

**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 339/2023**

**IN THE MATTER OF**

Deepti Gupta

...Applicant

VERSUS

Ministry of Environment, Forests and Climate Change  
and ors

...Respondents

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Filed by

Promod Kumar Jain  
Chief Engineer (West)  
Delhi Jal Board

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**SUBJECT- REPLY ON BEHALF OF DELHI JAL BOARD IN OA  
NO. 339/2023**

**Most Respectfully Showeth:-**

1. That the issue raised by the Applicant in the captioned OA is in reference to the discharge of sewage coming out of the jhuggi clusters, open defecation, into the open green area of Shalimar Garden, Delhi which have become sewage pond, lying adjacent to Block CA, Shalimar Bagh, Delhi - 110088 boundary and in front of her residential house.
2. That the Hon'ble NGT videorder dated 19.7.2023 had directed officials of Delhi Pollution Control Committee(DPCC), Delhi Jal Board(DJB), Municipal Corporation of Delhi(MCD) and Delhi Urban Shelter Improvement Board(DUSIB) to conduct joint inspection of the area and submit a factual and action taken report within four weeks and had made DPCC the nodal agency for coordination and logistic support which was conducted on 18.8.2023.
3. That pursuant to the directions given by the Hon'ble Tribunal vide order dated 19.07.2023, the Joint Inspection was carried out by the

concerned officials of DPCC, DJB, MCD and DUSIB and subsequently submitted a joint committee report dated 13.09.2023, outlining the observations, which are provided below for facility of reference:-

- a. *The Jhuggi clusters are established on the land belonging to department of Irrigation and Department of Forests, Govt. of Haryana, on the bank of western Yamuna Canal. The distance between boundary wall of the society and the site in question is approximately 60 feet from the DDA flats and this is divided by road & boundary wall. The said jhuggi cluster has been notified by DUSIB vide cluster code 325 having 347 Nos. household & area about 586 Sqm. The photographs of the site where domestic waste water found being discharged, is attached herewith.*
- b. *A part of said JJ Cluster the domestic wastewater from the jhuggi clusters are being discharged partially and some waste water accumulating in question area and remaining waste water found being discharged in the nearby drain adjacent to the CA Block, Shalimar Bagh.*
- c. *To facilitate JJC dwellers one Jan Suvidha Complex (JSC) is already existing and one more Jan Suvidha Complex (JSC) found under construction by DUSIB with the proper collection and disposal of sewerage.*
- d. *During inspection it has been apprised by the DUSIB official that proposal is being submitted for proper disposal of domestic waste water being generated from this jhuggi clusters by reconstruction of existing drain or by laying of new sewer line which will require a*

*minimum 6 months duration to complete this work subjected to the approval of competent authority, land owning agency i.e. Govt. of Haryana and RWA CA Block, Shalimar Bagh.*

*e. The officials of Municipal Corporation of Delhi assured that the municipal solid waste found dumped on the said site/drain, shall be removed by Municipal Corporation of Delhi and shall take proper care in future.*

*f. Haryana Government may be asked to resettlement of JJ Cluster as the JJC established on the bank of Western Yamuna Canal to save the canal.*

4. That the subject OA was then taken up by this Hon'ble Tribunal on 14.02.2024, wherein the following directions were passed for Delhi Jal Board :-

*8. In the present case respondent no. 1-MoEF & CC and respondent no. 5-DJB have not appeared despite due notice and notices be issued again to them requiring them to file their reply/response within two months by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF*

Copy of the order dated 14.02.2024 passed by this Hon'ble Tribunal is annexed herein and marked as **Annexure -1**

5. That pursuant to the order dated 14.02.2024 of this Honorable Tribunal, a joint committee was established by the Delhi Pollution Control Committee to address the Applicant's grievance. This committee comprised of authorized representatives of the Chief

