



3.	record.	
	<b><u>ANNEXURE A-3</u></b>	24-28
4.	Photographs demonstrating alarming state of pollution emanating from the said Garbage bin	
	<b><u>ANNEXURE A-4</u></b>	29
5.	Pen Drive containing video of the Dhalao/ Garbage bin in question.	
	<b><u>ANNEXURE A-5</u></b>	30-38
6.	Copy of the Order passed by the Hon'ble Principal Bench , National Green Tribunal in case titled as Gaurav Sharma Vs. UOI & Ors.	
	<b><u>ANNEXURE A-6</u></b>	39-55
7.	Copy of the Order passed by the Hon'ble Principal Bench , National Green Tribunal in case titled as Neel Mani Vs. UOI & Ors.	

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**MANAV LAW****CHAMBERS****SUNITA****BHARDWAJ ADV.****Manu A.****Bhardwaj Adv.****209,****Mercantile House,****Kasturba****Gandhi Marg,****New Delhi-****110001****Mob.****9868535388****Mail:****sunitabhardwajadv@gmail.com**

New Delhi

Dated: 7/3/2025

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Filed under Section 14 and 15 of the National Green Tribunal Act,  
2010)  
ORIGINAL APPLICATION NO. 250 OF 2024**

**IN THE MATTER OF :-**

APPLICANT SUDESH PRAKASH SABBBERWAL  
VS.  
RESPONDENTS UNION OF INDIA & ORS.

**REJOINDER BY AND ON BEHALF OF THE APPLICANT TO THE  
RESPONSE FILED BY MCD.****MOST RESPECTFULLY SHOWETH:-****PRELIMINARY SUBMISSIONS:-**

1. At the outset it is stated that in order to mislead the Hon'ble Court MCD has filed action taken report instead of reply to the contents of the above captioned Original Application in violation and non compliance of the directions issued by the Hon'ble Tribunal vide its Order dated 14/10/2024.

2. That the contents of the response of the MCD is contemptuous in nature and is violative of the specific Orders passed by the Hon'ble Principal Bench for removal of all pollution sources in the surroundings of the All India Institute of Medical Sciences within the periphery of 500 meters.

3. That further despite recommendation by the DPCC for removal of the Dhalao in question, the Respondent MCD is out to continue with the rampant source of pollution in the surroundings of the AIIMS on the

basis of untenable and frivolous pleas and false pretexts and is rather resisting continuance of the said Dhaloa which is situated within a radius of 500 meters of the All India Institute of Medical Sciences (AIIMS) and has become the rampant source of pollution.

4.The Principal Bench, National Green Tribunal headed by Hon'ble Justice P. Srivastava was pleased to pass order and issued directions to the MCD to remove all the Dhalaos in Delhi by 24.12.2024 in the case titled as Neel Mani Vs. Municipal Corporation of Delhi & Anr. The Hon'ble National Green Tribunal (NGT) in Neel Mani Vs. Municipal Corporation of Delhi & Anr. Decided on 4<sup>th</sup> September, 2023 ordered the Municipal Corporation of Delhi (MCD) to close all the dhalaos (Waste collection points) in Delhi. In the said case action taken report was sought for removal of all the dhalaos in Delhi. However, in the present case instead of compliance of the directions issued to the Respondent MCD to remove all the dhalaos in Delhi, the respondent MCD is giving details of the contract for continuance of the dhalao that too within the periphery of 500 meters of the All India Institute of Medical Sciences which in itself is contemptuous of the Orders passed by Hon'ble National Green Tribunal.

5.It is important to mention that the Respondent MCD is resisting the removal of the Dhalao in question despite proposal by the DPCC for removal of the dhalao in question being major source of pollution in the periphery of 500 meters from All India Institute of Medical Sciences (AIIMS). In the Report submitted by DPCC it is clearly stated:-

- a).That MCD shall submit proposal, if any, for closure of dhalao in 15 days
- b). That mixed garbage spilling over the road
- c).That Garbage bins all filled with mixed garbage on road side.
- d).Foul smell at the dhalao.

e). That the photographs and the attached videos enclosed with the Inspection Report by DPCC shows the alarming stage of pollution emanating from the Dhaloa in question in the present case. It is further important to take note that even today the condition have become worst from the bad in as much as air is polluted to the extent that it has become impossible to breath normally in the surrounding reason of the All India Institute of Medical Sciences in clear violation of the orders passed by the Hon'ble National Green Tribunal from time to time wherein it is specifically held that there shall be no source of pollution in the 500 meters radius of the All India Institute of Medical Sciences (AIIMS). It is also of great significance to know that the Fundamental Right of the inhabitants residing within the 500 meter periphery of the All India Institute of Medical Sciences (AIIMS) is being violated by the Respondent MCD who is under statutory duty obligation to comply with the directions of removal of all the sources of pollution situated within the radius of 500 meters of All India Institute of Medical Sciences (AIIMS).

6. That in para 12 of the Order passed in Neel Mani Vs. Municipal Corporation of Delhi & Anr. The Hon'ble National Tribunal was pleased to direct and held as under:-

***“That it is essential that MCD should eliminate open Dhalaos within a time frame at the earliest and also clears Municipal Solid Waste periodically and timely. There has to be regular and effective door to door collection from households and its enforcement on the part of MCD.*”**

*That the status report may kindly be taken on record.”*

*Further held in para 7 as under:-*

***“MCD shall be bound by the undertaking given in the status report and shall close the dhalao in question at the earliest but latest by 31.12.2024 and maintain good sanitary and hygienic conditions till closing thereof.”***

*In para 8 the proposed alternative use of dhalao by MCD was turned down by the Hon'ble National Green Tribunal it was further held as under:-*

***“8.We find that MCD has proposed alternative use of dhalao as mentioned in the Status Report , However, we consider that use of dhalao for MRF, Decentralized composting Pits and attendance of safai karamcharis will not be appropriate and is likely to perpetuate the very same state of affairs which closing of dhalao is meant to remediate. Therefore, it will be appropriate that on closure such dhalao are alternatively used as Milk Booth, EV infrastructure (IGL), Library, Reading Room, Training Centre for less privileged women and children or senior Citizen Recreation Centre.”***

***“9 MCD shall also take appropriate steps to close the remaining dhalao with specific timelines as per directions of the chief secretary, Government of NCT of Delhi and directions given by this tribunal for ensuring compliance with Solid Waste Management Rules, 2016.***

**8.A bench of NGT headed by Chairperson Justice Prakash Shrivastava imposed Rs. 20 Lakh fine on the Municipal Corporation of Delhi (MCD) for illegally dumping solid waste in a dhalao near a school for the visually impaired in west Delhi 's Raghbir Nagar in the matter of Akhil Bhartiya Netrahin Sangh School facing challenges and health risks because of the overflowing dhalao (garbage receptacle point) and several open sewage holes near the school.**

***The National Green Tribunal (NGT) observed that authorities cannot be allowed to take advantage of the student's disability and infringe on their right to clean environment.***

***"The CPCB report also reflects non-compliance with the provisions of solid waste management and liquid waste management by the MCD. The Tribunal observed that in two other previous verdicts, it had disapproved of the system of dhalaos in the National Capital and ordered their closure.***

***The Hon'ble Tribunal further observed:***

***"The Students have faced not only inconveniences and restrictions in daily activities but have also suffered health hazards due to the illegal dumping of garbage in the dhalao and consequential derioration in the environmental quality,"***

***The tribunal underscored that visually impaired students also enjoyed the fundamental right to live in pollution- free atmosphere.***

***"Taking advantage of their disability, no authority is entitled to infringe that right and dump the garbage near their educational institution"***

***"Taking a pragmatic view, we deem it proper to impose a lumpsum minimum environmental compensation which on facts of the case, we quantify as Rs. 20 lakh, which will be payable by the MCD to the school within one month from today,"***

***The cost was imposed for the Applicant who were thee “victims of pollution and environmental hazards”.***

7. That in the very first para of the response, the Respondent MCD has categorically admitted that garbage bin/dhalao is being used for collection of **Municipal solid waste of an approximate quantity of 12.00-14.00 M.T** establishing that said garbage bin/dhalao has been a major source of pollution in the surroundings of the All India Institute of Medical Sciences within the periphery of 500 meters in violation of the Orders/directions passed from time to time by the Principal Bench, National Green Tribunal directing for removal of all sources of pollution from the surroundings of the All India Institute of Medical Sciences.

8. Very recently the Division Bench headed by Justice Abhay S Oka, Hon'ble Supreme Court of India observed on 17<sup>th</sup> January 2025 slammed the Municipal Corporation of Delhi over an affidavit filed by it stating that untreated solid waste in the National Capital would be dealt with by December 2027. Emphasizing on the role of Union of India in the matter, the court also said the Union can't shut its eyes to the rising solid waste management issues.

9. Strangely enough, though the MCD admitted that the nearest FCTS is situated at Kotla Mubarak Pur is which is about 1.5 KM away from All India Institute of Medical Sciences but is unfortunately insisting upon continuance of the questioned garbage pollution source in the surroundings of the All India Institute of Medical Sciences within the periphery of 500 meters. The fake namesake excuse of traffic congestion in carrying the solid waste to the Kotla Mubarak Pur is devoid of substance in as much the polluted Garbage Centre in question is the major cause behind traffic congestion in the surroundings of the All India Institute of Medical Sciences within the periphery of 500 meters.

10.Hence, the MTS vehicles can collect the solid waste from Kotla Mubarak Pur stated to be situated 1.5 Kilo meter away from the surroundings of the All India Institute of Medical Sciences instead of dumping the same in the dhalao in question which is situated just around 55 meters from gate No. 6 of the All India Institute of Medical Sciences (AIIMS).

11.The response by MCD indicate as if MCD being civic body in South Delhi Zone has converted itself into a contract awarding body shedding its duty to maintain cleanliness, hygiene and its accountability in implementing the directions issued by the Hon'ble Tribunal to protect the Fundamental Rights of Clean Air to the respective inhabitants. It seems that the Respondent MCD is very casual to implement the directions passed by the Hon'ble Tribunal from time to time to remove all the sources of pollution in the 500 meters periphery of the All India Institute of Medical Sciences (AIIMS). It is respectfully prayed that stringent actions be taken against the inaction of the part of the Respondent MD and its erring officials.

12.That Not only the Petitioner but the other inhabitants of the surrounding have also supported the cause of the Petitioner in the matter of removal of the Garbage bin in question which is a source of major pollution in the surrounding region of the AIIMS. The document containing signature of several inhabitants is annexed as **ANNEXURE A-1** herewith for the ready perusal of the Hon'ble Tribunal.

#### **REPLY ON MERITS:-**

It is completely wrong that the dhalao in question is in existence for more than 30 years. The contention of the Respondent MCD that the dhalao in question is in existence for more than 30 years is completely wrong, incorrect and false even to the knowledge of the Respondent. It is further wrongly contented by the Respondent MCD that the dhalao in question

is 180 meters away from the Gate No. 6 of AIIMS when in fact the said dhalao is just 55 Meters away from the Gate No. 6 of AIIMS. The admission on the part of the Respondent MCD that the said dhalao contains the daily approximate quantity of 12.00-14.00 M.T of MSW proves that the said dhalao is the source of the high level of pollution in the surroundings of the AIIMS and in fact is a great threat to the lives of the inhabitants who are compelled to inhale the polluted air taking away their Fundamental right of clean Air and is in the clear violation of the directions given by the Hon'ble Tribunal from time to time to remove all sources of pollution in the surroundings of the AIIMS within the periphery of 500 meters.

**That in the very first para of the response , the Respondent MCD has categorically admitted that garbage bin/dhalao is being used for collection of Municipal solid waste of an approximate quantity of 12.00-14.00 M.T establishing that said garbage bin/dhalao has been a major source of pollution in the surroundings of the All India Institute of Medical Sciences within the periphery of 500 meters in violation of the Orders/directions passed from time to time by the Principal Bench, National Green Tribunal directing for removal of all sources of pollution from the surroundings of the All India Institute of Medical Sciences.**

That the contents of the response of the MCD is contemptuous in nature and is violative of the specific Orders passed by the Hon'ble Principal Bench for removal of all pollution sources in the surroundings of the All India Institute of Medical Sciences within the periphery of 500 meters.

