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BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH NEW DELHI
OA NO. 06/2012

IN
E A NO. 05 OF 2024

IN THE MATTER OF:

NIZAMUDDIN WEST ASSOCIATION

.....APPLICANT

VERSUS

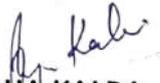
UNION OF INDIA & ORS.

. RESPONDENTS

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THROUGH


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ADVOCATE

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DELHI HIGH COURT NEW DELHI -110003
ENR- D/12/78/1999
MOB:- 9312839323

NEW DELHI

DATED 05/05/2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
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NIZAMUDDIN WEST ASSOCIATION ... APPLICANT
VERSUS
UNION OF INDIA & ORS ... RESPONDENTS

**AFFIDAVIT IN COMPLIANCE OF ORDER OF THIS HON'BLE
TRIBUNAL DATED 23.04.2025**

Most respectfully showeth:

I, Ashwani Kumar S/o Sh. Nathu Lal, Commissioner, Municipal Corporation of Delhi, do hereby solemnly affirm and declare as under:

1. That I am to swear this affidavit on behalf of the Municipal Corporation of Delhi (MCD) in compliance with the directions issued by this Hon'ble Tribunal vide its order dated 23.04.2025.
2. That the present affidavit is being filed in continuation of the earlier affidavit dated 22.04.2025, and in compliance with specific directions to furnish:



- (i) Clear timelines for the desilting of covered portions of Kushak Drain, Sunheripulla Drain and Defence Colony Drain;
- (ii) The location and specification of trash barriers/screens; and
- (iii) Safety measures for the proposed longitudinal openings and other operational safeguards.

SUNEHRIPULA DRAIN

3. That since the inlet point of Suneharipullah at Dayal Singh College receives discharge from NDMC area through covered drain, it is not desirable to deploy floating material screen at the entry of open drain.
4. That in accordance with the decision taken during the meeting convened by the Hon'ble Lieutenant Governor of GNCTD, the matter of modifying and desilting the covered portion of Sunheripulla Drain has been assigned to the Delhi Metro Rail Corporation (DMRC) as a deposit work, to be funded by the New Delhi Municipal Council (NDMC). DMRC is to carry out the modification in the covered portion of drain and desilt it from the inlet at Dayal Singh College up to Lala Lajpat Rai Marg using appropriate methodology. As per the said decision, the Chairman, NDMC has already been formally requested to release of funds to DMRC to enable the latter to take up the work. The exact design contours of the work will be finalized by DMRC.



KUSHAK DRAIN

5. That the work on covered portion of Kushak Drain having the DTC Bus Depot shall be taken up only upon stabilization and assessment of the work at Sunheripulla as mentioned above.
6. That in order to prevent entry of floating debris into the covered portion of Kushak Drain, a floating boom trash barrier shall be installed at the upstream end of the covered portion. This installation is planned for completion by 15.05.2025. In fact, a screen to block debris put there in the past has been damaged/stolen and only its remnants are left now.

DEFENCE COLONY DRAIN

7. That the Defence Colony Drain (approx. 1300 meters covered) is a tributary to Kushak Drain and receives sewage/waste water from Greater Kailash, Andrews Ganj, and surrounding areas. MCD has planned to complete the longitudinal opening and desilting of the entire covered portion (1300 meters) within 120 days from the date of award of work. The Notice Inviting Tender (NIT) has been issued and bids shall be received on 10.05.2025. A copy of the NIT is annexed hereto as **Annexure-A**. That the first 50 m stretch has already been opened longitudinally by the engineers in charge, and further opening is being taken up. The engineers in charge are targeting to carry out opening and desilting substantial portion by



30.06.2025 to mitigate flooding risks during the monsoon. The officers concerned have prepared a Critical Path Method (CPM) Chart for desilting of Defence Colony drain. The copy CPM Chart is annexed as **Annexure-B**.

