

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 528/2022

Amit Sharma

...Applicant

Versus

Vivekanand School

...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: Applicant in person.

Respondents: Mr. Pramod Gupta and Ms. Vidisha Jain, Advocates
for Vivekanand School.
Ms. Sakshi Popli, Advocate for DPCC.

Application under Provisions of the National Green Tribunal Act, 2010.

ORDER

1. The applicant-Mr. Amit Sharma has filed present application complaining that the Principal and the Chairman of the Vivekanand School, D-Block, Anand Vihar, Delhi – 110092 (Project Proponents) have violated the environmental norms by digging 12 borewells in the school premises, installing commercial RO system with the capacity of 1000 liters, 11000 KVA electricity transformer and 62 KVA diesel genset without security measures and protocol. The applicant has further submitted that the above said Project Proponents are illegally storing 100 liters of diesel in stock and also throwing diesel in drains. The applicant has further submitted that three Rain Water Harvesting System constructed in the school premises are non-functional. The Project Proponents are thereby causing air, water, soil and noise pollution.

2. Vide Order dated 25.07.2022, this Tribunal constituted a Joint Committee comprising of DPCC, State Ground Water Authority and Deputy

Commissioner, Shahdara and directed the same to undertake site visits, look into the grievances of the applicant, verify the factual position and take remedial action in accordance with law by following due process within two months. Notice was also ordered to be issued to the Principal and the Chairman of the Vivekanand School requiring them to file replies specifically responding to all material averments made in the application within two months.

3. In compliance thereof Legal Cell, DPCC has sent Status report filed by Mr. P.S. Pankaj, Sr. Environmental Engineer on behalf of DPCC along-with Inspection Report of the Joint Committee by email dated 20.09.2022. The relevant part of the Status Report reads as under:-

“STATUS REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE WITH RESPECT TO ORDER DATED 25.07.2022.”

1. *That, the above mentioned matter was taken up by this Hon'ble Tribunal on 03.06.2021 and pleased to constitute a Joint Committee comprising of DPCC, State Ground Water Authority and Deputy Commissioner (Shandara) to verify the factual position and remedial action thereafter.*

2. *That, in Delhi there was is State Ground Water Authority hence representative of Central Ground Water Authority and Delhi Jal Board were co-opted in the Joint Committee.*

3. *That the joint committee comprising of the official of DPCC, COWA. OM and DM (Shandara) carried out an inspection of the Vivekanand School premises on 17.08.2022. The joint committee with respect to issues raked up in the instant replying OA has observed as under:-*

(1) REGARDING INSTALLATION OF 12 BORE-WELLS:

The team upon doing the physical survey of the site in question was able to locate only 04 borewells only out of which 02 borewells were functional, 01 non-functional and 01 found defunct.

Upon asking. the school authority didn't provide any permission in this regard. The representative of officials of DM Shandara has sealed 03 borewells during the inspection itself (02 working and 01 non-functional). Mr. Manoj Kumar (building Caretaker of Vivekanand School) also continued that there is no other borewell in the school premises

(ii) REGARDING 1000 LITRE COMMERCIAL RU:

01 RO system was present in the school premises. The representative of the school informed that it is non-functional,

however the school authorities has also installed a water purification plant to provide potable drinking water to school children and the same was verified at site.

(iii) REGARDING 11000 KVA TRANSFORMER:-

01 Transformer of 630 KVA was installed in the premise which was properly fenced.

(iv) REGARDING 100 LITRES OF DIESEL IN STOCK:-

No Diesel was found in the stock.

(v) REGARDING 62 KVA DO SET:-

The school is having 02 DG Sets of 125 kVA and 75 kVA capacity. 75 kVA DO Set was found in defunct condition. Both DO Sets are located at roof-top. Upon asking, it has been found that 125 kVA DG Set was being operated by School in past. 125 kVA DG Set is having acoustic enclosure appmx. 02 raft height of stack. DPCC Lab has conducted the noise monitoring.