Secretary, Government of NCT of Delhi; Chief Secretary, Government of Haryana; Vice Chairman, DDA; Engineer in Chief, Irrigation and Water Resource Department, Government of Haryana; Commissioner MCD; CEO DJB; CEO DUSIB; and Member Secretary DPCC. A notice dated 22.03.2024, was subsequently issued to all concerned officials, and accordingly a meeting was scheduled for the 28.03.2024. Copy of the notice dated 22.03.2024 issued by DPCC to all the concerned officers is annexed herein and marked as **Annexure -2.**

6. That on 28.03.2024, the Chief Secretary, GNCTD directed the concerned officers of DJB and DUSIB to conduct a joint inspection of the JJ Cluster CA Block, Shalimar Bagh which is the subject matter of the present case. The joint inspection was conducted on 01.04.2024 which was attended by concerned A.E.'s, J.E.'s of Delhi Urban Shelter Improvement Board (DUSIB) and Delhi Jal Board (DJB) and the committee's findings are as follows:-
  - a. The joint inspection was carried out to find out a feasible solution for the disposal of discharge of open surface drain of JJ cluster according to prevailing site conditions.
  - b. It was discussed in the joint inspection as the discharge is of open surface drain coming out of JJ cluster, there is no such need to construct a separate sewer line. However, this surface drain discharge will be diverted by DUSIB to nearby MCD drain which exists along the boundary wall of the JJ cluster by constructing the surface drains. DUSIB will accordingly amend its estimate and get the work executed. This MCD drain is already connected into DJB sewer.

- c. As regards sewerage, the sewage from existing toilet block being maintained by DUSIB is already connected into DJB sewer. Further, the sewage discharge from under construction toilet block by DUSIB will also be connected to DJB sewer network. The scope of laying of sewer line and making connection into existing sewer line is already in the scope of work of under construction toilet block by DUSIB. However, the DJB is ready to extend help if required in this regard.

True copy of the findings of the Joint Inspection conducted by officials of DUSIB and DJB are annexed herein and marked as

**Annexure -3.**

7. In compliance of the order dated 14.02.2024 and joint inspection conducted by the officials of DUSIB and DJB on 01.04.2024, Delhi Jal Board seeks to submit as under :-
- a. The discharge in question i.e. the drain water in actuality is coming from JJ cluster and its disposal is maintained by the Delhi Urban Shelter Development Board
  - b. Upon inspection of the area by the concerned officials of DJB, it has come to our attention that no DJB sewer line exists in the said JJ Cluster.
  - c. There is one DUSIB toilet (Jan Suvidha Complex) in JJC. Its sewer flows into the DJB sewerage system, and the sewer line in JJC is maintained by DUSIB. Another DUSIB toilet is currently being constructed, and its sewer will be connected to the DJB network by DUSIB. Additionally, the maintenance of the canal from Haiderpur WTP, is managed by the Haryana Irrigation Department, Government of Haryana.

- d. DJB does not offer individual water connections to residents of the jhuggis/slums. Instead, drinking/potable water is provided through public hydrants in the CA Block JJC
  - e. The Haryana Irrigation Department maintains the canal from Haiderpur WTP, while MCD is responsible for municipal waste maintenance. DUSIB manages waste/drain water maintenance inside JJC.
  - f. DJB provides drinking water through public hydrants in the JJC, CA Block, Shalimar Bagh.
  - g. The accumulation of wastewater in the park is caused by non-trapping/non-functioning of internal drains maintained by MCD/DUSIB. To address this, the drain disposal/outfall is already connected to the Delhi Jal Board sewer line.
  - h. The wastewater discharge into Sheesh Mahal Park can be redirected to a nearby MCD drain, which is already connected to the DJB sewer, by constructing surface drains by DUSIB.
8. This reply is based on the Joint Inspection conducted by the officials of DJB along with other officials of DUSIB on 01.04.2024 and is being submitted herein for perusal and consideration of this Hon'ble Tribunal.
9. It is further undertaken that Delhi Jal Board shall remain duty bound by any direction or order by this Hon'ble Tribunal as and when directed.

