

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

**EA NO. 34/2023
IN
O.A. No. 526 of 2019**

IN THE MATTER OF:

Mahesh Chandra Saxena ...Applicant
Versus

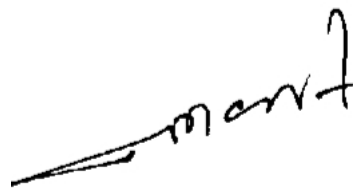
Central Pollution Control Committee
& Ors. ..Respondents

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NDOH: 16.01.2025

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FILED BY:



Mahesh Chandra Saxena
S/o Late Sh. Ram Bihari Lal Saxena
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Chhatarpur, New Delhi-110074
Applicant in person
Mob:9540844936
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New Delhi
Dated: 15.01.2025

**BEFORE THE HON'BLE NATIONAL GREEN
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**EA NO. 34/2023
IN
O.A. No. 526 of 2019**

IN THE MATTER OF:

Mahesh Chandra Saxena ..Applicant

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Central Pollution Control Committee
& Ors. ..Respondents

**SUBMISSIONS ON BEHALF OF APPLICANT ON
THE STATUS REPORT OF DPCC**

MOST RESPECTFULLY SHOWETH:

1. That in compliance of order dated 19.09.2024 passed by this Hon'ble Tribunal in the above said E.A., the D.P.C.C. has filed the status report. The applicant Mahesh Chandra Saxena, aged about 66 years, is submitting following information on the status report filed by the D.P.C.C.
2. That the applicant is furnishing the information as to how proper functional Roof Top Rain Water Harvesting System is constructed.
3. That the applicant is also giving information as to what things are to be taken into consideration while conducting inspection of the Rain Water Harvesting System.

STATUS REPORT & SUBMISSION OF APPLICANT:

- (i) 18 numbers Rain Water Harvesting Systems found to be near/close to the Storm Water Drain.

Submission of Applicant:

The DPCC has not clearly stated whether 18 Rain Water Harvesting Systems were in working condition or were closed.

- (ii) 59 Rain Water Harvesting System were without Piezometer.

Submission of Applicant:

To install Piezo meter in Rain Water Harvesting System is not necessary. The harvesting of Roof Top Rain Water is necessary. Static ground water level can be measured manually. The Delhi Ground Water Authority should know as to in which area, at which place what is the level of ground water, where the ground water is contaminated, where ground water is worth drinking.

- (iii) Number of sites found to be without separators-42.

Submission of Applicant:

What is the meaning of these 42 R.W.H.S. Separators ?.

- (iv) 25 R.W.H. System recharge bore well were found where depth of borewell was not found

at least 5m above the Static Water Table ground water level.

Submission of Applicant:

But from any of the R.W.H.S. by taking water samples were not sent to lab for examination, It is necessary to examine R.W.H. System, Recharge Borewell from mixed rain water or contaminated.

(B) ROOF TOP RAINWATER HARVESTING SYSTEM:

With the increase of population in the cities, due to drawing of ground water by the factories the ground water level has gone down. Due to less availability of water, Roof Top rain water R.W.H. System had been adopted. Because the rain water obtaining from roof of all buildings, rain water is drinking mineral water. Roof Top Rainwater by going in the drain mixing with sewage water was being wasted. Therefore, for saving ground water Roof Top R.W.H. System adopted because in the cities water body cannot be constructed. The other good alternative of water body is Roof Top R.W.H. System. In the Pit of Roof Top R.W.H. System is connected with down pipe. From ground water level of the area recharge borewell should be kept 3-5 metre above. From such system Ground Water is not contaminated. On the rainy day itself the rainwater ground water in recharge, but 99% R.W.H. System Roof Top have not been connected

with roof top down pipe. Surface area, storm drain, from Park R.W.H. System was connected from which sewage, waste water is recharged, ground water is contaminated

(C) R.W.H.S. INSPECTION TEAM:

The Inspection team of R.W.H. System should have complete technical knowledge of R.W.H. System. The inspection team should see whether Roof Top rain water has been connected with down pipe or not. In the R.W.H. Pit water should not be. If there is Roof Top R.W.H. System, the day rain takes place the rain water recharges on that very day in the ground.

Inspection team should know the ground water level of that area where it is going for inspection. If there is water in the pit or recharge well then why it is so? In the recharge borewell by inserting hand bocky taking water sample from bottom should be sent for examination in lab.

In the lab the roof top rain water para meter are as under. The photocopy of Lab Test Report is **Annexure AI**.

All staff of DPCC have no knowledge of inspection of RWH System as the applicant has given information of pollution of ground water. The applicant has 100% knowledge of R.W.H. System. Applicant knows as to which Government Department is polluting ground water from R.W.H. System. Applicant should be sent in the joint inspection team with DPCC, CPCB., DJB, C.G.W.B.

