

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

**Original Application No. 06 of 2012
(M.A. Nos. 641/2015, 1014/2016, 1016/2016, 1243/2016, 564/2017,
1148/2017 & 1237/2017)**

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

Original Application No. 164 of 2015

IN THE MATTER OF: -

Manoj Mishra Vs. Union of India & Ors.

And

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

And

Rajeev Suri Vs. Vice Chairman, DDA & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present

Applicant : Mr. Rahul Choudhary, Ms. Meera Gopal and Mr. Utkarsh Jain, Advs.
Mr. Rajeev Suri – Applicant in person

Respondents : Ms. Puja Kalra, Adv. for South & North MCD
Mr. Sanjay Upadhyay, Ms. Eisha Krishn, Ms. Upama Bhattacharjee and Ms. Sharmishtha Shukla, Advs.
Mrs. D. Bharathi Reddy and Ms. Vidyottma , Advs. for State of Uttarakhand
Ms. Panchajanya Batra Singh, Adv. for MoEF
Mr. V.K. Shukla and Mr. Vijay Laxmi, Adv for State of M.P, Adv.
Mr. Balendu Shekhar, Mr. Sriansh Prakash, Mr. Raj Kumar Maurya, Advs. for East Delhi Municipal Corporation
Mr. Raj Kumar, Adv. and Mr. Bhupender Kumar, LA, Central Pollution Control Board.
Mr. Mukul Singh, Adv. for Ministry of Environment, Forest and Climate Change
Mr. Ishwer Singh, Adv. for National Mission for Clean Ganga
Mr. H.S. Phoolka, Sr. Adv. with Mr. Sumeet Pushkarma, Mr. Devanshu Lahiry, Advs. with CEO for Delhi Jal Board.
Mr. Ardhandumauli Kumar Prasad, Advs. Mr. Shashank Saxena, Adv.
Mr. Pradeep Misra, Mr. Daleep Dhyani, Advs.
Mr. Mukesh Kumar Verma, Adv. for State of U.P.
Mr. Vivek Kumar Tandon & Mrs. Mamta Tandon, Advs. for NCT
Mr. Tarunvir Singh Khehar, Adv., Ms. Guneet Khehar, Adv. for Delhi Jal Board and GNCTD
Mr. Narender Pal Singh, Adv, Mr. Dinesh Jindal, LO for Delhi Pollution Control Committee

Ms. Sakshi Popli, Adv. for NDMC & DJB
Ms. Sakshi Popli and Ms. Pritika, Adv. for DJB
Mr. Rajiv Bansal, Sr. Adv., Mr. Kush Sharma, Mr. Lalit Mohan, Ms. Mavika Bhanut, Adv. for Delhi Development Authority
Mr. Anil Grover, AAG, Haryana, Mr. Sandeep Yadav, Adv., Mr. Rahul Khurana, Adv. for HSPCB
Mr. Ishwar Singh, Adv. for National Mission for Clean Ganga
Mr. Varun Thakur, Adv.
Mr. A.R. Soni, General Manager and Segment Head (North East)

