

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

**Original Application No. 06 of 2012  
And  
(M.A. No.238 of 2015, M.A. No.199 of 2015 & M.A. No.344 of 2015)  
In  
Original Application No.300 of 2013  
And  
M.A. No. 868 of 2014, M.A. No. 440 of 2015 & M.A. No. 441 of 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 U.D SALVI, JUDICIAL MEMBER  
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Original Application No. 06 of 2012**

<b>Present: Applicant</b>	<b>Mr. Rahul Choudhary, Adv.</b>
<b>Respondent No. 1:</b>	<b>Mr. Vivek Chib and Mr. Asif Ahmed, Advs.</b>
<b>Respondent No. 2:</b>	<b>Mr. V.K. Tandon, Advs. for NCT</b>
<b>Respondent No. 3 :</b>	<b>Mr. Rajiv Bansal, with Mr. Kush Sharma, Advs. For DDA</b>
<b>Respondent No. 4 :</b>	<b>Mr. Narender Pal Singh, Adv. with Mr. Dinesh Jindal, L.O. DPCC</b>
<b>Respondent No. 6 :</b>	<b>Mr. Uday Sethi &amp; Ms. Puja Dewan,</b>
<b>Respondent No. 7 :</b>	<b>Ms. Savitri Pandey &amp; Ms. Azma Parveen, Advs.</b>
<b>Respondent No.8:</b>	<b>Mr. Balendu Shekhar and Ms. Somya Rathore, Advs. For EDMC/MCD</b>
<b>Respondent No.14-16:</b>	<b>Mr. K. Srivastava, Adv. Ms. Pinky Anand, ASG, Mr. Prabal Bagchi AND Mr. Suresh Tripathy, Advs. for DJB Mr. Moni Cinmoy, Adv. for DSIIDC Mr. A.S. Rao, Law Officer for DMRC Mr. Sunil Satyarthi, Adv. For Delhi Cantonment Board Ms. Sakshi Popli and Ms. Mansha Mehmood, Adv. For NDMC</b>

**Original Application No.300 of 2013**

<b>Present: Applicant</b>	<b>Mr. Rahul Choudhary, Adv. Mr. S. Venkatesh and Mr. Anuj P. Agarwala, Advs. in M.A. No. 238 of 2015</b>
<b>Respondent No. 2, 5 &amp; 8 :</b>	<b>Mr. Ardhendumauli Kumar Prasad, Advs. for Ministry of Urban Development</b>
<b>Respondent No. 2, 4 &amp; 7 :</b>	<b>Mr. Ravi P. Mehrotra &amp; Mr. Abhinav Malik, Advs.</b>
<b>Respondent No. 10 &amp; 11 :</b>	<b>Mr. Narender Pal Singh, Adv. with Mr. Dinesh Jindal, L.O., DPCC Mr. Vivek K. Tandon, Advs. for NCT Mr. Rajiv Bansal, with Mr. Kush Sharma, Advs. For DDA Ms. Puja Kalra, Adv. With Mr. Feroze, Chief Engineer and Engg. In Chief Sh. R. Das for SDMC</b>

Mr. Moni Cinmoy, Adv. for DSIIDC  
Mr. Ishwer Singh, Adv.

**Original Application No. 06 of 2012**

**M.A. No. 868 of 2014**

**Present: Applicant**

**Respondent No. 1:**

**Respondent No. 2:**

**Respondent No. 4 :**

**Respondent No. 6 & 7 :**

**Mr. Rajiv Bansal and Mr. Kush Sharma, Adv.**

**Mr. Vivek Chib and Mr. Asif Ahmed, Adv.**

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

**Mr. Narender Pal Singh, Adv. With Mr. Dinesh Jindal, LO**

**Ms. Savitri Pandey & Ms. Azma Parveen, Adv.**

**Mr. Pinky Anand, ASG and Mr. Prabal Bagchi, Adv.**

**Mr. Sunil Satyarthi, Adv. For Delhi Cantonment Board**

**Mr. Ishwer Singh, Adv. For NMCA**

**Mr. Moni Cinmoy, Adv. for DSIIDC**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Item Nos. 01, 02, 03</b> <b>May 08, 2015</b></p>	<p>We must place on record appreciation of Government of India, NCT Delhi and other Public Authorities and bodies who have decided and reiterated their stand that they would implement the judgment of this Tribunal dated 13<sup>th</sup> January, 2015 in its true spirit and substance.</p> <p>For instance DDA has already taken very effective and purposeful steps in relation to demarcation on the flood plain (1/25 years) and DDA has already started physical demarcation on the flood plain area in the river Yamuna. Furthermore, DDA has successfully prevented throwing of any waste particularly the construction waste in and on the bank of river Yamuna. They have created task force as well as install CCTV Cameras at different locations on the river bank of Yamuna to ensure that no person is throwing any kind of waste in and on the bank of river Yamuna. They are also taking</p>

