

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

**I.A. NO. 537/2023**

**IN**

**ORIGINAL APPLICATION NO. 06/2012**

**IN THE MATTER OF:**

**NIZAMUDDIN WEST ASSOCIATION**

**...APPLICANT**

**VERSUS**

**UNION OF INDIA & ORS.**

**...RESPONDENTS**

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13



APPLICANT  
BLK-B (NORTH) GK-1 RWA

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Date

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**OBJECTIONS BY AND ON BEHALF OF THE APPLICANT AGAINST**  
**THE AFFIDAVIT ON BEHALF OF THE CEO, DELHI JAL BOARD**  
**DATED 06.01.2024**

1. That the objections are being filed by and on behalf of the Applicant in compliance of the order dated 09.01.2024, to the Affidavit of the CEO, DJB dated 06.01.2024.
2. That BLK-B (North) GK-I, RWA is the Applicant in the present case. The case at hand pertains to Kushak Drain flowing behind the houses from B-159 to B-187 in BLB-B, GK-1. The said drain is a storm water drain, which for over 20 years, has been allowed to be converted into an open sewage drain as a result of the inaction and mismanagement by the Respondent Authorities. The Major part of the drain (14209.776 sqm) has been covered but when MCD decided to cover the remaining, some NGO raised objection before this

Tribunal on sewage polluted water running into the river Yamuna. Vide order dated 13.1.2015, this Tribunal prohibited covering of drains except those already covered up to 85% which could be completed with permission of NGT. Unfortunately, the DJB and the MCD have failed to stop unauthorized discharge of sewage into the drain for over 20 years.

3. That it is submitted that the said uncovered portion lies right behind the houses of the Applicants that emits toxic and obnoxious gases and fumes in a concentrated manner like a chimney. The Appellants are constantly living and breathing these toxic gases and fumes and despite best efforts have not gotten any respite from the said issue till date.
4. That the present Application has been listed before this Hon'ble Tribunal on six dates in the last 10 months to resolve the issue by ensuring that no toxic gases are released from the drain in question due to discharge of sewage. On each date this Hon'ble Tribunal has given proper indulgence and ample opportunities to the Respondent Authorities to rectify situation. However, the Respondent Authorities have not been able to bring about any change in the living situation of the residents nor have they been able to provide any workable solution despite ample opportunities.
5. That through an Affidavit dated 06.01.2024 on behalf of the CEO, DJB an Action Taken Report was submitted showing that allegedly 6 out of 11 identified drains have been trapped. However, it is submitted that the drain at serial no. 6 of the chart produced in the Affidavit dated 06.01.2024 has not been trapped and sewage is still being discharged in to the Kushak drain from

the said source. The Nallah identified at sl. No. 6 is R & S Block Nallah Outer road to S-363 to B-272 GK - 1, near corner DDA Park Krishi Vihar.

6. That it is submitted that it has been informed by the Applicant residents that sewage is still being discharged from the said point and toxic and obnoxious gases are still being emitted from the uncovered portion of the drain in question. Due to lack of technical assistance and expertise, the Applicant residents went around the said nallah and clicked pictures and videos showing that the drain is still carrying murky and sewage water. This clearly indicates that the works alleged to have been completed by the Respondent Authorities has not been done. Furthermore, it is submitted that since the ground reality of the Applicant residents has not changed, raises doubts on whether the other 5 drains alleged to have been trapped by the DJB have actually been trapped or not.
7. That the photographs and videos of the drain and the surrounding area mentioned on serial no. 6 of the chart submitted by the DJB, taken by the Applicant residents also reflects that regular desilting and cleaning of the drain is also not being carried out. This is indicative of the lackadaisical and incorrigible approach of the Respondent Authorities. They are continuously defaulting in carrying out their duties.

True copies of the photographs and video of the drain mentioned at Sl. NO. 6 of the Affidavit submitted on behalf of the CEO, DJB are marked an annexed as ANNEXUREA-1(Colly.) to the objections.

8. That it is submitted that the by using the term “foul smell” by the DJB in their status report for the toxic fumes and gases being emitted from the

uncovered portion of the drain in question goes to show that they are not serious about resolving the issue. The use of the term “foul smell” instead of “toxic fumes and gases” dilutes the gravitas of the difficulty being faced by the residents on a daily basis.