IN CHAMBER

Mr. M.M. Kutty, Chief Secretary, Delhi
Shri Keshav Chandra, Secretary (Env. & Forest), NCT of Delhi
Mr. A. Anbarasu, Secretary (Land & Building), NCT of Delhi
Mr. Manish Saxena, Secretary, Revenue Deptt.
Shri. Keshav Chandra, CEO, Delhi Jal Board
Shri. Udai Pratap Singh, Vice-Chairman, DDA
Shri. U.P. Singh, Director General, Namami Gange Scheme (M/o Water Resources)
Shri Hitesh Kumar S. Makwana, Executive Director (Projects) National Mission for Clean Ganga
Shri A.R. Soni, Segment (Retd.), North-L&T
Mr. S.M. Ali, Spl. Secretary (Env. & Forest) &, MS, DPCC
Ms. Ajeeta Agrawal, SEE, DPCC
Mr. Dinesh Jindal, LO, DPCC
Mr. R.S. Negi, Member, DJB
Mr. Kush Sharma, Adv., DDA
Mr. Shashank Saxena for Mr. A.K. Prasad, Adv., MoUD
Mr. D.P. Mathuria, Ex. Director (Tech.) NMCG
Mr. A.K. Singhal, CFO, KKSPUN India Ltd.
Mr. Kamal K. Oswal
Mr. Rakesh Kr. Pandey, O s DM (SLO) officer
Mr. Rajeev Shukla, Addl Sec (L & T)
Kumar Ajitabh, PO, Legal NMCG
Mr. R. K. Jain, L & T (TFL Delhi)
Mr. Varun Thakur and Mr. Brajesh Pandey, NMCG
Mr. Mukul singh, for MoEF
Mr. Devanshu Tahiry, for DJB
Mr. Y.K. Sharma, SEFCI/ I & PC
Siddharth Pande for L & B Dept
Mr. Rajeev Sharma, DC Office SW
Nr, Raveender Kumar, EE(I & FC)
Mr. Mukesh Kr. Verma, Adv for State of Up
Mr. J.P. Rajput, Adv
Mr. Pradeep Mishra for UPPCB
Dr. Sandeep Singh for State of UP
Mr. Vivek Chib Amicus Curie and Mr. Vikramaditya
Mr. Yeeshu Jain, Standing Counsel, Land & Build
Mr. Vivek Kumar Tandon, for Respondent No. 2, 5 & 8
Mr. Tarunvir Singh Khehar, Standing Counsel for GNCTD
Mr. Vikram singh, CE (DR) DJB
Mr. Balendu Shekhar, Adv for EDMC
Mr. Abhishek Dev, DM (SW) Rev Dept. GNCTD

Mr. Sanjeev Arya, CE (E2) Delhi Development Authority
Mr. Rajeev Suri (Application in O.A. No. 164/2015)
Ms. Sakshi Popli for New Delhi Municipal Council and Delhi Jal Board
Mr. S. N.A. Najmi, Member Finance Delhi Jal Board
Mr. HS Phoolka, Sr. Adv.
Mr. Summet Pushkarma, Adv Delhi Jal Board
Mr. Ishwer Singh for National Mission for Clean Ganga

Date and Remarks	Orders of the Tribunal
<p> Item No. 47-49 October 23, 2017 SS & AK </p>	<p>In response to our order dated 17th October, 2017 the following are present:-</p> <ol style="list-style-type: none"> 1. Chief Secretary, NCT Delhi; 2. Secretary, Environment, Delhi; 3. C.E.O. of Delhi Jal Board; 4. General manager, Head of North Wastewater Division on behalf of C.E.O. of L&T 5. Secretary, Land and Building (Acquisition), NCT Delhi; 6. Secretary, Revenue, NCT Delhi; 7. Director General and Executive Director, National Mission for Clean Ganga and 8. Vice-Chairman, Delhi Development Authority. <p>The submissions of the stakeholders are recorded as under:-</p> <p><u>CEO, Delhi Jal Board</u></p> <p>The CEO, Delhi Jal Board has pointed out that Delhi Jal Board in all its earnestness wanted to implement the judgement of the Tribunal which was in fact founded on the the project report submitted by the Delhi Jal Board itself, however, according to him, even as of today all the 17 sites for construction of STPs have not been handed</p>

**Item No.
47-49**

**October
23, 2017**

SS & AK

over. In 6 sites possession had been handed over to Delhi Jal Board, in one site partial possession has been given and in two other sites, the land had been shifted to another place on the land belonging to Gram Sabha and money for eight sites has already been deposited with the Delhi Jal Board but the sites have not been handed as of now.

