

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 06 of 2012

And

M.A. No.138 of 2015

In

Original Application No.300 of 2013

(M.A. No.199 of 2015)

And

M.A. No. 191 of 2015

In

Original Application No. 06 of 2012

And

M.A. No. 868 of 2014

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.

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

M.A. No. 191 of 2015

Present: Applicant

Mr. Rahul Choudhary and Ms. Neha Kurian, Advs.

Respondent No. 1:

Mr. Vivek Chib and Mr. Asif Ahmed, Advs.

Respondent No. 2, 5 & 8:

Mr. V.K. Tandon, Advs. for NCT

Respondent No. 3 :

Mr. Narender Pal Singh, Adv. with Mr. Dinesh Jindal, L.O. DPCC

Respondent No. 4 :

Mr. Rajiv Bansal, with Mr. Kush Sharma, Advs. For DDA

Respondent No. 6 & 7 :

Ms. Savitri Pandey AND Ms. Azma Parveen, Advs.

Respondent No. 9 :

Mr. Robin R. David, Adv. for DUAC

Mr. Moni Cinmoy, Adv. for DSIIDC

Mr. Suresh Tripathy, Adv. for DJB

Mr. Anil Grover, AAG with Mr. Rahul Khurana, Adv. for State of Haryana

Mr. Venkatesh and Mr. Anuj P. Agarwala, Adv. for DCWA

Original Application No.300 of 2013

(M.A. No.199 of 2015)

Present: Applicant

Mr. Rahul Choudhary and Ms. Neha Kurian, Advs.

Respondent No. 2 :

Mr. Ardhendumauli Kumar Prasad, Advs. for Ministry of Urban Development

Respondent No. 9 :

Mr. Robin R. David, Adv. for DUAC

Respondent No. 10 & 11 :

Mr. Narender Pal Singh, Adv. with Mr. Dinesh Jindal, L.O., DPCC

Mr. Vivek Kumar Tandon, Advs. for NCT

Mr. Moni Gnniy, Adv. for DSIIDC

Ms. M. Aeharya, Sr. Adv. with Ms. Puja Kalra,
Adv. for SDMC

Original Application No. 06 of 2012

M.A. No. 868 of 2015

Present: Applicant

Respondent No. 1:

Respondent No. 2 & 5:

Respondent No. 4 :

Respondent No. 9 :

**Mr. Rahul Choudhary and Ms. Neha Kurian,
Adv.**

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

Mr. Vivek Kr. Tandon, Adv.

**Mr. Balendu Shekhar and Mr. Vivek Jaiswal,
Adv.**

Mr. Robin R. David, Adv. for DUAC

Mr. Moni Gnniy, Adv. for DSIIDC

Ms. Sakshi Popli, Adv. for NDMC

	Date and Remarks	Orders of the Tribunal
	Item No. 01, 02, 03 March 27, 2015	<p>The Judgment in these cases had been pronounced on 13th January, 2015. For expeditious, effective implementation thereof a meeting was held on 25th February, 2015 and further directions were passed vide our Order dated 2nd March, 2015. It is unfortunate that though this is a matter of serious environmental consequence and relates to restoration and revitalization of river Yamuna, yet the concerned authorities have failed to act with requisite seriousness and effectiveness. No reports have been filed. Vide our Order dated 2nd March, 2015, it was directed that the Department of Irrigation shall demarcate the flood plain of river Yamuna with reference to one in 25 years physically and submit a compliance Report. Even this has not been done.</p> <p>We direct all concerned authorities and the principal Committee constituted under the Judgment dated 13th January, 2015 to comply with the directions contained in this Judgment and report to the Tribunal from time to time and in default, henceforth, we would be compelled to take coercive steps including attachment of accounts and requiring the authorities to suffer civil imprisonment in accordance with the provision of Order XXI of the Civil</p>

