

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

**Original Application No. 06 of 2012
And
M.A. Nos. 199/2015, 238/2015, 344/2015, 512/2015, 513/2015,
692/2015, 310/2016 & 508/2016
In
Original Application No. 300 of 2013
And
M.A. Nos. 630/2015, 641/2015, 646/2015, 725/2015, 836/2015,
753/2016, 1014/2016 & 1016/2016
In
Original Application No. 06 of 2012**

IN THE MATTER OF: -

**Manoj Misra Vs. Union of India & Ors.
And
Manoj Kr. Misra & Anr. Vs. Union of India & Ors.
And
Manoj Misra Vs. Union of India & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present Applicant :

Respondents

**Mr. Sumeet Pushkarna Advs., Mr. Sahil Ghei,
Advs. GNCTD
Ms. Sakshi Popli, Adv.**

**Present in the Meeting held at Conference Hall,
NGT:-**

- : Mr. S.D. Singh, CEO, Delhi Parks & Garden Society, NCT of Delhi**
- : Mr. V.K. Gupta, Chief Engg., DJB**
- : Mr. D.P. Mathuria, Executive Director (Technical), NMCG**
- : Mr. Pravin Kumar, Director (Technical), NMCG**
- : Mr. R.K. Singh, CEIHR, Delhi Development Authority**
- : Mr. Anil Behki, Dir. (Works), DDA**
- : Mr. H.P. Dhamija, M/s, TTI**
- : Mr. Ajay Kumar, EE, DJB**
- : Mr. S.M. Ali, Spl. Secretary (Envr.) & MS, DPCC**
- : Mr. A.A. Kazmi, IIT, Roorkee**
- : Mr. Mukul Singh, Adv., MoEF**
- : Mr. Ishwer Singh, Adv., NMCG**
- : Mr. Dinesh Jindal, LO, DPCC**
- : Mr. Rakesh Khosa, Professor, IIT Delhi**
- : Mr. Sankalp Lahari, R/S, IIT Delhi**
- : Mr. Tarunvir Singh Khehar, Adv., DJB**

: **Mr. Vivek Kr. Tandon, Adv.**

	Date and Remarks	Orders of the Tribunal
	Item Nos. 25 to 27 April 12, 2017 ss	<p>In furtherance to our order dated 14th March, 2017 and 27th March, 2017 the officers from Namami Gange (NMCG), Delhi Jal Board, Delhi Development Authority, NCT Delhi, Delhi Pollution Control Committee and the Professor from IIT, Delhi and Roorkee are present. We must regretfully notice that despite of specific orders passed by the Tribunal the senior officers from the Ministry and the Government are not present. We do hope that in future such occasion would not arise, which will compel the Tribunal to pass appropriate orders and directions in that regard.</p> <p>We also unhesitantly recall that the progress in execution of the judgment dated 13th January, 2015 and 08th May, 2015 passed by the Tribunal in Yamuna matter is most unsatisfactory. The execution is now pending for more than a year. Lot of efforts were made on the part of the Tribunal to bring different public authorities and stakeholders to work in coordination for achieving the object of cleaning river Yamuna. Despite of those efforts the progress seems to be at pace which would be unacceptable to any justice dispensation system. The pollutants in river Yamuna are increasing day-by-day. Here all the concerned stakeholders are waiting for the other stakeholders to commence the work which is least expected of the stakeholders particularly the State and its instrumentalities. After detailed discussions the following situation emerges which calls for passing of further</p>

