

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

Original Application No. 94/2013

(M.A. No. 904/2014, M.A. No. 592/2015, M.A. No. 806/2015 and M.A. No. 236 of 2016)

Vikrant Kumar Tongad Vs. Delhi Metro Rail Corporation Ltd.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE MR. JUSTICE R. S. RATHORE, JUDICIAL MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present:

Applicant / Appellant : Mr. Rahul Choudhary, Ms. Meera Gopal, Advs.
NDMC &EDMC : Mr. Balendu Shekhar and Mr. Akshay Abrol and
Hospital and Research College: Mr. Tarunvir Singh Khehar and Ms. Guneet Khehar, Advs.

Respondent No. 1 : Mr. Sanjeev Ralli, Adv. with Dinesh Jindal, LO
Pallika Matternity Hospital& GNCTD: Ms. Sakshi Popli, Adv.
CGWA & S. Hospital, VMMC : Mr. B.V. Niren, Adv.

Respondent No. 6 : Ms. Reena Singh, Adv.
For DPCC : Mr. Sanjeev Ralli, Mr. Vinod Kapoor and Mr. Dinesh Jindal, LO
: Ms. Yavamica S. Kapoor, Adv. in M. A. NO. 236 of 2016
: Mr. Navnik, Noticee for Dharamshits Hospitals & Research
: Mr. Jeevan Prakash, Adv. for RG stone

Respondent No. 44 : Mr. Ravikesh K. Sinha and Mr. Rakesh K. Sinha, Advs. for Saket city hospital
: Ms. Anmits Bazaz, Adv. for Jain Hospital
: Mr. Nischal Kumar Neeeraj, Adv. for MCD Hospital
: Mr. Bipul Kr. Mishra with Mr. Nitin Adv. for National Heart Institute
: Mr. Ravinder Kr. And Mr. Ashish, Advs. for Metro Heart Institute Laj Pat Nagar
: Mr. Saurabh chadda and Mr. S. Keshyap, Advs. for GSI, Rohini

	Date and Remarks	Orders of the Tribunal
	Item No. 39 April 18, 2016	<u>PALIKA HOSPITAL</u> Learned Counsel appearing on behalf of the Hospital invites our attention to the Order dated 24 th February, 2016 which records that the artificial recharge of ground water through rain water harvesting system is not necessary at the place where the hospital is situated. She further submits that the Respondent has undertaken the execution of the work of rain water conservation system and the work would be completed by 15 th May, 2016 and the compliance Report would be filed thereafter. We grant time to file such compliance Report.

NATIONAL HEART INSTITUTE

Learned Counsel appearing on behalf of the National Heart Institute points out that the hospital has been wrongly described as National Heart Hospital and necessary correction needs to be carried out. Let this Hospital be properly described as National Heart Institute and not National Heart Hospital.

Learned Counsel appearing on behalf of the Hospital submits that the rain water harvesting system is in place and the same can be inspected by the authorities. He further submits that the Reply would be tendered within one or two days. Let the Joint Inspection of the rain water harvesting system installed at the premises of National Heart Institute be carried out and the Report be submitted before us on the next date of hearing.

METRO HOSPITAL

Learned Counsel appearing on behalf of the Hospital submits that a Joint Inspection carried out of the hospital premises reveals that the rain water harvesting system in place is in order. Let the Reply stating this fact be placed on record.

R.G. STONE, EAST OF KAILASH

Learned Counsel appearing on behalf of the Hospital submits that the Reply will be filed in one or two days.

He further submits that for installation of rain water harvesting system, they have to seek permission of the SDMC for utilising the service lane abutting the hospital premises for installation of rain water harvesting

system.

R.G. STONE, PITAMPURA

Learned Counsel appearing on behalf of the Hospital submits that the rain water harvesting system has been installed and it is ready for Joint Inspection. Let the Joint Inspection of the rain water harvesting system in the Hospital premises at Pitampura be carried out and the Report be tendered before us on the next date of hearing.