According to CEO of Delhi Jal Board the Namami Gange and the Delhi Development Authority have honoured their financial commitments and the instalment of Rs. 45.20 Crores from National Mission for Clean Ganga and Rs. 37.20 crores from Delhi Development Authority have been received. The Namami Gange project of establishment of STP has not yet started. It is further stated that out of total funds allocated to Delhi Jal Board of Rs. 1755 Crores, Rs. 939 crores is for water, while Rs. 816 Crores is for sewage. Out of this an amount of Rs. 351 crores has already been spent on sewage head on the maintenance and the projects which were allowed by the committee constituted by the Tribunal. Lastly, it is stated that there are enquiries being conducted by different institutions including one by the Vice Chairman of the Delhi Dialogue Commission. It is stated that in the minutes of the Board it has been recorded that the work should not be proceeded further only with respect to one work for rehabilitation of sewage lines despite the order of the Tribunal but the work on STP has not been stopped by the Board. One application has been filed on behalf of the Delhi Jal Board upon which notice has been issued to the stake holders as per directions of Board.

The CEO further submits that the Board has not

**Item No.
47-49**

**October
23, 2017**

SS & AK

cleared the project in all respect and the survey report from L&T as directed under the judgement as of now. Also Revised Estimate (RE) could not be submitted to NCT Delhi for payment in terms of the judgment. The work on the 6 sites has already commenced.

The CEO, Delhi Jal Board submitted that there is tremendous stress on the officers of Delhi Jal Board and they find it very difficult to take decision, either ways. He further states that they are not even clear about the direction in which Government of NCT Delhi wants Delhi Jal Board to proceed.

Vice Chairman, Delhi Development Authority

The Vice Chairman, Delhi Development Authority has submitted that the Delhi Development Authority has already satisfied its financial commitments in terms of the judgement of the Tribunal. He further states that they have no other contribution to make to project in question in terms of the judgement dated 13th January, 2015, but Delhi Development Authority is not concerned in handing over any land to any of the authorities or the project proponent in terms of the judgement. The Delhi Development Authority would fulfil its commitments with regard to release of balance instalment and when demand is made by Delhi Jal board and on satisfactory progress of the project.

The Vice Chairman further submits that as stated by the CEO of the Delhi Jal Board if they have received the payment for giving possession of the land of Kakrola, the same shall be handed over very expeditiously, in any case not later than two days from today.

Chief Secretary, NCT Delhi and the Secretary Revenue

**Item No.
47-49**

**October
23, 2017**

SS & AK

The Chief Secretary, NCT Delhi and the Secretary Revenue submit that as of now, only six sites are remaining to be acquired and handed over to DJB, as it is located on a private land. Since there are private lands, Notice for acquisition (Notice under section 21 of the New Act) has already been issued, objections have been invited and they will be heard and disposed of in accordance with law at the earliest and the land possession will be provided to DJB without any delay. It is further stated that the NCT Delhi would provide fund to DJB in terms of the judgment, once proposal is submitted and the administrative approval of the Competent Authority is granted.

On the two shifted sites, the DJB has been permitted to carry on work, however official formalities shall be completed with utmost expeditiousness. At Dichaukalan land has been partial handed over, however additional land shall be provided without any further delay. Matter has already been discussed with the villagers.

The land Mitraun Kalan has already been identified, however access to that land is required to be provided, which is being processed and administration is taking effective steps.

The Secretary present on behalf of the Government submits that in principle, NCT Delhi has no reason to ask Delhi Jal Board, not to comply with the judgement of the Tribunal. However, primarily it is their internal affair. The Board of Delhi Jal Board has to grant approval.

**Item No.
47-49**

**October
23, 2017**

SS & AK

Executive Director, National Mission for Clean Ganga

The Executive Director on behalf of National Mission for Clean Ganga and Ministry of Water Resources submits that in terms of judgment, as specifically decided in the Chamber meeting, 7 STPs were prioritised and duly approved by the present Secretary of Water Resources who was earlier OSD in the Ministry as well as the Executive Committee of National Mission for Clean Ganga.

