

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

Original Application No. 414/2022

**IN THE MATTER OF:**

Chander Mohan Bhagat

.....Applicant

Versus

Govt. of NCT of Delhi

.....Respondent

**NDOH: 13.02.2023**

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Filed by

(Delhi Pollution Control committee)

Date: 07.02.2023

Place: Delhi

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

Original Application No. 414/2022

**IN THE MATTER OF:**

Sh. Chander Mohan Bhagat

.....Applicant

Versus

Govt. of NCT of Delhi

.....Respondent

**RESPONSE ON BEHALF OF DELHI POLLUTION CONTROL  
COMMITTEE (RESPONDENT NUMBER-2) IN COMPLAINT TO  
THE ORDER DATED 01.09.2022.**

IT IS MOST RESPECTFULLY SHOWN:

Affidavit of P.S. Pankaj, 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 15.09.2022.

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 the present affidavit on the basis of official records.
2. That, this matter was taken up by the Hon'ble Tribunal on 01.09.2022 and this Hon'ble Tribunal was pleased to issue notice to the CGWA, DPCC and DJB for filing their reply/response to the application with status of the ground water in the area in question within one month.
3. That, SDM (Vasant Vihar) vide letter dated 18.12.2019 informed DPCC that M/s Bhagat D2-49, Janak Puri, New Delhi-58 was having illegal borewell(s) for extracting ground water without permission from the Competent Authority.

4. That, DPCC has issued show cause notice for imposing Environmental Compensation to "M/s Bhagat" to the tune of Rs. 1,00,000/- (Rupees One Lakh only) on 24.01.2020, in view of orders dated 15.01.2019, 30.05.2019, 30.10.2019 and 19.11.2019 passed by this Hon'ble Tribunal in OA No. 25/2019 tiled as "Abdul Farukh Vs. Govt. of NCT of Delhi" regarding illegal extraction of ground water by installing unathourized tube-wells has been issued certain directions to DPCC, DJB and Revenue Department.
5. That, direction for imposition of Environmental Damages Charges was issued on 24.01.2020. As EDC was not submitted by the unit, hence, DPCC vide letter dated 11.09.2020 directed SDM (Vasant Vihar) to recover the of EDC, which was levying by DPCC and submit Action Taken Report in this regard to DPCC. Copy of the recovery letter dated 11.09.2020 is enclosed herewith as ANNEXURE-R-2/1.
6. That, DPCC issued another reminder letter on 05.04.2021 to SDM (Vasant Vihar) for recovery of EDC, which was levying by DPCC. Copy of the reminder letter dated 05.04.2021 is enclosed herewith as ANNEXURE-R-2/2.
7. That, DPCC vide letter dated 11.10.2022 asked DM (New Delhi) to provide the status of de-sealing of borwell sealed by SDM in the Hospital and permission to use the ground water. Further it was also requested to consider the request of hospital in the advisory committee headed by concerned DM. Reply is awaited from DM (New Delhi). Copy of the letter dated 11.10.2022 is enclosed herewith as ANNEXURE- R-2/3.
8. That Central Ground Water Board has filed a detailed status report about quality and quantity of ground water in surrounding area on 03.10.2022.
9. Stand of GNCTD before this Hon'ble Green Tribunal on the issue of extraction of ground water is as under:

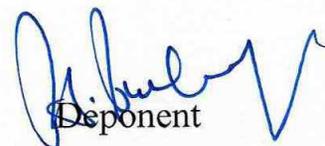
On the directions passed by the Hon'ble Green Tribunal in OA No. 685/2019 titled as "Rakesh Kumar vs Govt of NCT of Delhi", the Chief Secretary, Delhi has taken a meeting on 12.06.2020 and prepared a SOP

titled as "Regulation of extraction of ground water, closure, prohibition of illegal activities relating to use of borewells/ tubewells", for taking action on such illegal borewells. As per SOP (Annexure- R-2/4) following actions are required to be taken by different authorities of GNCTD:

- Drawing ground water through borewell or tubewell for domestic, commercial, agricultural or industrial uses without the prior permission of the "Competent Authority" will be considered illegal and without authority of law.
- The Deputy Commissioner (Revenue) is required to supervise checking violation i.e. detection of illegal wells and closure thereof.
- For the purpose of closure of illegal borewells/ tubewells, joint action teams under the supervision of the concerned SDM will be formed for ensuring effective coordination. The joint team will comprise field functionaries from DJB, DISCOMs and Local Police.
- The Deputy Commissioner who is the chairperson of the Advisory Committee will forward the details of illegal borewells to the DPCC for levying Environmental Compensation (EC) for illegal extraction of ground water.
- The DPCC will assess EC as per the methodology devised by CPCB in its report dated 26.06.2019. After assessment of the EC, demand will be raised and in cases of non-recovery, SDM to recover EC as arrears of land revenue.

