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BEFORE THE 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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APPLICANT

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Date

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPLE BENCH, NEW DELHI

I.A No. 537 of 2023

In

O.A No. 06 of 2012

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NIZAMUDDIN WEST ASSOCIATION

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**OBJECTIONS BY AND ON BEHALF OF THE APPLICANT TO THE
STATUS REPORT DATED 25.06.2023 FILED BY JOINT
COMMITTEE HEADED BY THE DELHI JAL BOARD.**

At the very outset, it is important to state certain facts that have transpired during last over the 20 years with respect to the Khushak Nallah and the endless endeavors of the Applicant for getting relief from the highly toxic gases being emitted from the Nallah due to the untreated sewage being illegally discharged in it by the Respondent Authorities. These brief facts not only highlight the callous approach of the Respondent Authorities but also

their sheer dereliction of duty and blatant disrespect towards the orders of the Hon'ble Courts of the Country.

- A) The affected parties here are residents of Block –B (North) GK-1 who have been severely suffering due to the illegal discharge of untreated sewage into the rainwater/storm water drain, namely, KushakNallah flowing from behind the house nos. B-159 to B-187, Block-B (North), Greater Kailash-1.
- B) The purpose of the drain in question was only to carry rainwater and stormwater and the same used to be maintained as such.
- C) However, over a long period of time, several unauthorized colonies have surfaced in and around the said area and the Respondent Authorities have illegally allowed untreated sewage to flow from the said unauthorized colonies and other sewerred places into the Kushak Nallah.
- D) The quantum of the untreated sewage falling into the storm water/rainwater drain has increased exponentially ever since and has now reached a point where the open Nallah has become an extreme environmental and a life threatening health hazard for the residents of the area.

The word “environment” brings within its ambit “*hygienic atmosphere and ecological balance*”. According to the Oxford dictionary the word “environment” means the conditions and surrounding in which a person, animal or a plant lives or operates. As per section 2 (c) of the NGT Act, 2010 environment includes “*water, air and land and the inter-relationship, which exists among and*

between water, air and land and human beings, other living creatures, plants, micro-organisms and property."

It is humbly submitted here that enjoyment of a healthy and hygienic environment and to breathe clean pollution free air is a fundament right under Article 21 of the Constitution of India. Therefore, by allowing untreated sewage to be discharged into the storm water drain the Respondent Authorities are causing irreparable permanent damage to health of residents and environment and property. Moreover, this illegal act of the Respondents is also in clear violation of the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974.

- E) Since, the Delhi Jal Board has failed to stop the unauthorized discharge of untreated sewage into the drain for the last over 20 years, the Municipal Corporation of Delhi with a view to give some relief to the residents, decided to cover the open drain and majority part (approx. 90%) was covered. However, owing to the intervention by an NGO, covering of the Nallah was halted and a small portion (approx. 10/31%) remained open.
- F) That 1/4th i.e 2.5% of this 10.31% of the open Nallah falls right behind the houses of the Applicants and because it is covered from three sides i.e bottom and two sides and only top cover/lid is not provided, this acts as a chimney like outlet constantly emitting toxic, obnoxious and poisonous gases that enter the houses of the Applicants.

G) The Applicants have given several representations before the Delhi Jal Board, Municipal Corporation of Delhi to provide a lid for the open portion but to no avail. Being aggrieved by the unresponsiveness of the Respondent Authorities the Applicants approached the Hon'ble High Court of Delhi in the year 2004, 2006, 2008 and 2010 with a prayer to provide a lid over the open portion. The brief details of which are given as below:

- i) In Civil Writ Petition no. 4034-36 of 2004 before the Hon'ble Delhi High Court, vide its order dated 06.03.2006 sternly observed that the Delhi Jal Board has been filing false Status Reports. The Hon'ble High Court also took a strict view against the Chief Engineer, however, refrained from taking action for perjury only because he had retired and did not keep good health. Vide the aforesaid order, the Delhi Jal Board was directed to ensure that no sewage falls into the storm water drain by 31.05.2006. However, no action whatsoever was taken by DJB.
- ii) Civil Contempt Petition no. 20 of 2007 before the Hon'ble Delhi High Court against Delhi Jal Board for being in contempt of the order dated 06.03.2006. The Hon'ble High Court vide order dated 25.11.2008, found the attitude of the officials of DJB to be callous and negligent and held them guilty of contempt of court while awarding the suspended sentences of two weeks civil imprisonment and fine of Rs. 20,000/- each however in

an appeal against this order the respondents were discharged.

- iii) Civil Writ Petition no. 4246 of 2019 titled GK (North)-1 vs. GNCTD and Ors. wherein vide order dated 26.04.2019 the Applicants were directed to appear before the Yamuna Pollution Monitoring Committee (YPMC) appointed by this Hon'ble Tribunal.

H) In accordance with the order of the Hon'ble High Court, Delhi dated 26.04.2019, the Applicants approached the YPMC on 16.07.2019 with the prayer to provide lid/cover on 1/4th open portion of the Kushak Nallah falling behind houses of the Applicants. Several meetings and site inspections were conducted by the YPMC with the Respondent Authorities and the Applicants. The relevant observations by the YPMC with respect to flow of sewage into the open drain in two of its minutes of meeting dated 7.10.2019 and 09.03.2020 are being specifically mentioned here. They are as follows :

- i) In the minutes of the meeting dated 07.10.2019 the YPMC had made an observation that the uncovered portion poses a threat as someone could fall into the drain especially children and rag pickers also it has become a breeding ground for mosquitoes is source of dengue and malaria. Moreover, it was observed that because the drain is covered, foul and noxious gases are finding outlet only through the uncovered portion. The Municipal Corporation was directed to install vent shafts of

appropriate heights at regular intervals along the length of the drain. However the same has not been done till date to stop emission of life threatening toxic gases entering the house of residents.

Moreover, the DJB was directed to ensure that no sewage flows into the open drain. In response, the DJB had submitted an Action Plan to this effect with the commitment of completing the said work before June 2020.

- ii) After a field visit the YPMC observed *“the amount of debris and solid waste/ garbage which is accumulated in the concrete boxes had been constructed to channelize the flow was, if anything, worse than before and the drain had become uncontrollably filthy.”*

It was further observed that “DJB has been giving assurances over the last few months about trapping and diverting the sewage/ sullage but the ground situation had not improved. Before the meeting YPMC had conducted an internal review and asked for proper mapping of the drain, its tributaries and the sewer lines to be done showing the points where DJB proposed to trap the sewage/sullage which was being discharged both from the unauthorized colonies as well as the sewer areas in which the sewage/ conveyance system was not functioning”

