

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

E.A. No.34/2023

In

Original Application No. 526/2019

IN THE MATTER OF:

Sh. Mahesh Chandra Saxena

... Applicant

VERSUS

Central Pollution Control Committee & Anr

....

Respondents

NDOH:-12.02.2024

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Filed by


(Ajeeta Dayal Agrawal)

Additional Director

Date: 7.02.2024

Place: Delhi

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COMPLIANCE REPORT ON BEHALF OF DELHI
POLLUTION CONTROL COMMITTEE IN TERMS OF THE
ORDER DATED 01.12.2023.

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter which is related to recharge of ground water through Rain Water harvesting System in NCT of Delhi on 01.12.2023 and Hon'ble Tribunal was pleased to issue notices to various Government authorities to file compliance report with respect to order dated 11.09.2019 passed by this Hon'ble Tribunal .
2. That, this Hon'ble Tribunal while disposing off the Original Application with following observation

(2)

“In light of observations of the Committee, the Delhi Jal Board (DJB), Delhi Development Authority (DDA), Public Works Department (PWD), New Delhi Municipal Corporation (NDMC) and South Delhi Municipal Corporation (SDMC) are directed to take appropriate remedial measures for mitigation.”

In the above order, no specific direction was issued to Delhi Pollution Control Committee.

3. That the role of various Authorities in ensuring Rain Water Harvesting in Delhi is as mentioned below:

(a) Central Ground Water Authority:

- The CGWA has been constituted by Ministry of Environment and Forests vide Notification dated 14.1.1997 under EPA, 1986 to regulate, control, management and development of ground water in the country and to issue necessary regulatory directions for the above purposes.

(b) Deputy Commissioners (Revenue) of Districts:

The CGWA issued an order on 25.5.2010 to authorized DC (Revenue) as an authorized officer entrusted with the powers and functions in relation to the ground water recharge and roof top rain water harvesting.

(c) Municipal Corporation of Delhi:

- To indicate the system of storm water drainage along with points of collection of rain water in surface reservoirs or in recharge wells while giving NOC to all buildings on plots of 100 sq. meters and above, as per the modifications / additions to the Building by laws, 1983, made vide Gazette Notification dated 28.07.2001 issued by Ministry of Urban Development, Govt. of India.

(d) Delhi Jal Board:

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- To issue design guideline for construction of rainwater harvesting system which are applicable
- To recover compensation for violations in RWH systems

As per the directions of this Hon`ble Tribunal vide order dated 16.11.2017 in O.A. No. 217/2016 Titled as "Mahesh Chandra Saxena Vs_ The Ministry of Urban Development & Ors." and vide order dated 03.02.2020 in OA 496/2016.

(e) Delhi Development Authority (along with DJB)

Restoration of water bodies, installation of RWH systems, utilisation of treated sewage water, extraction of ground water and prevention of contamination of water, as per directions of this Hon`ble Tribunal vide order dated 22.01.2021 in OA 496/2016.

4. Important cases on "Rain Water Harvesting System" in recent past taken up by this Hon`ble Tribunal and the directions passed therein:

(a) O.A. No. 217/2016 entitled as "Mahesh Chandra Saxena Vs. The Ministry of Urban Development & Ors." Order dated 16.11.2017

"..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 which are applicable."

@ Rs. 5 Lakh per institution required to be paid by educational institutions in terms of the said order will apply to all such institutions as may be specified by the Committee and the amount will be payable and to be recovered by DJB."

(b) O.A. No. 94/2013 entitled as "Vikrant Kumar Tongad Vs. Delhi Metro Rail Corporation & Ors." Order dated 17.07.2018:

(4)

“We accordingly direct all the Deputy Commissioners to ensure that rain water harvesting systems are duly installed in every building. The Chief Secretary of Delhi may take 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 mts. After the systems are installed, the same must be maintained and remain effective.”

(c) **O.A. No. 496/2016 entitled as “Tribunal on its own motion Vs GNCTD” .”** Order dated 22.01.2021

“the Chief Secretary, Delhi to look into the issue in coordination with the concerned authorities, including the DJB and the DDA to take further action on the subject of installation of RWH systems

5. That with respect to rain water harvesting systems, DJB has mandated that every society/institution situated on a plot size of more than 100 sq mts is required to install install RWH System and failure to do so, shall attract a penalty of inflated 50% of the monthly bill amount on the owner/occupier by Delhi Jal Board.
6. Proposed way forward:
 - (a) A joint Committee may be constituted consisting of representatives of Vice Chairman- DDA; CEO- Delhi Jal Board, Sr. Member of Central ground Water Authority and Commissioner- MCD to be constituted which:
 - I. Shall co-ordinate and ensure implementation of various orders of Hon’ble NGT and various directions and orders issued by Central Ground Water Authority. The Committee shall operate under the chairmanship of Delhi Jal Board. The Committee may opt any expert if so desired.
 - II. Shall undertake various means (electronic and/or otherwise) for creating awareness about the importance

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of rain water harvesting and the compensation regime and actions for violation.

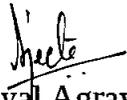
(b) MCD/DDA/ DCB/NDMC

Shall prepare and share the list of all such buildings where the area is more than 100 sq. mtrs and share the list with the office of Divisional Commissioner of Delhi. MCD shall also ensure the adherence to building bye laws notified by MoUD vide notification dated 28.07.2001 by all the buildings having plot area greater that or equal to 100 sq. mtr regarding rain water harvesting.

(C) Delhi Jal Board

Shall provide all technical assistance regarding designing and inspection of the rain water harvesting systems through the executors empanelled by it. In case of violations of the Hon'ble NGT orders dated 16.11.2017 in O.A. No. 217/ 2016 DJB shall be recovered by DJB as per the compensation laid down by Hon'ble NGT.

7. That it is most respectfully submitted that the present status report may kindly be taken on record.


(Ajeeta Dayal Agrawal)
Additional Director,
Delhi Pollution Control Committee

Date: 07-02-2024

Place: Delhi