effective steps to stop and regulate the agricultural activity in the flood plain which is causing serious health hazards. While recording our appreciation in this regard and for the work done by the DDA, we direct the Vice-Chairman, DDA to ensure compliance of the remaining directions at the earliest and in any case within the time stipulated in the Judgement.

**There is total commonality of the object between all the stake holders to ensure that sewage system in NCT, Delhi and River Yamuna both should be restored to their original pristine and glory. We have already noticed in our judgment that out of the entire pollution of river Yamuna 76 Per cent pollution is generated in NCT, Delhi, which results from discharge of industrial effluent and untreated sewage. There are a number of drains which carry these effluents to River Yamuna and with the passage of time have converted River Yamuna into stinking drain of effluents and sewage. The judgment of the Tribunal comprehensively deals with this serious environmental problem and provides complete remedial measures for restoring the tranquility of River Yamuna.**

However, submissions made by CEO, Delhi Jal Board, executing agency for sewage and water network

in Delhi and which is responsible for running and maintaining of STP's that they would prefer to implement the judgment in phases rather than implementing it in one go.

**It is stated that the Najafgarh Drain (and its supplementary drain) along with Delhi Gate Drain causes 63 per cent of Yamuna's pollution. This should be taken as a priority project under Phase 1 within the framework of the judgment. All authorities have not only shown their willingness but have undertaken to the Tribunal that they would implement the first phase of the project "Maily Se Nirmal Yamuna" Revitalization Plan, 2017 sincerely, without default and in all its aspects. A presentation has been made for cleaning of these two drains at the first instance. Thus in order to deal with 63 per cent pollution of River Yamuna in NCT, Delhi, we find the proposal of Delhi Jal Board for implementing judgment in phased manner as reasonable and intended to achieve the object of implementing the directions of cleaning River Yamuna. The phased implementation of the judgment is likely to bring effective and efficient results. It is more so in view of the undertaking given by various authorities, Government of NCT of**

## **Delhi and Government of Haryana to the Tribunal.**

A meeting was held of the Principle Committee constituted under the judgment of the Tribunal dated 13<sup>th</sup> January, 2015 in the Conference Room of National Green Tribunal where Sr. Most Officers including the Chief Secretaries of the concerned States were present. Various matters in relation to cleaning of River Yamuna were discussed at great length. Even the presentation of Delhi Jal Board was considered objectively. In this meeting the following persons were present:

- 1) Mr. Keval Kumar Sharma, Chief Secretary, Delhi.
- 2) Prof. Brij Gopal.
- 3) Mr. S.S. Yadav, CEO, Delhi Jal Board.
- 4) Mr. B.M. Dhaul, Member (Drainage), Delhi Jal Board.
- 5) Mr. B.B. Barman, Director, MoEF & CC.
- 6) Mr. R.S. Tyagi, Member (WS), Delhi Jal Board.
- 7) Mr. V K Babbar, Technical Advisor, Delhi Jal Board.
- 8) Prof. A.K. Gosain, Professor, Indian Institute of Technology Delhi.
- 9) Mr. S.C. Jain, Delhi Jal Board.

10)Mr. Balvinder Kumar, Vice Chairman, DDA.

11)Mr. D.P. Singh, CE (E2), Delhi Development Authority.

12)Mr. A.A. Kazmi, Professor, IIT Roorkee.

13)Prof. C. R. Babu, Professor, University of Delhi.

14)Mr. B.L. Chawla, SEE, DPCC.

15)Mr. Narendra Kumar, Personal Secretary, UD  
GNCTD.

16)Mr. Y.P. Mahesh, Delhi Jal Board.

After deliberation there was complete unanimity that the Tribunal should permit phased implementation of this judgment and issue the direction in that regard and issue specific but comprehensive directions in that regard. Thus, we issue the following directions:

1.The project submitted by Delhi Jal Board as first phase of the project **“Maily Se Nirmal Yamuna” Revitalization Plan, 2017** is accepted in principle subject to the specific directions contained herein after.

