

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION**

(Under Section 18(1) read with Sections 14, 15, 17 & 27 of the
National Green Tribunal Act, 2010)

ORIGINAL APPLICATION NO. 116 OF 2025

IN THE MATTER OF:

RESIDENT WELFARE ASSOCIATION ...APPLICANT
A-1 BLOCK JANAKPURI

VERSUS

DELHI JAL BOARD & ORS. ...RESPONDENTS

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DATE: 12.05.2025

PLACE: NEW DELHI

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**REJOINDER ON BEHALF OF THE APPLICANT TO THE
AFFIDAVIT FILED ON 05.04.2025 BY THE RESPONDENT
NO.1 ALONG WITH SUPPORTING AFFIDAVIT**

MOST RESPECTFULLY SHOWETH THAT:

1. The present Rejoinder is necessitated due to the evasive Affidavit filed by the Respondent No.1/Delhi Jal Board (“*DJB*”), which seeks to superficially attempt to comply with the directions of this Hon’ble Tribunal without addressing the core grievances of the Applicant and the residents of A-1 Block, Janakpuri, who continue to suffer from severe water contamination and sewage overflow. Till date the core issue of cross-contamination between the sewer line and the potable water line has not been addressed.

PRELIMINARY OBJECTIONS:

2. That, it is submitted that the Affidavit of the Respondent No.1/DJB lacks bona fides and fails to either acknowledge or

resolve the genuine hardships faced by the residents of the Applicant, despite repeated complaints and representations spanning several months. The Affidavit seeks to rely on limited inspections and internal reports, while ignoring the widespread and continued well-documented grievances from a large number of households. These residents have been suffering from the following despite conscious and emergent interference by this Hon'ble Tribunal:

- i. Foul smelling, contaminated and discoloured tap water from the water supply by the Respondent No.1;
 - ii. Frequent episodes of backflow of sewage into homes and basements;
 - iii. Severe sanitation issues creating a health and humanitarian crisis;
 - iv. Continued exposure to contaminated drinking water with no consistent alternative provided;
 - v. Permanent sub-soil contamination due to failure of sewage management system of Respondent No.1;
 - vi. Acute psychological stress and financial hardship resulting from repeated clean-up, repairs and water purchases.
3. That despite repeated representations and complaints submitted by the Applicant, acting in the collective interest of the residents, the Respondent No.1 has failed to implement any long-term or structural solution. Instead, they have resorted to temporary and superficial measures such as seldomly cleaning the drains and the sewer, and without any disinfection drives, in order to hoodwink the court regarding

the continued deplorable condition. None of which has prevented the recurrence of the same issues.

4. That the Respondent No.1 has consistently failed to undertake any long-term, structural and sustainable solutions to address the persistent issues of water contamination and sewer overflow into the drinking water of the residents. Respondent No.1 has, at best, adopted a reactive and superficial approach, consisting of temporary, short-lived, and piecemeal measures. These actions, far from constituting a comprehensive response, have proven to be cosmetic stop-gap arrangements that merely postpone the inevitable resurgence of the same problems.

5. That, crucially, no effort has been made by the Respondent No.1 to conduct a thorough root-cause assessment, overhaul the existing deteriorating infrastructure, or develop a time-bound action plan to implement structural upgrades and ensure resilient solutions for the future. The absence of a coordinated intra-agency plan, public consultations or transparent reporting mechanisms further underscores the casual and indifferent approach adopted by Respondent No.1/DJB in addressing the grievances of the Applicant and its affected community. The Respondent No.1's conduct evidently reflects a clear disregard for the fundamental rights of the residents, especially their right to clean drinking water, public health, and a hygienic living environment as guaranteed under Article 21 of the Constitution of India.

