

Item No. 01

Court No. 1

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

M.A. No. 16/2023 to M.A. No. 18/2023

In

Original Application No. 94/2021

Haider Ali

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 28.03.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Sanobar Ali, Advocate for Applicant in M.A 16-18/2023.

**ORDER**

1. Grievance in this application is against failure of the Ministry of Jal Shakti GoI to comply with the directions of this Tribunal dated 15.04.2021 in O.A. No. 94/2021, *Haider Ali vs. Union of India & Ors.*, requiring regulation of ground water extraction for maintenance of Cricket playgrounds. The Tribunal directed Secretary, Ministry of Jal Shakti (MoJS) to hold a joint meeting with nominees of the Ministry of Youth Affairs and Sports (not below the rank of Joint Secretary), representative of BCCI and CPCB to consider prohibiting use of ground water for maintenance of playgrounds, when the matches was not being played and instead utilize STP treated water, ensure rain water harvesting in all playgrounds and engage expert for every cricket stadium and use sport events for awareness of environment protection. Directions are reproduced below:-

“2. This Tribunal has earlier dealt with the issue and issued directions. Vide order dated 20.05.2019 in O.A. No. 134/2015, Friends through its General Secretary v. Ministry of Water Resources, it was directed:-

“1to23...xxx.....xxx.....xxx

24. As regards illegal drawal of ground water by the DDCA, we find that there are two aspects for consideration:-

- (i) Permissibility of drawal of ground water in view of depleting ground water level;
- (ii) Source of water to be used for sprinkling in cricket/ other play grounds.

25. As regards desirability of groundwater extraction, the matter has been dealt with in O.A. No. 176/2015, Shailesh Singh vs. Hotel Holiday Regency, Moradabad & Ors. and this aspect can be further considered in the said matter. However, it will be necessary to have relevant data for such consideration. The Hon’ble Supreme Court vide order dated 11.07.2018 in W.P.C No. 4677/1985, M.C. Mehta v. Union of India and Ors., quoted the report of the Niti Aayog on “Composite Water Management Index”, June 2018 as follows:

“In fact by 2020, 21 major cities, including Delhi, Bangalore and Hyderabad will are expected to reach zero groundwater levels, affecting access for 100 million people.”

26. The Committee may collect and provide data with regard to availability of ground water and its usage in 21 cities including Delhi, Bangalore and Hyderabad.

**27. As regards source of water to be used for sprinkling in playing fields/cricket grounds, in view of shortage of potable water it will be appropriate that instead of potable water being used for such purpose, either RO reject or disinfected and treated sewage must be preferred. We have noticed that guidelines have been issued by the Sport Authority of India (SAI) on the subject being “Field play and specifications on Sports Infrastructure” but the said guidelines do not take cognizance of source of water supply. It is possible that potable drinking water is used for said purpose which is not conducive for the environment, having regard to the acute shortage of potable water for drinking purpose. The above Committee may examine and furnish a report to this Tribunal for course of action be adopted to save potable water for regulating watering fields and playing fields/ cricket grounds.”**

3. Thereafter the issue of regulation of extraction of ground water was dealt with vide order dated 20.07.2020 in O.A. No. 176/2015, Shailesh Singh v. Hotel Holiday Regency, Moradabad & Ors. in the

light of the judgment of the Hon'ble Supreme Court in *M.C. Mehta v. Union of India & Ors.*<sup>1</sup> and the Tribunal issued following directions:-

“1to38....xxx.....xxx.....xxx

39. In the light of the above discussion, we direct as follows:

- a. MoJS may ensure requisite manning and effective functioning of CGWA so as to ensure **sustainable ground water management** in terms of the Hon'ble Supreme Court mandate by which CGWA was created.
- b. Let CGWA and MoJS comply with the directions of this Tribunal in orders dated 3.1.2019, 7.5.2019 and 11.9.2019, to have a meaningful regulatory regime and institutional mechanisms for ensuring prevention of depletion and unauthorized extraction of ground water and sustainable management of groundwater in OCS areas. **Regard must be had to water availability and safe levels to which its drawal can be allowed, especially for commercial purposes, based on available and assessed data in each "Assessment unit"**. Procedures for assessment of individual applications and institutional mechanism may be clearly laid down.
- c. As per orders dated 3.1.2019, undertaking an impact study in light of projected data for the next 50 years (in phased manner with action plan decade-wise).
- d. There must be **no general permission for withdrawal of ground water, particularly to any commercial entity, without environment impact assessment of such activity on individual Assessment units in cumulative terms covering carrying capacity aspects by an expert committee**. Such permission should as per Water Management Plans to be prepared in terms of this order based on mapping of individual assessment units. Any permission should be for specified times and for specified quantity of water and not in perpetuity, and be necessarily subject to digital flow meters which cannot be accessed by proponents, with mandatory annual calibration by authorized agency at proponents' cost. **An annual review by independent and expert evaluation must audit and record ground water levels as well as compliance with the conditions of the permission**. Such audits must be published online for transparency and to track compliance and year-on-year change in ground water levels, and swift action taken against those who fail audit, including withdrawal of permission, blacklisting, initiation of prosecution and recovery of deterrent compensation as per CPCB regime. Records must be

