

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 447/2018**

IN THE MATTER OF:-

Kaushambi Apartments Residents Welfare Association

(KARWA)

.....Applicant

Versus

District Magistrate Ghaziabad & Anr.

.....Respondents

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Dated: 07.05.2020

VISHWAJIT SINGH

Advocate for Respondent No. 2

(Ghaziabad Nagar Nigam)

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**APPLICATION FOR EXTENSION OF TIME ON BEHALF OF
GHAZIABAD NAGAR NIGAM ALONG WITH COMPLAINE
REPORT/STATUS REPORT DATED 07.05.2020**

I, Deshraj, son of Shri Chohal Singh, aged about 47 years, posted as executive engineer, Ghaziabad Nagar Nigam, Ghaziabad, U.P. presently at New Delhi do hereby solemnly affirm and state as under:

1. That the deponent is working as the executive engineer, Ghaziabad Nagar Nigam and is well conversant with the facts and circumstances of the case and hence, competent to swear this affidavit.
2. That I have read and understood the contents of the accompanying affidavit and various averments made therein are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed.
3. That it is most respectfully submitted that in the present case titled as Kaushambi Apartment Residents Welfare Association (KARWA) vs. District Magistrate Ghaziabad & Anr. (O.A. 447/2018) wherein the issue pertains to the drains in the area of Kaushambi, Ghaziabad. This Hon'ble Tribunal vide order dated 01.08.2018 directed for remedial action to be taken against the pollution of the storm water drain in Ghaziabad. Subsequently, vide order dated 25.04.2019, the District Magistrate, Ghaziabad and Municipal Commissioner, Ghaziabad were directed to prepare the Action

Plan. The execution of the said Action Plan was to be overseen by the Member Secretary, Uttar Pradesh Pollution Control Board (UPPCB). It is further submitted that the aforesaid matter was reviewed vide the said order in view of Compliance Report dated 11.01.2019 filed by UPPCB and affidavit dated 22.04.2019 filed by the Ghaziabad Nagar Nigam, hereinafter referred to as the Answering Respondent. Thereafter, seven drains were identified vide order dated 25.04.2019. It is important to submit here that the remedial steps have been taken with regard to two of the aforesaid seven drains and as far as the remaining five drains are concerned, the repair work conducted by the Answering Respondent has been stated in the following paragraphs with a brief background.

4. That it is most respectfully submitted that the present case was heard by this Hon'ble Tribunal on 30.10.2019 wherein a chart enumerating the current status of the drains was presented to the Hon'ble Judges, reflecting the work orders that had been issued with regard to the remaining five drains and it was shown that the same would be executed within a period of three to six months. Thereafter, the Hon'ble Tribunal vide order dated 30.10.2019 directed the Answering Respondent to file a compliance report on 31.01.2020 (for progress made till the said date) which has been duly complied by the Answering Respondent vide Compliance Report dated 29.01.2020. Moreover, the Answering Respondent in the compliance report dated 29.01.2020 had initiated the construction work for the said drains and had further humbly prayed for an extension of time for a period of 6 months for the completion of the said construction work. The Hon'ble Tribunal was further apprised that due to the delay in the commencement of the work for reasons beyond the control of the Answering Respondent, it would consequently lead to a delay in the completion of the said work as well. It is further submitted that the Answering Respondent while tendering an unconditional apology to this Hon'ble Tribunal had also further explained the reasons for the delay caused which was that the Hon'ble Supreme Court in Writ Petition (Civil) No. 13029/1985 M.C. Mehta vs. Union of India & Ors. passed an order dated 04.11.2019 putting a blanket ban on all demolitions and constructions in the National Capital Region, to improve the air quality. Furthermore, the Answering Respondent had also explained in detail that

the weather conditions were not found to be suitable to progress with the said construction work. Hence, substantial work could not be done.