10. That in view of above para, the role of DPCC on the issue of illegal borewell is limited to impose EDC.

Prayed accordingly,

  
Deponent

Verification

Verified at New Delhi on this 07<sup>th</sup> day of February 2023 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.

  
Deponent



DELHI POLLUTION CONTROL COMMITTEE  
GOVERNMENT OF NCT OF DELHI

4<sup>th</sup> and 5<sup>th</sup> Floor, ISBT Building, Kashmere Gate, Delhi-110006  
visit us at : <http://dpcc.delhigovt.nic.in>

By Speed Post/email

F. No. DPCC/CMC-IV/OA-25-2019/2020/157-58

Dated: 11.09.2020

To

The Sub-Divisional Magistrate (Vasant Vihar)  
6<sup>th</sup> Floor, PatikaBhawan,  
OPP to Hyatt (Ring Road),  
Sector - 13, R.K. Puram,  
New Delhi-110066

The Sub-Divisional Magistrate (Delhi Cantt.)  
12/1, Jam Nagar House,  
Shajahan Road,  
New Delhi-110011

Sub: Recovery of Environmental Compensation (EC) from 66 users located in New Delhi district in compliance of the orders of Hon'ble National Green Tribunal (NGT) in OA No. 25/2019-reg.

Whereas, Hon'ble National Green Tribunal vide its orders dated 15.01.2019, 30.05.2019, 30.10.2019 and 19.11.2019 in OA No. 25/2019 titled as, "Abdul Farukh Vs Govt. of NCT of Delhi" regarding remedial action against illegal extraction of ground water by installing unauthorized tube-wells has issued number of directions to Delhi Pollution Control Committee (DPCC), Delhi Jal Board and Revenue Department for compliance.

And whereas, vide letter dated 18.12.2019, SDM has informed that the borewells have been sealed / detected which was found engaged in illegal extraction of groundwater without permission from the Competent Authority.

And whereas, in view of Hon'ble NGT directions/orders and in view of the non-compliance of the statutory requirements, DPCC keeping in view the 'Polluter Pays' Principle has decided to levy Environmental Compensation (EC) on the addressee for causing damage to the environment by illegal extraction of ground water.

And whereas, Central Pollution Control Board (CPCB) has framed guidelines for levying Environmental Compensation for illegal groundwater extraction.

And whereas, units (list attached) were found engaged in illegal extraction of groundwater without permission from the Competent Authority.

And whereas, orders levying Environmental Compensation (EC) (amount mentioned in the attached list) were issued to 66 users extracting the ground water illegally vide letter dated 09.07.2020 (list attached).

And whereas, none of the 66 users have deposited the Environmental Compensation (EC) levied on them for the violations committed by them.

Now therefore, in view of the above, you are requested to take appropriate action for recovery of the said Environmental Compensation (EC) from these 66 users (List Enclosed) as an arrears of land revenue at the earliest so that status may be filed timely before Hon'ble NGT. You are also requested to submit Action Taken Report in this regard to DPCC in a time bound manner.