The Inspection Committee constituted by this Hon'ble Tribunal in O.A. No. 526/2019 without participation of the applicant had started inspection of RWH System. Later on, the Inspection Team included the applicant in the team. The applicant had shown the Inspection Team as to how samples are taken. After receipt of lab report. The Nodal Officer of DPCC, Sh. V.K. Jain, A.E.E. had sought apology from the applicant, he had said before the members of Inspection Team that the applicant was in the impression that this petition has been filed for self-interest. But the applicant is saving ground water of the country.

If the applicant is sent for inspection then the samples of all R.W.S. System of all Departments following parameter will be found as were found in OA No. 526 of 2019. The photocopy of Lab Report of DPCC in OA No. 526 of 2019 is annexed as **Annexure A-2**.

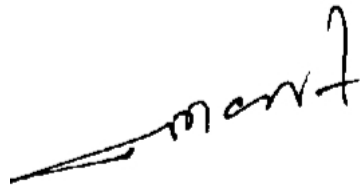
N.H.A.I. by constructing R.W.H. System inside and outside storm water drain at the national highway road continuously by recharging sewage water is contaminating ground water. By writing several letters to the N.H.A.I. information was given but N.H.A.I. Authority did not take its cognizance. The photocopy of letters written to N.H.A.I. had annexed from page No. 67 to 76 with EA No. 34 of 2023. The photocopy of the letters written to N.H.A.I. are annexed as **Annexure A-3**.

PRAYER:

It is, therefore, most humbly prayed order for joint inspection by the Inspection team along with the applicant may kindly be passed and the order for taking samples of RWH System of Members of Memo of Parties be taken.

Even after order of this Hon'ble Tribunal N.D.M.C., P.W.D., N.H.A.I., Ambedkar Hospital have not filed compliance/status report, despite the fact that D.P.C.C. had given notice to all respondents to file compliance report. Strict action may kindly be taken against N.D.M.C., P.W.D., N.H.A.I., Ambedkar Hospital for flouting the orders of this Hon'ble Tribunal.

THROUGH



Mahesh Chandra Saxena
S/o Late Sh. Ram Bihari Lal Saxena
R/o A-388, Chhatarpur Enclave, Phase-I
Chhatarpur, New Delhi-110074
Applicant in person
Mob:9540844936
Email:maheshsxn1@gmail.com

New Delhi
Dated: 15.01.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW DELHI

EA NO. 34/2023
IN
O.A. No. 526 of 2019

IN THE MATTER OF:

Mahesh Chandra Saxena ..Applicant
Versus
Central Pollution Control Committee & ANR ..Respondents

AFFIDAVIT

I, Mahesh Chandra Saxena S/o Late Sh. Ram Bihari Lal Saxena R/o A-388, Chhatarpur Enclave, Phase-I, Chhatarpur, New Delhi-74, aged about 63 years, do hereby solemnly affirm and declare as under:

1. That I, the applicant, have made myself conversant with the facts of the present case and therefore, I am competent to depose this affidavit in aforesaid capacity.

2. That the accompanying submissions of the applicant on the status report of the C.P.C.C. has been drafted under my instructions. I have read the contents thereof, the same are true and correct and the same kindly be read as part of this affidavit as the contents are not being repeated herein for the sake of brevity.

[Signature]
DEPONENT

VERIFICATION:

Verified at New Delhi on this 15 day of January, 2025 that the contents of above affidavit are true and correct to my knowledge. Nothing material has been concealed therefrom.

ATTESTED
[Signature]
NOTARY PUBLIC, DELHI (INDIA)

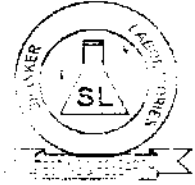
[Signature]
DEPONENT

15 JAN 2025



I identify the deponent who has signed in my presence.

[Signature]
2826 B1149076



Shanker Laboratories

F-277, Flatted Factory Complex, Captain Gaur Marg,
(Near Okhla NSIC Metro Station), Okhla, New Delhi - 110020

Known for Excellency in Testing



TEST REPORT

Dated: 13 July, 2023

Report No: 28499

Source: M/s Roof Top Rain Water, Mahesh Chand Saxena, A-388, Phase - 1, Chhatar Pur Enclave, Phase -1 New Delhi-110074

Nature of Sample: Said to be Water

Sample ID: Drinking Water

Dt. of Receipt: 11.07.2023

Laboratory Mark: SL 28499

Test period: 11-13 July 2023

S. No	Parameter	Results	Test Method	Acceptable Limits as per IS: 10500-2012
1	pH	7.39	3025-Pt 11	6.5-8.5
2	Total Hardness as CaCO ₃ mg/L	15.00	3025-Pt 21	Not more than 200 mg/L
3	Calcium Ca mg/L	5.02	3025-Pt 40	Not more than 75 mg/L
4	Magnesium Mg mg/L	0.48	3025-Pt 46	Not more than 30 mg/L
5	Total Alkalinity CaCO ₃ mg/L	32.00	3025-Pt 23	Not more than 200 mg/L
6	Total Dissolved Salts TDS (mg/L)	54.00	3025-Pt 16	Not more than 500 mg/L
7	Chloride Cl mg/L	14.00	3025-Pt 32	Not more than 250 mg/L
8	Sulphate SO ₄ mg/L	8.00	3025-Pt 24	Not more than 200 mg/L

Remarks: The Water sample conforms For Drinking Water to the above specifications of IS 10500

Conditions:

1. Results given above refer only to the sample supplied.
2. The report is being issued on the specific understanding that Shanker Laboratories will not in any way be involved in any action following the interpretation of the above results.
3. This report shall not be reproduced, except in full, without the written permission of CEO, Shanker Laboratories, New Delhi..

