

**BEFORE THE HONB'LE COURT OF NATIONAL GREEN
TRIBUNAL, NEW DELHI**

MEMORANDUM OF APPLICATION

(Under Section 18(1) read with Sections 14 and 15 of National
Green Tribunal Act, 2010)

IN THE MATTER OF:

DEEPTI GUPTA

...APPLICANT

VERSUS

**MINISTRY OF ENVIORMENT AND FOREST AND
CLIMATE CHANGE AND ORS.**

....RESPONDENTS

I N D E X

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Delhi

Dated: 09/02/2024

Through

APPLICANT

Vaibhav

**VAIBHAV GROVER
ADVOCATE**

Office at: 241

Vardhman Premium Mall
Deepali Chowk, Pitampura
Delhi – 110034

Mobile No. – 9958386067

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**REJOINDER TO REPLY OF DELHI POLLUTION
CONTROL COMMITTEE (RESPONDENT NO.6)**

MOST RESPECTFULLY SHOWETH:

1. At the outset, all the contentions, allegations and statements made by the Respondent No. 6 in the reply dated 28.11.2023 filed by the Respondent No.6 are denied and nothing therein shall be deemed to be admitted by the Applicants, by reason of non-traverse or otherwise, unless specifically admitted herein. It is submitted that the reply dated 03.10.2023 filed by the Respondent No.6 is devoid of any merit and therefore, liable to be dismissed.
2. The contents of the Application have not been reproduced herein for the sake of brevity, but should be read as part of this Rejoinder. That the Respondent no. 6 has failed to give a parawise reply to the present application and the Reply filed by the Respondent No. 6 is wholly misconstrued, evasive and baseless and the Respondent No. 6 has made all possible efforts to deviate from the averments made in the application and has reverted in a vague and elusive manner solely to evade its liability. That since, the reply filed the Respondent no. 6 contains no averments and specific denial. Hence, the submissions and documents referenced in the application

should be regarded as admission on behalf of Respondent no. 6.

3. That the Respondent no. 6, being an autonomous regulatory body under the National Capital Territory of Delhi, is responsible for monitoring, controlling, and mitigating environmental pollution in the NCR region.
4. That despite the passage of 9 months since the filing of the present application and 23 months since the issuance of Legal Notice on 01.03.2022, there has been minimal to no improvement in the environment of the polluted green area and water canal. Upon revisiting the open green zone of Shalimar Garden and the Western Yamuna Canal on 08.02.2024, the Applicant found that the discharge of sewage, wastewater, and municipal waste is still ongoing and the open green zone of Shalimar Garden and the entire 1.4 KM stretch of the Western Yamuna Canal starting from the CA Block Shalimar Bagh till the Outer Ring Road remain highly contaminated and polluted and no effective measures have been taken by the Respondents for the accumulated waste and sewage in the open green area and the water canal. The open green zone of Shalimar Garden and the Western Yamuna Canal are continuing to serve as dumping grounds for sewage and waste and the slum dwellers are continuously dumping their waste water, sewage, and municipal waste into the Western Yamuna Canal as no proper provision for waste disposal has been provided by the Respondents till date. Due to the continuous discharge of sewage and municipal waste, the large sewage pond still exists in the green area, and the Respondents have taken no steps to address its removal. Furthermore, the Respondents have dug up streams from the sewage pond to spread sewage in the unaffected green area, rather than pumping out the sewage by using sewage pumps and other necessary equipments for its removal. This ongoing inaction and negligence have resulted in further damage to the flora and fauna of Shalimar Garden. The copy of the latest photographs of the open green area of

Shalimar Garden and the adjacent Jhuggi Clusters and Western Yamuna Canal are annexed herewith as **Annexure – A7 (Colly)** and the copy of the Google Earth/ maps satellite images of the open green area of Shalimar Garden and the adjacent Jhuggi Clusters and Western Yamuna Canal are annexed herewith as **Annexure – A8 (Colly)**.

5. It was further observed during the visit that only certain portions of the green area have been barricaded with metal barrier fencing to restrict the open defecation, while the practice continues unabated in the unfenced/unbarricaded open green area. Furthermore, the sewage and municipal waste continue to pose a significant health hazard for the Applicant, the slum dwellers, and other residents of Shalimar Bagh, Delhi.

6. The Respondent No. 6 has failed to provide a concrete and comprehensive action plan to address the collection and disposal of the sewerage and municipal waste as well as to control the open defecation until the rehabilitation and relocation of the slum dwellers. Furthermore, the Respondent no. 6 has failed to restore the open green area of Shalimar Garden, Delhi and its flora and fauna, to its original and natural state, and to maintain the said open green area and the adjacent Western Yamuna Water Canal free from sewage and municipal waste discharge/dumping. Further, the Respondent no. 6 failed to take any measures to remove the accumulated sewage and municipal waste or to prevent future disposal and open defecation in the green area of the Shalimar Garden and the adjacent Western Yamuna Water Canal.

PRAYER

It is therefore prayed to this Hon'ble Tribunal that the reliefs prayed by the Applicant in the present application be allowed and appropriate orders be passed in the favour of the Applicant and against the Respondents.

Delhi

Dated: 09/02/2024

Through


APPLICANT
**VAIBHAV GROVER**
ADVOCATE

Office at: 241

Vardhman Premium Mall

Deepali Chowk, Pitampura

Delhi – 110034

Mobile No. – 9958386067

Email Id – vaibhavgrover1998@gmail.com**VERIFICATION:**

I, Deepthi Gupta, the applicant herein, do hereby verify that the contents of the above paragraphs are true to the best of my knowledge and are based on legal advice and that I have not suppressed any material fact.

Date:

Place: Delhi


APPLICANT

BEFORE THE HONB'LE COURT OF NATIONAL GREEN TRIBUNAL, NEW DELHI

MEMORANDUM OF APPLICATION

(Under Section 18(1) read with Sections 14 and 15 of National Green Tribunal Act, 2010)

IN THE MATTER OF:

DEEPTI GUPTA

...APPLICANT

VERSUS

MINISTRY OF ENVIRONMENT AND FOREST AND CLIMATE CHANGE AND ORS.

....RESPONDENTS

AFFIDAVIT

I, Deepti Gupta, R/o Flat No,65-D, Block CA, Shalimar Bagh, Delhi-110088 do hereby solemnly affirm and declare as under:

1. I say that I am resident of Block CA, Shalimar Bagh, Delhi-110088 and am conversant with the facts of the present case and as such I am competent to swear this affidavit.
2. I say that I have gone through the contents of the accompanying rejoinder to the reply of Respondent No. 6, which has been drafted by my counsel at my instructions and the contents of the same are true and correct.



I say that the contents of the accompanying rejoinder to the reply of Respondent No. 6 may be read as part of this affidavit as well, as those are not being repeated herein for the sake of brevity and to avoid repetition.

09 FEB 2024

Deepti Gupta
DEPONENT

VERIFICATION:

Verified at Delhi on this ___ day of February 2024 that the contents of paras 1 to 3 are true and correct based on the records made available to me and nothing material has been deliberately concealed thereof.

Vaibhav Adw.

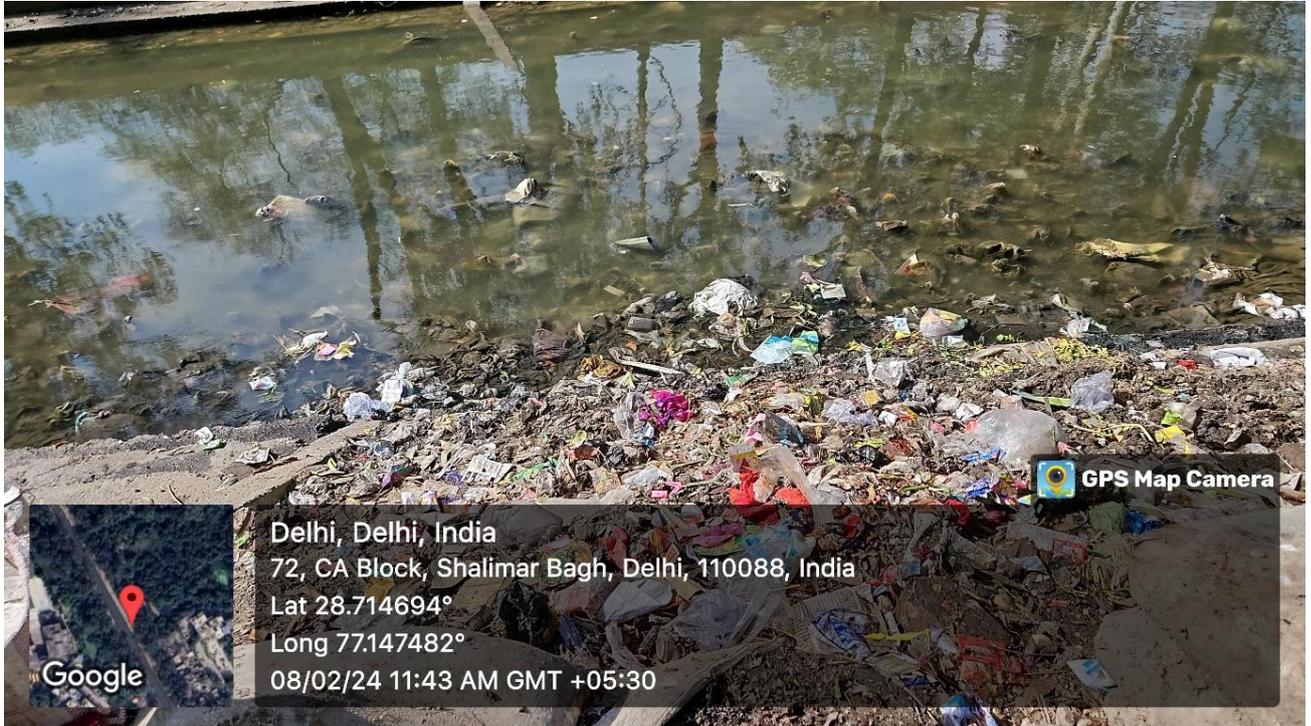
I identify the Dependent who has signed in this Affidavit as being the same person as the person who has signed in the accompanying documents.

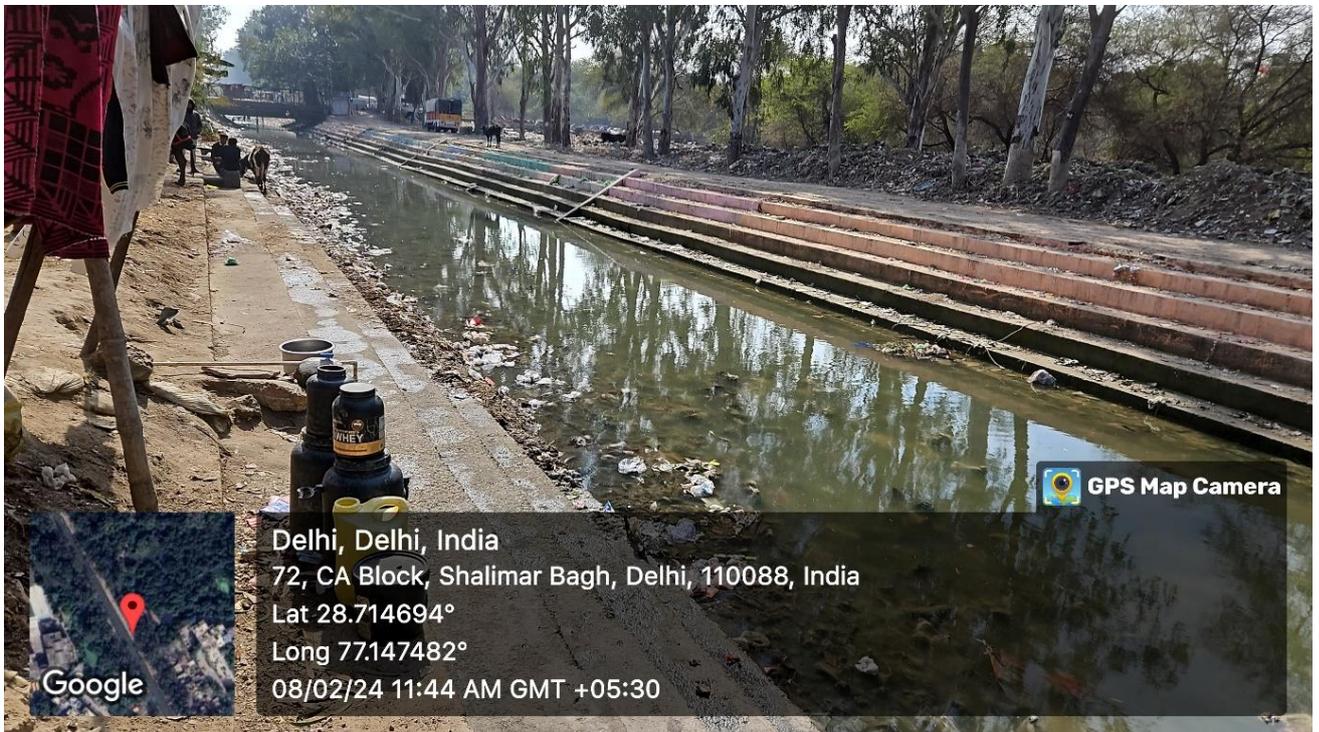
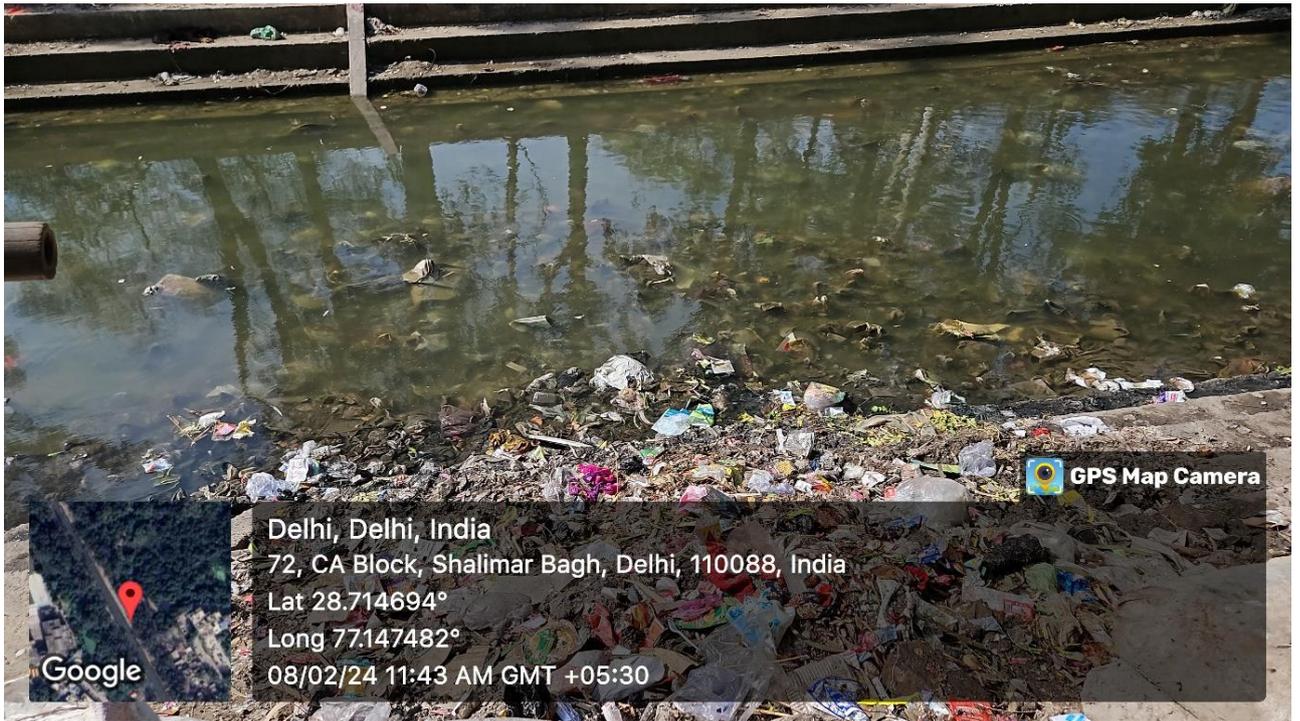
09 FEB 2024
 I have solemnly affirmed before me at Delhi on...
 that the contents of the Affidavit which have been read and explained to him/her and he/she has affirmed to his/her knowledge.

Deepti Gupta
DEPONENT

Oath Commissioner

**SEWAGE AND MUNICIPAL WASTE DISCHARGED IN THE
WESTERN YAMUNA WATER CANAL**





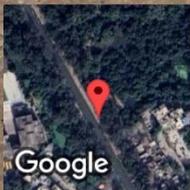


**WATER CONNECTIONS PROVIDED BY DELHI JAL BOARD
FOR HOUSEHOLD CHORES AND THEREBY
DISCHARGING SEWAGE DIRECTLY IN THE WESTERN
YAMUNA CANAL**

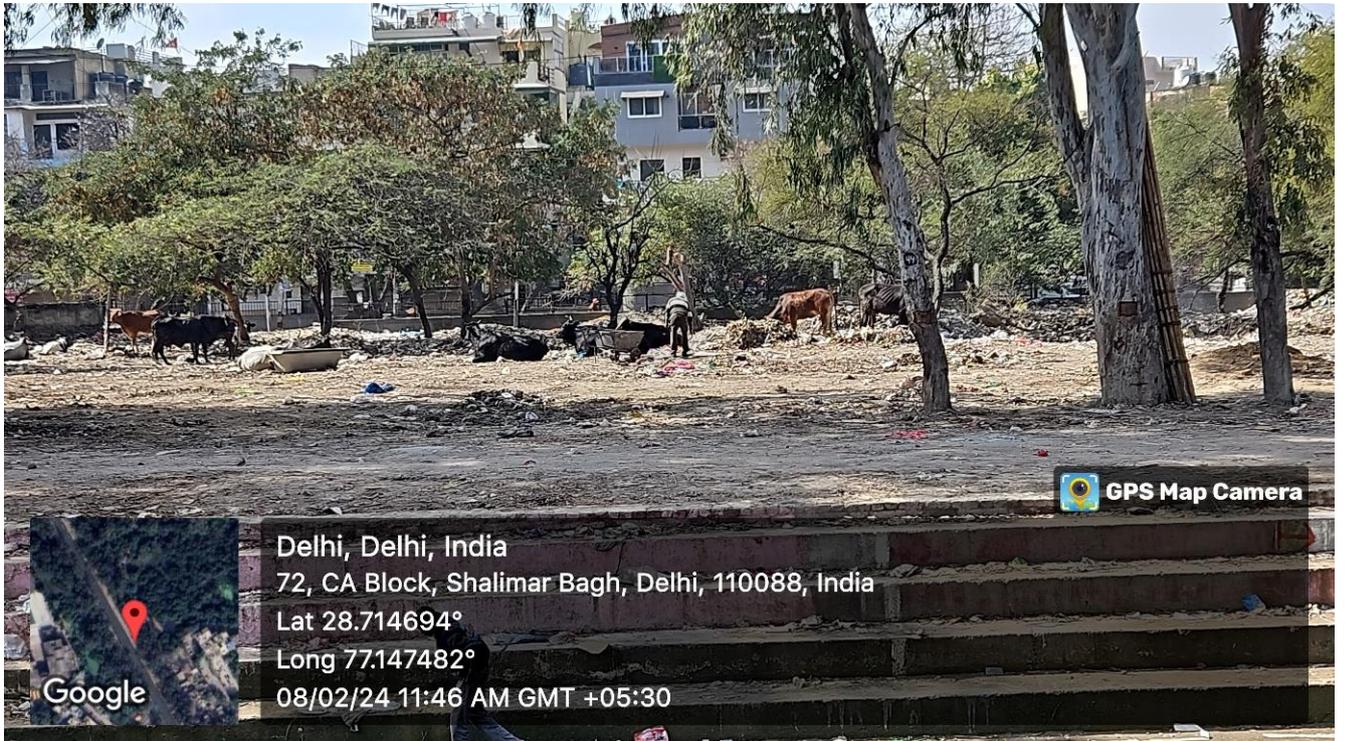
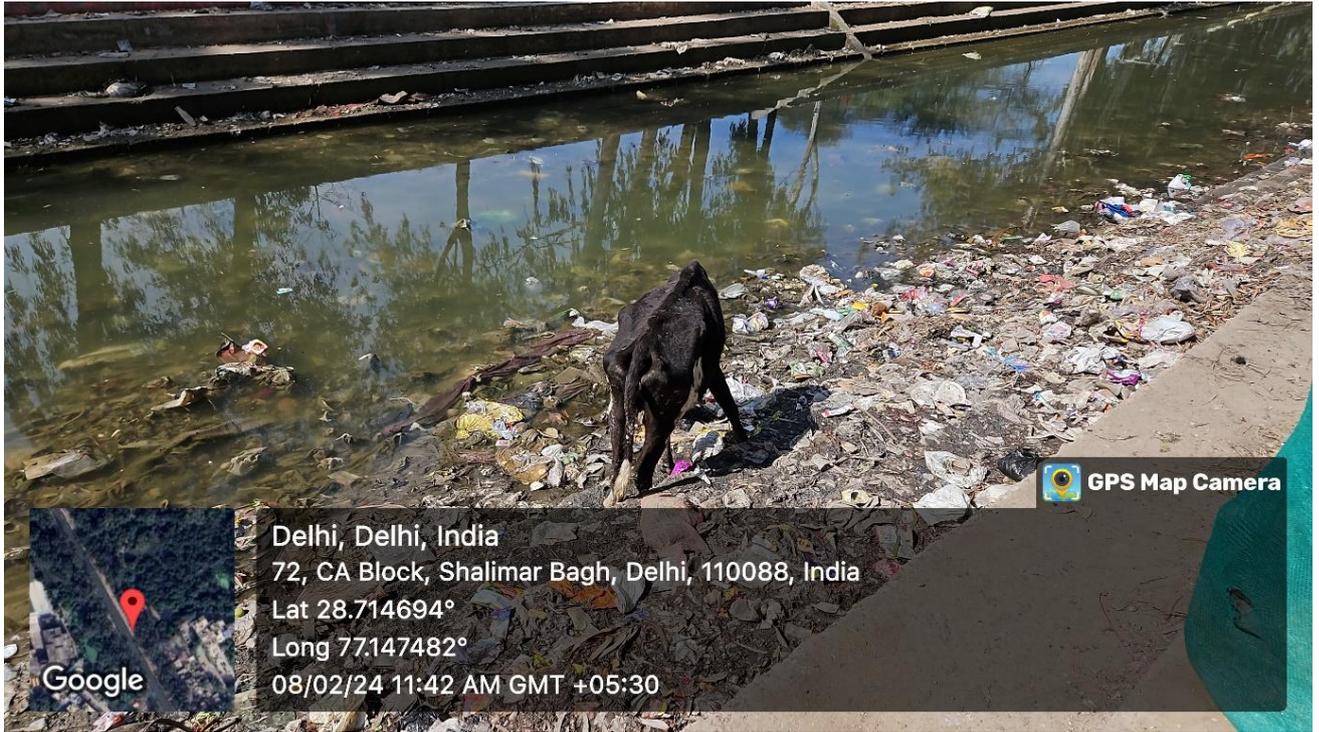