2.Delhi Jal Board shall submit to the Tribunal within one week from today the complete action plan and timeframe for completion thereof. We permit DJB

to finalise its Action Plan within the stipulated period and invite the tenders within 45 day as prayed, from today. We make it clear that we will not grant any further extension and the erring officer would be personally liable for default.

3.The maps annexed to this Judgment are the outline of the first phase of the project, approved by this Tribunal.

4.Delhi Jal Board shall complete this project as expeditiously as possible and in any case not later than 2016.

5.The Delhi Pollution Control Committee shall ensure that all CETP's are operative to their optimum capacity and are capable of treating the industrial effluents that are brought to the CETP's from their respective industrial clusters. Report in this regard shall be submitted within two months from today.

6.DSIDC and other concerned authorities who are responsible for owning and/or maintenance of the industrial clusters shall ensure that all the member industry or non-member industries discharge their trade effluents only in the drain (conveyor belt leading to the CETP). In the event any industry declines to carry out the directions of these authorities or DSIDC, they are granted the

liberty to move to this Tribunal for passing appropriate orders in accordance with law and the Delhi Pollution Control Board shall also take action in addition thereto for closure of such industry for causing pollution or violating the directive issued by the Delhi Pollution Control Committee in these terms.

7. The dredging of the Najafgarh drain along with supplementary drain and Delhi gate drain would be taken up by Irrigation and Flood Control Department in coordination with Delhi Jal Board, forthwith. The compliance report in that behalf shall be submitted within one month from today.

8. The Irrigation and Flood Control Department, Delhi Jal Board and all other department concerned therewith shall identify the sites and the methodology of the transportation of the sludge taken out from the drains and ensure compliance with to appropriate dumping site. The site shall be identified strictly in consonance with the Rules applicable. The sludge shall be transported without delay in any case not later than 7 days of the dredging.

9. Delhi Jal Board shall ensure that all its existing STP's particularly in relation to the drains covered

under the Phase 1 of the Project, are made to operate efficiently and to their optimum capacity. Report in this regard shall be submitted within one month from today.

10. The Delhi Jal Board in coordination with Delhi Development Authority, Revenue Department or any other authority shall take possession of all the required land on which the STP's are intended to be constructed at the earliest and not later than 4 weeks from today. We grant liberty to Delhi Jal Board to move to the Tribunal in the event of default or necessity.

11. Delhi Jal Board has submitted a proposal to NCT of Delhi for acquisition of land in relation to **Goyala Vihar, Tikri Kala and Badu Sarai**. We direct NCT Land and Building Department, Delhi to acquire the said land under the emergency clauses of the Land Acquisition law and place it at the disposal of Delhi Jal Board as expeditiously as possible.

12. All the STP's installed shall release the effluent to the prescribed standards as notified by MoEF & CC vide Notification of April, 2015 by the Central Pollution Control Board in accordance with law. These standards would apply to all the STP's and

CETP's that may be established in terms of this Judgment.

13. The Central Pollution Control Board has submitted the baseline data of the effluents in the drains and the River Yamuna as of today. Further analysis will be taken up with reference to this baseline data.

14. **The Delhi Jal Board and DSIDC through DPCC or otherwise shall introduce Online Monitoring System particularly at the specified observation points or locations where the STP's and CETP's are located. This information shall be put in the public domain informing the public at large in regard to the performance of the STP's.**

15. **The cost of the project is 3659 crores which includes establishing of new STP's as well as providing of interceptors and sewer line in relation to the first phase only.**

16. **Finances for the project shall be resourced *inter alia* but definitely from the Ministry of Water Resources under the National Mission for Clean Ganga.**

DDA has nearly 281 unauthorized colonies

and 10.80 lakhs residential flats in various parts of Delhi, thus, heavily contributing to the generation of the sewage. We direct Ministry of Urban Development under Urban Development fund to require DDA to release funds. Delhi Jal Board and NCT, Delhi shall finance this project primarily.

All these Ministries, Delhi Development Authority, Delhi Jal Board and other authorities of NCT, Delhi would share the liability in the proportion that may be determined by the Principle Committee under this Judgment keeping in view the total cost of first phase of the project.

We direct NCT of Delhi, Delhi Jal Board and all Municipal Corporations, Cantonment Board, electricity companies like BSES and all other civic authorities to require payment of environmental compensation from every house hold which is generating sewage in the entire NCT of Delhi on the Polluters Pay Principle. It will be irrespective of whether a house hold is sewerred or not. This would be equally applicable to the house hold located in the unauthorized colonies.