	<p>Item Nos. 25 to 27</p> <p>April 12, 2017</p> <p>ss</p>	<p>directions by the Tribunal.</p> <ol style="list-style-type: none">1. Under the judgment the execution is required to be done by Delhi Jal Board exclusively. Of course it has to get financial assistance from the Delhi Development Authority, Ministry of Urban Development and National Mission for Clean Ganga. Thus the entire financial responsibility of the project is that of three different stakeholders, Delhi Development Authority/Urban Development/Delhi Jal Board and the National Mission for Clean Ganga.2. Out of 14 STPs which are to be constructed and operationalised by Delhi Jal Board, 7 STPs are required to be constructed and operationalised from the funds of Delhi Jal Board. No work has started in respect of any of the aforesaid STPs. We find no justification whatsoever as to why Delhi Jal Board could not start the work of 7 STPs, for which it has already invited tenders and finalized the same. Let these works be started immediately, failing which we will be compelled to attach the funds of Delhi Jal Board and issue show cause notice to its officers concerned, as to why directions in relation to civil imprisonment thereof, may not be passed against them by the Tribunal.3. The work of one independent STP has been started by Delhi Jal Board at Coronation Pillar. This was separately permitted by a specific order of the Tribunal dated 15th May, 2016. Even the progress
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	<p>Item Nos. 25 to 27</p> <p>April 12, 2017</p> <p>ss</p>	<p>of this work is not satisfactory.</p> <p>4. The three projects (contracts 5, 6 and 7) which are to be financed by Delhi Development Authority/Urban Development Ministry and to be executed by the Delhi Jal Board have already been approved in the second round of technical appraisal by IIT, Delhi. IIT Delhi had made certain observations which are with regard to performance/execution/work. However, in principle, they have approved the project. It is stated on behalf of Delhi Development Authority that one meeting of the Urban Development Ministry was held on 10th April, 2017 and as a follow up of the appraisal committee is now scheduled to meet on 18th April, 2017. These projects are to be financed by them and we see no reason why they should be kept pending especially when they have been appraised by IIT, Delhi. Delhi Jal Board has given an undertaking before the Tribunal that they would carry out all the observations made by IIT Delhi in relation to execution of the work.</p> <p>5. As far as 7 STPs which are to be set up by Delhi Jal Board in terms of the judgment, are to be financed by National Mission for Clean Ganga. On behalf of the National Mission for Clean Ganga it has been stated that the projects submitted to them have been found to be in order and they would be financed by them. However, as per their procedure, they have sent the DPR to IIT, Roorkee for third</p>
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2017**

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party appraisal. Besides, other administrative formalities which are required to be completed would be done within a period of two to three weeks from today.

6. It is stated on behalf of Delhi Jal Board that site for all the 14 STPs have been identified and cleared except one which is also likely to be cleared in short time as there was some public opposition. However, we are informed that it would be positively done before the next date of hearing.

In light of the above we issue the following directions:-

1. In future all the Senior officers should be present in the meeting without default.
2. The Delhi Development Authority/Urban Development Ministry will clear the project without default and place a report before the Tribunal on the next date of hearing. We reiterate that in respect these projects, which were first appraised and approved by Engineers India Ltd., certain doubts were expressed and were again sent to IIT, Delhi for fresh appraisal. The IIT, Delhi has approved the projects, as already noticed, with certain comments for which Delhi Jal Board has given an undertaking to the Tribunal for its compliance. We see no reason why this should take any further time.
3. The Additional Secretary, Ministry of Urban Development shall be present before the Tribunal on

	<p>Item Nos. 25 to 27</p> <p>April 12, 2017</p> <p>ss</p>	<p>the next date of hearing.</p> <p>4. The 7 STPs which are to be financed by National Mission for Clean Ganga should be financed and approval be granted within three weeks from today as prayed, without default.</p> <p>5. The 7 STPs which are to be constructed and operationalised by Delhi Jal Board for which tenders have been finalized, the work should commence immediately without default, failing which we will be compelled to take action as aforesaid.</p> <p>6. We appoint joint inspection team consisting of Member (Engineering), Delhi Development Authority; Member Secretary, Delhi Pollution Control Committee; Technical Member and senior most concerned officer, Delhi Jal Board and representative of National Mission for Clean Ganga to inspect the STP work going on at the Coronation Pillar including Delhi Gate drain and report to the Tribunal about the extent of work done, and the period required for its completion. The senior most officer of the contractor - M/s. L&T shall be present before the Tribunal on the next date of hearing.</p> <p>7. The above committee shall also submit its report to the Tribunal with regard to the STPs which are presently being operated by Delhi Jal Board, in relation to their performance, analysis reports and the handling of mixed waste by them.</p> <p>8. The Delhi Jal Board shall submit a detailed Status report separately of Papan Kalan and Nilothi project</p>
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