

Revised Order
BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

S. S. Sharma
08-08-2018

Original Application No. 325/2015

Deputy Registrar
National Green Tribunal
Principal Bench New Delhi

Lt. Col. Sarvadaman Singh Oberoi Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

Present: Applicant / Appellant : Ms. Nivedita Sharma and Ms. Palak Mishra, Advs.
Respondents Nos. 4 & 5 : Mr. Anil Grover, AAG with Mr. Rahul Khurana
and Mr. Mishal Vij, Advs.
Mr. Ardhendumauli Kumar Prasad and Mr. Shashank
Saxena, Advs. for CGSC
Mr. Taruna A Prasad, Adv. for MoEF & CC

Date and Remarks	Orders of the Tribunal
Item No. 09 July 20, 2018 R	<p>1. This application was filed on 14th August, 2015 mainly to restore Ghata Lake in Gurgaon District and also not to grant development permission over water bodies and their catchment areas in Gurgaon and Faridabad Districts. Further, directions are sought to restore 214 other water bodies and natural channels in Gurgaon District and similar water bodies in Faridabad District.</p> <p>2. The State of Haryana furnished status reports on the subject from time to time.</p> <p>3. In the order of the Tribunal dated 14.07.2017, reference was made to the fact that the status report covered 214 water bodies. On 11.08.2017, it was noted that the number of water bodies was more and process of identification and location was going on.</p> <p>4. In order dated 22.01.2018, the Tribunal noted the submission that protection of water bodies which are the source of the groundwater recharge was a valuable environmental asset. It was also noted that 123 water bodies had been identified which are in possession of the State.</p>

	<p>Item No. 09</p> <p>July 20, 2018</p> <p>R</p>	<p>5. Our attention has been drawn to status report dated 09.03.2017 stating that there are 1216 water bodies in the whole State which are larger than 2.25 Ha and 28 water bodies are in District Gurgaon. Verification was required for 214 water bodies in Gurgaon District. Thereafter, final report of identification of water bodies was filed on 12.01.2018. The report is based on inputs compiled by a Committee of officers in Gurgaon District. The Committee looked into the Revenue Record the Survey of India Topo-sheets and the Satellite imagery of 2011-12. According to the said report, there are 641 water bodies as per Revenue Record, 487 as per Survey of India Report of 1976 and 557 as per Satellite imagery of 2011-12.</p> <p>6. Learned counsel for the applicant submits that the deviation appears to be in account of the fact the imagery may be of pre-monsoon period when some of the water bodies may be dry and, therefore, the water bodies should be treated to be 641 which are on record. Learned counsel for the State, however, submits that correct number should be as per the record of Rights. According to the status report, 123 water bodies are common in all the three sources- Record of Rights, Survey of India Report and Satellite imageries.</p> <p>7. The Learned counsel for the applicant has suggested that there should be a unique identification number and index table and there is need to constitute a protection and restoration Committee to prepare a protection plan which would mean demarcation, desilting, removal of garbage and fencing. The water body should also be categorized as perennial, seasonal, dried up, encroached.</p>
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	<p>Item No. 09</p> <p>July 20, 2018</p> <p>R</p>	<p>8. We see no objection to the said suggestions being accepted. Accordingly, we dispose of this application with the following directions:</p> <p>(i) Immediate steps be taken for assigning unique identification number to at least 123 water bodies which are in possession of the State Government and steps be taken for their proper maintenance and restoration within 3 months from today.</p> <p>(ii) We further direct that the State of Haryana to undertake such an exercise to identify water bodies in the rest of the State, assign them unique identification and take restoration steps.</p> <p>(iii) The Chief Executive Officer (CEO) of Gurugram Metropolitan Development Authority (GMDA) may also identify other water bodies also and try to retrieve them. On such retrieval, such water bodies may also be given unique identification number and restoration measures may be adopted. He will be free to associate Mr. Chetan Aggarwal who was a Member of the Mapping Committee.</p> <p>(iv) We also direct the Chief Executive Officer of Gurugram Metropolitan Development Authority (GMDA) to look into the grievance of the about the water body at Ghata Village. In the status report filed by the State of Haryana on 10.03.2017, we find that in para 4, it is stated that water body at Ghata village in one among the list of identified water bodies in Gurgaon and</p>
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	<p>Item No. 09</p> <p>July 20, 2018</p> <p>R</p>	<p>demarcation and wire fencing of this water body will be done by the department. Let the same be done.</p> <p>9. The matter will be treated as disposed of except those the report be filed by the State of Haryana within 6 months from today which will be taken up for consideration as a fresh matter.</p> <p>10. It will be open for any member of public to give suggestions to the State of Haryana as well as to the Chief Executive Officer of Gurugram Metropolitan Development Authority (GMDA) and GMDA/State of Haryana may put up a notice on website for this purpose for at least three days.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>....., JM (Dr. Jawad Rahim)</p> <p>....., JM (Raghuvendra S. Rathore)</p> <p>....., EM (Dr. Satyawar Singh Garbyal)</p> <p>20.07.2018</p>
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