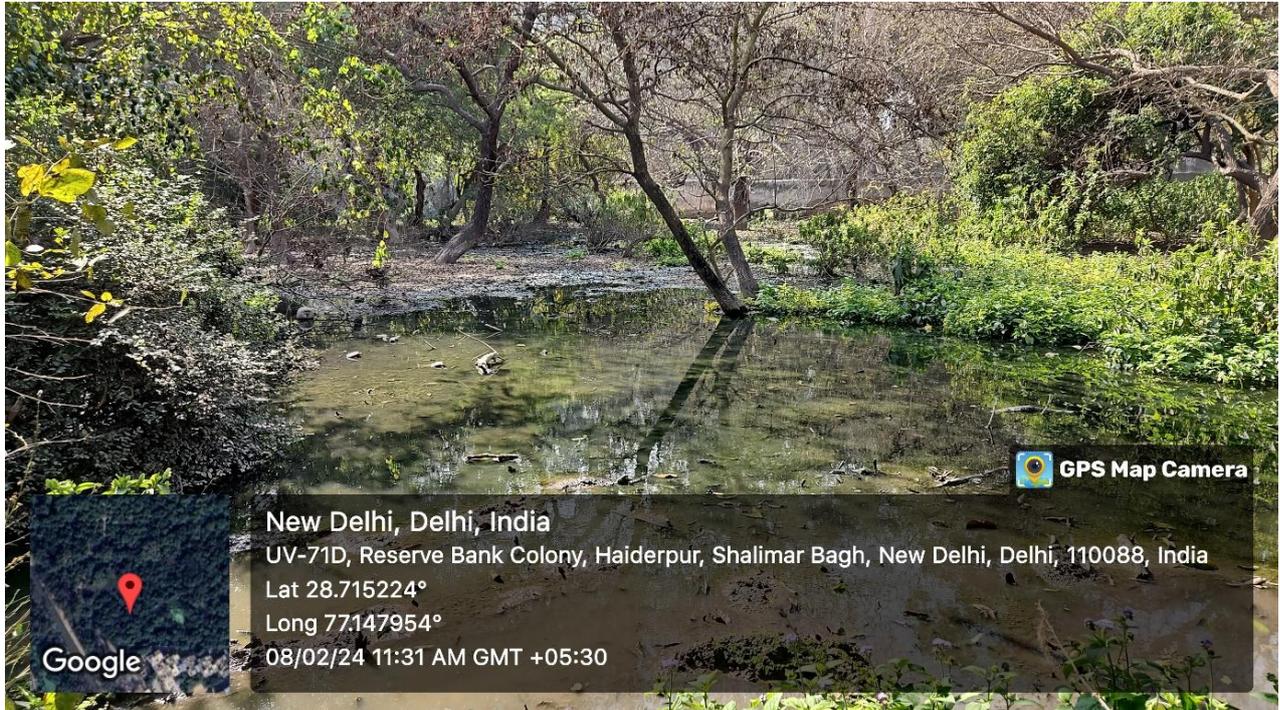
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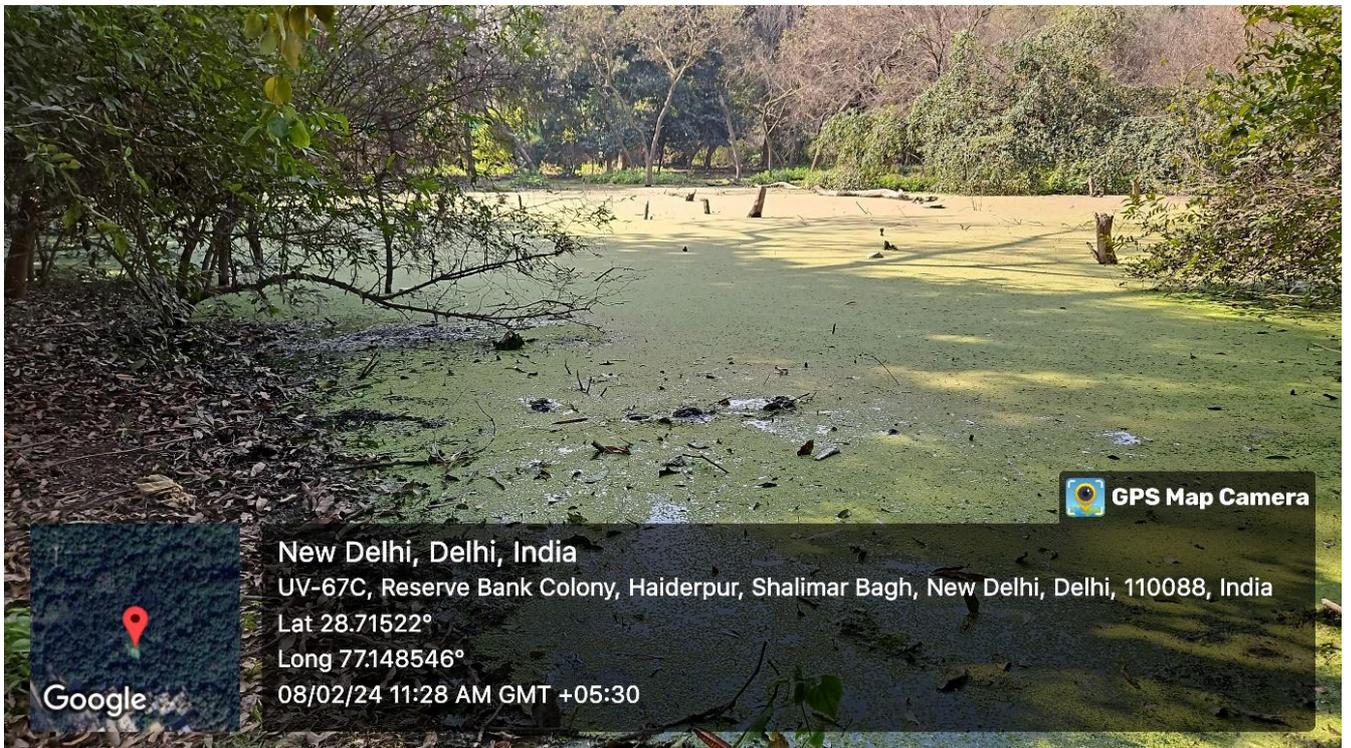
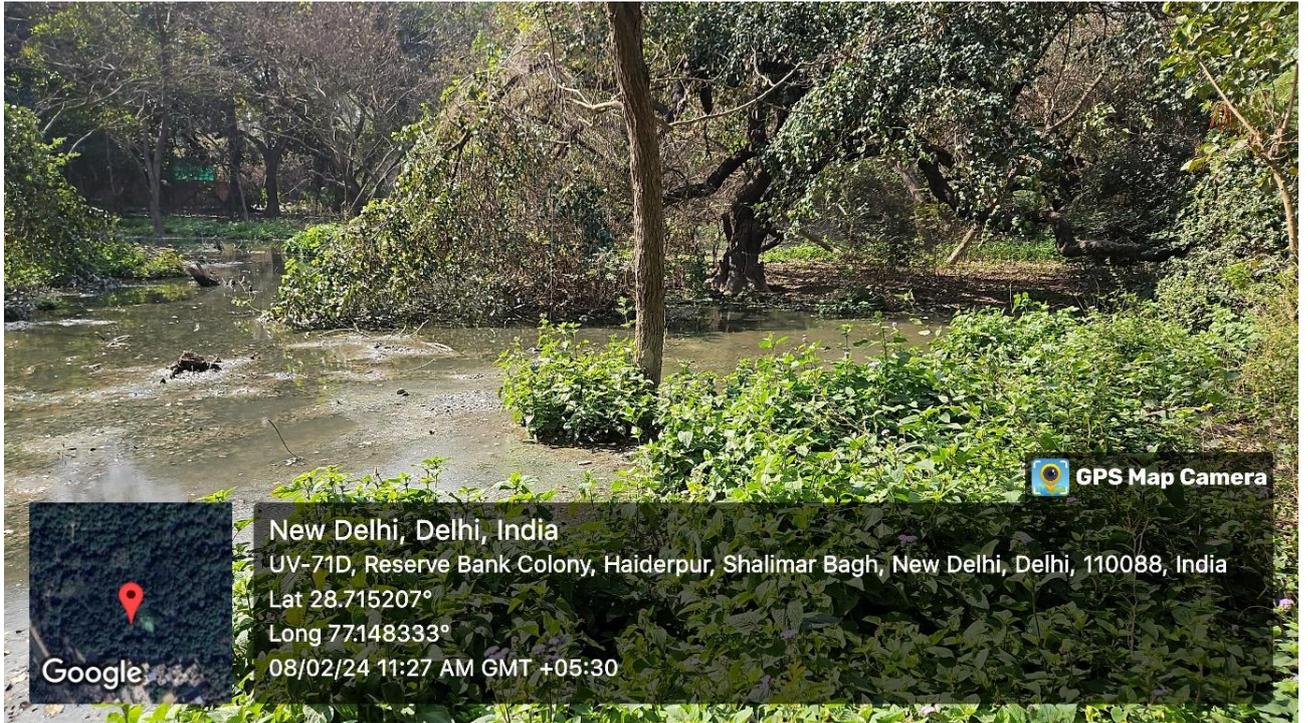


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Long 77.147482°
08/02/24 11:44 AM GMT +05:30

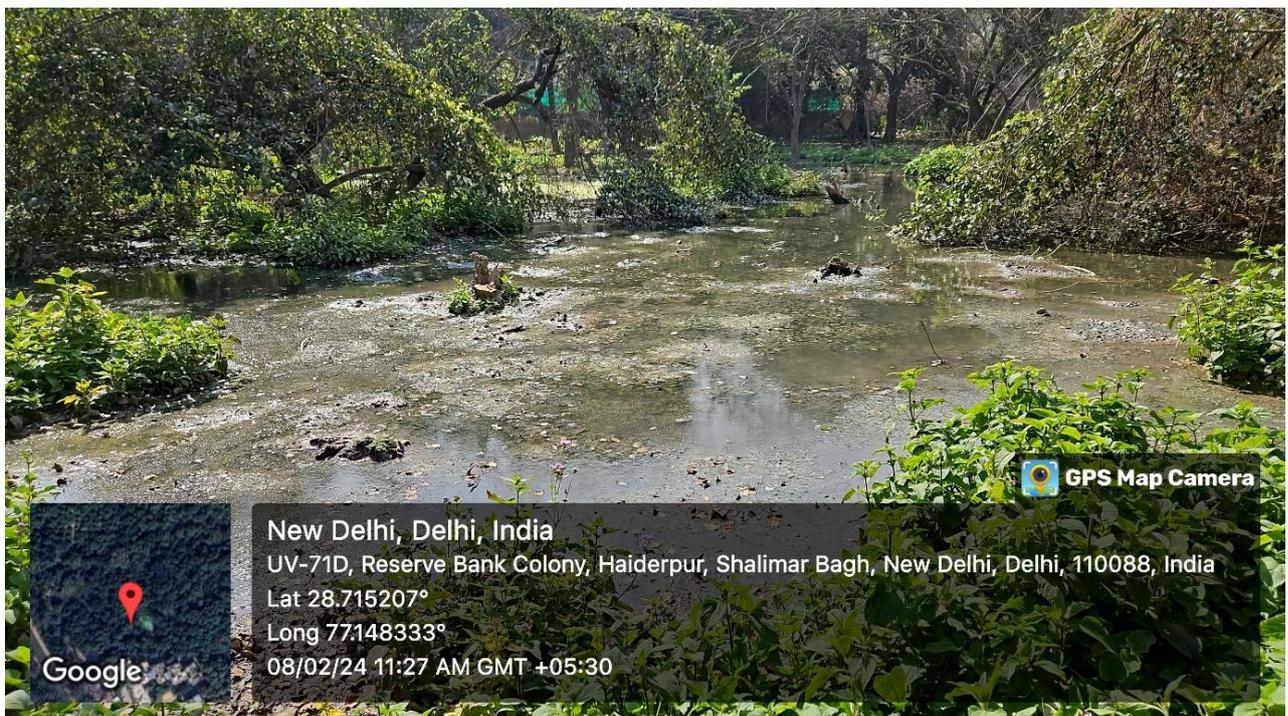
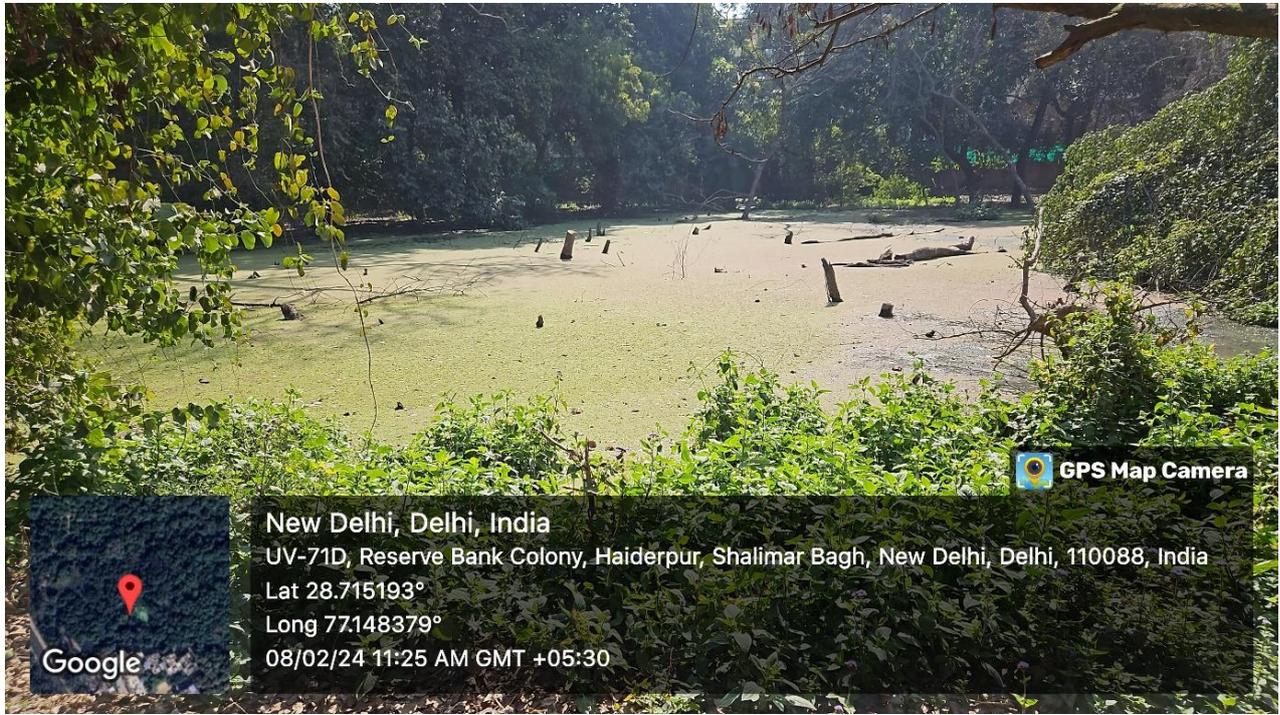


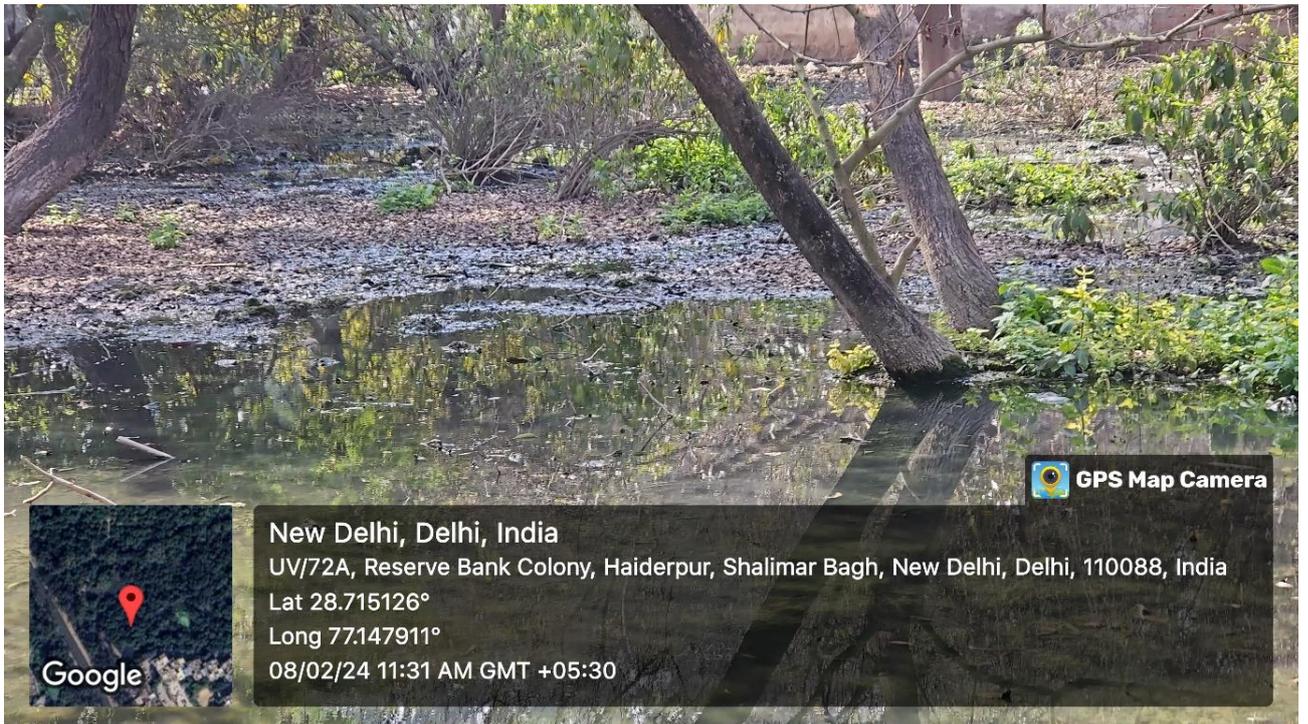
**SEWAGE AND MUNICIPAL WASTE DISCHARGED IN THE
OPEN GREEN AREA OF THE SHALIMAR GARDEN –
SEWAGE POND**

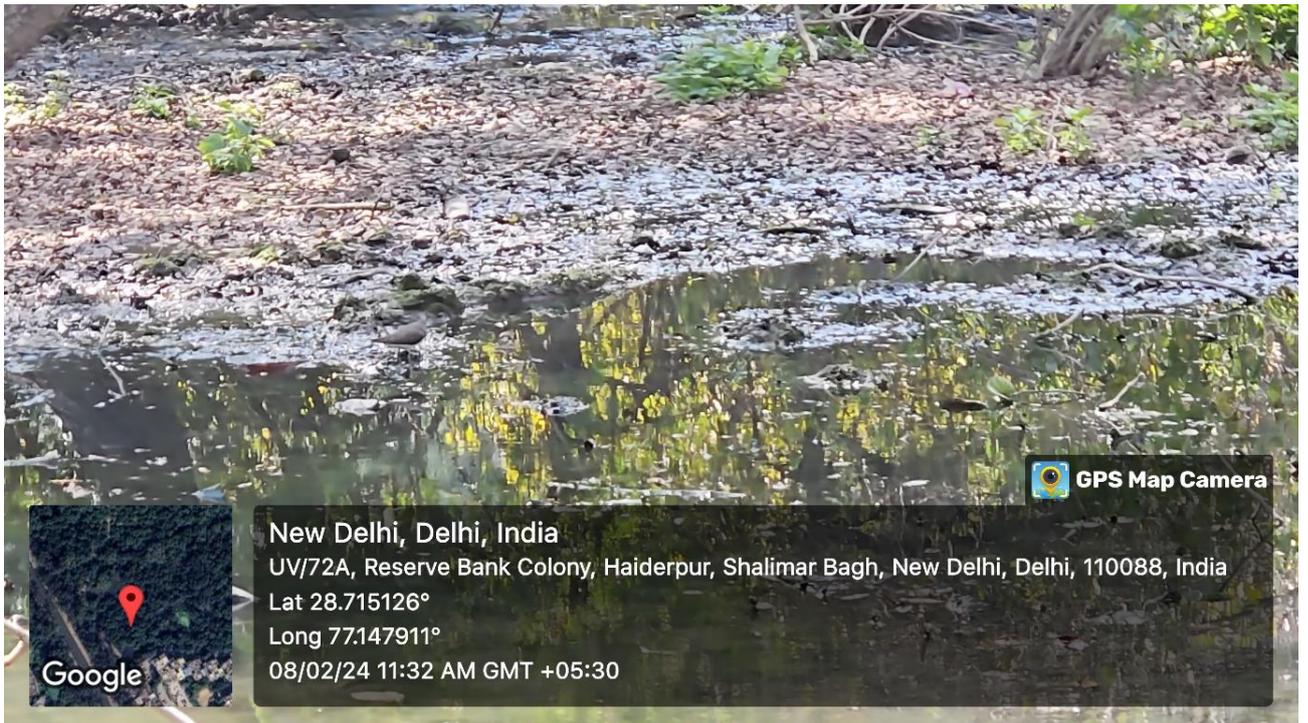
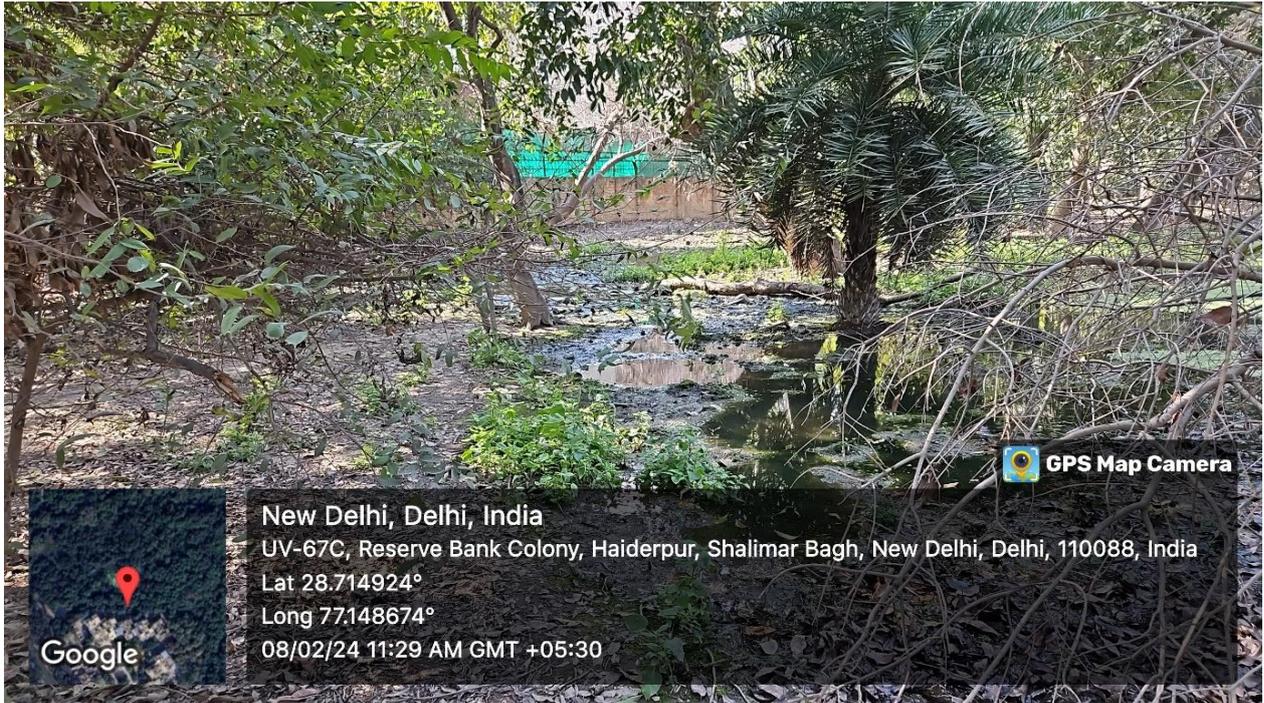




