

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

**M.A. NO. 808 OF 2013
IN
Original Application No. 94 of 2013**

Vikrant Kumar Tongad Vs. Delhi Metro Rail Corporation Ltd.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE DR. B.S. SAJWAN, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present:

Applicant: Mr. Rahul Choudhary, Advocate
Applicant in M.A. No. 808/2013: Mr. Pankaj Kr. Singh, Advocate

Respondent No. 1: Mr. Ankur Gupta
Respondent No. 3: Mr. N. Jyothi Kumar, Advocate
Respondent No. 4: Mr. B.V. Niren, CGSC
Respondent No. 5: Mr. Mohit Kumar Gupta, Advocate
Respondent No. 6: Ms. Reena Singh, AAG of U.P. with Mr. Devesh Kumar.
Respondent No. 7: Mr. Narender Hooda, Sr. Advocate with Devender Pratap Singh Advocate and Mr. Vineet Malik, Advocate
Mr. Ashwani Kr. Dhatwalia, Advocate for DDA
Mr. Sunil Gupta, Advocate
Mr. Mohit Kr. Gupta, Adv. For DJB
Mr. Sanjiv Rathi and Dinesh Jindal, DPCC
Mr. Vikash Kumar for Select City Hospital
Mr. Moni Cinmoy for DSIIDC
Mr. Balendu Shekhar, for EDMC
Mr. Sanjay Dewan for Noticee No. 6 & 18
Mr. M.K. Sharma for CPWD
Mr. Dalip Singh, PWD, AEE
Mr. Rajinder Singh and Mr. Sumit Dubey, Law Officers for non-Applicant no. 16
Mr. Bibhakar Misra, Advocate for National Highways Authority of India

Date and Remarks	Orders of the Tribunal
December 9, 2013 Item No. 6	<p>Learned counsel appearing for the Applicant in the main Application as well as in M.A. No. 808 of 2013 shall provide the complete sets of paper book to all the Learned counsel appearing in this case.</p> <p>This matter relates to rain water harvesting systems being entirely non-functional in various parts of Delhi as well as obligations on all the public authorities and Corporations to ensure installations of rain water harvesting mechanism in the residential as well as industrial and commercial places.</p> <p>We direct all the Authorities and Corporations and Departments to file a complete and comprehensive Affidavit within two weeks from today with advance copy to the Learned counsel appearing for the Applicant who may file Rejoinder thereto, if any, before the next date of hearing.</p>

Directions contained in our Order dated 25th October, 2013 in relation to inspection of the 18 Units that was stated in the application has not been conducted by the Environment Forest Department of NCT of Delhi as well as Delhi Pollution Control Committee (for short "DPCC").

Learned counsel appearing for DPCC has stated that since they do not have expertise in this branch they were unable to execute the order of inspection. We find this excuse baseless and misconceived. It was obligatory upon the DPCC which is statutorily expert body to comply with this direction and, if felt necessary, at its own level could have taken assistance from other Department including Central Ground Water Authority and IIT, Delhi.

We direct the Member Secretary of the DPCC to ensure the compliance of this Order and also direct all the other Authorities to provide full cooperation and assistance to the DPCC. The Department of Environment and Forests, NCT Delhi shall coordinate with the DPCC and would ensure the compliance of this Order.

We make it clear that if by the next date of hearing the compliance is not reported to the Tribunal, the Tribunal shall be compelled to initiate proceedings for contempt against concerned Officers of these Authorities.

Learned counsel appearing for the DMRC prays for further time to file an Affidavit in terms of our previous Orders. By way of last opportunity, we grant one week's time to do so. In the event of default, exemplary costs will be imposed upon the Corporation and the Officer/s responsible for such delay.

List the matter on 16th January, 2014.

.....,CP
(Swatanter Kumar)

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

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

	<p>.....,EM (B.S. Sajwan)</p> <p>.....,EM (Dr. R.C. Trivedi)</p>
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