5. That it is most respectfully submitted that in view of the aforesaid direction issued by the Hon'ble Tribunal vide order dated 30.10.2019, the following chart enumerates the compliance with regard to the current status of the seven drains as per the report dated 08.03.2020 of the Answering Respondent, that were identified by this Hon'ble tribunal:

Sr. No.	Details of the drain	Remedial Action taken by the Answering Respondent as of 08.03.2020
1.	From Jaipuria Apartment to Samrat Hotel	The remedial steps have been taken in regard of the said drain and the said repair work has been completed as per compliance report dated 29.01.2020 and the same has been observed
2.	From Udaygiri Apartment to Panchmani Apartment	For the repair of the drain by Dens from Udaigiri tower to Panchmani tower, Ward No. 72 work order has been given to M/s P.P. Relcon Pvt. Ltd. on 21.10.2019. The repair work is in progress and 85% of the work has been completed.
3.	From Sumeru Apartment to Malaygiri Apartment	For the repair of the drain by Dens from Sumeru Tower to Mayagiri tower in Kaushambi Ward No. 72 work order has been given to M/s P.P. Relcon Pvt. Ltd. on 21.10.2019. The repair work is in progress and 85% of the work has been completed.
4.	From Dabur to wave Cinema	It has been recorded vide orders dated 25.04.2019 and 30.10.2019 passed by this Hon'ble Tribunal, that the remedial steps have been taken in regard to the said drain and the said repair work has been completed.

5.	From Central Park to Wave Cinema	For the Construction of the RCC drain behind the Metro Station Ganesh Hanuman temple to wave Mall, work order has been given to M/s Shantanu Constructions on 21.10.2019 and 50% of the work has been completed.
6.	From Nanda Tower T-point to Shivalik Tower	For the repair of the drain by Dens from Nanda Tower via Shivalik Tower to Kamadgiri Tower the work order has been given to M/s Shivaji Infra Project Pvt. Ltd. on 21.10.2019 and 20% of the work has been completed.
7.	From Shivalik Tower to Kamadgiri	The drain had two leakages in the sewage manhole between Shivalik Tower and Kamadgiri Tower which have been repaired as per compliance report dated 29.01.2020. For the repair of drain by Dens from Nanda tower via Shivalik tower to Kamadgiri Tower work order has been given to M/s Shivaji Infra Project Pvt. Ltd on 21.10.2019. For the repair of drain by Dens from Kamadgiri behind Metro station to Metro Pillar No. 179, work order has been given to M/s Shivaji Infra Project Pvt. Ltd on 21.10.2019 and 60% of the work has been completed.

A true and correct copy of the report dated 08.03.2020 is marked and annexed as **Annexure A-1** to this Compliance Affidavit

6. That it is most humbly submitted that a bare perusal of the table hereinabove evidently reflects that the Answering Respondent has taken adequate steps to comply with the directions of this Hon'ble Tribunal in true letter and spirit. It is further submitted that the Answering Respondent has taken tremendous effort in adhering to the orders of this Hon'ble Tribunal as the concerned repair work is on the verge of completion for the majority of the five drains as of 08.03.2020, whereas the Hon'ble Tribunal had

provided the Answering Respondent to complete the said work by 30.04.2020.

7. That it is most humbly submitted the aforesaid construction work which was to be completed by 30.04.2020 was delayed due to the reasons which were beyond the control of the Answering Respondent as the Government of India has issued a nationwide lockdown w.e.f from 22.03.2020 to 17.05.2020 due to the outbreak of the pandemic namely COVID-19. Nevertheless, the Answering Respondent tenders an unconditional apology to this Hon'ble Tribunal for the delay caused.
8. That it is most humbly submitted this Hon'ble Tribunal vide order dated 30.10.2019 had specifically observed that "During the hearing, it is pointed out that the level of the drains in question is lower than the main drain which they have to join. Having regard to this difficulty, the Ghaziabad Nagar Nigam may consider installing appropriate pumps so that the water can be drained into the main drain on regular basis". Consequently, in compliance of the aforesaid observation of this Hon'ble Tribunal, a survey was conducted in the said area and a report dated 19.01.2020 was prepared by the Answering Respondent. Moreover, it was observed in the said survey report, that the invert level of the drain between Wave Mall and Yashoda Hospital is 97.676 and the invert level of the Main Drain of Vaishali is 97.091. Therefore, it was concluded in the said survey that drain water from Wave Mall to the Police Station is flowing smoothly into the main drain and that there was also a slope of 0.585 mtrs between Wave Mall and the Main Drain, which shows that water is flowing smoothly into the drain. It is relevant to submit here that the report dated 19.01.2020 also observed that the drains of the aforesaid area need to be cleaned, which has been duly and regularly cleaned by the Answering Respondent since the month of February as reflected in the letter dated 04.05.2020. A true and correct copy of the report dated 19.01.2020 and letter dated 04.05.2020 is marked and annexed as **Annexure A2** and **Annexure A3** respectively. True and correct copies of the photographs are annexed as **Annexure A4**.
9. That it is most humbly submitted that a chart is being annexed with the present report for the convenience of the Hon'ble Judges, wherein the compliance dated 29.01.2020 and 07.05.2020 of the Answering

