

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 358 of 2022

IN THE MATTER OF:

Prem Prakash Prajapati

... Applicant

Versus

Union of India & Ors.

... Respondents

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Through

PWD/ GNCT of Delhi


JYOTI MENDIRATTA
Counsel for the Applicant

29.07.2023

NEW DELHI

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**COMPLIANCE REPORT ON BEHALF OF PUBLIC WORKS
DEPARTMENT, GOVERNMENT OF NCT OF DELHI IN TERMS
OF ORDER DATED 11.07.2023 PASSED BY THIS HON'BLE
TRIBUNAL.**

MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal vide Order dated 11.07.2023 has directed the Respondent PWD to carry out de-silting of the drain in question at village Khampur. The said direction was issued by this Hon'ble Tribunal on the basis of an erroneous statement made by the North Delhi Municipal Corporation in its report, noted in para 6 of Order dated 11.07.2023, that "the drain under reference is located on Main G. T. Road and pertains to P.W.D. and is of size 2 ½' X 5' 5 (feet approx.). This drain comes under the jurisdiction of P.W.D. and is being maintained by P.W.D."

2. It is respectfully submitted that the said drain situated at Khampur village falls on NH-44. The NH-44 from Mukarba Chowk to Singhu Border was handed over to NHAI in the year 2016-17. The entire road along-with the storm water drains is since being maintained by the NHAI. The road from Shani Mandir underpass, NH-44 to Bakhtawarpur and NH-44 to the DM office, Alipur falls under the jurisdiction of the P.W.D. The village is approximately 2.5 kilometres away from the road in question along the NH-44. However, no road at Village Khampur is being maintained by the P.W.D, GNCT of Delhi.
3. That further, the internal drain of village Khampur falls under the jurisdiction of the MCD and the drains along the NH-44 fall under the jurisdiction of the NHAI. The said drain is further connected to the flood drain which is being maintained by the Irrigation and Flood Control department, GNCTD.
4. That as such, the de-silting of the drain in question is required to be carried out by the NHAI. This Hon'ble Tribunal has, in fact, also observed in the Order dated 11.07.2023 as follows:

“3 (IV.) To discharge the waste water of village, NHAI has laid a pipe line to connect the village drain with the highway storm drain (Latitude: 28.8247 Longitude: 77.1322).”

The Respondent, P.W.D. thus, vide its communication dated 15.07.2023 promptly informed the NHAI to forthwith implement the direction of this Hon’ble Tribunal and immediately clean the drains in question. Copy of the said communication dated 15.07.2023 is annexed hereto and marked as **Annexure C-1**.

5. That on 25.07.2023, the Respondent department received a reply from the NHAI to the above-said communication dated 15.07.2023, while accepting responsibility to maintain the drain in question, informed that “sewage drainage in Village Khampur which lies within the ROW of the subject project has been cleaned/ desilted for an efficient discharge”. Copy of the said communication dated 25.07.2023 and photographs enclosed therewith is annexed hereto and marked as **Annexure C-2**.

6. That therefore, the NHAI has taken steps towards de-silting of existing drain constructed at the edge of the ROW in village Khampur in compliance of Order dated 11.07.2023 passed by this Hon’ble Tribunal. It is further prayed that if any further directions

are required to be passed in respect of the drain in question, the same may kindly be issued by this Hon'ble Tribunal to the NHAI.

Through P.W.D/ GNCT of Delhi


JYOTI MENDIRATTA
Counsel for the Applicant

29.07.2023

NEW DELHI

GOVERNMENT OF NCT DELHI
PUBLIC WORKS DEPARTMENT
EXECUTIVE ENGINEER,
NORTH ROADS DIVISION,
OPPOSITE KHALSA COLLEGE,
MALL ROAD, DELHI - 110054.

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दिल्ली सरकार
लोक निर्माण विभाग
कार्यपालक अभियंता,
उत्तरी सड़क मंडल,
खालसा कालेज के सामने, माल रोड,
दिल्ली-110054

Tel: 8700857103 Email : ccpwddelhinr@gmail.com

संख्या: यो0शा0(NGT)/लो0गि0वि0/गोर्ध रोड/ 1872

दिनांक: 15/7/23

सेवा में,

The GM(T) cum Project Director,
National Highways Authority of India,
Project Implementation Unit- Sonipat,
A-3, UGF, Pushpanjali Enclave, Pitampur,
New, Delhi-110034
Email ID : piusonepat@nhai.org
piusonepatnh@gmail.com

Sub.:- Order issued by Hon'ble The National Green Tribunal- Desilting of drain at Khampur Village. (Original Application No. 358/2022 titled as Prem Prakash Prajapati V/s. Union of India & Ors.).