Esha
Esha
Analyst

Neeraj Katyal
Neeraj Katyal
Authorised Signatory.

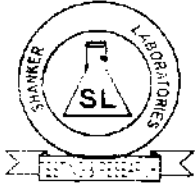
--- End of Test Report ---

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Phones : 9999993311, 9999990481, 9999552799, 9811505398

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Shanker Laboratories

F-277, Flatted Factory Complex, Captain Gaur Marg,
(Near Okhla NSIC Metro Station), Okhla, New Delhi - 110020

Known for Excellency in Testing

TEST REPORT

Dated: 13 July, 2023

Report No: 28499

Source: M/s Roof Top Rain Water ,Mahesh Chand Saxena, A-388, Phase – 1, Chhatar Pur
Enclave, Phase-1 , New Delhi-110074

Nature of Sample: Said to be Water

Sample ID: Drinking Water

Dt. of Receipt: 11.07.2023

Laboratory Mark: SL 28499

Test period: 11-13 July 2023

S. No	Parameter	Results	Test Method	Acceptable Limits as per IS: 10500-2012
1	Colour Hz	1	3025-Pt 4	Not more than 5Hz
2	Odour	Agreeable	3025-Pt 5	Agreeable
3	Turbidity NTU	Nil	3025-Pt 10	Not more than 1
4	Iron Fe mg/L	BDL (DL 0.01mg/L)	3025-Pt 53	Not more than 1 mg/L
5	E Coli	Absent	1622	Absent
6	Total Coliform	Absent	1622	Absent

Remarks: The Water sample conforms For Drinking Water to the above specifications of IS 10500
BDL: Below detection limit. DL: Detection limit.

Conditions:

1. Results given above refer only to the sample supplied.
2. The report is being issued on the specific understanding that Shanker Laboratories will not in any way be involved in any action following the interpretation of the above results.
3. This report shall not be reproduced, except in full, without the written permission of CEO,
Shanker Laboratories, New Delhi.

Esha
Analyst

Neeraj Katyal
Authorised Signatory

--- End of Report ---

NABL Accredited (TC-6113). MSME Reg. No. DL08D0002143

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Email : shankerlaboratories@gmail.com

Website : www.shankerlaboratories.com

**REPORT OF THE COMMITTEE
CONSTITUTED IN PURSUANCE AND
COMPLIANCE OF THE ORDER PASSED BY
HON'BLE NATIONAL GREEN TRIBUNAL
DATED 31.05.2019
IN O. A. NO. 526/2019
MAHESH CHANDRA SAXENA
VERSUS
CENTRAL POLLUTION CONTROL BOARD &
ANR.**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 526/2019

In the matter of:

Mahesh Chandra Saxena

.....Applicant

Vs

Central Pollution Control Board & Anr

.....Respondent(s)

Additional

ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE

1. That this Hon'ble Tribunal vide its order dated 31.05.2019 was pleased to pass the following directions:

"A joint Committee of the Central Pollution Control Board (CPCB), the Delhi Pollution Control Committee (DPCC) and the Central Ground Water Board (CGWB) take samples of groundwater and study the methodology of groundwater recharge undertaken by Respondent."
3. That in pursuance and compliance of the aforementioned order passed by this Hon'ble Tribunal dated 31.05.2019, a Committee has been constituted vide order dated 22.06.2019.
4. That interim reports have been filed before Hon'ble Tribunal on 08.07.2019 and 29.07.2019 via email for kind consideration.
5. That the Report of the Committee is enclosed herewith as Annexure-A for the perusal and kind consideration of this Hon'ble Tribunal.


