

Item No.03

Court No. 1

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

Original Application No.458/2017

Harinder Dhingra

Applicant(s)

Versus

International Recreation & Amusement Ltd.& Ors.

Respondent(s)

Date of hearing: 25.03.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

For Respondent (s):

Mr. Anil Grover, AAG Haryana with Mr. Rahul
Khurana, Advocate
Ms. Deep Shikha Bharti for MoEF&CC

ORDER

1. The issue for consideration is illegal drawal of ground water at Gurgaon by Amusement park known as Appu Ghar and others. Further issue for consideration is illegal use of drinking water for non drinking purposes in collusion with the authorities.
2. This application was filed before the Tribunal on 21.7.2017 stating that though the area in question is water scarce area, the Haryana Urban Development Authority has illegally allowed use of drinking water for commercial purpose. The respondent company has also illegally installed tubewells to extract ground water for commercial purposes.

3. The matter was considered at length on the last date on 26.10.2018. The Tribunal referred to the newspaper report in the Hindustan Times highlighting the problems in violation of law under the heading "Gurgaon: 50 Lakhs litres of groundwater extracted daily by tanker mafia, say experts"¹ and another article published on 6.6.2017 in the Times of India under the title "4 Crores litres groundwater drawn illegally every day in Gurugram".² The Tribunal found that Gurgaon was a 'notified area' under the relevant notification where use of ground water is restricted due to scarcity of drinking water. Water from canal has been diverted by HUDA for permitting its use for commercial purposes without any study whether such diversion will affect the eco-system of the canal. Reference was made to orders of the Tribunal in O.A No. 59/2012 in *Vikrant Kumar Tongad vs. Union of India & Ors*, dated 26.7.2018 O.A No. 411/2018 in *M/s A-One Mineral Water Industry vs. Central Ground Water Authority & Ors*, dated 29.8.2018, O.A No. 200/2014 in *M.C Mehta Vs. UOI*, dated 13.7.2017, O.A No. 176/2015 in *Shailesh Singh vs. Hotel Holiday Regency, Moradabad & Ors*, dated 28.8.2018 and in O.A No. 484/2015 in *Shailesh Singh vs. Hotel The Oberoi Amarvilas & Ors* dated 28.8.2018 on subject of restrictions on use of ground water without requisite consent of CGWA and for commercial purpose.

4. Accordingly, the Tribunal disposed of the petition as follows:

" 8. In view of the above, we dispose of this petition by directing constitution of a Committee of representatives of Ministry of Environment, Forest

¹ <https://www.hindustantimes.com/gurugram/gurugram-50-lakh-litres-of-groundwater-extracted-daily-by-tanker-mafia-say-experts/story-NN54J9Fu3iMXY7OYd9nH6N.html>

² <https://timesofindia.indiatimes.com/city/gurgaon/4cr-litres-groundwater-drawn-illegally-everyday-in-gurgaon-water-table-plummets/articleshow/59008468.cms>

and Climate Change, Central Pollution Control Board, Central Ground Water Authority and District Magistrate, Gurgaon to review the existing policy of permitting supply of water for commercial purposes, when there is scarcity of drinking water and whether the water is being diverted from the river supply for commercial use, without affecting e-flows. Decision may be taken within two months from today. The Central Pollution Control Board will be the nodal agency for coordinating such exercise. It will be open to the parties to put forward their view point before the Committee through the Central Pollution Control Board. Report of the Committee may be sent to this Tribunal by email on or before February 28, 2019. Copy of this order be sent to the Central Pollution Control Board by e-mail.

9. The application is disposed of.

10. Put up the report for consideration in second week of March, 2019."

5. The Expert Committee constituted in above terms has filed report dated 27.2.2019 acknowledging that the use of ground water for commercial activity is prohibited. In terms of Central Ground Water Authority (CGWA) guidelines dated 16.11.2015, no tubewell is permitted except for drinking water. CGWA has not given any permission in the present case. The extraction was three times more than the recharge. 22 teams of officers have been constituted to keep check on illegal extraction of ground water. 1025 illegal tubewells have been sealed. Zero waste water policy has been introduced. Ponds have been rejuvenated. Awareness programs are being organized in educational institutions.

