

**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. 310 of 2016 & M.A. No. 508 of 2016)**

**In**

**Original Application No.300 of 2013**

**And**

**M.A. No. 641 of 2015, M.A. No. 1243 of 2016, M.A. No. 1244 of 2016, M.A.  
No. 564 of 2017 & M.A. No. 565 of 2017)**

**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 MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present**

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

**Mr. Krishna Kumar Singh, Adv. for  
Applicant in M.A. Nos. 1243-1244**

**Mr. Divya Prakash Pande Adv. For  
MoEF**

**Mr. Mukul Singh, Adv. for Ministry of  
Environment, Forest and Climate  
Change**

**Dr. Pravin Kumar, Director and Mr.  
Kumar Ajitabh, Legal Officer, National  
Mission for Clean Ganga**

**Ms. Neelam Rathore and Ms. Bhawna  
Gera, Advs. for Ms. Puja Jain,  
Impleadment applicant in  
Miscellaneous Application No. 564 and  
565 of 2017.**

**Mr. Krishna Kumar Singh, Adv. For  
MoEF**

**Mr. Pradeep Misra & Mr. Daleep  
Kr.Dhyani, Advs. for UPPCB.**

**Ms. Puja Kalra, Adv. for North and  
South MCD**

**Ms. D. Bharathi Reddy, Adv. for State of  
Uttarakhand**

**Mr. Vivek Kumar Tandon, Adv.**

**Ms. Sakshi Popli with Mr. Anurag  
Kumar, Advs. for NDMC and Delhi Jal  
Board**

**Mr. Narender Pal Singh, Adv., Alongwith  
Mr. Dinesh Jindal, LO, Delhi Pollution  
Control Committee.**

**Mr. Balendu Shekhar, Adv. with Mr. R.K. Maurya, Adv. for EDMC**  
**Ms. Richa Oberoi, Adv. in M.A. 641**  
**Mr. Tarunveer Singh Khehar, Ms. Guneet Khehar, Mr. Charan Jeet Singh, Adv. for Delhi Jal Board**  
**Mr. Ishwer Singh, Adv. for National Mission for Clean Ganga with Dr. Praveen Kumar, Director, National Mission for Clean Ganga .**  
**Mr. Raj Kumar Adv. alongwith Mr. Bhupender Kumar, LA, for Central Pollution Control Board .**  
**Mr. Manoj Kumar, Adv. for Moni Cinmoy, Adv. for DSIIDC**  
**Mr. Rajiv Bansal, Adv. with Mr. Kush Sharma, Ms. Shantala Saukrit, Lalit Mohan Adv. for Delhi Development Authority**  
**Mr. Sumeet Pushkarma, Mr. Tarunvir Singh Khehar, Adv. alongwith Mr. Vikram Singh and Mr. Sandeep Kulshreshta for DJB.**  
**Mr. I.K. Kapila, Adv. for Okhla CETP Society**  
**Mr. D.K. Thakur, AAG State of Himachal Pradesh.**  
**Mr. Anil Grover, AAG, State of Haryana alongwith Mr. Rahul, Adv.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 01 to 03</b>  <b>May 19, 2017</b>  <b>ss</b>	<p>With some sense of satisfaction, we record that the Judgment of the Tribunal dated 13<sup>th</sup> January, 2015 followed by subsequent directions of the Tribunal particularly the orders passed at the execution stage of the Judgment dated 08<sup>th</sup> May, 2015 has yielded good results. At least the work for treating about 67% of the pollution of river Yamuna generated in the area of Delhi has commenced. The executing agency, that is, Delhi Jal Board has awarded contract to Larsen &amp; Toubro Limited (in short `L&amp;T') in accordance with the prescribed procedure and L&amp;T has submitted a complete project plan before the Tribunal for execution of the work. Furthermore the actual work at the ground level has already commenced. In fact the Tribunal is informed that</p>