V.K Jain, AEE

DPCC

Brief of inspections and water sampling of RWHSs carried out by the team constituted in Hon'ble NGT case OA No. 526/2019

S. No.	Date of Inspections	RWHSs Owning Agency and Officer Present	Brief Of Locations of RWHSs	Main Observations	Sampling locations	Test Results	Remarks
1	01.07.2019	DJB Sh. Vijendra Kumamr (JE)	DJB (Water Emergency) G	Pit: 3m×3m×2.5m. Borewell: 6 inch in diameter & 25m depth. Catchment: Roof top 1500sqm+ spilled water during filling of tankers. Grease Trap and Sedimentation Tank are required before RWHSs. Replacement of Filter Media is required.	Water samples were taken from the RWH pit (Sample A) and DJB water tanker (Sample B).	Sample A PH -8.1 TSS - 156 BOD -14 COD - 52 OIL & GREASE- 4.4 TDS - 123 Sample B PH -8.0 TSS - 4 BOD -ND COD - ND OIL & GREASE- ND TDS - 95	The result of analysis report reveals that Sample 'A' is contaminated.
2	01.07.2019	DJB Sh. B.C Patel (EE) Sh. Naresh Kardam (ZE)	DJB (Office of Executive Eng. South IV, Near Lal Chowk Okhla Phae-2	Pit: 4m×3m×2.5m. Borewell: 6 inch in diameter & 25m depth. Catchment: Roof top 500sqm+ spilled water during filling of tankers. Grease Trap and Sedimentation Tank are required before RWHSs. Replacement of Filter Media is required.	Water samples were taken from the RWH pit (Sample A) and nearby DDA borewell (close to 200m) having 500ft depth (Sample B).	Sample A PH -7.9 TSS - 46 BOD -4 COD - 16 OIL & GREASE- 1.4 TDS - 238 Sample B PH -7.7 TSS - 2 BOD -ND COD - ND OIL & GREASE- ND TDS - 265	The result of analysis report reveals that Sample 'A' is contaminated.
3	01.07.2019	NDMC Sh. Manjeet (AE)	Between 11 Murthi Statue and Talkatora Stadium (Mother Teresa Crescent Road). 1. Near Tree No. 486 2. Near Tree No. 506 3. Near Tree No. 545	1. Pit of 6m×1.50m×1.40m with Borewell of 300mm in diameter & 42m in depth. 2. Pit of 4m×2m×2m with Borewell of 300mm in diameter & 39m in depth. 3. Pit of 4m×2.25m×1.40m with Borewell of 300mm in diameter & 36m in depth. They were properly maintained and a sedimentation tank has been provided before RWHSs.	No sample taken.	No sample taken.	

Brief of inspections and water sampling of RWHSs carried out by the team constituted in Hon'ble NGT case OA No. 526/2019

S. No.	Date of Inspections	RWHSs Owning Agency and Officer Present	Brief Of Locations of RWHSs	Main Observations	Sampling locations	Test Results	Remarks
4	02.07.2019	PWD Sh. Ajay (AE)	Sarvodaya Kanya Vidhalaya, Aya Nagar	Pit: 4m×2m×3m. Borewell: 200mm in diameter & 86.85m in depth. Catchment: Roof top 2980sqm+ Surface runoff 3850sqm. A sedimentation tank has been provided before the RWHS.	No sample taken.	No sample taken.	
5	02.07.2019	DDA Sh. R. K Mehta (EE)	Sector- E, Pocket-2 Park 1. In Front of Flat No. 616, 692 and 754 2. In Front of Flat No. 197 and 497 3. Backside Open Land	1. Pit: 7m×1.7m×2.15m with two Borewells of 200 mm in diameter & 56.50m in depth. Common sedimentation tank was installed and found filled with soil & waste material and was found dry. Material settled in the pit due to which holes were found. 2. Pit: 5m×1.7m×1.60m with Borewell of 200mm in diameter with 57.50m in depth RWHSs was not maintained and found dry. 3. Pit: 3m×2.5m×2.40m with Borewell of 300mm in diameter with 113m in depth. RWHSs was not maintained and found dry. * RWHSs are having Catchment: Rooftop 9907sqm+ Surface runoff 26093sqm each.	Water sample was taken from the borewell present in park of DDA.	PH -7.7 TSS - 4, BOD -ND COD - ND OIL & GREASE- ND TDS - 649	The result of analysis report reveals that Sample is non-contaminated.
6	02.07.2019	DDA Sh. M.R Sharma (AE)	Mega Housing behind D-6, Vasant Kunj, In front of Tower N-2.	Pit: 6m×2m×3m with two Borewells of 4 inch diameter & depth of 160m each. Catchment: Rooftop 9907sqm+ Surface runoff 26093sqm. RWHS was found Dry and Maintained.	No sample taken.	No sample taken.	

Brief of inspections and water sampling of RWHSs carried out by the team constituted in Hon'ble NGT case OA No. 526/2019

