Kutcha area of the median.*

*2. It was also observed that at some of the piers some of the rain water pipes were broken. The broken pipes need maintenance or replacement as the need may be. DMRC team informed that recently before monsoon period all the pipes were put in place, but some of them have been stolen.*

*3. At some of the locations water was overflowing along surface of the pillar and it was decided to ascertain the regular cleaning of the pipes to avoid any blockage and water overflow.*

*4. The team witnesses that adequate RWH arrangements have already been provided at Asadpur metro station by DMRC and are in functional state.*

5. At Jahangirpuri metro station Rain water harvesting pits are not available. DMRC, submitted that the construction of RWH is not feasible due to non-availability of DMRC land. However, in parking area RWH structures are constructed and in functional state.

6. After the visit the team lead by DPCC officials was in favour of the view that adequate arrangements have already been done by DMRC to ensure no overflow of water occurs from the piers to the public roads and the possibility of creating RWH structures at each location was not feasible.

7. It was further submitted by DMRC that in all new constructions, provision of RWH is being made at all the feasible locations."

10. In reply/Status Report dated 28.02.2023, filed by Municipal Corporation of Delhi, it is said that Horticulture Department of MCD carries out development/improvement of various parks in its jurisdiction. However, matters of roads donot come within authority of MCD, as the roads belong mostly to Public Works Department of Delhi i.e., PWD.

11. With regard to Rain Water Harvesting Structures in parks, reply of DMRC in para 6 says:

"6. That it is worth mentioning that a typical park already contains open space areas that absorbs rainwater and recharge ground water. Apart from above, the Horticulture Department of MCD is also maintaining 402 nos. Rain Water Harvesting Structures in parks which are being used for irrigational purposes thereby reducing dependency on ground water. The details are as under:

S/No.	Description	Qty of RWH System
1.	Rain water harvesting systems installed in parks of MCD by Engineering Department	144
2.	Rain water harvesting systems/structures converted through defunct Tube-wells/Bore-wells in the parks maintained by MCD.	258
	Total:	402 nos.

That the subject matter/dispute/issue herein pertains to the roads which fall under the jurisdiction of Public Works Department (MCD) and DMRC."

12. Above replies/reports was considered by Tribunal on 24.07.2023. It noted stand taken by DMRC that action has been taken by authorities concerned. pipes have been laid and connected inside of pit to avoid spillage of water.

13. However, Tribunal observed that there is extension of pipeline on road and no measures have been taken to utilize water or to canalize it and also with regard to water going through pipe thrown on open road. For this purpose, Tribunal observed that a proper methodology should be developed by authorities concerned/DMRC to utilize water and not to throw the same through pipelines on road to create further nuisance and disturbance on roads. For suggesting methodology, Tribunal constituted a Joint Committee comprising (i) Public Works Department, Delhi, (ii) Municipal Corporation of Delhi, (iii) DMRC and (iv) Delhi Pollution Control Committee.

14. Pursuant to above order a technical report dated 23.10.2023 was filed DMRC vide e-mail dated 13.10.2023, wherein it is said:

*"Wherein following recommendations were made:*

*(1) There is a safety concern of DMRC structure for making any pit/boreholes in the 1<sup>st</sup> Reserve.*

*(2) From above calculations, it is found that capacity is available in median to store the rainwater hence no additional pit is required in the span of metro alignment. It is economical to maintain the natural system.*

*(3) Average depth of around 110 mm or equivalent above soil should be ensured in central median to behave as storage for rainwater coming from metro deck.*

*(4) Central median should not be covered with paver/concrete, wherever feasible to allow infiltration of water in subsoil.*

*(5) Horticulture/vegetation (small height plants), wherever feasible, should be developed in central median having high seasonal water requirement.*

*(6) Pier down take pipes should not be towards road side. It should be ensured that runoff through drainage pipes should fall in the central median."*

15. Report came up before Tribunal on 31.10.2023 for consideration. However, applicant sought time to file objections to said report which was allowed and three months' time was granted.

16. A short submission dated 06.02.2024, has been filed by applicant stating that responsibility of use of rainwater lie upon DMRC and concerned departments and they must discharge their functions.

