

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

Original Application No.263/2022

**In the matter of:**

Harpal Singh Rana

.....Applicant

Versus

DMRC & Ors.

.....Respondents

**NDOH:- 01.03.2023**

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Filed by

(Delhi pollution Control Committee)

Date: 20.12.2022

Place: Delhi

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**In the matter of:**

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**RESPONSE ON BEHALF OF DELHI POLLUTON CONTROL  
COMMITTEE (RESPONDENT NUMBER-6) IN VIEW TO THE  
ORDER DATED 31.10.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

Affidavit of Ajeeta Dayal Agrawal, presently working as Senior Environmental Engineer, Delhi Pollution Control Committee, 5<sup>th</sup> floor, ISBT Building, Kashmere Gate, New Delhi 110006 in compliance to the order dated 31.10.2022.

1. I the above-named deponent do hereby solemnly affirm and declare that I am an authorized officer of the Delhi Pollution Control Committee and competent to swear in the present affidavit on the basis of records.
2. That, this Hon'ble Tribunal took up the above referred matter on 27.04.2022 and was pleased to constitute a joint Committee comprising, Delhi Metro Rail Corporation (DMRC), State of Pollution Control Board (SPCB) & Delhi Jal Board (DJB) to take action against the rain water on roads by DMRC and violation of Rule 50 of Delhi Water & Sewer (Tariff & Metering) Regulations, 2012 and to utilize the same by appropriate rain water harvesting system which is governed by Delhi Jal Board.

3. That in compliance with the order dated 27.04.2022, DPCC filed the joint Committee report through email dated 18.10.2022, which is available on the records of this Hon`ble Tribunal. In the report action taken to resolve the grievance and status of action taken was mentioned.
4. At the out set it is most respectfully submitted that as per records available of the Delhi Pollution Control Committee This Hon`ble Tribunal in past dealt the issue of "Rain Water Harvesting System", in following two matters, in which DPCC was also among the array of respondents:
- (a) O.A. NO. 94/2013 Titled as "Vikrant Kumar Tongad Vs. Delhi Metro Rail Corporation & Ors."
- (b) O.A. No. 217/2016 Titled as "Mahesh Chandra Saxena Vs. The Ministry of Urban Development & Ors."
5. Following are the operative directions in the above mentioned matters:

**A. O.A. NO. 94/2013 Titled as "Vikrant Kumar Tongad Vs. Delhi Metro Rail Corporation & Ors."**

The above mentioned matter relates to installation of rain water harvesting systems in all the buildings in the NCT of Delhi. This matter was considered on 24.12.2014, 24.04.2015, 27.04.2015, 11.05.2015, 18.05.2015, 09.07.2015, 15.09.2015, 24.09.2015, 30.09.2015, 06.10.2015, 26.10.2015, 30.10.2015, 04.11.2015, 19.01.2016, 25.01.2016, 23.10.2016, 03.03.2016, 23.03.2016, 03.03.2016, 18.04.2016, 14.07.2016, 15.07.2016, 03.08.2016, 17.08.2016, 01.09.2016, 03.11.2016, 23.08.2017, 25.08.2017, 23.08.2017, 13.09.2017, 15.11.2017 and 22.12.2017.

This matter was disposed off vide order dated 17.07.2018 by This Hon`ble Tribunal stated as:

*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 issue 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 month 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*

Copy of the order dated 17.07.2018 is annexed herewith as **Annexure- R-6/1**. That while disposing off this matter, Hon'ble Tribunal has not caste any responsibility upon DPCC.

**B. O.A. No. 217/2016 Titled as "Mahesh Chandra Saxena Vs The Ministry of Urban Development & Ors."**

This matter was disposed off vide order dated 16.11.2017 by This Hon'ble Tribunal stated as:

*"...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 rainwater 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. 94/2013 requiring all buildings particularly the commercial buildings shall have their own rainwater harvesting system."*

Copy of the order dated 16.11.2017 is annexed herewith as **Annexure- R-6/ 2** . That while disposing off this matter, Hon'ble Tribunal has not caste any responsibility upon DPCC.