In response to the aforesaid direction of the YPMC, the DJB had submitted an Action plan dated 05.03.2020 which is summarized below:

| | | | |
|----|---|----------------------------|---|
| A1 | Trapping of unauthorized colonies at Ratia Marg (16 Colonies) | Already achieved 30.6.2019 | 2 |
|----|---|----------------------------|---|

| | | | |
|-----------|--|-----------------------------------|-------------|
| A2 | <i>Trapping of unauthorized colonies at Mangal Bazar Road.</i> | <i>Already achieved 30.6.2019</i> | 1 |
| A3 | <i>Trapping of unauthorized colonies (20) of at Tigri Road, Devil and Dr. Ambedkar Nagar</i> | <i>May-20</i> | 1.25 |
| A4 | <i>Trapping of 25 unauthorised Colonies (25) IGNOU road is to be trapped.</i> | Jun-20 | 2 |
| A5 | <i>Trapping of unauthorised colonies (11) at Deoli Road.</i> | Dec-20 | 1.25 |
| B1 | <i>Rehabilitation of Peripheral trunk sewer at press enclave Road</i> | Jun-20 | 4 |
| B2 | <i>Rehabilitation of Peripheral trunk sewer at Chirag Delhi Flyover</i> | Jun-20 | 1 |
| B3 | <i>Damage 600 dia. Sewer line at Chirag Delhi Drain.</i> | Jun-20 | 1 |
| B4 | <i>Trapping of drain at Chirag Enclave. SPS.</i> | Jun-20 | 0.5 |
| C1 | <i>Trapping of Nallah at Krishi Vihar (450 mm dia for trapping)</i> | May-20 | 1.5 |
| C2 | <i>Trapping of Nallah at Andrews Ganj (900 mm dia for trapping)</i> | May-20 | 6.42 |
| C3 | <i>Trapping of Nallah at Pant Nagar (900 mm dia for trapping)</i> | May-20 | 6.42 |

A true typed copy of the minutes of the meeting of the Yamuna Pollution Monitoring Committee dated 07.10.2019 is marked and annexed as **Annexure A-1** to this reply. A true typed copy of the minutes of the meeting of the Yamuna Pollution Monitoring Committee dated 09.03.2020 is marked and annexed as **Annexure A-2** to this reply.

It is important to highlight here that the DJB had made the same commitments earlier before the YPMC in 2019-2020 but taken no action to stop sewage discharge or emission of toxic gases. AND yet again making the same before this Hon'ble Tribunal vide the Status Report dated 25.09.2023 even after over 4 years.

Therefore, it is humbly submitted that the officers of the DJB and other Respondent Authorities have committed a criminal offence by allowing the sewage to fall into a storm water/ rainwater drain over last 20 year, thereby causing air and water pollution.

The present case raises a "*substantial question relating to environment*" as per Section 2(1) (m) of the NGT Act, 2010, for the reason that there is a direct violation of a "*specific statutory environmental*" obligation on part of the Respondent Authorities by allowing discharge of sewage in storm water drain. Also this instance qualifies the thresholds given there under, i.e. a community at large is affected by life threatening toxic gases, the damage to environment and property is substantial and the damage to public health is broadly measurable. Moreover, because the storm water drain is being polluted by discharge of untreated sewage from identifiable sources, the small portion uncovered is acting as the single source of air pollution. Hence, there is a "*point source of pollution*" as per

Section 2(1) (m) because there is a single identifiable localized source of air and water pollution. Hence, they have been grossly negligent in carrying out their duties and must be punished accordingly.

PRILIMINARY OBJECTIONS:

1. That the Applicants have preferred the present Application against the blatant and continuous violation of environmental rules and norms by the Respondents Authorities due to which the residents of Block –B (North) GK-1 have been suffering for the past 25 years. Before giving specific reply to the Status Report dated 25.09.2023 submitted by the Respondent Authorities, it is important to briefly reiterate the facts of the case at hand.
2. It is pertinent to submit here that a rainwater/storm water drain, namely, KushakNallah flows from behind the house nos. B-159 to B-187, Block-B (North), Greater Kailash-1. It is humbly submitted here that a majority part of the Nallah i.e approx. 90% has been covered by the MCD. However, before the small portion of the Nallah falling touching the said houses could be covered, this Hon'ble Tribunal vide order its dated 13.01.2015 stopped the covering of storm water drains. Hence, leaving 10.31% part of the drain open out of which the Applicants are concerned with only 2.5%. However, despite holding that where 85% of the drain is covered, then the remaining 15% can also be covered, this Hon'ble Tribunal disallowed the covering of the said portion without assigning any specific reason for the same. It is important to submit here that this small uncovered part of the Nallah acts as a chimney releasing toxic gases and offensive odour, which not

only poses a serious life threat to the health and well being of the residents, but also is an environmental hazard. It is further submitted that the Applicant gave many representations before the Delhi Jal Board and Municipal Corporation of Delhi and even approached the Hon'ble High Court of Delhi several times, but failed to receive any relief. Thereafter, the Applicant once again approached the Hon'ble High court of Delhi via Writ Petition no. 4246/2019 with the prayer to cover the open portion of the said Nallah and to direct the Respondents to ensure that the Nallahs made sewage free. Whereupon, the Hon'ble High Court vide its order dated 24.04.2019 referred the matter to the Yamuna Pollution Monitoring Committee, appointed by this Hon'ble Tribunal on 26.07.2018 in the case Manoj Mishra Vs. UOI & Ors.

3. It is pertinent to submit here that the YPMC held several meetings with the abovementioned Authorities that are Respondents herein to understand a feasible solution to resolve the grievance of the residents. The YMC reached the conclusion that the correct remedial action would be for the Respondents to ensure that no sewage flows into the KushakNallah by plugging all sources of flow of sewage falling into the Nallah. Towards this the Delhi Jal Board prepared an Action Plan in the catchment of Kushak Drain for trapping sewage flow in it. It is most important to highlight the fact that the Respondent Authorities failed to remedy the problem then and have again submitted the same bogus Action Plan before this Hon'ble Tribunal vide Status Report dated 25.09.2023. It is pertinent to submit that the despite the present complaint being filed by the Applicant, the

Respondent Authorities have not even visited the concerned area and have instead covered every other places but the Nallah in question.

4. It is submitted that the National Capital Region Planning Board, Ministry of Housing and Urban Affairs, has published a Functional Plan on Drainage for NCR, wherein specific recommendations have been given for proper maintenance of drainage and sewage system in NCR by the concerned authorities. It is further submitted that the aforesaid Plan divides the NCR drainage system into 5 sub-basins, one of them being the Kushak-Barahpulla Nallah system. As per the aforesaid Plan, the Kushak Nallah is about 12.87 Kms. and carries a considerable amount of flashy discharge and sewage from Mehrauli block and other urban areas of Delhi including unauthorized colonies and sloppy, hilly areas of the city. It is imperative to mention that most of the drainage channels in the NDMC fall into this system.
5. That it is germane to submit here that the said Nallah is supposed to carry only rainwater and storm water and ought to have been maintained as such. However, owing to the willful negligence, utter mismanagement and gross dereliction of duty on part of the Respondent statutory Authorities, the said Nallah has, over a period 20 years, become an open stream of free flowing sewage and MSW. It is humbly reiterated here that due to the above stated reason this Nallah, not only constantly emits life threatening toxic and harmful fumes but has also become a boiling pot of diseases. The Delhi Jal Board and other concerned authorities have miserably failed to stop

the unauthorized discharge of sewage into the said Nallah in the past 20 years. The MCD in order to give some respite to residents from the constant emission of hazardous, toxic and obnoxious gases began the process of enclosing the open drains. However, unfortunately, before the part of the drain flowing behind the aforesaid houses could be covered, this Hon'ble Tribunal paused the said process, resulting in the uncovered portion acting as a source of constant release of obnoxious and potentially poisonous gases. Consequently, the residents have been suffering for over 25 years and are still being compelled to live and breathe this highly toxic and intolerable air 24 hours a day. It is humbly submitted that despite running pillar to post and making all possible efforts, the Applicant residents have failed to get any relief so far.