S. No.	Date of Inspections	RWHSs Owning Agency and Officer Present	Brief Of Locations of RWHSs	Main Observations	Sampling locations	Test Results	Remarks
7	02.07.2019	DDA Sh. R.K Mehta (EE)	Senior Welfare Association, B-XI, DDA Community Centre, Vasant Kunj.	Pit: 3m×2.5m×2.95m with Borewell of 300mm in diameter and 113m in depth. Catchment: Rooftop 313sqm+ Surface runoff 3825sqm. RWHS was not inspected as the slabs were jammed due to which it was hard to open them.	No sample taken.	No sample taken.	
8	04.07.2019	PWD Sh. Ajay Kumar (AE)	Baba Saheb Ambedkar Hospital, Rohini Sector-6 has 7 RWHSs at following locations: 1. Opp. Qtr No. 273 2. Near Gate No. 5 3. Near Dr. Hostel (Boys), North Side, Gate No. 3 4. B- Block, Near Gate No. 1, Rohini West Metro Station. 5. Gate No. 2 (Jail Backside). 6. Near Gate No. 1 Left Side. 7. Near STP.	Each RWHS has Pit: 8m×2m×2.1m with two Borewells of 200 mm diameter & depth of 12 m. Total Catchment Area for all RWHSs: 49300 sqm (Rooftop 39300sqm+ Surface runoff 10000sqm). RWHSs are properly maintained except RWHS mentioned at location no.6. All RWHSs are found Dry and Samples were collected from 2 locations. No Sedimentation tank has been provided before RWHSs. Ground Water Level reported approx. 8M below the Ground Level.	i. From Handpump around 10 M away from 1st RWHS- Sample A (Opp. OTR No. 273). ii. From Borewell of 60 Ft. deep, near Gate No. 3 and around 60 M away from RWHS 3- Sample B.	Sample A PH -8.0 TSS - 8 BOD -ND COD - ND OIL & GREASE- ND TDS - 328 Sample B PH -8.0 TSS - 4 BOD -ND COD - ND OIL & GREASE- ND TDS - 328	The result of analysis report reveals that both the Samples are non-contaminated.

Brief of Inspections and water sampling of RWHSs carried out by the team constituted in Hon'ble NGT case OA No. 526/2019

S. No.	Date of Inspections	RWHSs Owning Agency and Officer Present	Brief Of Locations of RWHSs	Main Observations	Sampling locations	Test Results	Remarks
9	11.07.2019	SDMC Sh. C.S Meena (AE) Sh. Jagdish Gahlot (JE)	MCD/JE/ Store/Chattarpur Main Road: Near Temple	Pit: 2.40m×4.20m ×1.40m with Borewell of 200 mm in diameter and 155 Fl. Total Catchment Area:250 sqm (Rooftop 150sqm+ Surface runoff 100sqm). Filter Media is to be replaced. Sedimentation tank has to be reconstructed. Integration of Rain Water Convergence Pipes to be upgraded for Rooftop only.	Recharge Borewell inside the RWH Pit.	PH -7.3 TSS - 488 BOD -55 COD - 160 OIL & GREASE- 8.8 TDS - 285	The result of analysis report reveals that Sample is contaminated.
10	19.07.2019	DDA Sh. Lokender Singh (XEN- SED)	Vasant Kunj Flats: 1. Behind D-6 along 45 M Road. 2. Near UGR, Narmada Society/ N1 Block	1.Pit: 6m×2m ×3m with Borewell of 100 mm in diameter and 34.40 m. The Storm Water Drain carrying water runoff of Road (45M) is connected to the Recharge Chamber and found Dried. Filter Media needs to be replaced. Recharge Borewell needs to be redeveloped 2.Pit: 6m×2m×3m with Borewell: 100 mm in diameter with 90 m in depth. Filter Media needs to be replaced. Recharge Borewell needs to be redeveloped. Only Roof Top Run-Off should be connected in the RWH pit. Static Ground Water Level is 80 m.	Location 1. No water in recharge well and pit. Sample could not be taken. Location 2. Sample taken from Pit (Sample A) and Borewell (Sample B) of RWHS at location 2 (Narmada Society/N 1 Block).	Sample A PH -7.9 TSS - 228 BOD -180 COD - 536 OIL & GREASE- 8.8 TDS - 127 Sample B PH -7.9 TSS - 48 BOD -34 COD - 96 OIL & GREASE- 2.8 TDS - 184	The result of analysis report reveals that both the Samples are contaminated.

Brief of Inspections and water sampling of RWHSs carried out by the team constituted in Hon'ble NGT case OA No. 526/2019

S. No.	Date of Inspections	RWHSs Owning Agency and Officer Present	Brief Of Locations of RWHSs	Main Observations	Sampling locations	Test Results	Remarks
11	19.07.2019	PWD Sh. Vikas Vorrna (AE) Sh. Sanjeev Rajnan (JE)	In Storm Water Drain at M.G Road (Main). 1. Near Arjan Garh Metro Station, Pillar No. 178. 2. Near Ghitorni Metro Station, Pillar No. 102.	The RWHSs are installed inside the Storm Water Drains and are located at 75 m centre to centre distance along full length of 7 Km (approx.) on both sides of Road (as per copy of RTI reply attached). Size of RWH pit cannot be measured and each RWHS has two bores of 100 mm diameter. Silt found deposited inside Storm Water Drain at location 1. No Information, Permission, Technical Assistance, Design and Certification of work done for RWHSs obtained by the land owning agencies/stakeholder i.e, NHAI/PWD, sought from CGWB/DJB. The maintenance and upkeep of the drain lies with PWD at present. Waste Water found flowing inside Storm Water Drain at location 2. * PWD officer present during the inspection mentioned on the report that NHAI has not handed over/ informed PWD regarding RWHS installed inside the Storm Water Drains. Area DJB officers also mentioned that no sewage water of village Ghitorni is being left in PWD Drain.	No sample taken from Location 1. Samples were taken from Borewell at Location 2.	PH - 7.7 TSS - 428 BOD - 170 COD - 524 OIL & GREASE - 10.4 TDS - 619 Total Coliform MPN/100ml - 35 x 10 ⁶ . Fecal Coliform MPN/100ml - 35 x 10 ⁶ .	The result of analysis report reveals that Sample is contaminated and water quality shows it is sewage.