Respondent have been enumerated in a tabular form. The chart thereby reflects the compliance of the directions issued by this Hon'ble Tribunal vide order dated 30.10.2019 with regard to the completion of the construction work pertaining to the abovementioned 7 drains. A true and correct copy of the chart is marked and annexed as **Annexure A5.**

10. That it is most humbly submitted that on lifting of the above mentioned lockdown and after getting due permission from the Government to commence the said construction work, the Answering Authority assures this Hon'ble Tribunal that it would work to the best of their ability and will take necessary steps to complete the repair work at the earliest possible. Thus, it is humbly requested that in view of the present situation that this Hon'ble Tribunal may kindly extend the time period granted to the Answering Respondent by 4 months to complete the said construction work, after the national lockdown is completely lifted and the permission to start all activities is granted by the Government of India and the State Government.

PRAYER

It is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- a) Grant the Answering Respondent an extension of four months to effectively comply with the directions issued by this Hon'ble Tribunal vide order dated 30.10.2019.
- b) Pass any such further other orders that this Hon'ble Tribunal may deem fit and proper on the facts and in the circumstances thereof.

AND FOR ACT OF KINDNESS AND JUSTICE THE ANSWERING RESPONDENT
SHALL EVERY PRAY AS IN DUTY BOUND

VERIFICATION:

I, the deponent above named do hereby solemnly swear and verify that the contents of the above mentioned paragraphs of this affidavit are true to my knowledge; and are based on the perusal of the record and on

legal advice which all I believe to be true and no part of it is false and nothing material has been concealed.

Verified at New Delhi on 07 day of May, 2020.

Annexure A-1

माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली के समक्ष विचाराधीन ओ0ए0 सं0 447/2018 कौशाम्बी वेलफेयर एसोसिएशन बनाम जिलाधिकारी व अन्य के सम्बन्ध में नाले निर्माण कार्य की अद्यतन स्थिति