6. That it is pertinent to submit herethat the Applicant residents have now approached this Hon'ble Tribunal as a last resort by way of the present Application. It is submitted here that this Hon'ble Tribunal vide order dated 19.05.2023, constituted a joint committee consisting Delhi Jal Board, CPCB, DPCC and MCD with the DJB being the nodal agency. It is pertinent to submit that the joint committee was explicitly directed to submit a Compliance report within 4 months showing that no gases are released from the said Nallah due to discharge of sewage and to ensure that the sewage flow be intercepted and channelized to the nearest STPs. However, instead of complying with the said order, the Respondent Authorities submitted a false Status report drafted in the most mechanical manner. Moreover, the said Status Report was filed at the 11th hour without serving an

advance copy to the Applicant only with a view to harass the Applicants and to further delay the matter.

7. It is apposite to submit that the Status Report dated 26.09.2023 fails to show any effective physical remedial measure taken by the Respondents to resolve the issue of flow of sewage into the said drain and the resultant emission of toxic gases therefrom. The Respondent Authorities have made absolutely no efforts to divert the flow of sewage to the nearest STP as directed by order dated 19.05.2023. It is important to reiterate here that the previous situation is still prevailing and there is no change in the ground reality. The Status Report filed by the Respondents is a total sham and a camouflage as it is a complete misrepresentation of the actual situation that the Applicants are being subjected to and is an attempt on the part of the Respondents to cover up their absolute failure in carrying out their statutory duties and complying with the mandatory order of this Hon'ble Tribunal. It is appropriate to submit here that not even one percent of work has been done till date and in fact in the past 20 years, the flow of sewage into the storm water drain has increased ten folds. It is humbly requested that their callous and lackadaisical approach must not be condoned and a strict view be taken against the Respondent Authorities.

8. That it is important to submit here that the Status Report dated 25.09.2023 only talks about trapping of sewage at certain places in the Chiragdilli drain and there is not even a whisper about the KushakNallahi.e the drain in question in the present case. Moreover, no effective action

has been taken by the Respondents to give an interim and immediate relief to the Applicants like providing a lid or cover, regular cleaning and bioremediation of the drain, systematic desilting of the drains, proper construction of diversions, diversion of sewage to the nearest STPs, segregation of sewage from drainage, treatment of industrial effluents and treatment of water before letting it flow into the Natural drainage system etc. It is apposite to mention here that aforesaid works must be done by the Respondents on a regular and routine basis as they are listed as the duties and functions under the Delhi Jal Board Act, 1998 and the Delhi Water and Sewer Regulations, 2012.

9. That lastly, it is important to reiterate that the same status/ progress report had been submitted by the DJB as of when the matter was pending before the Yamuna Pollution Monitoring Committee. Unfortunately and disappointingly, nothing has changed till date and they are still stalling the matter with no consideration towards the plight of the Applicants who are being subjected to a highly compromised quality of life by being subjected to life threatening toxic and noxious gases 24 hours a day throughout the 365 days to the year, and are continuing to restate the same points as previously, before this Hon'ble tribunal. It is pertinent to submit here that the Respondent Authorities have become habitual of making such empty promises and tall claims and submitting absolutely bogus and frivolous Reports that are nothing but mere eyewash. It is submitted with much remorse that such a situation could have been avoided or at

least minimalized if the Respondent Authorities carried out their duties diligently and regularly.

PARAWISE REPLY

1. That the contents of para no.1 and 2 of the Status Report are a matter of record and hence, need no reply. However, it may be mentioned here that the Applicants were not informed about in time for the second meeting and were misinformed about the venue of the third meeting. Moreover, in the order dated 19.05.2023 direction was given also to divert the sewage flow to the nearest STPS which has not been done.
2. That in reply to the contents of para no.3 of the Status Report, it is submitted that the KushakNallahi.e the drain in question was not even inspected on the said date. Moreover, during the inspection they have no where referred to any action that may be necessary for diverting the sewage flow to the nearest STP. Further, the work identified and the corresponding Action Taken Report in only in the ChiragDilli Drain and also clearly shows that the most basic work that must be undertaken by them on a regular basis has not even commenced.
3. That in reply to the contents of para no.4 of the Status Report, it is reiterated that there is no mention of KushakNallah in the inspection

report. Moreover, for every work identified they have simply either written that such work would be done by a certain authority or that some action needs to be taken. It is pertinent to submit here that no substantial or physical action has been taken till date.

4. That the contents of para no.5 of the Status Report are denied for the reason that no ground work has actually taken place. The Applicants have not gotten even the slightest of relief from the stench coming from the open patch of the said Nallah and are still living and breathing in the toxic and obnoxious gases being emitted from it.
5. That the contents of para no.6 of the Status Report are denied as false, unsatisfactory and misleading for the reason that no physical or effective ground work has been done till date. The Applicants have not experienced the slightest of change in the air quality in the area or their homes and sewage along with other solid waste is still flowing in the said Nallah. Moreover, it is important to mention here that the work identified during inspections is totally different from the work identified and falsely claimed to be completed in the Status Report dated 26.09.2023 submitted before this Hon'ble Tribunal.
6. That the contents of para no.7 are of the Status Report needs no reply.

INTERIM PRAYER:

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

- a) Direct the Respondent Authorities to provide a temporary lid/cover on the remaining portion i.e. only 1/4th of the 10.31% of storm water drain touching back of houses in B-Block, Greater Kailesh-1 and develop greens as in other parts of Greater Kailash and Defence Colony on the same storm water drain.
- b) Direct the Respondent Authorities to ensure timely and periodic cleaning of the same and continue to use the same as 'Storm water drain' and not as sewage drain

MAIN PRAYER:

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

- a) Direct the Respondent Authorities to comply with the order passed dated 19.05.2023 in its strict view.
- b) Direct the Respondent Authorities to ensure that storm water drain is kept sewage and sullage free and no toxic gases are released from the drain in question due to discharge of sewage.

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APPLICANT
BLK-B (NORTH) GK-1 RWA

THROUGH

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New Delhi

Date

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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.



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DEPONENT

I Identify the Deponent who has signed in my presence.

VERIFICATION: 16 OCT 2023

Verified at New Delhi on ___ day of October, 2023, 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
Sh./Smt./Km. B.B. Patel
S/o/W/eD/o.....
R/o D-165 Greater Kailash - 1 - Delhi
Identified by ANUJ CHAUHAN at
his residence at
Delhi on 16 OCT 2023
That the contents of the affidavit
Which he has submitted to him are true to his knowledge

Oath Commissioner, Delhi

**OFFICE OF THE YAMUNA POLLUTION MONITORING
COMMITTEE**

APPOINTED BY HON'BLE NGT

ROOM NO.58, INDIA INTERNATIONAL CENTRE 40.

MAX MUELLER MARG, LODHI ESTATE

NEW DELHI-110003

No. YPMC/2019/321

Dated:07/10/2019

**Subject: Minutes of the meeting held by the Two Member Yamuna
Monitoring Committee on 25.09.2019 at 2:30 PM, followed by
Inspection of the area on 27.09.2019 regarding grievances of
RWAs of Greater Kailash-1, Defence Colony and Nizamuddin
(West) relating to pollution in Kushak and Barapulla drains.**

The list of the officers and RWA representatives that attended the meeting and Inspections is enclosed as **Annexure-I**.

Background of the Court Orders: A meeting of the Monitoring Committee appointed by the Hon'ble NGT was held on 25.09.2019, to look into the grievances of the RWAs of Greater Kailash-1, (GK-1) Defence Colony & Nizamuddin (West) relating to health hazards they faced due to emission of toxic gases and foul odor emanating from the open portion of the storm water drain carrying sewage and huge quantities of solid waste. These were impeding the flow of waste water and polluting the drains. While the matter pertaining to RWA GK-I(North) was referred to the MC by the Delhi High Court vide order dated 24.4.19 in WP (C) 4246/2019. CM No. 18982/2019, the matter pertaining to Defence Colony and Nizamuddin West drains was referred to the MC vide Hon'ble Supreme court's orders dated 18.2.19 and 25.3.19 respectively.