**Strangely enough, though the MCD admitted that the nearest FCTS at Kotla Mubarak Pur is about 1.5 KM away from All India Institute of Medical Sciences but is unfortunately insisting upon continuance of the questioned garbage pollution source in the surroundings of the All India Institute of Medical Sciences within the periphery of 500 meters. The fake namesake excuse of traffic**

**congestion in carrying the solid waste to the Kotla Mubarak Pur is devoid of substance in as much the polluted Garbage Centre in question is the major cause behind traffic congestion in the surroundings of the All India Institute of Medical Sciences within the periphery of 500 meters.**

It is submitted that the MTS vehicles can collect the solid waste from Kotla Mubarak Pur stated to be situated 1.5 KM away from the surroundings of the All India Institute of Medical Sciences.

The response by MCD indicate as if MCD being civic body in South Delhi Zone has converted itself into a contract awarding body shedding its mandatory duty to maintain cleanliness, hygiene and its accountability to the implementation of the orders/directions passed by the Hon'ble Tribunal from time to time.

**The Hon'ble National Green Tribunal (NGT) in Neel Mani Vs. Municipal Corporation of Delhi & Anr. ordered the Municipal Corporation of Delhi (MCD) to close the dhalaos (Waste collection points) in Delhi. In that case action taken report was sought for removal of all the dhalaos in Delhi. However, in the present case instead of removal of the dhalao the respondent MCD is giving details of the contract for continuance of the dhalao that too within the periphery of 500 meters of the All India Institute of Medical Sciences which in itself is contemptuous of the Orders passed by Hon'ble National Green Tribunal.**

In para 12 of the Order passed Hon'ble Principal Bench of the National Green Tribunal in **Neel Mani Vs. Municipal Corporation of Delhi & Anr.** are reproduced herewith as under:-

***“That it is essential that MCD should eliminate open Dhalaos within a time frame at the earliest and also clears Municipal Solid Waste periodically and timely. There has to be regular and effective door to door collection from households and its enforcement on the part of MCD.***

***That the status report may kindly be taken on record.”***

*It was further held in para 7 as under:-*

***“MCD shall be bound by the undertaking given in the status report and shall close the dhalao in question at the earliest but latest by 31.12.2024 and maintain good sanitary and hygienic conditions till closing thereof.”***

***In para 8 the proposed alternative use of dhalao by MCD was turned down by the Hon’ble National Green Tribunal it was further held as under:-***

***“8.We find that MCD has proposed alternative use of dhalao as mentioned in the Status Report , However, we consider that use of dhalao for MRF, Decentralized composting Pits and attendance of safai karamcharis will not be appropriate and is likely to perpetuate the very same state of affairs which closing of dhalao is meant to remediate. Therefore, it will be appropriate that on closure such dhalao are alternatively used as Milk Booth, EV infrastructure (IGL), Library, Reading Room, Training Centre for less privileged women and children or senior Citizen Recreation Centre.”***

***“9 MCD shall also take appropriate steps to close the remaining dhalao with specific timelines as per directions of the chief secretary, Government of NCT of Delhi and directions given by this tribunal for ensuring compliance with Solid Waste Management Rules, 2016.***

**A bench of NGT headed by Chairperson Justice Prakash Shrivastava imposed Rs. 20 Lakh fine on the Municipal Corporation of Delhi (MCD) for illegally dumping solid waste in a dhalao near a school for the visually impaired in west Delhi 's Raghbir Nagar in the matter of Akhil Bhartiya Netrahin Sangh School facing challenges and health risks because of the overflowing dhalao (garbage receptacle point) and several open sewage holes near the school.**

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**"The CPCB report also reflects non-compliance with the provisions of solid waste management and liquid waste management by the MCD. The Tribunal observed that in two other previous verdicts, it had disapproved of the system of dhalaos in the National Capital and ordered their closure.**

**The Hon'ble Tribunal further observed:**

**"The Students have faced not only inconveniences and restrictions in daily activities but have also suffered health hazards due to the illegal dumping of garbage in the dhalao and consequential derioration in the environmental quality,"**

**The tribunal underscored that visually impaired students also enjoyed the fundamental right to live in pollution- free atmosphere.**

**"Taking advantage of their disability, no authority is entitled to infringe that right and dump the garbage near their educational institution"**

***“Taking a pragmatic view, we deem it proper to impose a lumpsum minimum environmental compensation which on facts of the case, we quantify as Rs. 20 lakh, which will be payable by the MCD to the school within one month from today,”***

***The cost was imposed for the Applicant who were the “victims of pollution and environmental hazards”.***

The act of the senior officers of the Respondent officers is contemptuous in nature as stated at the top of the page number 4 of the response/status report submitted by the Respondent MCD that the Senior officers of the Respondent MCD on 23.10.2024 inspected and initiated a proposal for improvement/renovation amounting to Rs. 15,98,600/- instead of compliance of the orders passed by the Hon'ble Tribunal for removal of all the Dhalaos in Delhi before 31.12.2024 as directed by the Hon'ble Division Bench in Neel Mani Case supra.

The casual and contemptuous approach of the Respondent MCD in the matter of implementation of the directions passed by the Hon'ble Tribunal attracts prosecution of the said senior officers who inspected the dhalao and recommended for its renovation instead of removal of the dhalao in question despite the bare fact that the DPCC in its inspection sought for removal of the Dhalao in question.

That in compliance of the Order dated 12.07.2024 of the Hon'ble National Green Tribunal, the Delhi Pollution Control Committee, Department of Environment, Govt. of NCT of Delhi submitted Report bearing F. No. DPCC/WMC-II/SWM/OA 250\_ 2024/3100-3102 dated :

9/10/2024 the relevant part of the said report are being reproduced herewith for the ready reference of the Hon'ble Tribunal:-

***" This has reference to the Order dated 12.07.2024 of Hon'ble National Green Tribunal in OA No. 250/2024 titled Sudesh Prakash Sabberwal V/s Union of India & Ors regarding grievance against the dumping of garbage/garbage bin/dhalao having stretch of around 30 mtrs. Situated opposite Gate no. 6 of All India Institute of Medical Sciences (AIIMS), New Delhi at 60 mtrs, wide Ring Road 1F South Extention 1, New Delhi at the entrance of the South Extention-1 Market. With respect of the said order, an inspection of Dhalao No. 34 Ward No. 147-S, Central Zone, opposite to AIIMS Gate No.6 was carried out by team of DPCC on 08.10.2024.***

***Following are the deficiencies observed during the Inspection on 08.10.2024:***

***1.The Dhalao found partially filled with mixed garbage and spilling over the road in front of the Dhalao.***

...

***3.Total 11 Garbage Bins observed at Dhalao. All found filled with mixed garbage.***

***4.Some garbage found lying on the road side.***

***5.There was foul smell due to garbage.***

***6.At the time of Inspection, 06 no. of informal ragpickers found unloading garbage into the dhalao and segregating Cardboard, Plastic bottles and thermocol from the garbage and collecting in their bags.***

...

***MCD shall ensure above and submit Action Taken Report along with proposal, if any, for closure of above mentioned Dhalao, to this office within 15 days."***

That the said Inspection Report of the DPCC also revealed the violation of the Solid Waste Management Rules, 2016. Hence, it is established that there is rampant violations on the part of the Respondent MCD

That the reference of steps A to G detailed by the Respondent MCD are academic in nature affirming the resistance of the Respondent MCD to the removal of the dhalao in question taking away the Fundamental right of clean air available to the inhabitants .

That very recently the Division Bench headed by Justice Abhay S Oka, Hon'ble Supreme Court of India observed on 17<sup>th</sup> January 2025 slammed the Municipal Corporation of Delhi over an affidavit filed by it stating that untreated solid waste in the National Capital would be dealt with by December 2027. Emphasizing on the role of Union of India in the matter, the court also said the Union can't shut its eyes to the rising solid waste management issues.

In view of the submissions made hereinabove it is respectfully prayed that action be initiated against the contemptuous acts of the respondent MCD & its officials who has acted in defiance of the specific Orders passed by the Hon'ble Principle Bench in Gaurav Sharma's Case and Neel Mani's case (supra) whereby the Respondent MCD was under statutory duty obligation to remove all the sources of pollution situated within the radius of 500 meters of the All India Institute of Medical Sciences (AIIMS) and to remove all the Dhalaos in Delhi before 31/12/2024 respectively.

  
APPLICANT

NEW DELHI

DATED: 7/3/2025

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
(Filed under Section 14 and 15 of the National Green Tribunal Act, 2010)  
ORIGINAL APPLICATION NO. 250 OF 2024**

**IN THE MATTER OF :-**

SUDESH PRAKASH SABBERWAL

APPLICANT

VS.

UNION OF INDIA & ORS.

RESPONDENTS

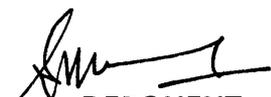
**AFFIDAVIT**

I, Dr. (Prof.) Sh. Sudesh Prakash Sabberwal, Ex- Professor, IIT Delhi & HOD S/o Late Sh. Ram Chand Sabberwal R/o K-4, South Extension, Part -1, Part 1, New Delhi 1100049 aged around 85 years solemnly affirm and declare as under:

1. That I am the Applicant in the above captioned Original Application No. 250/2024 and I am duly authorized and competent to swear this affidavit and am conversant with the facts and circumstances of the present case.

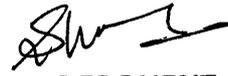
2. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed there from.



  
DEPONENT

**VERIFICATION**

Verified on this day of March 2025, that the contents of the above mentioned affidavit are true and correct and nothing material has been concealed there from.



DEPONENT



**ATTESTED**



NOTARY PUBLIC  
DELHI (IN/VA)

10 MAR 2025

NOTARY REGISTER No. 161

2025

# ANNEXURE A-1

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI

ORIGINAL APPLICATION NO...../2024

IN RE:

DR. (Prof.) SUDESH PARKASH SABBERWAL VS. UNION OF INDIA  
& ORS.

IN SUPPORT TO THE CAUSE AND ISSUE RAISED BY THE "J" BLOCK  
AND "K" BLOCK RESIDENTS IN THE ABOVE CAPTIONED MATTER.

Hon'ble Sir,

We, the residents of J and K Blocks extend our support and concern to the applicant who has taken the initiative to have filed the above mentioned matter. It's a matter of great importance as more than 100 families are suffering since last several years due to gross negligence on part of the authorities who have failed miserably to effectively maintain/use this GARBAGE DUMP, overlooking the health concern of the residents. Due to rampant commercialization of the buildings on both sides of Ring Road in South Extension, New Delhi, the present Garbage Dump has become the only place for commercial shopkeepers, restaurant owners and roadside vegetable sellers to bury their waste including medical waste syringes et al. Furthermore it has been noted that RWA of adjoining colonies get their garbage dumped at this place for a simple reason that huge garbage Collecting trucks disturb the traffic movement around their place.

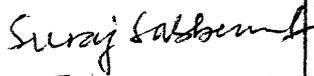
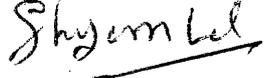
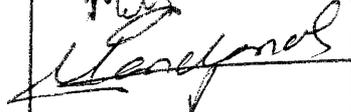
In the last few years, ever since the ceiling of this Garbage dump collapsed, fan and lights removed, and gates / doors of this Garbage Dump were broken and removed, instances of dog bites, stray cattle nuisance, have increased. In J block alone, every month requests are made to the authorities to remove stray dogs.