9. That as far as the functioning of the Okhla STP is concerned, the same has not become functional till date. As per the Affidavit dated 06.01.2024, the Okhla STP is supposed to become completely functional with full sewage treatment by 31.03.2024. It is submitted that the date of commissioning and functioning of the said STP has been pushed back multiple times over the years. It is further pertinent to submit that as per an article “*Why 75% of Delhi’s STPS aren’t ready to tackle Yamuna stink*” dated 19.02.2024 published by the Times of India, out of 36 STPS in Delhi only 9 have disinfection system, of which 4 are functioning partially. As per the article sewage whether treated is flowing into the Yamuna. A large amount of the sewage is flowing through the Kushak drain before entering Yamuna. This shows that the DJB either do not have the willingness or the capacity to stop discharge of sewage in open drains which eventually reaches Yamuna.

A true copy of the article namely, “*Why 75% of Delhi’s STPS aren’t ready to tackle Yamuna stink.*” dated 19.02.2024 published by the Times of India is being annexed herewith as ANNEXURE A-2.

10. Lastly, it is important to bring to the notice of this Hon’ble Tribunal that it has been informed by the Applicant residents that they visited the said Nallah along with Officials of the DJB and MCD and had a lengthy discussion about reaching a workable solution. During this discussion, the Officials categorically informed the Applicants that it is impossible to divert the

sewage and stop it from flowing into the storm water drain until and unless sewage coming from unauthorized colonies is completely stopped and that will take no less than 5 to 10 years. This is substantiated by the fact that the Respondent Authorities have miserably failed to rectify the situation in the past 20 years and the quantum of sewage has increased ten-fold over the past 20 years and have submitted similar charts, reports and Affidavits in the past as well.

It is most humbly submitted that the rising temperatures of the day is leading to an increase in the intensity of emission of toxic fumes and gases. In the coming months, especially during the monsoons the situation is bound to become worse. The gases and fumes being emitted are poisonous and are the same gases that are responsible for causing deaths of several manual scavengers. Therefore, it is humbly requested that a temporary/ non-permanent cover to block the toxic fumes and gases is provided till discharge of sewage into the storm water drain in question is completely stopped by the DJB.

**PRAYER:**

In view of the aforementioned objections taken by the Applicant, it is humbly prayed to this Hon'ble Tribunal to kindly:

- a) take strict action against the Respondent Authorities as per the National Green Tribunal Act, 2010;
- b) provide non – permanent cover to block toxic fumes and gases till discharge of sewage into the storm water drain in question is completely stopped by the DJB

- c) direct the Respondent Authorities to comply with the order passed by this Hon'ble Tribunal dated 19.05.2023 in its strict view;
- d) Pass any other order that this Hon'ble Tribunal may deem fit.



**APPLICANT  
BLK-B (NORTH) GK-1 RWA**

**THROUGH**

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**...RESPONDENTS**

**AFFIDAVIT**

I, B.B Patel, S/o aged about 83 years, R/O D-165, Greater Kailash-1, New Delhi-110048 do hereby solemnly affirm and state here as under: -

1. That I am the President of the BLK-B (NORTH) GK-1 RWA and as such am well conversant with the facts and circumstances of the case to swear the present affidavit.
2. That the accompanying Objections/Reply has been drafted by my counsel upon my instructions and the contents of the same are read over to me and same are true and correct to my knowledge and as verifiable from records ascertained. No material has been concealed therefrom.



I identified the Deponent who has signed in my presence.

DEPONENT

VERIFICATION:

20 FEB 2024

Verified at New Delhi on \_\_\_ day of \_\_\_\_\_, that the contents of the above affidavits are true and correct to my knowledge. No part of it is false and nothing material has been concealed therefrom.



DEPONENT

CERTIFIED THAT THE DEPONENT  
Srn/Smt./Km B. B. Patel  
Srn Who Do .....  
No. D-165 Greater Kailash I, New Delhi  
Identified by Srn/Smt. ANIL CHAUDHARI  
has solemnly affirmed before me in  
Delhi on 20 FEB 2024 that the contents of the affidavits which have  
been read & explained to him are true and  
correct to his knowledge.

