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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 4th December, 2019

+ W.P.(C) 3796/2019

COURT ON ITS OWN MOTION

..... Petitioner

Through

versus

DELHI JAL BOARD & ORS

..... Respondents

Through: Mr. Sumeet Pushkarna, Standing Counsel with Mr. Devanshu Lahiny, Adv. for respondent no. 1
Mr. Gautam Narayan, ASC with Ms. Dacchita Shahi and Ms. Shivani Vij, Advs. for GNCTD
Mr. Ajjay Aroraa and Mr. Kapil Dutta, Advs. for respondent nos. 6 and 7
Mr. Rajiv Bansal, Sr. Advocate with Mr. G.S. Oberoi, Ms. Parul Panthi, Mr. Anant Nigam and Mr. Ankur Sharma, Advs. for DDA
Ms. Garima Prashad, Standing Counsel for SDMC

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

04.12.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

1. This writ petition has been initiated by this Court *suo motu* looking to the public interest in connection with improving the status of depleting

of ground water condition in NCT of Delhi through “rain water harvesting” for ground water recharge.

2. Notice was issued to the respondents. Learned counsel appearing for the respondent no.1 has taken this Court, at length, to the status report dated 8th August, 2019 filed by them. For ready reference paragraphs 3, 4, 8, 9, 10, 20 and 21 thereof read as under:-

“3. That ground water resource in Delhi is overstressed to meet its ever growing water demands. Construction of the three upstream storages on the River Yamuna and its tributaries in time-bound manner are of utmost importance to meet drinking water requirements of Delhi and to reduce dependence on ground water to large extent. These three projects namely Renukaji, Kishau and Lakhwar & Vyasi Dams have been declared as the National Projects.

4. That at the same time, there is a need to have a comprehensive ground water management plan, where participation of all the stake holders in Delhi is essential. The action plan is broadly categorized as under:-

a) Rain Water Harvesting including regulation on extraction of ground water.

b) Use of treated effluent for ground water recharge through surface storages

c) Use of treated effluent in gardening, horticulture etc. to reduce dependence on surface (river)/ground water and also to help in ground water recharge.

8. That, to promote implementation of rain water harvesting, Delhi Jal Board has made rebate and penal provisions in its tariff regulations for implementation and non-implementation of rain water harvesting systems by its

consumers. As per the tariff regulations, 10% rebate is applicable in water bills for plot size of 100 square meters and above for having adequate and functional rain water harvesting systems. Penal provisions are applicable for plot size of 500 sq. m and above, accordingly, non implementation of rain water harvesting system invites penalty and water bills are increased by 1.5 times. Provisions in DJB Tariff Regulation-2012 as amended from time to time are applicable for all its existing and new consumers. Copy of the Board Resolution No. 276 dated 01.03.2016 on approval of certain amendments in Delhi Water & Sewer (Tariff and Metering) Regulation, 2012 is enclosed as Annexure-III.

9. That, detailed chronological status note by the Joint Director (Revenue) HQ, DJB, covering provisions under Delhi Water and Sewer (Meter and Tariff) Regulations 2012, its amendments which have been taken place from time to time, extension of timelines for levy of penalty on account of non-implementation of Rain Water Harvesting systems and current proposal to be placed before the Board is enclosed as Annexure-IV.

10. That, in order to make consumer aware about the mandatory provisions on rain water harvesting, public notices were issued in leading newspapers on 26.05.2015 and 08.08.2015 informing the timelines to install the rain water harvesting systems. Copies of the public notices issued are enclosed as Annexure-B in Annexure-IV.

20. That, following measures have been taken by Delhi Jal Board on Rain Water Harvesting:

(i) To promote implementation of rooftop rain water harvesting by the public at large, its design has been simplified and is made available on the website of the Delhi Jal Board in pictorial form for public facilitation and wider implementation.

(ii) As per the policy of Delhi Govt. which was applicable till May 2013, financial assistance to the extent of about rupees 84 lacs was given for implementation of rain water harvesting to the 176 institutions that included cooperative group housing societies. Schools, residents welfare associations, primarily in South and South-West District of Delhi which were most affected with ground water depletion. With inclusion of provision of rebate in water bills, the financial assistance scheme was discontinued.

(iii) 318 installations of DJB have rain water harvesting system. More are being covered in phased manner depending on feasibility. 240 installations of DJB and Delhi Government have been identified by DJB, where Rain Water Harvesting Systems are targeted to be progressively implemented in two months time.

