

ITEM NO.301

Court 6 (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(s).1/2021

IN RE : REMEDIATION OF POLLUTED RIVERS
(IA No. 47840/2021 - INTERVENTION APPLICATION)

WITH

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

(FOR CLARIFICATION/DIRECTION ON IA 34990/2021, APPROPRIATE ORDERS/DIRECTIONS, CLARIFICATION/DIRECTION, EXEMPTION FROM FILING AFFIDAVIT, EXEMPTION FROM FILING O.T., GRANT OF INTERIM RELIEF, INTERVENTION APPLICATION, INTERVENTION/IMPLEADMENT, PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 07-05-2021 These matters were 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.
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Mr. Mrityunjai, Adv.
Mr. Bharat Gupta, Adv.
Mr. Shourya Dasgupta, Adv.

Ms. Aishwarya Bhati, ASG
Ms. Archana Pathak Dave, Adv.
Ms. Suhasini Sen, Adv.
Mr. G. S. Makker, AOR.

Mr. Zoheb Hossain, AOR

Mr. Anil Grover, Sr. AAG, Haryana
Ms. Noopur Singhal, Adv.
Mr. Satish Kumar, Adv.
Mr. Sanjay Kumar Visen, AOR

State of Haryana Mr. Shyam Divan, Sr. Adv.
 Mr. Purushaindra Kaurav, Sr. Adv.
 Mr. Anish Kumar Gupta, AAG/AOR
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 Mr. Chandra Shekhar Suman, Adv.
 Ms. Rita Gupta, Adv.

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 Mr. Abhimanyu Singh, Adv.

Mr. T. N. Singh, AOR
 Ms. Sangeeta Singh, AOR
 Mr. Zoheb Hossain, AOR
 Mr. Shwetank Sailakwal, AOR
 Applicant-in-person, AOR
 Mr. Anurag Kishore, AOR

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

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

1. This Writ Petition is filed by Delhi Jal Board seeking a direction to State of Haryana to ensure the cessation of discharge of pollutants that increase the concentration of ammonia in Yamuna River, for a direction to Central Pollution Control Board & Haryana State Pollution Control Board, Respondent Nos.3 and 4 herein to ensure that State of Haryana does not discharge any pollutants which would increase the concentration of ammonia in Yamuna River and for a direction to State of Haryana to release 452 cusecs of water to Wazirabad, Delhi.

2. I.A. No.34991 of 2021 is filed by the Petitioner seeking a direction to the State of Haryana to ensure enough water supply to maintain the level of water at Wazirabad pond at 674.50 feet. At the request of the Petitioner, this Court appointed a Committee headed by the Secretary, Ministry of Jal Shakti, Government of India to conduct an inspection and submit a report on the following aspects:

- 1). *The quality and quantity of water released from the State of Haryana at Palla;*
- 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.*

3. The Committee submitted a report in which the following observations/recommendations are made: -

5.1 Observations/Recommendations:

1. Water quality of Yamuna River water at Palla site was good to support aquatic life. Ammoniacal Nitrogen level as 0.6 mg/l at 12:00 hrs. The volume of water flowing per second in the river Yamuna at Palla site of Central Water Commission was 1.075 cumecs (37.96 cusecs).

2. The water level of Wazirabad pond at 14:00 hours was 670.00 feet.

3. At the time of inspection, twin pipe line was discharging some water into the Wazirabad pond and the remaining water of pipe line was being diverted directly to sumps of water treatment plants (WTPs) namely Okhla WTP, Wazirabad 1, 2 WTP and Wazirabad 3 & Chandrawal WTP. Delhi Jal Board has the arrangements for diverting whole discharge of twin pipe line i.e. 370 cusecs directly to sumps of WTPs without releasing water to Wazirabad pond.

4. The writ petition now preferred by DJB before Hon'ble Supreme Court has earlier also been filed before the Hon'ble Court. During the earlier occasion, the petition was withdrawn by DJB in view of observations of Hon'ble River Board under Ministry of Jal Shakti for resolution of such matters at Central level.

5. Haryana is releasing more than 1050 cusecs of water from Munak headworks to Delhi against their share of 719 cusecs, thus providing Yamuna water to Delhi as per UYRB allocation existing on this date.

6. There have been lot of developments post 29.02.1996 order of Hon'ble Supreme Court viz. commissioning of three additional water treatment plants (Bawana- 40 cusec, Dwarka - 80 cusec and Okhla - 40 cusec: commissioning of Carrier Lined Channel (CLC) from Munak head words to Haiderpur Water treatment plant and twin pipelines (370 cusec capacity) from Haiderpur WTP to Wazirabad reservoir) with change in route of transfer of water to Delhi via CLC- twin pipe line instead of earlier route through river Yamuna. In addition, earlier DJB used to lift the water for its Wazirabad and Chandrawal WTPs (120 + 90 MGD capacity) from Wazirabad reservoir. However, after commissioning of CLC twin pipelines, DJB is drawing water for these plants before the water falls into the Wazirabad pond, thus effecting the net quantity of water being led into the Wazirabad pond for filling upto its designated level (EI. 674.50 ft). By this arrangements, DJB ensures that the raw and fresh water does not gets polluted in the Wazirabad pond before its lifting for Wazirabad and Chandrawal WTPs. These developments require to be taken into consideration while interpreting the operating part under para 10 of orders of Supreme Court in Contempt Petition Nos. 111 and 113 of 1995 in WP (C) No.537 of 1992 dated 29.02.1996.

7. Both the States, Haryana and Delhi need to take action to control pollution in Yamuna River. Haryana need to control pollution from Panipat and Sonapat areas while Delhi need to control pollution from Palla - Wazirabad stretch (separate discharge).

8. The quality of water needs to be monitored regularly at Delhi- Haryana border by a Central agency for which Department of Water Resources, RD & GR, Ministry of Jal Shakti proposes to make the arrangements."

4. The Committee has noted in the report that the allocation of Yamuna water amongst the States of Uttarakhand, Uttar Pradesh, Himachal Pradesh, Haryana, Delhi and Rajasthan is done by the Upper Yamuna River Board.

5. Mr. Vikas Singh, learned Senior Counsel and Mr. Shadan Farasat, learned counsel appearing for the Petitioner submitted that there is acute shortage of drinking water in Delhi at present in view of the unprecedented surge of Covid-19 pandemic. All the hospitals are full with patients and due to the depletion of the supply of water by the State of Haryana, the water level has come down which will result in shortage of supply of water to the hospitals. The learned counsel for the Petitioner relied upon the objections filed to the report of the Committee and requested this Court to direct the State of Haryana to release sufficient water at least for a period of two months in view of the extraordinary situation of shortage of drinking water in Delhi.

6. We have perused the report of the Committee, according to which State of Haryana is releasing more than 1050 cusec of water from Munak headwork to Delhi at present. We do not propose to go into the correctness of the report submitted by the Committee appointed by this Court. However, we grant liberty to the Petitioner to approach the Upper Yamuna River Board which was constituted for coordination, development and management of Yamuna River to seek allocation of more water to meet the exigency of acute shortage of drinking water in Delhi. The Upper Yamuna River Board shall consider the representation, if any, made by the Petitioner

expeditiously and not later than a period of 10 days from the date of its presentation.

7. The Writ Petition is, accordingly, disposed of. Pending applications, if any, shall stand disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master