

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 329/2015
(M.A. Nos. 283/2018, 1389/2018, I.A. No. 532/2019 & I.A.
No. 660/2019)

With

Original Application No. 521/2015

With

Original Application No. 448/2013 (THC)
(CW 4050/12)

(M.A. Nos. 1228/2015 & 513/2017)

With

Original Application No. 446/2013 (THC)
(CW 7932/11)

Gram Panchayat ARABA

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

M.M. Charitable Trust

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

U.R. Beniwal

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

And

Multan Singh

Applicant(s)

Versus

State of Rajasthan & Ors.

Respondent(s)

Date of hearing: 16.10.2019

CORAM:

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

Mr. Jaideep Singh, Advocate
Ms. Eysha Marysha, Advocate

For Respondent(s)

Ms. Padhmalakshmi Iyengar,
AAG
Mr. Ardhendumauli Kr. Prasad,
Advocate
Mr. Raj Kumar, Advocate
Mr. Lokendra Singh Kachhawa
and Mr. Adhiraj Singh, Advocates
Mr. Krishan Kumar Singh,
Advocate
Dr. S. K. Jain, Regional Director
(CGWB), Jaipur
Mr. Praveen Choudhari, JLO,
RIICO, Jodhpur
Mr. Rishabh Sancheti, Advocate
with Ms. Padma Priya and Mr.
Nishit Shah, Advocates
Mr. Sunil K. Panwar, Addl. S.P.
STF, JDR

ORDER

The Learned Counsel for the applicant submits that the copy of the supplementary affidavit to the status report dated 05.09.2019 has been supplied to him today. Therefore, he would like to look into the same and file a counter, if required.

We have carefully looked into the chart of underground water level observation data filed by Central Ground Water Board for Luni Block, along with the supplementary affidavit. A glance to the data shows that since 2014 till the current year, by and large, there has been rise in the underground water level. Keeping in view such a situation of the underground water reserves, it would be appropriate to save the supply of PHED water by restricting the same for any other purpose except for drinking. This in our view should even apply to all consumers of PHED, including the industries.

But before forming any final opinion in this regard, we would like the Learned Counsel for State of Rajasthan to have an exercise done by the PHED Department as to the manner in which such proposed restriction can be levied and what will be the method to detect in case of violation. They would also have to look into the average consumption of drinking water so that if any consumer is using the water for any other purpose except drinking, it can be prima facie detected from the total water supplied to it by the PHED Department. In other words we would like the PHED Department to do the exercise and furnish a report in respect of restricting their supply only for drinking and household consumption and what steps they propose to take in case of breach of such conditions/regulation.

The Learned Additional Advocate General, State of Rajasthan is directed to call for the Additional Chief Engineer PHED posted at Jodhpur and apprise him about the regulation which is intended to be levied and also ask for the remedy in case of breach.

The Learned Counsel for Central Ground Water Board, assisted by the Regional Director Jaipur, has placed before us the data of water level in Luni Block. But we find that out of the total 24, dates of item 1 to 8 are based on exercise done by the Central Ground Water Board and in respect of remaining, it is on the basis of information given by the Ground Water Department of State of Rajasthan.

We would like the CGWB to continue its exercise with regard to groundwater level observations data in respect of remaining region of Luni Block.

The report in this regard be filed before the next date of hearing.

List these matters on 15th November, 2019.

Justice Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

JG