Filed by

Promod Kumar Jain  
Chief Engineer (West)  
Delhi Jal Board

Item No.04

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No.339/2023



EE-M-14

Deepti Gupta

Dairy No. 2298  
Date 11/3/24  
Versus

Applicant  
Office of CEN (Drainage)  
DELHI JAL BOARD

Diary No. 886  
Date 26-2-24  
Respondent(s)

Ministry of Environment and Forest &  
Climate Change & Ors.

Date of hearing: 14.02.2024

SE (M)-6  
Delhi Jal Board  
D.P. 27/4  
P.N. 3P  
DL 04/03/24

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Vaibhav Grover, Advocate for the applicant.

Respondents: Mr. Kush Sharma Advocate for respondent no. 6-DPCC (through VC).  
Mr. Virender Singh Proxy Counsel for Ms. Puja Kalra Advocate for Respondent No. 7-MCD.  
Mr. Anant Vijay Singh Proxy Counsel for Mr. Vimal Dubey Advocate for respondent no. 10-DUSIB.  
Mr. Rahul Khurana Advocate for Respondent No. 11 to 13.  
Mr. Manjeet Singh, Executive Engineer, Mr. Rajesh Kumar, SDO, Haryana Irrigation Department.  
None for respondents no. 1 to 5, 8 and 9.

Application under Section 18(1) read with Sections 14 and 15 of the National Green Tribunal Act, 2010.

**ORDER**

1. The grievance in the application is regarding discharge of sewage coming out of the jhuggi clusters, open defecation, into the open green area adjacent to Block CA, Shalimar Bagh, Delhi which have become sewage pond.

2. Vide order dated 19.07.2023 this Tribunal ordered issuance of notices to the respondents and constituted a Joint Committee comprising

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Handwritten signature and initials: CEN (Drainage) 10/1/24

Handwritten signature and initials: CE (West) 01.03

Stamp: CE (WEST) Delhi Jal Board  
Dy No. 150  
Date 01-3-24

Handwritten signature and initials: SE (M)-6 11/3/24

Handwritten initials: AE 11/3

Handwritten signature: Chief Secy

of representative of DPCC, MCD, Delhi Jal Board and Delhi Urban Shelter Improvement Board.

3. Report of the Joint Committee was submitted vide email dated 13.09.2023. The relevant part of the report of the Joint Committee reads

as under:-

"STATUS REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE WITH RESPECT TO ORDER DATED 19.07.2023.

X X X X

a. The Jhuggi clusters are established on the land belonging to department of Irrigation and Department of Forests, Govt. of Haryana, on the bank of western Yamuna Canal. The distance between boundary wall of the society and the site in question is approximately 60 feet from the DDA flats and this is divided by road & boundary wall.

b. The said jhuggi cluster has been notified by DUSIB vide cluster code 325 having 347 Nos. household & area about 586 Sqm. The photographs of the site where domestic waste water found being discharged, is attached herewith.

c. A part of domestic wastewater generated from this jhuggi clusters are being discharged and out of which some waste water accumulating in question area. The remaining waste water found being discharged in the nearby drain adjacent to the CA Block, Shalimar Bagh.

d. To facilitate JJC dwellers one Jan Suvidha Complex (JSC) is already existing and one more Jan Suvidha Complex (JSC) found under construction by DUSIB with the proper collection and disposal of sewerage.

e. DUSIB official informed that proposal is being submitted for proper disposal of domestic waste water being generated from this jhuggi clusters by reconstruction of existing drain or by laying of new sewer line which will require a minimum 6 months duration to complete this work subjected to the approval of competent authority, land owning agency i.e. Govt of Haryana and RWA CA Block, Shalimar Bagh.

f. Municipal Corporation of Delhi assured that the municipal solid waste found dumped on the said site/drain, shall be removed by Municipal Corporation of Delhi and shall take proper care in future.

g. Haryana Government may be asked to resettlement of JJ Cluster as the JJC established on the bank of Western Yamuna Canal to save the canal. Copy of the joint inspection report dated 18.08.2023 alongwith photographs are enclosed herewith as ANNEXURE-1(Colly)."