JAIN HOSPITAL

The Learned Counsel appearing for the Hospital submits that the rain water harvesting system has been installed and the joint Inspection be carried out to ascertain its efficacy. Let the hospital place the facts before us in form of Affidavit within a week and the Joint Inspection be carried out thereafter.

KHANDELWAL HOSPITAL

Let the copy of the Reply be furnished to the DPCC in the course of the day. Joint Inspection be carried out of the premises of the Hospital thereafter.

PANDIT MADAN MOHAN MALVIYA HOSPITAL

It appears that the initiative has been taken by the Hospital to carry out the work of installation of RWH system. However, the Learned Counsel appearing on behalf of the Hospital is not in position to state as to what extent the said work has been done. She submits on instructions that the construction of the rain water harvesting system will be completed by 15th May, 2016. Let the progress of the work be placed on record in form of an Affidavit and its copy be furnished to the Delhi

Pollution Control Committee well in advance.

DEEP CHAND BHANDUR HOSPITAL

Learned Counsel appearing on behalf of the Hospital submits that the rain water harvesting system has been installed. He passes on a copy of the Reply Affidavit to the Learned Counsel appearing on behalf of the DPCC. Let the Joint Inspection be carried out of the said rain water harvesting system and the Report be placed before us before the next date of hearing.

**B.R. SUR HOMOEOPATHIC MEDICAL COLLEGE,
HOSPITAL AND RESEARCH CENTRE**

We have before us the Affidavit of the Hospital dated 4th April, 2016 which places on record a copy of the certificate issued by the Civil Engineer, PWD about the installation of rain water harvesting system (Page 1507). Let the copy of this Affidavit be furnished to the DPCC and the DPCC shall carry out the necessary Joint Inspection and place its Report before us on or before the next date of hearing.

The records reveals that Notice to Divya Prasthan Hospital has not been served. Issue fresh Notice to Divya Prasthan Hospital by Registered Post/Acknowledgment due and Dasti as well. Service of Notice be effected by DPCC.

Notice made returnable on 13th May, 2016.

As regards the Rescue Hospital, Dwarka, Sector-13, the Report of execution of Bailable Warrant issued on 24th February, 2016 has not yet been received. Let the SHO of the concerned police station tender its Report before us on the next date of hearing.

DHARAMSHILA HOSPITAL AND RESEARCH

CENTRE

Learned Counsel appearing on behalf of the Hospital submits that compensation amount of Rs. 5 lakhs has been paid and the hospital has commissioned two rain water harvesting systems in place instead of 3 as has been prescribed by CGWA earlier. He points out that the construction of third rain water harvesting system is not necessary particularly when the third rain water harvesting structure if constructed, will possibly give rise to leaching of polluted water of Hindon Canal into the recharge well. Learned Counsel invites our attention to letter dated 07-12-2015 of the Central Ground Water Authority annexed to the Affidavit at Annexure N-1 at Page 1599. Letter dated 07-12-2015 reveals that the third recharge RWH structure need not be constructed as there is possibility of seepage from Hindon canal as the water table is shallow and, there is possibility of getting water logged condition in the area.

Learned Counsel appearing on behalf of the DPCC submits that the two rain water harvesting system in place at the hospital premises presently are functional and in order. Considering these facts and circumstances we discharge Dharamshila Hospital.

At this stage our attention is invited to Order dated 1st December, 2014 issuing direction to CGWA, DJB and the Municipal Corporations as well as DPCC to take effective steps for ensuring the installation of rain water harvesting system not only at hospitals, malls, commercial complex, hotels but also at various Resident's

Welfare Associations premises.

It appears that nothing much has moved as regards installation of rain water harvesting systems expected to be installed by Resident's Welfare Associations. We therefore, direct CGWA and DJB to place before us the status Report regarding the compliance of our direction dated 1st December, 2014 in relation to Residential Welfare Associations premises on the next date of hearing.

List the matter on 13th May, 2016.

.....,JM
(U.D. Salvi)

.....,JM
(M. S. Nambiar)

.....,JM
(R.S. Rathore)

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

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