17. The monthly compensation payable by all the house hold in the NCT Delhi would be directly

proportionate to the property tax or water bill whichever is higher, payable by such house hold. Where the house hold or person is not paying water bill, property tax and are located in unauthorized colonies, in that event, such house hold shall pay the sum of Rs 100 or Rs 500 per month as the case may be. This amount would be determined by the concerned authority with reference to the construction existing on the plot.

The payment of the 'environmental compensation' in terms of the above clauses shall be added to electricity bills, water bill and the property tax demand in order of preference by the respective departments which will transfer the money to NCT, Delhi

18. Delhi Jal Board has to provide itself or through appropriate agency desludging vehicles which will collect sludge from the septic tanks in the colonies and take it to the nearest STP.

19. Such vehicles shall be provided with GPS to ensure proper collection and transportation to the designated location.

20. **Delhi Jal Board shall execute this project by clubbing of the items specified under project. There are expected to be 15 STP's which are to**

**be established. 4 STP's are in existence. One is under the process of completion. Delhi Jal Board and all concerned authorities and NCT, Delhi itself would take effective steps to complete the establishment of new STP's as expeditiously as possible to ensure that the project is completed within the stipulated time.**

21. Director of Environment, State of Haryana submitted that he has instructions from the Government to assure that they would establish the STP at Gurgaon border where the drain from Haryana joins with the Najafgarh drain in Delhi. They will submit within two weeks from today the complete action plan and the timeframe for completion and operationalization of that STP.

22. We hereby direct all the Municipal Corporations of Delhi to clean all the drains of any municipal or other waste. They will further ensure that no person including the corporation employees itself are permitted to throw any municipal or other waste into the drains. The cleaning of 2 drains in question will be done on the priority basis and completed within one month from today and submit compliance report to the Tribunal.

23. The Corporations and all public authorities shall forthwith take action in accordance with law and ensure that no illegal, unauthorized washing, slaughtering or running of dairies is permitted on the banks of the drains. All the Corporations and authorities including PWD shall ensure that there is no encroachment on the drains or on its banks in any part of Delhi.

24. Undertaking of NCT Delhi, Delhi Jal Board, all other authorities, corporations of NCT, Delhi and State of Haryana in the above terms is recorded and accepted.

25. We make it clear that 162 kms of sewere lines proposed to be laid down in the Colony Budh Vihar under first phase of the project would not be taken up by the Delhi Jal Board at the first instance. It will only ensure installation of the requisite STP at the mouth of the Nangloi drain for treating the sewage flowing from that colony. Laying down of the sewere line would be taken up subsequently subject to the orders of the Tribunal.

26. We direct Delhi Jal Board to place before the Tribunal complete and comprehensive action plan for maintenance and operationalization of the constructed STP's including the financial

arrangements in that behalf.

27. We further make it clear that the interim orders passed by the Tribunal shall continue and Delhi Jal Board would not carry on further work on existing projects or any new project, except with the specific permission of the Tribunal in that regard.

28. We hereby direct all the Authorities, Corporation, DDA, NDMC, DJB, State of Haryana, State of Uttar Pradesh, Government of NCT Delhi, CGWA and all concerned Ministries of Central Government to ensure compliance of directions contained in this order and in the Judgement of the Tribunal dated 13<sup>th</sup> January, 2015. They further ensure that there is no default on part of the department or any of its officer irrespective of the status in the hierarchy of the department.

29. We further direct that the damages payable for the environmental compensation/damages, payable for violating these directions and as even stated in the Judgement of this Tribunal dated 13<sup>th</sup> January, 2015 for throwing any Municipal Solid Waste into the drain or into the river Yamuna would be at the rate of Rs. 5,000/- per incident. That should be implemented

without default by all concerned.

30. We hereby direct NCT Delhi and the Electricity Companies supplying electricity to Delhi to comply with these directions and deposited the amount so received with the NCT, Delhi in terms of this order.

Let all concerned authorities render full cooperation to all stake holders and ensure compliance of the above directions without default and within the stipulated period.

We do place our appreciation for the able assistance render by the Learned ASG and all the other Counsels appearing for the various Departments and States as well as the applicant.

List this matter for compliance on 25<sup>th</sup> May, 2015.

.....,CP  
(Swatanter Kumar)

.....,EM  
(U.D Salvi)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(Prof. A. R. Yousuf)

.....,EM  
(B.S Sajwan)