In compliance of the Court orders, the matter relating to the RWA of GK was taken by the MC on 5.8.19 and 25.9.19, the matter relating to Defence colony was taken up on 11.4.19 and 1.7.19 and that relating to

Nizamuddin West RW/ on 31.7.19 and 25.9.19. In the meeting on 25.9.19 MC took up the progress made on agreed action points keeping in mind the grievances of the RWAS. Since all the matters were connected with the Barapulla drain and its tributary drains a site inspection for all segments was undertaken On 27.09.2019.

The Barapulla Drain and its Tributaries: A large number of storm water drains originate from the ridge to finally drain into the river Yamuna. Barapulla drain, which derives its name from a 12 arch bridge of the Mughal period. This drain outfalls into the river Yamuna across the Ring Road near Sarai Kale Khan Village. The drain carries a mixture of storm water and s emanating from the following smaller.drains-

- a) Satoula (7 arched bridge) drain originating from the South Ridge.
- b) Kushak drain (including Mehrauli Drain) originating from the Central Ridge.
- c) Drains near AllIMS and INA market and Lajpat Nagar.
- d) Sunehri Nala from Lodi garden area.

This drainage system is entirely located within the NCT of Delhi and carries no discharge originating from outside of the city. In other words, unlike many other drains which are connected to drains from the townships of Haryana and UP, the discharge here is a Delhi problem from start to finish.

Sewage from NDMC area enters this drainage system through Sunehri Nala drain at Nizamuddin West. Sewage coming from unsewered areas especially from unauthorized colonies and even from planned and sewered areas where sewer lines have become defective due to ageing is carried by the drain. Delhi Jal Board had submitted its action plan to NGT for trapping sewage flowing into Barapulla and its tributaries in 2014 according to which most of the work was to be completed by 2017. However very little appears to have been done on the ground with no improvement in terms of containment of pollution. Specific directions were issued to the SDMC in March and July 019to take stock of the pollution emerging from the NDMC drain in the current situation prevailing there. The Monitoring Committee inspected the Kushak and Barapulla drains on 27.9.19 along with

the concerned officers of Delhi Jal Board, South DMC, DPCC and representatives of RWAS.

The following RWAS explained their grievances, and accordingly MC issued appropriate directions:

1. **Greater Kailash-1 RWA:** Mr Daleep Jolly, representative of G.K.-1 RWA submitted several documents containing appeals filed in the Hon'ble High Court, various directions of the court from time to time, from the year 2004 together with a Mercy Appeal before the Monitoring Committee on 16.07.2019. He explained how the drain passing on the rear side of their houses (from House No. 3-149 to 8-219) abutting the drain was carrying sewage due to which noxious gases i.e., Methane, Hydrogen Sulphide and Carbon Monoxides were being emitted causing health hazards to the residents living in those houses. He also showed the test results of the waste water flowing in the drains and the impact of the same on air quality (Reports annexed). On the directions of the Hon'ble High Court, in a hearing held on 4.3.2006 Mr. B.M. Dhaul, the then Chief Engineer (Drainage) DJB had filed an affidavit undertaking to execute certain works for reducing sewage in the drains in a time bound manner. But, nothing appeared to have been done by DJB.

The Hon'ble High Court passed a contempt order on 25.11.2008 which states:

"The attitude of the officials of DJB to be callous and negligent and holding them guilty of contempt of court while awarding the suspended sentence of two weeks civil imprisonment and fine of Rs. 20,000/- each. It was stated that if the entire flow of sewage into storm water drain is not stopped within three months, the respondents were to undergo civil imprisonment". However, subsequently in an appeal against the contempt order the respondents were discharged and CCP was closed.

Hon'ble High Court in the present case W.P.4246/2019 vide order dated 24.04.2019 has referred this matter to the Monitoring Committee

appointed by the NGT for passing appropriate orders to the concerned departments.

The representative of the RWA submitted before the MC that as per the directions of the Hon'ble NGT in a matter of Manoj Mishra Vs UOI, the construction and covering of this drain was stopped by the South MCD as the drain was covered up to less than 85%, whereas as per the RWA calculations the work left in this drain is far less than 15%. He argued that with three sides of the box drain completed over the entire length, only the cover on the remaining length needs to be provided which amounts to only 2-1/2% of the total concretization work. He further argued that the South MCD did not present the case properly before the NGT.

RWA therefore requested the Monitoring Committee to give a direction to South DMC to cover the balance portion of the drain to avoid the adverse effects of harmful gases and also to clear the drain of all the Solid waste deposited in the drain. Further, the Delhi Jal Board should stop sewage flowing in this drain as it is a storm water drain and the pollution causes a grave public nuisance and amounts to criminal negligence.

Observations of MC during inspection of drain on 27.09.2019 and directions issued:

1.1 The Constructed drain has four Box RCC sections for maximum discharge during rainy and stormy weather. During the lean season however the flow is restricted to one or two box channels. During the visit of the MC, sewage was in fact found flowing in only two boxes of the drains. The drain appeared to have been cleaned / desilted in this portion. In the remaining two boxes the waste water was stagnant as the drain had not been de-silted. It was informed by SDMC that cleaning of covered portion of the drain is difficult and dangerous due to emission of noxious gases. MC directed SDMC that flow in all the boxes of the RCC drain must flow smoothly for which, historical silt already deposited in the covered drain must be removed by application of the latest technology/equipment. Robotic cleaning may be an option. However it is for the SDMC to consult experts and take such measures as are necessary for cleaning the drains in an efficacious and safe manner. For stopping silt and floating material in the covered portion of the drain in future, South DMC may consider constructing silt chambers and fix

Boom barriers / Bar Screens at the entry point and in the open portion of drain in consultation with experts for preventing silt and floating material from entering the covered portion of the drain which is continues for quite a distance. The concerned S.E., South DMC was also asked to explore the feasibility of putting removable slabs at regular intervals after breaking the permanent RCC roof of the drain to facilitate regular de-silting, maintenance of drain and so as to prevent noxious gases being generated which can be dangerous.

1.2 A lot of floating solid waste had accumulated which was visible from the open portion of the drain. This had resulted in virtually stagnant flow suggesting that there the accumulated solid waste and silt underneath had not been removed. Only some work of removal of floating material was done recently by SDMC as informed by the RWA just prior to the inspection by the Monitoring Committee but even so a lot of debris was still found lying in the drain. The Monitoring Committee directed SDMC to clean the drain regularly.

1.3 It was observed that a lot of malba had been dumped on one side of the drains which was being leveled with the help of J.C.B. during inspection RWA informed that this is a regular feature of dumping solid waste on the side of the drain. The trucks enter from the gates which are under the control of SDMC. The MC directed SDMC to keep a vigil on unauthorized dumpers and challan them heavily and if they are trucks contracted by the MCD the officers/ engineers would be held responsible. The SDMC was asked to install CCTV cameras which could capture the registration numbers of the trucks. The RWA was asked to extend their help to make the CCTV monitoring effective and to help identify the trucks by registration be it with a Delhi or outside state registration. The MCD was asked to issue instructions and make a copy available to MC.