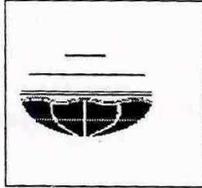
*[Signature]*

## List of the Units against Environmental Compensation (EC) order issued by DPCC.

Sr. No.	Name & Address of the Unit	Date of Show Cause Notice (SCN) for Environmental Compensation (EC) issued	Date of Order for Environmental Compensation (EC) issued	Amount of Environmental Compensation (EC) Imposed (in Rupees)
1	DK. B. K. Jain C-118 A, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
2	Ambarish Tandan C-118 B, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
3	Occupier/ Property Owner, C-68, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
4	Gurdeep Singh Kaur C-116 A, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
5	Dr. Krishna Lal C-116, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
6	Occupier/ Property Owner, C-114, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
7	ADITYA C-117, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
8	Devi Lal C-78, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
9	Deep Singh, C-37, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
10	Occupier/ Property Owner, C-45, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
11	Praduman Bharti C-35, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
12	Sunny Latha C-33, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
13	Occupier/ Property Owner, C-27, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
14	Asmita Rani, C-32, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
15	Indira, C-74, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
16	Shobha Dasgupta, C-77, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
17	B. S. Datta, C-78, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
18	B. D. Sharma, C-107, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
19	V. S. Anand, C-91, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
20	Gauri H Gupta, B-01, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
21	Nalini B-04, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
22	Shi Malini B-30, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
23	Jai Prakash Gupta, B-23, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
24	Ramesh Kumar B-11, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
25	Lata Chandra Gupta, B-16, Indrapuri, New Delhi-110012	24/01/2020	09/07/2020	30000
26	Occupier/ Property Owner, C-154, Mayapuri Phase-2, New Delhi-110054	24/01/2020	09/07/2020	30000
27	Occupier/ Property Owner, C-150, Mayapuri Phase-2, New Delhi-110054	24/01/2020	09/07/2020	30000
28	Occupier/ Property Owner, C-107, Mayapuri Phase-2, New Delhi-110054	24/01/2020	09/07/2020	30000
29	Occupier/ Property Owner, C-154 B, Mayapuri Phase-2, New Delhi-110054	24/01/2020	09/07/2020	30000
30	Sh. Rishabh Sharma, WZ-1183, Nangal Raja, New Delhi-110050	24/01/2020	09/07/2020	30000
31	Chaitan Kumar, WZ-1184, Nangal Raja, New Delhi-110050	24/01/2020	09/07/2020	30000
32	Rohitash Sharma, WZ-1186, Nangal Raja, New Delhi-110050	24/01/2020	09/07/2020	30000
33	Sh. Sharma, WZ-1186, Nangal Raja, New Delhi-110050	24/01/2020	09/07/2020	30000
34	Singh, WZ-1185, Nangal Raja, New Delhi-110050	24/01/2020	09/07/2020	30000

List of the Mills against Environmental Compensation (EC) order issued by EPC.