6. That the Respondent No.1 admitted contamination during sampling by the DJB Officials. It is pertinent to bring on record that on 25.04.2025 at approximately 7:08 a.m., two employees from the Delhi Jal Board's Haiderpur Water Treatment Plant visited the residence of Mr. Surinder Gandhi (H.No. A-1/57, Janakpuri) for the purpose of collecting a drinking water sample. The sampling was conducted in the presence of local residents and members of the Applicant RWA. During the said visit, as captured in a recorded video by a resident of the Applicant society, the officials expressly admitted that the water sample appeared to be unfit for human consumption. The recording clearly captures the conversation between the DJB officials and the residents during the sampling process. This direct acknowledgment of contamination by the DJB's own field staff undermines the veracity of the "satisfactory" water quality reports filed by the Respondent No.1. The video establishes a critical contradiction in the Respondent's version and reflects the glaring disconnect between DJB's internal documentation and the ground-level reality. Copy of the video recording dated 25.04.2025 is placed in a DVD is hereby marked and annexed as **ANNEXURE A-1**.
7. That, on 05.05.2025, the Applicant Resident Welfare Association addressed a detailed representation to the Respondent No.5/Central Pollution Control Board (*hereinafter referred to as "CPCB"*), highlighting the ongoing contamination and the unreliability of internal testing carried out by the Respondent No.1/DJB. In the said letter, the Applicant specifically requested the intervention of

an independent, competent authority to conduct fresh sampling and lab analysis of the drinking water being supplied in the Applicant society, A-1 Block, Janakpuri. True Copy of the letter dated 05.05.2025 by the Applicant is hereby marked and annexed herewith as **ANNEXURE A-2**.

8. That the credibility of the recent water sampling exercise conducted on 29.04.2025 by the Respondent No.5/CPCB stands seriously compromised due to procedural irregularities and prior intimation to the Delhi Jal Board. The CPCB's laboratory team, in deviation from the spirit of independent verification as directed by this Hon'ble Tribunal in its order dated 08.04.2025, notified DJB in advance about the proposed sampling and proceeded to collect water samples in the presence of DJB officials. The team was accompanied by Mr. Harish (Junior Engineer) and Mr. Om Prakash (Field Assistant) of DJB, who were present throughout the inspection.
9. That such prior intimation enabled the Respondent No.1/DJB to undertake preparatory manipulation in the affected area by deputing super suction machines and sanitation personnel to artificially lower the sewer load and temporarily suppress cross-contamination on the eve of such inspection. These actions were clearly intended to manipulate the water quality in the test results, thereby rendering the sample exercise unrepresentative of the routine condition faced by the residents.

10. That the Applicant submits that such conduct on part of Respondent No.1/DJB, aided by the procedural lapse on part of Respondent No.5/CPCB, undermines the purpose of independent water quality assessment and prejudices the rights of residents to a truthful and impartial investigation. In view of the above, it is imperative that fresh water sampling be conducted without any advance notice to DJB, and with prior coordination only with the RWA to ensure that the sampling reflects the actual and unaltered ground conditions in the affected areas. The sampling by Respondent No.5/CPCB ought to have been conducted on multiple, staggered days rather than a single occasion, to obtain a representative and fair assessment of the water quality across varying conditions. A one-time collection fails to capture the true fluctuating nature of contamination faced by the residents.
11. That despite such persistent and systemic issues, Respondent No.1/DJB's Affidavit attempts to create an illusion of normalcy by cherry-picking a few selected sites for inspection and presenting the water quality as "satisfactory" based on their own internal testing. No third party or independent testing has been conducted despite repeated demands from the Applicant for impartial verification by an accredited external laboratory.
12. That the Respondent No.1's assertion in the self-serving Affidavit is that, the residents refused water supply through tankers. This is categorically denied as false and misleading. No prior communication or arrangement was made with the

residents in this regard. Rather, the residents were forced to make their own arrangements for clean water while continuing to receive contaminated supply from the main pipeline.