Oath Commissioner Delhi

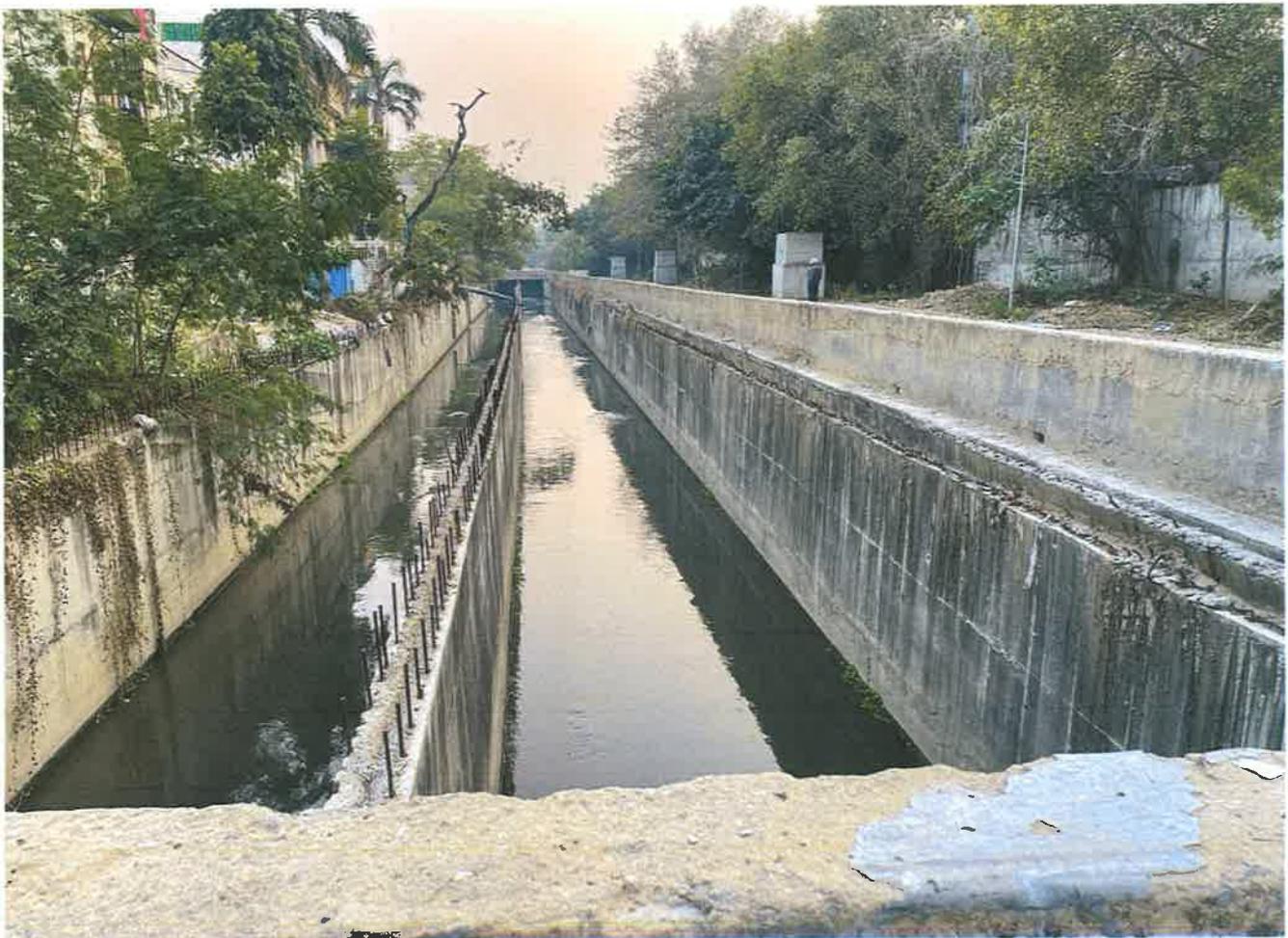