8. That a floating boom trash barrier will be installed at the upstream end (Ring Road point) of the covered portion of Defence Colony Drain, and the same has been planned to be completed by 15.05.2025.
9. That the monitoring of the entire desilting is being overseen by the Chief Engineer, Central Zone officer designated for the task to ensure adherence to the time lines and procedural integrity.
10. That during the ongoing and proposed longitudinal openings and desilting in the Defence Colony drain, Metal Sheet covers and signboards will during the execution phase to avoid any accident. For sustained safety and drain protection post opening and desilting, RCC toe walls will be constructed along the sides of the openings to ensure safe access for future maintenance as well as desilting.
11. That it is submitted that the foul smell is due to continuous flow of sewerage water through the drain which gets only exacerbated due to its covering. In fact, the sewage water should not flow into these



natural drains and it needs to be trapped and treated by Delhi Jal Board through a long term sewage drainage and treatment plan.

3
4/5/25
DEPONENT

VERIFICATION :

05 MAY 2025

Verified at New Delhi on this day of May, 2025 that the contents made in the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therein.

By Kalyan
I identify the Deponent who has signed in my Presence



05 MAY 2025

ENTERED THAT THE DEPONENT
S/O W/O ...
identified by ...
has solemnly affirmed before me at Delhi
on ... that the contents of the affidavit which
have been read & explained to me are
true and correct to this & knowledge
11
Q. Ashraf
P. K. & P. K.
Notary Public
DEPONENT
3
4/5/25

Municipal Corporation of Delhi
Office of the Executive Engineer, (PARKING) Division

NIT No. D/EE (Parking)/TC/25-26/01

Dated :03-05-2025

NOTICE INVITING TENDER

Document Download/Sale Start Date
Bid Submission Start Date
Bid Submission Closing Date
Opening Date

03-05-2025 03:00 PM
03-05-2025 03:00 PM
10-05-2025 03:00 PM
10-05-2025 03:05 PM

FOR ONLINE TENDERING TIME TABLE PLEASE REFER <https://etenders.gov.in/eprocure/app>. Sealed percentage/item rate open tenders are invited for the following works by the MCD. As per circular No. AO/Engg. (HQ)/MCD/G-IV/D-1251 dated 30.12.2021, the enlisted contractor of the Municipal Corporation Delhi as well as all contractors already registered with CPWD, State PWDs and Urban Local Bodies having valid registration, GST certificate, bank details, PAN will be allowed to tender for the amount as per category of contractors given in enlistment rules of MCD, subject to the conditions that they are neither blacklisted nor debarred at the time of purchase of tenders. However, the enlistment rules of MCD will be applicable "mutatis-mutandis" on the outside contractors, i.e. the outside registered contractors can only participate as per the category fixed in enlistment rules of MCD.

Tender will be received as per time table and will be opened at **03:05 PM on 10-05-2025** website <https://etenders.gov.in/eprocure/app> by EE(PARKING) Division. Validity of rates will be 5 months from the date of opening of NIT.

1	Name of work	Providing opening along centre line and desilting of covered portion of Defence Colony drain, in Ward No. 145, Central Zone.
2	Tender Amount (in Rs.)	Part A: 2,77,94,499/- and Part B- Item Rate
3	Estimated Amount	Part A: 3,56,15,394/- and Part B: 11,83,346/-
4	Earnest Money	Rs. 7,36,000/-
5	Time Of Completion	04 month
6	Tender Fee	Rs.1770/-
7	Head of Account	XL-V-A-(i)

Conditions given in the printed NIT form A-32, chapter 9 of the Municipal accounts code part I will hold good. The contractors will have to give a declaration about the name of their relatives employed in MCD along with each tender.

Bidding documents can be downloaded from the website <https://etenders.gov.in/eprocure/app>. Tender fee as well as EMD is made through e-payment gateway only. Latest circulars/office orders are to be followed along with general conditions of contract for Municipal Corporation Delhi works and shall be part of agreement. Any conditional tender is liable to be rejected. Department reserves the right to reject any tender without assigning any reason whatsoever.