13. The Affidavit filed by the Respondent No.1 conspicuously omits any mention of the letters issued by institutions like the SBI Branch in Janakpuri, which documented sewage accumulation in its premises and the resulting operational difficulties.
14. It is respectfully submitted that the Respondent No.1/DJB, in its affidavit, has sought to absolve itself of responsibility by claiming that the overflow found behind House No. 154 was from a line belonging to the Municipal Corporation of Delhi (“MCD”) and not the DJB sewer line. However, this assertion, even if assumed to be true, only reinforces the Applicant’s case. If, during inspection, the Respondent No.1/DJB had indeed discovered that the source of the overflow, which was allegedly an MCD line, it was incumbent upon them as a statutory body entrusted with sanitation and public health obligations, to immediately escalate the issue to the appropriate MCD department, issue a formal communication and ensure coordinated redressal. No such correspondence or record of inter-agency communication has been placed on record by the Respondent No.1/DJB.
15. By merely stating that the issue belonged to MCD and washing its hands off, the Respondent No.1/DJB has

demonstrated a clear abdication of its public duty. The Respondent No.1/DJB cannot shift the burden onto another agency while failing to take any concrete steps itself, particularly when the crisis was brought to their notice and confirmed during their own inspection. The Applicant submits that such compartmentalisation is impermissible when residents are suffering and facing direct health hazards.

16. The so-called “interim” measures such as installation of a sewerage pumping trolley and future promise of commencing repair works are grossly insufficient, especially when no definite timeline. Technical blueprint, or progress report has not been filed before this Hon’ble Tribunal. Moreover, these interim solutions also fail to stop the ongoing contamination, and provide no immediate relief to the residents for the near future.
17. The Respondent No.1/DJB has demonstrated a clear attempt to brush the issue under the carpet. The so-called inspection carried out was merely a compliance with no effective relief. The Photographs are unreliable as they are not of the same spots as the “affected area”. It is respectfully submitted that the photographs annexed by the Respondent No.1/DJB as Annexure R-2 cannot be relied upon as authentic representations of the actual state of affairs in the affected area. The said photographs are generic, selective, and conspicuously devoid of any clear identification markers.
18. The Applicant submits that the Affidavit reflects institutional apathy and administrative unwillingness to address failures

and infrastructure deficiencies, which are plaguing the area. The temporary arrangements by the Respondent No.1 must be made permanent.

19. The Respondent No.1 casual approach in treating the matter as a routine grievance, rather than as an urgent public health and environmental crisis, warrants the interference of this Hon'ble Tribunal.
20. In light of the foregoing submissions and the continuing suffering of the residents of A-1 Block, Janakpuri, the Applicant respectfully submits that the temporary measures presently undertaken by the Respondent No.1/DJB, such as the installation of suction lines, deployment of tankers, and stop-gap sewerage arrangements, must not be treated as sufficient compliance or a substitute for long-term resolution. These measures, though partially mitigating, are inadequate and *ad hoc* in nature, and the Respondent No.1 must be directed to convert them into permanent infrastructural upgrades.
21. The Applicant further submits that the existing suction arrangements must not be withdrawn or discontinued until such time as comprehensive replacement and realignment of pipelines and sewer lines is completed and verified. Any premature withdrawal would expose the residents once again to the very hazards that have brought them before this Hon'ble Tribunal.
22. The Applicant urges that the current interim arrangement be maintained as a pro-tem step, pending the execution of

permanent, structural solutions as per a time-bound, transparent action plan to be placed on record by the Respondents.

PARA WISE REPLY:

23. At the Outset, the contents of Para 1-3 in the Affidavit filed by Respondent No 1 are denied in totality except for those which are matter of record herein. The submissions made by the Respondent No.1 in the said affidavit are misleading, evasive and aimed at brushing the ongoing contamination and sewage crisis under the carpet.
24. With respect to Para 4-5 of the Affidavit, it is denied that the inspection conducted on 27.03.2025 was adequate or comprehensive. While it is stated that 70 manholes were checked and no overflow was found, the inspection excluded several vulnerable locations consistently affected by sewer backflow. The overflow behind H.No.154, as acknowledged by DJB, was casually dismissed as an MCD issue, despite the ongoing health hazard it poses.
25. In relation to Para 6, the Applicant submits that the water testing conducted by DJB is selective, insufficient and fails to reflect the ground reality. Despite multiple complaints by residents, only a few sample homes were selected for testing. No samples were taken from the severely affected lanes or from the overhead tanks that store DJB water, where contamination is obvious and prominent. Further, the testing was conducted by DJB's own Quality Control Laboratory, clearly undermining the impartiality of the results.