4. In view of the averments made in the application and observations made in the report of the Joint Committee State of Haryana, Secretary,

O.A No. 339/2023

Deepti Gupta Vs. Ministry of Environment  
and Forest & Climate Change & Ors.

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Irrigation and Water Resource Department, Government of Haryana and Member Secretary, HSPCB were impleaded as respondents no. 11 to 13.

5. Responses have been filed by DPCC, Delhi Urban Shelter Improvement Board, Irrigation and Water Resource Department, Government of Haryana, DDA and MCD and rejoinders have been filed by the applicant.

6. The Lt. Governor and the Chief Minister, Government of NCT of Delhi and the Member of Legislative Assembly of Delhi from Shalimar Bagh Constituency have been impleaded as respondents no. 2, 3 and 4. We consider their impleadment in the present case to be improper. On the other hand Chief Secretary, Government of NCT of Delhi, Principal Secretary, Environment & Forest, Government of NCT of Delhi and Special Secretary, Department of Urban Development, Government of NCT of Delhi ought to have been impleaded in the case. Accordingly, the Lt. Governor and the Chief Minister, Government of NCT of Delhi and the Member of Legislative Assembly of Delhi from Shalimar Bagh Constituency are ordered to be deleted from the array of respondents and Chief Secretary, Government of NCT of Delhi, Principal Secretary, Environment, Government of NCT of Delhi and Principal Secretary, Urban Development, Government of NCT of Delhi are ordered to be impleaded as respondents no. 14, 15 and 16.

7. The Registry is directed to amend the memo of parties and issue notices to the respondents no. 14, 15 and 16 requiring them to file their reply/response within two months by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. In the present case respondent no. 1-MoEF & CC and respondent no. 5-DJB have not appeared despite due notice and notices be issued

O.A No. 339/2023

Deepti Gupta Vs. Ministry of Environment  
and Forest & Climate Change & Ors.

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again to them requiring them to file their reply/response within two months by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

9. The case involves serious questions relating to environment arising out of implementation of the enactments specified in schedule I of the National Green Tribunal Act, 2010. The factual matrix of the case also discloses an example of recurrence of the frequent incidents of encroachments on public land by poverty stricken marginalized section of the society with the consequence of degradation of/damage to environment with improper utilization of material resources and inaction/negligence/connivance on the part of concerned governmental agencies without any effort to prevent/remove encroachments and protect and improve the environment and indulging in shifting the responsibility/accountability and also to blame to other agency without any proper application of mind to deliberate upon and take appropriate remedial measures to resolve the issues.

10. In the facts and circumstances of the case, we consider it appropriate to constitute a Joint Committee comprising of duly authorized and empowered representatives of (i) Chief Secretary, Government of NCT of Delhi, (ii) Chief Secretary, Government of Haryana, (iii) Vice Chairman, DDA and the following officers themselves-Engineer in Chief, Irrigation and Water Resource Department, Government of Haryana, Commissioner, Municipal Corporation of Delhi, Chief Executive Officer, Delhi Jal Board, Chief Executive Officer, Delhi Urban Shelter Improvement Board and Member Secretary, DPCC to look into the grievances made in the application, observations made in the report of the Joint Committee and to take appropriate remedial action. The Joint Committee may coopt any expert or other officer concerned and may also

appoint a sub-committee of officers. The requisite remedial measures be taken by taking into consideration all relevant aspects including the aspects as to whether the land in question which has been encroached upon under JJ Cluster has been notified as forest area by Government of Haryana, as to whether the encroachers are liable to be removed without any rehabilitation/resettlement at some other place or whether they are entitled to the benefit of rehabilitation policy of Government of Haryana and Government of NCT of Delhi and the remedial measures required to protect the canal and to ensure compliance with the Solid Waste Management Rules, 2016 and the Water (Prevention and Control of Pollution) Act, 1974.

