

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

**M.A. No. 967 of 2013 & M.A. No. 285 of 2014**

**In**

**Original Application No. 6 of 2012**

**And**

**M.A. No. 877 of 2013, M.A. No. 49 of 2014**

**And**

**M.A. No. 88 of 2014**

**In**

**Original Application No. 300 of 2013**

**And**

**M.A. NO. 1091 OF 2013**

**IN**

**Original Application No. 344 of 2013**

**Manoj Kumar Misra & Anr. Vs. Union of India & Ors.**

**And**

**Ashok Mittal & Anr. Vs. NCT of Delhi & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER  
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER  
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

**(Original Application No. 300 of 2013)**  
**Present:**  
**Applicant:** Mr. Rahul Choudhary and Ms. Rich Relhan, Advocates  
**Respondent No. 1:** Mr. Vikas Malhotra and Mr. M.P. Sahay, Advocates  
**Respondent No. 2&4,7:** Mr. Ravi P. Malhotra and Mr. Abhinav Kumar Malik, Advocates  
**Respondent No. 3&8:** Mr. Ishan Prakash and Mr. Vivek Kr. Tondon, Advocate  
**Respondent No. 4&7:** Mr. Ravi P. Mehpotra and Mr. Abhinav Kr. Malik, Advocates  
**Respondent No. 5:** Mr. Ajay Arora, Advocate  
**Respondent No. 6:** Mr. S.B. Upadhyay, Sr. Advocate with Mr. Kaustuv P. Pathak, Advocates  
**Respondent No. 7:** Mr. Ravi and Mr. Abhinav Advocates  
**Respondent No. 9:** Mr. Robin R. David, Adv.  
**Respondent Nos. 10&11:** Mr. Narendra Pal Singh, Advocate, Mr. Dinesh Jindal, Law Officer, DPCC  
**Respondent Nos. 14 to 16:** Mr. Avneesh Arputham and Mr. Kabeer Shrivastava, Advocates  
Mr. Balendu Shekhar, Advocate for EDMC  
Ms. Puja Kalra for North MCD  
Mr. Suresh Tripathi for DJB

**(Original Application No. 6 of 2012)**  
**Present:**  
**Applicant:** Mr. Rahul Choudhary, and Ms. Rich Relhan, Advocates  
**Respondent No. 1:** Mr. Vivek chib and Mr. Asif Ahmed, Advocates  
**Respondent No. 2:** Mr. Ishan Prakash and Mr. Vivek Kr. Tondon, Advocate  
**Respondent No. 3:** Mr. Rajiv Bansal and Mr. Kush Sharma, Adv.  
**Respondent Nos. 4:** Mr. Narendra Pal Singh, Adv. and Mr. Dinesh Jindal, LO  
**Respondent No. 6:** Mr Raman Yadav, Adv. and Mr. Gaurav Bhatia, AAG, UP  
Mr. Balendu Shekhar, Adv. for NDMS, SDMC and EDMC  
Mr. Ankur Gupta, Adv for DMRC  
Mr. M. Dutta and Mr. Ashok K. Srivastava, Adv. for EDMC with Prof. P. Banerjee, IIT Roorkee  
Mr. Narendra Hood, Sr. Adv. and Mr. Vineet Malik, Adv. for State of Haryana  
Mr. Suresh Tripathi for DJB

Mr. P.L. Gautam, Adv. for NDMC  
Mr. S.B. Upadhyay, Sr. Adv. with Mr. Kaustuv P.  
Pathak, Adv. for DTTDC

**(Original Application No. 344 of 2013)**  
**Present:** **Applicant:** Mr. Rahul Choudhary, Advocate  
**Respondent No. 2:** Mr. Balendu Shekhar, Adv.  
**Respondent No. 3:** Ms. Sakshi Popli, Adv.  
**Respondent No. 4:** Mr. Vinay Kumar Garg with Mr. Imran, Adv.  
**Respondent No. 5:** Mr. D. Rajeshwar Rao with Mr. Vikarant  
Kaushik, Adv.