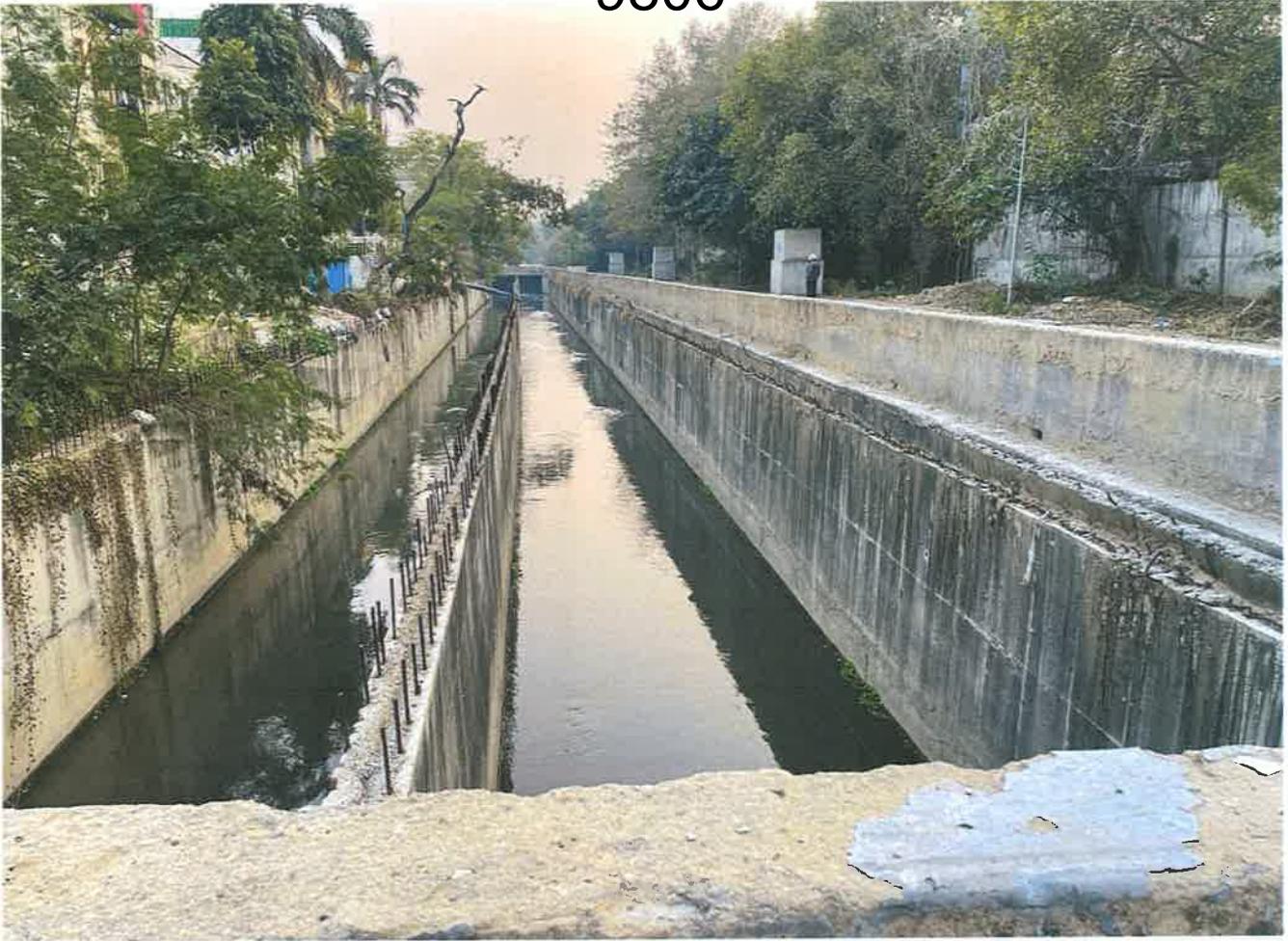