6. That, DPCC has not been assigned any function or power in connection with RWHS either under Environment (Protection) Act, 1986 or any notifications issued by MOEF&CC or CGWA on the subject of RWHS or ground water recharge. Further, no task has been assigned to DPCC by CGWA in connection with regulation, control or management of ground water or RWHS.
7. That, CGWA, and respective Deputy Commissioners (Revenue) of NCT of Delhi are the appropriate and concerned authorities and officers to oversee, regulate, manage and control the matters relating to Rain Water Harvesting and ground water recharge.

- 8. That, it would be pertinent to mention here that directions issued for ground water control, regulation and management have been issued on 18.5.2010 by the Lt. Governor of NCT of Delhi under Section 5 of EPA which have been notified as per notification dated 12.7.2010. In these directions, the role of DPCC would arise only if any water pollution occurs due to water extraction from bore well or tube well.
- 9. In view of the above and to effectively implement the policy relating to RWHS and to achieve its objectives, it would be more appropriate that further tasks relating to regulation, control, management and development of RWHS and ground water recharge are assigned to and performed by CGWA and Deputy Commissioners (Revenue) who are the designated authorized officers for the above purpose as per order dated 25.05.2010 issued by CGWA. If required, the officers of DJB being the concerned authorities in relation to RWHS issues may be directed to coordinate with the above two authorities which have been specifically created and authorized for the matters relating to RWH.
- 10. That in light of the above facts it is most respectfully prayed that the answering respondent (DPCC) may be deleted from the array of parties as it is neither a necessary nor are required respondent in regard to the adjudication of the present dispute.

Prayed accordingly,

*Heet*  
Deponent

Verification

Verified at New Delhi on this 20<sup>th</sup> day of December, 2022 that the contents of the above affidavit are true and correct to my knowledge and noting false has been stated therein and no material has been concealed there from.

*Heet*  
Deponent

Annexure-R6/1

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BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 94 of 2013  
(M.A NO. 904/2014, M.A NO. 592/2015, M.A. NO. 806/2015, M.A. NO. 236/2016  
& M.A. NO. 289/2017)

Vikrant Kumar Tongad  
Vs.  
Delhi Metro Rail Corporation Ltd.

CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

Present: Applicant: Mr. Rahul Choudhary and Ms. Meera Gopal, Ms. Gitanjali Sreedhar, Adv  
Mr. B.V. Niren and Mr. Vinayak Gupta, Advs., CGWA  
Mr. Sanjeev Ralli, Adv with Mr. Dinesh Jindal, LO for DPCC  
Ms. Sakshi Popli, Adv for DJB and NDMC  
Ms. Puja Kalra, Adv  
Ms. Ashwani Kr. For DDA  
Mr. Bhanwar Pal Singh Jadon, Adv.  
Ms. Shefali Roy, Advs.  
Mr. Saurabh Chadda with Mr. Rohit Bhagat, Adv. for ESI  
Mr. Manoj Kumar proxy for Mr. Moni Cinmoy, Adv. for DSIIDC  
Mr. Himanshu, Adv for Khandelwal Hospital  
Mr. Abhishek Gautam Adv & Ms. Monika Singhal, Adv  
Mr. Ankur Seth for DMRC

Date and Remarks	Orders of the Tribunal
Item No. 07 July 17, 2018 ag	1. The matter taken up for consideration relates to installation of rain water harvesting systems in all the buildings in the NCT of Delhi. Learned Counsel appearing for the applicant states that the guideline issued by the Central Ground Water Board dated May, 2011 referred to in the document at page 13 of the paper book with the title "Select Case Studies Rain Water Harvesting & Artificial Recharge" to the effect that rain water harvesting system be made mandatory for every building having area of 100 sq.m and above by amending the building bye laws. Our attention is also drawn to the Gazette Notification issued by Ministry of Urban Development & Poverty Alleviation dated 28 <sup>th</sup> July, 2001 regarding modifications /

additions to the building bye laws, 1983 under Section 11

A of Delhi Development Act, 1957 to the following effect:

" 2. 22.4.1 Water harvesting through storing of water runoff including rain water in all new buildings on plots of 100 sq.mtrs and above will be mandatory. The plans submitted to the local bodies shall indicate the system of storm water drainage along with points of collection of rain water in surface reservoirs or in recharge wells. These provisions will be applicable as per the Public Notice (s) of Central Ground Water Authority issued from time to time.

3. 22.4.2 All buildings having a minimum discharge of 10,000 litres and above per day shall incorporate waste recycling system. The recycled water should be used for horticultural purposes."

2. Accordingly vide order dated 1<sup>st</sup> December, 2014, this Tribunal directed that the Central Ground Water Authority, the DJB and the Municipal Corporation, in collaboration with DPCC, should take effective steps for ensuring that the hospitals, malls, commercial complexes, hotels and RWAs install the rain water harvesting system at the earliest.

3. Thereafter, the matter was taken up for consideration from time to time. The Tribunal noted the steps taken, *inter alia*, in orders dated 24.12.2014, 24.04.2015, 27.04.2015, 11.05.2015, 18.05.2015, 09.07.2015, 15.09.2015, 24.09.2015, 30.09.2015, 06.10.2015, 26.10.2015, 30.10.2015, 04.11.2015, 19.01.2016, 25.01.2016, 23.10.2016, 03.03.2016, 23.03.2016, 03.03.2016, 18.04.2016, 14.07.2016, 15.07.2016, 03.08.2016, 17.08.2016, 01.09.2016, 03.11.2016, 23.08.2017, 25.08.2017, 23.08.2017, 13.09.2017, 15.11.2017, 22.12.2017

4. The matter was considered in a connected matter "**Tribunal on its own Motion Vs. Govt. of NCT of Delhi & Ors.**" (O.A No. 496 of 2016) on 06.07.2018 and statement recorded was on behalf of the Delhi Jal Board

that the plan for ground water recharge has been finalized. The guidelines were issued regarding water harvesting system. It was, however, also stated that there was no direction for making installation of rain water harvesting compulsory. It has been now explained that the statement was on account some communication gap. The Rain water harvesting was compulsory in term of the bye laws referred to above.

5. The Dehi Jal Board was directed to inspect all such areas where rain water harvesting system was required but have not been installed. Learned counsel for the Delhi Jal Board now states that inspections have been carried out in this regard and wherever inspection have not been carried out, the same will be carried out forthwith. It has also been pointed out that concerned Deputy Commissioners are the Nodal agency in term of instruction of the CGWA dated 25<sup>th</sup> May, 2010.

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 issue 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 month 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.

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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 2014, M.A No. 592 of 2015, M.A No. 806 of 2015, M.A No. 236 of 2016 and M.A No. 289 of 2017 do not survive for consideration as the main application stands disposed of.

