

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

**Original Application No. 94/2013
(M.A. NO. 904/2014, M.A. NO. 592/2015, M.A. NO. 806/2015)
&
(Noticee No. 7,8,9,10 & 18)**

Vikrant Kumar Tongad Vs. Delhi Metro Rail Corporation Ltd.

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

Present:

Applicant / Appellant	:Mr. Rahul, Adv.
Noticee No. 1	:Ms. Sanjeev, Mr. Dinesh, Adv.
Noticee No. 3&5	:Mr. Ranvir Singh, Adv.
Noticee No. 4	:Mr. Virender, Mr. Rajiv Adv.
Noticee No. 5	:Mr. Ardhedumauli , Ms. PRIYANKA, Mr. Jigdal, ADVS.
Noticee No. 6	:Ms. Reena, Ms.Saumya, Mr. Bhakti Adv.
Noticee No. 7,8,9,10,18	:Mr. Pinaki Mishra, Sr. Adv., Mr. Karan, Ms. Ruby, Adv.
Noticee No.12	:Mr. Ritesh, Adv.
Noticee No. 13	:Ms. Komal Singh, Adv.
CGWA	:Mr. B.V. Niren, ADV.
J.D. Construction	:Mr. S.K. Mishra, Adv.
BPTP	:Mr. Manish, Ms. Deepti, Ms. Chadani, Adv.
Upaj Buildcon	:Mr. Rajeev, ADV.
Meera Baba Reality	:Mr. Rajeev, Mr. Virender, Adv.
Anant Raj	:Mr. Sumeer, Adv.
North Delhi Metro Mall	:Mr. K.M. Panikkar, Adv.
GPS Properties	:Mr. Pulkit, Adv.
DD Properties	:Mr. Aditya, Adv.
	:Mr. Pranav. Ms. Ankita, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 26 October 13, 2015	<p style="text-align: center;"><u>Ms. DLF Ltd. – Noticee No. 7 vide order dated 30.09.2015 / 11.05.2015</u></p> <p>Learned Counsel appearing for the DLF Ltd. – Galleria Shopping Mall (Noticee No. 7) invites our attention to the reply dated 10.07.2015 and submits that the inadequacies were noticed as below by the DPCC:</p> <ol style="list-style-type: none">1. Stale water in the pits.2. Absence of injection well and due cognizance of those have been taken as per reply filed by the Noticee. <p>Reply reveals that the noticee took immediate steps for cleaning the stale water and has undertaken to keep it clean regularly. Reply further reveals that the harvested rain water was being collected in a pit, the</p>

size of which has been increased to facilitate more collection and its reuse.

Learned Counsel appearing for the DLF Ltd. submits that water table at the location where the Galleria Shopping Mall is situated is high and advisedly construction of injection well is not environmentally compatible proposition. He further submits that instead of having injection well, DLF Mall has chosen to increase the size of the collection pits for collection of the harvested rain water and its reuse as aforesaid.

Before we decide about compensation, it is necessary to have the site inspected and the facts as asserted by the DLF verified. We, therefore, direct the Joint Inspection Team to visit the site of Galleria Shopping Mall and place its observations and comments on submissions made before us on the next date of hearing.

Jasola New Delhi – Plot Nos. 10 & 11

Notices were issued to M/s. DLF Home Developers Limited (Sl. Nos. 8 & 9) vide order dated 30.09.2015/11.05.2015 following joint inspection of the premises of the Noticee conducted on 15.04.2015. The learned Counsel appearing for the DPCC submits that the joint inspection report dated 15.04.2015 revealed following inadequacies:

1. The rain water harvesting systems were not as per the design and the requirement of CGWA.
2. The rain water harvesting systems provided at plot nos. 10 & 11 were inadequate vis-a-vis two towers.

Joint inspection report dated 15.04.2015 discloses that two rain water harvesting structures catering to catchment area of 6400 sq. meter existed at

plot no. 10 & 11 respectively and the remarks regarding the inadequacy and design were made in respect of these two structures.

Learned Counsel appearing for the DLF Ltd. – DLF Home Developers Limited submits that notices have been duly replied vide replies dated 10.07.2015 and 5.09.2015. According to him, the design of the rain water harvesting structures is as per the guidelines of the CGWA and, therefore, it cannot be said that those were not as per the design. As regards, the inadequacy, he submits that two more rain water harvesting structures were constructed in May 2015 which caters to the surface run off from plot no. 10 & 11 adequately. However, he maintains that earlier two rain water harvesting systems were adequate as per the guidelines of the CGWA to cater to the properties at plot no. 10&11.

The Joint Inspection Team shall carry out joint inspection of the sites in question and shall revert back with their observations as well as their comments as regards the adequacy and design in relation to guidelines stipulated by the CGWA. The issue of compensation shall be considered finally on the next date of hearing when the inspection report will be placed before us.

M/s. DLF Retail Developers Ltd.

Notice was issued to M/s. DLF Retail Developers Ltd. (Sl. No. 10) vide order dated 30.09.2015/ 11.05.2015 following the report dated 13.02.2015. Report dated 13.02.2015 discloses that there were four rain water harvesting systems maintained in poor

condition as regards the filter medium and the surface drainage along with grease traps were found connected to the rain water harvesting systems and resultant stagnation of water was seen in filtration chambers. This report also carries a remark that the design of the rain water harvesting systems was found improper. Learned Counsel appearing for the Noticee submits that the design of the rain water harvesting systems is as per the CGWA guidelines and steps have been taken to disconnect the surface drainage connection and there is no more stagnation water as the filter media has been cleaned and regenerated.

Joint Inspection Team shall carryout inspection of the premises in the question and verify the facts asserted and revert back to us with their observations and comments as regards the design of the rain water harvesting systems and the grease traps. Issue of compensation will be considered after the report is placed before us.

Ms. DLF Ltd. – DLF City Centre

Notice was issued to DLF City Centre following the joint inspection report dated 12.03.2015. The joint inspection report dated 12.03.2015 reveals existence of two rain water harvesting systems catering 14145 sq. meter area in unsatisfactory condition. The report records that the de-silting pits were found filled with water and filter medium could not be seen. As a result, rain water harvesting systems were not functional. It further records that the design of the rain water harvesting systems was not appropriate and directions to remedy this situation were issued.

Learned Counsel appearing for the DLF City Centre submits that situation has been remedied and the rain water harvesting systems which are as per the CGWA guidelines have been made functional. We direct the joint inspection team to carry out the inspection of the premises in question and revert back to us with the observations as well as their comments as regards the design of the rain water harvesting systems. Joint inspection report shall be placed before us on the next. Issue of compensation will be considered after considering the joint inspection report.

Inspection of other Malls shall be carried out expeditiously.

MGF Limited

Learned Counsel appearing for the MGF Limited submits that they have made available the sanctioned plan of the construction to the DPCC for verification. According to him, the project is in construction stage and verification of the said plan is necessary for getting discharge to the noticee. The Joint Inspection Team shall carry out the verification of the said sanctioned plan and shall revert back to us with their comments as regards the rain water harvesting systems mentioned in the sanctioned plan on the next date.

List the matter on 18th November, 2015.

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

.....,EM
(Ranjan Chatterjee)