

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

IN EA No. 16 of 2019

Indian National Trust for Art and Cultural Heritage

Applicant

Versus

Govt. of NCT of Delhi & Ors.

Respondents

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Place: Panchkula
Dated:18.08.2022

S. Narayanan
18/8/2022
S. Narayanan
Member Secretary
State Wetland Authority, Haryana

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH

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Action Taken/Status Report by S. Narayanan, Member Secretary, State Wetland Authority, Haryana in compliance of the order dated 21.01.2022 passed by this Hon'ble Tribunal.

RESPECTFULLY SHOWETH

1. That the State of Haryana through Environment & Climate Change Department is committed to provide clean and healthy environment to people, animals, flora and fauna. To achieve the objectives of Article 48A of the Constitution of India and in exercise of power conferred under section 5 of the Environment Protection Act, 1986 various notifications have been issued and rules have been framed to protect the environment and to maintain ecological balance in the State, to prevent environmental degradation and to avoid human health hazards.

2. That this Tribunal while hearing the afore stated EA on 21.01.2022 has considered the following facts in its order:

S. Narayanan

“.....Our attention has also been drawn to letter issued by the MoEF & CC on 19.01.2022 to the effect that Inter-Ministerial Expert Group has been constituted in following terms of reference:

i. " To identify the factors relating to unwanted submergence of land areas

ii. To undertake a study so as to identify various factors /issues embodying the flow of water through Najafgarh drain including connectivity of the drains up to river Yamuna. de-silting of such drains etc.,

iii To draw up Standard Operating Procedure (SOP) for de-silting of the Najafgarh drain so as to facilitate uninterrupted flow of water into river Yamuna.

iv. SOP also to include periodicity and extent of de-silting of the drains, estimation of the cost involved and such other factors as may be considered relevant.”

We hope that the Inter-Ministerial Expert Group will ensure measures for conservation and protection of Jheel in the light of observations in Para nos. 5 and 9 above. Water quality of the Jheel need to be maintained for atleast Class ‘C’ and healthy biodiversity needs to be ensured. The outlet of the Najafgarh Jheel which is leading to Najafgarh drain (earlier referred as Sahibi River) should remain free from sewage before it joins river Yamuna.

11. In view of the above, further action of preparing integrated EMP by the MoEF&CC be taken and till it is done, EMPs prepared for rejuvenation and protection of the lake be enforced by the State of Haryana and the NCT Delhi. The EMPs of Delhi and Haryana do not make specific provision for budget which is necessary except saying that provision will be made immediately making of such provision may be ensured by the Chief Secretaries of Delhi and

S. Panigrahy

Haryana. Wetland (Conservation and Management) Rules, 2017 be strictly followed along with the Guidelines issued by MoEF&CC on the subject. Further, direction of the Hon'ble Supreme Court in Balakrishnan & Ors. v. Union of India & Ors. and order of this Tribunal dated 25.11.2021 in O.A. No. 351/2019, Raja Muzaffar Bhat v. State of Jammu and Kashmir & Ors. to the extent applicable, be complied. It will be open to any party to make representation to the respective Wetland Authorities. If any grievance survives, it will be open to the aggrieved party to take further remedies in accordance with law. The National Wetland Authority needs to monitor progress of implementation of action plans with both the States i.e. Haryana and Delhi through their respective State Wetland Authorities and resolve inter-State dispute, if any..."

3. That this tribunal after considering the above mentioned facts, as explained in para 2 above, passed the following directions on 21.01.2022:-

"...12. Action taken/status reports as on 31.07.2022 may be filed by the concerned Wetland Authorities with the Registrar General of this Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF, by 15.08.2022, who may, if necessary, place the matter before the Bench, for any further direction.

Subject to above, the application is disposed of.

In view of order in the main matter, I.A. No. 235/2021 also stands disposed of.

A copy of this order be forwarded to the Chief Secretaries of Haryana and Delhi, CPCB, National Wetland Authority, State Wetland Authorities of Haryana and Delhi and State PCB by e-mail for compliance..."

