

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 174 OF 2025**

**IN THE MATTER OF:**

RAJEEV SURI

APPLICANT

VERSUS

MUNICIPAL CORPORATION DELHI & ORS.      RESPONDENTS

<b>S.No.</b>	<b>Particulars</b>	<b>Pg. No.</b>
1.	Rejoinder on behalf of the Petitioner to Status Report by Respondent No.1 / Municipal Corporation of Delhi dated 10.12.2025	1-9

Date:23.02.2026

New Delhi



Petitioner – in – Person  
D-68, Defence Colony,  
New Delhi – 110024  
Ph: 9810304580

Email: cbms.rajeev@gmail.com

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RAJEEV SURI

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**REJOINDER AFFIDAVIT FILED BY PETITIONER IN REPLY TO  
STATUS REPORT DATED 10.12.2025 OF RESPONDENT NO.1  
MUNICIPAL CORPORATION OF DELHI. {MCD}**

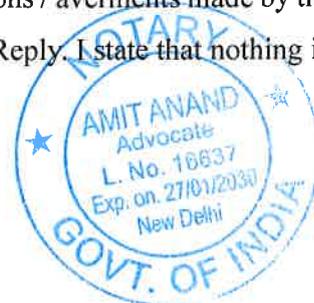
I, Rajeev Suri, S/o Late Shri R. L. Suri, aged about 68 years, residing at D-68 Defence Colony, New Delhi-110024, do hereby solemnly affirm and sincerely state as follows:

A. I state that I am the Petitioner in the above-mentioned Original Application;

I state that I am conversant with the records and facts of the case, and am competent to file this Rejoinder Affidavit in response to the Status Report filed by the Respondent No1; and am competent to depose to the contents of this Rejoinder Affidavit.

B. I state that I have read and understood the contents of the Status Report filed by Respondent No.1, I deny all the averments made therein which are not consistent with the records the case and contrary to the facts and grounds stated in the Original Application.

C. I state that this Rejoinder Affidavit brings on record, specific rebuttals to the irrelevant material / facts / statements / contentions / averments made by the Respondent No. 1 in their Status Report under Reply. I state that nothing in



this Rejoinder Affidavit may be deemed to be admitted for want of specific traverse or unless and until the same is specifically admitted hereunder.

D. For the sake of brevity and non necessity this Rejoinder does not reproduce the specific averments made in the OA which needed to be addressed by the Respondent, leading to the undeniable inference that Respondent MCD has failed to pay heed or attention to the contents of the Original Application. The Status Report of Respondent MCD is inherently flawed as it focuses only on the Defence Colony covered drain whereas the OA attempts to reach out to the larger problem of Storm Water Drains.

E. A perusal of the Original Application shows the depth and range of issues raised with respect to the Storm Water drains of Delhi. The 'Status Report' conspicuously is absent in addressing these issues;

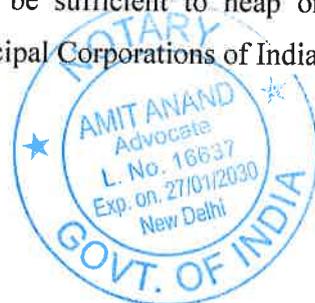
#### **STATUS REPORT VERSUS COUNTER AFFIDAVIT**

1. Respondent No.1 has preferred addressing their reply as 'Status Report', instead of using the nomenclature 'Counter Affidavit'. There is no gainsaying there is a fundamental difference between a Status Report which is usually requested by the Hon'ble Courts to update the bench on current progress, action or developments regarding a particular matter; whereas a Counter Affidavit is a sworn document that rebuts, denies, contests or accepts the facts laid out in the Petition / Original Application to which the Respondent is replying.
2. The Status Report filed by the stated Respondent therefore is vague, nebulous and indistinct, as it only addresses the Defence Colony covered Kushak Drain. Respondent MCD does not address the critical issues raised in the Original Application and hence is of does not do justice to the vast expanse of the present O.A.



