

Item No. 02

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 470/2022

Rao Satvir Singh & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 13.07.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Ravinder Yadav, Applicant in Person

ORDER

1. Grievance in this application is against pollution of Najafgarh drain and Sahibi River/Sabi *Nadi*. It is stated that Sahibi River originates from Sewer hills in Jaipur District, Arawali hills and is a seasonal stream with irregular water supply. It gets converted to Najafgarh drain in Delhi. However, after 1977 floods, Sahibi River is not entering Nagafgarh drain but Gurugram sewage and industrial waste is being discharge in the said drain.

2. The applicant has referred to order of this Tribunal dated 21.01.2022 in *E.A No. 16/2019, Indian National Trust for Art & Culture Heritage v. Govt. of NCT of Delhi & Ors.*, in continuation of order dated 17.09.2020, directing the State of Haryana and NCT of Delhi to prepare Environment

Management Plan (EMP) to prevent pollution of Najafgarh lake which was a transboundary water body partly in Delhi, partly in Haryana.

3. The Tribunal considered the report of State of Haryana dated 21.09.2021 and report of joint Committee filed by CPCB on 13.12.2021. Reference was also made to the status report filed by Government of Delhi dated 20.01.2022 and directions issued by the MoEF&CC constituting Inter-Ministerial Expert Group. Operative part of the order is as follows:-

“11. In view of the above, further action of preparing integrated EMP by the MoEF&CC be taken and till it is done, EMPs prepared for rejuvenation and protection of the lake be enforced by the State of Haryana and the NCT Delhi. The EMPs of Delhi and Haryana do not make specific provision for budget which is necessary except saying that provision will be made immediately making of such provision may be ensured by the Chief Secretaries of Delhi and Haryana. Wetland (Conservation and Management) Rules, 2017 be strictly followed alongwith the Guidelines issued by MoEF&CC on the subject. Further, direction of the Hon’ble Supreme Court in Balakrishnan & Ors. v. Union of India & Ors.¹ and order of this Tribunal dated 25.11.2021 in O.A. No. 351/2019, Raja Muzaffar Bhat v. State of Jammu and Kashmir & Ors. to the extent applicable be complied. It will be open to any party to make representation to the respective Wetland Authorities. If any grievance survives, it will be open to the aggrieved party to take further remedies in accordance with law. The National Wetland Authority needs to monitor progress of implementation of action plans with both the States i.e. Haryana and Delhi through their respective State Wetland Authorities and resolve inter-state dispute, if any.

12. Action taken/status reports as on 31.07.2022 may be filed by the concerned Wetland Authorities with the Registrar General of this Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF, by 15.08.2022, who may, if necessary, place the matter before the Bench, for any further direction.”

4. Apart from above, the control of pollution of Najafgarh drain is also subject matter of directions of this Tribunal in order dated 27.01.2021 in OA No. 6/2012, Manoj Mishra vs. Union of India & Ors, relating to rejuvenation of river Yamuna as one of major sources of pollution of Yamuna is pollution of Najafgarh drain which finally joins Yamuna. The

¹ (2017) 7 SCC 805

issue has also been considered vide order dated 19.4.2022 in OA No. 887/2019, *Sukhwanti vs. State of Haryana & Ors.* wherein status of water pollution in Gurugram has been noted. It was found that there is a gap of 86 MLD in generation and treatment of sewage. It was also noted that about 218 MLD of sewage through three STPs is being discharged into Najafgarh drain. Directions in the said matters also need to be complied in the interest of environment and public health.

5. The Tribunal has also considered the issue arising out of media report dated 05.07.2022 titled *“Dead fish in Najafgarh drain, pollution could be to blame”* which reportedly is due to pollution of the drain. Vide order dated 11.07.2022, the Tribunal sought a report from a joint Committee of CPCB, DPCC, DJB, Irrigation and Flood Control Department, Govt. of Delhi and District Magistrate, South West Delhi. However, it may need to be ascertained whether Gurgaon pollution is responsible for the situation.

6. Since in the present case, the issue raised is of pollution at Gurugram which has been subject matter of earlier consideration and directions, we direct a joint Committee of CPCB, State PCB, Commissioner Municipal Corporation, Gurugram and District Magistrate, Gurugram to furnish a factual and action taken report giving updated factual status of disposal of sewage and trade effluents in the Najafgarh drain before its entry in Delhi within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. The Haryana State PCB will be the nodal agency for coordination and compliance. The report may mention sources of such discharges into drain, quantity of sewage being discharged and the performance of STPs. The report may also mention compliance status of directions of the Tribunal in OA No. 6/2012 and OA No. 887/2019, *supra*.

List for further consideration on 12.09.2022.

A copy of this order be forwarded to the CPCB, State PCB, Commissioner Municipal Corporation, Gurugram and District Magistrate, Gurugram by email for compliance.

The applicant may server a set of papers on CPCB, State PCB, Commissioner Municipal Corporation, Gurugram and District Magistrate, Gurugram and file affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

July 13, 2022
Original Application No. 470/2022
AB