FLORA DAMAGED DUE TO THE ACCUMULATION OF SEWAGE AND WASTE WATER









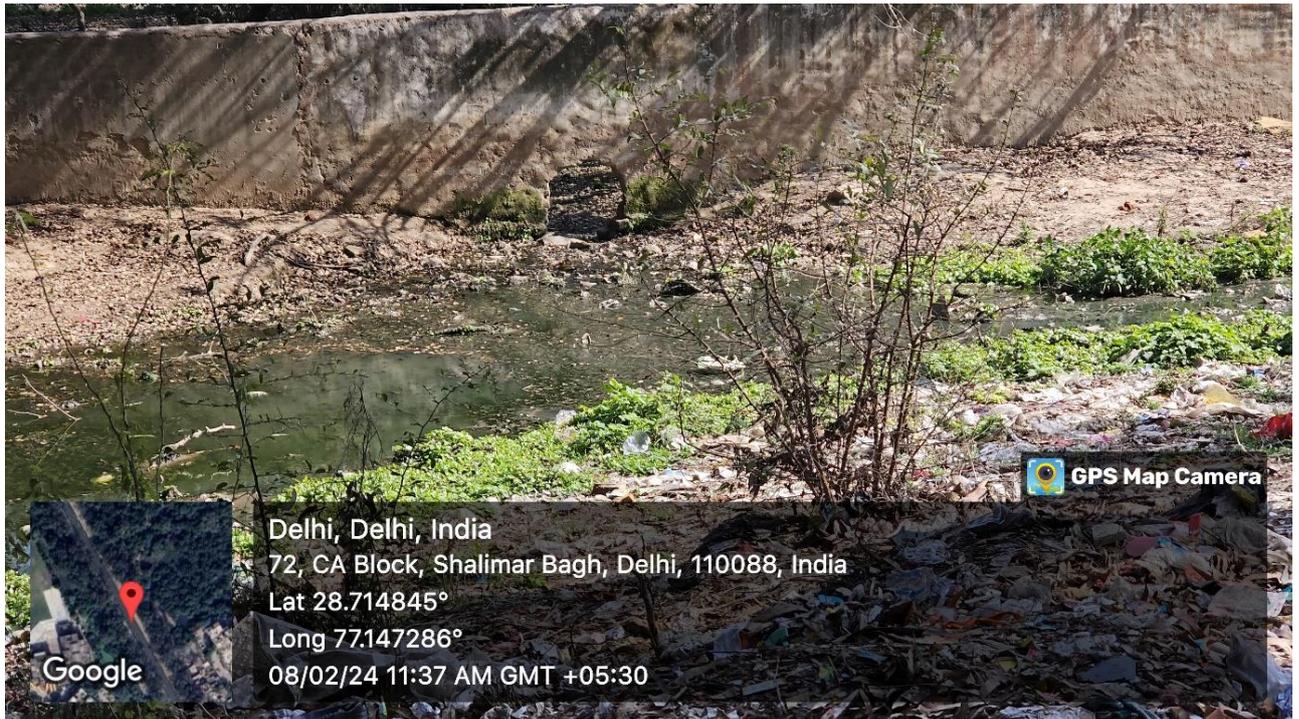
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GPS Map Camera

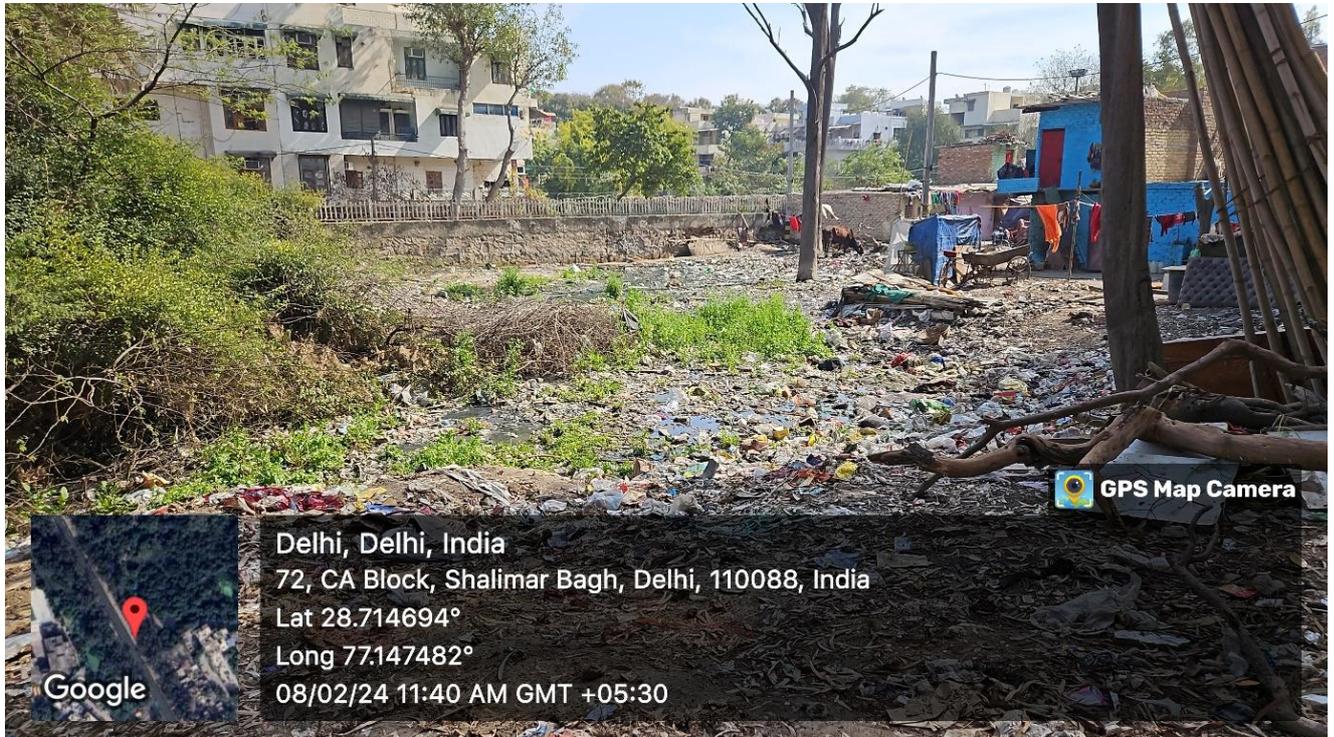


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Lat 28.715118°
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08/02/24 11:28 AM GMT +05:30

GPS Map Camera



**MUNICIPAL WASTE DUMPED BETWEEN THE GREEN AREA AND THE
WESTERN YAMUNA CANAL**



**STREAM DUG UP FROM THE SEWAGE POND IN GREEN
AREA OF SHALIMAR BAGH TO SPREAD SEWAGE IN THE
UNAFFECTED GREEN AREA**





GPS Map Camera

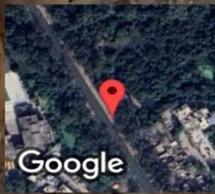


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JAN SUVIDHA COMPLEX UNDER CONSTRUCTION



GPS Map Camera



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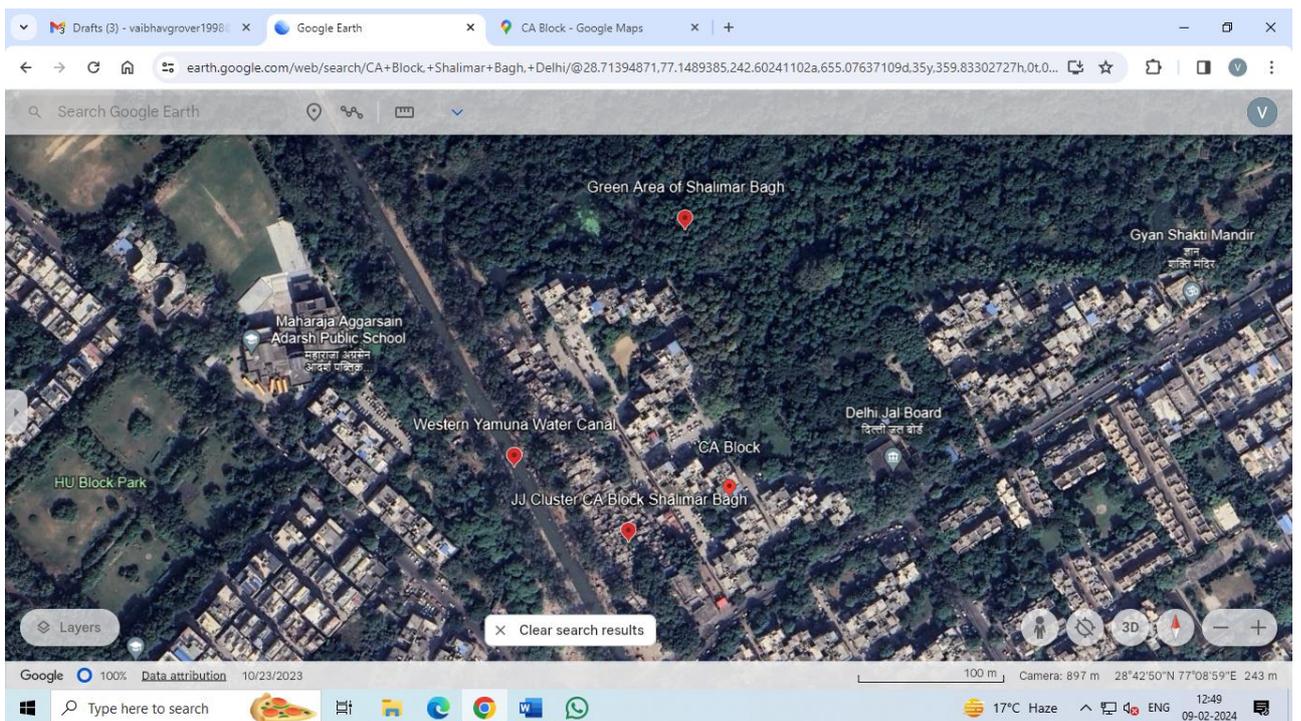
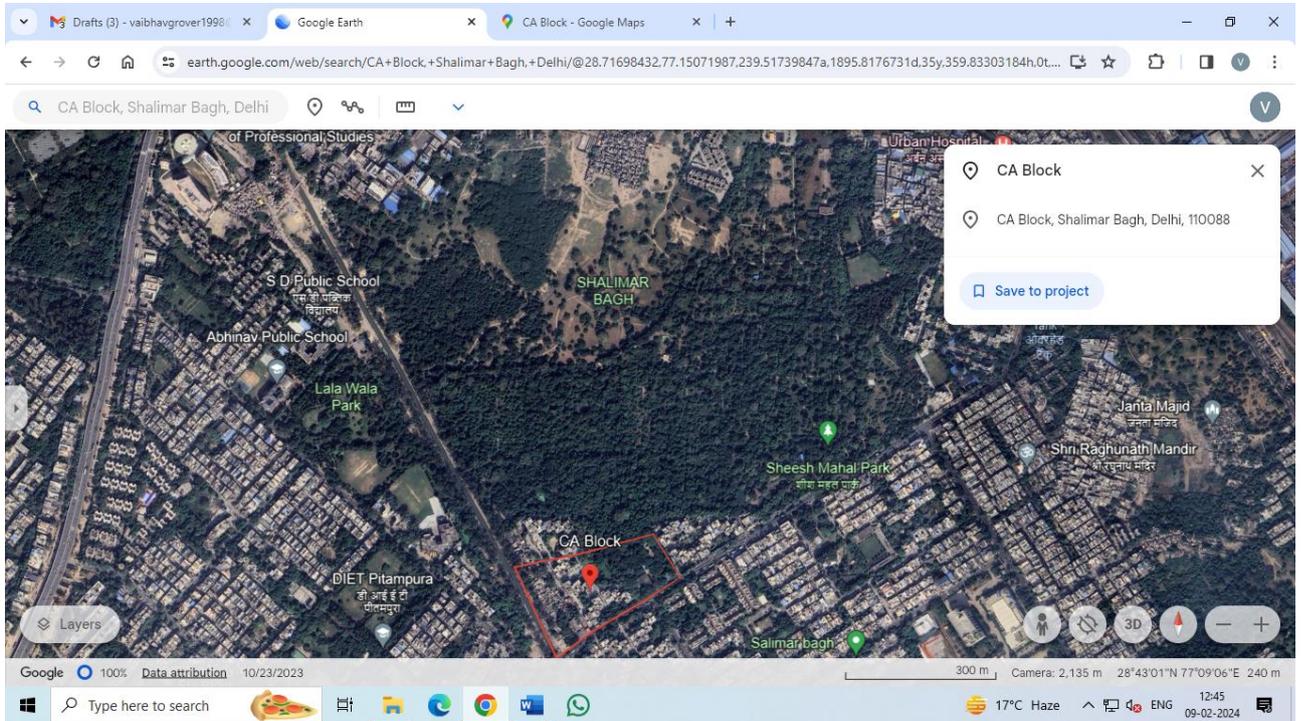
Google

**SEWAGE AND WASTE WATER DISCHARGED BY THE
SLUM DWELLERS IN THE RAIN WATER DRAINS OF CA
BLOCK SHALIMAR BAGH**





GOOGLE EARTH SATELLITE IMAGES OF GREEN AREA OF SHALIMAR BAGH, WESTERN YAMUNA CANAL, JHUGI CLUSTER AND CA BLOCK SHALIMAR BAGH



from Delhi
to 28.7122548, 77.1489904

5 min (1.4 km)
via unnamed roads
Fastest route now due to traffic conditions

Delhi

↑ Head southeast toward Haiderpur Rd
1 Pass by Fino Payments Bank (on the right)
1 Destination will be on the right
1.4 km

28.7122548, 77.1489904

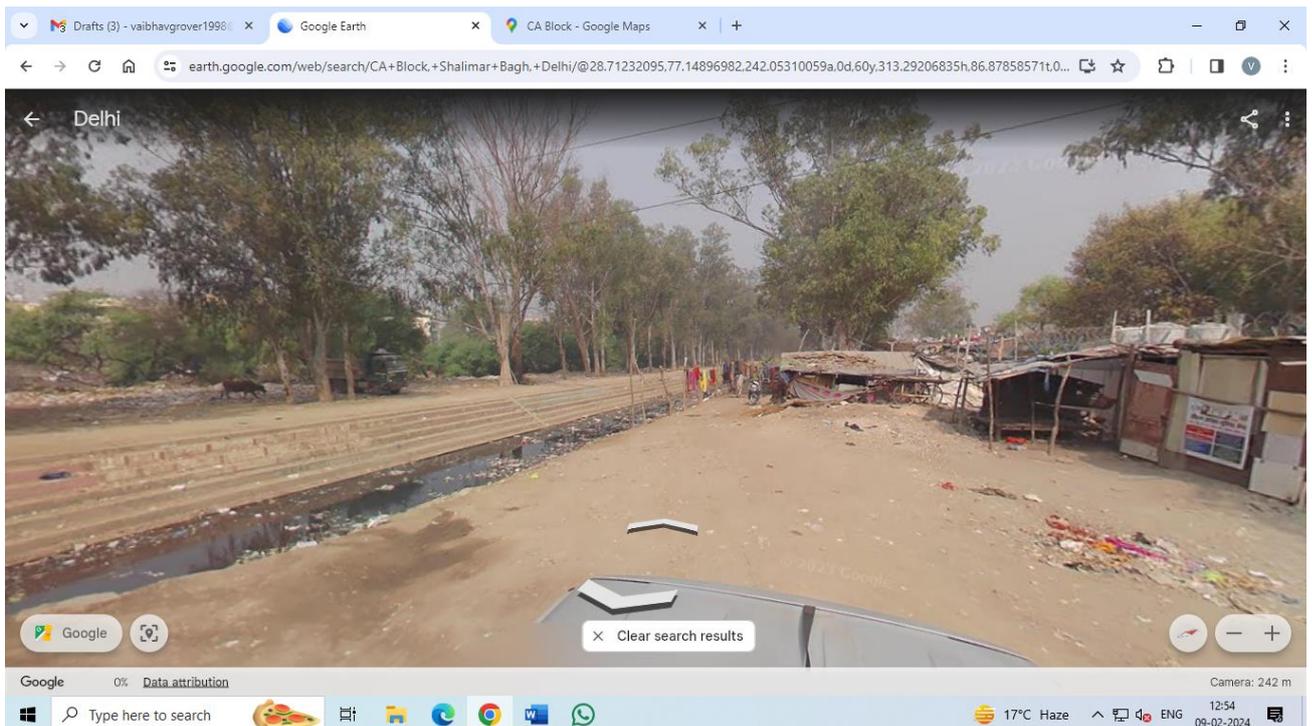
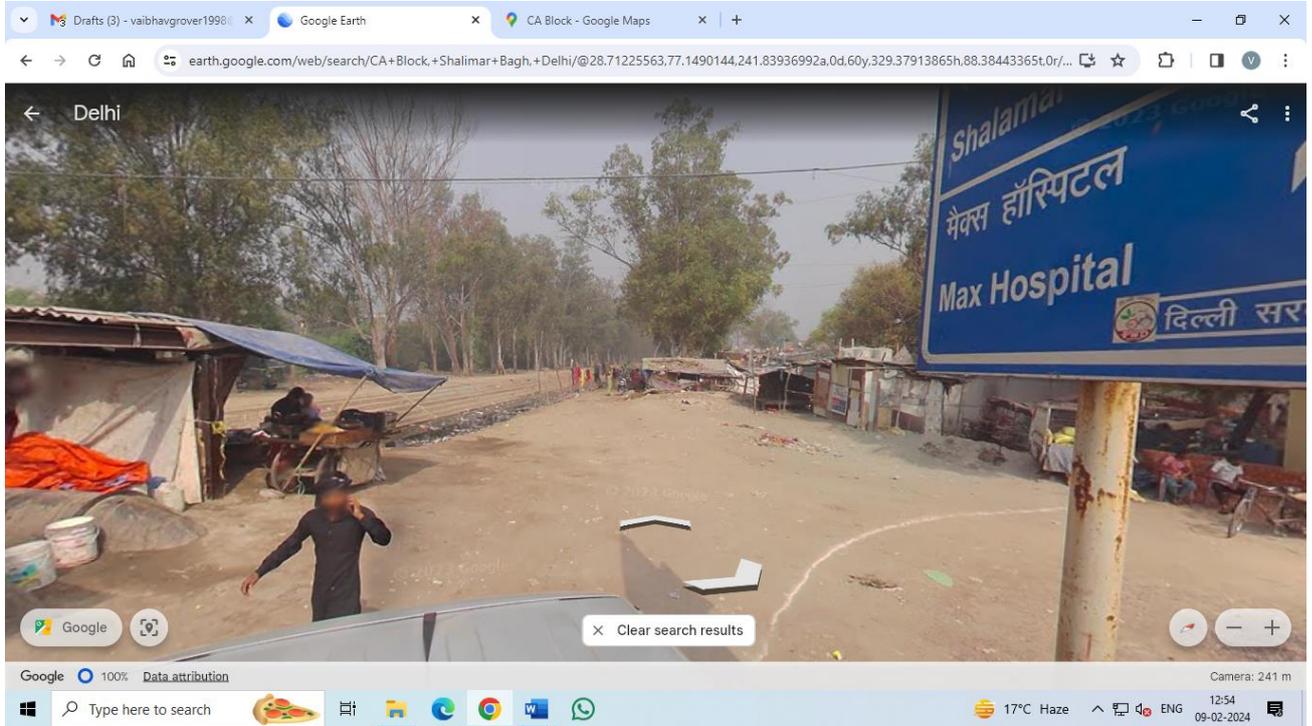
Gas EV charging Hotels More

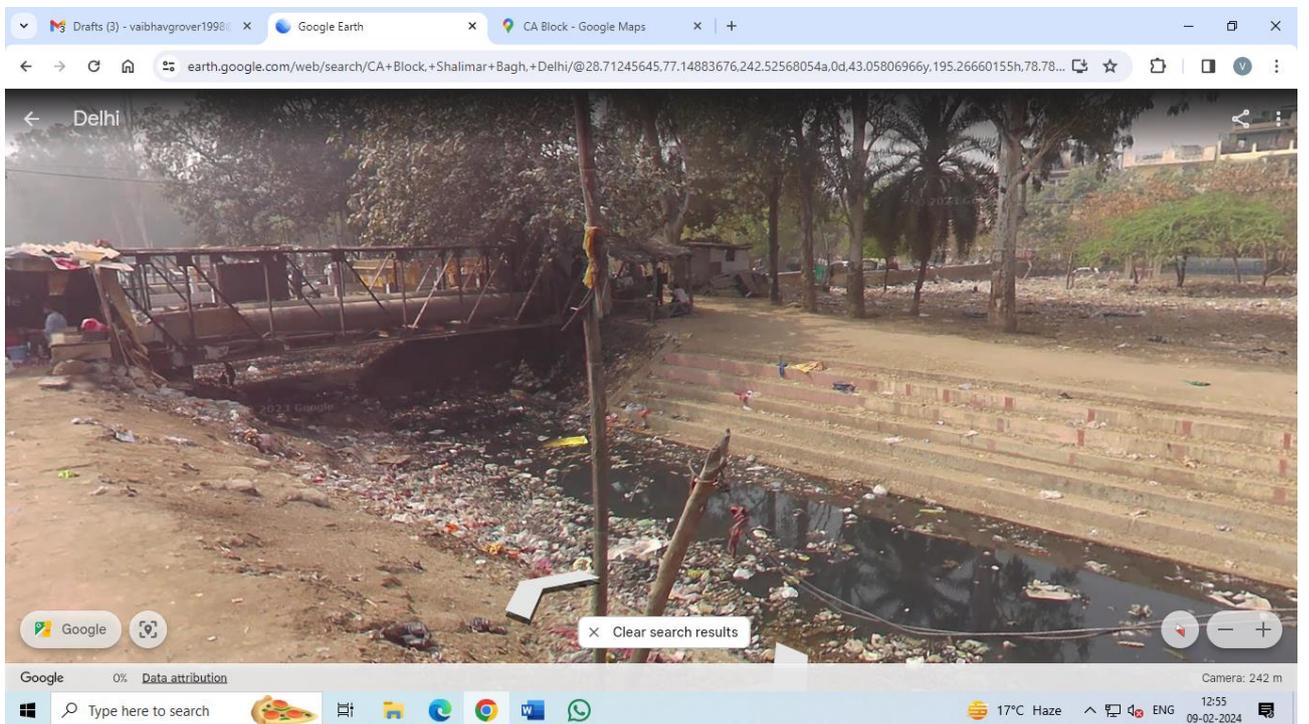
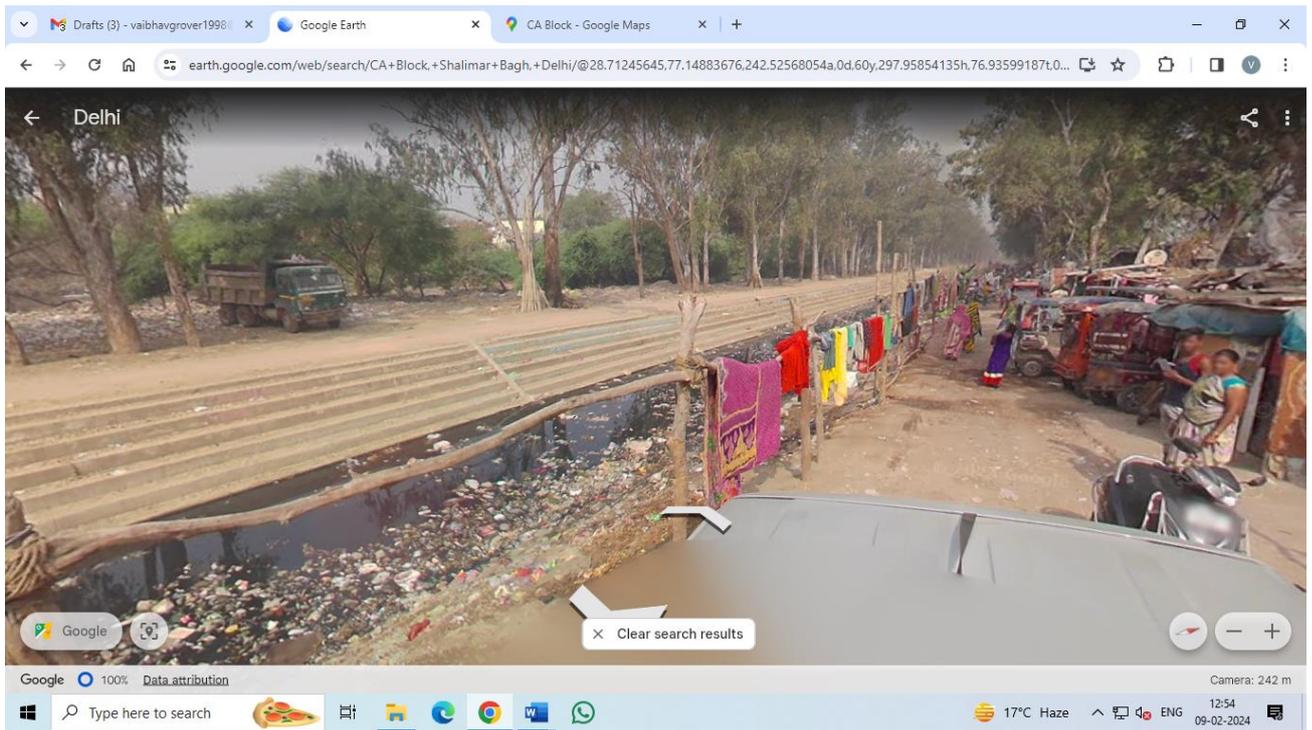
Haiderpur Water Treatment Plant
Nambardar Baithak
Vivekananda Institute of Professional Studies
AU BLOCK
JAL BOARD COLONY
SHANT VIHAR
SHALIMAR BAGH
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Salimabagh
Jaspal Kaur Public School