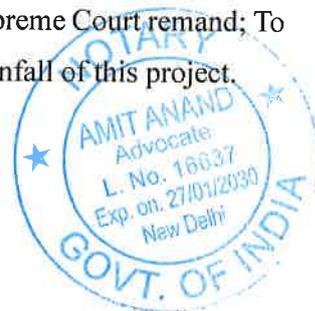
A. OBJECTION ON MERTS TO RESPONDENT'S STATUS REPORT:

3. The contents of the Status Report being addressed in this Rejoinder; Respondent MCD is overly focused on the covered Kushak Storm Water Drain as it traverses through Defence Colony, New Delhi. While the Original Application brings to light the abject failure of public authorities with regard to the maintenance and upkeep of SWD's, the Defence Colony covered drain claims the dubious example of prime neglect of these vital arteries of the waterways leading to the ecological health of river Yamuna. The recent 2024 flooding of Delhi during torrential monsoon rains, on account of its reduced carrying capacity, the covered Kushak Storm Water Drain in Defence Colony wreaked havoc, flooding the colony and causing extensive damage to property. Consequently, and health well-being and safety of the citizens living in the drain catchment area has been severely compromised due to a lack of application of mind and resources by Respondent MCD.
4. The Status Report consequently dwells on the measures taken by the answering Respondent MCD to desilt the stated covered drain. To this extent, Respondent highlights a *"longitudinal cut-skip- cut method whereby central RRCC slab grids of 4 metre width were opened in alternate stretches of approximately 40 meters each."* As a result of this extremely harsh evisceration of the drain surface, the entire garden created over the concrete slab has been laid waste, demolished from the centre, shattering the contiguousness of the surface slab and consequently the park. This extremely primitive measure is a method that defies description, that in the age of robotics and unmanned vehicles being available to do such a job, Respondent MCD chose to tear and eviscerate the drain covering, laying to waste public fund deployed on the covering project. Further, since the drain lies eviscerated, it is a constant hazard to life and is an area which invites criminal activity.
5. To this extent, no measure of censure would be sufficient to heap on Respondent MCD, being one of the largest Municipal Corporations of India,



to resort to such a primitive measure to reach and desilt the drain bottom, being a direct outcome of years of neglect.

6. There is no doubt that Respondent DDA executed the of the Kushak Drain covering project in Defence Colony in a most unprofessional manner, without mandatory approvals, checks and balances, environmental clearances and Detailed Project Report. The civil works were completely ad-hoc, unplanned, did not provide for adequate access to the underbelly of the drain for cleaning / desilting/ inspection purposes, consequently rendering it unsupervised/ cleaned /repaired/ desilted. As a consequence of their shoddy planning, the drain was not desilted for close to 14 years.
7. On the directions of the Yamuna Pollution Monitoring Committee (YPMC), Respondent MCD took over the covered Kushak Drain from Respondent DDA on 10.01.2020 The handover was undertaken on account of a stalemate *“after stoppage of the work by the DDA on the Orders of NGT, the covered and semi covered portion continues to be with DDA and as a result SDMC does not do any maintenance work. DDA has also not been maintaining the drain satisfactorily”* YPMC decided on a handover /takeover between DDA and MCD in public interest, due to the public at large suffering. The pious hope that YPMC held was since Respondent MCD was the original drain owner, handing it back to the owner will see quick action on the environmentally degraded drain and speedy remediation measures would correct the damage to the environment caused by Respondent DDA.
8. After the takeover of the drain YPMC hoped that the drain owner Respondent MCD would quickly swing into action and start remediation of the drain. However, Respondent MCD decided contrary to public interest, not to start work on the drain till such time as it received Consultancy / Deficiency Charges from Respondent DDA; since these charges were an essential ingredient of the handover /takeover decision. Consequently, the drain was deteriorated into a deep state of neglect over 10 years, vandalized and broken down despite directions from YPMC and Hon’ble Supreme Court remand; To this extent, Respondent MCD is complicit in the downfall of this project.

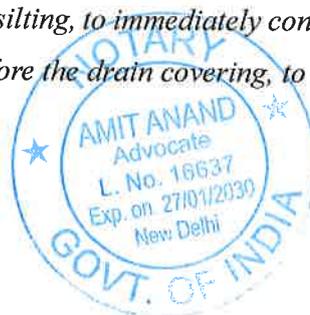


6. Besides the unforgivable neglect by Respondent MCD in relation to the Defence Colony drain, they have failed to consider the wide sweep in the Original Application which looks at restoring the health of Storm Water Drains of Delhi. The very fact that Respondent MCD has not addressed the critical aspects of SWD's in Delhi, shows a singular lack of interest, ability and vision on how to manage the SWD's in their jurisdictional boundaries. To this extent, the prayers in OA 174/2025 relating to Respondent MCD are being reproduced herewith, which have not been specifically denied or countered by Respondent MCD, thereby laying the field open to this Hon'ble Tribunal passing orders to implement the prayers in OA 174/2025.