1.4 The uncovered portion of the drain should be protected with fencing/ or with grills to prevent accidents as anyone can fall into the drain particularly in the dark. This should be done immediately by South DMC and warning lights /signage displayed as there is a danger of passersby, children and rag picker's falling into the drain which must be safeguarded

immediately. The stoppage of concretization orders of NGT will not be circumvented however.

1.5 A system for inspection of CCTV footage should be put in place and the Executive engineer of SDMC made responsible for ensuring that no dumping takes place in or around the drain or vacant areas.

1.6 Since the drain is covered, foul and noxious gases were finding an outlet only through the uncovered portion of the drain. It was observed that vent shafts have not been installed on the covered portion of the drain to provide an outlet to the gases formed inside the drain. South DMC was directed to install the vent shafts of appropriate heights at a regular intervals along the length of the drain observing standard specifications for outlets for the emission of gases from the drain. If required an expert may be consulted about the size, height of the shafts and distance between shafts.

1.7 DPCC was asked to draw a sample of waste water flowing in the drain to assess the pollution load of the waste water in the drain at inlet and outlet points and measure the flow and send quarterly reports to MC

1.8 This being a storm water drain, no sewage should be allowed to enter the drain. The Delhi Jal Board was directed to submit Short Term, Medium Term and Long Term Action Plan d reducing sewage flow in the drain. Mr. Vikram Singh, CE, DJB presented the Action Plan (annexed) for reduction of sewage in these drains, as annexed, He informed that approximately 14 MGD sewage will be diverted to the respective STPs by June 2020 in a phased manner after completion of some works as mentioned in the Annexures A to E. Around 2.0 MGD treated effluent is also flowing in this drain. It was made clear to the officers of Delhi Jal Board that if the above Action Plan is not implemented in time given by them, the MC will be constrained to recommend action to the NGT and the Government considering that there is already a Contempt order passed by the Hon'ble High Court. Mr. Vikram Singh C.E. / Nodal officer has been given repeated opportunities to prevent sewage flowing in the drain. No excuses of administrative kind will be accepted as the timelines have been given after in-depth consultation and drawn up by DJB.

DJB was also directed to measure the flow at all the sewage discharge points into Chirag Delhi Drain and the flow at the entry of drain near Andrews Ganj within 10 days so that the expected outcomes can be confirmed.

1.9 The DJB was also directed that a survey should be carried of the entire length of the drain and its tributaries right from their origin till the drain meets the river Yamuna and entry points of sewage into the drain and the sources thereof identified and documented for the Action Plan to be comprehensive. The Action Plan submitted by the DJB based on the existing information should thereafter be updated for effectively plugging all the sewage flowing into the drain and its tributaries. A piecemeal approach is not expected of DJB which has a statutory responsibility for the whole of Delhi

CONCLUSION

The MC has given clear directions to South DMC to prevent entry of suit waste into the drain through preventive measures and enforcement. The DJB already has a plan which is expected to fructify in the next six months to prevent sewage from going into the drain. Once the effect of this is seen the question of whether to cover or not cover the drain can be addressed.

2. Defence Colony RWA:

2.1 Mr. Rajiv Suri, representative of Defence colony explained that a portion of the Kushak drain within Defence Colony was constructed and covered by DDA under Urban Development fund (UDF) provided by the Ministry of Urban Development, to DDA for carrying out the work of construction and covering of drain in this limited portion. This work had a faulty design and without giving a proper slope and cunette in the drain the work had been executed. No Environmental Impact Assessment (EIA) was conducted.

2.2 Though the drain is under the SDMC, the construction work of covering the drain was done the DDA without any consultation with the public: Also after stoppage of the work by the DDA on the orders of NGT, the covered and semi-covered portion continues to be with DDA and as a result SDMC does not do any maintenance work. Also DDA has also not been maintaining the drain satisfactorily. The residents continue to suffer due to this apathy on the part of the concerned government authorities.

2.3 Kushak storm water drain is carrying sewage along with a lot of floating material which is difficult to clean under the covered portion of drain. Before and after Defence colony, the drain is not covered.

2.4 DDA proposed to set up a small STP at the exit of Defence colony for using treated effluent for park irrigation to be constructed over the covered portion of the drain and to be maintained by RWA of Defence colony. But after the NGT order, DDA stopped the work.

2.5 After construction of this drain by DDA, it was supposed to be taken over by the Son MCD which is the drain owning agency or further maintenance. But, SDMC is not taking over the drain as it was not constructed as per specifications and norms. DDA is not ready to deficiency charges to SDMC for rectification work

Appeal of Defence colony RWA before MC:

1. To order complete stoppage of sewage flowing through the drain, by diverting it to STP
2. Portions of the drain left in various unfinished stages should be dismantled. This is in conformity with directions in the Mailey se Nirmal Yamuna Judgment.
3. The gradient of the floor of the drain which was upset during the process of concretizing; should be rectified and a central 'cunette', created as earlier existed. This will stop the stagnation as water which now spreads across the entire cross section of the drain, and only moves with hydraulic push of more water from behind.

Simultaneously a slope should be made from the side walls towards the centre of the drain to direct water to flow through the centre, rather than spread through the entire cross section.

4. Proper ventilation should be provided through vent shafts to facilitate emission of foul gases.
5. A proper provision must be made at a regular interval for cleaning/desilting of drain.
6. Regular desilting should take place, followed by clearing up the area of accumulated trash.

Observations of MC during Inspection and directions given to the concerned authorities:

- I. It was pointed out by the residents living in houses abutting the drain that Culvert over Kushak drain across Ring Road was very old and in a dilapidated condition which may collapse at any time causing an unforeseen mishap. Though MC is not concerned with rehabilitation issues of this kind, but observing the dilapidated condition of the culvert/bridge and the possibility that it might cave in, requested D.C. (South) DMC to take up the matter of construction of new Culvert across Ring Road with concerned authority i.e. PWD or find the best engineering solution to deal with the situation.
- II. A lot of floating material was dumped at the entry of the drain into Defence colony. It was observed that cleaning of the drain was not happening. South DMC informed that they have not taken over this drain from DDA due to various deficiencies in the drain DDA is not agreeing to pay the deficiency charges to South DMC MC regrets to note the absence of the officers of DDA at the time of inspection despite the fact that they were aware about the inspection of this portion of the drain under their maintenance which was deliberated in the meeting held by M.C on 25.09.2019 and all officers who attended the monitoring meeting had been asked to be present at the inspection.

- III. A branch drain was found connected with the drain carrying waste water from Andrews Ganj side near Indira Camp of Andrews Ganj). It was reported that it was a treated effluent coming from a small STP set up in a Govt. Colony. Although an STP has been set up in the Govt. colony, it was observed that waste water was being discharged. A team comprising S.E. (S), DJB, S.E. (South), South DMC & DPCC was constituted to inspect the Government colony to see whether the STP was functional and to find a solution as necessary.
- IV. The entire drain was covered within the Defence colony and there is no proper access to drain due to which cleaning of the drain was difficult.
- V. The width of drain was squeezed near the outfall point of Defence colony after increasing the depth of drain.
- VI. Some small vents of HDPE pipes were fixed for emission of harmful gases from the drain but this was ineffective considering the size of drain. MC directed South DMC to work out a solution for proper ventilation for emission of the foul gases from the drain in consultation with Experts and RWA of Defence colony.
- VII. DPCC was directed to take the sample of waste water in the drain for testing and submitting a report thereon within 10 days.