Brief of Inspections and water sampling of RWHSs carried out by the team constituted in Hon'ble NGT case OA No. 526/2019

S. No.	Date of Inspections	RWHSs Owning Agency and Officer Present	Brief Of Locations of RWHSs	Main Observations	Sampling locations	Test Results	Remarks
12	22.07.2019	DDA Sh.Shailendra Kumar (EE)	UER-II Dwarka 60 m Link Road (Samllha-Dwarka Road) 1. Near Golden Green in Storm Water Drain. 2. Near Tivoli Pushpanjali Farm in Storm Water Drain. 3. Opp. Bijawasan Gate, adjoining to Airport Boundary.		1. Sample from Drain has been taken as the bore was found choked at location 1 Sample A,B 2. Samples taken from bore at 14 m depth and from Drain at location 2 Sample C, D. 3. Samples taken from bore at 20 m depth and from RWH pit at location 3. Sample E,F.	Sample A PH -7.3 TSS - 538 BOD -210 COD - 660 OIL & GREASE- 6.8 TDS - 194 Sample B PH -7.6 TSS - 434 BOD -210 COD - 668 OIL & GREASE- 12.4 TDS - 186 Sample C PH -7.8 TSS - 172 BOD -120 COD - 340 OIL & GREASE- 4.4 TDS - 532 Sample D PH -7.6 TSS - 652 BOD -260 COD - 772 OIL & GREASE- 7.6 TDS - 193 Sample E PH -7.8 TSS - 241 BOD -190 COD - 544 OIL & GREASE- 8.4 TDS - 171 Sample F PH -7.8 TSS - 405 BOD -170 COD - 516 OIL & GREASE- 9.2 TDS - 116	The result of analysis report reveals that all six Samples are contaminated.

जल बचाएँ

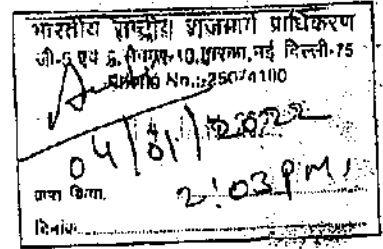
पर्यावरण बचाएँ

पत्र सं०:

दिनांक: 03.01.2022

To

The Chairman
National Highways Authority of India
Ministry of Road, Transport & Highways
Govt. of India,
G-5 & 6, Sector 10, Dwarka,
New Delhi-110075



Sub: Information and request letter with regard to the Rain Water Harvesting System being constructed at National Highway

Sir,

I am furnishing the information to you that due to construction of the Rain Water Harvesting System at the side of road of the Highway the ground water is polluted. In the construction of the Rain Water Harvesting Systems crores of rupees are spent and after some time it becomes non functional.

The reason behind it is that the sewage, waste water of the city, locality, village is thrown in storm water drain. In the Rain Water Harvesting System only pure rain water of roof top should be recharged. In the Delhi N.H.A.I. had constructed Highway from Chhattarpur Metro Station to Aya Nagar Border, M.G. Road, New Delhi. At this road at a distance of 75-75 meters in

the Storm water drain the Rain Water Harvesting Systems were constructed. In a pit 2 Recharge Borewells were constructed. The sewage and waste water of road from Ghitorni, Sultanpur, Manglapuri Villages was put in storm water drain. From this ground water of road became polluted and by and by in Recharge Borewell due to going of sewage, silt inside the Recharge Borewells started becoming choke. In the same manner in Delhi D.D.A. had constructed the Rain Water Harvesting System at a distance of 50-50 meter on Samalkha Dwarka Road. Near the road Farm Houses are existing here in all Farm Houses marriage parties continue to be held. Sewage and waste water of these farm houses and N.S.G. are put in storm water drain. Now taking this road under it N.H.A.I. is constructing Highway from Dwarka to Vadodara. I had filed O.A. No. 526/2019 before Hon'ble National Green Tribunal with regard to polluting of ground water by the Rain Water Harvesting System on both these roads. In the inspection sample sewage was found in recharge borewell. Due to this the Delhi Pollution Control Committee had imposed Environment Fine of Rs.50-50 lakh on D.D.A. as well as on N.H.A.I. The maintenance work of Ayanagar-Chhattapur

Highway is being carried out by Delhi Public Works Department. Environment Penalty of Rs.50 lakhs was also imposed on Delhi PWD. The photocopy of order of Hon'ble NGT, letter written by Delhi Pollution Control Committee to the DDA and photocopy of cheque are annexed herewith.