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# Why 75% of Delhi's STPs aren't ready to tackle Yamuna stink

## THREAT TO YAMUNA

Photo: Tarun Rawat



- Absence of disinfection system at STPs leads to retention of fecal coliform
- Fecal coliform (FC) is found in excreta that contaminates water through untreated sewage. Maximum 2,500, desired 500 MPN/100ml
- The higher the level of FC, the higher the presence of disease-causing pathogen in water
- Disinfection at STPs is done through chlorination, or ozonisation, or ultraviolet treatment – a facility absent at most of the places in the city

### Untreated sewage in Yamuna

- Delhi has 36 sewage treatment plants
- Only nine have disinfection system, of which four are functioning partially
- Net sewage generation in city | **792 MGD**
- Total sewage being treated | **550 MGD**; about 30.6% of sewage untreated
- The sewage – treated or untreated -- flows to Yamuna

Kushagra.Dixit@timesgroup.com

**New Delhi:** Despite treatment, about 75% of the sewage treatment plants (STP) being operated by the Delhi Jal Board (DJB) are terribly failing to get even close to treating the e-coli-form or fecal coliform which represents the presence of raw sewage and excreta in the water.

According to the sources and reports with **TOI**, this is because the STPs have no facility for bacterial disinfection through either chlorination, UV treatment or ozonation, despite a previous NGT order.

The sewage, post treatment, is released further in the river Yamuna thus keeping it polluted and stinky, even as not all the sewage being generated in the city could be so far channelised for treatment. The STPs are thus able to treat some of the effluents and help improve the sewage quality by treating Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Oil and Grease and other nitrates and phosphates, but unable to treat the bacteria, which thereby flows unabated to the river or for whatsoever purpose the treated sewage water is diverted, primarily for horticulture purposes.

So far Delhi Jal Board (DJB) has 36 functional STPs of which only nine have installed devices to cater bacterial disinfection, however most of them are very small STPs like – Molarband (0.66 MGD), Chhila (9MGD), CWG Village (1 MGD). Of nine proper STPs disinfecting bacteria, about four are doing it partially or upto a certain capacity,

the big STPs with proper system installed includes a new STP at Okhla (capacity 30MGD) and a 45 MGD Kondli Phase IV STP.

However, for the rest of the plants, the fecal levels despite primary treatment –through oxidising chambers which releases oxygen in the sewage and help improves some effluents including BOD – is alarmingly high.

According to the Bacteriological analysis reports with **TOI**, the fecal coliform levels at the outlet of one such major STP throughout

### So far, Delhi Jal Board has 36 functional sewage treatment plants, of which only nine have installed devices to cater bacterial disinfection. However, most of them are very small STPs

Jan 2024 was 14,00,00,00,000 (one hundred and forty crores) MPN/100ml, while at other it was 24,00,00,00,00,000 (twenty four thousand crores) MPN/100ml, and 46,00,00,00,00,000 (four hundred and sixty crores) MPN/100ml (most probable numbers per 100 ml of water) at a third STP.

There are about 28 such STPs with similar results, releasing this water into the river or diverting elsewhere. According to the Delhi Pollution Control Committee (DPCC), for the river Yamuna (though not the STP) the desirable limit for fecal coliform is

500MPN/100ml, while maximum permissible is 2500 MPN/100ml. Another DPCC's analysis report showed that the fecal coliform level in the river Yamuna for the month of Jan ranged between 400 (at the entry post confluence of Najafgarh drain) to 3,10,000 MPN/100 ml.

However, the bacteriological analysis reports also show that installation of bacterial disinfecting units may resolve most of the Yamuna's problems originating within Delhi. One of the STPs, which had the disinfection system installed, had successfully treated the coliform levels from a raw sample of 24,000,000,000,000,000 (24 quintillions (2.4million trillions or 24X10<sup>18</sup>) MPN/100ml to 1.8 to 2400 MPN/100ml throughout the month of Jan.

Earlier this year, the high level committee (HLC) on Yamuna, which is led by Delhi's Chief Secretary, had noted that there was a gap of 227 million gallons per day (MGD) between installed capacity and actual treatment, which mean at least 227 MGD of raw sewage is anyways flowing into the river with all its untreated fecal coliform, metals, BOD, COD, TSS etc. The committee had thus set new deadlines to meet the gap.

In the same meeting, the HLC had specifically pointed out that the STPs in their performance results were "not providing data on the fecal coliform".

The officials from Delhi Jal Board however did not respond to the **TOI**'s query on why the sewage was not being disinfected at about 75% of its STPs.



AUA LEGAL &lt;info@aualegal.com&gt;

**OBJECTIONS - I.A NO. 537/2023 IN NIZAMUDDIN WEST ASSO. VS UNION OF INDIA OA NO. 06/2012**

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Dear Sir/Ma'am

Please find attached the copy of objections on behalf of the applicant in compliance of order dated 09.01.2024 in the captioned matter.

Thanks & Regards,  
Akansha Singh

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