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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL AT
NEW DELHI**

Original Application No. 6 of 2012

In the matter of:

Nizamuddin West Association (Regd.) ... Applicant

Versus

Union of India & Others ... Opposite Parties

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Filed By:



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BRIEF NOTE OF SUGGESTIONS BY THE APPLICANT

1. Two I.A.'s namely I.A. 72/2024 and I.A. 276/2024 were filed by the applicant in the above-noted O.A. seeking extensive direction for carrying out desilting and dredging of the Barapulla Drain. By way of present note the applicant seek the liberty to put forth certain suggestions which may be considered by this Hon'ble Tribunal while passing directions for the effective desilting, dredging and cleaning of the drains.
2. This Hon'ble Tribunal is reviewing the status of desilting the Barapulla Drain. A stretch of approximately 2.5 km, from Lala Lajpat Rai Marg to the Outer Ring Road (A-1 to A-7), was handed over by MCD to the I&FCD. The section downstream of the Outer Ring Road Bridge, extending to the river course (A-7 to B), lies within the Yamuna floodplain. Work on this stretch was started by I&FCD following the Chief Secretary's visit, with desilting done from the Outer Ring Road to the interceptor diversion to the DJB STP to ensure free water flow.
3. In the status report dated 12.08.2024 the I&FCD, GNCTD *inter-alia* made the following submission:

“9. The I&FC Department is busy with monsoon measures particularly to prevent flooding due to river Yamuna. Further, as earlier submitted, MCD has not provided the hydraulic and other data of Barapulla drain and siltation continues during the monsoon season. As such, it is prayed that, a time of two months be allowed i.e. upto the withdrawal of monsoon season, to access the quantity of silt after proper scientific assessment and to submit the action plan for removal of the same. The tentative time lines for desilting of the Barapulla drain are as follows:-

A. The assessment of silt and target of removal for 2024-25 shall be decided after flood season and taking over of drain by I&FCD - 15.11.2024 (Target date)

B. Framing of schemes and accord of Admn, Approval and Expenditure Sanction – 30.11.2024

C. Call of tender and award of work – 31.12.2024.

D. Target date of start of desilting – 05.01.2025.

E. Target date of completion – 31.05.2025.

10. That I&FC department is also planning to execute various works on Barapulla drain to prevent further encroachment, dumping of MSW waste into drain land, improve the carrying capacity and to prevent back flow of storm water into adjoining colonies, subject to allocation and authorization of budget for the proposed works.”

4. Hence, with respect to the above submissions of the I&FCD, GNCTD, the applicant prays that this Hon'ble Tribunal may:
- a. seek a report from the I&FCD on the progress made so far in relation to the desilting and maintenance of the Barapulla Drain, as outlined in the I&FCD's status report dated 12.08.2024.
 - b. direct the I&FCD and other concerned department to ensures the strict implementation of the proposed timelines for silt assessment, removal, and the various planned works, including

preventing encroachments, waste dumping, and improving the drain's carrying capacity.

- c. Direct the concerned authorities for timely budget allocation and disbursal of money for these works, in accordance with the targets set by I&FCD.
5. It is further submitted that there are four major tributaries of the Barapulla Drain, i.e., from Karol Bagh to CGO Complex, from RK Puram to CGO Complex, from Mehrauli to CGO Complex and from Greater Kailash to Pant Nagar.
6. Therefore, a further direction may be made for carrying out controlled dredging, desilting, and cleaning of the above four tributaries of the Barapulla drain by the I&FCD, GNCTD before the monsoon of 2025. This work was supposed to be completed by the MCD before November 2024, prior to handing over the responsibility to I&FCD, GNCTD. However, the MCD had not completed the work.
7. In addition, a direction may be issued that controlled dredging, desilting, and cleaning of 21 other remaining drains also be carried out by the I&FCD, GNCTD before the monsoon of 2025.
8. Lastly, it is submitted that in IA 72/2024, the applicant highlighted several factors contributing to the obstruction of the free flow of the Barapulla Drain. These include the construction of permanent structures within the mean high flood level observed over the past ten years, the installation of a mobile tower at Nizamuddin West near the A-Block corner along Mathura Road, and a dairy located opposite the mobile tower discharging animal waste, among others. However, no action has been taken so far to remove these obstructions. Therefore, it is prayed that a direction of removal of these structures / obstructions be made by this Hon'ble Tribunal.



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O.A. 6 of 2012: Nizamuddin West Association v. Union of India & Ors.- Advance service of Brief note of suggestions by the applicant

1 message

Ali Qambar Zaidi <aqzaidi110@gmail.com>

18 December 2024 at 11:37

To: jyoti.legal@gmail.com, "pujakalra09@gmail.com" <pujakalra09@gmail.com>, "narenderpalsingh@gmail.com" <narenderpalsingh@gmail.com>, "Deeksha.kakar@scladi.com" <Deeksha.kakar@scladi.com>, office@marklegal.co.in

Dear Sir / Mam,

I appear on behalf of the applicant in the above captioned OA. Please find attached the advance copy of Brief note of suggestions by the applicant.

Thanks and regards

Ali Qambar Zaidi

Advocate

 **Note NZM.pdf**
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