CONCLUSION

MC feels that since DDA has no role in the matter any longer, it should expedite handing over the drain to South DMC on an "As is where is" basis after paying deficiency charges to them, as may be agreed between the Commissioner SDMC and the VC DDA with one month, MC will seek orders on this from NGT so that there is finality. The continuance this "no man's land" syndrome is unfair to the residents who have been battling this before courts for long years.

On the question of dismantling the half/unbuilt portion of the drain it was observed that this is leading to accumulation of debris and garbage. However a call on this has to be taken by the owner of the drain (SDMC) which has to await NGT's orders which are being sought by MC.

3. Nizamuddin (West) RWA: Mr. Sheikh Mohd. Umar, the representative of Nizamuddin RWA explained that Barapulla drain is S W. drain, but huge quantities of sewage is flowing in the drain. A lot of solid and C&D waste is being dumped along the banks of the drain, RWA appreciated the work done by SDMC for cleaning the solid waste from the drain. But the pace of removal is not commensurate with the waste being dumped in the open areas near the drain. South DMC should accelerate clearing the solid waste and Malba from the bed of the drain Dumping of malba not only impedes the velocity/ flow of water but also reduces the carrying capacity of the drain.

The representative of the NDMC was not present at the inspection site despite clear instruction at the time of meeting on 25.9.19 and being reminded on phone by Shri Tyagi.

3.1 Appeal of RWA before the MC:

- I. Delhi Municipal Corporation should stop dumping of solid waste along the drain.
- II. Regular cleaning of drain should be carried out.
- III. A grill must be fixed along both sides of the bridge near Nizamuddin Basti to stop throwing solid waste into drain
- IV. Sewage should be stopped flowing into drain.

Observations of the MC during inspection and directions issued to the concerned authorities:

- I. Sunheri Bagh drain carrying a lot of sewage from NDMC area is meeting with Kushak drain forming Barapulla drain from Nizamuddin Basti onwards. Delhi Jal Board informed that the Action Plan already submitted by them for Kushak drain will hold good for this drain too.

The representative of New Delhi Municipal Council was not present to explain the Action Plan for reducing sewage from NDMC area whereas; they have been given enough Opportunities to take suitable action. MC took a very serious note on the callous attitude of the officers of NDMC. The MC would report this to the Chief Secretary who was holding charge of NDMC.

- II. It was informed by RWA that during construction of Barapulla corridor, a lot of earth & malba was left along the drain which was dumped for construction of temporary road for moving heavy machines. This excess Malba dumped on the drain should be got removed by the SDMC as it impedes the natural flow of the drain
- III. It was observed that the residents of Nizamuddin Basti are throwing solid waste into the drain. MC requested RWA to motivate residents of Nizamuddin Basti not to throw waste into drains. The RWAS should identify volunteers and assist SDMC in their cleaning efforts. RWA representatives were asked to meet DC, SDMC and work out modalities of citizens involvement in keeping the drain clean and prevent waste being deposited in the drain by casual visitors. SDMC should also tighten enforcement.
- IV. D.C. (South) DMC informed that the work of fixing grill along the bridge has been awarded and will be taken up shortly. In so far as prevention of solid waste dumping is concerned, J.E. store has been recently set up near Nizamuddin Basti across the bridge. Strict vigilance is now being kept on solid waste dumping.
- V. Efforts to green the area as a CSR activity would be pursued with IOC which appeared feasible.

Shailaja Chandra,

Member,

Monitoring Committee for Yamuna

B.S. Chandra

Member,

Monitoring Committee for
Yamuna

To:

1. CEO,DJB.
2. Commissioner , SDMC.
3. VC, DDA.
4. Chairperson, NDMC.
5. Secretary, PWD.
6. MS, DPCC.
7. RWA, G.K-I.
8. Sh. Rajeev Suri
9. RWA, Nizamuddin.
- 10.MC Website.

**OFFICE OF THE YAMUNA POLLUTION MONITORING
COMMITTEE**

APPOINTED BY HON'BLE NGT

ROOM NO. 58, INDIA INTERNATIONAL CENTRE 40,

MAX MUELLER MARG, LODHI ESTATE

NEW DELHI-110003

No. YPMC/2020/437

Date:09.03.2020

Subject: Minutes of the meeting on sewage, plastic and other solid waste

**Inside Kushak drain held with representatives of Delhi Jal
Board, South DMC, NDMC and the RWAs of Greater
Kailash-1, Defence Colony and Nizamuddin West- on
05.03.2020.**

**The Yamuna Monitoring Committee (YMC) held the above meeting to
review the status of the action taken on the following issues:**

- i. Release of toxic gases from the Kushak drain adjacent to some
House of B-Block Greater Kailash-1.**
- ii. Covering of Kushak Drain in Defence Colony - Application filed
by Sh. Rajeev Suri**
- iii. Pollution from some houses/Jhuggis/unauthorized buildings at
Nizamuddin West discharging into Barahpullah drain.**

The Yamuna Monitoring Committee has been monitoring and pursuing the matters raised in these applications over the last more than 12 months and in particular with reference to the following matters.

**Prayer of RWA Greater Kailash 1 before Hon'ble High Court,
WP(C)4246/2019.**

- a. Pass a writ in the nature of mandamus or any other appropriate writ directing the respondents to take all necessary steps, including

necessary permissions if any, to cover the remaining about 1/4th of 10.31% of the storm water drain from adjacent to the residences of the petitioners and to cover & develop the same with greenery as done in other parts of Greater Kailash-I and Defence Colony;

- b. Pass a writ in the nature of mandamus or any other appropriate writ directing the respondents to ensure that the storm water drain is sewage and sullage free and no untreated sewage/sullage/any other waste is allowed into the same;
- c. In the alternative pass a writ in the nature of mandamus or any other appropriate writ directing the respondents directing the respondents to dismantle the entire cover/uncover the Storm water Nallah and thereafter conduct timely and periodic cleaning of the same and continue to use the same as a 'Storm water drain' and not as a sewage drain.
- d. Pass such other further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

Operative part of the orders of the Hon'ble High Court

Noting the above submissions made by the council for the parties, I direct the Committee constituted by the NGT to look into the representation of the petitioners dated February 19, 2019 and pass appropriate orders as expeditiously as possible, preferably within a period of two months from today.

Prayer of RWA Defence Colony before Hon'ble Supreme Court, Civil Appeal No. 10917 of 2018

- a. Admit, allow the instant civil appeal and set aside final order dated the Hon'ble National Green Tribunal, New Delhi in O.A. No. 164 of 2015.
- b. Pass such further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

Operative part of the orders of the Hon'ble Supreme Court

We are of the opinion that the mandate given to the Monitoring Committee would include the problem which is highlighted by the applicant in his O.A. as well in any case, it is made clear that the Monitoring Committee shall look into those aspects.

Prayer of Nizamuddin West before Hon'ble Supreme Court, Vide diary no. 8231 of 2019.

- a. For an order directing the respondents to remove all the debris, sewage, industrial and trade effluent and other municipal solid waste and to restore the ecology of the area along with the drain in the Nizamuddin west area.
- b. For an order directing the respondents to ensure that no fresh debris and other municipal solid waste is thrown into the Drain.
- c. For an order directing the authorities to ensure that both the banks of the drain be planted with trees and other greenery and plantations.
- d. For any other order or directions with the Hon'ble Tribunal deems fit in the facts and circumstances of the present petition.

Operative part of the orders of the Hon'ble Supreme Court

We accordingly, permit the applicant to move the Committee and request the Committer to enquire into the grievances in terms of the directions which were issued by the NGT as expeditiously as possible.