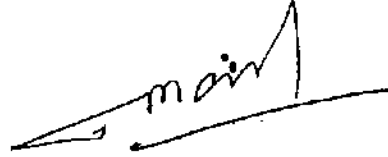
D.D.A. had approached Hon'ble High Court of Delhi for waiving of the fine, but no relief was granted. The copy of the order passed by Hon'ble High Court is enclosed herewith.

Now the N.H.A.I is constructing Dwarka Vadodara Highway. I happened to go to Sohna, Haryana and on the way at Badshahpur I saw that on the side of road at a distance of 500-500 meters the Rain Water Harvesting System are being constructed and under the Flyover also at a distance of 500-500 meters the Rain Water Harvesting System will be constructed.

It is humble request to you that the design of the Rain Water Harvesting System in both the scheme is non functional. Kindly get it stopped at the earliest. Kindly make arrangement of my meeting with Project Manager of N.H.A.I. in which I will give presentation as to how to harvest the rain water of flyover.

The present Rain Water Harvesting System has damaged entire country. From the Rain Water Harvesting System ground water of 400 Societies of Dwarka had become polluted, Kindly go through the order passed by Hon'ble National Green Tribunal in my O.A. No. 147/2021.

With thanks



- Mahesh Chandra Saxena
Environment & Ground Water Activist
A-388, Chhattarpur Enclave Phase I
New Delhi-110074
Mob:9540844936
Email:maheshsxn1@gmail.com

Copy to:

The Secretary, Ministry of Road, Transport & Highways, Govt. of India, Transport Bhawan, New Delhi-110001.

Rahul Khurana

Advocate

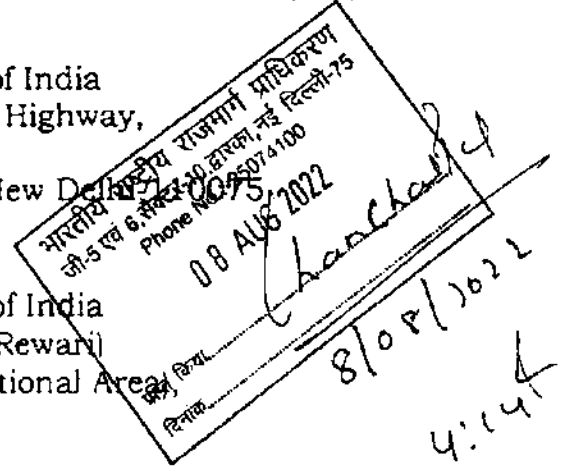
Office: 298, Lawyers Chamber Block-II,
Delhi High Court, New Delhi -110003,
Mobile No.9811894060
E-mail: rkhurana2507@gmail.com

Through By Hand

To

Dated: 06/08/2022

1. The Chairman
National Highways Authority of India
Ministry of Road, Transport & Highway,
Govt. of India,
G-5 & 6, Sector 10, Dwarka, New Delhi
2. The Project Director
National Highways Authority of India
(Project Implementation Unit-Rewari)
Plot No.20, Sector-32 (Institutional Area),
Gurgaon-122003 (Haryana)



**SUB: LEGAL NOTICE FOR COMPLIANCE OF
GUIDELINES PRESCRIBED BY THE CENTRAL GROUND
WATER BOARD FOR RAIN WATER HARVESTING
STRUCTURES**

Sir/Madam,

Under the instructions and on behalf of Sh. Mahesh Chandra Saxena S/o Late Sh. Ram Bihari Lal Saxena R/o A-388, Chhatarpur Enclave, Phase-I, Chhatarpur, New Delhi (hereinafter referred to as my client), this notice is being served upon you as follows:-

1. That my client is public spirited person and is working in the interest of Environment. He has filed several petitions before the Hon'ble National Green Tribunal, New Delhi raising the issue of non-compliance of guidelines prescribed by the Central Ground Water Board for construction for Rainwater Harvesting Structures. On the order of National Green Tribunal, inspection was carried by Central Pollution Control Board/Delhi Pollution Control

Rahul Khurana

Rahul Khurana

Advocate

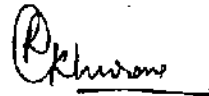
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Control/Central Ground Water Board in respect Rain Water Harvesting Structures constructed by various government authorities i.e. Delhi Development Authority, National Highway Authority of India, Public Works Department of Delhi, New Okhla Industrial Development Authority, South Delhi Municipal Corporation etc. In many cases, several deficiencies were found as pointed out by my client.

