

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

APPLICATION NO. 06 OF 2012

In the matter of :

Manoj Mishra and Ors.

..... Applicant

Versus

Union of India and Others

..... Respondents

NDOH: 04.09.2020

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SUBMISSION ON BEHALF OF DELHI POLLUTION CONTROL  
COMMITTEE WITH RESPECT TO LETTER OF MONITORING  
COMMITTEE DATED 24.08.2020

In the letter dated 24.08.2020 sent by the Monitoring Committee for the river Yamuna, the committee has raised issues related to the pooling of resources and use of funds in particular the EC and Consent funds for utilization in the execution of the action plans for abatement of pollution in river Yamuna.

1. Use of EC and Consent funds available with DPCC

A. EC (Environmental Compensation)

- |                          |                 |
|--------------------------|-----------------|
| a) EC received till date | Rs. 52 crores   |
| b) EC spent              | Rs. 12.4 crores |
| c) Balance EC available  | Rs. 39.6 crores |

EC spent on following heads:

- Installation & Running (Operation and Maintenance) of CAAQMS
- Research & Study Projects
- Procurement of Instrument for Air Lab
- Installation of Paper Recycle Units in Govt. Schools
- Monitoring of Air Pollution at various locations of Delhi

DPCC has made a policy for utilization of EC funds under the following activities:

- (i) Development of infrastructure for Air and Water quality surveillance and monitoring for different areas/locations in Delhi NCR and other needed places.
- (ii) Remediation of contaminated sites-and for that to develop infrastructure, procurement of equipments, etc. including hiring of Experts/Consultants for specific requirement for remediation of sites, etc.
- (iii) Specific investigations and studies with regard to environment and ecology.
- (iv) Carrying capacity assessment for ecologically and environmentally sensitive & critical areas, including hiring of Experts/Consultants for specific purpose and period.
- (v) R & D activities with regard to new technologies, clean technologies, etc.
- (vi) Capacity building of scientific and engineering personnel of Delhi Pollution Control Committee to rejuvenate and protect the environment.
- (vii) Augmenting and strengthening of laboratory network in-terms of manpower and logistics.
- (viii) Specialized studies on accidental spill areas, health impact assessment, recalcitrant pollutants, etc.
- (ix) Information, Education and Communication (IEC) activities.

Regarding interventions required on priority for certain schemes not having budgetary allocation, EC can be utilized in following areas:

- i) DSIIDC has engaged NEERI as a Project Management Consultant for study and giving recommendation/preparation of detailed project reports for up-gradation of 13 CETPs functional in various Industrial Areas of Delhi so as to improve their treated effluent quality to meet the prescribed standards. Approximate cost of the consultancy is Rs 5.21 crores. This amount can be funded from EC fund available with DPCC as requested by DSIIDC.
- ii) For engaging NGOs for IEC activities/ mass awareness / watch and ward activities w.r.t prohibition on dumping of solid waste in drains/ Yamuna, immersion / throwing of puja samagri / flowers etc.

#### B. Consent fees available with DPCC

Consent Fees realised during the last 5 years – Rs. 135.64 crores

Whereas the expenditures towards salary and other heads over the last 5 years are tabulated as below:

Financial year	Consent fees ( in crores)	Expenditure (in crores)
2015-16	12.67	10.69
2016-17	12.81	14.55
2017-18	31.48	18.69
2018-19	36.99	28.45
2019-20	41.69	30.64
<b>Total</b>	<b>135.64</b>	<b>103.02</b>

It is further submitted that

- (i) As per the Section 4(4) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 6 of the Air (Prevention and Control of Pollution) Act, 1981, Central Pollution Control Board (CPCB) is the State Board for all the Union Territories to exercise the powers and perform the functions of a State Board under the said Water & Air Acts.
- (ii) CPCB has delegated its powers and functions under the said Water & Air Acts in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) vide Notification Dated 15.03.1991.
- (iii) As per section 35 of the Water Act, 1974, the State Government may, after due appropriation made by the Legislature of the State by law in this behalf, make in each financial year such contributions to the State Board as it may think necessary to enable that Board to perform its functions under this Act.
- (iv) However, DPCC is not getting any Grant in Aid or any Financial assistance for its functioning either from Delhi Govt or from Central Govt.
- (v) DPCC is a self sustaining organization which is wholly dependent on its own resources which mainly comes from the Consent Fee taken along with the Consent Applications under the Air & Water Acts.

It may further be noted that the expenditure has been increasing and the surplus after incurring the expenditure is not substantial over the last few years. At the same time, DPCC has taken steps for creation of additional posts to strengthen the human resources in technical and scientific areas, for which recruitment process has already been initiated and on completion the expenditure on account of salary will increase by 150%, which will further reduce the surplus on account of receipt of consent fees. Moreover, DPCC will be required to hire additional spaces for accommodating the staff and expansion of laboratories and monitoring networks.

2. Exploring CSR Avenues for taking up pollution and rejuvenation projects.

Present Corporate Social Responsibility Norms in India

*Applicability:* As per Section 135 of The Companies Act, 1956 and rules issued thereunder, CSR norms are applicable on companies which has

- (a) Net worth of Rs 500 Crore or more; or
- (b) Turnover of Rs 1000 Crore or more; or
- (c) Net profit of Rs 5 Crore or more.