Review of Previous Developmwns.

The matters have been dealt with by YMC by conducting physical inspections in the presence of the drain owning agencies, namely, south DMC and D18 as responsible for management of sewage and the petitioners before the court along with other members of the RWAS. YMC has held 3 meetings each with HWAS, of GK-1 & Nizamuddin West & 5 meetings with the RWA Defence Colony to review what is being done by DJ8 to target the sewage and grey water and the South DMC to remove the debris and filth in the drain. The last inspection was done in September 2019 and the main decisions taken then are as follows:

- The MC had given clear directions to South DMC to prevent entry of solid waste into the drain through preventive measures and enforcement. The DJB already has a plan which is expected to fructify in the next six months to prevent sewage from going into the drain. Once the effect of this is seen the question of whether to cover or not cover the drain can be addressed.
- MC had recorded that since DDA has no role in the matter any longer, it should expedite handing over the drain to South DMC on an "As is where is" basis after paying deficiency charges, as may be agreed between the Commissioner South DMC and the VC DDA, within one month. The YMC observed that the continuance of "no man's land" syndrome between the civic authorities was unfair to the residents who have been battling this before courts for long years. On the question of dismantling the half/un built portion of the drain it was observed that it was leading to the accumulation of debris and garbage. However, a call on engineering solutions had to be taken by the owner of the drain (South DMC).
- It was informed by RWA that during construction of Barahpullah corridor, a lot of earth and malba was left along the drain which was dumped for construction of temporary road for moving heavy machines. This excess Malba dumped on the drain was directed to be got removed by the South DMC as it was impeding the natural flow of the drain.
- It was observed that the residents of Nizamuddin Bast were throwing solid waste into the drain. MC requested RWA to motivate residents of Nizamuddin Basti not to throw waste into drains. The RWAS should identify volunteers and assist South DMC in their cleaning efforts: RWA representatives were asked to meet DC, South DMC and work out modalities of citizens involvement in keeping the drain clean and prevent waste being deposited in the drain by casual visitors. South DMC should also tighten enforcement.
- D.C. South DMC informed that the work of fixing grill along the bridge has been awarded and will be taken up shortly. In so far as prevention of solid waste dumping is concerned, J.E. store has been recently set up near Nizamuddin Basti across the bridge. Strict vigilance is now being kept on solid waste dumping.

Despite all these observations having been minuted and directions issued the action taken was apparently unsatisfactory and the residents of the three colonies continued to complain about noxious gases and bad odour emanating from the open portions of the drains presenting health hazards. YMC decided to hold a meeting at site on 27.2.2020. The areas covered were Greater Kailash-1, Defence Colony stretch of Kushak drain and Nizamuddin West at Barahpullah Nalla.

Field Visit Observations:

The following situations which were observed at site were glaring:

1. At Greater Kailash, Andrews Ganj and Nizamuddin portion of the drain the fumes were intolerable.
2. The amount of debris and solid waste/garbage which had accumulated in the concrete boxes which had been constructed to channelize the flow was, if anything, worse than before and the drain had become uncontrollably filthy. The YMC went to the site where the JCB machines had been deployed because of the visit and it was shocking to find underground situation of the drains in the heart of some of the most organized colonies of Delhi.

The YMC felt that various short term measures like erecting screens, providing CCTV cameras, and desilting would only serve a limited purpose and as long as there was a constant flow of grey and black water the garbage thrown by the people would have every opportunity to accumulate and stagnate.

DJB has been giving assurances over the last few months about trapping and diverting the sewage/ sullage but the ground situation had not improved. Before the meeting YMC had conducted an internal review and asked for proper mapping of the drain, its tributaries and the sewer lines to be done showing the points where the DJB proposed to trap the sewage/sullage which was being discharged both from the unauthorized

colonies as well as the sewerage areas in which the sewerage/conveyance systems were not functioning.

The VMC called the meeting with main representatives of the RWAS who are petitioners before the various courts to listen to DJB's presentation. In a nut shell it would appear that if all the efforts being made fructify as claimed by DJB, the expectation is that by June end 2020 maximum number of points of discharge would be diverted or plugged.

DJB's Plans and Current Status of Works for Sewage Containment

The sewage carrying pipes requiring rehabilitation would also be renovated and some work on this had been completed. The presentation made by Chief Engineer DJB Shri Vikram Singh is at Annexure A along with the mapping and legends. The target dates of completion of the various works under action plan are given below:

ACTION PLAN OF DJB GIVEN ON 5.3 TO YMC

| S. NO. | Activity | By Date | Quantity of sewage trapped (MGD) |
|---------------|---|------------------------------------|---|
| A1 | Trapping of Unauthorized colonies at Ratia Marg(16 Colonies) | Already achieved 30.06.2019 | 2 |
| A2 | Trapping of unauthorized colonies at Managal Bazar Road. | Already achieved 30.06.2019 | 1 |
| A3 | Trapping of unauthorized colonies (20) of at Tigri Road, Devil and Dr.Ambedkar Nagar | May-20 | 1.25 |
| A4 | Trapping of 25 unauthorized colonies(25) IGNOU Road is to be trapped | Jun-20 | 2 |
| A5 | Trapping of unauthorized colonies (11) at Delhi Road | Dec-20 | 1.25 |
| B1 | Rehabilitation of Peripheral trunk sewer at press enclave Road. | June-20 | 4 |

| | | | |
|-----------|---|----------------|-------------|
| B2 | Rehabilitation of Peripheral trunk sewer at Chirag Delhi Flyover | Jun-20 | 1 |
| B3 | Damage 600 dia. Sewer line at Chirag Delhi Drain | June-20 | 1 |
| B4 | Trapping of drain at Chirag Enclave .SPS. | Jun-20 | 0.5 |
| C1 | Trapping of Nallah at Krishi Vihar (450 mm dia for trapping) | May-20 | 1.5 |
| C2 | Trapping of Nallah at Andrews Ganj (900 mm dia for trapping) | May-20 | 6.42 |
| C3 | Trapping of Nallah at Pant Nagar (900 mm dia for trapping) | May-20 | 6.42 |

The YMC was assured that work had been awarded and is in physical progress. Only the work yet to be awarded pertained to B-3 Chirag Delhi which was also under award. In addition, there is one place, namely, Deoli area and where the work would continue till end December 2020. However, it was noted that if the work on downstream trapping is completed by June 2020 one can reasonably expect that all sewage which is emanating from the unauthorized colonies upstream at Sangam Vihar and Chirag Delhi would be stopped which should substantially reduce the problem of sewage flow and consequently the fumes. Grey water would continue to be discharged at places but sewage in the drains will reduce considerably. The RWAs and their representatives/ petitioners in the court cases were shown the exact plans of DJB which are under execution. They requested to be associated so that there is a feeling of satisfaction that the work is actually in progress and the DJB has no objection to collaborating with them.

The members of the RWA appreciated the efforts made by DJB. YMC also feels that it is for the first time that such a satisfactory response had been received. However the actual success would depend on how the situation develops by June and would constantly be kept under review by the RWA who will report to the YMC if they feel that efforts are not being undertaken as promised.

For some of the works to be executed by OIB permission from South OMC may be required and it was assured by the Chief Engineer Sh MM Dahiya that there would be no delay in grant of permission and it would be done collaboratory and not through letter writing.