	House #	Name	Signature	Mobile
(36)	J-31	RAJIV GOEL		
(37)	J-34	Smruti Chandra		9818639002
(38)	J-37 GF	Rakesh Gupta		
(39)	J-78	Kush Gupta		
(40)	J-39 F.F	Lew Gupta		
(41)	J-38 FF	Rashmi Hasija		
(42)	J-38 GF	Rachna Jolly		
(43)	J-38 II Floor	VSDOGRA		9811699972
(44)	J-39	Shrikant Loh		9312238521
(45)	J-105	VIJAY VAR		987171677
(46)	J-107	Sahil Goel		9306909314
(47)	J-42	PREETI CHANDRA		956076314
(48)	J-97	ANJALI PURI		9810015875
(49)	J-95	RACHIT		
(50)	J-70	UMOD KUMAR GUPTA		9958872008
(51)	J-93	LAXMAN OBEROI		9958872008
(52)	J-66	Yoginder Prater		9810896995
(53)	J-91	Souk.K. Jha		
(54)	J-92	Pranav Gupta		981066514
(55)	Ground floor			
(56)	J-92	Umang Gupta		964315572
(57)	J-100	Sandeep Singh		9650488943
(58)	J-106	Sanjay Kumar		98105133

People are suffering from strong garbage stench throughout the day and especially during monsoons and period thereafter, this dump alone is responsible for blockage of rain water drains in J and K Blocks. Residents suffer, Visitors suffer, Senior Citizens and children too. Walking or driving along this Garbage Dump has become a nightmare. Last but not the least, the only effective entrance in South Extension Part I, to J and K Blocks, suffers the most because of this Garbage Dump.

We want this Garbage Dump to be removed at the earliest. Let the same be shifted or authorities be directed to take effective steps to atleast change its opening away from the road which is leading into South Extension Part I and cover this Garbage Dump-yard and keep its surroundings clean.

## RESIDENTS OF J BLOCK and K BLOCK.

House No.	Name	Signature	Mobile
① K-4	SURAJ SABBERWAL		981088293
② House No.	Shyamn Lal Yadav		981815100
③ K-6	CHANDRA SHEKHAR CHAUDHARY		9810071172
④ K-5	Dheeraj P. Deo		852784833
⑤ K-37	Pradeep Rathan		9599333066
⑥ J/35	Meena Verma		981805456
⑦ K-3A	Mohit Wadhwa		9811087120
⑧ K-3	SANJAY MANCHANDA		9810137294
⑨ J-27	PANWAT BAJAJ		9958729590
⑩ J-6 Grd Fl	MUKHESH KALRA		981-1297
⑪ J-30 Grd Fl	Rahul Panjwani		97107440
⑫ J-30 Grd Fl	Mohit Choudhary		

HOUSE NO.	NAME	SIGNATURE	MOBILE
14 J-27 <del>101374</del>	SANJAY MANCHANDA	<u>Manchanda</u>	9810137294
15 J-30	Sanjay Kr. Gupta	<u>Kumar</u>	9811101395
16 J-26 (S.F)	RAVINDER Singh	<u>Ravinder</u>	9810111184
17 J-26 (S.F)	HARJARAN TANEJA	<u>Harjan Singh</u>	9899820283
18 J-12	Rohit Varna	<u>Rohit</u>	9811419112
19 J-15 (G.F)	P. C. Chopra	<u>P. C. Chopra</u>	9811237639
20 J-20 (G.F)	Gaurav Chopra	<u>Gaurav</u>	99009031
21 J-16	Aditya Gupta	<u>Aditya</u>	9818688700
22 J-5	Deepak Gupta	<u>Deepak</u>	8587860635
23 J-18	Gagan	<u>Gagan</u>	9999654764
24 J-22	ARJAY ARORA	<u>Arjay</u>	9810753000
25 J-19	APRAJITA ARORA	<u>Aprajita</u>	9810004426
26 J-30	Neeraj Sachdeva	<u>Neeraj</u>	987957918
27 J-23	Roop Chand Jan	<u>Roop Chand</u>	9811074341
28 J-33	SHARDA THAPAR	<u>Sharda</u>	9810859630
29 J-37	Anil Gupta	<u>Anil Gupta</u>	9899339920
30 J-32	Vijender Singh	<u>Vijender</u>	9311640010
31 K-5	Ashok Kumar	<u>Ashok</u>	96547975
32 K-15	Kamal Kant	<u>Kamal Kant</u>	9810636776
33 K-15	R. K. GUPTA	<u>R. K. Gupta</u>	9810290033
34 K-2	Manoj Chandel	<u>Manoj</u>	9999270319
35 K-18	ANIL KUMAR PATEL	<u>Anil Kumar Patel</u>	997640050

NEW DELHI SOUTH EXTENSION 1 RESIDENT  
WELFARE ASSOCIATION(REGD)

J -11 NDSE 1 Samaj Sadan, New Delhi 110049, Ph: 011- 41329578

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI

ORIGINAL APPLICATION NO...../2024

IN RE:

DR. (Prof.) SUDESH PARKASH SABBERWAL VS. UNION OF INDIA &  
ORS.

IN SUPPORT TO THE CAUSE AND ISSUE RAISED BY RWA SOUTH  
EXTENSION PART 1, NEW DELHI IN THE ABOVE CAPTIONED  
MATTER.

Hon'ble Sir,

We, the RWA (Resident Welfare Association) of New Delhi South Extension Part 1 extend our support and concern to the applicant who has taken the initiative to have filed the above mentioned matter. It's a matter of great importance as more than 100 families are suffering since last several years due to gross negligence on part of the authorities who have failed miserably to effectively maintain/use this GARBAGE DUMP, overlooking the health concern of the residents. Due to rampant commercialization of the buildings on both sides of Ring Road in South Extension, New Delhi, the present Garbage Dump has become the only place for commercial shopkeepers, restaurant owners and roadside vegetable sellers to bury their waste including medical waste syringes et al. Furthermore it has been noted that RWA of adjoining colonies get their garbage dumped at this place for a simple reason that huge garbage Collecting trucks disturb the traffic movement around their place.

In the last few years, ever since the ceiling of this Garbage dump collapsed, fan and lights removed, and gates / doors of this Garbage Dump were broken and removed, instances of dog bites, stray cattle nuisance, have increased. In J,A,B,C,D,E,F,K& H block alone, every month requests are made to the

NDSE 1 RWA Managing Committee

NEW DELHI SOUTH EXTENSION 1 RESIDENT  
WELFARE ASSOCIATION(REGD)

J -11 NDSE 1 Samaj Sadan, New Delhi 110049, Ph: 011- 41329578

authorities to remove stray dogs. People are suffering from strong garbage stench throughout the day and especially during monsoons and period thereafter, this dump alone is responsible for blockage of rain water drains in J,A, B, F and K Blocks. Residents suffer, Visitors suffer, Senior Citizens and children too. Walking or driving along this Garbage Dump has become a nightmare. Last but not the least, the only effective entrance in South Extension Part 1, to J and K Blocks, suffers the most because of this Garbage Dump.

We want this Garbage Dump to be removed at the earliest. Let the same be shifted or authorities be directed to take effective steps to at least change its opening away from the road which is leading into South Extension Part 1 and cover this Garbage Dump-yard and keep its surroundings clean.

RWA NEW DELHI SOUTH EXTENSION PART 1

Request to kindly treat this on priority.

Regards



Harish Malik  
President - NDSE 1 RWA  
Mobile: 9811376788



Gaurav Batra  
General Secretary- NDSE 1 RWA  
Mobile : 9873254806

NDSE 1 RWA Managing Committee

23  
A-2  
ANNEXURE

23  
24

Housing and Urban Affairs >> Delhi Division >> Matter related to UT of Delhi, EDA, MCD, NDMC, Jal Board, DUAC, Raj Ghar Samadhi, NBCC etc. >> Matter related to MCD

ANNEXURE  
A-2

Request for closure of Open garbage dump / "dhow" at the entrance to India's 4th most prominent High Street - South Extension Part 1 Market ( exact address - adjacent to 1 F, Mahatma Gandhi Road (Ring Road), South Extension Part 1, New Delhi. ) This High Street is visited by thousands of Bharatiyas and foreigners every day and gives a very very bad image of our country. In this open garbage dump, sorting of rubbish takes place all day long - in full public view ! Post 5 pm, the entire road becomes an open dustbin replete with filth and garbage strewn all over. Please see shocking pictures. Also, a video of the terrible condition at this open dhow on October 2 ( Swachh Bharat day ) is available but unfortunately I haven't been able to attach it.

Biggest irony is - The "Swachh Bharat" - "Clean India" slogan is painted all over this dump !

We have escalated this to local authorities several times but the situation has only gone from bad to worse. Now the only hope for us is intervention from our Hon. PMO's office to close this open garbage dump.

Grievance Document



Sl.	Date of Action	Action	From	To
1	18/10/2023	RECEIVED THE GRIEVANCE	You	Prime Minister's Office
2	26/11/2023	REMINDER RECEIVED FROM COMPLAINANT	You	Government of NCT of Delhi
3	19/02/2024	CASE DISPOSED OF	Municipal Corporation of Delhi	You

Back To Home Page



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Best Viewed in 1440 x 900 resolution.



ANNEXURE

A-3 421

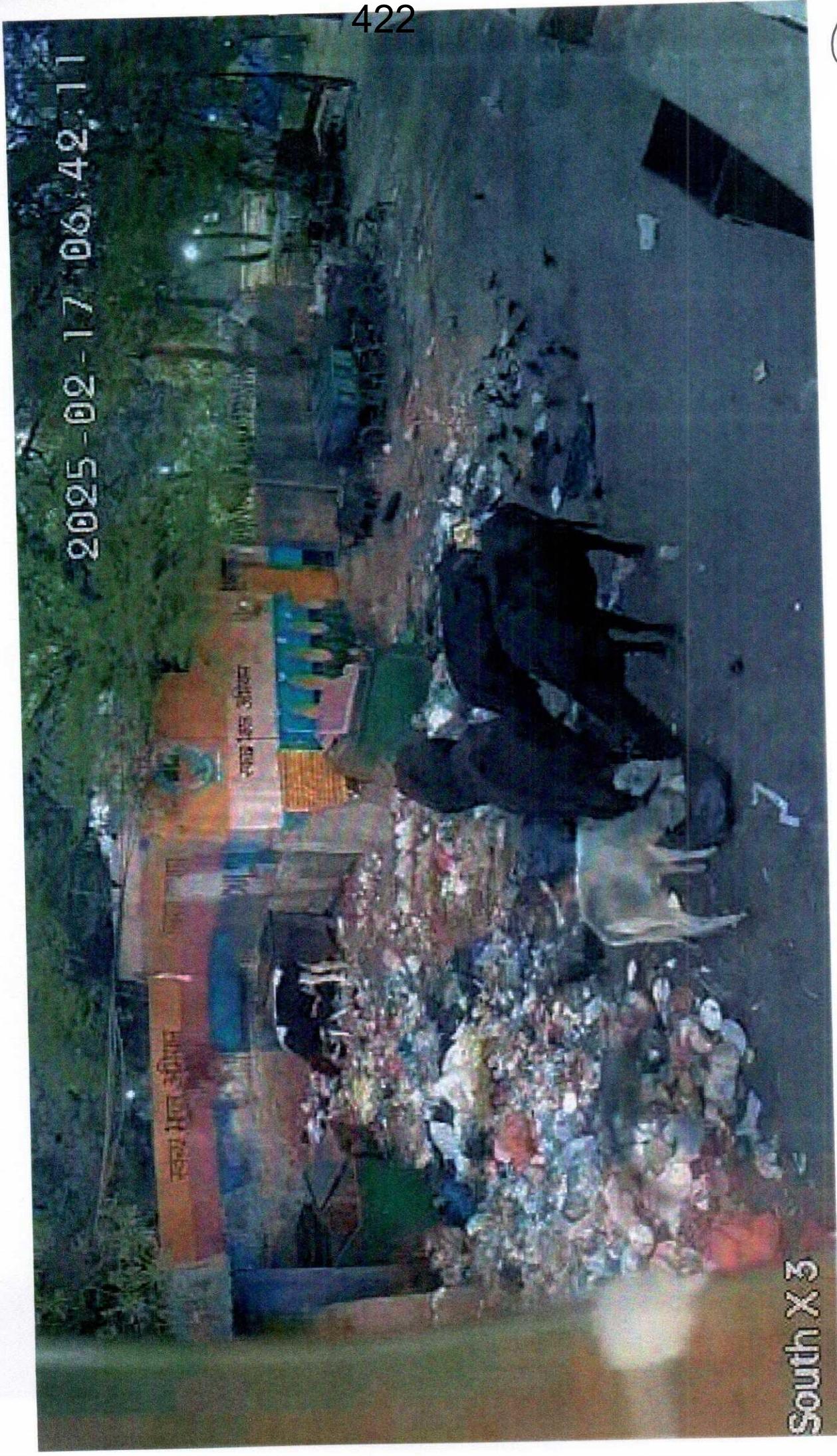
479

(24) - (25)