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<sup>1</sup>(1997) 11 SCC 312

*maintained online and for a sufficient and reasonable time.*

- e. As observed in para (a) and (b) above, **all OCS assessment units must undergo water mapping. Water Management Plans need to be prepared for all OCS assessment units in the country based on the mapping data, starting with Over-exploited blocks. The Water Management Plans, data on water availability or scarcity and policy of CGWA must be uploaded on its website for transparency and public involvement. Such exercise may be done expeditiously, preferably within next three months.***

*4. There can be no dispute with the proposition that conservation of water is dire need of the environment. Every effort is required to save potable water for drinking. Cricket or other such grounds may be maintained, as far as possible, from the STP of high quality having no pathogens and offensive components. Also rain water harvesting and storage of such water may be ensured.*

*5. Accordingly, we direct the Secretary, Ministry of Jal Shakti to hold a joint meeting within one month with the nominees of the Ministry of Youth Affairs and Sports (not below the rank of Joint Secretary), representative of BCCI and CPCB to consider the issue of regulating extraction of ground water for maintenance of Cricket play grounds. If necessary, any other expert may also be coopted. **The issues for consideration may inter alia include – i) prohibiting use of ground water for maintenance of the play grounds atleast during the time no match is being actually played and exploring utilization of STP treated water; ii) ensuring that effective rain water harvesting and water storage/recharging systems are installed in all playgrounds to save the ground water; iii) laying down mandatory requirement of engagement of an environmental expert for every cricket stadium for ensuring compliance with the environmental norms, iv) using every sport event with the programme of awareness for environment protection, using a part of profit from commercial activities as a mandatory obligation. The decisions taken in the meeting may be followed up by appropriate statutory orders.***

2. Order dated 20.05.2019 in O.A. No. 134/2015 was also followed vide order dated 19.06.2020 in O.A. No. 1046 of 2019<sup>2</sup> in relation to Noida Golf Course and interim compensation of ₹25 Lakh was levied pending further consideration. Against the said order, Civil Appeal No.

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<sup>2</sup> Mahesh Chandra Saxena Vs. State of Uttar Pradesh & Ors.

3074/2020<sup>3</sup>, has been filed on which the operation of order of this Tribunal has been stayed.

3. The applicant has submitted that stay granted by the Hon'ble Supreme Court does not apply to the present case and there is no reason for Secretary, MoJS not to take action in terms of orders of this Tribunal. It is further stated that failure to prevent usage of ground water for playgrounds is to the detriment of access to potable water for drinking particularly in areas which are drought prone and are classified as dark zones. Reference has also been made to the fact that no adverse impact of use of treated sewage water on soil and turf grass has been found in expert studies. Reference is made to an article titled "***Irrigation of a golf course with UV-treated wastewater: effects on soil and turfgrass bacteriological quality***" <sup>4</sup> published in ***Applied Water Science (2020) 10:7*** on 13.11.2019. An extract from the said article is reproduced below:-

*"...The comparison of the faecal contamination between the two golf courses indicates no significant difference in E. coli and faecal coliform concentrations. However, a significant difference was detected in faecal enterococci contamination. This study confirms that, under appropriate conditions, treated wastewater produced by M'zar wastewater treatment plant can be used as an alternative water resource for golf courses irrigation in Agadir city, Morocco..."*

4. In view of above, we find it appropriate to direct the Secretary, Ministry of Jal Shakti to file a status report in the matter within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

List for further consideration on 10.08.2023.

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<sup>3</sup> *M/s Advant Navis Business Park Vs. Mahesh Chandra Saxena & Ors.*

<sup>4</sup> <https://doi.org/10.1007/s13201-019-1095-5>

A copy of this order be forwarded to Secretary, MoJS by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

March 28, 2023  
M.A. No. 16/2023 to M.A. No. 18/2023  
In Original Application No. 94/2021  
AVT