26. It is crucial to note that the residents have consistently complained of foul-smelling, discoloured water, and photographs and video documentation shared by the residents which are already annexed in the Original Application, remain unaddressed in the DJB affidavit.
27. That the Respondent No.1/DJB's claim that the residents refused water tankers is denied as being untrue. There was no consistent or prior offer of clean water supply through tankers, and the residents were not made aware of any such option. The statement is vague, unsupported, and contrary to the actual state of affairs.
28. As regards to Para 7, the purported "repair" work of the 900 mm sewer line, though allegedly initiated, is wholly inadequate and fails to provide any defined execution plan, technical feasibility study or project milestones. The so-called interim pumping trolley solution is ad hoc and not sufficient to mitigate the full extent of sewage overflow in the locality.

In view of the above, it is respectfully prayed that relief may kindly be granted in favour of the Petitioner Society.

DATE: 12.05.2025

PLACE: NEW DELHI

(DIVYAKANT LAHOTI)

Advocate-on-record for the Applicant
B-23, Sector-14, NOIDA – 201 301.

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A-1 BLOCK JANAKPURI

VERSUS

DELHI JAL BOARD & ORS. ...RESPONDENTS

AFFIDAVIT

I, Rajesh Mahajan, S/o Shri. N L Mahajan Aged 53 years, R/o A-1/271, FF, Janakpuri, New Delhi-110058 do hereby solemnly affirm and state as under:

1. That I am the General Secretary of the Petitioner RWA A-1 Block, Janakpuri herein and as such I am well conversant with the facts and circumstances leading to the present case and I am competent to swear to this Affidavit.
2. That the contents of the Rejoinder which have been drafted under my instructions and state that the contents thereof are true and correct on the basis of the record of the case which I believe to be true and correct the best of my knowledge and belief.
3. That the Annexures to the accompanying Application are true copies of their respective originals.

*Identified
NLR
D/435/1996*

For Residents Welfare Association (Regd.)
A-1 Block, Janakpuri.

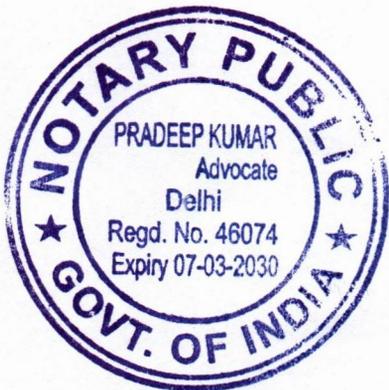
DEPONENT
Gen. Secretary Treasurer President

VERIFICATION:

Verified on this the day 22 of april, 2025 that the contents of this Affidavit as true and correct to my knowledge and belief and that no part of it is false and nothing material is concealed therefrom.

For Residents Welfare Association (Regd.)
A-1 Block, Janakpuri.

DEPONENT
Gen. Secretary Treasurer President



ATTESTED BY

Notary Public Govt. of India

22 APR 2025

DVD



Bhagidari

Resident Welfare Association (Regd.)¹⁴

A-1 Block Janakpuri (Regd.)


