

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(Through Physical Hearing with Hybrid VC Option)

Original Application No.453/2022

Sunil Yadav

....Applicant

Versus

Govt. of NCT of Delhi

...Respondent

Date of hearing: 17.10.2022

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None.

Respondent: Ms. Sakshi Popli, Advocate for DPCC.

Mr. Udesb Puri, Advocate for Modern Child
Public School.

Application is registered based on a Letter Petition received by Post.

ORDER

1. The applicant has sent the present letter petition, which has been treated and registered as original application, complaining about illegal unlawful and unauthorized electric bore-wells, jet pumps and submersible pumps installed at the Modern Child Public School, Nangloi, Delhi and massive theft, extraction, usage, wastage and selling of fresh groundwater by the same.

2. The applicant has submitted that in the gardens, backyards and side yards of the School around 10 to 15 impermissible, illegal, unlawful and unauthorized electric bore wells, jet pumps and submersible pumps are installed at the Modern Child Public School and daily more than 2,50,000 liters of fresh ground water is illegally extracted and used for all the works and purposes at the school. The water supplied by the Delhi Jal Board is

seldom rarely and barely used at the school. The owners of the school even illegally sell fresh groundwater to tanker Mafias and to other water deficit areas of Delhi at a very high rate and earn a lot of black money. Several Officers from the Delhi Jal Board and the Office of the Sub Divisional Magistrate of the area visited the school but due to having been bribed as alleged by the school authorities they did not take any action.

3. This Tribunal, vide order dated 26.07.2022 constituted a Joint Committee comprising of the CGWA, DPCC, Delhi Jal Board and Deputy Commissioner (West) Delhi and directed the same to meet within four weeks, undertake site visits, look into the grievances of the applicant, verify the factual position and take requisite remedial action by following due process of law and submit factual and action taken report within two months. Notice was also ordered to be issued to the Manager, Modern Child Public School, Nangloi, Delhi requiring him to file reply specifically responding to all material averments made in the application within two months.

4. In compliance thereof Legal Cell DPCC has sent Action Taken Report filed by Dr. Anwar Ali Khan, Sr. Environmental Engineer on behalf of DPCC along-with Inspection Report of the Joint Committee by email on 17.10.2022. The relevant part of the Status Report reads as under:-

***“ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE IN COMPLIANCE WITH THE ORDER DATED 26.07.2022.*”**

1. *That this Hon'ble Tribunal took up the above referred matter on 26.07.2022 and was pleased to constitute a joint Committee of CGWA, DPCC, DJB and Deputy Commissioner (West) to take action against illegal and unauthorized bore-wells/ jet pumps/ submersible pumps installed at the Modern Child Public School, Nangloi, Delhi, and the ground water was being sale for commercial gain.*
2. *That, the DM (West) taken a meeting of the joint committee on 08.08.2022 to comply with the order passed by This Hon'ble Tribunal dated 26.07.2022.*

3. *That, the committee comprising of the officials from CGWA, DPCC, DJB, Deputy Commissioner(West) Delhi, and Nangloi Water Services official has inspected the site on 17.08.2022. During the inspection, following was observed :-*

1. *The premises are being used for the operation of School in the name of "Modern Child Public School".*

2. *The team has taken a round of the school peripheral and no bore well found existing as well as no facility to sell ground water."*

3. *One bore casing of 150 mm diameter, without any pumping equipment was found installed near the front of guard room of the school and same was found sealed.*

4. *Another bore well casing of 200 mm diameter, without any pumping equipment was found inside Rain Water Harvesting chamber on right side of the entrance gate and same was closed earlier by well cap on 05.08.2022 however to avoid any chances of misuse of pumping of ground water in future the same was sealed during the inspection.*

Copy of the joint inspection report dated 17.08 2022 is enclosed herewith as ANNEURE-1.

There is no borewell found, which was used for commercial purpose, therefore no action is warranted."

5. We have gone through the report of the Joint Committee and find that the complaints made in the letter petition were found by the Joint Committee to be factually wrong. Therefore, no intervention by this Tribunal is warranted on the present application which is disposed of accordingly.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 17, 2022
AG