जोन	वार्ड संख्या	कार्य का विवरण	बजट शीर्षक	आगणन घनांक (रु0 में)	ठेकेदार/कर्म का नाम	कार्यदेरा जारी किये जाने की तिथि	भौतिक प्रगति (प्रतिशत में)	
वसुन्धरा	D-5	72	वार्ड-72, कौशाम्बी में मेट्रो स्टेशन के पीछे गणेश हनुमान मन्दिर से लेकर वेव मॉल तक आर0सी0सी0 नाला निर्माण।	अवस्थापना तिथि 2018-19	4984000.00	शान्तनु कन्स0	28/Oct/19	50 प्रतिशत
वसुन्धरा	D-6	72	वार्ड-72, कौशाम्बी में नन्द टावर से सतपडा होते हुए गंगा टावर तक डेस द्वारा सड़क सुधार कार्य तथा नन्दा टावर से शिवालिक टावर होते हुए कामधगिरी टावर तक नाला निर्माण एवं डेस द्वारा सड़क सुधार।	अवस्थापना तिथि 2018-19	12995000.00	श्रीजी इन्फ्रा प्रोजेक्ट प्रा0लि0	21/Oct/19	20 प्रतिशत
वसुन्धरा	D-7 D-5	72	वार्ड-72, कौशाम्बी में मेट्रो स्टेशन के पीछे कामधगिरी से मेट्रो पिलर नं0-179 तक आर0सी0सी0 नाला निर्माण।	अवस्थापना तिथि 2018-19	4985000.00	श्रीजी इन्फ्रा प्रोजेक्ट प्रा0लि0	21/Oct/19	60 प्रतिशत
वसुन्धरा	D-2,3	72	वार्ड-72, कौशाम्बी में विद्यांचल से धोलगिरी अपार्टमेंट तक डेस द्वारा सड़क सुधार तथा सुमेरु टावर से मलगिरी व उदयगिरी टावर से पंचमणी टावर तक नाला निर्माण एवं डेस द्वारा सड़क सुधार।	अवस्थापना तिथि 2018-19	13827000.00	पी.पी. रियलकॉन प्रा.लि.	21/Oct/19	85 प्रतिशत
वसुन्धरा	D-4	72	वेव मॉल से आई.सी.आई.सी.आई बैक होते हुए सम्राट होटल की ओर नाली निर्माण एवं टावर के पीछे डेस द्वारा सड़क सुधार।	अवस्थापना तिथि 2018-19	4900000.00	आर.जी.बिल्डटेक इन्जी.लि.	5/Apr/19	पूर्ण
वसुन्धरा	D-1	72	मौवापुर से उदय गिरी टावर की ओर आर.सी.सी. नाला निर्माण तथा डेस द्वारा सड़क सुधार।	अवस्थापना तिथि 2018-19	21094000.00	आर.जी. बिल्डटेक इन्जी.लि.	15/Jun/19	पूर्ण

नोट :- माननीय उच्चतम न्यायालय द्वारा दिसम्बर 2019 व जनवरी-2020 में निर्माण कार्यो पर रोक लगा दी गयी थी तथा 22 मार्च से लोकडाऊन होने के कारण निर्माण कार्य बाधित हुये है जिस कारण कार्य पूर्ण नही हो पाया गया लोकडाऊन खुलने के उपरान्त मजदूरों की उपलब्ध के आधार पर ही अग्रिम कार्य कराया जाना सम्भव हो पायेगा।

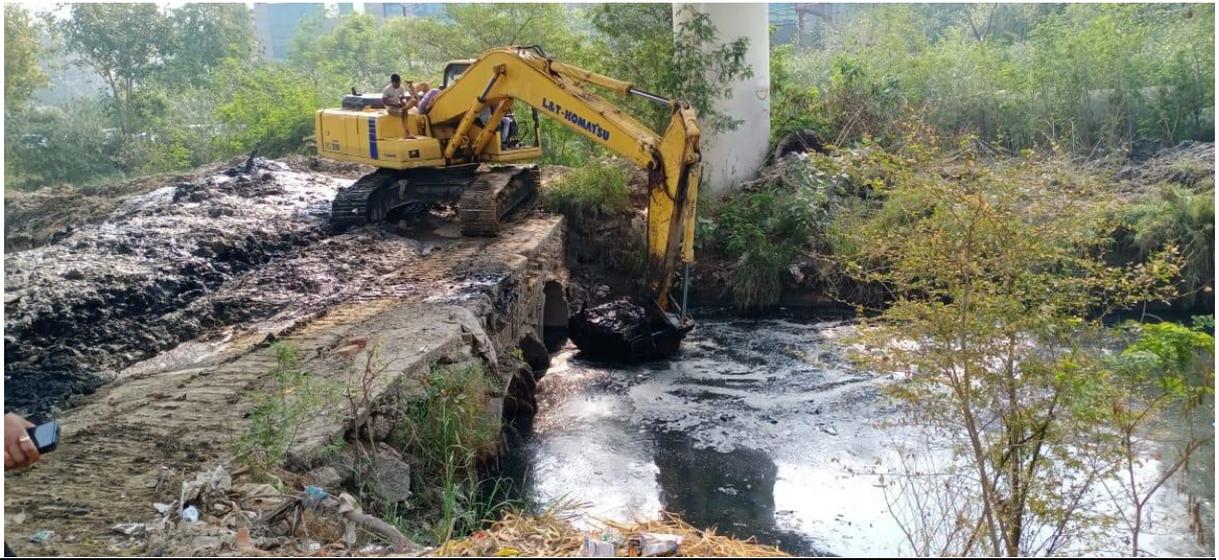
Annexure A-3मिथि हाथीसूक्त संशोधन

मा० गणेश्वर शर्मा द्वारा त्रिभुवन नदी दिल्ली में बाढ़ का
 ५५७/२०१८ दिनांक ३०-४-२०१९ को दिने गणेश हाथीसूक्त
 में जलमय शून्य-वैश्विक विकास द्वारा निरंतर पत्र
 को प्रथम में स्वास्थ्य विभाग से संबंधित शब्द
 प्रिन्ट करवा है।