Barapulla Drain issues

The only point which stands out and continues to be a matter of serious concern is the enormous amount of water that was flowing upto and into Barapull Grain from Sunhari geh and branch of Kushak drains coming from AllMS/INA market side. The discharge of that water is a matter of highest concern because it is ultimately flowing into River Yamuna. The inspection with the former Member Drainage, DIB Sh. R.S Tyagi and the DJB engineers had been undertaken during the last several months but there is no finality about the trapping of sewage water and it continued to be a jurisdictional issue which was not being resolved.

The former Member Drainage, DJB Sh. R.S Tyagi was asked to convene a meeting on the small bridge outside Nizamuddin West Basti, to see that inspection teams identify the points of discharge and give a report of the short term and long term measures which are going to be put in place because all the upstream work will be negated if the flow of dirty water from the storm water drains continues and pollutes the Barapulla drain. The outcome of the inspection and its solution may be reported upon in the next 15 days.

Need to Keep GK Drain Clean because of fumes/ garbage and filth

YMC had found particularly in Greater Kailash that the open drain had allowed accumulation of vast quantities of silt, garbage, plastics and all kinds of filth. This was being removed on the date of inspection of YMC on 27.2.2020 and according to Sh. Anil Tyagi, SE, South DMC about 300 MT silt have been removed. It is a matter of concern that this had been pointed out during the September 2019 visit of YMC. After giving assurances obviously nothing was done. The design of the concrete boxes was extremely faulty and the heavy accumulation of filth was in no small measure the result of faulty design. If sewage / garbage and silt collect and stagnate at different points it will continue to be a health hazard as in due course it will be infested with mosquitoes causing dengue and other vector borne diseases. It is absolutely necessary that filth/silt removal is undertaken

is in a continuous manner in the open truncated portions of the drains until the outcomes promised by DJB are affected.

Sh. Anil Tyagi S.E, South DMC informed the YMC that tenders had already been notified for erection of screens (which had already been committed in September 19 and was not attended to despite assurances). This time the tenders would be opened within the next 10 die and it is expected that the screens and the grills would be mounted within 3 months. The screens would serve the purpose of barricading the inflow of garbage and other debris into the drain.

YMC directed that plans for executing the barricades/screens should be shared with the concerned RWAS because it is only if they are satisfied with the work that the strategy would prove to be effective. Accordingly from this month itself, every 15 days the residents may request Sh. Anil Tyagi from South DMC in respect of the problems they face because they were are suffering due to the fumes being generated at different points wherever there are openings in the drain.

Unfinished Portion of Kushak Drain at Defence Colony

The question of finding an engineering solution to the problem of Kushak Drain both at Greater Kailash where it is covered in a truncated fashion and Defence colony where the drain has been covered almost completely but left unfinished with pillars and steel bars jutting out which was unsightly and gave cause for accumulation of garbage which could not be accessed. The YMC had asked the CE South DMC in charge of the Defence Colony portion Sh. M.M Dahiya to see that the drain is first taken over which action has been completed. DDA had to pay deficiency charges to South DMC after the design features, gradient and safety aspects as well as the benefits and risks of keeping/removing the pillars were commented upon professionally. Sh. Dahiya Chief Engineer said he had met the IIT professors and requested them for advice and a report would be forthcoming. It was decided that YMC would try to bring this matter to a head and meet the IIT professors in the forthcoming ten days after Holi or if convenient to them YMC can also meet them in their office. The purpose of the meeting would only be to try and expedite getting a report on the engineering solution keeping in mind all considerations. The Chief Engineer Sh. Dahiya

undertook to organize such a meeting for the entire area which consists of Kushak drain from Greater Kailash through Andrews Ganj/Defence Colony.

Conclusion:

The problems of the drain needed to be addressed systematically.

- i. In respect of sewage and grey water the DIB had been pursued and now there was some hope of trapping the sewage which had to be completed on priority
- ii. Removal of silt/ garbage and accumulated debris had to be handled through screening/ vigilance/ removal using JCBS and deterring the public. This was being addressed and RWAS would have to work in tandem to see that South DMC does what has been committed.
- iii. The faulty design issues have to be addressed and YMC would help expedite obtaining professional advice.
- iv. Nizamuddin West RWA raised the issue of pollution caused by clusters of jhuggies along the drain. YMC decided to hold a meeting on this with DUSIB for containment of sewage going into the drain from these jhuggis.

Shailaja Chandra,
Member,
Monitoring Committee for Yamuna

B.S. Chandra
Member,
Monitoring Committee for

Yamuna

To:

1. VC,DDA
2. CEO,DJB
3. Commissioner, South DMC.
4. Chairperson, NDMC.
5. Chairman/MS, DPCC.
6. RWA GK-1/Defence Colony/Nizamuddin West.
7. Sh. R.S Tyagi, Expert Member

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

3 messages

AUA LEGAL <info@aualegal.com>

Mon, Oct 16, 2023 at 7:36 PM

To: kunallawannand@gmail.com, "narenderpalsingh@gmail.com" <narenderpalsingh@gmail.com>, "pujakalra09@gmail.com" <pujakalra09@gmail.com>
Cc: ccb.cpcb@nic.in, chdpcc@nic.in, secservices@nic.in, "acem10.djb@gmail.com" <acem10.djb@gmail.com>, commissioner@mcd.nic.in

Dear sir/Ma'am,

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

Please find the attached document in the above captioned matter.

1. IMPLEADMENT APPLICATION by BLK-B (NORTH) GK-1 RWA
2. REPLY/ OBJECTIONS BY APPLICANT AGAINST STATUS REPORT DATED 25 -SEP-2023 FILED BY DJB. (JOINT COMMITTEE)

Thanks & Regards,
Adv. Akansha Singh

 **AUA LEGAL**
LLP

Advocates & Consultants

B-11, LGF, Lajpat Nagar III

New Delhi-110024, India

E.: info@aualegal.com; www.aualegal.com

Phone(Office)-+91-1143565357,

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2 attachments**APPLICATION IMPLEADMENT.pdf**

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Mon, Oct 16, 2023 at 7:36 PM

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- smtp

Final-Recipient: rfc822; kunallawannand@gmail.com

Action: failed

Status: 5.1.1

Diagnostic-Code: smtp; 550-5.1.1 The email account that you tried to reach does not exist. Please try

550-5.1.1 double-checking the recipient's email address for typos or

550-5.1.1 unnecessary spaces. Learn more at

550 5.1.1 [https://support.google.com/mail/?p=NoSuchUser_q195-20020a632acc00000b005b6899211](https://support.google.com/mail/?p=NoSuchUser_q195-20020a632acc00000b005b6899211c7sor1143528pgq.7)

c7sor1143528pgq.7 - smtp

Last-Attempt-Date: Mon, 16 Oct 2023 07:06:43 -0700 (PDT)

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From: AUA LEGAL <info@aualegal.com>

To: kunallawannand@gmail.com, "narenderpalsingh@gmail.com" <narenderpalsingh@gmail.com>, "pujakalra09@gmail.com" <pujakalra09@gmail.com>

Cc: ccb.cpcb@nic.in, chdpcc@nic.in, secservices@nic.in, "acem10.djb@gmail.com" <acem10.djb@gmail.com>, commissioner@mcd.nic.in

Bcc:

Date: Mon, 16 Oct 2023 19:36:01 +0530

Subject: IN I.A NO. 537/2023 IN NIZAMUDDIN WEST ASSO. VS UNION OF INDIA OA NO. 06/2012

----- Message truncated -----

AUA LEGAL <info@aualegal.com>

Tue, Oct 17, 2023 at 10:30 AM

To: "office@marklegal.co.in" <office@marklegal.co.in>

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2 attachments



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