- i) All contractors already registered with MCD, and also outside contractors from CPWD, State PWDs and Urban Local bodies having valid registration, GST certificate, bank details, PAN, plant capacity and their authorized signatory document will also be uploaded on e-procurement website. For authorized signatory should have valid power of attorney in favour of authorized signatory executed by the competent person of firm or resolution etc. must be uploaded on website.
- ii) Necessary deduction shall be made in the bills towards GST Act as applicable on works and noting extra shall be reimbursable on this account.

- iii) Office order No. D/167/EE (P) III/06 dated 11.12.06 regarding deletion of Arbitration clause from clauses of the contract and circular No. 471/EE (P) III date 22.02.06 regarding recovery of labour cess will be applicable.
- iv) General specification, General conditions, all special conditions & additional conditions are applicable these may be seen in the office of undersigned.
- v) The circular vide No. PSC/777/2008 dt. 01.10.08 regarding Modalities for timely execution of project will be applicable & binding to the contractor.
- vi) Circular No. DCA/Engg./2011/387 dt. 13.10.11 regarding execution of contract agreement will be applicable.
- vii) Condition/provision for the procurement of the Steel & Cement as circulated vide D/EE (P-I)-SDMC/2013-14/83 dated 16.05.13 will be applicable. The circular vide no.D-77/SE (P)/EE (P)-I/SDMC/2014-15 dated 25.08.14 regarding use of Portland Pozzolana Cement (PPC) in RCC structures will also be applicable.
- viii) In all the development works an area of size 1.0 mtr. around the tree, coming at the proposed site of works, shall compulsorily be left kaccha.
- ix) The contractor shall quote their rate upto two decimals only. In case, the contractor quotes his rate in three or more decimals, such tender will be out rightly rejected.
- x) In case quoted lowest rates in respect of two or more agencies are same, the methods/means such as negotiation individually, draw of lots etc. will be adopted.
- xi) Circular/office order issued by MCD from time to time upto date of receipt of tender will be applicable and contract conditions/rules/directions/clauses of the contract etc will stand modified to the extent as is mentioned in that/those circular/office orders/above mentioned circular/ office orders.
- xii) As per Circular No. D/SE(P)/2020-21/154 dated 13.10.2020, CPWD Works Manual/SOP available at the time of calling of tenders on CPWD website cpwd.gov.in will be applicable.
- xiii) As per Circular No. D/155/SE(P)/SDMC/2020-2021 dated 16.10.2020, the contractor shall procure Ready Mixed Concrete of specified grade confirming to CPWD specification 2019 from the Ready Mixed Plant set up/operated by the cement manufactures having a cement production capacity not less than one million tons per annum will be applicable.
- xiv) In case there is any discrepancy or tender document is silent regarding some point, the stipulation / provision in the CPWD Manual on that discrepancy / point will be applicable.
- xv) Special conditions depending on the type of work as given in tender documents will also be applicable.
- xvi) As per the circular no- Addl comm/Engg/MCD/D-10 dated 8-06-2022 issued by Addition Commissioner (Engg) ,the name of SDMC/EDMC/NDMC mentioned in General condition of contract (GCC) ,Form 7,Form 8 ,Form A32 ,special condition of contract and or any other circular regarding GCC may be read as Municipal corporation of Delhi (MCD).
- xvii) Additional condition, if any;

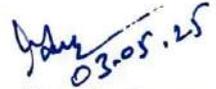
1. Details can be had from websites of MCD (erstwhile SDMC) and also from the office of undersigned.
2. Clause 10CA will not be applicable.
3. The outside registered contractor who wish to participate in the tendering process in MCD shall submit a copy of their registration certificate in which they are registered to the concerned division as well as to office of ADC (Engg.) HQ.
4. The circular No. ADC(Engg.)HQ/MCD/2023/D-2810 dated 28-12-2023 shall be applicable and the following will be followed:
 - a. An affidavit on a non judicial stamp paper of R.100 (not older than one month from last date of submission bid) shall be submitted by the outside registered contractor with each tender swearing therein that the agency is not blacklisted/debarred by the Govt./PSU or Private organization.
 - b. The outside registered contractors who wish to participate in tendering process of MCD shall submit their registration certificate to Engineering Department (HQ) alongwith an affidavit as mentioned at SL No. 2 above.
 - c. Engineer Department (HQ) shall accordingly prepare a data base of the outside registered contractors and circulate the same to all divisions of Engineering Department.
 - d. The division of Engineering Department where the outside registered contractor has participated in the tender process shall confirm the status of the contractor regarding validity of his registration from Engineering Department (HQ), MCD before processing the case further.