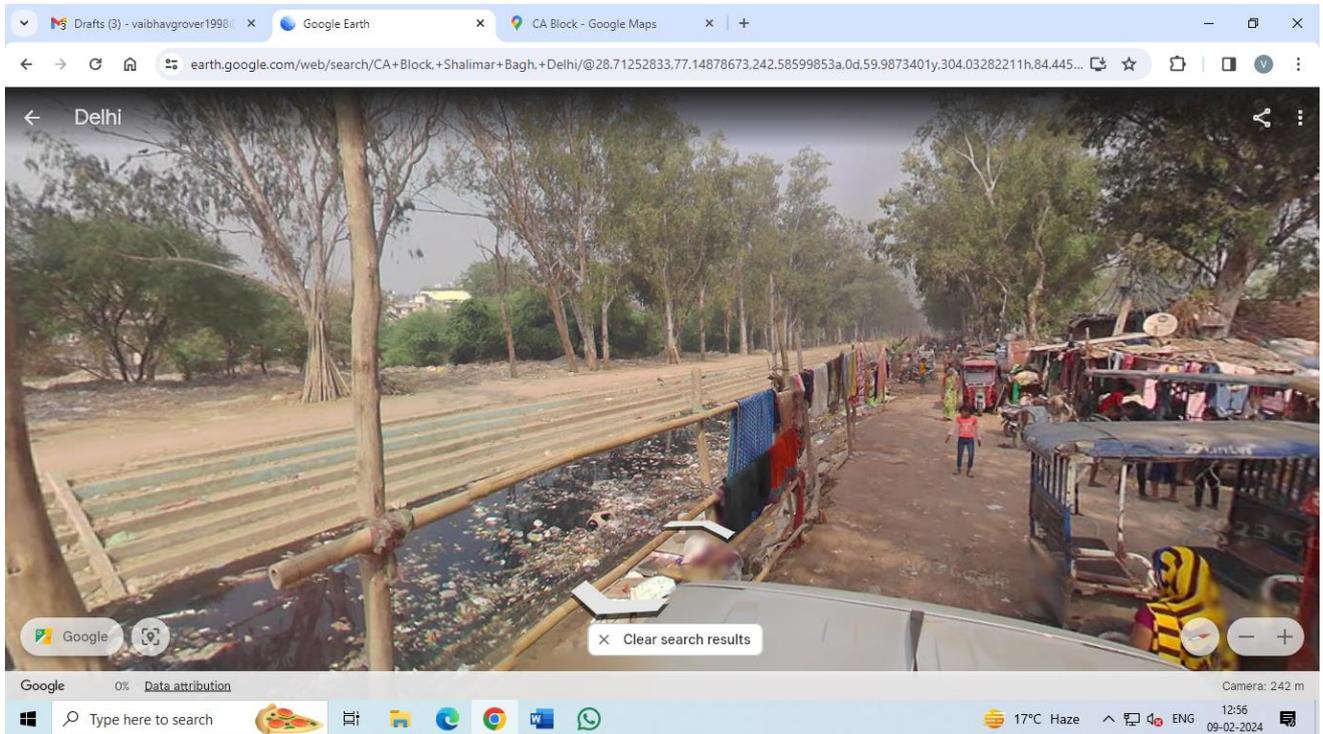
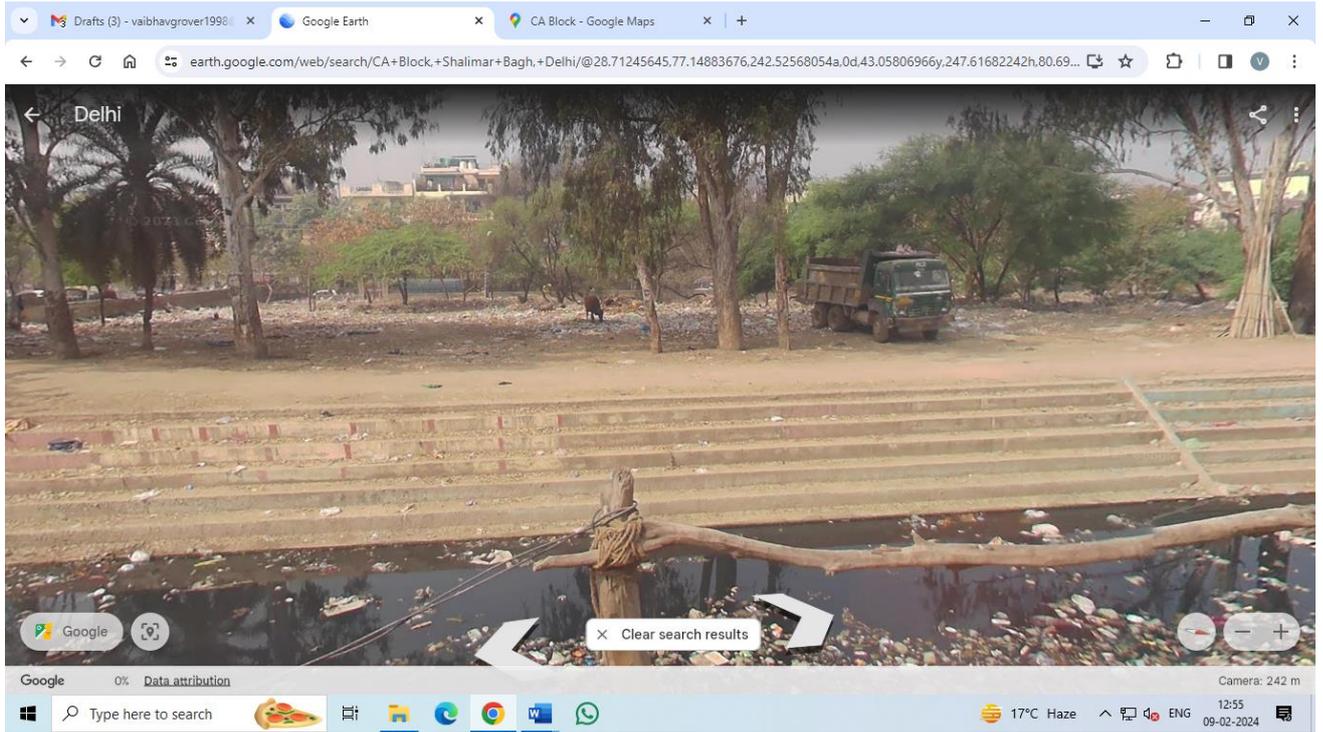
Live traffic Fast Slow

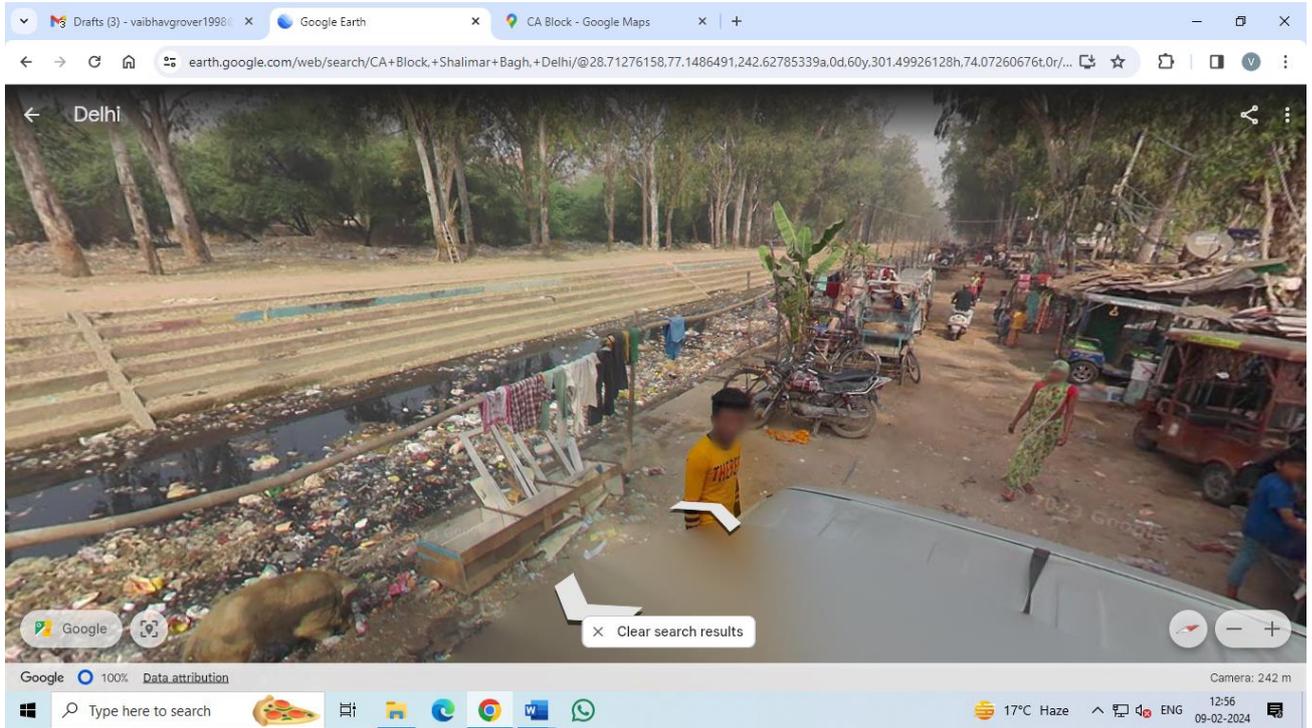
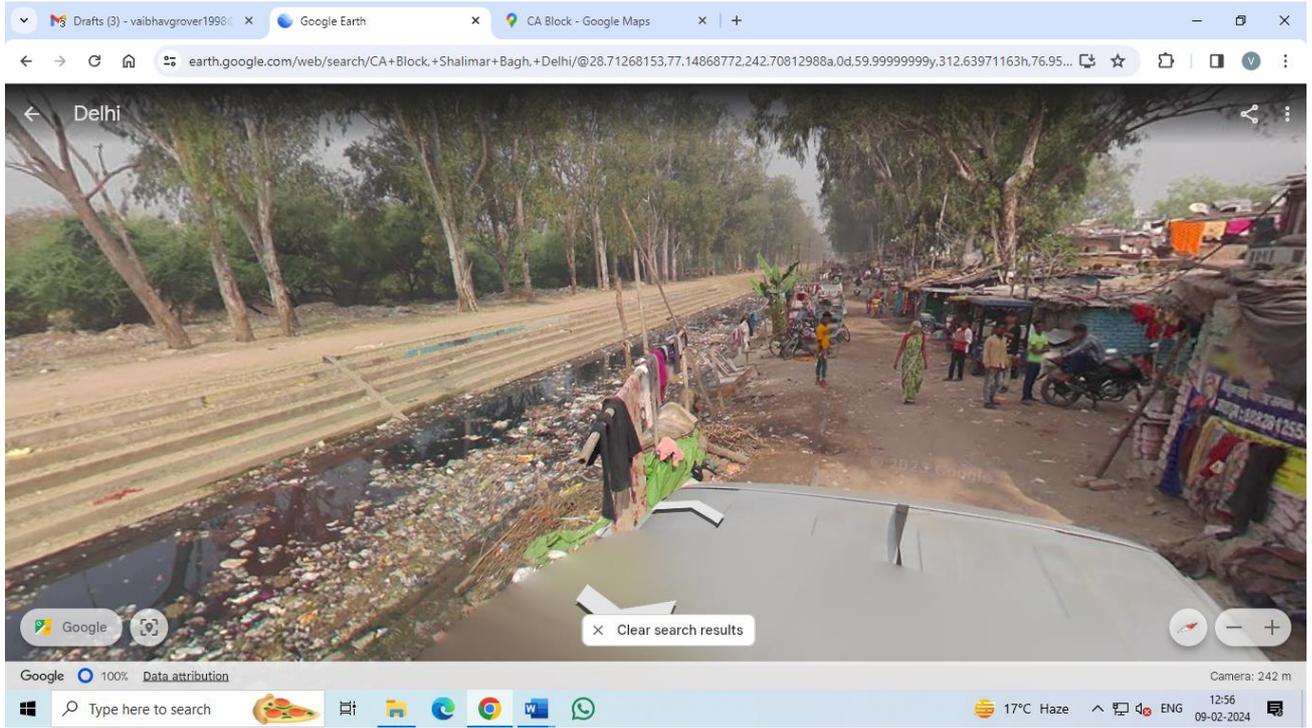
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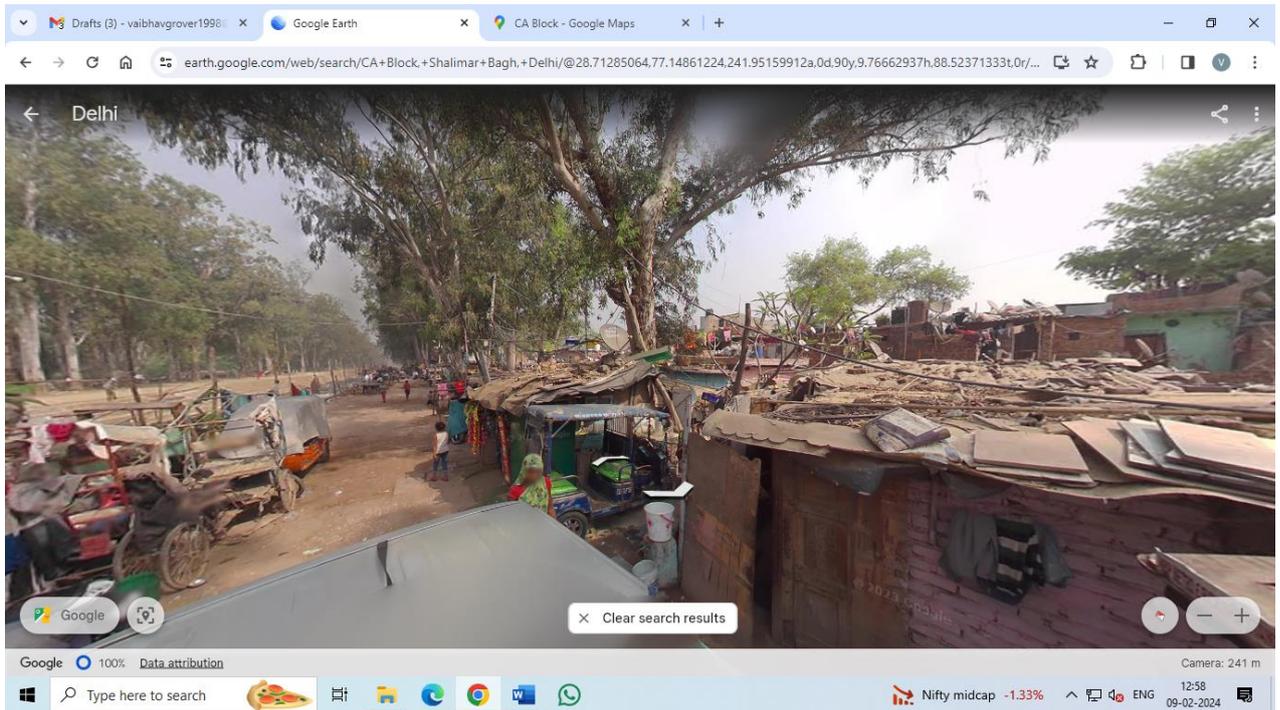
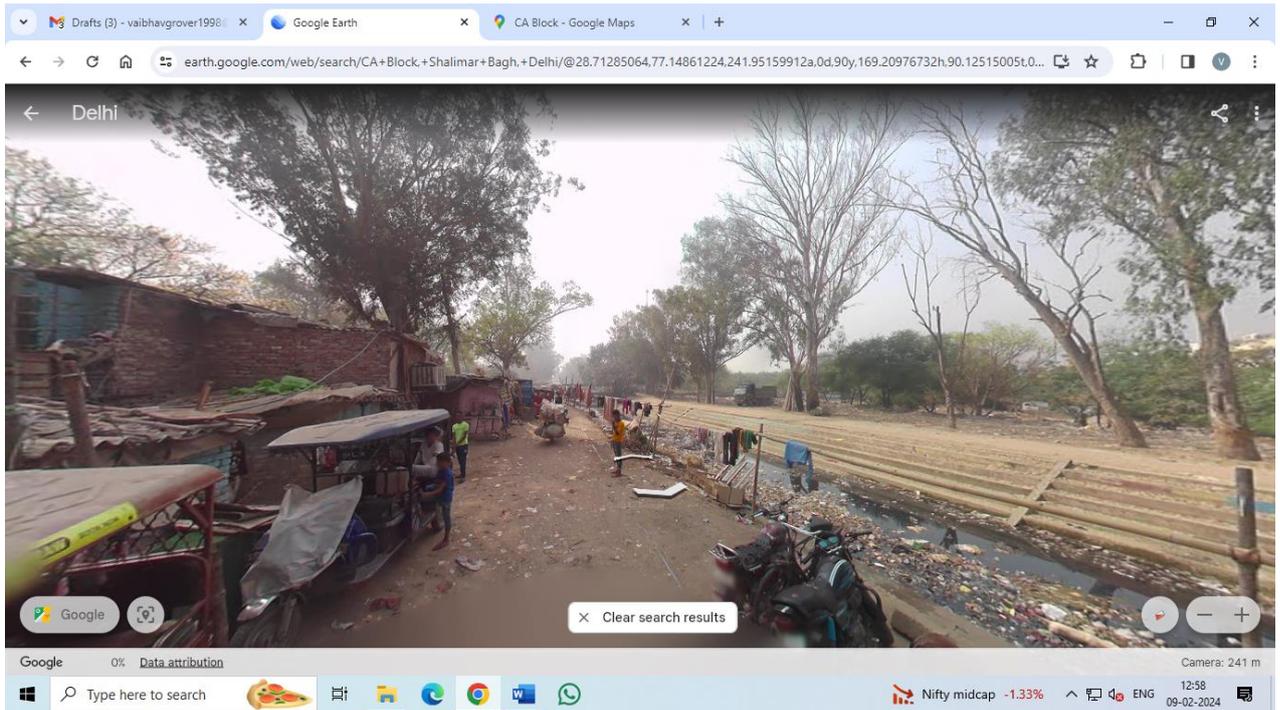
GOOGLE EARTH STREET VIEW IMAGES OF WESTERN YAMUNA CANAL, JHUGI CLUSTER ADJACENT TO CA BLOCK SHALIMAR BAGH

