

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

Original Application No. 516 of 2016

Mahendra Pandey Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER**

Present: Applicant: Mr. Gaurav Bansal, Adv.
Respondent No. 1 : Mr. B.V. Niren, CGSC
Respondent No. Ms. Sakshi Popli, Adv, with Mr. Diggpal Sanitary Inspector, for NDMC & DJB
Ms. Puja Kalra, Adv. NDMC & SDMC
Mr. Balendu Shekhar, with Mr. Vivek Jaiswal, Adv. for EDMC
Mr. Tarunvir Singh Khehar Ms. Guneet Kehar Adv. with Mr. Taranjeet Singh, LO OHS, GNCTD and Mr. Satrawal and Mr, Dinesh Jindal LO,
Mr. Rajiv Bansal, Mr. Kush Sharma, Ms. Arpita, Mr. Anurag and Mr. Anirudh Chadha, Adv. Mr. Kapil Agnihotri LA (HFW, Deptt.)

	Date and Remarks	Orders of the Tribunal
	Item No. 01 October 19, 2016 jg	<p>Most of the officers and public authorities including NCT of Delhi have failed to comply with the directions contained in the order of the Tribunal dated 21st September, 2016.</p> <p>We are today informed by the Learned Counsel appearing for the different authorities that other authorities did not cooperate and therefore meeting at the Zonal level could not be held and in case of East Municipal Corporation where the meeting was held no status/compliance report has been filed till today. On behalf of the Principal Committee we are informed that the meeting was held but they have also not filed the status report as of now.</p> <p>We are pained to note that all concerned authorities</p>

	<p>Item No. 01</p> <p>October 19, 2016</p>	<p>have not acted sincerely and with utmost sense of urgency which this matter requires. The matter relates to public health issues in NCT Delhi and if the concerned authorities would not act expeditiously and appropriately to protect the health of the people at large, they would certainly be responsible for violating not only the fundamental rights of the people of NCT of Delhi but even for failing to discharge their statutory duty.</p> <p>In the normal course we would have imposed heavy cost on all heads of the department of the Government or public authorities but to provide them last opportunity we grant one week time for complete compliance of the directions contained in our order dated 21st September, 2016. Any Government, Public authority and Corporation which fail to comply with the order now would be personally liable to pay Rs. 50,000/- as cost will be recoverable from the erring officer responsible of any status or hierarchy of the Government Departments, Public authorities and or the Corporations.</p> <p>DDA is directed to be impleaded as party respondent in the main application. Let amended memo be filed by the applicant. The DDA should also file their status report without default.</p> <p>Large number of officers including of higher status from the Government, Corporation and other authorities are present. We regretfully to note that not even one officer can identify one colony under their jurisdiction where all preventive and precautionary measures such as identification of sites for fumigation have been taken in</p>
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	<p>Item No. 01</p> <p>October 19, 2016</p>	<p>regard to mosquito breeding and cleaning of municipal and other waste and there is no stagnation of water clean, dirty or otherwise in that colony even.</p> <p>It is certainly a sorry state of affairs. The purpose of constituting Principal and Zonal Committees was not that the officers sit down in the air-conditioned rooms issuing instructions without even realising whether they are implementable or not or whether they have been actually implemented at the site or not. We do direct these Committees to ensure implementation of the directions contained in our order dated 21st September, 2016 as well as in the guidelines issued by the Principal Committee or the Zonal Committee respectively.</p> <p>In the event of non compliance, we will not hesitate now to take appropriate steps against the concerned officer in accordance with law and pass coercive orders if necessary.</p> <p>We further direct that within one week from today each Corporations, Public authorities, DDA, Health department and all other concerned quarters shall place list of atleast three colonies under their jurisdiction including atleast one unauthorised colony where all preventive and precautionary steps for checking mosquito breeding, collection and disposal of municipal waste, and ensuring that there is no clogging of water either clean, sewage or any other polluted water. These lists should be personally signed by Zonal Committees after due verification and place before the Tribunal before the next</p>
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	<p>Item No. 01</p> <p>October 19, 2016</p>	<p>date of hearing.</p> <p>Copy of the order be furnished dasti.</p> <p>List the matter for directions on 3rd November, 2016.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Dr. Ajay A Deshpande)</p>
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