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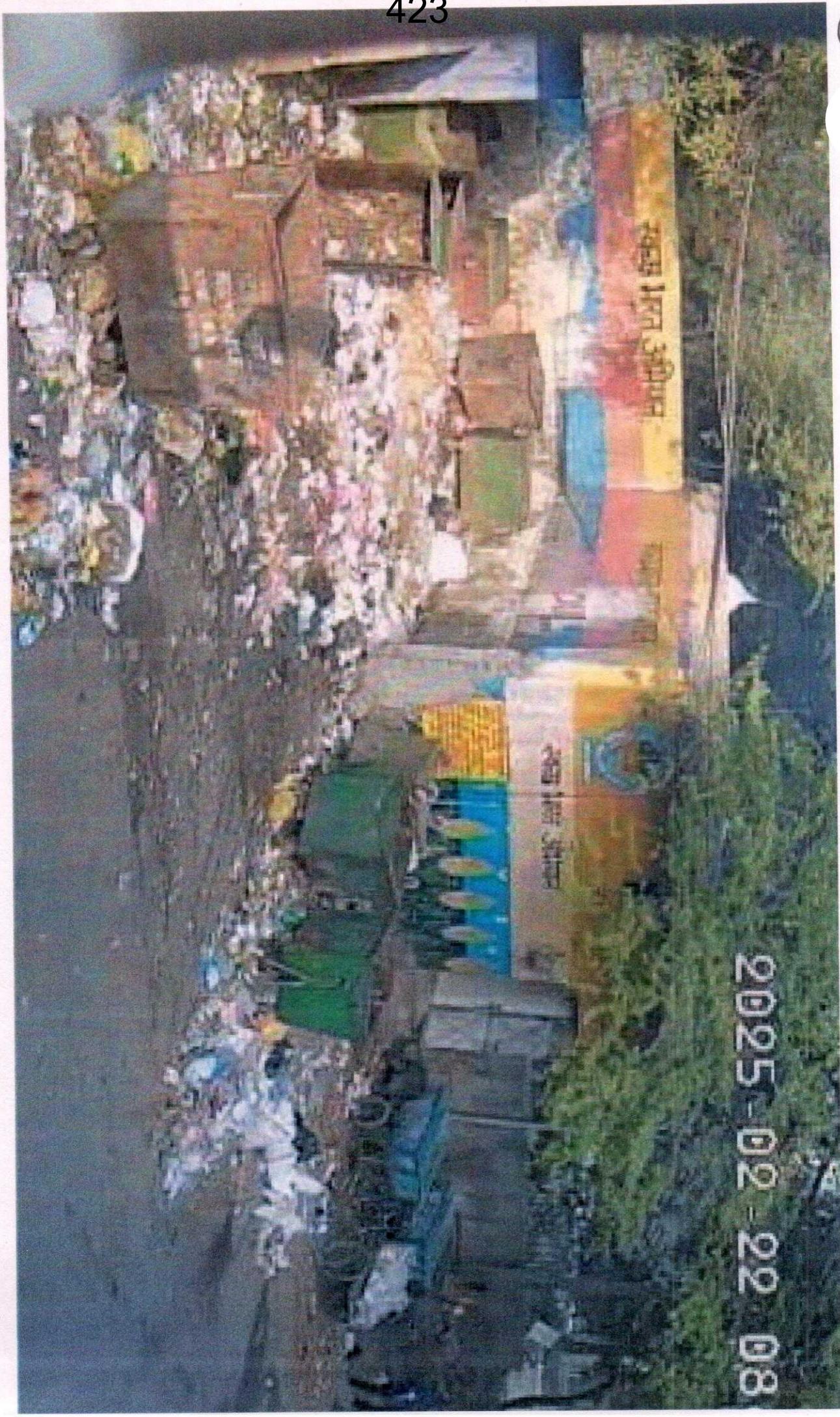
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22nd Feb, 2025



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# ANNEXURE A-4

**Sh. Neel Mani vs South Delhi Municipal Cooperation on 4 September, 2023**

Item No.01

Court No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 92/2023

Neel Mani

...Applicant

Vs

Municipal Corporation of Delhi &amp; Anr.

...Respondents

Date of hearing: 04.09.2023

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBERApplicant: Mr. Abhinay Sharma AOR, with Ms. Parul Khurana  
Advocate.Respondents: Ms. Tanisha Samanta Adv. for Mr. Balendu Shekhar  
Standing Counsel for DPCC.  
Mr. Virendra Singh Adv. for Ms. Puja Kalra, Standing  
Counsel for MCD.Application under Section 18(1) read with Sections 14 and 15 of the  
National Green Tribunal Act, 2010.

ORDER

1. The applicant has filed the present application under section 18 (1) read-with Sections 14 and 15 of the National Green Tribunal Act, 2010 seeking relocation of the dhalao/garbage dumps situated in front of entry gate of the residence of the Applicant.

2. The applicant has submitted that the father of the Applicant constructed family residence at plot bearing No. 74, West Friends Colony, New Delhi in the year 1954. Next to the house is a service lane, a nallah and then the Friends Colony Club. In earlier times there was another service lane at the other end of the club. At the end of that service lane O.A No. 92/2023 Neel Mani Vs. Municipal Corporation of Delhi & Anr.

there used to be a place to dump garden waste. The club closed the end of that service lane and made it the entrance to the said Friends Colony club and simultaneously closed access to the dump, which was in the month of April, 2000, moved/shifted to the other side next to plot bearing No. 74, West Friends Colony, New Delhi without intimation to/permission from the applicant. The said dhalao has now been officially made a garbage dump for whole of the Friends Colony (West) causing health hazards not only to the Applicant herein but also the other residents of the Colony thereby violating fundamental rights of the Applicant as guaranteed under Article 14, 19 and 21 of the Constitution of India, which include and are not limited to right to have a clean and healthy environment. The Applicant on several occasions contacted the respondents and raised the requests to relocate the dhalao/garbage dump but the respondents never paid any attention to any of such request. The Applicant filed Writ Petition Civil no. 8854 of 2006 before Hon'ble High Court of Delhi in the year 2006 and Hon'ble High Court of Delhi vide its order dated 03.02.2010 directed the Respondents to maintain the hygienic condition of dhalao and granted liberty to the Applicant to approach Hon'ble High Court of Delhi if aggrieved by the noncompliance of the order dated 03.02.2010 by the Respondents. The Applicant again filed Writ Petition Civil no. 1258 of 2020 before Hon'ble High Court of Delhi. Hon'ble High Court of Delhi vide order dated 05.02.2020 directed the Respondents to maintain the hygienic condition.

However, the Respondents, in violation of the order dated 03.02.2010 and 05.02.2020, are still not maintaining the hygienic condition of the dhalao.

Subsequently, the Applicant withdrew the above said Writ Petition for filing the present Application before this Tribunal.

O.A No. 92/2023 Neel Mani Vs. Municipal Corporation of Delhi & Anr.

3. Vide order dated 21.02.2023, this Tribunal ordered issuance of notices to the respondents and also constituted a Joint Committee comprising of the Commissioner, Municipal Corporation of Delhi (MCD), the Delhi Pollution Control Committee (DPCC) and the District Magistrate (South East), Delhi and directed the same to look into the grievances of the applicant, verify the factual position and suggest appropriate remedial action and file its report within two months.

4. In compliance thereof, report of the Joint Committee was filed vide email dated 25.04.2023 the relevant part of the report reads as under:

"xxxx xxxx xxxx

2. That a joint inspection of the site was carried out on 21.03.2023 by the representative of DPCC, MCD and DM (South-east). During the inspection it was observed that:

The Dhalao as mentioned in the present matter is located in the friends Colony (West), which is adjacent to Plot no. 74, belongs to MCD.

MCD officials informed that MCD is cleaning the Dhalao on regular basis. The collected garbage is then transferred to FCTS (Fix Compactor Transfer Station) located at Abdul Hamid Park, NFC Market for proper disposal.

During the time of Inspection joint committee observed that proper hygiene was being maintained at this dhalao. (Geo tagged photos were taken).

Official of District Magistrate (South - Bast) informed that ownership and cultivator of the land in which this Dhalao is located is in the name of Friends Colony and Friends Co-operative.

Copy of the joint inspection report alongwith photographs taken during the inspection on 21.03.2023 are enclosed herewith as ANNEXURE - 1(Colly).

3. That the Chief Secretary, Delhi passed an order dated 06.04.2023 in compliance with this Hon'ble Tribunal order dated 16.02.2023 passed in OA No. 606 of 2018 entitled as "Compliance of Municipal Solid Waste Management Rules, 2016 and other environmental issues". This order was passed after collecting information from all the stake holder Departments, the present status and action plan in this regard for the purpose of monitoring important parameters for effective Solid Waste Management, the Department wise action plans for solid waste management in Delhi, is enclosed herewith as Annexures -2. On the issue of closure of Dhalao:

O.A No. 92/2023 Neel Mani Vs. Municipal Corporation of Delhi & Anr.

(a) In the jurisdictional areas of NDMC and DCB there are no dhalaos existing.

(b) In the MCD areas corporation shall ensure closure of existing 638 dhalaos by 31st December 2024 and some Dhalaos are planned to be retained for disposal of silt and street sweeping waste.

4. In view of the order dated 06.04.2023, passed by the Ld. Chief Secretary, Delhi, as issue is being monitored at the highest level of the Government, further orders may be kept in abeyance. The present Status report may kindly be taken on record."

5. Vide order dated 07.04.2021, this Tribunal, while referring to order passed in O.A. no. 267/2020 in Anubhav Vs. North Delhi Municipal Corporation, directed MCD and DPCC to file status report.

6. In compliance thereof, Status Reports have been filed by MCD and DPCC vide emails dated 01.09.2023 and 31.08.2023 respectively. In the reports filed by MCD and DPCC undertaking has been given that the dhalao shall be closed by 31st December 2024. The relevant part of the report filed by DPCC is reproduced as under:

"XXXX XXXX XXXX

4. That in compliance to the order of Hon'ble National Green Tribunal dated 07.04.2021 in O.A. No. 267/2020 "Anubhav Vs. North Delhi Municipal Corporation" a meeting was taken by the Secretary, Urban Development, Govt. of N~~422~~ Delhi on 08.07.2021 and minutes of the said meeting were sent to Local Bodies, CPCB and Urban Development Department, Govt. of NCT of Delhi vide letter dated 26.08.2021 for urgent necessary action and sending the information / updated status to DPCC within 7 days as mentioned in the said minutes.

Following decisions were taken in the said meeting of Secretary, Urban Development, Govt. of NCT of Delhi, held on 08.07.2021:-

(i) All the local bodies in NCT of Delhi shall take all necessary measures in order to ensure timely removal of Solid waste from all dhalaos/collection points and in case of failure, shall take necessary action against the concerned person.

(ii) All the local bodies shall provide information and updated status in respect of total number of dhalaos/collection points along with timelines and compliance in respect of Rule 15 of the Solid Waste Management Rules, 2016, in the enclosed Annexures-I and Annexures -II. The said information shall be sent to the DPCC through email within 7 days positively and hard copy signed by the concerned senior officer of the department.

O.A No. 92/2023 Neel Mani Vs. Municipal Corporation of Delhi & Anr.

