

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

E.A. No.04/2023

In

Original Application No. 147/2021

IN THE MATTER OF:

Sh. Mahesh Chandra Saxena

... Applicant

VERSUS

The Chief Secretary, Govt. of

NCT of Delhi and Ors.

.... Respondents

NDOH:-05.01.2024

INDEX

| S. NO. | PARTICULARS | Page No. |
|--------|---|----------|
| 1. | Second Action taken Report of DPCC in view of the order dated 13.10.2023. | 1-7 |

Filed by


(Ajeeta Dayal Agrawal)
Sr. Environmental Engineer

Date: 04.01.2024

Place: Delhi

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

E.A. No.04/2023

In

Original Application No. 147/2021

IN THE MATTER OF:

Sh. Mahesh Chandra Saxena

... Applicant

VERSUS

The Chief Secretary, Govt. of

NCT of Delhi and Ors.

.... Respondents

**COMPLIANCE REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE IN TERMS OF THE ORDER DATED
13.10.2023.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter related to Rain Water harvesting System in NCT of Delhi on 09.02.2023 and Hon'ble Tribunal was pleased to direct the Chief Secretary, Govt. of NCT of Delhi to file an action taken report in this matter.
2. That on behalf of the Chief Secretary, Delhi a comprehensive report was filed on 17.05.2023, which was available in the records of this Hon'ble Tribunal.
3. That the report of Chief Secretary has been considered by this Hon'ble Tribunal on 13.10.2023 and it was pleased to direct to DPCC to file two separate reports on following aspects:
 - (a) Factual situation found on the spot, and
 - (b) Remedial action required to be taken

4. That this status report is related to second aspect i.e. Remedial action required to be taken.
5. 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:**

- 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.

6. 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:

"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

7. 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.

8. **Remedial Action taken by Delhi Jal Board in the present case, so far:**

(a) The Delhi Jal Board has issued Public Notice for public at large on 14-02-2023 whereby the Societies, in which non-functional or

partially functional RWHS were found, were directed to take remedial steps by 31-03-2023 and furnish compliance report to DJB.

(b) In the above public notice, DJB issued directions to all the stake holders for taking following remedial measures to avoid contamination of Ground Water through RWH System:

- i. Paved, balcony and washing area runoff to be diverted into municipal drain.
- ii. Only roof top rain water to be harvested.
- iii. Ensure the capacity of RWH system as per roof top runoff.
- iv. Filter media to be replaced at regular interval as per norms.
- v. Recharge bore well to be end capped and to be cleaned at regular interval as per norms.

(c) The Delhi Jal Board on 28.04.2023 has written to the Federation of Dwarka CGHS, requesting the Federation to ensure that no contamination of ground water takes place through RWHs.

(d) The Federation of Dwarka CGHS has responded to the letter issued to it, on behalf of all the residential societies in Dwarka, which is under consideration with Delhi Jal Board.

9. DPCC in compliance of the orders passed by this Hon`ble Tribunal dated 10.12.2021, issued directions on 06.01.2023, to the District Magistrate(South West) and Delhi Jal Board to issue necessary instruction to all group housing societies in Dwarka giving suitable time line to make arrangement for separate pipeline for rooftop rain water reaching to RWH structure and separate disposal of sewage/ other waste water, including waste water arising out from the washing area and floor washing area, in the sewage system of Delhi Jal Board. Delhi Jal Board while issuing Public Notice on 14-02-2023, incorporated the direction of DPCC.

⑤

10. Proposed way forward:

(a) A joint Committee may be constituted consisting of representatives of Divisional Commissioner; Vice Chairman, DDA; CEO, Delhi Jal Board 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 Divisional Commissioner with DJB as member Convenor. The Committee may opt any expert if so desired.
- II. Shall undertake various means (electronic and/or otherwise) for creating awareness about the importance of rain water harvesting and the compensation regime and actions for violation.
- III. Shall present the Action Taken Report to the Chief Secretary on first month of every quarter.

(b) Deputy Commissioners of all the districts of NCT of Delhi,

- I. Shall ensure installation and maintenance of rain water harvesting systems in every building in NCT of Delhi where the area is more than 100 sq. mtrs in line with the Hon'ble NGT order. They shall also ensure that implementation of directions issued by CGWA for implementation of scheme of Ground Water Recharge and Roof Top Rain Water Harvesting.
- II. Shall upon receipt of complaints of violations under the provisions of Environment (Protection) Act, 1986, identify the investigating officers and assign them the task of investigation of violations and upon establishment of violation/offence launch prosecution against the offender/s/violators in the court of local filing jurisdiction by way of filing a criminal complaint or authorize local Station House Officer of area police station to register an FIR against the violations and the violators. The concerned Deputy Commissioner shall maintain proper record of such violations and violators and follow up the cases with the court of local jurisdiction. This action shall go in parallel with the recovery of compensation by the DJB.
- III. Shall submit a report to the constituted Committee regarding violation of directions on Recharge to Ground Water/Roof Top Rain Water Harvesting, sealing of

2

unauthorized/illegal bore-wells and penalties imposed on violations by the court of local jurisdiction every quarter.

(c) MCD

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.

(d) 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.

11. That the Government of NCT of Delhi has suggested in the compliance report dated 17.05.2023 to this Hon'ble Tribunal to issue suitable directions so that Environmental Compensation may be imposed on faulty / non- installation/ non-operational RWHs, where it is mandatory to install, as per Building By-Laws, as per following slab with respect to residential purposes:

| Plot size | Amount of Environmental Compensation |
|--------------------|--------------------------------------|
| 100-500 Mts | 50,000/- |
| 501-2000 Mts | 1,00,000/- |
| 2000-5000Mts | 2,00,000/- |
| 5000 Mts and above | 5,00,000/- |

For non residential purpose fine may be enhanced by 50%. The above proposed EC shall be imposed by Delhi Jal Board/ DPCC/ District Magistrate/ Municipal Zonal Deputy Commissioner in their territorial jurisdictions and deposited in the separate account (which

will be operated by DPCC) and the amount so collected will be utilized for the purpose of promoting the RWHS in Delhi. In case of non-deposition of EC by the defaulter, the same shall be recovered by Revenue Department as arrears of land revenue on emergent basis.

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


(Ajeeta Dayal Agrawal)
Sr. Env. Engineer,
Delhi Pollution Control Committee

Date: 4/1/24

Place: Delhi