

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

**Original Application No. 217 of 2016
(M.A. No. 415 of 2017 & M.A. No. 648 of 2017)**

And

Original Application No. 591 of 2016

In the Matter of :-

Mahesh Chandra Saxena Vs. The Ministry of Urban Development & Ors.

And

Mahesh Chandra Saxena Vs. The Ministry of Water Resource & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present:

Applicant:	Mr. Rahul Khurana, Adv.
Respondent No.1 &7:	Mr. B.V. Niren and Mr. Vinayak Gupta, Adv. Mr. Rajkumar, Adv. and Mr. Bhupender Kumar, LA, Central Pollution Control Board Mr. Tarunvir Singh Khehar, Ms. Guneet Khehar and Mr. Sandeep Mishra, Adv. Ms. Vasuda Bajaj, Adv. for DPS International Mr. Varun Garg and Mr. Rahul Malhotra, Adv. Mr. Arvind Kumar and Mr. SKV Ghittori, Adv., Mr. Mahesh Chandra Saxena and MR. Jaikaran Singh, Adv. Mr. Nitin Kumar Jain, Adv. Mr. Rajiv Bansal, Sr. Adv., Mr. Kush Sharma, Mr. Lalit Mohan and Ms. Malvika Bhanot, Adv. for DDA Ms. Sakshi Popli, Adv. for DJB & NP Boys Sen. Sec. School Ms. Puja Kalra, Adv. Ms. Vasuda Bajaj, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 42 & 43 November 16, 2017 ss	<p>We have all the Learned Counsel appearing in these applications. We dispose of these applications with the following directions:-</p> <ol style="list-style-type: none">1. All the schools and colleges (private or government) in NCT Delhi shall install rainwater harvesting systems, if not already installed, within a period of two months from today at their own cost.2. After having established and making rainwater harvesting system operative institution shall apply to the committee constituted under this judgment

**Item No.
42 & 43**

**November
16, 2017**

ss

informing them about their becoming operative.

3. The joint inspection team shall inspect and issue a certificate of fitness of operationalization of rainwater harvesting system.
4. Any institution which does not comply with these directions shall be liable to pay a environmental compensation of Rs. 5 Lakh after expiry of the period of two months granted in this judgment.
5. In the event it is not possible for any institution to construct or install rainwater harvesting system, in that event within one month it will submit application to the committee constituted under this judgment praying for exemption. The committee shall inspect the premises of the institution and upon inspection if it find that it is not possible to install or provide then the committee shall issue an exemption certificate to the said institution.

We make it clear that such certificate shall be issued only in the compelling and exceptional circumstances and not otherwise.

We constitute the following committee :-

1. Senior most officer from Delhi Jal Board;
2. Senior officer from NCT, Delhi;
3. Senior officer from PWD;
4. Representative of Central Ground Water Authority;
5. A member not below the rank of Director Education and
6. Representative of Delhi Pollution Control Committee.

This committee shall meet twice a month at least

**Item No.
42 & 43**

**November
16, 2017**

ss

and deal with all such applications expeditiously. However for the first month commencing from today, it shall meet twice a week.

The institutions which are granted exemption by the Committee the exemption shall be granted subject to payment of compensatory environmental cost which then should be utilized for providing rainwater harvesting system in the adjacent area, even if necessary in residential areas wherever such places are available and as demarcated by the committee or if necessary in public parks. We leave this to the wisdom of committee. The Director of Education, Delhi and Delhi Jal Board shall issue Notice in terms of this order within three days from today to all the institutions.

We also direct the Chief Engineer of Delhi Jal Board along with senior technical officer of the Central Ground Water Authority to issue design guideline for construction of rainwater harvesting system shall also be applicable.

The order of the Tribunal in the case of Vikrant Kumar Tongad Vs. Delhi Metro Rail Corporation Ltd. in Original Application No. 94/2013 requiring all buildings particularly the commercial buildings shall have their own rainwater harvesting system.

With the above directions Original Application No. 217 of 2016 and Original Application No. 591 of 2016 stand disposed of. No order as to cost.

M.A. No. 415 of 2017 & M.A. No. 648 of 2017

These M.A. No. 415 of 2017 & M.A. No. 648 of 2017 do not survive for consideration as the main applications itself stand disposed of.

	<p>Item No. 42 & 43</p> <p>November 16, 2017</p> <p>ss</p>	<p>The M.A. No. 415 of 2017 & M.A. No. 648 of 2017 also stand disposed of accordingly. No order as to cost.</p> <p>Copy of this order be furnished dasti.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Dalip Singh)</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
--	--	---