(iii) Central Pollution Control Board if necessary shall prepare a Standard Operating Procedure (SOP) and send the same to DPCC through email copy of the minutes of the meeting taken by the Secretary, Urban Development, Govt. of NCT of Delhi on 08.07.2021 issued vide letter dated 26.08.2021 is enclosed as Annexure-I.

5. That Reminders were sent through email on 29.09.2021, 25.11.2021 and 11.01.2023 to Local Bodies & CPCB since information / updated status was not received with respect to the minutes of the meeting taken by the Secretary, Urban Development, Govt. of NCT of Delhi on 08.07.2021. Delhi Cantonment Board submitted its reply vide letter dated 06.09.2021 along with status in Annexure-I & II informing that in their area there were 10 No. of Dhalaos and all the 10 Dhalaos were compliant with Rule 15 of the Solid Waste Management Rules, 2016.

6. That Solid Waste Monitoring Committee (SWMIC) headed by Hon'ble Lt. Governor, Delhi has been constituted by the Hon'ble. National Green Tribunal vide order dated 16.02.2023 in OA. No. 606/2018 in the matter of "Compliance of Municipal Solid Waste Management Rules, 2016 and other Environmental Issues". Chief Secretary, GNCTD is Convener and Secretaries /HODs of various Ministries / Departments of Govt. of India / Delhi are members of the said Committee.

An Action Plan for Solid Waste Management in Delhi has been prepared and an order dated 06.04.2023 has also been issued by Chief Secretary, Delhi. Copy of the said Action Plan and Order dated 06.04.2023 were sent to concerned Departments for necessary action including providing required information as mentioned in the said order & Action Plan. Copy of the order dated 06.04.2023 issued by Chief Secretary, ONCTD has already been submitted to Hon'ble National Green Tribunal in OA. No. 92 of 2023 along with status report filed by DPCC on 25.04.2023.

First meeting of the Solid Waste Monitoring Committee was held on 25.04.2023 and copy of the minutes of the meeting are enclosed as Annexure- 2.

7. That pursuant to the order of Hon'ble Green Tribunal dated 14.07.2023 in O.A. No. 92/2023, a letter was issued to MCD on 11.08.2023 referring the above mentioned orders of Hon'ble Green Tribunal, Minutes of the meeting taken by Secretary, Urban Development, GNCTD on 08.07.2021, order dated 06.04.2023 of Chief Secretary, GNCTD and Action Plan of Solid Waste Management

in Delhi prepared by Solid Waste Monitoring Committee (SWMC) constituted by Hon'ble National Green Tribunal vide order dated 16.02.2023 in OA No. 606 /2018 regarding Compliance of Municipal Solid Waste Management Rules, 2016. and other Environmental Issues, seeking present status regarding closure of Dhalaos in Delhi w.r.t. order dated 06.04.2023 of Chief Secretary, GNCTD and Action Plan of Solid Waste Management in Delhi etc. Copy of the letter dated 11.08.2023 issued by DPCC to MCD is enclosed as Annexure - 3.

In response to the above mentioned letter of DPCC Dated. 11.08.2023, MCD vide letter dated 28.08.2023 has provided information including information related to Dhalaos and the same is enclosed as Annexure - 4.

O.A No. 92/2023 Neel Mani Vs. Municipal Corporation of Delhi & Anr.

As per the said letter dated 28.08.2023 of MCD, there are total 572 No. of Dhalaos and the Dhalaos are compliant with Rule 15 of the Solid Waste Management Rules, 2016.

In the said reply MCD has also informed that initially, there were 1491 No. of Dhalaos out of which 919 No. of Dhalaos have already been closed and 572 No. of Dhalaos are functional. Further, out of 919 No. of closed Dhalaos, 514 No. of Dhalaos have been converted into alternative use, 173 No. of Dhalaos are proposed for alternative use, 109 No. of Dhalaos have been demolished which were situated on Right of Way (ROW) and 123 No. of Dhalaos are closed but not in use. Additionally, one Dhalao per ward will be retained for catering to. sweeping waste and channel silt and the remaining Dhalaos will be closed by December, 2024.

Following are the Alternative use of Dhallaos as informed by MCD in the said letter:

Amul Milk Booth    MRF    EV Infrastructure (IGL)    Library    Reading Room  
 Training Centre for less privileged women and children    Safaikaramchari Attendance  
 Centre    Senior Citizen Recreation Centre    Decentralized Composting Pits

8. That as mentioned in the order dated. 06.04.2023 of Chief Secretary, GNCTD, there is No Dhalaos in the areas under the jurisdiction of New Delhi Municipal Council (NDMC) and Delhi Cantonment Board(DCB).

9. That a letter dated 11.08.2023 was issued by DPCC to CPCB with request to send the Action Taken Report (regarding Standard Operating Procedure (SOP) for Dhalaos / Storage Facility of Solid Waste) writ above mentioned orders and Minutes of the meeting taken by Secretary, Urban Development, Govt, of NCT of Delhi on 08.07.2021. Reply of CPCB with respect to the said letter of DPCC is awaited.

Copy of the letter dated 11.08.2023 issued by DPCC to CPCB is. enclosed as Annexure - 5.

10. That inspection of the two Dhalaos mentioned in the said orders of Hon'ble Green Tribunal dated 07.04.2021 and 14.07.2023 were carried out jointly by DPCC and MCD officials on 21.08.2023 and brief of observations and information gathered during the inspections are as follows:

(1) Dhalao located at Military Road, Bapa Nagar Side, Karol Bagh, Delhi-05

(i) The Dhalao is located at Military Road, Bapa Nagar Side, Karol Bagh, Delhi and having area of about 120 sq. meters. Dhalao is surrounded by residential areas and open (Not Covered from the top). Walls of Dhalao found in broken/damaged condition.

(ii) Dhalao is being operated & maintained by M/s Metro Waste Handling Private Limited on behalf of Municipal Corporation of Delhi.

(iii) Unhygienic condition and smell due to storage of Municipal Solid Waste / Garbage observed during the inspection.

(iv) As informed, the Dhalao receives about 25 Tons per day (TPD) of Municipal Solid Waste from Bapa Nagar, Military. Road, Tank Road, O.A No. 92/2023 Neel Mani Vs. Municipal Corporation of Delhi & Anr.

Anand Parbat and Teacher Colony. Mixed Municipal Solid Waste found stored at the Dhalao. The collected Municipal Solid Waste from the Dhalao is sent to Bhalswa Dumpsite without any processing

(v) Municipal Solid Waste from the Dhalao is lifted in three shifts through one truck in each shift.

(vi) Representatives of MCD informed that Dhalao will be closed within a month. and Municipal Solid Waste will be sent to FCTS (Fixed Compactor Transfer, Station) located near Anand Parbat, Adjacent to Military Road.

Copy of the Report of the Joint Inspection by Team of DPCC and MCD of the Dhalao located at Military Road, Bapa Nagar Side, Karol Bagh, Delhi-05 on 21.08.2023 is enclosed as Annexure - 6.

(2) Dhalao located next to Plot No. 74, West Friends Colony, Delhi- 110065.

(i) The Dhalao is located next to Plot. No. 74, West Friends Colony, Delhi 110065 and having total area of about 80 sq, meters out of which about 20 Sq. meter is covered. Dhalao is having a metal Gate at the front side.

(ii) Dhalao is being operated & maintained by M/s DDSIL (Dakshini Delhi Swatch Initiative Limited) on behalf of Municipal Corporation of Delhi.

(iii) Smell / Unhygienic condition not observed at the Dhalao. Three Metal Containers [Two for Wet Waste (Biodegradable Organic Waste) & One for Recyclable / Non Biodegradable Waste] found at the site of Dhalao.

(iv) No Municipal Solid Waste found during the inspection. It was informed by the representatives of MCD that Door to Door collection of MSW is being done by MCD and this Dhalao receives about 3 Tons per day of Municipal Solid Waste (mainly Green/Horticulture waste) from Friends Colony West (about 150-200 houses). Some Municipal Solid Waste is also dumped by the local people at the Dhalao. Municipal Solid Waste received at the Dhalao is segregated into Dry and Wet

Waste. Wet waste is sent to Departmental Compost Pits and Dry Waste is sent to Waste to Energy Plant at Okhla.

(v) Municipal Solid Waste from Dhalao is lifted through MTS (Mobile Transfer Station) Trucks by 12:30PM every day.

(vi) Representatives of MCD informed that. the Dhalao shall be closed by December, 2024 Copy of the Report of the Joint Inspection. by Team of DPCC and MCD of the Dhalao located next to Plot No. 74, West Friends Colony. Delhi- 110065 on 21.08.2023 is enclosed as Annexure - 7.

11. That after the joint inspection of above mentioned two Dhalaos on 21.08.2023, a letter has been issued by DPCC on 30.08.2023 with directions to MOD to ensure:

(a) cleanliness & hygienic conditions at the abovementioned Dhalaos

(b) that there is no smell from the operation of Dhalaos till their closure

(c) take urgent necessary action for closure of both the abovementioned Dhalaos at the earliest

(d) that segregated Municipal Solid Waste is received and processed at the Municipal Solid Waste Processing Facilities in Delhi as per the provisions of the Solid Waste Management Rules, 2016.

Copy of the letter dated 30.08.2023 issued by DPCC to MCD is enclosed as Annexure - 8.

O.A No. 92/2023 Neel Mani Vs. Municipal Corporation of Delhi & Anr.

12. That it is essential that MCD should eliminate open Dhalaos within a timeframe at the earliest and also clears Municipal Solid Waste periodically and timely. There has to be regular and effective door to door collection from households and its enforcement on the part of MCD.

That the status report may kindly be taken on record."

7. MCD shall be bound by the undertaking given in the status report and shall close the dhalao in question at the earliest but latest by 31.12.2024 and maintain good sanitary and hygienic conditions till closing thereof.

8. We find that MCD has proposed alternative use of dhalao as mentioned in the Status Report, However, we consider that use of dhalao for MRF, Decentralized composting Pits and attendance of safai-

karamcharis will not be appropriate and is likely to perpetuate the very same state of affairs which closing of dhalao is meant to remediate Therefore, it will be appropriate that on closure such dhalao are alternatively used as Milk Booth, EV Infrastructure (IGL), Library, Reading Room, Training Centre for less privileged women and children or Senior Citizen Recreation Centre.

9. MCD shall also take appropriate steps to close the remaining dhalao with specific timelines as per directions of the Chief Secretary, Government of NCT of Delhi and directions given by this Tribunal for ensuring compliance with Solid Waste Management Rules, 2016.

10. The CPCB is directed to look into the aspect of issuance of appropriate Standard Operating Procedure (SOP) on the subject applicable to all States/UTs, as already directed by this Tribunal, within three months and file action taken report with the Registrar General of this Tribunal who may, if necessary, direct listing of the matter before the Bench for further directions.

O.A No. 92/2023 Neel Mani Vs. Municipal Corporation of Delhi & Anr.

11. The present OA is disposed of with directions as detailed above leaving the parties to bear their own costs.

12. In case of non-compliance of any of the directions/orders passed by this Tribunal, the Applicant shall be at liberty to move this Tribunal by appropriate proceedings for issuance of further directions in the matter. .

Arun Kumar Tyagi, JM Dr. Afroz Ahmad, EM September 4th, 2023 N

## National Green Tribunal

Gaurav Sharma vs Govt. Of N.C.T. Of Delhi on 3 July, 2023

Author: Adarsh Kumar Goel

Bench: Adarsh Kumar Goel

Item No. 03

Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

(By Hybrid Mode)

Original Application No. 202/2023  
(I.A. No. 475/2023)

(With report dated 01.07.2023)

Gaurav Sharma

Applicant

Versus

Govt. of NCT of Delhi &amp; Ors.