	<p><b>Item No. 01 to 03</b></p> <p><b>May 19, 2017</b></p> <p><b>ss</b></p>	<p>within a period of one month the Civil construction and mechanical work of STPs, Sewage and connectivity would start and the same would be completed by May, 2019. In other words, pollution arising from Delhi Gate drain and Najafgarh drain which contribute 67% of the pollution of river Yamuna having a stretch of 22 Kms. from its point of entry into Delhi at Wazirabad and upto Okhla. For this we must compliment the various stakeholders i.e. Ministry of Water Resources, Ministry of Environment, Forest and Climate Change, Ministry of Urban Development, Delhi Development Authority, National Mission for Clean Ganga and Delhi Jal Board along with NCT, Delhi who have come together and made efforts to ensure commencement of this work, though it has taken more than 2 years to finalize and commence execution of the project. As is commonly said all is well that ends well.</p> <p>After recommendation by the Principal Committee consisting of various senior officers from the Ministry, Scientist and representatives of the Local Authorities and the professors of the I.I.T.s, the outline of the project were laid with reference to which an executing agency i.e. Delhi Jal Board had prepared the project. The project was presented before the Principal Committee, which in turn was approved it with certain modification. Thereafter, it was placed in the consultative conference of the stakeholders held by this Tribunal where it was critically examined and after receiving suggestions from all the stakeholders including expert professors from I.I.Ts, finally the tools of law were applied for implementation of this technologically, feasible, economically sound and</p>
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	<p><b>Item No. 01 to 03</b></p> <p><b>May 19, 2017</b></p> <p><b>ss</b></p>	<p>effective Action Plan for prevention, control and rejuvenation of river Yamuna, resulting in passing of the Judgment of the Tribunal dated 13<sup>th</sup> January, 2015. Under this judgment and vide order dated 08<sup>th</sup> May, 2015 and considering the entire load of pollution upon river Yamuna from NCT, Delhi it was directed that the programme would be carried in phases. The first phase related to the treatment of Delhi Gate drain and Najafgarh drain, which as noticed above, brings nearly 67% of the total pollution load of river Yamuna. It needs to be noticed that in Delhi alone, Yamuna receives nearly 74% of its total pollution load. Out of this 74%, Najafgarh drain and Delhi Gate drain are the two major components. In the second phase the drains contributing the remaining 33% to 35% of pollution load are sought to be treated which will complete all the drains carrying sewage falling today into Yamuna and revitalize the river to the original pristine form under the “Maily Se Nirmal Yamuna’ Revitalization Project, 2017”. May be some time has lapsed, but the results are encouraging and the time is not far when the people of Delhi would be able to walk across the banks of river Yamuna without breathing stinking air. They would not have to fear while entering the river on the auspicious occasion or otherwise and the river will flow and would become the site of tourism for the entire Delhi. In fact, pollution reduction by treating about 67% in Phase-I itself would bring back the life of the river, to some extent, and its bio-diversity and aquatic life.</p> <p>We make it clear that the execution of the project which aims at installing of 14 STPs with complete modern</p>
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	<p><b>Item No. 01 to 03</b></p> <p><b>May 19, 2017</b></p> <p><b>ss</b></p>	<p>technology having requisite capacities will be capable of treating the waste water/sewage upto the new standards including the Coliform. The three rehabilitation projects have been awarded to M/s. KKSP-O Liner JV and M/s. Michigan Engineers Private Limited. The Senior Officer of all the 3 executing companies are present and they have assured the Tribunal that the work will be executed within the time prescribed and they have the necessary infrastructure and capability to perform these projects.</p> <p>Having dealt with the first phase of the “Maily Se Nirmal Yamuna' Revitalization Project, 2017”, and the judgment of the Tribunal dated 13<sup>th</sup> January, 2015, we hereby pass the further following directions, for their strict compliance:-</p> <ol style="list-style-type: none"><li>1. We constitute a Committee of CEO, Delhi Jal Board; concerned Chief Engineer from Delhi Development Authority and a representative by National Mission for Clean Ganga who shall oversee the execution of the work and its timely completion. They shall submit a report at regular intervals to the Tribunal and if they find any deficiency or non-compliance, the matter should be reported to the Tribunal, for issuance of appropriate directions.</li><li>2. We direct the Delhi Jal Board to submit, before the Principal Committee, its complete project under Phase-2 (dealing with the drains) bringing the remaining 33% to 35% of pollution of river Yamuna load in Delhi. This complete project report will identify, sites primarily, on the basis of end of the pipeline treatment for setting up STPs, unless there</li></ol>
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**Item No.  
01 to 03**

**May 19,  
2017**

**ss**

are compelling reason that would require the executing authority to adopt different scientific approach. The report should be submitted within 4 weeks, for examination by the Principal Committee appointed under the Judgment, who in turn would submit its comments to the Tribunal within 4 weeks, thereafter.

The matter shall be listed for examination of the project and for following the consultative process of stakeholders and adjudication by the Tribunal. The matter should be listed on 24<sup>th</sup> July, 2017. All concerned stakeholder shall carry out the directions without delay and default, in order to achieve the aim of cleaning both the drains as well as river Yamuna.