For ready reference, some order(s)/reports(s) as detailed below are enclosed herewith:

Case particulars	Document	Pg No.
OA 526/2019 (Mahesh Chandra Saxena Vs CPCB & Anr.)	Directions dated 21.08.2019 of DPCC and Order dated 11.09.2019 of NGT	6-10
OA No. 147/2021 (Mahesh Chandra Saxena Vs Chief Secretary, GNCT of Delhi)	Order dated 7.7.2021 and 10.12.2021	11-22
OA No. 1046/2019 Mahesh Chandra Saxena Vs State of Uttar Pradesh & Ors.	Report dated 25.02.2020	23-26
OA No.217/2016 (Mahesh Chandra Saxena Vs The Ministry of Urban Development & Ors.)	Order dated 09.02.2017	27-28
OA 245/2017 Mahesh Chandra Saxena Vs State of Uttar Pradesh & Ors.	Order dated 17.12.2018	29-31

2. That by way of present Legal Notice, my client wants to brought into your notice, certain deficiencies which are being caused by NHA and its agents/contractors. For urgent remedial



Rahul Khurana

Advocate

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steps and to prevent repetitive wrongs, those deficiencies are highlighted below:

(i) Depth of Recharge Borewell must be 3 to 5 meter above from the ground water table. Otherwise, impurities will be mixed with ground water without filtration and ground water will be contaminated.

(ii) Size of Recharge Structure must be as per Technical Design given in CGWB Guidelines. Otherwise, recharge pit/trench being lesser than requisite size will result less recharge.

(iii) The provision of Rain Water Harvesting has been evolved to recharge top roof rain water rather the surface run off of roads in urban areas where vehicles run, several type of waste is being littered. The road run off in urban area must be recharged through natural manner by way of trench, water bodies etc but not through deep recharge borewell, otherwise, road's impurities will be mixed directly with ground water and will result into contaminated water.

3. With reference to above points, my client wants to bring to notice of you noticees following facts:

(i) Rain Water Harvesting Structures built alongside National Highway Flyover at Karnal (Haryana), below Mewla Maharajpur Metro Station Faridabad (Haryana) have recharge borewell much deeper than actual ground water table. It is preventing the natural filtration through soil, sand, gravels etc. and resulting into contamination of ground water.

(ii) Rain Water Harvesting Structures built alongside/under National Highway Flyover at Badshahpur Gurugram (Haryana) are having Recharge Trench/Pit of lesser size than prescribed in CGWB Technical Specifications


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reproduced (Relevant pages attached at pg ..32-34... from
<http://cgwb.gov.in/documents/Standard%20Design%20of%20AR%20for%20Delhi.pdf>)

Under construction RWHS alongside/under National Highway Flyover from Dwarka to Badodra (Gujrat) are also having Recharge Trench/Pit of lesser size than prescribed in CGWB Technical Specifications mentioned above.

(iii) Rain Water Harvesting Structures built from Chattarpur Metro Station to Aaya Nagar Border (MG Road, Delhi) and alongside National Highway Flyover at Badshahpur Gurugram (Haryana) are getting sewage/chemical waste water because in urban area, storm water drains are getting sewage/waste water/chemical water. Therefore, their recharge well are required to be closed.

4. Number of Rain Water Harvesting Structures constructed/under construction alongside National Highway Flyover at Badshahpur Gurugram (Haryana) and alongside/under National Highway Flyover from Dwarka to Badodra (Gujrat) are less in number in comparison to possible & requisite number of Rain Water Harvesting Structures. The distance between two Rain Water Harvesting Structures is 500 meter but those should be constructed between each set of two pillars having gape of 40 meter. Thus, number of Rain Water Harvesting Structures must be increased under these flyovers. Further, Rain Water Harvesting Structures constructed alongside road in urban area must be without recharge borewell.

5. The NHA letter dated 16.03.2022 (copy enclosed) in response to my client's letter dated 03.01.2022 (Copy enclosed) Pg-39 has been issued without considering the law, guidelines and technical specifications on the subject. NHA may take samples



Rahul Khurana

Advocate

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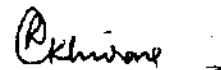
from drain to be connected and get them analysed from approved laboratory fairly to arrive at truth.

6. The my client has recently noticed that Rain Water Harvesting Structures under construction by NHAI alongside National Highway from Faridabad to Agra are inviting great damage to ground water because are constructed in those storm water drain which are carrying sewage and chemical waste water. In such drains, recharge borewell are dug upto the depth of 270 feet approximately against static water level of 150 feet. These things will cause contamination of ground water to the extent of irreversible damage.

That you noticees No.1 and 2 have failed to adhere with the guidelines of Central Ground Water Board and order(s) passed by National Green Tribunal, New Delhi.

In view of the above stated facts, you noticees are hereby called upon through this notice to take immediate remedial steps to remove deficiencies mentioned in para 2 and 3^{and 6} above in already constructed RWHS and to be constructed in future. My client has instructed me that if deficiencies are continued, my client shall be constrained to take appropriate remedy against you in the appropriate court at your risk as to cost and consequences.

Copy kept in record for necessary action in future.



(RAHUL KHURANA)
ADVOCATE

Enclosures: As above