

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

M.A. No.808 of 2013, M.A. No.408 of 2014

In

M.A. No.808 of 2013, M.A. No.594 of 2014 & M.A. No.595 of 2014

In

Original Application No.94 of 2013

And

Original Application No.72 of 2014

IN THE MATTER OF:

Vikrant Kumar Tongad Vs. Delhi Metro Rail Corporation Ltd.,
And
Vinod Kumar Jain Vs. NCT of Delhi & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

Present:

Applicant:

(Original Application No.94 of 2013)

Respondent No. 1:

Mr. B.V. Niren, Advocate

Respondent No. 2:

Mr. Atul Sharma, Mr. Abhishek Sharma and Mr. Chaitanya Puri, Advocates

Respondent No. 3&4:

Mr. S.K. Mishra and Ms. Satya Siddiqui, Advocates

Respondent No. 5:

Mr. Vivek Kumar Tandon, Advocate

Respondent No. 6:

Ms. Reena Singh, AAG of UP and Ms. Bhakti Pasrija Sethi, Advocate

Respondent No. 7:

Mr. Narender Hood, Sr. Advocate and Mr. Vineet Malik, Advocate and Mr. D.P. Singh, Addl. AG

Mr. Sanjay Dewan, Advocate for Forest Department

Mr. Subhash Kumar, Advocate for Sir Gangs Ram Hospital

Mr. Sanjiv Ralli, Advocate and Mr. Dinesh Jindal, Law Officer

Mr. R.K. Sikha and Mr. Ashish Kumar Das, Advocates for Saket City Hospital (Non-Applicant No.15)

Mr. Narender Hooda, Sr. Advocate along with Ms. Bano Deswal, Addl. AG for HUDA

Mr. Rajesh Gupta and Mr. Harpreet Singh, Advocate for Mohan Co-operative Industrial Society

Mr. Bibhakar Misra, Advocate for Non-Applicant No.3

Mr. Aditya Chhibber, Advocate for Max, Shalimar Bagh, Saket

Mr. Aditya Chhibber, Advocate for Fortis Escorts Heart Institute

Mr. Deepak Agarwal, Advocate for AIIMS

Mr. Moni Cinmoy, Advocate for DSIIDC

Mr. Balendu Shekhar, Advocate for EDMC and NDMC

Mr. Ravinder Singh, Advocate for Primus Super Speciality Hospital

Mr. B.V. Niren, Advocate for CPWD, Lady Harding Hospital, Vardhaman College

Ms. Madhumita Kothari, Advocate for B.L. Kapur Memorial Hospital

Mr. Manish Sharma, Advocate for Batra Hospital

Mr. Suresh Tripathy, Advocate for Delhi Jal Board

Dr. Era Jain for Bhagwati Hospital, Rohini, Delhi

Mr. Tarveen Singh Nanda for Ms. Sujata Kashyap, Advocates for Nizamuddin East Colony Association
 Mr. D. Rajeshwar Rao, Mr. Vikrant Kaushik, Advocates for Baba Sahab Ambedkar Hospital
 Dr. Meera Choudhary and Mr. Chander Prakash for Maulana Azad Institute of Dental Sciences
 Mr. Ashwini Kumar Datwalia, Advocate for DDA
 Mr. Karan Chandhiok and Mr. Vikram Sobti and Mr. Arshi Aquil, Advocates for EMAAR MGF
 Mr. Mansi Bajaj, Advocate for Rajiv Gandhi Cancer Institute and Research Centre
 Mr. Garima Bharadwaj, Advocate for Jaipur Golden Hospital
 Mr. Moaniken, Advocate for Max Super Speciality Hospital, Saket
 Mr. R.P. Pahwa, Advocate for Sri Balaji Action Medical Institute, Paschim Vihar and Action Cancer Hospital, Paschim Vihar

Applicant:

(Original Application No.72 of 2014)

