

SECTOR 14 RESIDENTS WELFARE ASSOCIATION AND ORS.

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v

STATE OF DELHI AND ORS.

NOVEMBER 16, 1998

[B.N. KIRPAL, S.P. KURDUKAR AND V.N. KHARE, JJ.]

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Environmental Law—Sewerage system—Upgradation of—Constitution of Committee by Supreme Court—Report submitted by Committee—Action Plan for the works required to be undertaken suggested by Committee—Time frame for implementation of Report—Directions by Supreme Court—Environment Pollution (Prevention and Control) Authority shall monitor the implementation of the Committee's Report—Said Authority shall ensure that works mentioned in the Action Plan are undertaken as per Schedule—Authority can issue appropriate directions to persons responsible for implementing different items of work.

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CIVIL ORIGINAL JURISDICTION : Writ Petition (C) No. 914 of 1996.

Under Article 32 of the Constitution of India.

A.K. Goyal, Additional Advocate General, A.K. Ganguli (A.C.) and P.P. Malhotra, Shiv Sagar Tiwari, Ashok Srivastava, Ms. Sushma Suri, D.S. Mehra, G.B. Sathe, Ms. Niti Dikshit, Pradeep Misra, Ms. Binu Tamta, Vijay Panjwani, V.B. Saharya and A.D.N. Rao for the appearing parties.

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The following Order of the Court was delivered :

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In respect of the upgradation of sewerage management systems in the trans-Yamuna area of Delhi and Sectors 14, 14-A, 15, 15A, 16, 16-A and 17 of NOIDA this writ petition was filed in this Court. By Order dated 6 January, 1998 this Court constituted a Committee of five persons headed by Shri P.K. Kaul, former Cabinet Secretary as its Chairman to examine all the issues in detail and to submit a report.

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The Committee submitted its interim report on 5th March, 1998. In October 1998 the said Committee has submitted its final report relating to status and options for upgradation of the sewerage management systems in the aforesaid areas.

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A Copies of the said report were given to the learned counsel for the parties and no objection to the same has been received.

B We have gone through the report and, in our opinion, it merits acceptance. Apart from indicating the status of the system as of today, the said report at pages 40-44 gives the action plan for the works which are required to be undertaken and the organisations responsible for undertaking each work. At page 44 the Committee has drawn up a time frame with regard to the various activities mentioned in the action plan.

C As per the action plan suggested by the Committee, the authorities who are responsible for the implementation thereof have been mentioned. The persons who can be held accountable in respect thereof are as under :

	<i>Name of the Authority</i>	<i>Person Accountable</i>
D	1. Delhi Jal Board	(i) Chairman; and (ii) Member Secretary
	2. Delhi Flood Control & Irrigation Department	Chief Secretary, Delhi
E	3. Municipal Corporation of Delhi	Chairman
	4. Delhi Development Authority	Vice-Chairman
	5. U.P. Pollution Control Board	Chairman
F	6. G.D.A.	Vice-Chairman
	7. Delhi Pollution Control Board	Chairman
	8. NOIDA Administration	Chairman
G	9. U.P. Jal Nigam	Chairman
	10. U.P. Industrial Development Corporation	Chairman
H	11. Min. of Urban Development Govt. of NCT of Delhi	Chief Secretary, Delhi.

As already noticed, the time frame which has been suggested mentions that activities at Sr. Nos. 1-9 of the action plan should be completed before 31st December 1998, the activities at Sr. Nos. 10-22 are to be completed before 31st March, 1999, the activities at Sr. Nos. 23 & 24 are to be completed before 30th September, 1999 and activities at Sr. Nos. 25 to 34 are to be completed before 31st March, 2000.

We see no reason to change the time frame except that as far as activities Nos. 1 to 9 are concerned, we extend the time for completing the same by 31st January, 1999.

The Central Government had under section 3 of the Environment Protection Act constituted an Environment Pollution (Prevention and Control) Authority under the Chairmanship of Shri Bhure Lal. It will be appropriate that the monitoring of the implementation of P.K. Kaul Committee's report in the manner indicated in the action plan of the said report is undertaken by the said Bhure Lal Committee which is a statutory committee having powers to issue directions. We, therefore, direct that copies of this Order as well as of the interim and final report of the P.K. Kaul Committee be forwarded within a week to Shri Bhure Lal with a direction that the said Committee will ensure that various works mentioned in the action plan are undertaken as per schedule. The Committee will have full authority to issue appropriate directions to the various organisations who have been mentioned as being responsible for implementing different items of works as per the action plan. The Bhure Lal Committee will also examine the recommendations contained in paragraphs 5.1, 8.6 and 8.7 and other relevant paragraphs of the said report and issue such orders or directions as it may deem fit and proper.

It is made clear that if any organisation fails in carrying out the directions so issued the persons mentioned as being accountable will have to satisfy this Court as to why appropriate action should not be taken for non-implementation of the directions issued. If for any reason any of these authorities are not in a position to implement or carry out any of the directions so issued, liberty is granted to approach this Court in this behalf. Subject to any orders which may be passed by this Court the directions given by Bhure Lal Committee shall be final and binding on all. Copies of the reports and this order be also sent to the aforesaid organisations.

To come up for further directions in February, 1999. Spare copies of the report of the P.K. Kaul Committee shall be filed in the Registry by the Delhi

- A Administration within one week and the Registry shall forward the copies of the report of P.K. Kaul committee and this order to the respective organisations within one week thereafter.

T.N.A.

Petition still pending.