

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 06 of 2012

And

(M.A. No.199 of 2015, M.A. No.238 of 2015, M.A. No.344 of 2015,
M.A. No. 512 of 2015, M.A. No. 513 of 2015, M.A. No.692 of 2015 &
M.A. No. 1091 of 2015, M.A. No.263 of 2016, M.A. No. 310 of 2016,
M.A. No. 315 of 2016, M.A. No. 462 of 2016 & M.A. No. 508 of 2016)

In

Original Application No.300 of 2013

And

M.A. No. 868 of 2014, M.A No. 441/2015, M.A No. 641/2015, M.A No. 646/2015,
M.A No. 627/2015, M.A No. 628/2015, M.A No. 630/2015, M.A No. 725/2015, M.A No.
836/2015, M.A No. 942/2015, M.A No. 1053/2015 &
M.A No. 1077/2015

In

Original Application No. 06 of 2012

IN THE MATTER OF:

Manoj Mishra Vs. Union of India &Ors.

And

Manoj Kumar Misra & Anr. Vs. Union of India & Ors.

And

Manoj Mishra Vs. Union of India &Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

Present: Applicant

Respondent No. 1 :

Respondent No. 2, 5 & 8:

Respondent No. 6 & 7 :

Respondent No. 8 & 12

Mr. Rahul Choudhary and Ms. Meera Gopal, Advs.

Mr. Mukul Singh, Adv. for MoEF & CC

Mr. Vivek Kumar Tondon, Adv.

Mr. Abhishek Yadav, Adv. for State of U.P.

Mr. Balendu Shekhar and Mr. Akshay Abrol, Mr. Eishan Bahuguna, Advs.

Mr. Suryanarayana Singh, Sr. Addl. Adv.

General, State of HP

Mr. Ardhendumauli Kumar Prasad, Mr. Panshul Chandra, Advs. for MOWR and MoUD/PNG

Mr. Rajesh Kumar, AEE (M) and Mr. Satyajit, Adv.

Mr. Amit Kumar Thakur and Mr. Kamlesh Kumar Jha, Ads. For contractors

Mr. Ravi P. Mehrotra and Mr. Abhinav Kr. Malik, Advs.

Mr. Rajkumar, Adv. and Ms. Niti Choudhary, LA

Ms. Manali Singhal, Mr. Rohit Kant, Ms. Deepika Raman and Mr. Udyan Tandond, Advs (M. A. No. 462 of 2016)

Mr. Dinesh Jindel, LO for Mr. Narender Pal Singh, Adv.

Mr. I. K. Kapila, Adv. for Okhla CETP

Ms. Sakshi Popli, Adv. for NDMC

Mr. B. V. Niren, Adv. for Ministry of Water Resources

Mr. Ishwar Singh, Adv. for NMCG

Mr. Rajiv Bansal, Mr. Kush Sharma, Mr. Keshav Datta, Advs. for DDA

Mr. H.S. Phoolka, Sr. Adv. with Mr. Sumeet Pushkarna and Mr. Siddhartha Nagpal, Advs. with Mr. B.M. Dhau and Mr. S.C. Jain and Mr. B.M. Dhau, Member Drainage for DJB

	Date and Remarks	Orders of the Tribunal
	Item No. 08 to 10 June 06, 2016 <small>A</small>	<p><u>M.A. Nos. 441/2015, 641/2015, 628/2015 and 630/2015 in Original Application No. 06/2012.</u></p> <p style="text-align: center;">None of the Applicants are present.</p> <p style="text-align: center;">All these Applications have been filed with a prayer that the Applicant should be permitted to carry on agricultural / farming activities on the banks of river Yamuna, to that extent the Judgement dated 13th January, 2016 should to be modified/ varied.</p> <p style="text-align: center;">We find no substances in these Applications. We have already held that water of Yamuna is highly contaminated and</p>

the entire judgment deals with the restoration and rejuvenation of the river Yamuna to its original pristine. The water is highly polluted which contain acidic, heavy metals and other high pollutants which are very injurious to human health. It cannot be treated as source of irrigation for agricultural purposes. If it is permitted, it will become part of food chain which will reach to human being causing various diseases. Yamuna carries not only heavy quantity of sewage but also that of industrial effluent waste. There are electro plating industries, textile dyeing industries and other polluting industry located in the various of parts of Delhi. We have already permitted horticulture and sericulture activity and no other activities can be permitted in that area till the time the river Yamuna is made pollution and restored to its original status and to the extent that had tolerable limits which will prevent the environmental and human hazards.

Consequently, M.A. Nos. 441/2015, 641/2015, 628/2015 and 630/2015 in Original Application No. 06/2012 stand disposed of without any order as to costs.

M.A. No. 627/2015 in Original Application No. 06/2012

This is an Application filed for impleadment as party Respondent in the main matter. This Application is allowed subject to just exception and without prejudice to the rights and contentions of the parties.