Respondent No. 1: Mr. Narender Pal Singh, Advocate

Respondent No. 2: Mr. B.V. Niren, Advocate

Respondent No. 3: Ms. Sunieta Ojha, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 10 & 11 September 10, 2014	<p>The Learned Counsel appearing for DPCC has filed an additional Status Report which primarily relates to hospitals.</p> <p>In this report, it has been stated that DPCC had issued notices to 100 hospitals and out of the 100 hospitals, only 70 hospitals mentioned at Serial Nos. 1 to 68, 99 and 100 have responded. According to the replies received, all these hospitals have rain water harvesting system installed. However, as the Committee because of shortage of staff, could not inspect all the hospitals. It inspected only five hospitals which are separately stated at page 14 of the report and they are stated to have rain water harvesting system.</p> <p>The hospitals mentioned at Serial Nos.73 to 86 are the hospitals which have responded but they do not have any rain water harvesting system installed in their premises. The hospitals mentioned in Serial Nos.87 to 98 have not responded to the Notice of the DPCC as well as</p>

the Public Notice issued.

The Learned Counsel appearing for ESI Hospital, Rohini submits (which is mentioned at Serial No.98) that they do not have a rain water harvesting system as of now and that they would install the same expeditiously. In the light of the above, we pass the following directions:

- 1) The four Committees constituted vide our order dated 4th July, 2014 should inspect all the hospitals in the list which has been provided by the DPCC to the Tribunal today.
- 2) All the hospitals stated at Serial Nos.1 to 72, 99 & 100 would be inspected and the report submitted whether these hospitals, as a matter of fact have the rain water harvesting system or not and if so, whether it is fully operational.
- 3) The inspection teams shall be fully assisted by the respective public authorities, under whose jurisdiction the hospital to be inspected falls. The Commissioner of the said Corporation or the Vice Chairman of the Delhi Development Authority (DDA) be informed of this order by the Registry.
- 4) The DPCC shall also place on record the report, if there are any hospital in Delhi in addition to the 100 hospitals stated in the list filed today and if there are such hospitals, they should be served with Notices and are to be inspected by the Committee as above directed.
- 5) Issue Notice to all the hospitals stated at Serial Nos.73 to 97. The Notice shall be issued without Process Fee by the Registry of the Tribunal.
- 6) All the Head of the Departments (HoDs) of all these hospitals shall inform the DPCC the complete

details of installation of the rain water harvesting system and whether it is functional.

7) In regard to the installation of the rain water harvesting system by the Delhi Metro and the Rapid Metro, Gurgaon, it is stated that they have not installed and if installed the rain water harvesting system are not operational. It is contended by the Learned Counsel appearing for the Corporation that they had rain water harvesting system but it has been blocked because of the construction work being carried out by the HUDA.

8) Issue Notice to HUDA to be present before the Tribunal on the next date of hearing.

9) It is also brought to our notice that the DPCC has issued 2206 Notices to Residential Welfare Associations (RWA) including the Housing Societies.

10) Let the Notice be issued in furtherance to the proceedings and be taken to its logical end and report be submitted to the Tribunal by the DPCC.

11) It is also brought to our notice that because of the construction being undertaken by the Delhi Metro, the water bodies near the Lal Qila have been damaged and the work is carried out unauthorizedly.

12) Let the Learned Counsel appearing for the Corporation respond to this aspect by filing an Affidavit before the Tribunal within three weeks from today.

13) In relation to the various builders and Malls who have not installed the water harvesting system at NCT Delhi, Notice should be issued by the DPCC to all and the matter be reported to the Tribunal on the

next date of hearing.

We would take up the matters for hearing as follows:

In relation to the hospitals, the matter would be listed before the Tribunal on the 27th October, 2014.

In relation to the Metros and Residential Welfare Associations (RWAs), the matter would be listed before the Tribunal on the 28th October, 2014.

In relation to the Builders and Malls, the matter would be listed before the Tribunal on the 30th October, 2014.

List all the matters on the dates fixed as above.

.....CP
(Swatanter Kumar)

.....JM
(M.S. Nambiar)

.....EM
(Dr. D.K. Agrawal)

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