The Hon'ble NGT has issued order in above said OA as that "PWD is directed to carry out desilting of the drain in question and inside the colony, desilting of the internal drains, work be taken by the Municipal Corporation of Delhi within a time frame of one month and to ensure that no water logging shall take place"

The NH44 from Mukaba Chowk to Sindhu Border has already been handed over to NHAI in year 2016-17. The responsibility to maintain carriageway, service road & drain rest with NHAI since 2016-17. No road at Khampur Village is being maintained by PWD. Therefore there is no role of PWD at Khampur Village. The undersigned has personally visited the site today i.e. on 15-07-2023 & found that the service road has been widened and resurfacing has been executed. As mentioned in verdict in para 3(iv) "To discharge the waste water of village, NHAI has laid a pipe line to connect the village drain with the highway storm drain (Latitude: 28.8247 Longitude: 77.1322). Some garbage/mixed C & D waste was found dumped near the storm drain, which had choked the above mentioned under construction stretch of drain which need to be cleaned for proper domestic waste water/effluent flow." It is clear from this statement that NHAI is maintaining this stretch of road alongwith drains.

During site visit it has been observed that NHAI has left No Manhole/Chamber in this pipe drain at service road. The entire road stretch is under NHAI, therefore you are requested to get clean the drain after making necessary Manhole/Chamber in pipe drain so that decision of Hon'ble NGT Court is implemented in true letter & spirit.

[Signature]
कार्यपालक अभियंता
उत्तरी सड़क मंडल, लो. नि. वि.
माल रोड, दिल्ली-54

प्रतिलिपि:-

1. Chief Engineer. (North) Zone, PWD MSO Building, 5th Floor Delhi for information and necessary action at your end.
2. Superintending Engineer (North) Circle, PWD, ISBT Kashmere Gate, Delhi for information and necessary action at your end.

[Signature]
कार्यपालक अभियंता



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)
National Highways Authority of India

(Ministry of Road Transport & Highways)

परियोजना कार्यान्वयन इकाई - सोनीपत

Project Implementation Unit - Sonapat



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ए-3, उपरी भू-तल पुष्पान्जली एन्क्लेव, पीतमपुरा, नई दिल्ली-110034 • दूरभाष : 011-49048174 • ई-मेल : piusonepat@nhai.org
A-3, UGF, Pushpanjali Enclave, Pitampura, New Delhi-110034 • Ph.: 011-49048174 • Email : piusonepatnh@gmail.com

NHAI/PIU/SNP/NH-44/M-61/2023/D-154.3

25.07.2023

To,

The Executive Engineer,
Public Works Department,
Govt. of NCT Delhi,
North Roads Division, Opposite Khalsa College,
Mall Road, Delhi - 110054

2271
26/7/23

Sub: 8-laning of section of NH-44 (Old NH-01) from Mukarba Chowk km 15.500 to Panipat km 86.000 on BCT (Toll) Basis in the state of Delhi & Haryana - Order issued by Hon'ble The National Green Tribunal-Desilting of drain at Khampur village in the matter Original Application No. 358/2022 filed to Hon'ble National Green Tribunal, Prajapati Vs. Union of India & Ors. - reg.

Ref: 1. Concessionaire letter no. 2234 dated 22.07.2023
2. Your office letter no. 1872 dated 15.07.2023

Sir,

In reference of above cited subject and your office letter no. 1872 dated 15.07.2023, it is informed that sewage drainage in village Khampur which lies within the ROW of subject project has been cleaned/desilted for an efficient discharge. Some photographs are enclosed for reference please.

2. This is for your kind information please.

Encl: photographs

(Hannant Singh)
GM cum Project Director
PIU-Sonepat

Copy forwarded for information to:

GM cum RO (Chandigarh), NHAI, Bays No. 35-38, Sector-4, Panchkula-134112

क्षेत्रीय कार्यालय : भा.रा.रा.प्रा., बेज न. 35-38 सैक्टर-4, पंचकुला-134112
Regional Office : N.H.A.I., Bays No.35-38, Sector-4, Panchkula-134112
प्रधान कार्यालय : भा.रा.रा.प्रा., जी-5 एवं सैक्टर-10, द्वारका नई दिल्ली-110075
Head Office : N.H.A.I., G-5 & 6, Sector-10, Dwarka New Delhi-110075