4. That, the Inter-Ministerial Expert Group (IMEG) has submitted

J. Muzaffar

their report on 25/06/2022 through Convenor of the IMEG, Sh. J. Chandra Babu, Scientist E, CPCB to the Ministry of Environment, Forest & Climate Change (MoEF & CC) for consideration and issuing further guidelines/instructions in the matter. However, the above stated report of IMEG is under consideration of MoEF & CC for issuance of guidelines /instructions.

5. That, to ensure the compliance of directions issued by this Tribunal vide its order dated 21.01.2022, the Expert Representative Member of IMEG from the State of Haryana has intimated that an Action Plan has been prepared for utilisation of the city (Gurugram) waste water after treatment towards agriculture purposes. A brief Note on the Project (**Annexure-R/1**) for Enhancement of Capacity of STP channel from 188MLD to 550 MLD is enclosed.

6. That in order to implement the decision taken by the State of Haryana, the following action has been taken:-

- I. As a part of the Action Plan, the capacity of STP channel will be enhanced from 188 MLD to 550 MLD for utilisation of treated waste water for agricultural purpose in Jhajjar District.
- II. An administrative approval for Rs 295.80 crore has been accorded by the Govt. of Haryana vide Memo. No. 11W-05000238/2020- XEN-LCU dated 10/08/2021.
- III. Accordingly, the tenders have been allotted at the cost of Rs. 123 crore and 15% work has been completed and the project is

S. Narayan

likely to be completed by 20.05.2023. Simultaneously, three more works at a cost of Rs. 122.5 crore for its utilisation in irrigation and for other associated activities have been initiated and agreements have been made. The works are likely to be started on the offset of monsoon and the same are likely to be completed by 19.01.2024.

The above stated action taken report may kindly be taken on record in the interest of justice.

Place : Panchkula
Dated : 18.08.2022

S. Narayanan
18/8/22

S. Narayanan
Member Secretary
State Wetland Authority, Haryana

2254936/2022/ENV&CC

No. 302./9B

Dated: 04/08/2022

From

Engineer-in-Chief cum Expert Member (Inter Ministerial Expert Group)
Irrigation & Water Resources Department, Haryana,
Panchkula

To

Director General,
Environment & Climate Change Department
Cum Member Secretary, State Wetland Authority, Haryana

Subject:- Action Taken Report-Reg compliance of the order of Hon'ble NGT dated 21/01/2022 in Execution Application No. 16/2019 earlier O.A. No. 153/2014 titled as Indian National Trust for Art & Cultural Heritage Vs. Govt. of NCT of Delhi & Ors.

Reference: Your office memo No. SWAH/2022/3181 dated 01.08.2022.

An Inter -Ministerial Expert Group was constituted by Ministry of Environment, Forests and Climate Change (MoEF&CC), Govt. of India to resolve the issues of transboundary Najafgarh Jheel vide letter F.No.J-22012/23/2014-CS (W) Pt.1 dated 19.01.2022 comprising official of Ministry of Jal Shakti (MoJS), Govt. of Nation Capital Territory (NCT) of Delhi, Govt. of Haryana and Central Pollution Control Board (CPCB). I was expert member form Haryana in the IMEG.

Terms of reference of the inter-ministerial Expert Committee was as follows:-

- a) To identify the factors relating to unwanted submergence of land areas.
- b) To undertake a study so as to identify various factors/issues embodying the flow of water through Najafgarh Drain including connectivity of the drains up to river Yamuna, de-silting of such drains etc.
- c) To draw up Standard Operating Procedure (SOP) for de-silting of the Najafgarh Drain so as to facilitate uninterrupted flow of water into river Yamuna.
- d) SOP also to include periodicity and extent of de-silting of drains, Estimation of the cost involved and such other factors as may be considered relevant.

As the drains namely Leg-2 and Leg-3 (Badshahpur drain) are not connected to the Najafgarh Drain due to which water spreads in the large area and there is need to connect the Leg-2 and Leg-3 to Najafgarh Drain by installation of pumping stations and gates etc and to utilize the TWW for agriculture purpose.