Accordingly, M.A. No. 627 of 2015 stands disposed of without any order as to costs.

M.A. No. 942/2015 in Original Application No. 06/2012

This Application is filed by the Applicant praying that Sarita Nursery has been wrongly impleaded as Tarachand Industry and should be permitted to be deleted from the array of the parties. The Application is allowed.

Accordingly, M.A. No. 942 of 2015 stands disposed of without any order as to costs.

M.A. No. 1053/2015 in Original Application No. 06/2012

This Application calls for no order. The list filed by the DDA showing unauthorized construction in the flood plain would be dealt with in the Akash Vashishtha V. Union of India matter.

Accordingly, M.A. No. 1053 of 2015 stands disposed of without any order as to costs.

M.A. No. 1077/2015 in Original Application No. 06/2012

Learned counsel appearing for the DDA submit that in view of the Judgment and order passed in the matter by the Tribunal this Application does not survive for consideration.

Accordingly, M.A. No. 1077 of 2015 stands disposed of without any order as to costs.

M.A. No. 1091/2015 in Original Application No. 300/2013

This is an Application for placing additional documents by the Applicant - Defence Colony Welfare Association. The Application is allowed. The documents to be taken on record subject to just exception and without prejudice to the rights and contentions of the parties.

Accordingly, M.A. No. 1091 of 2015 stands disposed of without any order as to costs.

M.A. No. 263/2015 in Original Application No. 300/2013

In view of the orders passed by the Tribunal on 03rd June, 2016 and 06th June, 2016 this Application does not survive for consideration as having become infructuous.

Accordingly, M.A. No. 263 of 2015 stands disposed of without any order as to costs.

M.A. No. 462/2015 in Original Application No. 300/2013

This Application filed by DSCL-Fenshun-Wabag Consortium – praying that they may be allowed to be impleaded as Respondent in the mater. The Application is allowed subject to just exception and without prejudice to the rights and contentions of the parties. The applicant is permitted to be

impleaded as Respondent and would be heard before the final disposal of the main matter.

Accordingly, M.A. No. 462 of 2015 stands disposed of without any order as to costs.

Main Matters

We have heard the Learned counsel appearing for the parties at some length.

The Experts have appeared however Prof. A.K. Gosain is not present today.

Let all the Expert Members that is Member Secretary of CPCB, Member Secretary of DPCC, Prof. A.K. Gosain, Prof. Brij Gopal, Prof. A.A. Kazmi, Member and CEO of DJB be present before the Tribunal on 07th June, 2016.

Learned counsel appearing for DJB submits that there is some ambiguity in the order passed by the Tribunal on 03rd June, 2016 in so far as the question relating to contribution of funds for completion of Phase –I of the project is concerned. We have heard the Learned counsels appearing for the parties, there is some merit in the submission made by Mr. Phoolka, Sr. Adv.

We clarify that funds to Namami Gange “Maily Se Nirmal Yamuna Revitalization Project, 2017” in terms of the judgment of the Tribunal shall be provided and would not be blocked on the ground that the project should be carried out under Annuity Mode only. The disbursement of fund would be in proportion as provided under the scheme of Namami Gange. This would be dealt with simultaneously. DJB shall not spent any amount from its current budget expenditure without first incurring the required expenditure upon Phase – I of the Project with the approval of the Tribunal.

We make it mandatory that the awarding of contracts as well as payments to the successful bidders in relation to Phase – I shall be only with the approval of the Committee stated

hereinafter. DJB will not make any payment either pending or for future in relation to Phase – I without approval of the Committee.

The Committee shall consist of:

1. Mr. Shashi Shekhar, Secretary, Ministry of Water Resources,
2. A nominee not below the rank of Joint Secretary from MoEF
3. Member Secretary of CPCB
4. CEO of DJB
5. Prof. A.A. Kazmi, Prof. A.K. Gosain and Prof. Brij Gopal

The payments for the work executed or to be executed under the contracts awarded by DJB shall be made by the DJB but subject to prior approval of the Committee constituted under this Order. The Committee primarily would oversee the proper installation of the plant, its performance and that plants have been installed in accordance with the design specifications required to achieve the desired parameters. The Committee may engage individuals, institutions, organizations or form sub-group to accomplish the above ToR.

This Committee shall submit quarterly reports to the Tribunal. Phase – I Project shall be executed under the supervision of this Committee.

We are informed that unlike the previous Projects of DJB, all the works under the Phase – I particularly STPs are capable of treating Nitrogen, Phosphate and Coliform. This would obviously mean that the domestic sewerage waste treated under these STPs would not only be conforming to the values of COD and BOD or pH but infact would also meet the standard prescribed for the above pollutants.

The water discharge from the STPs would safely be used for agriculture, horticulture, construction activity and industrial purposes like cooling power plants etc.

		<p>List these matters on 07th June, 2016 for consideration of the views of the experts, appointed by the Tribunal.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Dr. Ajay A. Deshpande)</p>
--	--	--