(vi) REGARDING RAIN WATER HARVESTING:-

02 Rain Water Harvesting Pits were present in the school premises, however they were not found maintained properly.

(vii) THROWING OF DIESEL IN DRAIN:-

No traces of Diesel were found in Drains.

Copy of the joint inspection report dated 17.08.2022 is enclosed herewith as ANNEXURE- 1.

4. That. the SDM (Vivek Vihar) has sealed all 03 boreweli (02 functional borewells and 01 non-functional) during the joint inspection. Further, office of the SDM also imposed Rs 1 lakhs as Environmental Compensation. Environmental Compensation was deposited by School Authorities on 30.08.2022. Copy of the letter dated 30.08.2022 is enclosed herewith as ANNEXURE-2.

5. That during inspection. School Authorities had provided a certificate of Rain Water 1-larvesting issued by MB on 12.01.2021. The certificate shows that Rain Water-Harvesting Structure is sufficient and adequate. Though, during inspection dated 17.082022, same were found not maintained properly. Copy of the letter dated 12.01.2021 is enclosed herewith as ANNEXURE 3.

6. That DPCC Air Lab conducted the noise monitoring as well by running the DO Set. During the monitoring upon its operation, 125 WA DO Set was meeting the permissible limits, as per the G.S.R. 371(E) dated 17th May 2002. Copy of the Noise Monitoring Report dated 23.08.2022 is enclosed herewith as ANNEXURE-4.

7. That the DPCC has issued a letter dated 02.09.2022 to the Vivekanand School to take necessary measures to make rain water harvesting system fully functional as per norms and submit a report to DPCC through DJB. Copy of Letter dated 02.09.2022 is enclosed as ANNEXURE-5.”

4. We have heard the applicant and learned counsel for the Project Proponent-Vivekanand School and DPCC and we have also gone through the material on record.

5. Learned counsel for the School has submitted that the copy of the original application was not sent to the School with the notice due to which reply could not be filed.

6. However, on perusal of the report and consideration of the submissions made we are of the view that filing of reply by the Project Proponent/Vivekanand School is not absolutely essential for disposal of the original application.

7. We have gone through the report and we find that as against the complaint regarding installation of Twelve borewells, the Joint Committee found four borewells out of which two borewells were functional, one was non-functional and one was defunct. All the three borewells (two functional and one non-functional) were sealed and environmental compensation of Rs. 1 lakh was recovered by SDM-Vivek Vihar. The Joint Committee also found one non-functional RO system and one water purification plant but did not find any commercial use thereof. The Committee did not find any stock of diesel and any traces of diesel in the drain. As against the complaint regarding installation of 11000 KVA transformer, the Committee found 630 KVA transformer in the school which was properly fenced. The Committee found two DG sets of 125 KVA and 75 KVA capacity in the premises. 75 KVA DG set is reported to be in defunct condition while 125 KVA DG set is stated to have been used by the school in the past. So far as complaint regarding noise pollution by operation of the DG set is concerned, the Joint Committee has submitted that the 125 KVA DG set was meeting permissible noise limits. However, the Joint Committee found that two rain water harvesting systems were installed in the School which were not maintained properly. The DPCC has issued letter dated 02.09.2022 to the School for making the rain water harvesting systems fully functional.

8. In view of the observations/recommendations made in the Status Report and Inspection Report of the Joint Committee and the facts and circumstances of the case, the application is disposed of with the directions to the DPCC (i) to take appropriate proceedings for imposition of environmental compensation on the Project Proponent-Vivekanand School for violation of the environmental norms, if any, by following due process of law and (ii) issue appropriate directions to the Project Proponent-Vivekanand School for making rain water harvesting systems fully functional.

9. Further Action Taken Report be filed by the DPCC through email within six months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF, before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before this Bench for further directions.

10. It is also clarified that any of the parties having any grievance at any subsequent stage shall be at liberty to move this Tribunal for further directions in the matter as may be considered necessary.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

October 17, 2022
AG