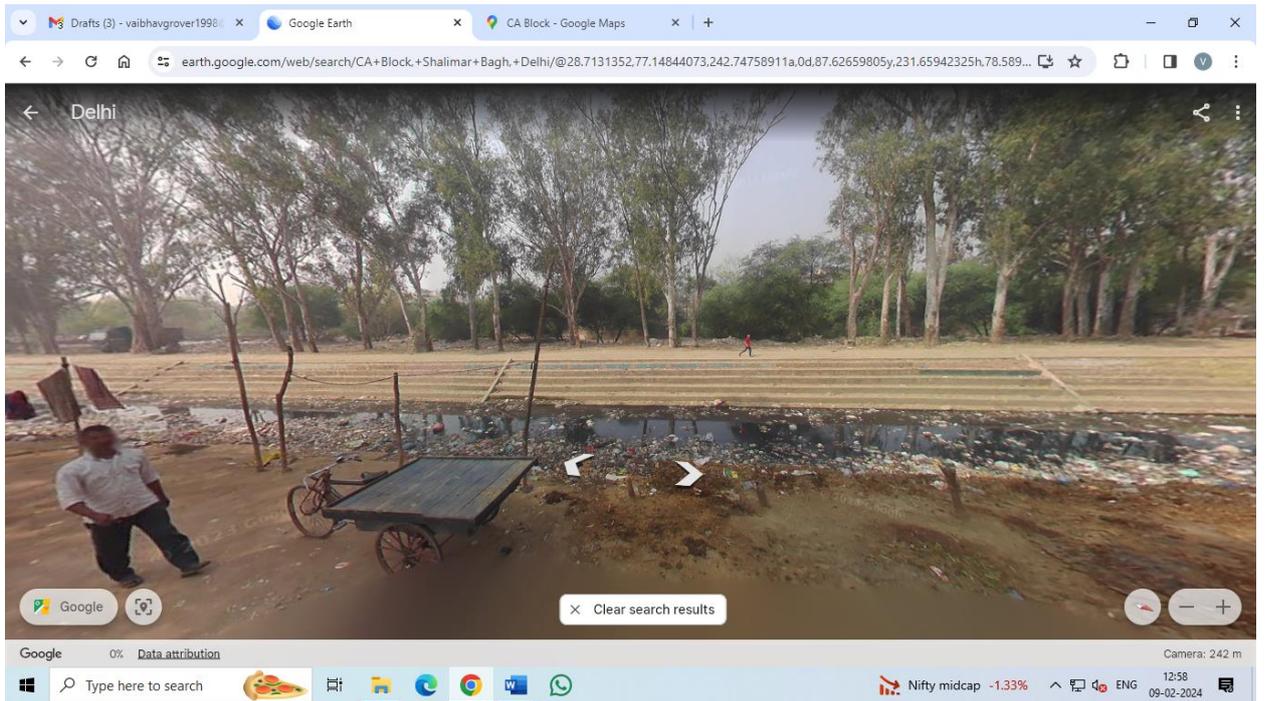
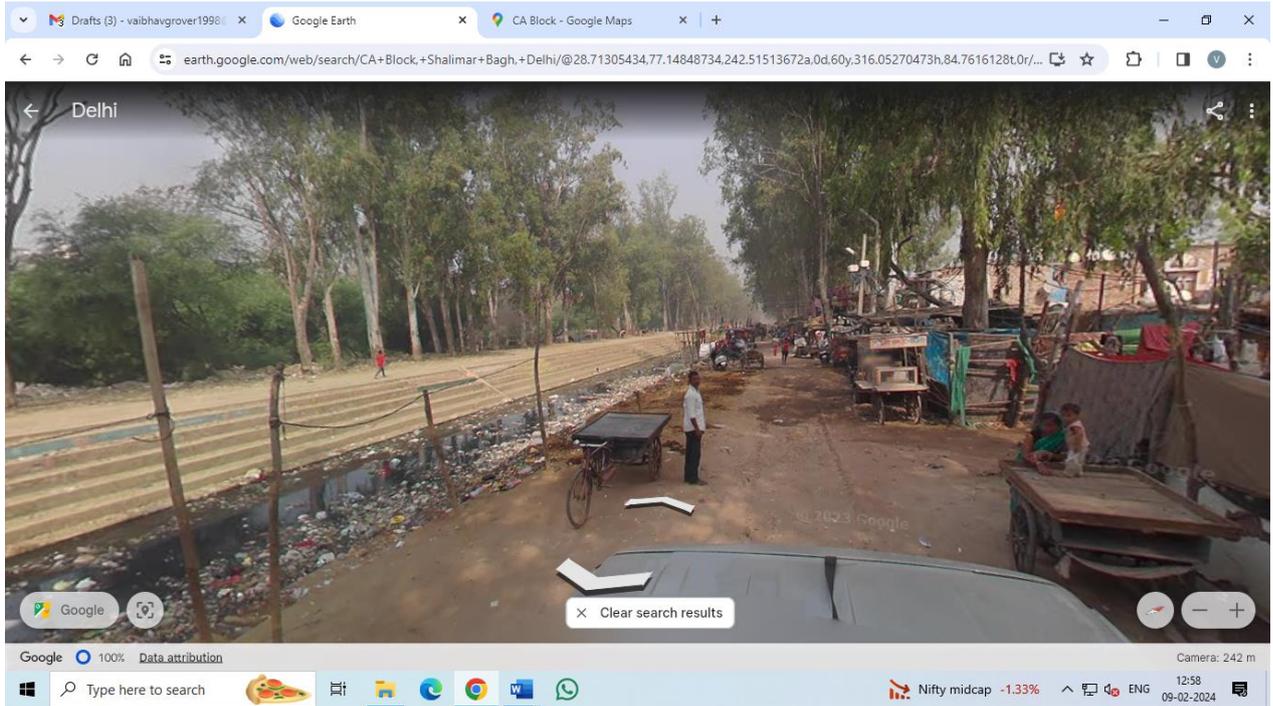


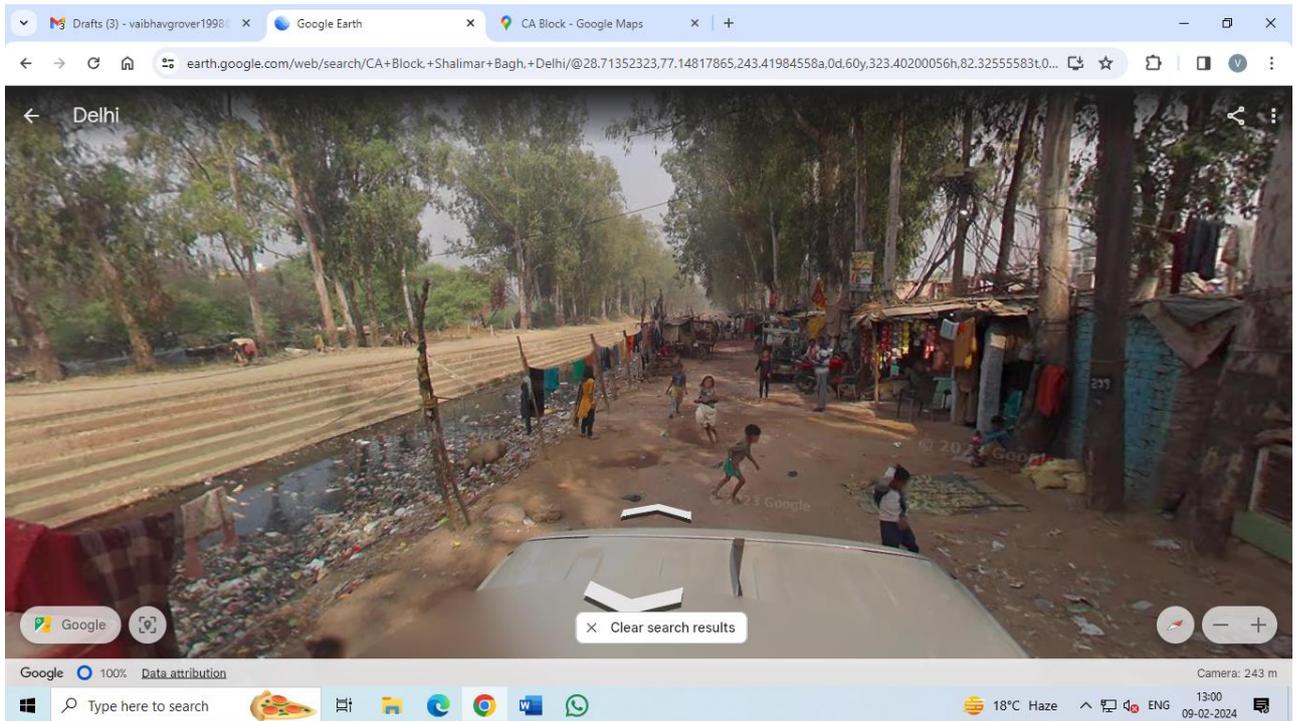
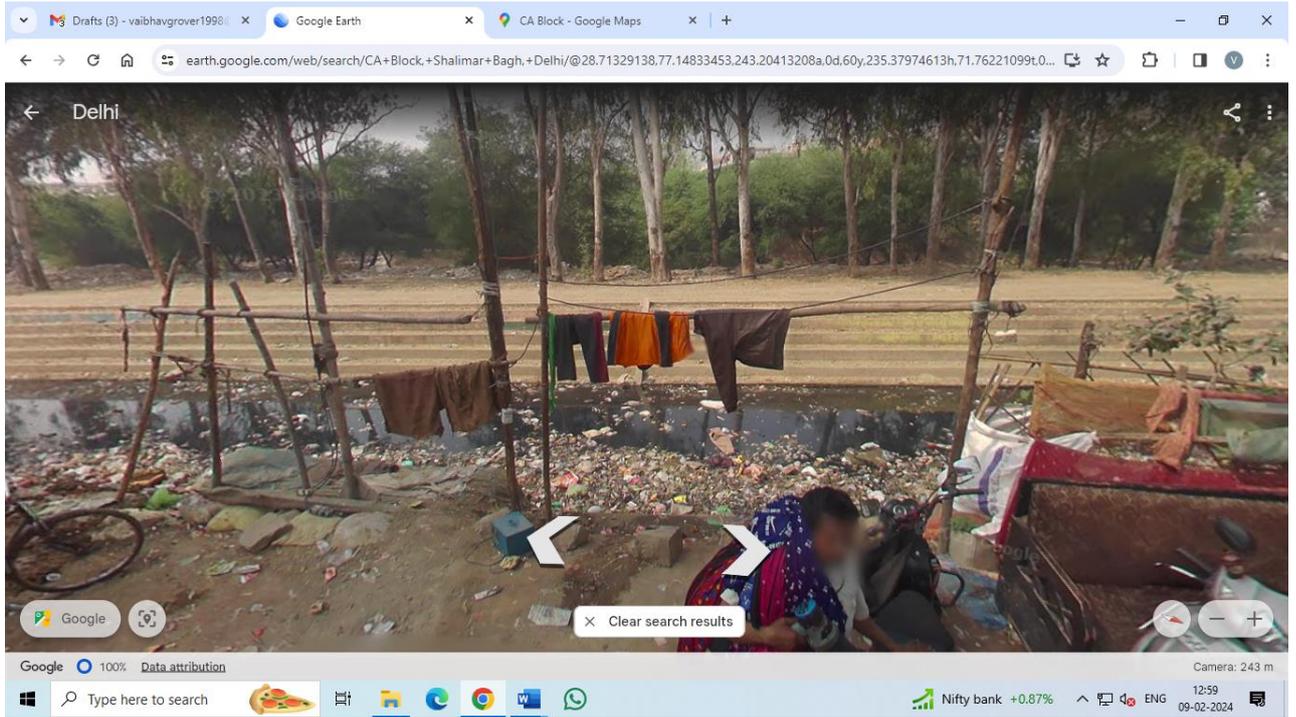


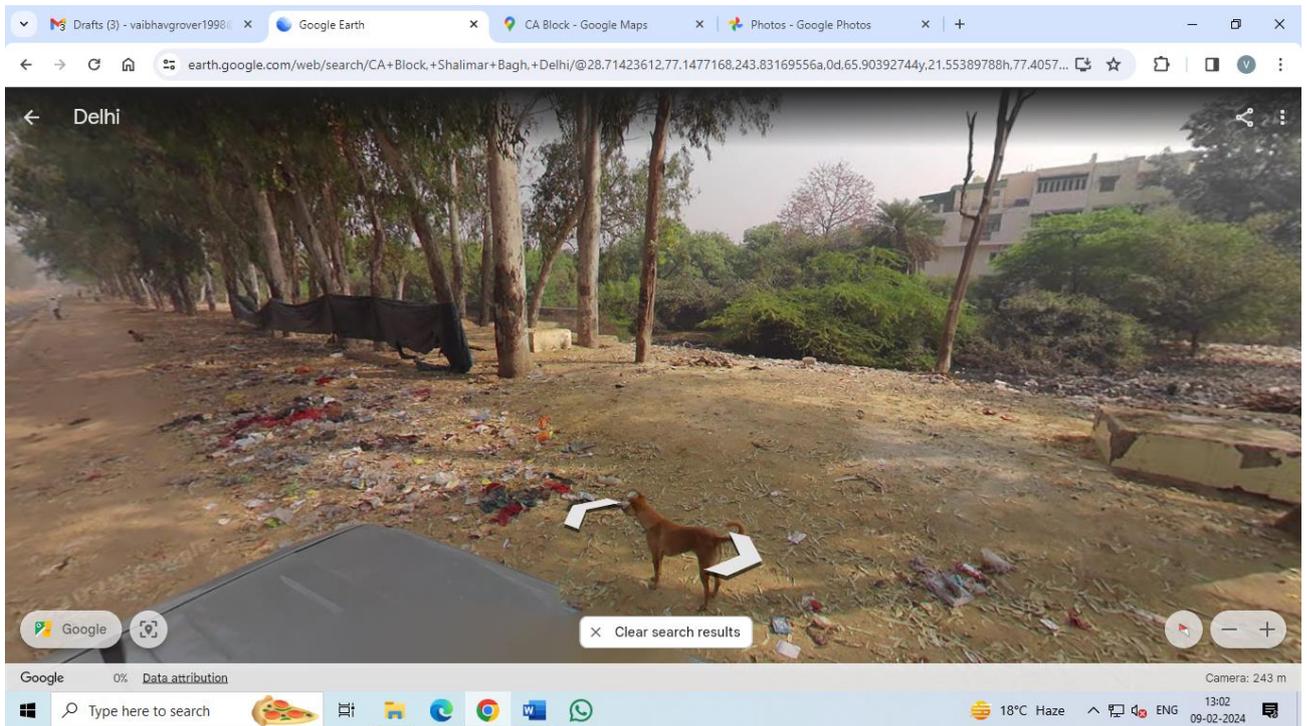
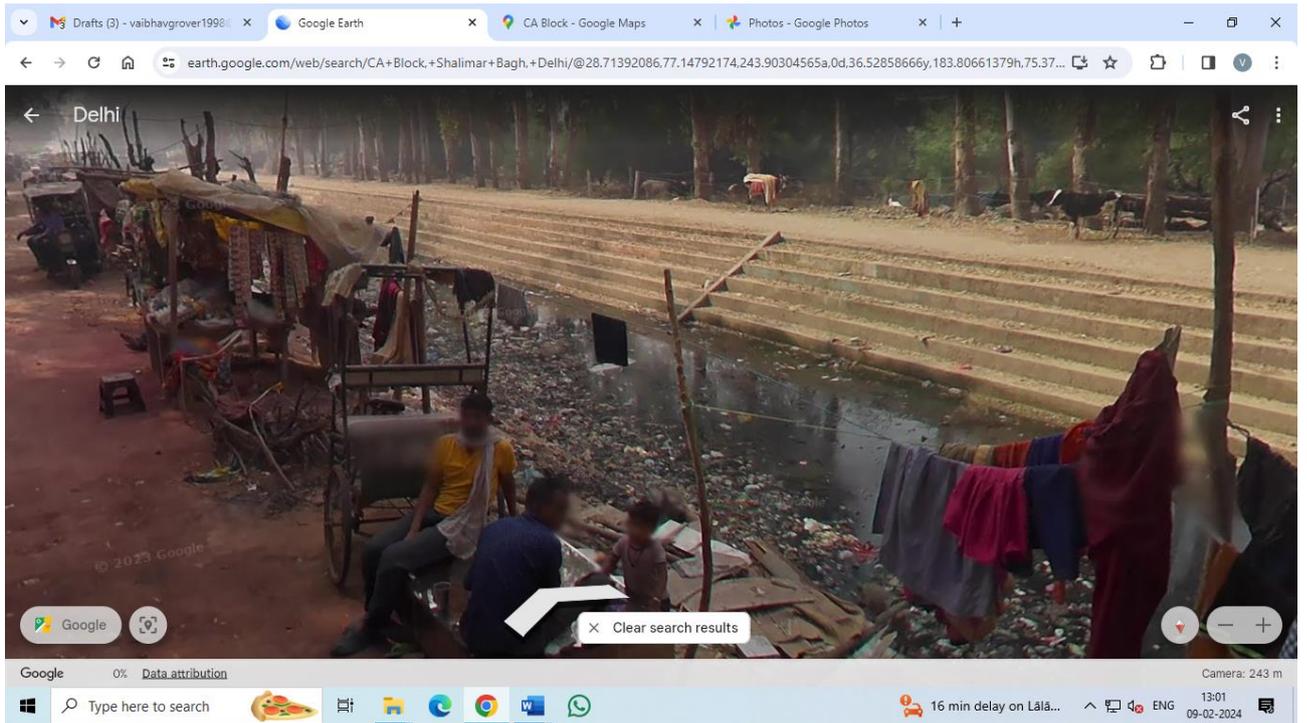