It is important that the water bodies surrounding different colonies and particularly one which is nearer to the drain should be maintained, kept clean and should be source of natural beauty for the residents of the area. The Delhi Jal Board has submitted before us the example of water body at Rajokari with its existing status and the projected status. While the present status resembles a dumping site, but once the project is completed it would be like a garden. There should be no use of concretes, cement and brick and should not result in changing the natural geomorphology of the area. We have no hesitation in granting permission to Delhi Jal Board to revive water body along with the area within the zone of influence and aesthetic way it has been projected before the Tribunal.

We make it clear that needs of the water body, will require protection of its catchment/zone of influence and



**Item No.  
01 to 03**

**May 19,  
2017**

**ss**

prevent siltation due to erosion and dumping of waste which alone will ensure a healthy water body rich in aquatic life and biodiversity. This project should commence forthwith. The South Municipal Corporation is hereby directed to provide full co-operation to Delhi Jal Board and provide all assistance to Delhi Jal Board and the executing agency would ensure that no waste of any kind is thrown on the water body. The Delhi Jal Board shall submit compliance report expeditiously before the Tribunal. Similar approach should be adopted by all the Public Authorities including Delhi Development Authority, Corporations, Irrigation Department of NCT, Delhi and Delhi Jal Board to restore/revive the water bodies existing within their jurisdictions in various parts of NCT, Delhi and Uttar Pradesh Irrigation Department and ensure that the water bodies actually remains clean, rather than a dumping yard for waste and open defecation.

We hereby issue prohibition in furtherance to the Judgment dated 13<sup>th</sup> January, 2015 that no waste of any kind and open defecation will be permitted in around in any water body and on the flood plain of river Yamuna. The authorities including police would take stringent action against the defaulting persons and every defaulter would be liable to pay environmental compensation of Rs. 5,000/- per incident in addition to liability on such person that may accrue under any other laws which was invoked by the concerned authorities. The Delhi Jal Board while considering portion of second phase would be entitled to get complete assistance from Delhi Pollution Control Committee, Central Pollution Control Board and

	<p><b>Item No. 01 to 03</b></p> <p><b>May 19, 2017</b></p> <p><b>ss</b></p>	<p>NCT, Delhi in relation to closure of the industries which are operating in the residential and non-conforming areas and more particularly the polluting industries. Direction had already been passed on behest of NCT, Delhi. Such industries should be closed, as it has been brought to our notice that these industries are still operating and are polluting drains very seriously. All the Municipal Corporations and NCT, Delhi shall act jointly and ensure closure of such industries at the earliest. The team of Central Pollution Control Board; Delhi Pollution Control Committee; Delhi Jal Board and Department of Environment, NCT, Delhi shall conduct a joint inspection of all the CETPs falling in Phase-2 and the drains in their respective catchment areas, they shall report to the Tribunal as to whether they are functional or not. If they are functional, whether they are complying to the prescribed parameters or not. It should also be stated whether industrial clusters and industries located there in are connected to the CETP and are not discharging their effluent into open drains. The Delhi State Industrial and Infrastructure Development (DSIIDC) is directed to provide all information to the officers of Delhi Jal Board.</p> <p>The Delhi Jal Board should give proposal for use of treated water from STPs which are being installed in NCT, under Delhi local area scheme or National Mission for Clean Ganga to the Tribunal as to recycling of treated waste water for agricultural/horticulture purpose or other use and the workability of such project.</p> <p>We further direct that all the concerned Corporation and NCT, Delhi shall forthwith start the work of removal of</p>
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	<p><b>Item No. 01 to 03</b></p> <p><b>May 19, 2017</b></p> <p><b>ss</b></p>	<p>Municipal Solid Waste from drains and dredging of the drains falling under Phase-1 of the Judgment. The authorities are also directed to submit before the Tribunal as to the methodology and formulation of scheme which would help in selective dredging of river Yamuna to ensure that municipal and other waste lying deep on the river bed is removed before completion of the project under Phase-1 of the Judgment dated 13<sup>th</sup> January, 2015.</p> <p>List these matters on 24<sup>th</sup> July, 2017.</p> <p><b><u>M.A. No. 1244 of 2016</u></b></p> <p>The applicant is at liberty to approach the Principal Committee in relation to his grievances about physical demarcation of the flood plain.</p> <p>With the above directions M.A. No. 1244 of 2016 stands disposed of without any order as to cost.</p> <p><b><u>M.A. No. 565 of 2017</u></b></p> <p>We direct selective dredging of the water body of Purana Quila lake's should be done cautiously and limited for the purpose of its restoration and revival of the lake. The process of the dredging should include cleaning of channels leading to the lake.</p> <p>With the above directions M.A. No. 565 of 2017 stands disposed of, without any order as to cost.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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