Sl. No.	Name of the Mills of New Delhi	Date of Order (Case No.) for Environmental Compensation	Date of Order for Environmental Compensation issued	Amount of Environmental Compensation (Rs.) Proposed for Payment
1	...	24/01/2020	09/07/2020	30000
2	...	24/01/2020	09/07/2020	30000
3	...	24/01/2020	09/07/2020	30000
4	...	24/01/2020	09/07/2020	30000
5	...	24/01/2020	09/07/2020	30000
6	...	24/01/2020	09/07/2020	30000
7	...	24/01/2020	09/07/2020	30000
8	...	24/01/2020	09/07/2020	30000
9	...	24/01/2020	09/07/2020	30000
10	...	24/01/2020	09/07/2020	30000
11	...	24/01/2020	09/07/2020	30000
12	...	24/01/2020	09/07/2020	30000
13	...	24/01/2020	09/07/2020	30000
14	...	24/01/2020	09/07/2020	30000
15	...	24/01/2020	09/07/2020	30000
16	...	24/01/2020	09/07/2020	30000
17	...	24/01/2020	09/07/2020	30000
18	...	24/01/2020	09/07/2020	30000
19	...	24/01/2020	09/07/2020	30000
20	...	24/01/2020	09/07/2020	30000
21	...	24/01/2020	09/07/2020	30000
22	...	24/01/2020	09/07/2020	30000
23	...	24/01/2020	09/07/2020	30000
24	...	24/01/2020	09/07/2020	30000
25	...	24/01/2020	09/07/2020	30000
26	...	24/01/2020	09/07/2020	30000
27	...	24/01/2020	09/07/2020	30000
28	...	24/01/2020	09/07/2020	30000
29	...	24/01/2020	09/07/2020	30000
30	...	24/01/2020	09/07/2020	30000
31	...	24/01/2020	09/07/2020	30000
32	...	24/01/2020	09/07/2020	30000
33	...	24/01/2020	09/07/2020	30000
34	...	24/01/2020	09/07/2020	30000
35	...	24/01/2020	09/07/2020	30000
36	...	24/01/2020	09/07/2020	30000
37	...	24/01/2020	09/07/2020	30000
38	...	24/01/2020	09/07/2020	30000
39	...	24/01/2020	09/07/2020	30000
40	...	24/01/2020	09/07/2020	30000
41	...	24/01/2020	09/07/2020	30000
42	...	24/01/2020	09/07/2020	30000
43	...	24/01/2020	09/07/2020	30000
44	...	24/01/2020	09/07/2020	30000
45	...	24/01/2020	09/07/2020	30000
46	...	24/01/2020	09/07/2020	30000
47	...	24/01/2020	09/07/2020	30000
48	...	24/01/2020	09/07/2020	30000
49	...	24/01/2020	09/07/2020	30000
50	...	24/01/2020	09/07/2020	30000
51	...	24/01/2020	09/07/2020	30000
52	...	24/01/2020	09/07/2020	30000
53	...	24/01/2020	09/07/2020	30000
54	...	24/01/2020	09/07/2020	30000
55	...	24/01/2020	09/07/2020	30000
56	...	24/01/2020	09/07/2020	30000
57	...	24/01/2020	09/07/2020	30000
58	...	24/01/2020	09/07/2020	30000
59	...	24/01/2020	09/07/2020	30000
60	...	24/01/2020	09/07/2020	30000
61	...	24/01/2020	09/07/2020	30000
62	...	24/01/2020	09/07/2020	30000
63	...	24/01/2020	09/07/2020	30000
64	...	24/01/2020	09/07/2020	30000
65	...	24/01/2020	09/07/2020	30000
66	...	24/01/2020	09/07/2020	30000
67	...	24/01/2020	09/07/2020	30000
68	...	24/01/2020	09/07/2020	30000
69	...	24/01/2020	09/07/2020	30000
70	...	24/01/2020	09/07/2020	30000
71	...	24/01/2020	09/07/2020	30000
72	...	24/01/2020	09/07/2020	30000
73	...	24/01/2020	09/07/2020	30000
74	...	24/01/2020	09/07/2020	30000
75	...	24/01/2020	09/07/2020	30000
76	...	24/01/2020	09/07/2020	30000
77	...	24/01/2020	09/07/2020	30000
78	...	24/01/2020	09/07/2020	30000
79	...	24/01/2020	09/07/2020	30000
80	...	24/01/2020	09/07/2020	30000
81	...	24/01/2020	09/07/2020	30000
82	...	24/01/2020	09/07/2020	30000
83	...	24/01/2020	09/07/2020	30000
84	...	24/01/2020	09/07/2020	30000
85	...	24/01/2020	09/07/2020	30000
86	...	24/01/2020	09/07/2020	30000
87	...	24/01/2020	09/07/2020	30000
88	...	24/01/2020	09/07/2020	30000
89	...	24/01/2020	09/07/2020	30000
90	...	24/01/2020	09/07/2020	30000
91	...	24/01/2020	09/07/2020	30000
92	...	24/01/2020	09/07/2020	30000
93	...	24/01/2020	09/07/2020	30000
94	...	24/01/2020	09/07/2020	30000
95	...	24/01/2020	09/07/2020	30000
96	...	24/01/2020	09/07/2020	30000
97	...	24/01/2020	09/07/2020	30000
98	...	24/01/2020	09/07/2020	30000
99	...	24/01/2020	09/07/2020	30000
100	...	24/01/2020	09/07/2020	30000



**DELHI POLLUTION CONTROL COMMITTEE**  
**GOVERNMENT OF NCT OF DELHI**  
 4<sup>th</sup> and 5<sup>th</sup> Floor, ISBT Building, Kashmere Gate, Delhi-110006  
 visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-IV/OA-25-2019/2020/ 77-719

Dated: 05-04-2021

To,

**The Sub-Divisional Magistrate (Vasant Vihar)**  
 6<sup>th</sup> Floor, Palika Bhawan,  
 OPP to Hyatt (Ring Road),  
 Sector - 13, R.K. Puram,  
 New Delhi-110066

**The Sub-Divisional Magistrate (Delhi Cantt.)**  
 12/1, Jam Nagar House,  
 Shajahan Road,  
 New Delhi-110011

**Sub: Recovery of Environmental Compensation (EC) from 146 Users (63 + 83) located in New Delhi district in compliance of the orders of Hon'ble National Green Tribunal (NGT) in OA No. 25/2019 -reg.**

Whereas, Hon'ble National Green Tribunal vide its orders dated 15.01.2019, 30.05.2019, 30.10.2019 and 19.11.2019 in OA No. 25/2019 titled as, "Abdul Farukh Vs Govt. of NCT of Delhi" regarding remedial action against illegal extraction of ground water by installing unauthorized tube-wells has issued number of directions to Delhi Pollution Control Committee (DPCC), Delhi Jal Board and Revenue Department for compliance.