Procedure Code and other laws in force. Suffice it is say that all authorities concerned would not compel the Tribunal to travel into that realm of jurisdiction, of the Tribunal and perform their statutory obligations and compliance to the Judgment to protect the environment, prevent further pollution of river Yamuna and restore it to its original pristine and quality. However, after hearing the Learned Counsel appearing for the parties, we pass the following directions:

1. It is stated that the Irrigation Department of NCT Delhi has prepared a flood plain map of NCT Delhi in furtherance to the direction of the Tribunal and has sent a copy thereof to the Learned Counsel for DDA for physical demarcation. The submission is made that some of the areas of the flood plain of river Yamuna falls in the limits of NCT Delhi and the UP State simultaneously.
 - a. The Department of Irrigation NCT Delhi shall provide to DDA, State of UP the detailed flood plain map of NCT that has been placed on record of the Tribunal preferably in the scale of 1:5000 within three days from today.
 - b. The State of UP shall within one week thereafter provide the requisite data to the Learned Counsel for DDA in relation to the area of the Yamuna flood plain that falls within their territorial limits from Palla to Wazirabad and downstream of Okhla.
 - c. The DDA thereupon shall ensure physical demarcation of the flood plain area within one week thereafter.

d. The Learned Counsel for DDA then shall forward the demarcation sketch/plan to the Principal Committee for dealing with the cases of unauthorized constructions/ occupation in accordance with the terms of the Judgment.

2. In our Order dated 2nd March, 2015 we had noticed that NCT Delhi Administration has taken a decision that there should be no polluting industries in the residential area. This is reiterated today also. We find that decision of the Government is in consonance with law. All such industries which are operating in residential/domestic areas are firstly violating the prescribed user under the Master Plan and more seriously present a very pertinent and prominent source of pollution of the drains. They discharge their effluents into the drains without any treatment and majority of them are operating even without the consent of the Board. Even if an STP is established to treat the sewage that is passing through the drains in NCT Delhi still it would not be able to clean and provide the reusable water because of content of industrial effluent in the sewage. They are the source of continuous pollution and are prejudicial to restoration of river Yamuna.

While accepting the stand of the State, we hereby direct:

a. No industry which is operating or discharging any effluent or other such industrial waste and/or which has not obtained the consent of the Board would be permitted in the residential zone or areas

of NCT Delhi, or non-conforming area.

- b. The concerned authority in whose jurisdiction such area falls shall forthwith issue notice for complete prohibition on carrying on of industrial activity which discharge effluent in the residential area.
- c. They will be given months period to shut down.
- d. The DPCC and CPCB shall submit a Report regarding, the effluent quality from all the 13 CETPs in Delhi. They shall clearly point out whether they are capable of treating the effluents depending upon the nature of the industries they are serving and the effluent of which they are stated to be treated.
- e. This team shall also submit a Report particularly in regard to pickling industries in Delhi which are located more particularly in the area of Wazirpur.
- f. We hereby direct the Principal Committee to file a Report before the Tribunal within one week from today without fail and default.
- g. The Municipal Corporation and DJB shall submit a Report as to cleaning of the drains in terms of our Judgment dated 13th January, 2015 within one week from today.
- h. The matters in relation to release of minimum environmental flow in river Yamuna from the State of Haryana. The Learned Counsel appearing for the State of Haryana shall take instructions in that behalf and inform the Tribunal on the next date of hearing.
- i. DDA and all other authorities shall place a specific

Report as to the persons who have been directed to pay compensation and the amount of compensation recovered from the persons who were found throwing waste into river Yamuna or dumping other waste on the bank of the river Yamuna.

- j. We further direct the Committee of DPCC and CPCB to submit analysis Report of the emission and dumping of the fly ash by the Indraprastha Power Station within two weeks from today.

We request the three Expert Members, the CEO Delhi Jal Board and the Secretary concerned of NCT Delhi to be present at 3:00 p.m. on 1st April, 2015.

List this matter on 16th April, 2015.

.....,CP
(Swatanter Kumar)

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

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

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

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