

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPALBENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid VC Option)

Original Application No.297/2023

Nakul Kapoor

...Applicant

Versus

Delhi Pollution Control Committee & Ors.

...Respondents

Date of hearing: 18.04.2024

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

Applicant: Mr. Jeetesh Khari, Advocate for the Applicant.

Respondents: Mr. Vikram Singh, Advocate for respondent no. 4-Delhi
Jal Board.
Ms. Jyoti Mendiratta, Standing Counsel for respondent
no. 7-GNCTD
Mr. M B Malhotra, SDM, Civil Lines, Delhi.

**Original Application under Sections 14, 15 read with Section 18 of the
National Green Tribunal Act, 2010.**

ORDER

1. The applicant, Mr. Nakul Kapoor has filed the present application seeking issuance of directions inter alia to the respondent authorities restraining respondents no. 5 and 6 from carrying out any dewatering activities, illegal construction etc.

2. Even though this Tribunal had not ordered issuance of any notice yet counter affidavit has been filed on behalf of respondent no.4-Delhi Jal Board vide email dated 05.10.2023. The relevant part of the counter affidavit reads as under:

"3. That it is submitted that the answering respondent received a letter dated 05.12.22 from the Applicant Sh. Nakul Kapur.

4. That in pursuance to the said letter the competent officer of the answering respondent inspected the site and found three illegal borewells were running at the said location.

5. That it is further submitted that the answering respondent immediately conveyed the said fact to SDM Civil Lines vide letter dated 08.02.23 with the a request to take necessary action in this regard. A true copy of the Letter dated 08.02.23 is annexed as Annexure R1.

6. That it is pertinent to mention here that the answering respondent is neither responsible nor empowered/authorised for stopping the installation or running of illegal borewells. The competent authority in this regard is the District Magistrate (Revenue).

7. That in light of this, no further action is required to be taken at the end of the answering respondent.”

3. Since the averments made in the application involved substantial question relating to environment arising out of implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010, this Tribunal vide order dated 06.10.2023 sought a report from SDM Civil Lines, Delhi but despite number of adjournments reports have not been submitted by SDM, Civil Lines, Delhi so far.

4. Mr. M B Malhotra, SDM, Civil Lines, Delhi has appeared today through VC and he seeks some more time to file Action Taken Report.

5. Action Taken Report be filed by SDM, Civil Lines by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF at least one week before the date hereby fixed failing which exemplary costs payable from his salary will be imposed on him.

6. Let notices alongwith copies of the application and documents filed with the same be also issued to other respondents requiring them to file their replies/responses by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF at least one week before the date hereby fixed.

7. List for further consideration on 08.08.2024.

8. A copy of this order be sent to the Chief Secretary, GNCTD for ensuring submission of report by SDM, Civil Lines Delhi, and also to SDM, Civil Lines, Delhi by email for compliance as directed.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 18th, 2024
AG