And whereas, vide letter dated 18.12.2019, SDM has informed that the borewells have been sealed / detected which were found engaged in illegal extraction of groundwater without permission from the Competent Authority.

And whereas, Central Pollution Control Board (CPCB) has framed guidelines for levying Environmental Compensation for illegal groundwater extraction.

And whereas, users (list attached) were found engaged in illegal extraction of groundwater without permission from the Competent Authority.

And whereas, in view of Hon'ble NGT directions/orders and in view of the non-compliance of the statutory requirements, DPCC keeping in view the 'Polluter Pays' Principle has levied appropriate Environmental Compensation (EC) on the illegal users for causing damage to the environment by illegal extraction of ground water.

Contd...2....

-2-

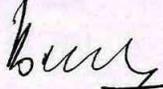
And whereas, a letter was issued to you on 11.09.2020 (copy enclosed) for recovery of Environmental Compensation (EC) from 66 Users as an arrears of land revenue. No action taken report has been received from your side so far.

And whereas, apart from these 66 users, DPCC has also issued orders for deposition of Environmental Compensation (EC) (amount mentioned in the attached list) to 83 users extracting the ground water illegally vide letter dated 11.09.2020.

And whereas, 146 out of 149 (66+83) users have not deposited the Environmental Compensation (EC) levied on them for the violations committed by them.

Now therefore, in view of the above, you are once again requested to take appropriate action for recovery of Environmental Compensation (EC) amount mentioned in the attached list from these 146 users (List of 63 Users enclosed at Annexure-A & List of 83 Users enclosed at Annexure-B) as an arrears of land revenue at the earliest so that status may be filed timely before Hon'ble NGT. You are also requested to submit Action Taken Report in this regard to DPCC in a time bound manner.

Encl: As Above.

  
**Incharge, CMC-IV**  
Dr. B.M.S. Reddy  
Senior Environmental Engineer  
Delh. Pollution Control Committee  
4th & 5th Floor, ISBT Building,  
Kashmere Gate, Delhi-110006

List of the Ground Water Extraction Users against Environmental Compensation (EC) order issued by DPC forwarded to concerned SD on 11.09.2020 for recovery of EC.

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Sl. No	Name & Address of the Unit	Date of Show Cause Notice (SCN) for Environmental Compensation (EC) issued	Date of Order for Environmental Compensation (EC) issued	Amount of Environmental Compensation (EC) Imposed (in Rupees)	Recovery Certificate Letter issued on
48	Bhagar,D2/48 Janak Puri,New Delhi- 110058	24/01/2020	09/07/2020	100000	11/09/2020
49	Pushpa Devi Clinic,D-2/50 Janak Puri,New Delhi- 110058	24/01/2020	09/07/2020	100000	11/09/2020
50	SB Mishra,D-2/83, Janak Puri,New Delhi- 110058	24/01/2020	09/07/2020	30000	11/09/2020
51	SD Sinha,D-2/84, Janak Puri,New Delhi- 110058	24/01/2020	09/07/2020	30000	11/09/2020
52	KG Chug,D-2/86, Janak Puri,New Delhi- 110058	24/01/2020	09/07/2020	30000	11/09/2020
53	Kr. JC Pathak,D-2/88, Janak Puri,New Delhi- 110058	24/01/2020	09/07/2020	30000	11/09/2020
54	Tarvinder Kaur,D-2/94, Janak Puri,New Delhi- 110058	24/01/2020	09/07/2020	30000	11/09/2020
55	Tomar Medicals,D-2/42 Janak Puri,New Delhi- 110058	24/01/2020	09/07/2020	100000	11/09/2020
56	Occupier/ Property Owner,D2-47 Janak Puri,New Delhi- 110058	24/01/2020	09/07/2020	100000	11/09/2020
57	Bhagat,D2-49 Janka Puri,New Delhi- 110058	24/01/2020	09/07/2020	100000	11/09/2020
58	Jasvinder Singh,D-2/62 Janak Puri,New Delhi- 110058	24/01/2020	09/07/2020	30000	11/09/2020
59	EIL Building ,Bhikaji Cama Place,New Delhi- 110066	24/01/2020	09/07/2020	100000	11/09/2020
60	GAIL,Bhikaji Cama Place,New Delhi-110066	24/01/2020	09/07/2020	100000	11/09/2020
61	NBCC Tower,Bhikaji Cama Place,New Delhi- 110066	24/01/2020	09/07/2020	100000	11/09/2020
62	August Kranti Bhawan,Bhikaji Cama Place,New Delhi-110066	24/01/2020	09/07/2020	100000	11/09/2020
63	MTNL Building,Bhikaji Cama Place,New Delhi- 110066	24/01/2020	09/07/2020	100000	11/09/2020