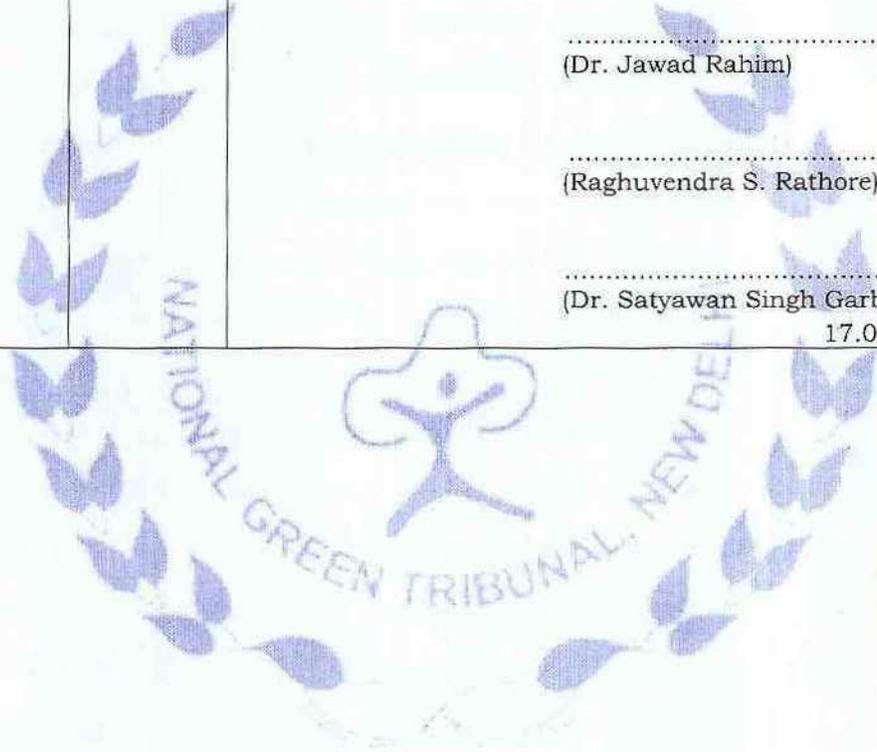
....., CP  
(Adarsh Kumar Goel)

....., JM  
(Dr. Jawad Rahim)

....., JM  
(Raghuvendra S. Rathore)

....., EM  
(Dr. Satyawan Singh Garbyal)

17.07.2018



Annexure-R-6/2

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BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 217 of 2016  
(M.A. No. 415 of 2017 & M.A. No. 648 of 2017)  
And  
Original Application No. 591 of 2016

In the Matter of :-

Mahesh Chandra Saxena Vs. The Ministry of Urban Development & Ors.  
And  
Mahesh Chandra Saxena Vs. The Ministry of Water Resource & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: Applicant: Mr. Rahul Khurana, Adv.  
Respondent No.1 &7: Mr. B.V. Niren and Mr. Vinayak Gupta, Advs.  
Mr. Rajkumar, Adv. and Mr. Bhupender Kumar, LA,  
Central Pollution Control Board  
Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar and  
Mr. Sandeep Mishra, Advs.  
Ms. Vasuda Bajaj, Adv. for DPS International  
Mr. Varun Garg and Mr. Rahul Malhotra, Advs.  
Mr. Arvind Kumar and Mr. SKV Ghittori, Advs,  
Mr. Mahesh Chandra Saxena and MR. Jaikaran Singh,  
Advs.  
Mr. Nitin Kumar Jain, Adv.  
Mr. Rajiv Bansal, Sr. Adv., Mr. Kush Sharma, Mr. Lalit  
Mohan and Ms. Malvika Bhanot, Adv. for DDA  
Ms. Sakshi Popli, Adv. for DJB & NP Boys Sen. Sec.  
School  
Ms. Puja Kalra, Adv.  
Ms. Vasuda Bajaj, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 42 & 43  November 16, 2017  ss	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

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16, 2017  
ss

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 institution 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



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16, 2017**

ss

and deal with all such applications expeditiously. However for the first month commencing from today, it shall meet twice a week.

The institutions which are granted exemption by the Committee the exemption shall be 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 areas 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 rainwater 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. 94/2013 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 stand disposed of. No order as to cost.

**M.A. No. 415 of 2017 & M.A. No. 648 of 2017**

These M.A. No. 415 of 2017 & M.A. No. 648 of 2017 do not survive for consideration as the main applications itself stand disposed of.

	<p><b>Item No. 42 &amp; 43</b></p> <p><b>November 16, 2017</b></p> <p>ss</p>	<p>The M.A. No. 415 of 2017 &amp; M.A. No. 648 of 2017 also stand disposed of accordingly. No order as to cost.</p> <p>Copy of this order be furnished dasti.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dalip Singh)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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