6. The Committee recommended that sewage treated water may be provided and canal water supply may be disconnected, recharge of water be increased, diversion of drinking water for commercial purposes be discouraged, water park operators may use treated water. Short term and long term strategies be simultaneously adopted for proper monitoring of e-flow and revival of water sources.

7. The recommendations are as follows:

"6.0 Recommendations"

- *Sewage treated water maybe provided from the existing line in Sector-29 to the M/s International Recreation & Amusement Ltd. Sector-29 Gurugram and the canal water supply connection from HUDA/HSVP line may be disconnected.*
- *More efforts may be made to recharge all storm water of HUDA/HSVP sectors and other colonies through rain water harvesting structures. The foothills area of Aravali Ridge is acting as recharge zone for aquifers underlying in Gurugram district.*
- *Diversion of drinking water supply for commercial purposes should be discouraged. The water park operators may explore possibility to use treated waste water after having all water quality parameters within the prescribed standards limit.*

To address the water shortage problem with a sustainable approach in Gurugram region we need to adopt the long-term and short-term water conservation strategies simultaneously:

a. Long-Term Strategies:

- *Time bound action plan for revival of local fresh water resources.*
- *Strengthening of water supply and waste water treatment infrastructure.*
- *Setting up of independent monitoring mechanism to monitor the implementation of conservation strategies including complete and effective restriction on withdrawal of ground water for commercial purposes with periodic review of its functioning at Deputy Commissioner level.*
- *Enactment of Ground water management Bill as per the Model Bill circulated by Government of India and*

constitution of State Ground water authority (SGWA) in Haryana State.

- Maintenance of E-Flow: A minimum flow should be kept in river to meet ecological needs ensuring that the flow and high flow releases are proportional to the natural flow regime, including base flow contribution in the low flow season through regulated ground water use.
- All village ponds shall be protected and shall be converted into percolation ponds so that the water can be recharged to ground water.
- Saline water resources of water logged areas surrounding Badshahpur drain meeting Najafgarh drain may be taken up for controlled ground water development.

b. Short-Term Strategies:

- Water recycling and rainwater harvesting should be measured and recorded to monitor the water balance and use of modern technology like dual pipe plumbing for supplying fresh water for drinking, cooking and bathing etc and other for supply of recycled water for flushing, landscape irrigation, car washing, thermal cooling and conditioning, etc.
- 100% onsite treatment of waste water and promotion of its maximum reuse for non drinking purposes.
- Maintenance of record about the quantity of fresh water usage.
- Mass Awareness Programmes among the targeted population and stakeholders should be organized for protection and preservation of exhausting ground water resources.
- Re-cycle & Re-use of the treated waste water from STP for non-drinking purpose to distress abstraction of ground water in Gurugram Distt. Study may be carried out to use treated STP water for water intensive commercial activities."

8. We also take note of an article published in the Economic Times Magazine Cover Story, March 24-30-2019 titled "A Midsummer Nightmare" highlighting the issues of water mismanagement. A copy of the article be forwarded to the Secretary, Ministry of Water Resources and CPCB so that appropriate follow up action on the highlighted issue is taken and the report furnished within three months to this Tribunal.

9. The above recommendations of the Committee need to be implemented at the earliest. In absence of any suggested timelines, the short term strategies may be implemented within three months and long term strategies within nine months. The Chief Secretary, Haryana may monitor the matter and send periodical reports along with the reports in terms of the directions of the Tribunal vide order dated 06.03.2019 in O.A No. 606/2018.

List the matter for further consideration on 8.7.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 25, 2019
Original Application No.458/2017
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