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Annexure-R2/3

(10)

Time bound/ NGT matter

By Speed Post

	<b>DELHI POLLUTION CONTROL COMMITTEE</b> <b>DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)</b> 4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6 visit us at : <a href="http://dpcc.delhigovt.nic.in">http://dpcc.delhigovt.nic.in</a>
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F. No. DPCC/BMW/2020/ 26781-83

Dated: 11/10/22

To,

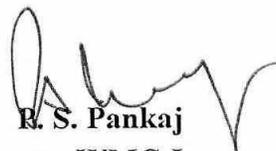
The District Magistrate (New Delhi)  
 Office of the District Magistrate, New Delhi  
 12/1, Jam Nagar House, Sahajahan Road,  
 New Delhi-110011

Sub: O. A. No. 414/2022 "Chander Mohan Bhagat Vs. Govt. of NCT of Delhi."

Sir,

This has reference to above mentioned O. A. filed before Hon'ble NGT by Dr. C.M. Bhagat, Medical Director, Bhagat Hospital, D-2/48-49, Janakpuri, New Delhi- 110058 for seeking permission for use of ground water in the premises of the hospital. Copy of application filed by Dr. C.M. Baghat & copy of the order of Hon'ble NGT dated 01.09.2022 is enclosed herewith for your kind perusal.

In view of the above, you are requested to direct the concerned official to provide the status of aforesaid hospital regarding de-seal of borewell and permission to use the ground water and whether it has been considered in the advisory committee meeting headed by concerned DM within 02 days of receipt of this letter so that status may be filed in the Hon'ble NGT. **Next date of hearing is 20.10.2022.**



R. S. Pankaj  
 Incharge, WMC-I

Encl.: As above

Copy to:

- 1) The Executive Engineer (Water Supply/Projects), NDMC, Room No. 231, Shaheed Bhagat Singh Place, Gole Market, New Delhi- 110001.
- 2) The Supreintending Engineer, SW, DJB, Sector- 4, R. K. Puram, New Delhi- 110022.

o/c

Annexure- R-2/4

**Department of Environment  
Govt. of NCT of Delhi**

**Standard Operating Procedure**

**Subject: Regulation of extraction of ground water, closure, prohibition of illegal activities relating to use of borewells/tubewells in NCT of Delhi.**

1. The Hon'ble National Green Tribunal in Original Application No. 685/2019 entitled as, "Rakesh Kumar Versus Govt. of NCT of Delhi vide its order dated 15.05.2020 directed as under:

*"In view of the above, we reiterate our directions for devising suitable effective mechanism for preventing extraction of ground water by way of unauthorized tubewells and wherever such illegalities found, prompt coercive measures must be taken. Illegal extraction of ground water is a criminal offence under the EP Act. Compensation must be recovered on the formula already laid down. It will be appropriate that Chief Secretary, Delhi calls a meeting of all concerned within one month from today and oversees preparation of an appropriate SOP for fixing responsibility on the subject. Ministry of Jal Shakti may also take necessary steps in the matter."*

2. As far as the various districts of NCT of Delhi are concerned, the CGWA vide its notification of March, 2006 has notified all districts of Delhi as over exploited areas, needing regulation, and registration of ground water abstraction structures mandatory. Regarding regulation of extraction of ground water and to provide procedure for closure /prohibition of illegal activities regarding operation of

borewells/tubewells, directions under Section 5 of the Environment (Protection) Act, 1986 have been issued with the approval of Hon'ble Lt. Governor on 18<sup>th</sup> May, 2010 and on 10<sup>th</sup> January, 2014. In the aforesaid directions the authorities and the procedure to permit use of ground water and to prevent misuse have been detailed along with the responsibilities of various authorities. The SOP has been devised based on the detailed procedure provided in the aforesaid directions dated 18.05.2010 and 10.01.2014.