An action plan has been prepared for utilization of city waste water. As a part of the action plan, capacity of STP Agricultural Channel will be enhanced from 188 MLD to 550 MLD for utilization of treated waste water in Jhajjar District.

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Work has already been started. After completion of the project of enhancing the capacity of treated waste water (TWW) Channel from 188 MLD to 550 MLD within in two years, TWW which is being discharged through Leg-2 and Leg-3 at present in the submergence area/Najafgarh drain will be diverted to STP Channel completely and will be utilized for irrigation purposes and the submergence area including farm land (private land) is expected to reduce considerably. Total expenditure amounting to Rs. 295 Crore approximately will be incurred on execution of these schemes. Brief note on the project for enhancement of capacity of STP Channel is also enclosed (copy enclosed).

Final report of Inter -Ministerial Expert Group (IMEG) dated 25.06.2022 has been submitted by Member Convener Sh. J. Chandra Babu, Scientist E, CPCB MoEF&CC, GoI to MoEF&CC. Further action in this case will be taken after receipt of instructions/guidelines from MoEF&CC.

 4/8/22

Sh. Birender Singh,
E.I.C cum Expert Member IMEG,
I & W R Department, Haryana.
Panchkula.

CC:

PS to ACS, I&WRD for kind information to W/ACS, I&WR Department
Chandigarh.

Brief note on the project for enhancement of capacity of STP Channel (Length 26.247 km.) from 188.60 MLD to 550 MLD and the utilization of Treated Waste Water of STP Dhanwapur & STP Behrampur.

- A lined channel, namely, STP Channel, in a length of 26.247 Km. is in existence since 2007 to carry the Treated Waste Water (188.60 MLD) from STP Dhanwapur Distt. Gurugram, facilitating its maximum utilization on its way for Irrigation & other allied activities and finally, the disposal of the balance water into outfall drain no. 8, near village Sondhi, Distt. Jhajjar.
- This project has been envisaged for enhancement of capacity of this STP Channel from 188.60 MLD to 550 MLD (i.e. the total discharge of STP Dhanwapur at present (320 MLD) + STP Behrampur (170 MLD) + 60 MLD for any future requirements) and its effective utilization for Irrigation or other purpose. The Treated Waste Water from STP Dhanwapur will be discharged into this STP Channel from its source. However, the Treated Waste Water of STP Behrampur will be lifted from Badshahpur Drain at Km. 4.5 of STP by mechanical means. (i.e. through a pump house).
- An Administrative approval for Rs. 295.80 Crores has been accorded by Govt. as conveyed by Worthy ACS, Govt. of Haryana, I&WRD, Haryana Panchkula vide his memo NO. 11W-05000238/2020-XEN-LCU dated 10/08/2021.
- Accordingly, the work on increasing its capacity at a cost of Rs. 123.39 Crore is in progress and 15% work has been completed with a likely date of completion being 20.05.2023.
- Simultaneously, 03 NO. works at a cost of Rs. 122.50 Crores for its utilization in Irrigation & other associated activities in 10700 Acres in villages Dhankot, Gopalpur, Chandu, Garhi Harsaru, Sultanpur, Jhanjrola, Barsa, Harinagar Duma, Kheda Khurampur, Kutani, Jaraun, Siwari & Mushedpur falling in Distt. Gurugram & Jhajjar have been allotted to various agencies. Agreement have been made and the works are likely to be started on the onset of monsoons with a likely date of completion on 19.01.2024.
- Some balance works e.g. Construction of syphons, aqueducts, pump house etc. are also being planned simultaneously along with identification of some more villages for utilization of this TWW.
- Further, the 02 No. Power Plants (i.e. NTPC & CLP) at Jharli, Distt. Jhajjar are under pursuance to shift their demand from fresh Canal Water (Lifted through JLN Feeder near Pump House JF-1) to STP Channel, so that 250 MLD of STP water may be utilized there by, saving the fresh canal water which could be supplied to the tail area of Distt. Rewari, Narnaul & Dadri.