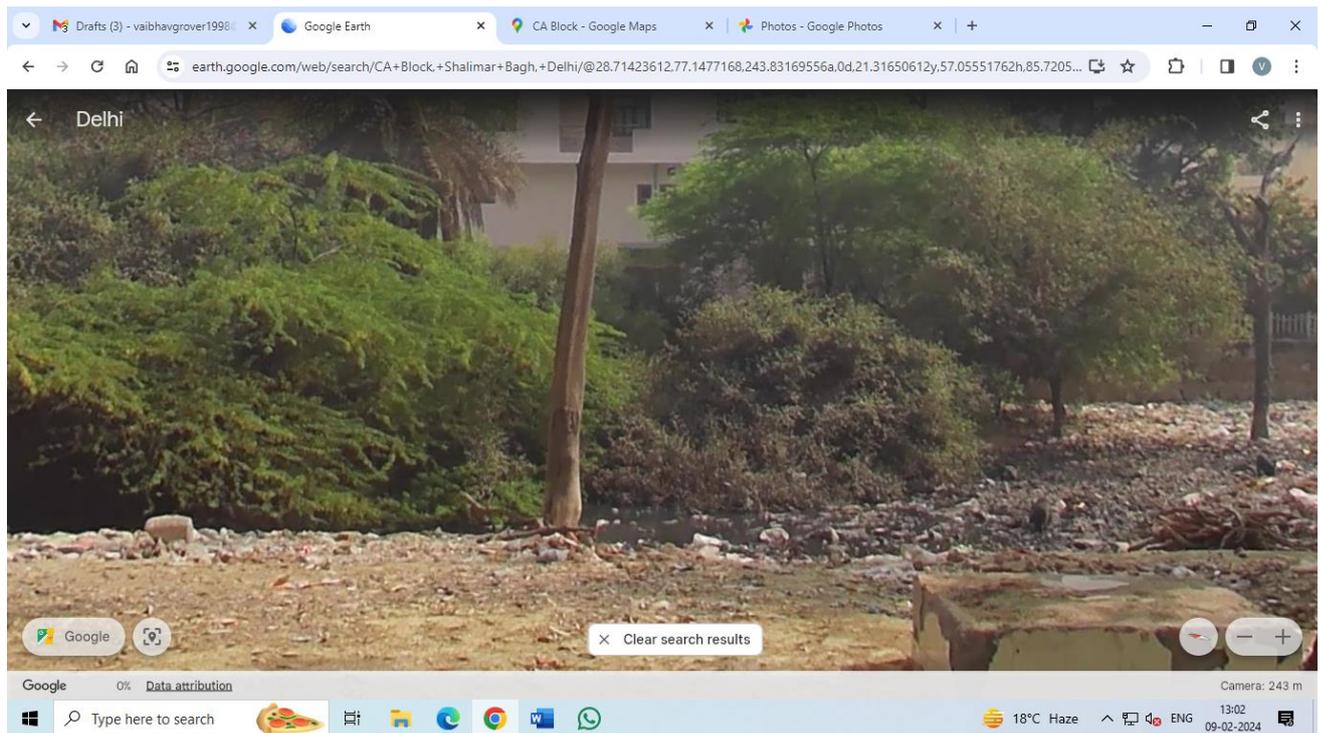




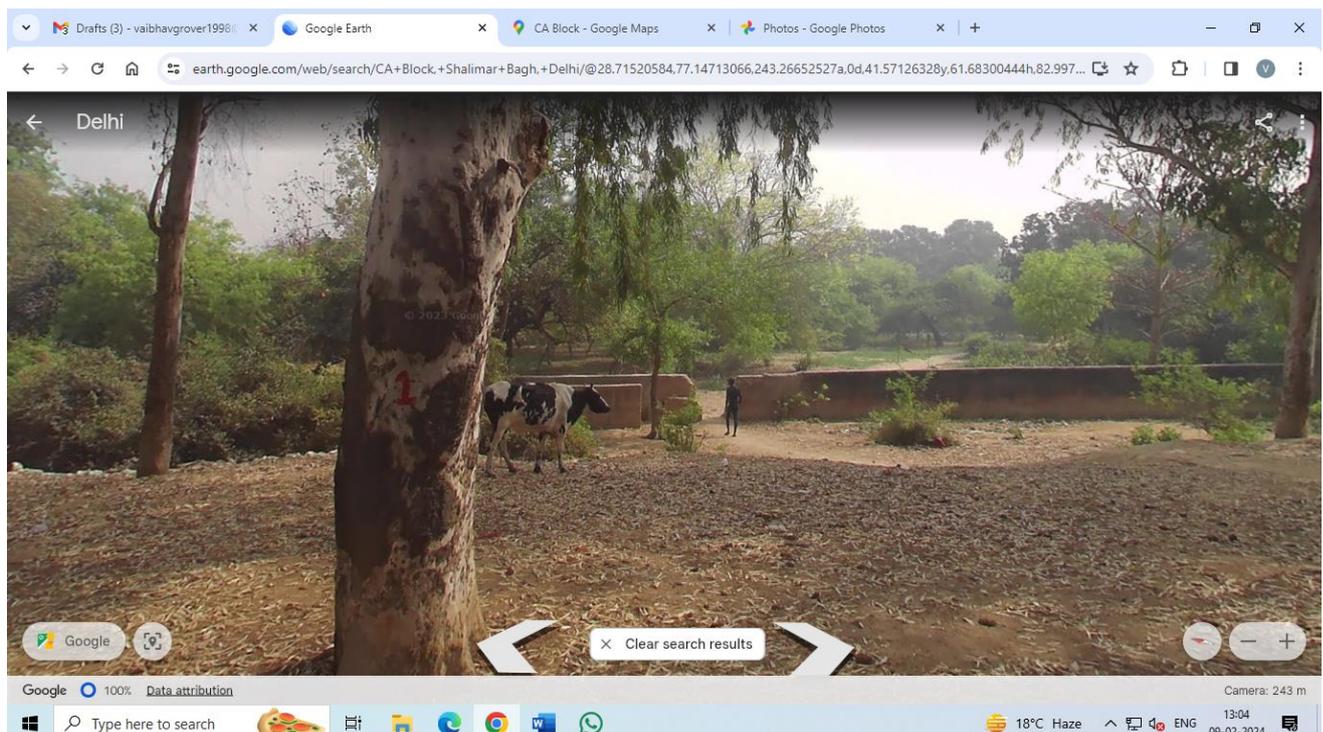


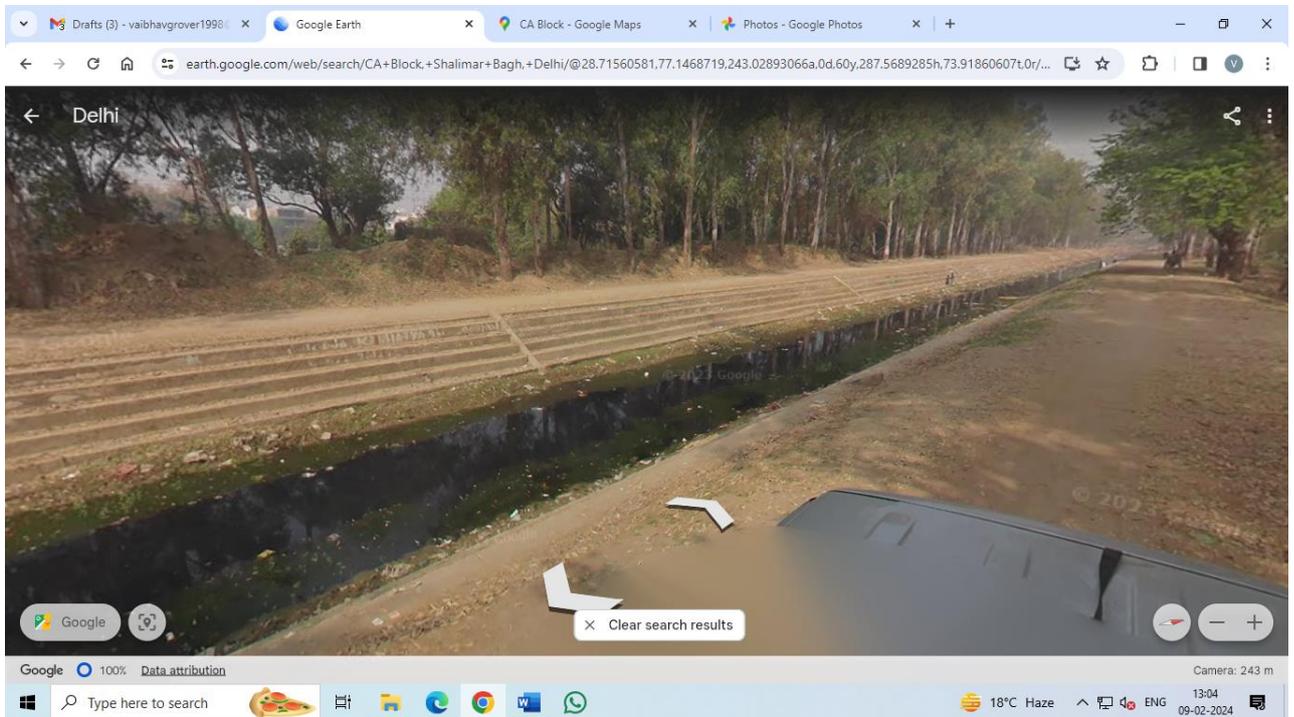
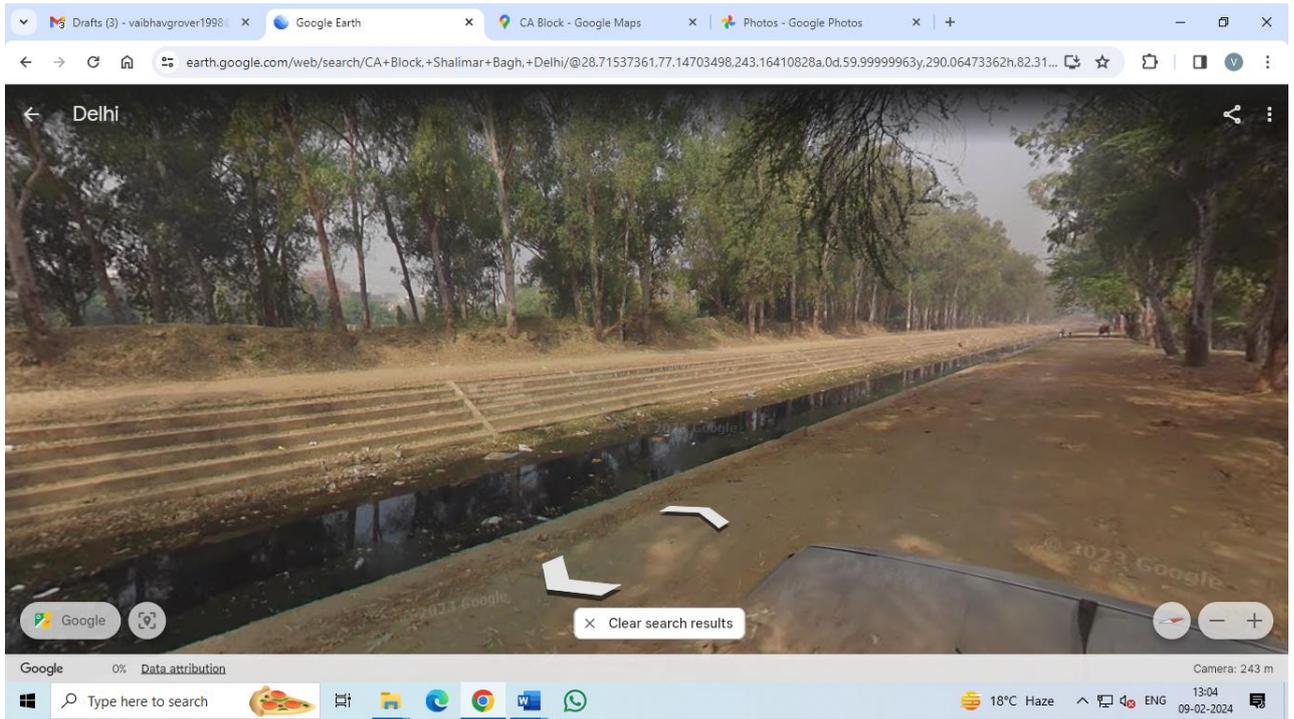


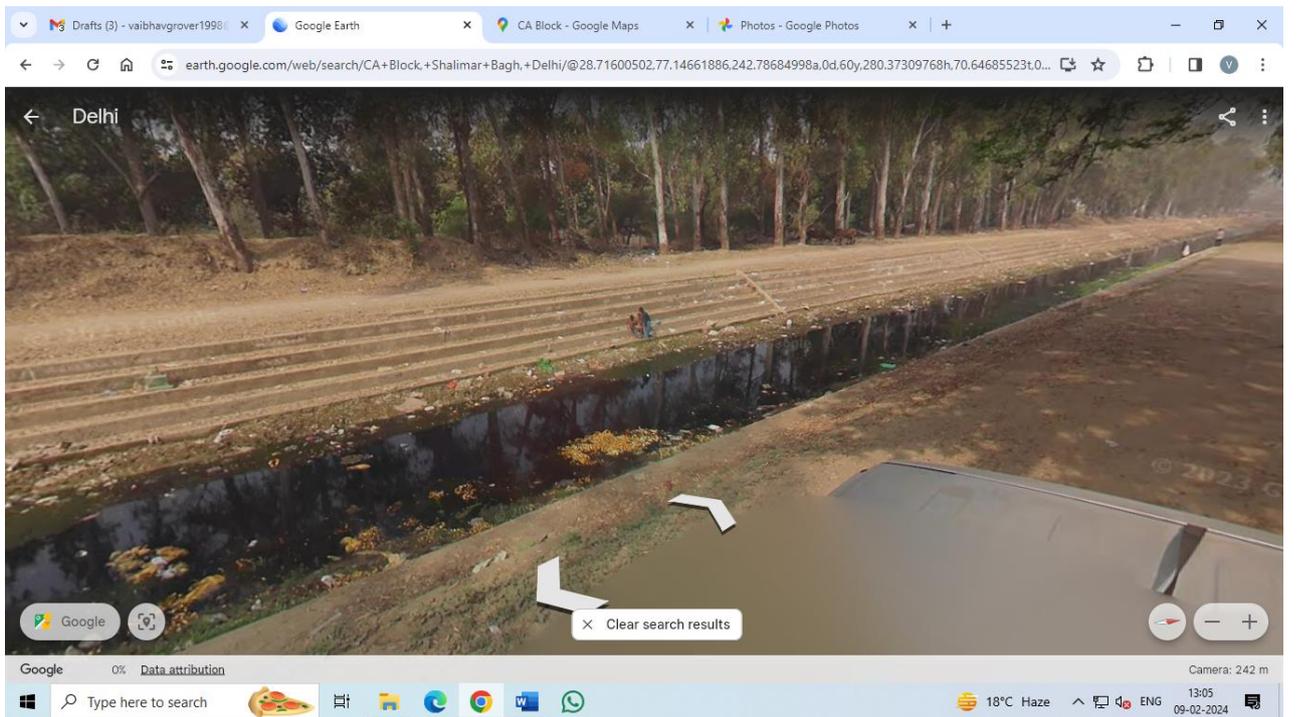
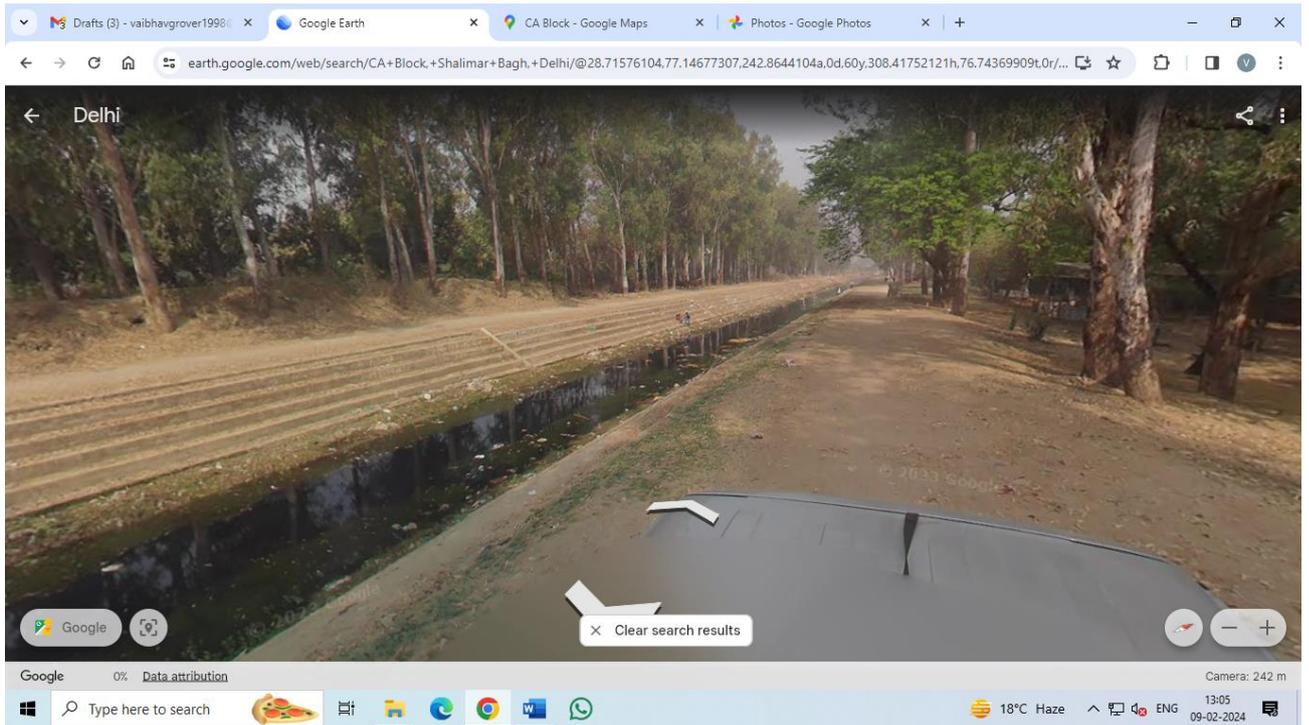


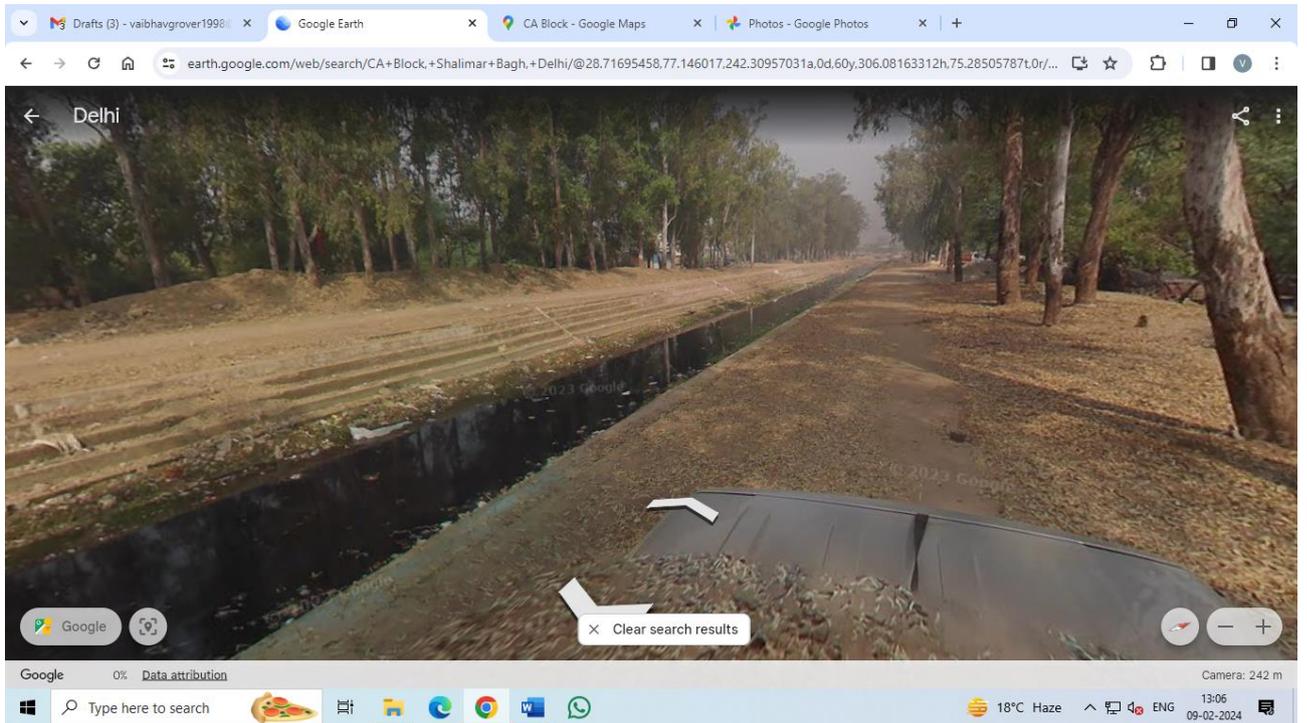
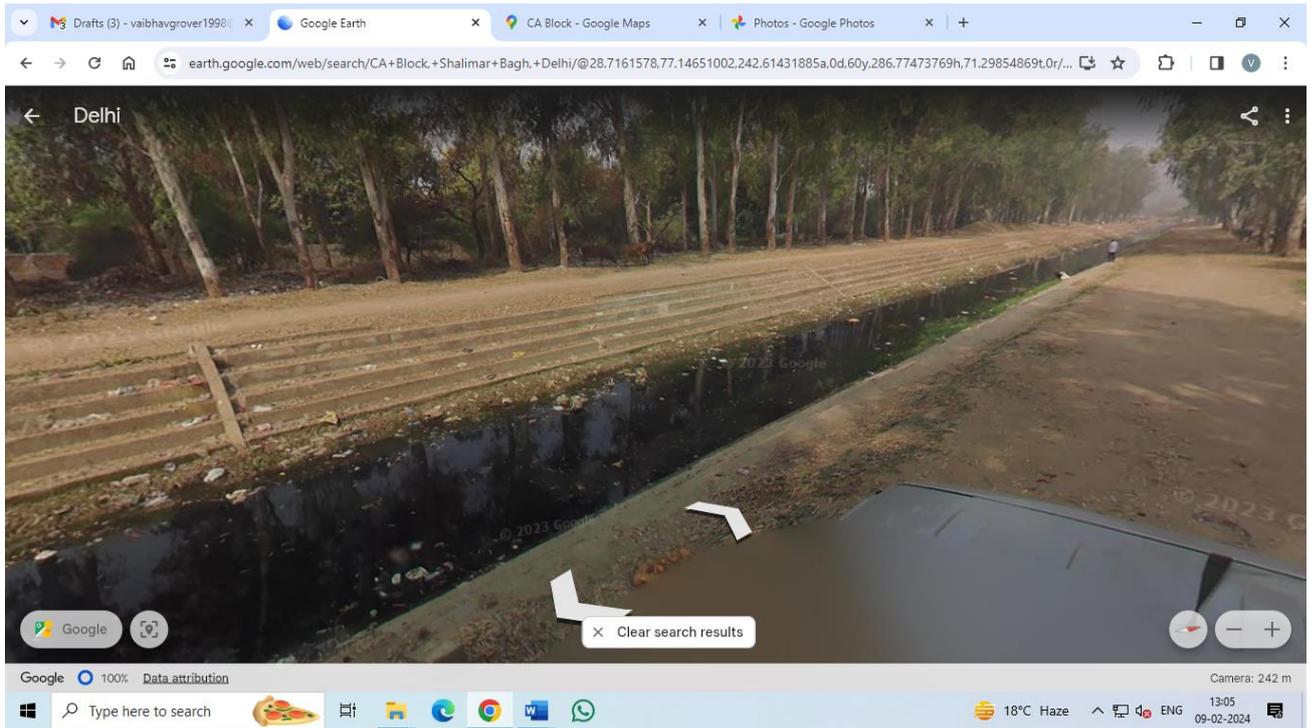


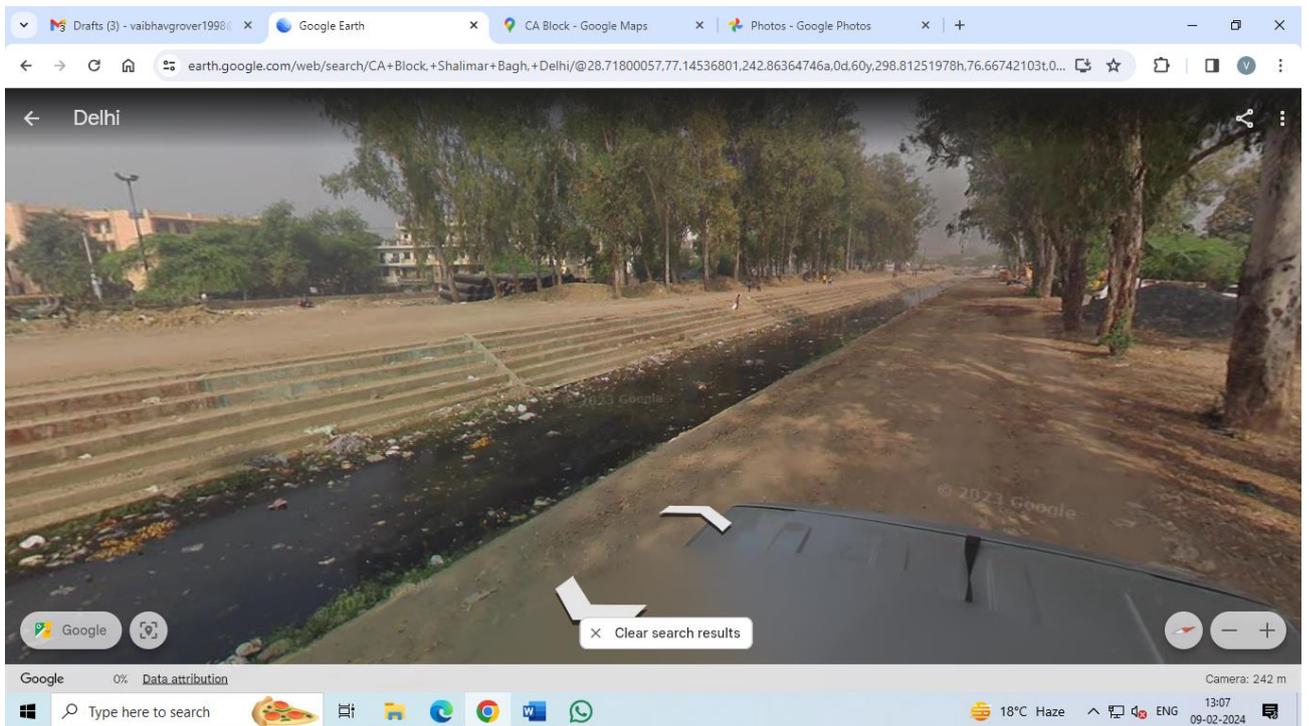
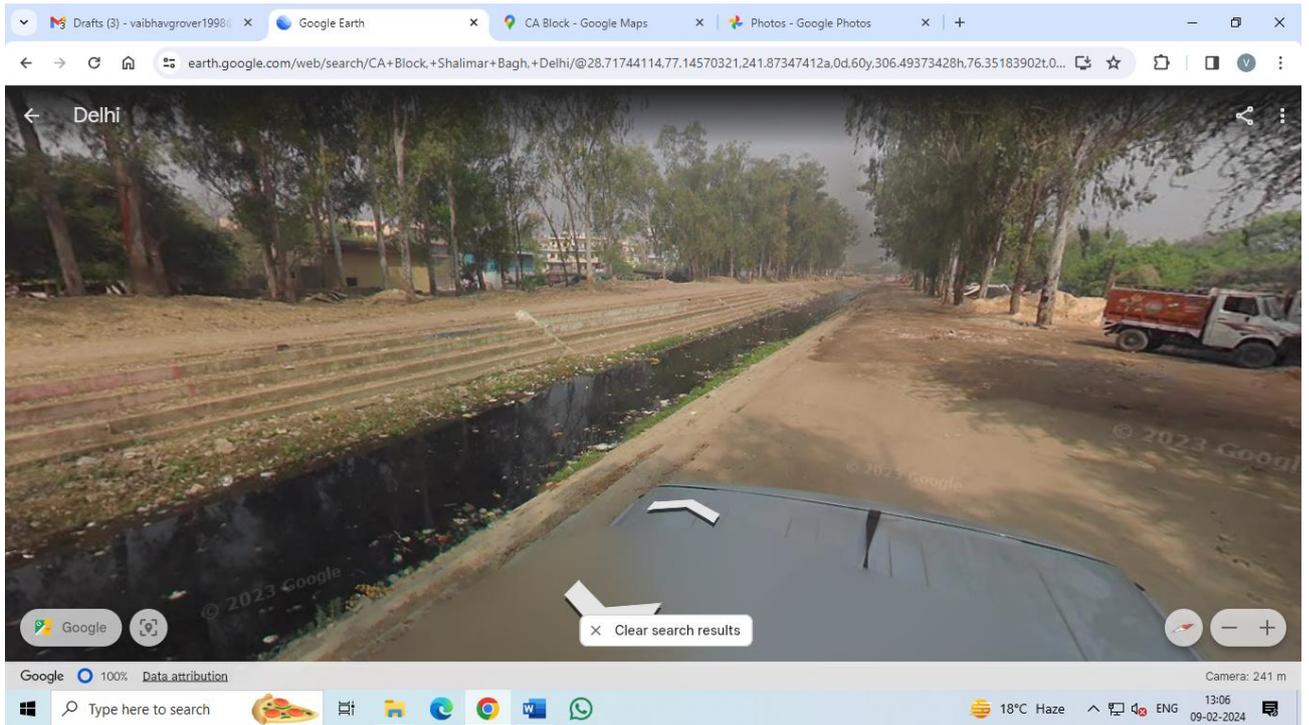
**THE DAMAGED BOUNDARY WALL OF THE GREEN AREA
ALLOWS UNRESTRICTED ACCESS, FACILITATING OPEN
DEFECATION, AND THE DUMPING OF SEWAGE AND
MUNICIPAL WASTE**