3. Standard Operating Procedure (SOP):

- 1) Drawing ground water through borewell or tubewell for domestic, commercial, agricultural or industrial uses without the prior permission of the "Competent Authority" will be considered illegal and without authority of law. The Competent Authority is Delhi Jal Board in the entire NCT of Delhi except areas under the New Delhi Municipal Council (NDMC) and Delhi Cantonment Board (DCB). For borewells/tubewells for agricultural uses, the information on illegal extraction of ground water will be provided by the BDO to the Advisory Committee.
- 2) The Deputy Commissioner (Revenue) of each district, who is the Authorised Officer under the direction dated 18.05.2010 is required to supervise checking violation i.e. detection of illegal wells and closure thereof through the SDMs.
- 3) An Advisory Committee in each of the revenue districts with representatives from DJB, CGWB, ULBs, DPCC, reputed NGO has been constituted to assist the DC in detecting illegal borewells for

taking action. Accordingly, the advisory committee will prepare a list of such illegal borewells every month by taking information from all available sources including Revenue Officers, representatives of Delhi Jal Board, ULBs, DPCC, NGOs and other relevant sources. Proactive action needs to be taken by the above representatives in detection of illegal extraction of ground water and furnishing the same to the Advisory Committee promptly. Superintending Engineer (SE), DJB is the Member Secretary of Advisory Committee, and he is required to ensure timely conduct of the meeting and also to record the proceedings.

- 4) The Delhi Jal Board has already identified 19661 such illegal borewells on which action is being taken and 7248 units have already been closed down by the district authorities. The remaining units to be closed down on priority as these have been already identified and the process to be completed within a period of three months. A weekly progress report district wise will be submitted to the Divisional Commissioner for monitoring. The illegal borewells/tubewells other than the list provided by DJB will be taken up for closure thereafter. Further, in the first phase, action against borewells/tubewells engaged in commercial exploitation of ground water will be taken.
- 5) In case the illegal borewell/tubewell is already constructed/operating, the same will be closed and the electricity supply to the energized tubewell will be disconnected even if it is through DG sets. In case of the illegal borewell/tubewell is under construction, then the drilling rig will also be sealed.

- 6) For the purpose of closure of illegal borewells/tubewells, joint action teams under the supervision of the concerned SDM will be formed for ensuring effective coordination. The joint team will comprise field functionaries from DJB, DISCOMs and Local Police.
- 7) The Deputy Commissioner who is the chairperson of the Advisory Committee will forward the details of illegal borewells to the DPCC for levying Environmental Compensation (EC) for illegal extraction of ground water.
- 8) The DPCC will assess EC as per the methodology devised by CPCB in its report dated 26.06.2019. After assessment of the EC, demand will be raised and in cases of non-recovery, SDM to recover EC as arrears of land revenue.
- 9) All the drilling machines/rigs utilized for boring purposes in Delhi are required to obtain registration from the offices of Deputy Commissioners of the concerned districts. The movement of drilling machines/rigs will be allowed for authorised drilling to the identified location and for specified duration by the concerned Deputy Commissioner.
- 10) The Delhi Police and Transport Department of Govt. of NCT of Delhi will allow movement of the drilling machines/rigs having the prior permission for such movement from the concerned Deputy Commissioner. The concerned Deputy Commissioner (Revenue), Deputy Commissioner of Police and Deputy Commissioner, Enforcement of Transport Department will be responsible for strict compliance of the guidelines regarding movement of drilling machines/rigs.

- 11) As provided in the direction dated 18.05.2010 issued under Section 5 of the Environment (Protection) Act, 1986 the Deputy Commissioner of each district will launch prosecution against the offenders related to ground water extraction on the recommendations of the Advisory Committee.
- 12) The concerned Advisory Committee of each district is responsible to ensure that there is no illegal extraction of ground water in the district.

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