

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

O.A. No. 703/2022

IN THE MATTER OF:

DEEPAK SINGH

...APPLICANT

VERSUS

CENTRAL GROUND WATER AUTHORITY & ORS.

...RESPONDENT(S)

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HEAD OF THE OFFICE

CGWB, STATE UNIT OFFICE, DELHI

PLACE: NEW DELHI

DATED: 26-10-2022

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RESPONSE TO THE APPLICATION REGARDING AVERMENTS MADE IN THE APPLICATION FILED BEFORE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, ORDER DATED 27.09.2022 IN THE MATTER OF DEEPAK SINGH VS. CENTRAL GROUND WATER AUTHORITY & ORS. (O.A. NO. 703/2022)

1. The present original application has been filed seeking directions to the respondent to take prompt coercive and remedial measures against illegal ground water extraction by respondents mentioned in the application from Respondent Nos. 6 to 16 for construction purposes in Shahdra Tehsil.

Vide Order dated 27.09.2022, Hon'ble Tribunal inter-alia passed the following order:

"4. In view of the averments made in the application, we consider it appropriate to seek response of the respondents to the averments made in the application. Notices alongwith copies of the application and documents attached/therewith be issued to the respondents requiring them to file their response/reply to the averments made in the application within two months."

2. That in compliance of the above direction, the response for averments is as follows:

(i) In reply to Para 1 to 3, it is submitted that Shahadara assessment unit i.e Shahadara tehsil is 'over-exploited' unit where ground water extraction is more than the recharge as per the dynamic ground water resources assessment carried out during 2017 and 2020. As per 2020 assessment, stage of ground water extraction in Shahadara assessment unit is 118.27%.

S.F.R.

(ii) It is submitted that Para 4 to 6 does not pertain to Central Ground Water Authority, hence the answering respondent has no comments to offer.

(iii) In reply to Para 7 & 8, it is submitted that 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. District Magistrate of each district, appointed as "**Authorized Officer**" for the purpose of regulation of ground water development and management in the respective revenue areas under their jurisdiction.

3. That 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.

4. That the Respondent nos. 6 to 16 are required to obtain No Objection Certificate / suitable permission from DJB duly recommended by District Advisory Committee for extraction of ground water in the area, as per the said Notification of Delhi Government. In absence of proper NOC, the extraction of ground water is illegal and punitive action can be taken by District Magistrate of Shahadara district.

5. That the District Collectors/Deputy Commissioners (DCs) /District Magistrates (DMs) are authorized to take enforcement measures like sealing of unauthorized ground water abstraction structures, disconnection of electricity, launching of prosecution against those violating the No Objection Certificate conditions and taking action for imposition of Environmental Compensation. In the present case also, Deputy Commissioner of Shahadara district can take the action as mentioned above.

S. S. B.

The present submissions / comments with respect to the application may kindly be taken on record. The above is submitted for perusal of Hon'ble NGT and CGWA will abide by any orders passed in the matter by this Hon'ble Tribunal.



Syed Khaja Mohiddin

Head of the Office,

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Dated: 26-10-2022