

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

Original Application No. 297/2023

Nakul Kapoor

Applicant

Versus

Delhi Pollution Control Committee & Ors

Respondents

Date of hearing: 13.05.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None

Respondents: Ms. Tanisha Samanta proxy Counsel for Mr. Balendu Shekhar Advocate for DPCC(through VC).
Mr. Nikhilesh Maurya, Proxy Counsel for Mr. Ajay Vikram Singh, Advocate for Delhi Jal Board.
Ms. Jyoti Mendiratta and Ms. Ananya Basudha, Advocates for SDM Civil Lines (through VC). With Mr. M B Malhotra, SDM Civil Lines.
Mr. Siddharth Arora, Mr. Gaurav Kumar , Ms. Jasleen Kaur Raina and Ms. Anuja Pandit, Advocates for Respondent No. 6.

ORDER

1. On behalf of respondent 6, it is stated that reply has been sent on email, but registry informed that no such reply has been received. In the circumstances, copy of the reply has been filed in the court itself during the proceedings, which is taken on record.
2. The grievance of extraction of ground water by installing borewells in an illegal manner i.e. without permission from the Government Authority was raised in the present original application.

3. An Action Taken Report dated 04.05.2024 has been filed by Sub Divisional Magistrate, Civil Lines, Delhi stating that earlier Sub Divisional Magistrate, Civil Lines, Delhi visited the site i.e., 2B, Goela Lane, under Hill road, Civil Lines, Delhi on 02.11.2023 and found 02 illegal borewells running which were sealed vide sealing memo dated 02.11.2023.

4. Later on, Delhi Jal Board vide letter dated 08.02.2023 informed that 03 borewells were illegally operating at the property in question though, the erstwhile SDM found only two and sealed the same.

5. Consequently, a Joint Inspection was conducted by Sh. Sunny Dalal, ASO from the office of SDM (Civil Lines) and Sh. Pankaj Pandey, JE, Delhi Jal Board on 12.04.2024, in order to reconcile difference in number of borewells reported by DJB vide their letter dated 08.02.2023 and found at property in question by SDM in its inspection dated 02.11.2023.

6. In the Joint Inspection report dated 12.04.2024 and clarification letter dated 19.04.2024, it was informed that on 12.04.2024 one borewell was dismantled by the owner/occupier and two borewells were found in working condition though these were already sealed on 02.11.2023 by the then SDM meaning thereby the seals were open and borewell were again made functional.

7. It was also found that construction was going on in the area approximately 500 Sq. Yards.

8. A Show Cause Notice dated 20.04.2024 was issued to Sh. Nagender S/o Late Sh. Musafir Mahto (owner/occupier 2B, Goela Lane, Under Hill Road, Civil Lines) Resident of H.NO 6B/1, Under Hill Road, Civil Lines, Delhi with the direction to show cause why borewells already sealed on

02.11.2023 were tempered with seal and again put to the working condition.

9. Reply was submitted, but it was not found satisfactory.

10. An environmental compensation of Rs. 90,000/- was accordingly imposed and report of SDM shows that same has been deposited by the concerned violator through Demand Draft vide DD No. 503669 issued in favour of Delhi Pollution Control Committee, hereinafter referred to as **‘DPCC’** on 15.04.2024.

11. It is also stated that two borewells found in working conditions were again sealed on 12.04.2024.

12. Since the proponent has misused the situation two borewells illegally operating, were again made functional by breaking the seal, hence possibility of misuse may continue. Hence, we find it appropriate that both borewells must also be dismantled to avoid any recurrence of such situation.

13. Sh. Sidhart Arora, learned counsel for respondent 6 stated that both borewells shall be dismantled within 15 days from today and this fact may be verified by SDM and the representative of DPCC after visiting the site again after 15 days.

14. In view thereof, we permit respondent 6 to dismantle both borewells within 15 days and thereafter within one week, representative of SDM, Civil Lines, Delhi and official of DPCC shall jointly visit the site, verifying whether both the borewells have been dismantled or not and submit a compliance report with Registrar General of this Tribunal within 15 days thereafter.

15. If found necessary, Registrar General may place the matter before the Tribunal for further orders.

16. With the above directions, this Original Application is disposed of.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

May 13, 2024
O.A No. 297/2023
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