(iv) One week long survey was carried out by the field units of Delhi Jal Board to identify the government buildings which are not having provisions for rain water harvesting. The list of 559 such government building has been shared with the heads of the government departments with the request to implement Rain Water Harvesting Systems in these buildings including in any other government buildings under their control, through a D.O. letter from the CEO, DJB. Copy is enclosed as Annexure-

IX.

(v) *Delhi Jal Board is continuously carrying out citizen awareness programs on conservation of water and rain water harvesting. Recently interactive workshops (33 in numbers) on Rain Water Harvesting have been held across Delhi at the circle levels (Superintending Engineers Level) and divisional levels (Executive Engineer Level) by Delhi Jal Board with the RWAs/Government Officials/Individuals, Awareness Program for sensitization of the public have been taken through print media (advertisements in newspapers), electronic media (FM Radio, dissemination of information through website) distribution of pamphlets etc. Copies of the booklet, pamphlet,, leaflet and advertisements given in the newspapers are enclosed as Annexure-X.*

(vi) *That, in the matter of O.A. 217/2016 before Hon'ble NGT, implementation of rain water harvesting in the school and colleges located in NCT of Delhi, is being monitored by DJB in terms of Hon'ble NGT order. As per the available details, Rain Water Harvesting Systems have been implemented in 3496 schools/colleges out of the mapped 4802. Further in 585 Nos. schools /colleges the rain water harvesting systems are under construction and in the 520 Nos. schools and colleges, action for taking up construction has been initiated.*

(vii) *DJB levy penalty in water bills of its consumers on plot size of 500 sqm or more, who do not implement Rain Water Harvesting Systems and water bill are increased by 1,5 times. 11958 nos. consumers have been penalized and*

an amount of Rs. 56.71 crores has been imposed as penalty since 1st July, 2017. Similarly, 1559 consumers have also been provided rebate for installing functional rain water harvesting system.

(viii) There is a dedicated Rain Water Harvesting cell in DJB which is providing technical assistance to facilitate the public in implementation of Rain Water Harvesting system.

21. That, following measures have been taken by Delhi Jal Board on Revival/Rejuvenation and creation of new Water Bodies:

(i) There are number of water bodies in Delhi which have become defunct due to urbanization. These water bodies are with various land owning agencies in Delhi. Delhi Jal Board in consultation with Government of NCT of Delhi has initiated the process for revival and rejuvenation of 155 which are owned by the revenue department/ other Govt. agencies in Delhi. A block estimate amounting to Rs. 376.79 crores for revival of 155 water bodies was approved by Delhi Jal Board in its meeting held on 24.12.2018. Delhi Jal Board has engaged expert agencies like M/s CSIR-NEERI, Nagpur (Council of Scientific and Industrial Research-National Environment Engineering Research Institute, Nagpur), etc. for preparation of detailed project reports. The water bodies would be revived progressively and proposals are at different stages of estimation, call of tenders, evaluation of tenders, etc. Works in respect of 83 water bodies are likely to be completed from February 2020 to August 2020.

(ii) Delhi Jal Board has also envisaged creating new water bodies at vacant land of Waste Water Treatment Plants (WWTPs) at five locations i.e. Timarpur, Najafgarh, Rohini, Nilothi and Pappan Kalan. Works are likely to be progressively completed by December 2020. Details provided by Superintendent Engineer (Water Bodies) are enclosed as Annexure XI.”

3. In view of the aforesaid steps that have already been initiated by the respondent no.1 for ensuring “rain water harvesting”, we see no reason to further monitor this case.

4. We have been apprised by learned counsel appearing for respondent no. 5/South Delhi Municipal Corporation that looking to the necessity of “rain water harvesting” reserve, circulars have been issued for installation of “rain water harvesting” systems and they have already installed it in as many as in 381 schools. Moreover, it has been made mandatory for all establishments over 500 sq. mtrs., whether old or new, to install “rain water harvesting” systems as per the status report submitted by respondent no. 5. Only after complying with such mandatory requirement, the plot plans are now being approved by respondent no.5.

5. Learned counsel appearing for respondent no. 9 submits that there is a provision for “rain water harvesting” in Chapter 9.1.1 of the Master Plan for Delhi, 2021 and in Chapter 10 of Unified Building Bye-Laws for Delhi, 2016. We, therefore, expect from respondent no. 9 that the provision contained in the Master Plan for Delhi, 2021 and Unified Building Bye-Laws, shall be scrupulously followed by them and in case of any violation, action will be initiated against the erring persons in accordance with law after giving them an adequate opportunity of being heard.

6. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 04, 2019

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