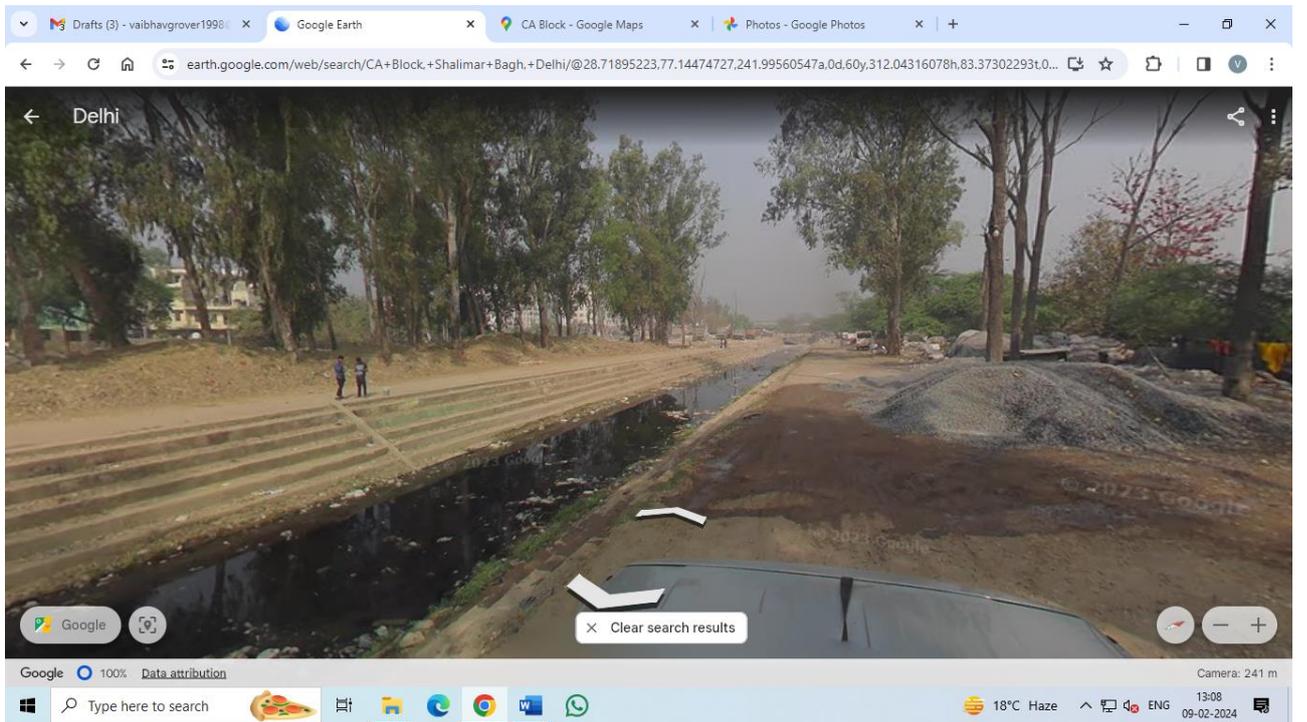
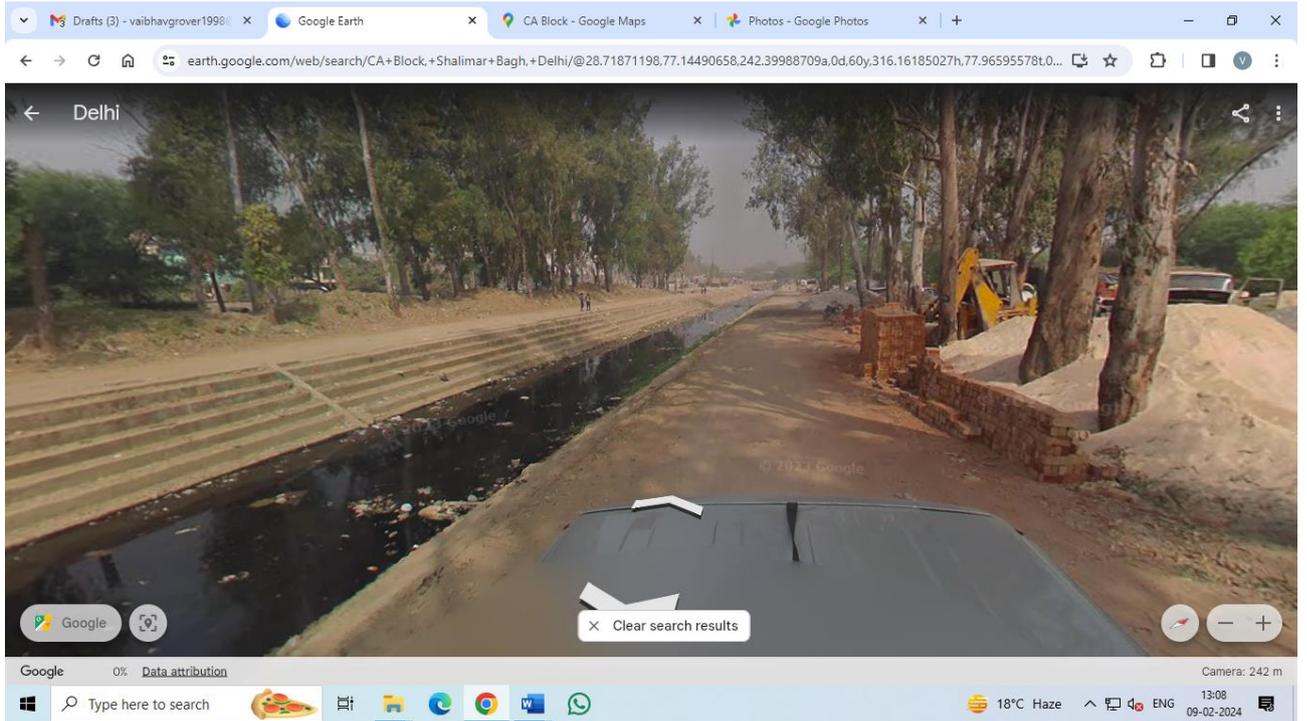


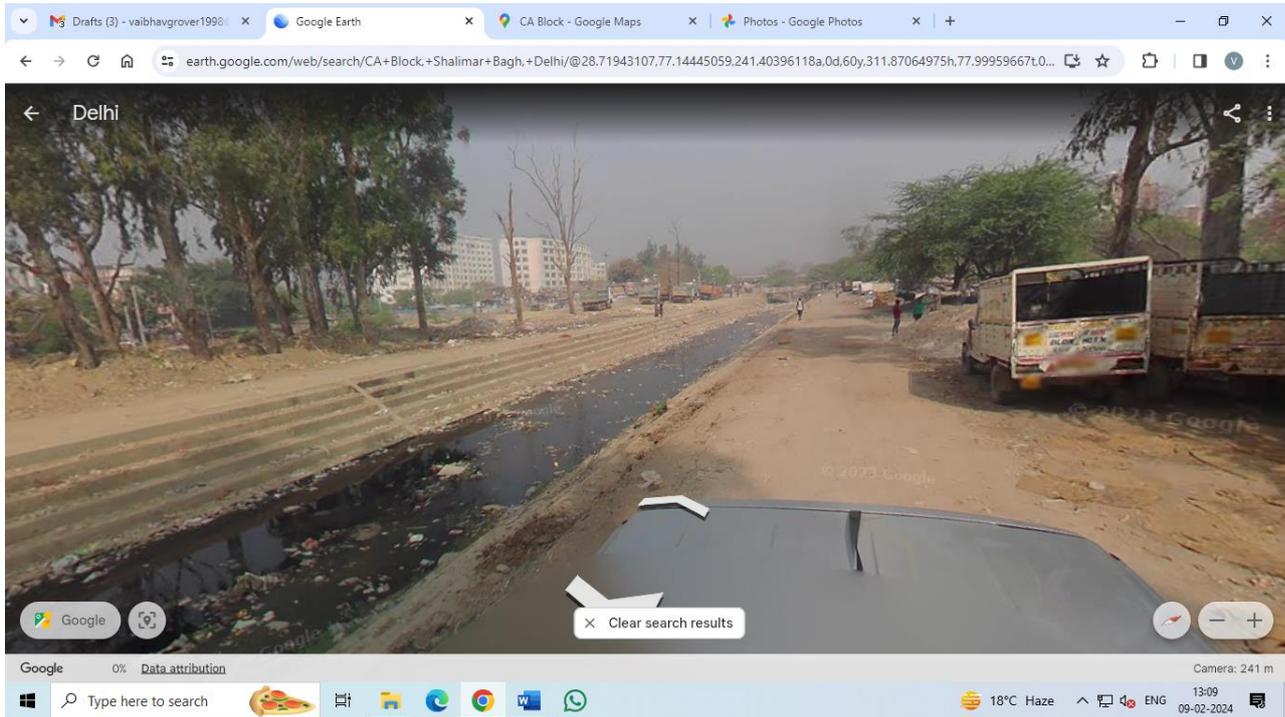
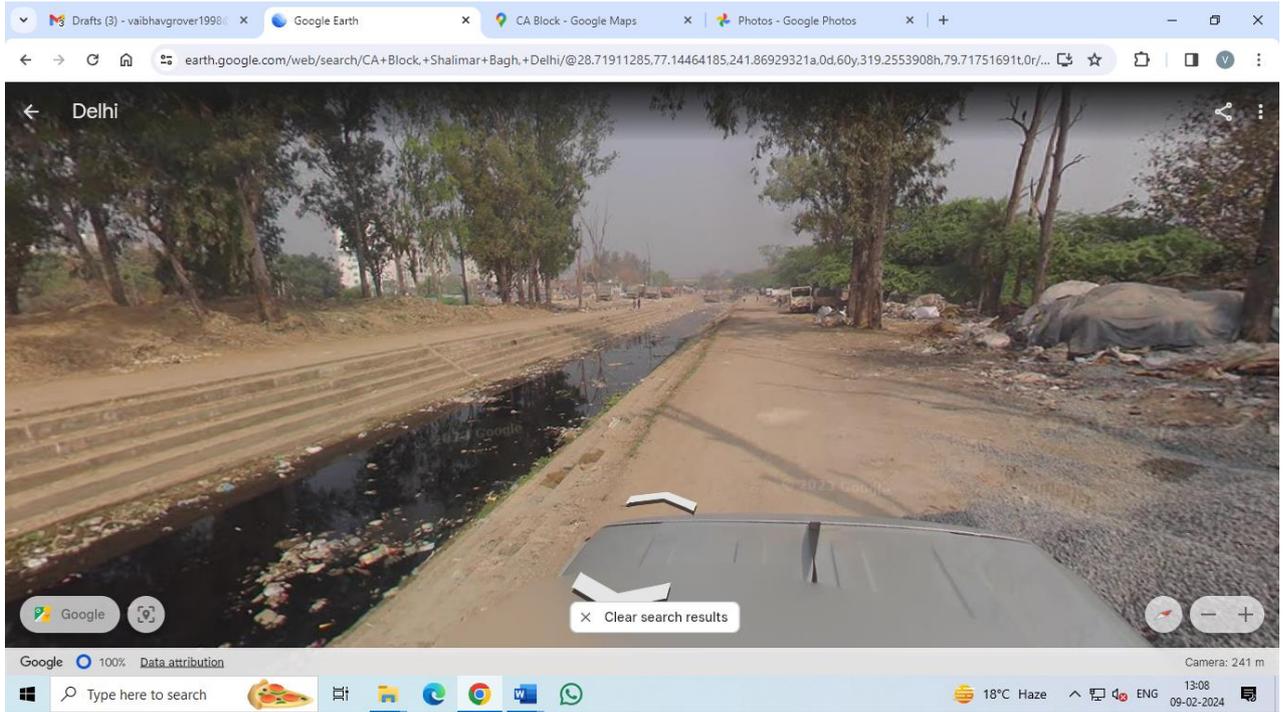


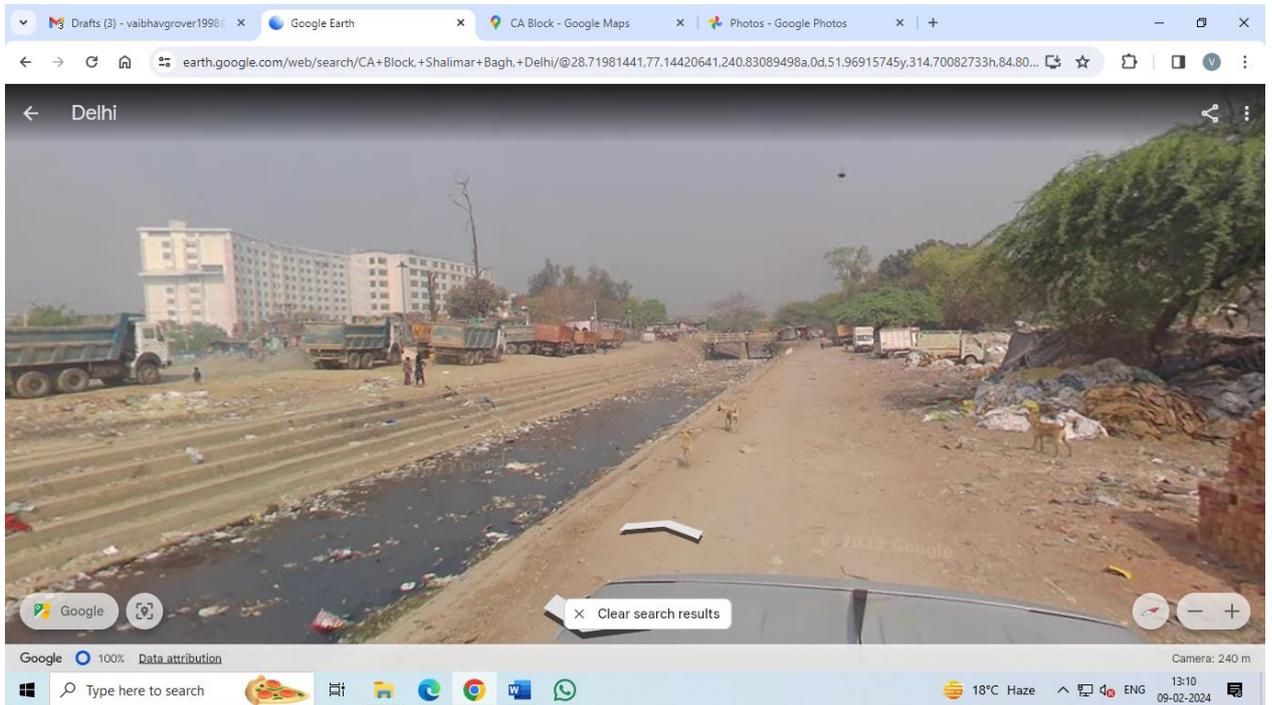
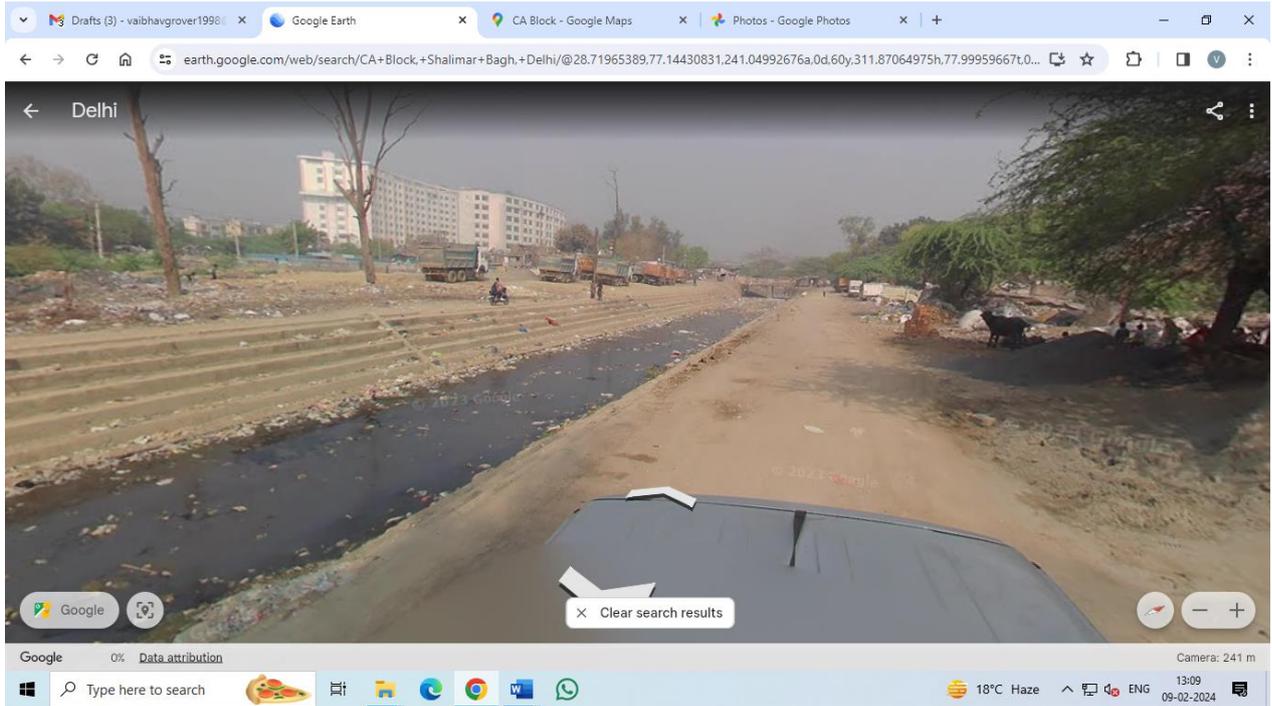


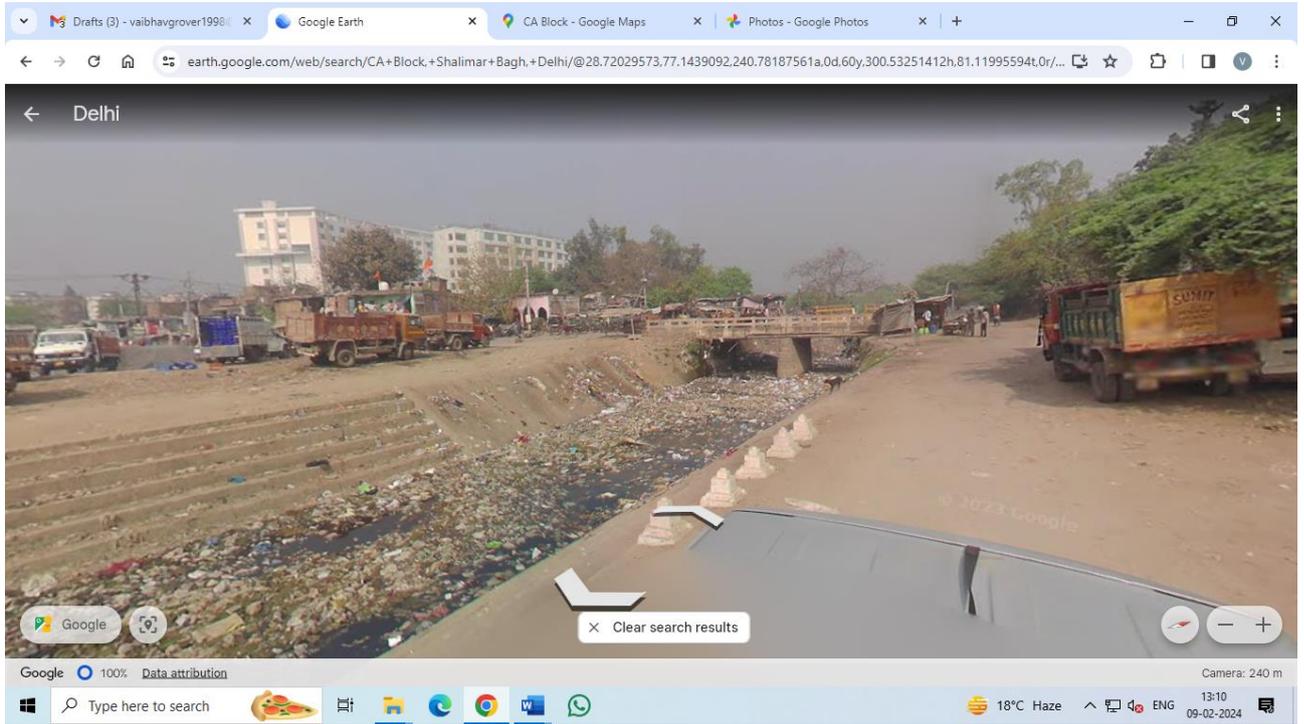
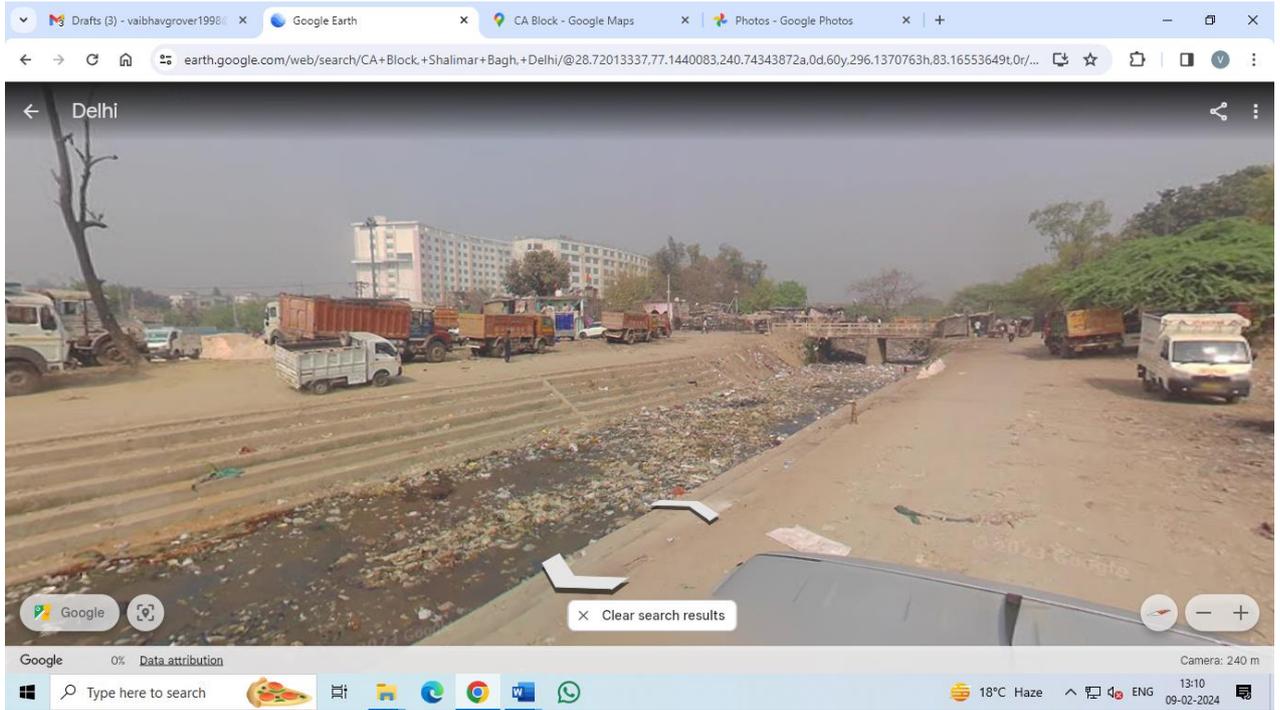