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 12 to 14 July 17, 2014</b>	<p>We have heard the learned Counsel appearing for the parties at some length.</p> <p>In furtherance to our order dated 30.05.2014, the Directors of IIT, Roorkee and Delhi are present. Both the Directors submit to the Tribunal that in the interest of the project under consideration of the Tribunal, it will be more appropriate and in the administrative interest that the Professors from the specialized field directly related to subject matter under consideration before the Committee are nominated by the two Directors rather than the Directors being themselves the Members of the Committee constituted by the Tribunal. It is on the premise that the Director of the Institute necessarily may not be expert in the field which is pending under consideration before the Committee and the Tribunal.</p> <p>We find substance in the submissions made and, therefore, permit the Directors to nominate one Professor each who is a specialist in the technology/science required for the subject matter of the <i>lis</i> pending before this Tribunal.</p> <p>We direct that both the Professors nominated by the respective Directors shall be deemed to be the Members of the Expert Committee constituted by the Tribunal in lieu of the Directors of IITs vide its order dated 30.05.2014.</p> <p>The learned Counsel appearing for the DDA submits that there is a delay in response from the various departments/organizations to submit the required data or information that may be necessary for the purposes of fruitful progress in the work of meeting of the Committee and consequent submission of the report before the Tribunal.</p>

For this reason, we hereby direct that any query for information sought for by this Expert Committee shall be responded to within one week from its receipt by the office of the Vice Chairman of the DDA and the Chairperson of this Committee. All the heads of the respective Departments/Organizations would be personally responsible for responding to such query and submission of information sought for by the Committee. In the event, submission is not made within requisite time or extension is asked for by the concerned officer from the Chairman of the Committee, we shall treat it as violation of the orders of the Tribunal and that would render the respective Heads of the Departments or the officers responsible for the violation of the orders of the Tribunal resulting in initiation of the proceedings under the Contempt of Court Act and section 28 of the NGT Act, 2010.

It is further necessitated that every query raised in our order dated 30.05.2014 should be answered by the Committee comprehensively, scientifically and with beneficial alternatives thereto.

The Committee shall in its coming meeting discuss as to how many natural drains are there in Delhi and what is there present status. All concerned Departments including DJB, all Corporations, Irrigation and Flood Control Department and PWD shall submit their reports in that behalf within one week from today to the DDA.

Upon hearing the learned Counsel appearing for the parties and the Experts, we direct the Committee inter-alia to consider two major alternatives for ensuring pollution control and protection of river Yamuna therefrom, and restoration to its original natural status of being a river and not a drain.

- (i) Whether it is advisable to install STPs of various sizes in all the outlets smaller and bigger i.e. each drain of Delhi or
- (ii) it is more beneficial to prohibit discharge into Yamuna river of any sewage, domestic or trade effluents through the drains and all drains be connected to a new major drain which should carry the entire waste of Delhi to a destination where requisite treatment plant should be established to treat the waste, recycle semi solid

and water for beneficial purposes.

Let this case be listed for further directions and for submissions. If not final, but atleast interim report of the Committee be filed after two weeks from today. Whosoever, does not co-operate in this project shall be dealt with sternly.

Let copy of this order be put on the website of the NGT today itself. Intimation be sent to all the concerned persons including the Members of the Committee. Absence of any of the Members of the Committee would not result in adjournment of the proceedings.

The DMRC shall ensure that all the construction material dumped anywhere in the city should be removed and taken to designated site without any further delay.

DMRC will show cause why it should not be directed to deposit Rs. Five Lakhs as costs in terms of our order dated 22.07.2013.

The presence of both the Directors of IIT, Roorkee and IIT, Delhi is exempted unless otherwise directed.

Replies to the pending miscellaneous applications, if any, be filed within two weeks from today with advance copy to the Applicant who may file rejoinder, if any, thereto within one week thereafter.

List the matters on 5<sup>th</sup> August, 2014, at the end of the Board.

.....,CP  
(Swatanter Kumar)

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

.....,EM  
(Prof. A.R. Yousuf)

.....,EM  
(Dr. R.C. Trivedi)

.....,EM  
(Ranjan Chatterjee)