Joginder Kawatra <i>President</i>	Rajesh Mahajan <i>Gen. Secretary</i>	Sandhip K. Bhatla <i>Treasurer</i>
A-1/90, Janakpuri New Delhi-110058 Ph. : 9818400445	A-1/271, FF, Janakpuri New Delhi-110058 Ph. : 9811800143	A-1/85A, Janakpuri New Delhi-110058 Ph. : 9810043625

Central Pollution Control Board

Parivesh Bhawan

Maharishi Valmiki Marg, East Arjun Nagar

Vishwas Nagar Extension, Vishwas Nagar

Shahdara, Delhi 110032

Sir:

In the matter of Residents Welfare Association v. Delhi Jal Board and Others OA
116/2025

- Hon. NGT vide its order dated 8.4.2025 directed you to collect 10 water samples independently from the affected area of A-1 Block Janakpuri, New Delhi after couple of water samples were already tested by Delhi Jal Board (DJB)
- You lab. team visited A-1 Block Janakpuri New Delhi on 29.4.2025 at 5:45 am along with two officials of Delhi Jal Board one Mr Harish Junior Engineer of the area & Mr Omprakash field Assistant of DJB . It is shocking that
 - You notified in advance about your proposed visit of collection of water samples to DJB officials from the affected area and
 - Your lab team further accompanied DJB officials and jointly visited A-1 Block Janakpuri, New Delhi on 29.04 2025 for collection of water samples.



3. It is pertinent to mention that DJB has been cleverly manipulating the Lab. Water Test Reports by, temporarily deploying DJB super suction machines and other manual labor in the affected area to drain the sewage from sewer drains temporarily and prevent cross contamination of DJB water drains running parallel to sewer drains, so that the outcome of the Lab Water Test Reports are in their favor .

4. Since you notified to the Delhi Jal Board in advance about your scheduled water testing on 29.4.25, DJB hurriedly deployed their machines and labor in the affected area on 27 th and 28 th April 2025 to drain their surcharged sewer drains and mitigate cross contamination of water drains, for the only purpose of manipulating the lab results of CPCB in their favor .

In view of the aforesaid facts it is requested to you to repeat the water testing in the affected area after couple of days without notifying the Delhi Jal Board and informing Shri Rajesh Mahajan Secretary RWA in advance of your visit at his M – 9811800143 so that the correct water test reports are revealed before the Hon NGT

Residents Welfare Association



Secretary

Rajesh Mahajan

A-1/ 271 Janakpuri

New Delhi 110058 5 May 2025

M- 9811800143



//TRUE COPY//

**Service of Rejoinder and Impleadment Application | Resident Welfare Association A-1 Block
Janakpuri v. Delhi Jal Board & Ors. (Original Application No. 116 of 2025)**

1 message

Lahoti Advocates <office@lahotiadvocates.com>

Mon, May 12, 2025 at 10:55 PM

To: ceodelhi.djb@nic.in, Prabhsahay Kaur <sahayk@gmail.com>, sneh.lata71@nic.in, Patrick.ekka@nic.in, v.singsit@gov.in, ashokl.kr48@gov.in, chdpcc@nic.in, mscb.cpcb@nic.in, Advocate Raj Kumar <advrajkumar@gmail.com>, cgwb@nic.in, csdelhi@nic.in
Cc: Divyakant Lahoti <divyakant@lahotiadvocates.com>

Dear Sir/Ma'am,

This is in reference to the above-captioned matter pending before the Hon'ble National Green Tribunal, Principal Bench and is listed on 14.05.2025 for further hearing. Please find attached herewith the following documents which are to be filed on the behalf of the Applicant:

1. In compliance with the directions passed in the last Order dated 08.04.2025, please find attached herewith a Copy of the Rejoinder on behalf of the Applicant.
2. Impleadment Application filed on behalf of the Applicant.

You are hereby served with the Copy of the Rejoinder alongwith the Impleadment Application to be filed by the Applicant in the above captioned matter, by way of the present email.

Regards,
Divyakant Lahoti
Counsel for the Applicant

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Lahoti Advocates

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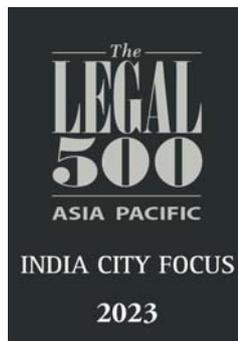
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2 attachments

 **FINAL REJOINDER_NGT.pdf**
2335K

 **FINAL IMPLEADMENT APPLICATION.pdf**
1139K