

ITEM NO.302

Court 8 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SMW (C) No. 1/2021

IN RE REMEDIATION OF POLLUTED RIVERS

WITH

W.P.(C) No. 8/2021 (X)

(IA No. 34990/2021 - CLARIFICATION/DIRECTION)

Date : 19-04-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For the parties :

By Courts Motion, AOR

Ms. Meenakshi Arora, Sr. Adv.(A.C.)

Mr. Vikas Singh, Sr. Adv.

Mr. Shadan Farasat, AOR

Ms. Aakanksha Kaul, Adv.

Mr. Mrityunjai, Adv.

Mr. Bharat Gupta, Adv.

Mr. Shourya Dasgupta, Adv.

Ms. Aishwarya Bhati, ASG

Ms. Archana Patha Dave, Adv.

Ms. Suhasini Sen, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Anil Grover, Sr. AAG, Haryana

Ms. Noopur Singhal, Adv.

Mr. Satish Kumar, Adv.

Mr. Sanjay Kumar Visen, AOR

Mr. Purushaindra Kaurav, Sr. Adv.

Mr. Anish Kumar Gupta, AAG

Ms. Archana Preeti Gupta, Adv.

Mr. Chandra Shekhar Suman, Adv

Ms. Anuradha Mishra, Adv

Mr. Avdhesh Kumar Singh, Adv

Ms. Rita Gupta, Adv

Ms. Deepshikha Bharati, Adv.

Mr. Anish Kumar Gupta, AAG
Ms. Archana Preeti Gupta, Adv.
Mr. Chandra Shekhar Suman, Adv
Mr. Avdhesh Kumar Singh, Adv
Ms. Rita Gupta, Adv
Ms. Deepshikha Bharati, Adv.

Ms. Vanshaja Shukla, AOR

Mr. D.S. Parmar, AAG
Mr. Kameshwar Nath Mishra, Adv.
Mr. Sunny Choudhary AOR
Mr. Arjun Garg, AOR

Dr. Manish Singhvi, Sr. Adv.
Mr. Sandeep Kumar Jha, AOR

Mr. T. N. Singh, AOR
Mr. Vikas K Singh Adv.
Mr. Sham Chand Tanwar, Adv.
Ms. Rajshree Singh, Adv.

Ms. Sangeeta Singh, AOR
Ms. Priyanka Swami Adv

Mr. Manish Kumar, Adv
Mr SPM Tripathi, Adv
Ms. Swagoti Batchas, Adv
Mr. V. K. Shukla, Adv
Mr. Sugam Mishra, Adv
Mr. Satish Kumar, AOR

Mr. Shwetank Sailakwal, AOR
Applicant-in-person, AOR
Mr. Anurag Kishore, AOR
Mr. Zoheb Hossain, AOR

UPON hearing the counsel the Court made the following
O R D E R

W.P.(C) No. 8/2021

Delhi Jal Board has filed Writ Petition No.8 of
2021 seeking a direction to the State of Haryana to

ensure cessation of discharge of pollutants that increase concentration of Ammonia into the Yamuna river and for a further direction to the respondents to ensure that the discharge of pollutants that increase concentration of ammonia in the river waters of the Yamuna, or any of the drains/channels feeding into it, is discontinued;

An interim direction is sought in the Interlocutory Application to ensure that enough water is supplied by the State of Haryana to the NCT of Delhi to maintain the level of the Wazirabad barrage at 674.50 feet in terms of the order passed by this Court in *Delhi Water Supply & Sewage Disposal Undertaking v. State of Haryana* reported in (1996) 2 SCC 572 which will reduce the high concentration of ammonia in the water.

Delhi Jal Board is complaining of the water level in Wazirabad barrage is at a level of 673.30 feet instead of 674.50 feet.

Mr. Vikas Singh, learned senior counsel appearing for the Delhi Jal Board submitted that the obstruction of the flow of water by the State of Haryana has led to increase in Ammonia level in the water which causes serious health problems to the people of Delhi. He further submitted that directions given in the judgment of this Court in the matter of *Delhi Water Supply & Sewage Disposal Undertaking (supra)*, the State of

Haryana are being flouting continuously.

Mr. Vikas Singh, learned senior counsel states that a Committee should be appointed by this Court to find out the actual situation relating to release of water by the State of Haryana.

Mr. Purushaindra Kaurav, learned senior counsel appearing for the State of Haryana urged that after the judgment of this Court in *Delhi Water Supply & Sewage Disposal Undertaking (supra)*, the Upper Yamuna River Board has conducted an inspection and has submitted its report. According to the report submitted in the year 2017, the Wazirabad Pond was inspected and the water level at the time of inspection was 670.61 feet and it is not less than that at present.

He also pointed out from the documents filed along with the counter affidavit to submit that there is diversion of water to the Water Treatment plants before the water reaches the Wazirabad Tank. He submitted that interlocutory application filed in matters pending before the National Green Tribunal was withdrawn by the Delhi Jal Board and, therefore, no order should be passed in this writ petition.

We have heard Ms. Meenakshi Arora, the learned Amicus Curiae who has submitted that after a detailed study, certain suggestions were issued to both the States by the Monitoring Committee. It is necessary to find out whether the States of Haryana and Delhi have

been complying with the recommendations made by the Central Monitoring Committee, headed by Secretary, Ministry of Jal Shakti, Government of India. She stated that at present, the Central Monitoring Committee is looking into the matters relating to the adequate water supply to Delhi through Yamuna River.

Ms. Aiswarya Bhati, learned ASG, submitted that if this court is appointing a Committee, the Union Government of Delhi and Haryana Government to be appointed as members in the proposed Committee.

Without entering into the merits of the matter, which will be taken up at the time of hearing of the writ petition, we deem it fit and proper that a committee should be appointed to conduct a local inspection and report to this court within a period of three days about the following aspects :

- 1) The quality and quantity of water released from the State of Haryana at Balla;
- 2) The level of the Wazirabad Pond; and
- 3) Whether the Delhi Government is diverting its water to the Water Treatment Plants at Okhla, Wazirabad 1,2 & 3 and Chandrawal before the water reaches Wazirabad pond.

The Committee shall consist of :

- (i) Secretary, Ministry of Jal Shakti, Government of India;
- (ii) A representative of Delhi Pollution Control Board;
- (iii) A representative of Delhi Jal Board;
- (iv) A representative of Haryana Pollution Control Board;
- (v) A representative of Haryana Irrigation Department.

The Secretary, Ministry of Jal Shakti shall be the

Chairperson of the committee. The report shall be submitted to this Court within a period of three days in view of the urgency of this matter.

List this matter on 23.04.2021.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master