जोशाम्बी क्षेत्र में जलनिष्पत्ती को लिए केव शिन्मा
 से अंशल प्लाजा के पास केड गले तक लिंक गले
 की शक्ति माह करवीरमें लगे दी गई है।
 वर्तमान में जल प्रवाह सुचारु रूप से हो रहा है।
 रिपोर्ट सेवा में प्रेषित

(प्र) पांडे २०
 सफाई एवं आवागमन विभाग
 वसुन्धरा जेन

Annexure A-4





Annexure A-5

Table showing the compliance done regarding the drains :-

<u>Sl.No.</u>	<u>Details of the Drains</u>	<u>E-tender dated 31.08.2019, Annexure P-3; Page No.92</u>	<u>Compliance dated 29/01/2020 by GNN (Chart by GNN, Annexure A-1, Pg-111)</u>	<u>Report dated 07/05/2020 by GNN.</u>
1	From Jaipuria Apartment to Samrat Hotel	-----	It has already been recorded vide order dated 25.04.2019 that the remedial steps have been taken in regard of the said drain. The damaged wall has been repaired, which has stopped the discharge of the untreated sewage into the manhole.	-----
2.	From Udaigiri Apartment to Panchmani Apartment	Time Period: 6 months. Est. cost: 138.27 lakhs	Work order: M/s P.P. Relcon Pvt. Ltd(21/10/19) 10% of the work has been completed. Work was scheduled to be completed on 21/04/2020.	Presently 85% of the work has been completed and only 15% of the work is remaining to be completed.
3.	From Sumeru Apartment to Malaygiri Apartment	Time Period: 6 months. Est. cost: 138.27 lakhs.	Work order: M/s P.P. Relcon Pvt. Ltd(21/10/19) 10% of the work has been completed. Work was scheduled to be completed on 21/04/2020.	Presently 85% of the work has been completed and only 15% of the work is remaining to be completed.
4.	From Dabur to Wave Cinema	-----	It has been recorded vide order dated 25.04.2019 that the remedial steps have been taken in regard of the said drain. The repair work with regard to the said drain has been completed as on 31.01.2020.	-----

Sl.No.	Details of the Drains	E-tender dated 31.08.2019, Annexure P-3; Page No.92	Compliance dated 29/01/2020 by GNN (Chart by GNN, Annexure A-1, Pg-111)	Report dated 07/05/2020 by GNN.
5.	From Central Park to Wave Cinema	Time Period: 3 months. Est. cost: 49.84 lakhs	Work order was issued to M/s Shantanu Constructions on 21.10.19. Work was scheduled to be completed on 27/04/2020.	Presently 50% of the work has been completed and remaining 50% of the work shall be completed as and when permission is granted to start such activities once the National lockdown is lifted.
6.	From Nanda Tower T point to Shivalik Tower	Time Period: 6 months. Est. cost: 129.95 lakhs	Work order: M/s Shivaji Infra Project Pvt. Ltd on 21/10/19 Work was scheduled to be completed on 21/04/20.	Presently 20% of the work has been completed and remaining 80% of the work shall be completed as and when permission is granted to start such activities once the National lockdown is lifted.
7.	From Shivalik Tower to Kamadgiri	Time Period: 3 months. Est. cost: 49.85 lakhs	Work order: M/s Shivaji Infra Project Pvt. Ltd. on 21/10/19. Work was scheduled to be completed on 21/04/20.	Presently 60% of the work has been completed and remaining 40% of the work shall be completed as and when permission is granted to start such activities once the National lockdown is lifted.