

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

**Original Application No. 175/2015
(M.A. No. 1333/2015)**

Shailesh Singh V/s. Hotel Jaypee Vasant, New Delhi & Ors.

**CORAM: HON'BLE MR. JUSTICE U. D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present:

Applicant / Appellant	: Mr. Sudeep Dey, Adv.
Respondent No. 1	:Mr. Pawan Upadhyay, Ms. Anisha Upadhyay and Mr. Keshav Rathak, Adv.
Respondent No. 2	: Mr. Utsav Trivedi., Adv.
Respondent No. 4	: Mr. Abhimanyu Mahajan, and Mr. Milan Deep Singh, Adv.
Respondent No. 10	:Mr. Ardhendumauli Kr. Prasad and Mr. Panshul Chandra, Adv.
Respondent No. 11	:Mr. Balendu Shekhar, Adv. and Mr. Dinesh Jindal, LO, DPCC
CPCB	:Mr. Rajkumar, Adv. with Mr. Niti Choudhary, LA
SDMC	:Mr. Balendu Shekhar, Adv.
NDMC & DJB	: Ms. Sakshi Popli, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 11 August 30, 2016	<p>Learned counsel appearing on behalf of the Applicant submits that this Tribunal has enunciated the principle of no fault or strict liability in its judgment dated 10th December, 2015 passed in Review Application No. 13 of 2015 in Original Application No. 35 of 2015 (M/s. DSM Sugar Distillery Division Vs. Shailesh Singh and 5 others), invoked polluter pays principle and saddled the persons responsible for environmental degradation with environmental compensation. He further points out from the said judgment that the onus lies on the person who is engaged in any industrial activity/ operations/ process to show that he/she is carrying on such activity/ operations/ process in accordance with the prescribed norms and are not causing pollution to the environment or not responsible for environmental degradation. In this context, he submits the facts before us which casts onus on the Respondent no. 1- Hotel Jaypee to point out the valid source of water consumed, and in absence of any</p>

such material and the facts revealed the respondent no. 1- Hotel Jaypee remains liable to pay environmental compensation for the loss sustained by the environment due to drawal/ usage of the ground water. He further points out that the respondent no. 1- Hotel Jaypee is situated in notified 'over exploited' area of Delhi wherein ground water can only be drawn for drinking purposes.

Learned counsel submits that he needs to answer these contentions by placing on record an appropriate affidavit. According to him, this exercise will serve and meet the demand of 'principles of natural justice' by which this Tribunal needs to be guided in the matter of proceedings before it.

Considering these submissions, we grant liberty to the respondent no. 1- Hotel Jaypee to place all its cards open before us as regards the contentions raised by the applicant.

List this case on 23rd September, 2016.

.....JM
(U. D. Salvi)

.....EM
(Ranjan Chatterjee)