11. Action taken report of the Joint Committee and responses by respondents no. 1, 5 to 16 be filed within two months by email at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

12. In case of failure to do so exemplary costs may be imposed on the Joint Committee and the concerned respondents and penal action for non-compliance with the order of this Tribunal may also be initiated against the concerned officers.

13. List for further consideration on 22.04.2024.

14. In the facts and circumstances of this case, presence of the Officers duly authorised by the Chief Secretary, Government of NCT of Delhi, the Chief Secretary, Government of Haryana, the Vice Chairman, DDA, the Engineer in Chief, Irrigation and Water Resource Department, Government of Haryana, the Commissioner, Municipal Corporation of Delhi, the Chief Executive Officer, Delhi Jal Board, the Chief Executive Officer, Delhi Urban Shelter Improvement Board and the Member Secretary, DPCC before this Tribunal on the date of hearing fixed is also

O.A No. 339/2023

Deepti Gupta Vs. Ministry of Environment  
and Forest & Climate Change & Ors.

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considered to be essential for producing relevant documents and assisting this Tribunal in effective and proper adjudication of questions relating to environment arising in this case and such officers shall remain present before this Tribunal on the date of hearing fixed.

15. A copy of this order be forwarded to the Chief Secretary, Government of NCT of Delhi, the Chief Secretary, Government of Haryana, the Vice Chairman, DDA, the Engineer in Chief, Irrigation and Water Resource Department, Government of Haryana, the Commissioner, Municipal Corporation of Delhi, the Chief Executive Officer, Delhi Jal Board, the Chief Executive Officer, Delhi Urban Shelter Improvement Board and the Member Secretary, DPCC by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 14<sup>th</sup>, 2024  
N

By Speed Post

DELHI POLLUTION CONTROL COMMITTEE  
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)  
5<sup>th</sup> FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6  
visit us at : <http://dpcc.delhigovt.nic.in>



F. No. DPCC/CMC-III/NGT/OA No-339/2023/ 2060 - 2067

Dated: 22.03.2024

**MEETING NOTICE**

Hon'ble NGT in its order dated 14.02.2024 in O.A No 339/2023 in the matter of "Deepti Gupta Vs Ministry of Environment, Forests & Climate Change & Ors." (copy enclosed) constituted a Joint Committee comprising of duly authorized and empowered representatives of (i) Chief Secretary, Government of NCT of Delhi, (ii) Chief Secretary, Government of Haryana, (iii) Vice Chairman, DDA and the following officers themselves-Engineer in Chief, Irrigation and Water Resource Department, Government of Haryana, Commissioner, Municipal Corporation of Delhi, Chief Executive Officer, Delhi Jal Board, Chief Executive Officer, Delhi Urban Shelter Improvement Board and Member Secretary (DPCC) to look into the grievances made in the application, observations made in the report of the Joint Committee (copy enclosed) and to take appropriate remedial action.

The grievance is regarding discharge of sewage coming out of the jhuggi clusters, open defecation, into the open green area adjacent to Block CA, Shalimar Bagh, Delhi which have become sewage pond. The requisite remedial measures may need to consider all relevant aspects including the aspects as to whether the land in question, which has been encroached upon under JJ Cluster, has been notified as forest area by Government of Haryana, as to whether the encroachers are liable to be removed without any rehabilitation/resettlement at some other place or whether they are entitled to the benefit of rehabilitation policy of Government of Haryana and Government of NCT of Delhi and the remedial measures required to protect the canal and to ensure compliance with the Solid Waste Management Rules, 2016 and the Water (Prevention and Control of Pollution) Act, 1974.

