

D.B. CIVIL WRIT PETITION(PIL) NO.9497/2007
D.B. CIVIL WRIT PETITION NO.809/2008
D.B. CIVIL WRIT PETITION NO.15085/2011
D.B. CRIMINAL MISC. PETITION NO.3737/2012
D.B. CIVIL WRIT PETITION NO.15520/2012
D.B. CIVIL WRIT PETITION NO.16228/2012
D.B. CIVIL WRIT PETITION NO.16229/2012
D.B. CIVIL WRIT PETITION NO.16230/2012
D.B. CIVIL WRIT PETITION NO.20356/2012
D.B. CIVIL WRIT PETITION NO.12202/2013
D.B. CIVIL WRIT PETITION NO.2799/2014
D.B. CIVIL WRIT PETITION NO.4758/2014
D.B. CIVIL WRIT PETITION NO.4936/2015

DATE:27.07.2015

HON'BLE THE CHIEF JUSTICE MR. SUNIL AMBWANI
HON'BLE MR.JUSTICE VEERENDR SINGH SIRADHANA

Mr. Poonam Chand Bhandari with
Mr. Rakesh Chandel, Mr. Abhinav Bhandari,
Mr. S.D. Khaspuria
Mr. N.K. Garg on behalf of
Mr. Rajendra Soni,
Ms. Neerja Khanna, for the petitioners.

Mr. G.S. Gill, Additional Advocate General with
Mr. Harish Kandpal, Addl. Govt. Counsel,
Mr. Vishal Sharma on behalf of
Mr. N.M. Lodha(Advocate General),
Mr. Akhil Simlote,
Mr. Babulal Gupta,
Mr. Ravi Chirania,
Ms. Manjeet Kaur on behalf of
Mr. Sarthak Rastogi,
Mr. N.C. Sharma, for the respondents.
Mr. Virendra Lodha, Senior Counsel assisted by
Mr. Jai Lodha and Mr. Devesh Chouhan, for the JVVNL.

1. This matter, relating to restoration and rejuvenation of 'Dravyawati River', is pending for last about 8 years. Various orders have been passed by this Court for rejuvenation of the river, which passes through the City of Jaipur, and has been virtually reduced to a stinking

drain. Despite our long and considered deliberations, which resulted into orders dated 26.02.2015, 26.03.2015, 27.04.2015 and the order dated 19.05.2015, which are unambiguous and required no clarification, the State Government has refused to comply with the directions. It has refused to accept the National Environmental Engineering Research Institute (NEERI), a prestigious national agency, to be allowed to prepare a Detailed Project Report (DPR). Despite our order dated 19.05.2015, by which we had rejected the intervention of any third party, and directed to accept the study proposal of NEERI, the State Government again allowed M/s Tata Projects Ltd., to intervene and offered the NEERI, to either carry out an independent study and to submit an independent report to the JDA; or to allow the JDA to submit a draft DPR prepared by M/s Tata Projects to NEERI and NEERI to submit a report apprising the said DPR to JDA; or NEERI to work directly with M/s Tata Projects, if they agree and submit a report. The NEERI considered all the three options and categorically opted for the option in terms of the orders of the Court, to carry out an independent study and to submit an independent report to the JDA.

2. In our view, the options given to the NEERI, were in contravention of our order dated 19.05.2015. We may also point out that even till today, despite our request, the State Government has not come out with identity of the persons, who are representing M/s Tata Projects Ltd. and the repeated insistence of the Government to accept the draft DPR prepared by M/s Tata Projects Ltd. This, in our view, is in disobedience of our order dated 19.05.2015.

3. Further, we find that though part payment of satellite imaging has been released to the National Remote Sensing Centre(NRSC), Hyderabad, the respondents have not filed the progress report of satellite imaging for the purposes of carrying out a study of the extent of encroachments and the flow of the river. An evasive reply has been given awaiting response from NRSC, Hyderabad.

4. As regards toxic discharge of polluting textile units of Sanganer, Jaipur into 'Dravyawati River', we had after tracing the background of the detailed efforts made for installation of CETP and for relocating the industries which are scattered and cannot be connected to CETP, given clear directions in paragraph 15 to 19 of our order dated 19.05.2015, to the authorities, namely the State Government, District Administration, the Rajasthan State Pollution Control Board, JVVNL and the PHED, for compliance keeping in view the environmental concerns and the health hazards caused by these polluting units.

5. Learned counsel appearing for the Rajasthan State Pollution Control Board, states that despite their repeated letters to the District Collector, JVVNL and the PHED, no action has been taken to stop the electricity and water connections to the polluting units, identified in the first phase, or in the second phase.

6. Mr. Virendra Lodha, learned Senior Counsel appearing for the JVVNL in the High Court, present in the Court, states that JVVNL is not party to the proceedings, and that he may be given a copy of the petition. We are surprised at the attitude of the JVVNL for not carrying out the orders of the Court, of which they have full knowledge. The

letter dated 04.06.2015, written to the District Collector, Jaipur, would show that the Executive Engineer (CD-VI), JVVNL, Sanganer, Jaipur, is aware of our orders, and is trying to evade compliance of the orders on the ground that some of the units have electricity connections in the name of different persons. This excuse appears to have been made at the instance of the polluting units, and is not acceptable. For the polluting textile units, which are scattered and which cannot be connected to the CETP, directions were issued to relocate the units, as in the case of polluting units, which have been relocated by the RIICO at Bagru. No efforts have been made to prepare any plan, for their relocation. The pollution caused by the textile units of Sanganer, has reduced the 'Dravyawati River' to a stinking drain, flowing from the hills to meet river 'Dhund, which is a major source of the drinking water in the State of Rajasthan. The discharge of hazardous chemicals by the textile units into the 'Dravyawati River', is causing various diseases and is a health hazard to the residents of large part of the State of Rajasthan.

7. The proceeding of the hearing today, clearly suggests that the State Government is not at all interested to comply with the directions of the Court, which have been passed in the matter pending for last about 8 years, and in which several reports submitted by the State Government and the Rajasthan State Pollution Control Board, were considered.

8. We are pained to observe that despite our sincere efforts to restore and rejuvenate 'Dravyawati River' for the citizens of Jaipur, and in turn for the citizens of Rajasthan, the State Government has shown

complete inaction to our orders.

9. In the facts and circumstances, we are left with no option, but to summon the Chief Secretary, Government of Rajasthan in the Court, in person, on 03.08.2015 at 10.30 A.M. He will be accompanied with District Collector Jaipur; Chairman-cum-Managing Director, JVVNL; Commissioner, JDA; and the Principal Secretary, PHED, Rajasthan. They may explain to the Court, as to why and under what circumstances, they have committed deliberate defiance of the order of this Court, and have acted in a manner, which clearly suggests that they have neither any respect for law, nor are willing to comply with the orders passed by the Court.

10. List on 03.08.2015 at 10.30 A.M.

11. A copy of the order will be given to the learned counsel appearing for the respondents by tomorrow i.e. 28.07.2015.

(VEERENDR SINGH SIRADHANA),J.

(SUNIL AMBWANI),C.J.

/KKC/

Certificate:

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

KAMLESH KUMAR
P.A.