The National Mission for Clean Ganga has already sanctioned the entire fund for construction of 7 prioritised STPs and they have even released first instalment, however they have not received any Utilization Certificate (UC) as of now. As and when they receive the same they will proceed further to release next instalment when the demand is raised by Delhi Jal Board and upon satisfactory performance of the project work.

The Delhi Jal Board has filed a Miscellaneous Application before the Tribunal for changing of financing pattern from 70:30 to 85:15 before the National Mission for Clean Ganga and Delhi Jal Board which is not acceptable to National Mission for Clean Ganga and as per the policy decision of the Competent Authority, provided 70% and 30% ratio of funding pattern, for which the instalment has already been released and the balance amount would also be released, as stated above. National Mission for Clean Ganga cannot agree to change of the financing pattern. The reason for the same is that 85/15% financing pattern is only for JICA Project and the present project does not fall in that category.

Secretary, Land and Building Department

	<p>Item No. 47-49</p> <p>October 23, 2017</p> <p>SS & AK</p>	<p>The Secretary, Land and Building Department submits that they have already their performed their functions without default and delay. They have received the request from Delhi Jal Board on 13th August, 2017 for the 6 sites where the private land was concerned and they have also issued preliminary notification on 28th August, 2015. Thereafter the matter has been proceeded with by the Revenue Department of Govt. of NCT Delhi.</p> <p><u>General Manager, Head of North Wastewater Division</u></p> <p>The General manager, Head of North Wastewater Division present on behalf of the Project Proponent- L&T submits that the CEO of Company is travelling abroad and therefore he is unable to attend the meeting today, however, he undertakes that in future he would be present in the meeting if directed. We grant exemption from personal appearance of the CEO, L&T for today but subject to the statement that has made by the General Manager before the Tribunal. It is stated that out of the nine sites which have been handed over to L&T, survey of these sites have already been conducted in June, 2017, and the L&T had already submitted its technical plan to Delhi Jal Board for its approval to execute the physical work, at the site in question. However, till date L&T has not received any clearance/approval from Delhi Jal Board, despite their efforts, presently the work is practically at standstill.</p> <p><u>Directions</u></p> <p>After hearing the officers of NCT Delhi, Delhi Jal Board, Delhi Development Authority, National Mission for Clean Ganga, other departments and the stakeholders</p>
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	<p>Item No. 47-49</p> <p>October 23, 2017</p> <p>SS & AK</p>	<p>including the Project Proponents whose counsels were also present in the meeting, at this stage, we issue the following directions:-</p> <ol style="list-style-type: none">1. Let a Show Cause Notice be issued to Delhi Jal Board and Government of NCT Delhi to show cause why for the patent defaults committed by them and their officers and not complying with to the orders of the Tribunal, an amount equivalent to the project value be not attached by the Tribunal in accordance with law.2. Let a Show Cause Notice be also issued to Delhi Jal Board, Govt. of NCT Delhi and other concerned departments to show cause as to why they have not taken a decision on the drawings and plans submitted by the Project Proponents to Delhi Jal Board in June 2017 and why a direction in that behalf be not issued by the Tribunal.3. We direct Delhi Jal Board to produce the original minutes book of the Board meetings where the project under the 'Maily Se Nirmal Yamuna' Revitalization Project, 2017 and the matters connected there with have been considered. They shall also produce records before us as to why, despite a specific direction that the work under the judgment would not be stopped without the leave of the Tribunal in terms of its order dated 08th August, 2017, it was directed to stop the work of the project, even if partially. <p>The files and records in relation thereto should be produced before the Tribunal on the next date of hearing.</p>
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	<p>Item No. 47-49</p> <p>October 23, 2017</p> <p>SS & AK</p>	<p>Liberty to file reply to the Show Cause Notice within 10 days from today, is granted.</p> <p>List these matters for hearing on 06th November, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dalip Singh)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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