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| <p>Item No. 03</p> <p>October 26, 2018 ps</p> | <p>one of size is 25 mm to respondent No. 1.</p> <p>3. Requirement for water for the amusement park is 1.8 lakh litre per day. Ground Water Level is declining. The water supply for drinking purposes is erratic in Gurgaon. Gurgaon has been declared as 'notified area' for regulation of ground water by the Central Ground Water Authority. After assessment, Gurgaon District is found to be 'over exploited' area where ground water withdrawal is more than the average replenishment. Directions have been issued against the extraction of ground water for a new structure, without prior approval of the Deputy Commissioner. As a result of illegal ground water extraction, the water level has gone to the depth of 250-300 ft. Reference has been made to a news item dated 26.06.17 in the Hindustan Times titled "Gurgaon: 50 Lakhs litres of groundwater extracted daily by tanker mafia, say experts". The administration has failed to take action against the tanker mafia for extracting ground water for commercial purposes. Another article referred to is the one published on 06.06.2017 in the Times of India under the title "4 Crores litres groundwater drawn illegally every day in Gurugram". The said article mentions that there are 20,000 illegal borewells for industrial and commercial establishments, apart from the household requirements.</p> <p>4. The stand of respondent No. 1 is that water requirement is met from two water connections sanctioned by HUDA of 100 mm and 25 mm. Respondent No. 1 is doing water harvesting in 12 rain water pits. It has installed STPs to recycle the water for horticulture. There</p> |
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| <p>Item No. 03</p> <p>October 26, 2018</p> <p>PS</p> | <p>is no effluent discharge from the project. The 25 mm connection is rarely used. 53 KLD water is recycled. 401 KLD water is drawn in HUDA. 122 KLD is used in kitchen etc. 279 KLD is used for water parks to top up evaporated part. No ground water is wasted. The Applicant has filed similar complaints against other establishments and the present complaint is not in public interest.</p> <p>5. From the above, it is clear that the activity of respondent No. 1 is a commercial activity. Gurgaon is a “notified area” where use of ground water is restricted and water for drinking is not enough. We are told that HUDA has permitted use of water for commercial purpose, by diverting the water from the canal meant for irrigation purpose. There is no study whether such diversion will affect e-flows.</p> <p>6. This Tribunal has directed stoppage of drawal of ground water for commercial purposes in the restricted areas like Delhi, Ghaziabad and Noida¹. In <i>Vikrant Kumar Tongad vs. Union of India & Ors</i>², the Tribunal granted injunction against extraction of ground water in NOIDA and Greater NOIDA in view of the said area being critical, even if the said area is not covered by “notified areas”. The Tribunal in <i>M/s A-One Mineral Water Industry Vs. Central Ground Water Authority & Ors</i>³ further directed that merely because of the CGWA, has failed to notify the critical area as ‘notified area; it cannot defeat the policy of law requiring conservation of ground water in critical areas. There was serious failure on the part the CGWA in discharging its duties. There was absolutely no</p> |
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¹ Original Application No. 59/2012, date of order 26.07.2018

² *ibid.*

³ Original Application No. 411/2018, date of order 29.08.2018

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| | <p>Item No. 03</p> <p>October 26, 2018 ps</p> | <p>justification for grant of permission for drawing of groundwater for commercial purposes when the area is critical and where conservation of water is a necessity. The Tribunal noted that indiscriminate use of ground water was resulting in critical dimensions, affecting sustainable development. In <i>M.C. Mehta V. Union of India</i>⁴, it was directed that no person shall be permitted to extract ground water for industrial and commercial purposes unless it has obtained permission from CGWA.</p> <p>7. We have referred to these cases though in the present case issue is not of drawal of ground water. Only common issue is that the area is critical and water supply for drinking purposes is no adequate. Question is whether in such a situation drinking water can be used for industrial or commercial activity. We have further laid down in <i>M.C. Mehta Vs. Union of India</i>⁵, that e-flow of water in rivers is a necessity for sustenance of such rivers. Restrictions are required against diversion of river water for irrigation or commercial purpose if the flow of river is affected.⁶ The Tribunal passed the directions that while diverting water from the river, the minimum e-flow in the main stream should not fall below 20% of the average monthly lean season flow. Also, the extent of diversion of water of river shall be adequately reduced and/or adjusted, in the event the flow falls below 20%. Such directions were also reiterated in <i>Shailesh Singh Vs. Hotel Holiday Regency, Moradabad & Ors.</i>⁷ and <i>Shailesh Singh Vs. Hotel The Oberoi Amarvilas & Ors.</i>⁸ In the present</p> |
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⁴ Original Application No. 200/2014, date of order 13.07.2017

⁵ *Ibid.*

⁶ Original Application No. 200/2014, date of order 13.07.2017

⁷ Original Application No. 176/2015, date of order 28.08.2018

⁸ Original Application No. 484/2015, date of order 28.08.2018

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| <p>Item No. 03 October 26, 2018 ps</p> | <p>case, it is stated that the HUDA is supplying water from river water meant for irrigation. It is not clear whether e-flow issue has been kept in mind in doing so.</p> <p>8. In view of the above, we dispose of this petition by directing constitution of a Committee of representatives of Ministry of Environment, Forest 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.</p> <p>9. The application is disposed of.</p> <p>10. Put up the report for consideration in second week of March, 2019.</p> <p style="text-align: right;">..... CP (Adarsh Kumar Goel)</p> <p style="text-align: right;">.....JM (S.P. Wangdi)</p> <p style="text-align: right;">.....EM (Dr. Nagin Nanda)</p> <p style="text-align: right;">26.10.2018</p> |
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