Respondent(s)

Date of hearing: 03.07.2023

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

Applicant: Ms. Jasmine Damkewala, Advocate

Respondents: Dr. Nishant Sharma, Assistant Professor, AIIMS  
Mr. Narender Pal Singh, Advocate for DPCC  
Ms. Puja Kalra, Advocate for Municipal Corporation of Delhi  
Mr. Divya Prakash Pande, Advocate for NDMC

ORDER

## The Issue

1. Grievance in this application is against failure of the statutory and administrative authorities to control air pollution in and around premier healthcare institutions to the detriment of health of indoor and OPD patients, their attendants, doctors and staff.

2. In the context of All India Institute of Medical Sciences (AIIMS), Delhi, the applicant has pointed out that there are sources of pollution inside as well as outside the AIIMS Campus which need to be adequately addressed. Such sources include vehicles, hawkers and encroachers, apart from inadequacy of plantations to absorb dust and carbon dioxide. Footfall in AIIMS is said to be 65000 persons per day and number of vehicles entering the complex is said to be 7500 per day. It is

stated that even healthy persons visiting such environment can suffer in health unless suitable measures are taken expeditiously. It is pointed out that in Delhi generally air quality is beyond norms. It remains mostly above 'poor' category. This requires special care of control of pollution in and around healthcare facilities.

### Procedural History

3. Vide order dated 17.03.2023, considering the grievance, the Tribunal constituted an independent expert Committee to undertake visit to the site, interact with stakeholders and identify remedial measures. The Committee was to be headed by Member Secretary, CPCB with other members being DCP (Traffic), area DFO, MCD, DPCC and Director, AIIMS or his nominee and a nominee of Vardhman Mahavir Medical College & Safdarjung Hospital.

### Report of the Joint Committee filed on 1.7.2023

4. In pursuance of above, the joint Committee has visited the site, interacted with the stake holders, compiled data, deliberated upon the issue and filed its report on 01.07.2023. The report gives details of deliberations in different meetings and of study got conducted by School of Planning and Architecture (SPA), New Delhi in association with AIIMS. The study covered the AIIMS premises and buffer of 500 meters from its boundary. The study considered traffic congestion around AIIMS, road conditions, speed of vehicles, traffic composition and volume at relevant locations and also the environment conditions at entry and exit gates of AIIMS. The report finds that there are encroachments on right of way and green belt. Hotspot analysis has also been carried out. The Committee has also made recommendations for short-term and long-term measures required to be taken with reference to the identified points. Some extracts and the recommendations in the report are quoted below:

"3. Survey Findings: Present Scenario A detailed field survey/study in and around AIIMS was undertaken by School of Planning and Architecture (SPA) in association with representatives from AIIMS and other concerned departments. Videography was also conducted during different time slots for capturing the area activities and encroachment scenario. The AIIMS premises and a buffer of 500m from the AIIMS boundary wall were considered as the study area to identify the areas of concern. Survey for traffic congestion, encroachment check, road conditions etc. were conducted within the 500 m buffer zone.

3.1 Traffic Congestion Traffic Volume Count survey was conducted on Mahatma Gandhi (MG) Road/Ring road (near Gate 2, AIIMS) and on the opposite side, on Sri Aurobindo Marg (near Foot overbridge, both sides), Gautam Nagar road-- Sudarshan Cinema Road- Gulmohar Park Road, Gate 1, gate 3, gate 6 and gate 8 of AIIMS from 6 am to 6 pm (except 12 noon to 2.30 pm) on 19th May 2023. Speed and delay survey was conducted on MG road/Ring Road, Sri Aurobindo Marg, and Gautam Nagar road-Sudarshan Cinema Road- Gulmohar Park Road between 3.30 pm and 4 pm on 19th May 2023. It was also conducted between 6.15 pm and 6.30 pm, 5th June 2023 on MG road/Ring Road and Sri Aurobindo Marg.

1. MG road/ Ring Road Around 1.8 km of the MG road/ring road falls within the 500 m buffer out of which about 820 m of the road abuts the northern boundary wall of AIIMS. The 1.8 km stretch has four bus stops, an underpass for taking a U-turn and a flyover. These four play a crucial role in deciding the traffic movement.

Road condition Although, potholes or unevenness was not observed in the main MG road/ring road stretch under study, the service roads were found to be broken and in need of repair in certain areas. The service roads also had a lot of dust accumulated on the sides that was resulting in suspension of dust particles in the air during movement of vehicles. On-street parking was observed in the service roads leaving less space for smooth vehicular movement.

Traffic Volume Survey Nearly 51,000 vehicles were observed to cross the survey point in front of gate 2, AIIMS on the carriageway from South Extension flyover to Safdarjung hospital with nearly 32% being four wheelers and 34% being two wheelers. The highest hourly volume of traffic was observed between 8 am and 11 am and 3 pm to 6 pm again.

On the other carriageway of the ring road (from Safdarjung hospital to South Extension flyover, nearly 27,000 vehicles crossed the survey point with highest hourly traffic volume being between 11 am and 12 noon with nearly 46% of the vehicles being four wheelers and 17% being 2 wheelers.

Speed and Delay survey A combination of road characteristics and high volume of traffic resulted in certain stretches of the MG road/ring road (within 500 m buffer) experiencing traffic congestion. A speed and delay survey, as mentioned earlier, was conducted to determine the traffic congestion points at two points of time, 3.30 pm (19th May 2023) and 6.30 pm (5th June 2023).

The speed limit on MG road/ring road for a car is 60 km/hr but the actual speed varied from 3.5 km/hr to 50 km/hr. The stretch from Gate 6 to Gate 2 was observed to have slow traffic movement at both points of time. The probable reason could be presence of bus stop in front of gate 2, AIIMS, at which the buses stop and then take a slight right to get back on the flyover on MG road/ring road and at the same time, some vehicles take left to go to Sri Aurobindo Marg, increasing conflict between the converging and diverging traffic.

While at 3.30 pm, smooth traffic movement was observed on the flyover in both the directions; traffic congestion was seen at 6.30 pm on the carriageway leading from South Extension flyover to Safdarjung hospital (towards Dhaula Kuan). The probable reason is again the combination of a bus stop, the traffic movement through the Safdarjung hospital gate and change in direction of traffic coming down from the AIIMS flyover; some vehicles going straight to Raj Nagar flyover while others taking a left turn towards Safdarjung Enclave.

Overall scenario:

- Location of gate 2, bus stop, flyover take off and the left turn towards Aurobindo Marg is leading to considerable slowing down of traffic in that area leading to traffic congestion, particularly during the peak hours.
- On-street parking is being done on the service roads resulting in lessening of effective carriage way and leading to slowing of traffic using the service road. The service road between gate 2 and gate 6 is particularly important, as vehicles wanting to enter AIIMS campus after exiting from gate 2 can use the service road since only exit is allowed from gate 2.
- The service roads are in poor condition with road dust that gets suspended in air during movement of vehicles.

2. Sri Aurobindo Marg The Western boundary wall of AIIMS abuts Sri Aurobindo Marg. The 1.8 km stretch of Sri Aurobindo Marg within the 500 m buffer has a metro station (AIIMS), two at

grade U-turns besides bus stops. The road sections of the stretches also vary along the length of Sri Aurobindo Marg.

Traffic Volume Survey Nearly 29,000 vehicles were observed to cross the survey point (below the foot overbridge near gate 3, AIIMS) on the side towards IIT flyover. Out of these, about 48% were four wheelers and 22% were two wheelers. Highest traffic volume was observed from 9 am to 10 am with nearly half of the total vehicles being personal four wheelers and one - fourth being two wheelers.

A similar traffic volume was observed on the other carriageway of Sri Aurobindo Marg as well. Around 24,000 vehicles crossed the survey point from 6 am to 6 pm (except 12 noon to 2.30 pm) on 19th May 2023. Out of these, nearly 46% were four wheelers and about 25% were two wheelers with a fair share of 3 wheelers (22%) as well.

Highest traffic volume was observed from 5 pm to 6 pm followed by 9 am to 10 am. In the time period, 5 pm to 6 pm, 40% of the vehicles were personal four wheelers followed by nearly 26% of two wheelers and 21% of autorickshaws. In the time period, 9 am to 10 am, there is a change in traffic composition with 60% of the vehicles comprising personal four wheelers followed by nearly 23% of two wheelers and 24% of autorickshaws.

Speed and delay survey Speed and delay survey was conducted on the stretch from the AIIMS flyover to Indian Oil building at 6.20 pm on 5th June 2023. It was observed that the varying width of the carriageway led to slowing of traffic resulting in congestion in the peak hours. At that time, traffic congestion was mainly observed in front of Yusuf Sarai Market. The average speed in the stretch dropped to 10 km/hour.

Overall scenario:

- The auto-rickshaws parked near AIIMS metro station and Gate 1, AIIMS pose a hazard for the vehicles and the pedestrians alike. The auto-rickshaws line up in two-three lanes to get passengers. This also poses a safety hazard for vehicles coming from MG road/ring road as this stretch comes up suddenly after taking a left turn from MG road/ring road. Similarly, on the other side, the location of the green park metro station leads to congregation of auto-rickshaws resulting in considerable slowing of traffic.
- Haphazard parking of vehicles in front of Yusuf Sarai market

3. Gautam Nagar Road- Sudarshan Cinema Road- Gulmohar Park Road Gautam Nagar road- Sudarshan Cinema Road- Gulmohar Park Road has a varying Right of Way ranging from 6 m to 12 m. It has median in some stretches while it is two-way traffic without median in others.

The road also has extensive on-street parking. It was not clear whether the cars belonged to the residents, or they had been parked by outsiders. This further reduced the effective carriageway.

Certain structures like the location of BSES transformer also reduce the available width of the effective carriageway. There are several informal shops and street vendors operating within the Right of Way (RoW) as well. It was also observed that goods had been kept outside the shops encroaching part of the RoW.

Traffic Volume survey Around 2100 vehicles were observed to cross the survey point (towards Sri Aurobindo Marg) from 6 am to 6 pm (barring 12 noon to 2.30 pm) on 19th May 2023. The traffic composition is very different from the MG road/ring road and Sri Aurobindo Marg with nearly 64% of the vehicles being two wheelers and around 17% being autorickshaws. Highest traffic volume was observed between 5 pm and 6 pm (295 vehicles) followed by between 10 am and 11 am (275 vehicles).

Around 2100 vehicles were observed to cross the survey point (towards Gate 8, AIIMS) from 6 am to 6 pm (barring 12 noon to 2.30 pm) on 19th May 2023. Highest traffic volume was observed between 10 am and 11 am (269 vehicles) followed closely by 9 am to 10 am (263 vehicles). In both the time periods, nearly 60% of the total vehicles comprised two wheelers. Speed and delay survey The road experiences slow traffic movement throughout the day. A speed and delay survey were done on 19th May 2023 at 3.30 pm. Major reasons for the slow traffic were low capacity of the roads, use of multimodal transport with varying speed such as a car and a handcart using the same narrow roads, encroachment by informal sector and on street parking.

Overall scenario:

- The varying effective carriageway of Gautam Nagar road -

Sudarshan Cinema Road- Gulmohar Park Road due to encroachment by haphazard on-street parking, mobile vendors and informal shops on RoW leads to the formation of bottlenecks, slowing down traffic and leading to traffic congestion.

- Location of utilities such as the BSES transformer, large waste bins also encroach into the RoW.

4. Within AIIMS Premises There is an extensive road network within AIIMS premises providing connectivity between the various departments and the external gates. The RoW of the roads varies from 6 m to 18 m.

Traffic Volume count survey was conducted on 19th May 2023 from 6 am to 6 pm (except from 12 noon to 2.30 pm) at gate 1 (entry and exit), 3, 6 and 8 of AIIMS. While 18,011 vehicles were observed to enter from these four gates, 14,580 vehicles were also seen to exit from these four gates. It is a possibility that the remaining were leaving AIIMS premises from gate 2. So, it may be estimated that there are around 3431 vehicles exiting from gate 2 within the survey period.