- e. The status of MCD registered contractor regarding revalidation of his enlistment in MCD shall also be got confirmed by the concerned division from Engineering Department (HQ).
5. Circular No. Addl. Comr (Engg.)/MCD/D-41 dated 17-02-2023 regarding 3rd party quality assurance will be applicable. Charges for the 3rd party quality assurance is to be borne by the contractor
 6. In addition to above all circular/ office orders issued by MCD (erstwhile SDMC) from time to time will also be applicable.
 7. Latest GCC as circulated by MCD will be applicable.
 8. Provisions/ directions given in Circular No. Addl. Comm (Engg.)/MCD/2024/D-77 dated 12.04.2024 regarding air quality management has to be followed strictly by the contractor at its own cost (Details of circular can be taken from the office during working hours).
 9. Clause 9 of the GCC is modified and may be read as under:-

The final bill shall be submitted by the contractor in the same manner as specified in interim bills within three months of physical completion of the work or within one month of the date of the final certificate of completion furnished by the Engineer-in-Charge whichever is earlier.

Payment of those items of the bill in respect of which there is no dispute and for those items in dispute on account of quantities and /or rates shall be paid at approved quantity and /or rates by the Engineer-in-Charge, within three months period reckoned from the date of receipt of the bill by the Engineer-in-Charge or his authorized Assistant Engineer, complete with account of materials issued by the department and dismantle materials.
 10. The agency shall ensure that all the vehicles engaged in MCD remain in working condition in all working days.
 11. The vehicle is to be covered properly as per NGT guidelines during transportation of MSE/Garbage/Malba etc.
 12. The rules and regulations of Transport Authority/NGT should be binding on the contractor.

Details can be had from MCD web site <https://etenders.gov.in> or from the office of undersigned.


03.05.25
**Executive Engineer
EE(PARKING) Division**

Copy to:-

1. All Concerned
2. Notice Board


TRUE COPY

4. CRITICAL PATH ANALYSIS

1. Slab Breaking (B)

- **Duration:** 27 days (Days 3–30).
- **Criticality:** Delays here directly extend the project timeline.

2. Gas Cutting (C):

- **Duration:** 42 days (Days 3–45).
- **Criticality:** Must finish by Day 45 to allow silt removal.

3. Silt Removal (D):

- **Duration:** 53 days (Days 3–56).
- **Criticality:** Longest activity; any delay risks missing the 60-day deadline.

4. Completion (E):

- **Duration:** 2 days (Days 56–58).
- **Buffer:** 2 days (Days 58–60) for contingencies.

5. RESOURCE LOADING & FLOAT MANAGEMENT.

Activity	Resource Demand	Float	Risk Mitigation
B	4 RCC breakers.	0	1 machine added to avoid delays.
C.	5 gas-cutting teams.	0	Pre-stage reinforcement cutters.
D	4 excavators, 12 trucks.	0	Trucks for silt backlog.

6. TECHNICAL JUSTIFICATION

Parallel Execution:

- Gas cutting (C) and silt removal (D) starts as soon as slab segments are accessible.
- Overlapping reduces total duration from 124 days (sequential) to 58 days (parallel).
- Bottleneck: Silt removal (D) is resource-intensive but optimized with 4 excavators and 12 trucks.

7. CONCLUSION

The critical path (58 days) ensures compliance with the 60- days target. Float is absorbed by by the 2 days buffer for final reporting.

Prepared by:

**S.D. Tomar,
Superintending Engineer-I
Central Zone, Municipal Corporation of Delhi**