In compliance of aforementioned order of Hon'ble NGT, a meeting is scheduled to be held in the Conference Hall of Chief Secretary, GNCTD at 5<sup>th</sup> Floor, A-Wing, Delhi Secretariat, IP Estate, New Delhi on 28.03.2024 at 2:00 PM.

All the concerned officers are requested to kindly attend the said meeting along with Action Taken Report (ATR) in this regard.

Encl: 1. Copy of order dated 14.02.2024  
2. Copy of report of Joint Committee

  
(K.S. Jayachandran)  
Member Secretary

**To:**

1. The Chief Secretary, Govt. of Haryana, 4th Floor, Haryana Civil Secretariat, Sector-1, Chandigarh, Haryana-16000 with a kind request to nominate duly authorised and empowered representative concerned with the issue.
2. The Vice Chairman, Delhi Development Authority, Vikas Sadan, INA, Delhi-110023. with a kind request to nominate duly authorised and empowered representative concerned with the issue.
3. The Commissioner, Municipal Corporation of Delhi, Dr. S.P.M Civic Centre, JLN Marg, Delhi.
4. The Chief Executive Officer, Delhi Jal Board, Varunalya Phase-II, Jhandewalan, Delhi-110055.
5. The Chief Executive Officer, Delhi Urban Shelter Improvement Board, Punarawas Bhawan, I.P Estate, Delhi-110002
6. The Engineer in Chief, Irrigation and Water Resource Department, Govt of Haryana, Sinchai Bhawan, Sector-05, Panchkula, Haryana -134109.

**Copy to:**

1. Staff Officer to Chief Secretary, Govt of NCT of Delhi, 5<sup>th</sup> level, Delhi Secretariat, I.P. Estate, Delhi-02- For kind information to the Chief Secretary, GNCTD.
2. PPS to Chairman, Delhi Pollution Control Committee, GNCTD

  
(K.S. Jayachandran)  
Member Secretary

## Annexure 3

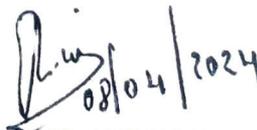
Subject: Joint Inspection on 01.04.2024 by DUSIB and DJB of JJ cluster, CA-Block Shalimar Bagh in reference to the NGT Court Case vide OA No. 339/2023 Deepti Gupta Vs Ministry of Environment and Forest & Climate Changes & Ors.

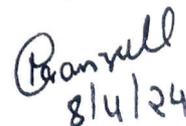
A joint inspection was carried out on 01.04.2024 by undersigned along with concerned Executive Engineer of DJB of the JJ Cluster CA block, Shalimar Bagh in reference to the NGT Court Case vide OA No. 339/2023 Deepti Gupta Vs Ministry of Environment and Forest & Climate Changes & Ors. The joint inspection was also attended by concerned A.E.'s, J.E.'s of Delhi Urban Shelter Improvement Board (DUSIB) and Delhi Jal Board (DJB). The joint inspection was carried out to find out a feasible solution for the disposal of discharge of open surface drain of JJ cluster according to prevailing site conditions. It was discussed in the joint inspection as the discharge is of open surface drain coming out of JJ cluster, there is no such need to construct a separate sewer line. However, this surface drain discharge will be diverted by DUSIB to nearby MCD drain which exists along the boundary wall of the JJ cluster by constructing the surface drains. DUSIB will accordingly amend its estimate and get the work executed. This MCD drain is already connected into DJB sewer.

As regards sewerage, the sewage from existing toilet block being maintained by DUSIB is already connected into DJB sewer. Further, the sewage discharge from under construction toilet block by DUSIB will also be connected to DJB sewer network. The scope of laying of sewer line and making connection into existing sewer line is already in the scope of work of under construction toilet block by DUSIB. However, the DJB is ready to extend help if required in this regard.

  
E.E.(M)-14, D.J.B. 08/04/24

  
A.E. (C), D.J.B. 08/04/24

  
E.E./C-11(DUSIB) 08/04/2024

  
A.E./C-11(DUSIB) 8/4/24