It is interesting to note that 36% of the vehicles entering AIIMS premises were two wheelers followed by personal four wheelers (29%) and auto-rickshaws (26%). To calculate the probable number of vehicles entering on a Monday, that is the busiest day of the week, OPD and admission data was taken from AIIMS. A ratio was found between the OPD and admission number on a Friday (day of the survey) and Monday. This ratio was applied to the number of vehicles counted on the survey day. As per data provided by AIIMS, on 12th May 2023, Friday, there were 10632 OPD patients and 747 patients were admitted, a total of 11,379 patients while on 15th May 2023,

there were 10176 OPD patients and 918 patients, a total of 11,094 patients had visited. It was seen that Monday and Friday had similar number of patients, so one may assume that the number of vehicles will be similar on Monday as well.

i. Gate 1 (Entry) Around 5600 vehicles entered AIIMS from gate 1 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 36% were four wheelers, 30% were two wheelers and 21% were autorickshaws. High traffic volume, nearly 57% of the total vehicles, was concentrated between 7 am and 11 am.

ii. Gate 1 (Exit) Around 2600 vehicles left AIIMS from gate 1 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 34% were autorickshaws, 29% were personal four wheelers and 24% were two wheelers. Nearly 51% of the total vehicles were concentrated between 7 am and 12 noon.

A sample of every 20th vehicle was asked about the gate number through which they had entered. It was observed that nearly 50% of the vehicles leaving from gate 1(exit) had entered from gate 1 and the rest had entered from gate 3. iii. Gate 3 (Entry) Around 5671 vehicles entered AIIMS from gate 3 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 16% were autorickshaws, 11% were personal four wheelers and 10% were personal two wheelers. The period from 6 am to 11 am was the busiest time of the day with nearly 68% of the total vehicles entering from gate 3 concentrated in the above time period.

iv. Gate 3 (Exit) Around 2560 vehicles left AIIMS from gate 3 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 51% were two wheelers, 24% were personal four wheelers and 20% were autorickshaws. The period from 3 pm to 6 pm was the busiest time of the day with nearly 46% of the total vehicles leaving from gate 3 concentrated in the above time period. A sample of every 20th vehicle was asked about the gate number through which they had entered. It was observed that nearly 44% of the vehicles leaving from gate 3 (exit) had entered from the Safdarjung underpass and 26% had entered from gate 1 and 17% had entered from gate 3 itself. The rest 13% had entered from gate 6, and 8.

v. Gate 6 (Entry) Around 4050 vehicles entered AIIMS from gate 6 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 40% were two wheelers, 28% were personal four wheelers and 24% were autorickshaws. The period from 8 am to 11 am was the busiest time of the day with nearly 53% of the total vehicles entering from gate 6 concentrated in the above time period.

vi. Gate 6 (Exit) Around 6872 vehicles left AIIMS from gate 6 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 34% were autorickshaws, 29% were personal four wheelers and 29% were two wheelers. The period from 8 am to 12 noon was the busiest time of the day with nearly 44% of the total vehicles leaving from gate 6 concentrated in the above time period. Another peak between 3 pm and 6 pm was also observed, nearly 36% of the total vehicles leaving from gate 6 concentrated in the above time period.

A sample of every 20th vehicle was asked about the gate number through which they had entered. It was observed that nearly 29% of the vehicles leaving gate 6 (exit) had entered from the gate 1 and 31% had entered from gate 3, 27% had entered from gate 6 itself and 11% had entered from gate 8 vii. Gate 8 (Entry) Around 2680 vehicles entered AIIMS from gate 8 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 63% were two wheelers, 17% were personal four wheelers and 15% were autorickshaws. The period from 7 am to 11 am was the

busiest time of the day with nearly 56% of the total vehicles entering from gate 8 concentrated in the above time period.

viii. Gate 8 (Exit) Around 2500 vehicles left AIIMS premises from gate 8 on 19th May 2023 between 6 am and 6 pm (except 12 noon to 2.30 pm). Around 64% were two wheelers, 17% were personal four wheelers and 14% were autorickshaws. The period from 3 pm to 6 pm was the busiest time of the day with nearly 48% of the total vehicles leaving from gate 8 concentrated in the above time period.

A sample of every 20th vehicle was asked about the gate number through which they had entered. It was observed that nearly all the vehicles entering from gate 8 were also leaving from gate 8.

Speed and Delay survey Although traffic within AIIMS premises is well managed, there are some hotspots that need to be considered. The stretch in front of the administrative block has heavy pedestrian movement along with substantial traffic movement emerging as an important vehicle-pedestrian conflict point.

Overall scenario:

- AIIMS premises experiences heavy traffic during the day with many of the vehicles entering from gate 1 and gate 3 and traversing the premises to exit from gate 2 or gate 6. Heavy unregulated vehicular movement within the area is posing a hazard for the pedestrians as well and there is scope of improvement in terms of signages for better traffic management.
- There are some areas within AIIMS premises where potential vehicular-pedestrian conflict was observed, particularly near the administration block and between gates 1 and 3.

3.2 Encroachment of Right of Way The area within the 500 m buffer of AIIMS was divided into 10 zones for studying the encroachment and various activities.

Zone A mainly comprises Yusuf Sarai, zone B has Gautam Nagar, zone C has Niti Bagh, zone D has Masjid Moth and Gulmohar park, zone E has South Extension (II). On the other side of the MG road/ Ring Road, zone F has south extension (I) and zone G has Kidwai Nagar among others. Zone H has Kidwai Nagar (W) and zone I comprises Safdarjung hospital and Ansari Nagar (west) while zone J has Green Park.

The encroachments and activities were captured through videography on 30th May 1st and 2nd June 2023 on select roads.

Encroachment on RoW were found to be of various types, primarily undesignated on-street parking, informal shops, mobile vendors etc. Encroachment on RoW reduces the effective carriageway and hampers the smooth movement of traffic leading to traffic congestion and thus more air pollution. Further, some of the informal shops and mobile vendors also cook food on site leading to the release of pollutants.

Overall scenario:

- Food truck and food distribution event organized for community service on the footpath of Sri Aurobindo Marg along the western boundary wall of AIIMS leads to vehicles stopping for partaking the food. It also leads to obstruction of pedestrian movement.
- Extensive illegal on-street parking is present on most of the collector and local roads in the area within 500 m buffer. These are unregulated and often haphazard. While four wheelers were found in most of these parking sites, LCVs were specifically observed in the residential areas of Gautam Nagar, Masjid Moth and South Extension.
- Presence of Informal shops and mobile vendors in the RoW of collector and local roads of most of the residential areas, particularly in Gautam Nagar, Yusuf Sarai, and Masjid Moth.
- Encroachment by formal shops by keeping their goods outside their shops.

3.3 Green Belt The vegetative cover at the AIIMS Campus is mainly in the form of trees along the boundary of the institution, along Aurobindo Marg, M.G. Road, Gautam Nagar Road and on the eastern periphery. Within the campus there are roadside plantations with trees and shrubs.

Greenery is also present on the form of open spaces, such as lawns in front of Administration Building and open spaces near the residential areas. The trees are mainly mature and a mix of evergreen, semi deciduous and deciduous.

3.4 Other Activities Other activities that could be of concern in the surrounding area have also been studied and mapped. These activities mainly include restaurants, construction activities and solid waste dumping.

The encroachment due to restaurants, construction activities and solid waste dumping may be seen in the images filed in the report.

4. Hotspot Analysis A GIS based hotspot analysis was carried out overlaying all the activity and encroachment layers. It is observed that the areas south and south east of AIIMS Campus have major concentration of activities, parking and encroachment and need to be addressed as a priority for managing parking and informal activities.

5. Recommendations Based on the status of the present issues and the actions being undertaken by various concerned departments, the issue-specific recommendations of the Joint Committee are tabulated below:

S. No.	Aspect	Issue	Short-term measures	Long-term measures	Concerned departments/ organizations
A.	Traffic Management	outside AIIMS			

1.	Traffic Congestion on	1. Encroachments by	1. Removal of encroachments from	1. Traffic circulation plan
	Delhi	high traffic volume hawkers, vendors, shops, MG Road		

and Aurobindo Marg in indicating vehicular PWD, NDMC, AIIMS roads-MG Road and etc. the stretch up to 500 meters from movement, pedestrian Traffic Committee and Aurobindo Marg the periphery of the AIIMS crossings, and parking Delhi Police

2. Preferred use of campus. for an area up to 500 Pedestrian crossing meters from the available in front of 2. Provision of permanent vending periphery of the AIIMS AIIMS by public over areas in few locations to prevent campus Foot over bridge and their spreading into entire area subway due to may be made by DDA and NDMC. 2. NDMC shall select the encroachment and lack AIIMS stretch to be part of cleanliness 3. Subway and foot over bridge of the smart street-

outside AIIMS to be free from all scaping project, so that encroachment (including the issue of squatters). Delhi Traffic Police and encroachments and AIIMS traffic committee to conduct hawkers is permanently random drives to promote use of solved foot over bridge or subway for crossing the busy road

2. Increase in the number of Vehicles to be challaned Delhi Traffic Police Vehicles including taxis and regularly for unauthorised auto rickshaws parking in and around AIIMS.

parked outside of AIIMS on Monitoring system to be Aurobindo marg stretch introduced by concerned agency along with fixing accountability

3. Parking of unauthorised Regular challaning and towing of Traffic Police to Explore the Delhi Traffic Police vehicles unauthorized vehicles parked feasibility of a dedicated around the campus. ambulance corridor from The roads outside AIIMS Gate Nos. South extension to Yusuf 1,2,3 & 6 and area in between, till a Sarai through a study with an expert institute/agency distance of at least 500m, to be within 08 weeks to ensure declared as "Zero Tolerance Zone" faster access of emergency Monitoring system to be introduced vehicles. by concerned agency along with fixing accountability Obstruction &

4. Congestion at Gates Ambulances are parked Possibility of designating parking Delhi Traffic Police outside AIIMS gates on space for private ambulances Aurobindo marg stretch outside Gate Bo. 2 in the service which causes traffic lane along the Ring Road or any congestion. other suitable place may be explored by Traffic Police, in consultation with SPA/expert institute/agency within 04 weeks

5. No system of entry and exit of 1. Gate No.1 of AIIMS on Aurobindo AIIMS vehicles from designated gates Marg may be exclusively used for entry and the exit could be from Traffic Police, NDMC

2. Traffic Police and NDMC to explore the possibility of shifting the prepaid Booth of TSR situated outside Gate No. 1 of AIIMS in the service lane near Gate No. 2 of AIIMS or other suitable location within 04 weeks.

6. Slowing of Speed Slowing down of vehicles on 1. Removal of vendors, hawkers and Transport Department in Transport Department, of Traffic ring road near Gate 2 due to other encroachments in a consultation with NDMC Delhi Traffic Police, encroachments and bus stop distance of 500m around Gate 2 and traffic Police may PWD, NDMC, AIIMS location explore the feasibility of Traffic Committee and

2. Provision of permanent vending Shifting of Bus stop within Delhi Police areas in few locations to prevent 04 weeks their spreading into entire area may be made by DDA and NDMC.

7. Slowing down of Vehicles Reorganization of Hawkers, vendors, Provision of permanent DDA and NDMC along Yusuf Sarai and small shops, etc. to designated vending areas in few Gautam Nagar due to spaces, removal of abutments into locations to prevent their encroachments road right of way, especially the spreading into entire area BSES transformer may be made by DDA and NDMC.

8. Road Condition The service road from Gate The service roads around AIIMS Routine maintenance of PWD, NDMC No.2 to Aurobindo Marg is periphery and major roads in Yusuf road, footpaths, and other not in good condition and a Sarai, Gautam Nagar and paved areas by PWD and lot of dust is accumulated. surrounding residential areas NDMC.

Road condition in certain stretches in Yusuf Sarai, Gautam Nagar and other surrounding areas also require maintenance

(within 500m of AIIMS) need to be repaired and recarpeted to prevent built up of dust

#### B. Traffic Management inside ARMS

- |    |   |   |    |
|----|---|---|----|
| 1. | 1. Vehicular congestion at entry gates of AIIMS.                                      | 1. AIIMS to continue implementation of measures to curb unauthorized entry of vehicles into the campus and ensure smooth vehicular movement within the campus | 1. |
|    | 2. Parking of vehicles, taxis and auto rickshaws at undesignated places inside AIIMS. | 2. The Security Department to   |    |

Vehicular regularly clear all internal roads 2. It is planning to Congestion to avoid congestion by ensuring procure 200 electric

2. 3. Increase in the number of all vehicles are parked in vehicles for AIIMS vehicular traffic entering designated parking areas only. transportation of staff AIIMS and patients.

