

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

O.A. No. 295/2022

IN THE MATTER OF:

S.R. SANGAR

...APPLICANT

VERSUS

GOVT. OF NCT OF DELHI & ORS.

...RESPONDENT(S)

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S.K. M. 20/9/22

Syed Khaja Mohiddin

Place: New Delhi

Dated: 20-9-2022

Head of the Office

CGWB, State Unit Office

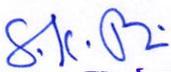
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Central Ground Water Board
नई दिल्ली-110066
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RESPONSE TO OBSERVATIONS MADE IN THE JOINT INSPECTION REPORT DATED 11.07.2022 IN PURSUANCE TO HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, ORDER DATED 28.07.2022 IN THE MATTER OF S.R. SANGAR VS. GOVT. OF NCT OF DELHI & ORS. (O.A. NO. 295/2022)

1. The grievances raised by Sh. S.R. Sangar, Secretary General, Federation of Indraprasth Extention-II Housing Societies are that there are 13 neighborhood parks which have been transferred from the DDA to the EDMC. 473 borewells/tubewells have been closed by the Horticulture Department under orders of Hon'ble NGT and vide letters issued by Delhi Jal Board. The parks are located beyond 5 kms of the two STPs in Yamuna Vihar and Kondli and it is alleged by the applicant that the claim of the EDMC that all these parks are within 5 kms of the 2 STPs is not correct. It is also stated that these parks are the lungs of the societies and closure of borewells/ tubewells has adversely affected the environment of the area in which AQI is high throughout the area. The applicant has accordingly prayed for restoration of the borewells/tubewells as a special exception for development and maintenance of the parks in the neighborhood.

2. That the Hon'ble NGT was pleased to pass an order dated 05.05.2022 in the matter, wherein the following directions were passed -:

"In view of the averments made in the present letter Petition, it would be appropriate to have a factual and action taken report from a Joint Committee comprising of CGWA, DPCC, Commissioner, EDMC, Director Horticulture, Government of NCT of Delhi and Deputy Commissioner, East Delhi. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicants and take requisite action by following due process of law. Factual and action taken report shall in particular cover the material aspects whether parks in question are situated within 5 kilometers of 2 STPs established;


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whether arrangements have been made for supply of treated sewage water for gardening in the above said parks; justification for closure of the tubewells/borewells and necessity for restoration of any of the tubewells/borewells inconformity with the directions given by Hon'ble Supreme Court and this Tribunal in similar matters. DPCC will be the nodal agency for coordination and compliance. Factual and action taken report may be furnished within two months 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."

3. That in compliance of the above direction, a Joint team of the officials of DPCC, CGWA, EDMC, (Horticulture), DJB and DM (Shahadra) inspected all 13 parks in societies on 02.06.2022. The Joint Committee also checked the radial distance from Kondli STP and Yamuna Vihar STP (nearby STPs being operated by Delhi Jal Board).

4. That the Joint Inspection Report was submitted before the Hon'ble Tribunal on 11.07.2022, wherein following observations were made -:

a) Only one park (Dayanand Vihar) was found within a 5 km radius of the Kondli STP.

b) Other parks were found beyond the 5 kms radius of both STPs.

c) 03 borewell were found sealed in 3 societies i.e. Law Apartment, Kiran Apartment and Karkardoma Society. All these three societies parks are located beyond 5 kms of radial distance from both STPs.

d) Park at Law Apartment is being maintained with treated water from STP and is in good condition. There is no arrangement of water supply in other two Societies' Park i.e. Kiran Apartment and Karkardoma Society.

e) Other 10 society's parks are being maintained by EDMC. Out of 10 societies, 8 societies were being maintained through borewells/tubewells.

f) The joint committee recommends de-sealing of borewell for maintaining the part with prior permission from the Hon'ble Green Tribunal and other statutory


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bodies. Till then EDMC and DJB should make necessary arrangement for supply of water for maintaining greenery in parks.

5. That after perusal of the Report, Hon'ble Tribunal vide Order dated 28.07.2022, passed the following direction-:

"Notice along with the application and report of the Joint Committee be issued to the Central Ground Water Authority, the Delhi Jal Board, Director (Horticulture), Government of NCT of Delhi, Commissioner, Municipal Corporation of Delhi and District Magistrate (East), Government of NCT of Delhi requiring them to file their response/reply to the allegations made in the application/observations made in the report of the Joint Committee within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."

Submissions

6. That 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. De-sealing of the tubewells located in the two parks inspected by the joint committee can be done by the concerned District Magistrate of the district.

7. 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.

8. That it is submitted that making necessary arrangement for water supply to the parks is the responsibility of EDMC and DJB.

S.K. B.

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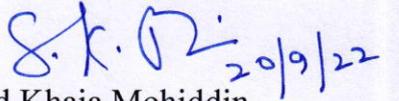
9. That it is recommended that EDMC should obtain No Objection Certificate / suitable permission from District Advisory Committee for running the tubewells if the NOC is not yet received.

10. That as per the recommendations of the Joint Inspection Committee, letters have been issued to DM (Shahadara) to take necessary action and also to Additional Chief Engineer, Delhi Jal Board with the request to provide treated STP water in all the parks to maintain greenery.

The present submissions / comments with respect to observations in the Joint Inspection Report 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.

Place: New Delhi

Dated: 20-9-2022


20/9/22
Syed Khaja Mohiddin

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