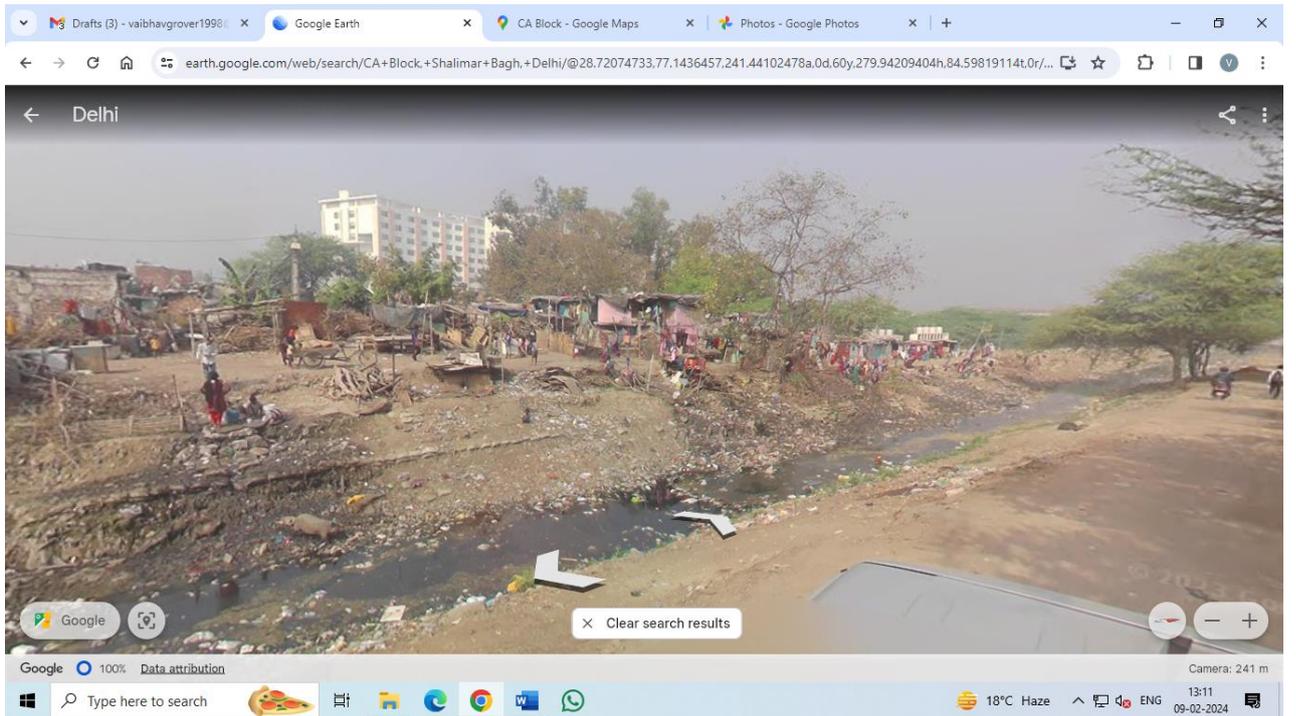
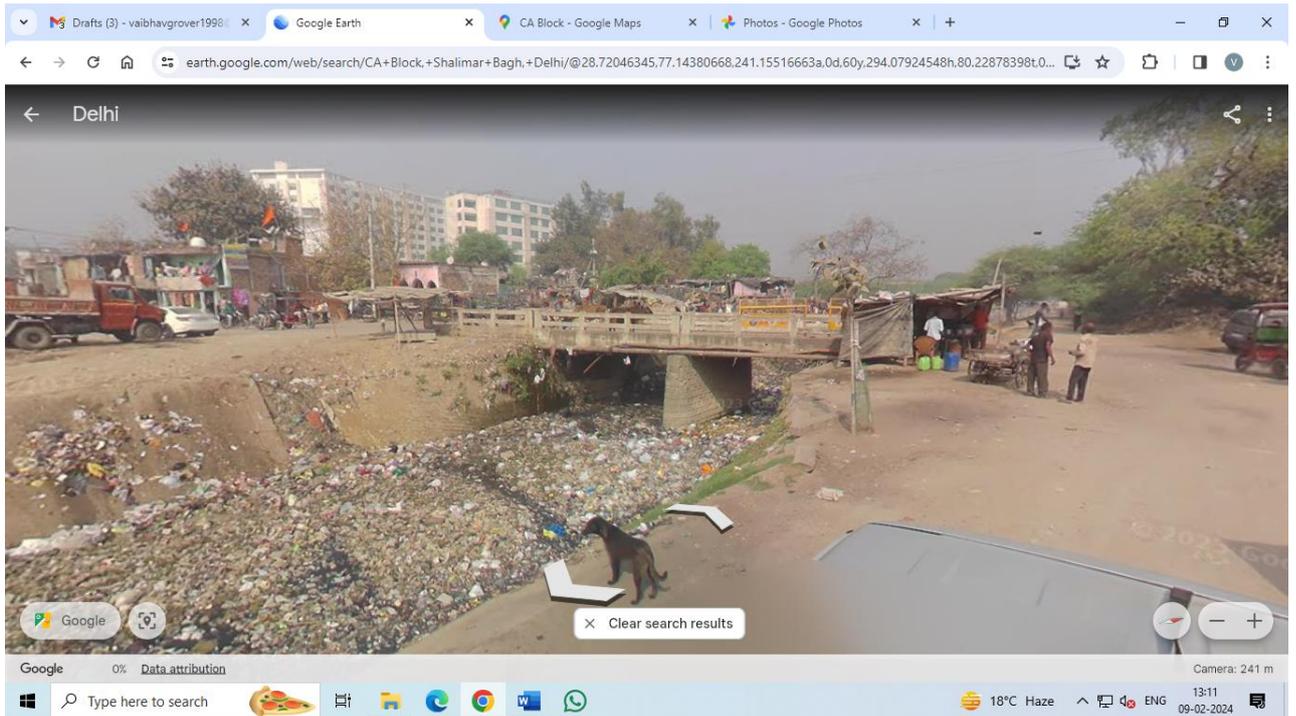


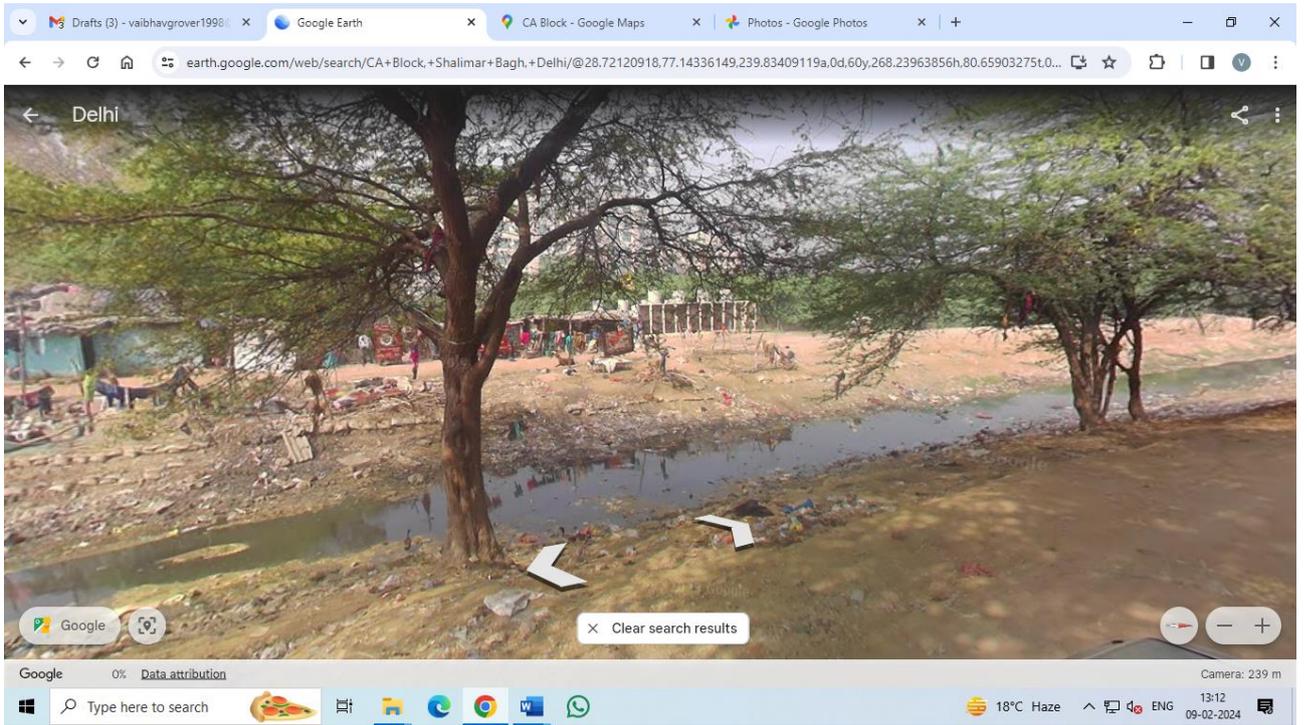
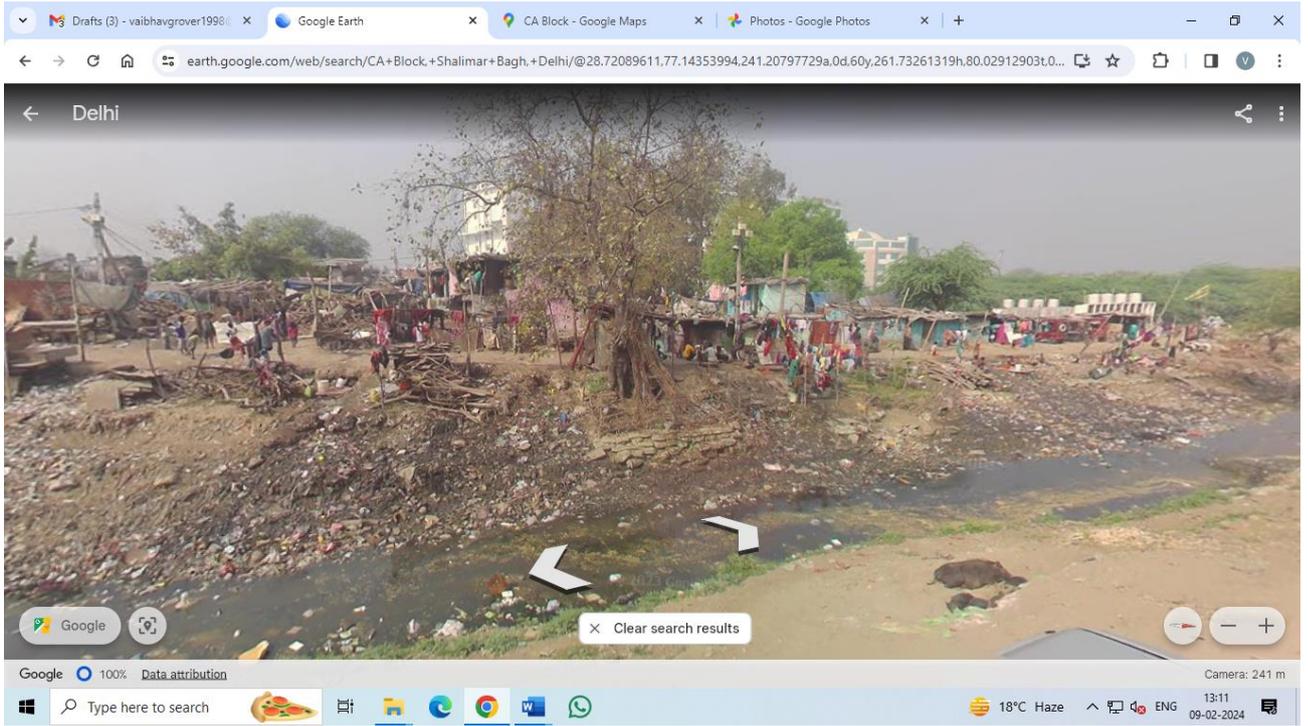


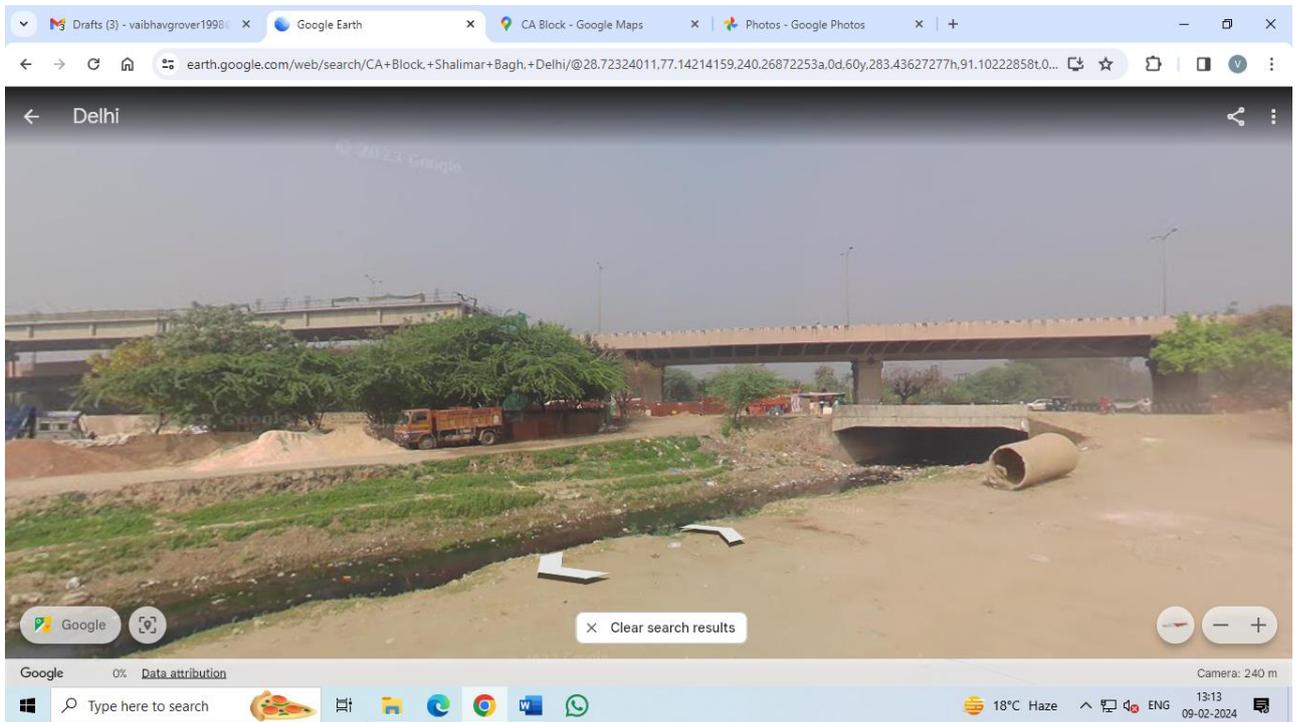
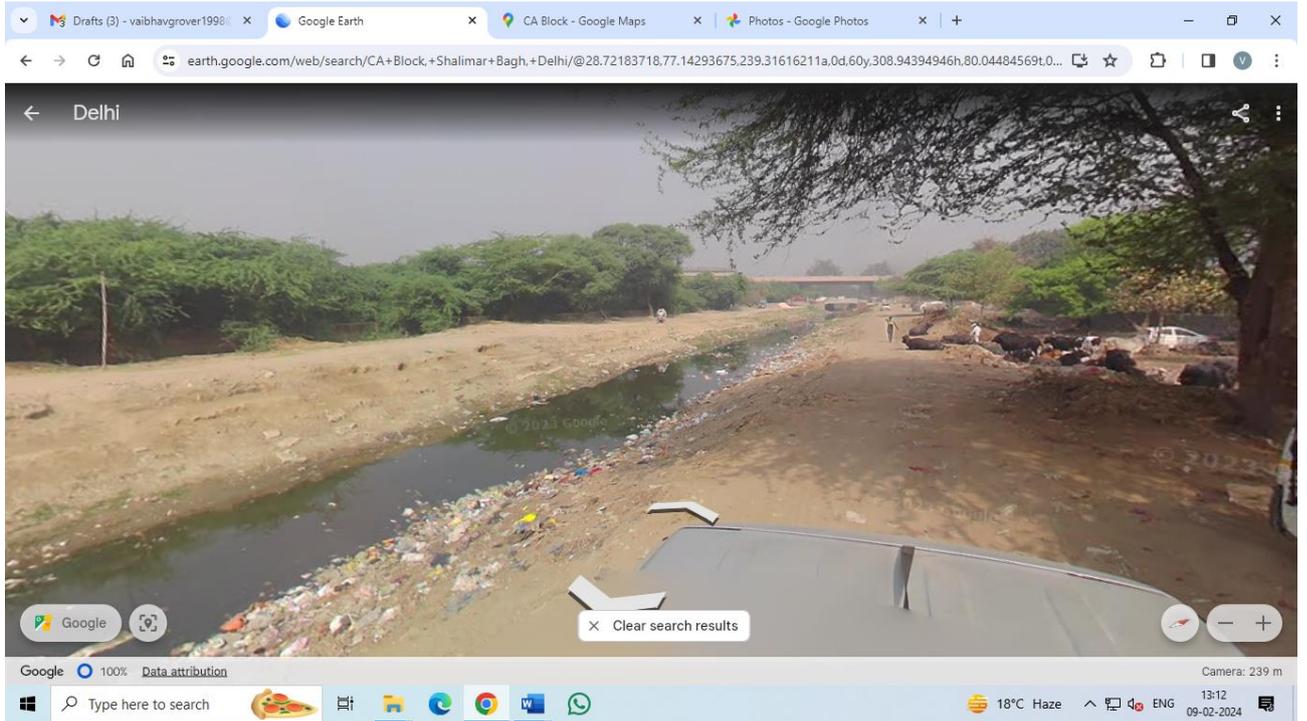


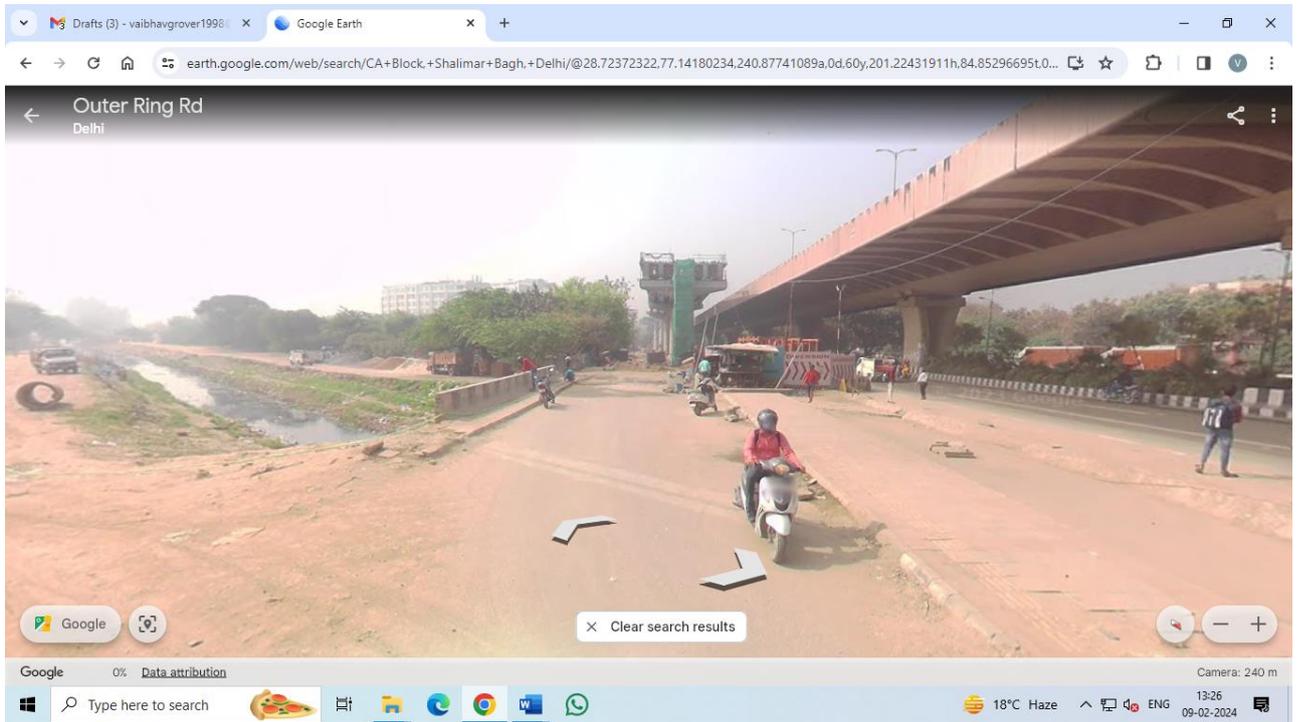
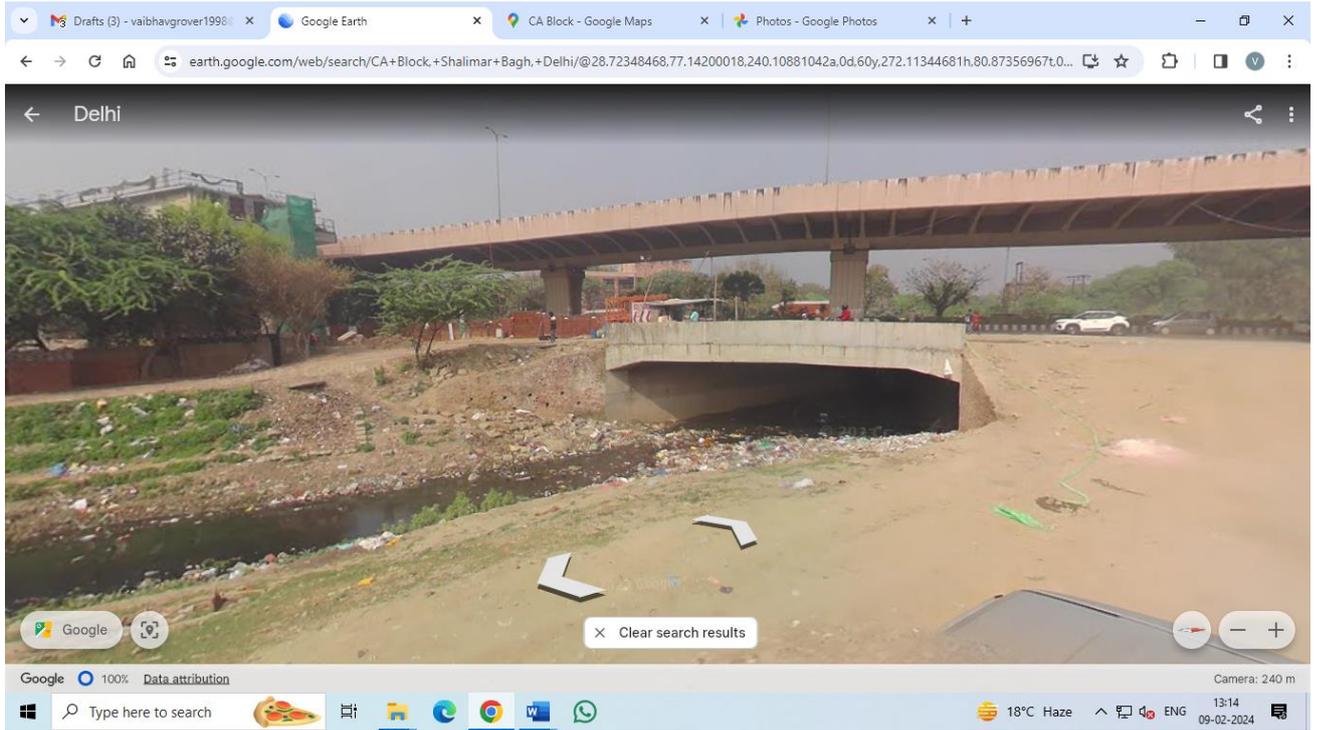














Vaibhav Grover <vaibhavgrover1998@gmail.com>

Rejoinder to the reply of Respondent No. 6 (Deepti Gupta vs MoEFCC - OA no. 339 of 2023)

1 message

Vaibhav Grover <vaibhavgrover1998@gmail.com>
To: chdpcc@nic.in

9 February 2024 at 17:08

Dear Sir,

Find the attached Rejoinder to the reply of Respondent No. 6 in the captioned matter, as and by way of advance service.

Please acknowledge receipt of the same.

Regards,
Vaibhav Grover
ADVOCATE

 **Rejoinder DPCC_(Deepti Gupta vs MoEFCC).pdf**
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