17. However, DMRC has also filed its response dated 19.02.2024, giving details of linewise inspection summary and also work which is to be discharged for laying down pipes in central median. The reports says:

*"2. That, relevant data have been collected from all the site units of the answering respondent, cumulative summary of which is reproduced herein below:*

<b>LINE WISE INSPECTION SUMMARY FOR NGT OA -263/2022</b>			
<b>ALL LINES</b>			
<b>S.NO</b>	<b>ITEM</b>	<b>QUANTITY</b>	<b>REMARKS</b>
1.	Total no. of viaduct Span pipe is not in central median.	7855	
2.	No. of span where down take pipe is not in central median.	961	
3.	Cost and TDC for making for item no.2	Rs.89,50,000.00	
4.	No. of span where storage depth of 110 mm in central median is not available	1185	
5.	No. of span where median is paved/unpaved and it is feasible to make it unpaved with 110 mm for pont	262	

	no.4		
6.	Approx cost for making storage depth of 110 mm for point no.4	Rs.11,50,000.00 (to be borne by PWD or MCD).	T.D.C. is to be intimated by PWD or MCD
7.	Total no. of span where horticulture is not present and can be developed in the central median	96	PWD project is under progress for this purpose. T.D.C. would be intimated by PWD only.
8.	Approx cost for item no.7	Nil	

3. That line wise inspection summary and cumulative inspection summary for all the lines of Delhi MRTS is annexed herewith as Annexure R-1.

4. That as per the above mentioned summary, the answering respondent is undertaking the responsibility for making the duntake pipe from the viaduct spans in the central median and the complete cost for the same would be borne by the answering respondent. It is further submitted that the Targeted date of completion for the said work is 31.08.2024.

5. That ensuring the storage depth of 110 mm in the central median is the responsibility of PWD or MCD, whichever may be the concerned land owning agency and necessary directions may be passed by the Hon'ble Court in this regard. Approximate cost for the same is calculated by the answering respondent and mentioned in the cumulative summary.

6. That the PWD is undertaking the development of the horticulture, wherever feasible, in the central median as per the cumulative summary reproduced hereinabove and Targeted date of completion would be intimated by PWD only."

18. Today when matter was taken up, none appeared for applicant. Representative of DMRC is present, we pointed out to DMRC that work of taken of down take pipe along with storage depth is a comprehensive and integrated, therefore, nothing should be left to any other authority and entire work should be undertaken and discharged by DMRC itself.

19. Sh. A.S. Rao, Senior Law Officer, DMRC is present and agreed that entire work which is referred to in the chart in para-2 and also in document appended on page 142 shall be undertaken and discharged by DMRC and completed by 31.08.2024.

20. We permit DMRC to proceed accordingly, and, complete work as per above time line. We also make it clear that wherever it is required, PWD and MCD officials shall cooperate with DMRC to provide necessary assistance, as the case may be.

21. With regard to work of Horticulture, it is pointed out that it is job of authority to whom the road or land belonged and in the present case it belongs to PWD. Hence, we direct that PWD, Delhi shall undertake work of Horticulture in consultation with Divisional Forest Officer of concerned area, do needful within six months and submit a Compliance Report to Registrar General of this Tribunal.

22. Before parting, we may also observe that system of Rain Water Harvesting pits for utilization of rain water along metro lines across the country also needs to be undertaken in the same manner by all concerned agencies/bodies, keeping in view the fact that there is lot of depletion of groundwater as well as surface water particularly where water is in scarcity. Therefore, for better use of water whatever is available, a proper regime has to be worked out and executed. Steps taken in present matter by DMRC are in furtherance of said objective. In our view, the same must be followed by all concerned agencies involved in construction of metro lines across the country.

23. We, therefore, direct communication of copy of this order to all Chief Secretaries of various States/Union Territories, and Member Secretaries of concerned Pollution Control Boards/Pollution Control

Committees of all States/Union Territories for information and compliance by requiring concerned agencies to look into the matter and act accordingly in compliance.

24. DMRC shall also submit a Compliance Report by 13.09.2024 to Registrar General of this Tribunal. If Registrar General finds it necessary, may place the matter before Bench for further orders.

25. With the above directions, this Original Application is disposed of.

..... Sudhir Agarwal, JM .....

Dr. Afroz Ahmad, EM

May 16, 2024  
Original Application No.263/2022  
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