*Compliance:* The companies, crossing the prescribed threshold, are required to spend at least 2% of their average net profit for the immediately preceding 3 financial years on CSR activities as detailed in schedule -VII.

**Schedule VII**

Activities which may be included by companies in their Corporate Social Responsibility Policies Activities relating to:—

- (i) Eradicating extreme hunger and poverty;
- (ii) Promotion of education;
- (iii) promoting gender equality and empowering women;
- (iv) reducing child mortality and improving maternal health;
- (v) combating human immunodeficiency virus, acquired immune deficiency syndrome, malaria and other diseases;
- (vi) **ensuring environmental sustainability;**
- (vii) employment enhancing vocational skills;
- (viii) social business projects;
- (ix) contribution to the Prime Minister's National Relief Fund or any other fund set up by the Central Government or the State Governments for socio-economic development and relief and funds for the welfare of the Scheduled Castes, the Scheduled Tribes, other backward classes, minorities and women; and
- (x) such other matters as may be prescribed.

Since ensuring environmental sustainability is one of the prescribed activities on which CSR funds can be utilized, it would be appropriate to explore the CSR system for generating major financial resources which will be required for implementing the projects/action plan where resources from other channels are not adequate enough.

3. Requirement of fund for action plan for river rejuvenation of Yamuna

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As per the information available, the estimated cost in the following heads for various projects under the action plan which are to be taken up in near future:

S. No.	Department	Description	Estimated Cost (Rs.in Crores)
1	Delhi Jal Board	P/L Internal sewer network in about 597 unauthorized colonies where works are in progress	1000
2		Providing & Laying internal sewer system in balance Unauthorised Colonies/ Unsewered Area (about 768 colonies) @ Rs 4 Crore per colony.	3072
3		Cost of 56 Nos. Decentralized STPs having treatment capacity of about 92 MGD + 32 MGD = 124 MGD @ Rs 9 Crore per MGD and cost of land about Rs. 300 Crores	1416
4		Cost of upgradation of existing STPs on BOD/SS (10/10)@Rs 7.82 Crore per MGD.	2721
		<b>Total</b>	<b>Rs 8,209</b>
1	Delhi Development Authority	Development on Yamuna Flood Plain from Nizamuddin Bridge to DND Flyway (Western Bank)	22.89
2		Construction of Wetlands & removal of water hyacinth including RBT fencing at South Biodiversity Park	6.97
3		Asita: Old Railway Bridge to ITO Barrage (Eastern Bank)	11.39
		<b>Total</b>	<b>Rs 41.25</b>

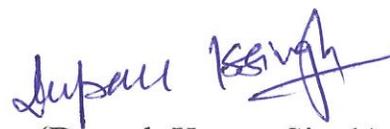
In addition to the above projected requirement of funds in the projects under the action plan, additional projects also need to be conceived in due course requiring large amount of funds.

4. The Govt. of NCT of Delhi has also been providing grants and loans to DJB for taking up key infrastructure projects for augmenting collection, treatment and disposal of sewage. Provision of funds under the various schemes of the sewer sector in the budget of Govt. of NCT of Delhi for the year 2020-21 are as follows:

<b>Details of Grant to Delhi Jal Board for year 2020-21</b>		
<b>S.No.</b>	<b>Particular</b>	<b>Amount (in crores)</b>
1	For use of Treated Effluent Grants for Creation of Capital Assets	50
2	For sewage Facility in unauthorized colonies Grants for Creation of Capital Assets	600
3	For sewage Facility in Rural Villages Grants for Creation of Capital Assets	5.5
4	For sewage Facility in Squatter Resettlement Colonies Grants for Creation of Capital Assets	0.1
5	For sewage Facility in Katras Grants for Creation of Capital Assets	5
6	For Yamuna Rejuvenation	
	Grants-in-aid-General	5
	Grants for Creation of Capital Assets	50
7	Subsidy to Mukhyamantri Muft Sewer Connection YojnaSubsudies	110
8	For Septage Management Grants-in-aid-General	40
<b>Total Amount (in Crores)</b>		<b>865.6</b>

<b>Details of Loan to Delhi Jal Board</b>		
<b>S.No.</b>	<b>Particular</b>	<b>Amount (in crores)</b>
1	Loan to DJB for Sewerage in Resettlement Colonies	10
2	Loan to DJB for JNNURM project	300
3	Loan to Delhi Jal Board for rehabilitation of Sewerage under Yamuna Action Plan-III	60
4	Loan to DJB for trunk peripheral Sewer and Gravity Duct	200
5	Loan to DJB for STPs/SPSs	600
6	Loan to DJB for branch Sewer/regularised	175
7	Loan to DJB for Sewerage in Urban Villages	4
<b>Total</b>		<b>1349.0</b>

5. It is submitted that considering the huge requirement of fund for the proposed projects, the surplus amount from the consent fees and the unspent EC fund available with DPCC is quite insignificant and any fund diversion from these two heads will not serve any fruitful purpose. Rather funding the infrastructure projects from the consent fees and EC funds will weaken the financial strength of the regulatory body particularly since its expansion in technical manpower and scope of activities are under way.
  
6. That for augmentation of funds upto the required scale for the river rejuvenation can be appropriately managed if the CSR avenues considering its huge scope can be explored.



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