3. Monitoring system to be introduced along with fixing 3. AIIMS will provide accountability shuttle service through electric vehicles to major alighting points of public transport such as bus stops and metro stations.

3. Slowing of Speed of 1. Removal of abutments in road Reorganization of AIIMS Traffic Slowing of Speed of Traffic at Right of Way peripheral Stretches within the campus 2. Signages need to be put up with parking to designated Traffic Committee appropriate graphics to indicate multilevel parking

1. Entry

2. Exit

3. One way or two way

4. Parking location
5. Arrows to various Departments
6. Shuttle service pickup and drop off points with time chart
7. Public conveniences etc. These signages can be located immediately at the entrance gate and at strategic locations such as-

administration building, between residential area and hospital complex etc.

C. Encroachments on Right of Way

- |    |                           |   |  |  |
|----|---------------------------|---|--|--|
| 1. | On street parking         | Almost all the roads in the surrounding areas had on-street parking which included two wheelers, four wheelers, and small and large trucks and buses in certain stretches | The RW As in the adjoining colonies to issue stickers to only allow residents to park. Designated parking areas to be identified for outsiders | Per park   |
| 2. | Encroachments (permanent) | Encroachment by permanent structure such as shops, transformers, large trees which reduce the right of way  |  | 1. Sn<br>be<br>en<br>ju<br>Au<br>Yu<br>wc<br>ac<br>ph<br>(a<br>nu<br>ac<br>sh<br>me<br><br>2. Al<br>ic<br>fd<br>ot |
| 3. | Encroachments (temporary) | Encroachment by hawkers selling food, miscellaneous goods etc., and organizations distributing food mainly encroaching onto the footpaths                                 |  | 1.<br><br>2.   |
| 4. |                           | walk-in hawkers and sellers inside AIIMS  | 1. Walk-In hawkers and sellers The Security Department to e sellers enter the campus.  |  |

1. Green Belt inside AIIMS Vegetative cover in AIIMS is Even though the requisite area 1. A comprehensive AIIMS Horticulture mainly composed of trees under landscaping (30% of site) may Landscape Department, along the boundary, along have been fulfilled the area can still Development Plan Consultant for roads with shrubs accommodate some trees in the needs to be prepared for AIIMS Master Plan interspersed. Lawns in front open spaces and spaces released the campus to address of administration block, around boundary wall after shifting greening of campus within residential areas and of parking areas. Many areas are along with water other open spaces have very connected with pergolas covered by harvesting green roofs few trees and some shrubs fibre glass. These can also have etc. climbers raised on top to prevent 2. Further, ARMS plans to heating of surfaces. The boundary plant 10000 trees on its wall can have climbers planted campuses along sections where the space is not available for raising trees.

2. Green Belt outside No Green Belt presents NDMC & Forest Department will NDMC, Forest ABMS around the AIIMS premises. work in coordination with AIIMS for Department, AIIMS development of green belt around the campus.

			E. Other
1.	Solid Waste management	Improper management of mobile dhalaos of 1-to- 1.5-ton capacity.	NDMC to ensure daily lifting of garbage so that there is no spill on the roads.
2.	Dust management at Construction sites	Many areas surrounding AIIMS have buildings being renovated and repaired and require dust control/management	Measures as per dust mitigation norms have to be followed
3.	Increase in the Footfall of relatives and attendants of	Increase in the Footfall of relatives and attendants of patients	1. Installation of Queue Manager 2 Promoting e-Sanjeevani platform follow-up patients

patients 3. Slot-wise appointment and token systems

4. Open Squatting Entire families travel for 1. AIIMS to ensure Strict The augmentation of the AIIMS treatment of one patient and adherence to one-patient- existing capacity of waiting live in hospital premises, one- attendant policy. areas, Vishram Sadan and bathe, defecate and wash in 2. AIIMS to encourage the public facilities is in open. No real patients and attendants to process. "

accommodation available. avail waiting area facilities public facilities is in process.

Consideration and further directions

5. We have heard learned Counsel for the applicant and for DPCC, NDMC and also representative of AIIMS, Dr. Nishant Sharma, Assistant Professor.

6. Learned Counsel for the applicant submitted that precautionary principle of environmental law requires anticipation of adverse impact on environment and mitigations measures to offset the

same. Reference has been made to Vellore Citizens Forum vs. UOI, (1996) 5 SCC 647. This requires preparation of an appropriate environment management plan covering all sources of pollution in and around the campus of AIIMS and also a suitable SOP by higher authorities applicable to all major healthcare facilities with heavy footfall of patients in all District level or hospitals bigger than that which may be specified by concerned authorities. In absence of such plan or SOP, this Tribunal under section 15 of the NGT Act needs to intervene and issue appropriate directions in the interest of protection of environment and public health. It is submitted that the factual report of the joint Committee confirms need for such plan for improvement of environment in and around country's premier healthcare and research institute. Patients Welfare Committees constituted as per guidelines of the Central Government or voluntary organizations may also be involved in execution of environment management plans, if viable.

7. Representative of the AIIMS has drawn our attention to All-India Institutes of Medical Science Act, 1956 under which AIIMS has been established and declared an institution of national importance. Publication "AIIMS, New Delhi Master Plan, 2022" shows that AIIMS is providing both patient care and healthcare education. Its mandate is maintenance of high standards of medical education in the country. Apart from being well recognized medical institute, it is reputable public hospital. It is located on 105.77 acre area in East Ansari Nagar with 32.09 acre in Masjid Moth and 14.95 acre in trauma center extension campus. It is now being redeveloped for enhancing patient care and advancing research and teaching for which a master plan has been prepared to accommodate future needs and ease of maintenance. The budget allocation for AIIMS in 2023-24 is Rs. 4134.67 crores. AIIMS representative fairly stated that AIIMS is committed to maintain cleanest environment inside the campus for protection of patients, staff and visitors and also to coordinate with the authorities for remedial measures in coordination with the concerned authorities.

8. Learned Counsel for DPCC and NDMC also fairly submitted that measures recommended by the Committee need to be urgently taken and higher authorities in Central Government need to take cognizance of the situation revealed in the report for remedial action throughout the country.

#### Finding and directions

9. Since there is no objection to the report of the joint Committee and we see no reason not to accept the same, we accept the report and issue directions in terms thereof. We also agree that a hospital complex being an environmentally sensitive area, an environment management plan is required not only covering the campus but also surrounding periphery.

Prohibited and regulated activities need to be identified and mentioned in such plan with nodal agency for monitoring compliance and dedicated funds. This is part of right of citizens to clean environment and sustainable development principle. This is also part of fundamental duty under Article 51 A of the Constitution and obligation of the State under Article 48A.

10. Accordingly, we direct that measures suggested in the report be taken in a time bound manner.

11. With regard to measures required to be adopted outside the AIIMS campus, such as control of traffic congestion, removing encroachments, congestion at gates, speeding of vehicles, improving road conditions, control of dust and other sources of pollution, we constitute an eight member joint Committee of Traffic Police, NDMC, PWD, DDA, Delhi Police, AIIMS, CPCB and DPCC to prepare an action plan in the light of recommendations of the joint Committee and to monitor its execution in a time bound manner. Ambient air quality in and around the campus be monitored and

as and when it exceeds the laid down parameters within 500 meters of the boundaries of AIIMS, regulatory measures be taken in the light of Graded Response Action Plan1 (GRAP). Such action plan be prepared preferably by July 31, 2023. First meeting for this purpose be held by July 15, 2023. Commissioner of Police and Director AIIMS will act jointly as nodal agency for coordination and compliance. They will be free to take assistance of their choice from their respective departments.

Meetings of the Committee may be held preferably in the Campus of AIIMS.

Execution of the plan may be reviewed periodically, preferably once in a month for next six months. First such review meeting be held by August 31, 2023. Minutes of the meeting may be placed on the website of AIIMS.

12. With regard to measures inside AIIMS campus, such as plantations, waste management, regulation of footfall of visitors and other attendants of patients, squatting, nature of vehicles, management of patient services, parking issues, providing shuttle service, landscaping, involvement of voluntary organizations or individuals, preparation of environment management/action plan, responsibility will be of the Director AIIMS in coordination with concerned departments. Director AIIMS will be free to explore deployment of suitable security force, including CISF, if available.

[https://cpcb.nic.in/uploads/final\\_graded\\_table.pdf](https://cpcb.nic.in/uploads/final_graded_table.pdf) The Director AIIMS may hold first meeting for the purpose at the earliest, preferably before July 15, 2023 and finalize action plan and place the same on the website of AIIMS by August 31, 2023. Its execution may be reviewed on monthly basis for first six months and thereafter at such intervals as may be found viable. The minutes of meetings may be placed on the website of AIIMS.

13. Individual issue with regard to AIIMS will stand disposed of in terms of paras 10 to 12 above but since there are identical issues in several other government hospitals, including Safdarjung hospital opposite AIIMS itself, it appears to be necessary to issue direction with regard to the same. In the light of situation revealed by the report of the joint Committee, environmental management inside and around such healthcare appears to be necessary in the interest of protection of right of patients, staff and other visitors to clean environment. This requires issuance of an appropriate SOP by MoEF&CC and Ministry of Health, GoI after study and due consideration of the subject.

14. Accordingly, we constitute a five-member joint Committee to be headed by Secretary, Ministry of Health, GoI with representatives of MoEF&CC, Ministry of Urban Development, GoI and Ministry of Home Affairs, not below the rank of Joint Secretary and nominee of CPCB not below the rank of Director. The Committee will be free to interact with stakeholders and obtain data of status of availability of environment management plans covering all sources of pollution in and around all Government district hospitals or larger than district hospitals including medical colleges as may be specified by the Committee. The joint Committee may meet within one month from today and finalize a questionnaire for getting specific information within one month thereafter.

Considering the data collected, appropriate SOP may be finalized within three months and placed on the website of Ministry of Health. The Committee may specify issues to be covered within the complex and outside the boundary of the healthcare facility complex upto specified periphery for regulation and control of polluting activities which may be found necessary to offset adverse impact on environment.

15. An action taken report in the matter may be filed with the Registrar General of this Tribunal by Secretary, Health, GoI and Commissioner of Police, Delhi within four months from today by e-mail at judicial-

ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If found necessary, the Registrar General, NGT may place the matter before the bench for further directions.

Subject to above, the application is disposed of.

I.A. No. 475/2023 will also stand disposed of.

A copy of this order be forwarded to the Secretary, Ministry of Health, MoEF&CC, Ministry of Urban Development, Ministry of Home Affairs, CPCB, Director, AIIMS, Commissioner of Police, Delhi, DCP (Traffic), DCP (South), NDMC, PWD, DDA and DPCC by e-mail for compliance.

Adarsh Kumar Goel, CP Sudhir Agarwal, JM Dr. A. Senthil Vel, EM July 03, 2023 Original Application No. 202/2023 DV



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SNS Legal <snslegal0009@gmail.com>

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**ADVANCE SERVICE OF REJOINDER ON BEHALF OF CLAIMANT IN THE MATTER  
TITLED AS SUDESH PRAKASH SABBERWAL VS UOI & ORS.**

1 message

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**SNS Legal** <snslegal0009@gmail.com>  
To: pujakalra09@gmail.com

Wed, Mar 12, 2025 at 6:05 PM

Ma'am,

Please find attached herewith rejoinder on behalf of Applicant for your perusal and consider it as advance service.

Regards

MANAV LAW CHAMBERS  
SUNITA BHARDWAJ  
MOB. 9868535388

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 **REJOINDER - SUDESH PRAKASH SABBERWAL.pdf**  
2729K