

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 148 of 2016
(M.A. No. 686/2017)

Mahesh Chandra Saxena

Applicant(s)

Versus

South Delhi Municipal Corporation & Ors.

Respondent(s)

Date of hearing: 27.11.2018

**CORAM :HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Rahul Khurana, Advocate with Mr. Mahesh Saxena, Applicant in person

For Respondent (s): Mr. Kush Sharma, ASC and Mr. Prateek Gautam, Advocate for Delhi Development Authority
: Mr. Narender Pal Singh, Advocate with Mr. Dinesh Jindal, LO
: Mr. B.V. Niren, Advocate for Central Ground Water Authority
: Ms. Sakshi Popli, Advocate and Mr. K.G. Mishra, Ex. Engineer for Delhi Jal Board
: Ms. Puja Kalra, Advocate and Mr. Raghuvendra Rathore, ADH for SDMC

ORDER

1. The issue which has been subject matter of consideration in this matter for the last more than two years is the failure of the Delhi Jal Board (DJB) in having a proper plan for utilization of treated waste water from the STPs. In absence of the treated water being properly utilized, it is the fresh water being wasted for purposes for which treated water can be used.

2. On 06.12.2016, this Tribunal recorded that the DJB is ready to utilise the treated water of the STPs for the South Delhi Municipal Corporation (SDMC) parks in Chhattarpur area. For this purpose, a pipeline was required to carry the water from STPs to SDMC parks.

3. On 18.04.2017, the Tribunal directed holding of a meeting of SDMC, DJB, DDA and NCT Delhi to resolve the issue of laying of pipeline for utilization of treated water. Again, on 05.07.2017, SDMC and DJB were directed to hold a meeting and to resolve the issues.

4. On 17.07.2018, this Tribunal was informed that the pipeline could not be laid on account of the cost involved but an alternative could be considered to enable this to be done. The matter was adjourned for such alternative being considered.

5. On 11.10.2018, the DJB was directed to file an affidavit, indicating an action plan for utilization of treated waste water from all the STPs in Delhi. The Tribunal observed that treated water should be used as a resource for horticulture/floriculture and pisciculture (fish production) and not wasted. The Chief Secretary, Delhi was directed to hold a meeting and sort out the issues of inter-se responsibility of different departments.

6. An affidavit has been filed on behalf of the Delhi Jal Board on 16.11.2018, stating that there are 34 STPs at 20 locations where 460 MGD waste water is being treated. Huge quantity of treated waste water was being wasted. To tackle the problem, work of preparation of feasibility report was handed over to private agency. The private agency, had to submit a report within three months i.e. till 20.11.2018 (which date has already gone). The Chief Secretary, Delhi held a meeting on the subject and decision was taken that the stakeholders should file an affidavit before NGT. Thus, the conflict of inter-se responsibility has not been resolved.

7. From the above, it is clear that the treated water is being wasted and is not being duly managed. In spite of specific directions, the DJB has failed to furnish any action plan for utilization of such treated waste water from the STPs. The Chief Secretary, Delhi held a meeting but instead of sorting out the issues, required the concerned departments to put forward their stand before the NGT.

8. There is thus clear failure on the part of the DJB as well as by Chief Secretary Delhi to carry out the directions of this Tribunal and also to utilize the treated waste water. This is also failure of their duties, entrusted to them under the law resulting in continuing waste of available treated water.

9. Needless to say that water is scarce resource and proper utilisation of waste water is utmost necessary to reduce the pressure on the ground water and to conserve the same. Failure of the Chief Secretary as well as DJB is detrimental to environment and also to the rule of law.

10. To compensate the environment for the loss caused on account of inaction, inspite of directions being given, it is necessary to reiterate the direction already issued and require DJB as well as Chief Secretary, Delhi to remedy situation to uphold the rule of law.

11. Accordingly, we direct the Chief Secretary, Delhi and DJB to deposit a sum of Rs. 1 crore each with the CPCB for loss caused to the environment and to now prepare and furnish action plan positively within one month. The Chief Secretary must resolve any inter-se issue of responsibility of the concerned departments.

12. If there is further failure, the DJB and the Chief Secretary, Delhi will be liable to pay further sum of Rs. 2 crores each after one month, apart from other actions which may have to be taken.

13. Before parting with this order, we consider it also necessary to observe that all the States and Union Territories ought to prepare and furnish their action plans for utilization of treated water in their respective States/UTs within three months. Such action plans may be furnished to the CPCB. The CPCB may review such action plans and issue appropriate directions in the matter and furnish a report of compliance to this Tribunal on or before 30th April, 2019 by email at ngt.filing@gmail.com.

14. That report may be put up for consideration on 10th May, 2019.

15. A copy of this order be sent to CPCB by email for coordination and compliance by communicating with all the Chief Secretaries.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

November 27, 2018
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