

Item Nos. 07 & 08

Court No. 1

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

Execution Application No. 16/2019
(Earlier O. A.No.153/2014)
(M.A. No. 85/2022)

Indian National Trust for Art &
Cultural Heritage

Applicant

Versus

Govt. of NCT of Delhi &Ors.

Respondent(s)

WITH

Original Application No. 470/2022

Rao Satvir Singh & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 16.02.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Akash Vashishtha, Advocate for Applicant in E.A 16/2019
Mr. Ravinder Yadav, Applicant in Person in OA 470/2022

Respondent: Ms. Jyoti Mendiratta, Advocate for GNCTD
Mr. Rahul Khurana, Advocate for the State of Haryana, HSPCB & MCG
Mr. Rahul Pratap, Advocate for MoEF & CC in OA 470/2022

ORDER

1. This order will deal with two matters - Execution Application No. 16/2019 in O.A. No.153/2014 and OA No. 470/2022 as both matters involve common issue of compliance of orders of this Tribunal for remedial steps for rejuvenation of Najafgarh lake, a transboundary wetland on border of Delhi and Gurgaon in Haryana. Damage to the lake is by discharge of waste and encroachments.

2. We may give brief background of the proceedings.

3. E.A No. 16/2019 has been filed for execution of earlier orders of the Tribunal on the subject. Vide order dated 17.09.2020 in E.A No. 16/2019, the Tribunal directed preparation of Environmental Management Plan (EMP) jointly by the State of Haryana and the NCT of Delhi. The MoEF&CC was directed to steer the proceedings for preparation of EMP with the assistance of the CPCB. Further follow up directions were issued on 17.06.2021 and 21.01.2022. The Tribunal considered EMPs filed by State of Haryana and Delhi Government and also report of CPCB dated 13.12.2021 to the effect that Wetland Division, MoEF&CC had proposed draft Notification to declare Najafgarh Wetland as transboundary wetland. The integrated EMP for the same was to be prepared. MoEF&CC constituted Inter-Ministerial Expert Group on 19.01.2022 for remedial measures for rejuvenation of Najafgarh drain.

4. The Tribunal disposed of the matter directing as follows:-

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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.*

¹ (2017) 7 SCC 805

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.”*

5. Report dated 18.08.2022 filed by Haryana State Wetland Authority is that the State of Haryana has prepared its action plan for treating waste water and to utilize the treated water for agricultural purposes for which necessary funds have been allocated. Tenders have been allotted and 50% work completed. Remaining work is likely to be completed by 19.01.2024.

6. The report of the Delhi Government gives status of action taken in respect of different action points for rejuvenation of the lake. Immediate measures include assessment and monitoring for management, planning, de-silting, construction of regulators in embankments and developing wetland management plan. Medium-term measures are setting up of DSTPs and remediation of the drains. Long-term measures are ecological restoration and flood control.

7. In O.A No. 470/2022, a joint Committee of CPCB, DPCC, DJB, Irrigation and Flood Control Department, Govt. of Delhi and District Magistrate, South West Delhi has filed a report giving the extent of pollution and recommending monitoring of treatment of sewage and other effluents discharged in the lake in Haryana and Delhi.

8. The Tribunal vide order dated 30.11.2022 noted the earlier order of the Tribunal dated 27.01.2021 in O.A No. 06/2012 with regard to rejuvenation of River Yamuna and held that the matter can be considered along with pending matter of rejuvenation of River Yamuna in O.A NO. 562/2022, *Ishika v. Govt of NCT of Delhi*. The said matter has been dealt with by a separate order today along with O.A No. 21/2023 and O.A No. 06/2012.

9. We have given due consideration to the issue in the present matter. We are of the view that since issue of control of pollution of drains and water bodies impacting Yamuna is now being dealt with in Delhi by a high level Committee headed by L.G. and issue of rejuvenation of Najafgarh Lake is integral to rejuvenation of Yamuna, the same can also be dealt with by the same Committee as far as Delhi is concerned and by the Chief Secretary, Haryana for the areas in Haryana.

10. Inter-ministerial Group may continue till remedial measures are completed as directed by this Tribunal vide order dated 09.01.2023 in O.A No. 21/2023.

11. With above observations, these applications will stand disposed of subject to the issue of rejuvenation of Najafgarh drain being considered further while dealing with rejuvenation of River Yamuna in O.A Nos. 21/2023, 562/2022 and 06/2012.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

February 16, 2023
Execution Application No. 16/2019
(Earlier O. A.No.153/2014)
(M.A. No. 85/2022) &
Original Application No. 470/2022
AB