**B. PRAYERS IN OA 174/2025 RELATING TO RESPONDENT MCD**

**I. INTERIM RELIEF:**

- 1) *Direct Respondent No. 1 MCD to undertake a survey of the Invert Level of Kushak Drain from its point of origin till its discharge point in the Barapulla Basin, and correct the invert levels where the gravity flow gradient is not in consonance with minimum slope requirement to ensure smooth flow of water.*
- 2) *Direct Respondent No. 1 MCD and Respondent No.2 I&FCD undertake de silting of the covered drain in Defence Colony, by blocking flow on one side and channelling it to the other side in the cross section of the drain floor, and dredge the side which has been left dry. Once cleared, this process could be replicated for the other side. However, if the Krishi Vihar pumping station is operationalised, and no wastewater enter the covered drain, the entire drain can be dredged without flipping sides, by dividing it into sections and done in a time bound manner before the monsoons arrive.*
- 3) *Direct Respondent No. 1 MCD after de silting, to immediately construct a central channel (cunit) as existed before the drain covering, to carry*

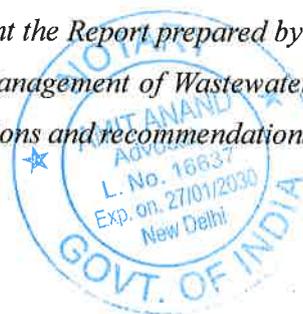


*lean season low volume rainwater/ wastewater, instead of spreading across the entire cross section of the drain floor.*

- 4) *Direct Respondent No. 1 MCD to open all inspection traps on the upper surface of the drain, while adequately securing it with a boundary protection, to enable trapped methane to escape, making the drain underbelly approachable to dredging / de silting.*
  
- 5) *Direct Respondent No. 1 MCD, Respondent No. 5 DDA, to identify and remove all encroachments/ blockages/detritus/ C&D waste in and adjacent to the Kushak Storm Water Drain, from its point of origin to discharge into the Barupulla Basin, to ensure the flow of peak monsoon high volume / high intensity rainfall requiring quick evacuation is not hindered in any to slow down the deluge. All construction activity inside any storm drains is banned; by public or any other authority; in keeping with Status Quo Order dated 21.10.2013 passed by this Hon'ble Tribunal in the matter OA 06/2012 Manoj Mishra vs UOI. However, in violation of this Status Quo Order construction is being carried for elevated roads and Metro lines for which pillars have been built / are being build inside storm drains. presently in total disregard of this inviolable principle, and should immediately halted.*

## **II. FINAL RELIEF**

- 6) *Direct Respondent No.2 (I&FCD) no de-silting should be undertaken in an ad-hoc manner, randomly as is being planned/done by themselves till in invert levels and gradient have been surveyed and corrected. If de silting is done before IL have been surveyed/corrected, it will only lead to further skewing the drains gradient, exacerbating the flooding chances.*
  
- 7) *Direct Respondent No.1 MCD to implement the Report prepared by IIT Delhi titled "Alternate Technology for Management of Wastewater in Drains" which makes substantial suggestions and recommendations to*



*achieve remediation of wastewater under the jurisdiction of South MCD, specifically the Kushak Drain.*

- 8) *Direct land-owning authorities, Respondent No. 1 MCD and Respondent No. 5 DDA, to identify vacant land contiguous to the SWD including parks which and facilitate them to become 'retention zones' (as floodplains to a river), to hold torrential rain water beyond the immediate carrying capacity of the SWD, till such time as the deluge subsides and the flow slows down enough to assimilate the retention zone water into the SWD. This will ensure neighbouring areas do not get flooded. To this extent water bodies if any, in the vicinity should be rejuvenation.*

### **C. OBJECTIONS PARAWISE OF STATUS REPORT**

1. Para No.1 & 2 of the Status Report: require no reply being a matter of record.
2. Para No.3 of the Status Report: require no reply being a matter of record.
3. Para No.4 of the Status Report: is an observation and requires no comment.
4. Para No.5 of the Status Report: is the archaic measure taken by Respondent MCD to desilt the covered Kushak Drain in Defence Colony, which is vehemently criticized and rejected as an outstandingly egregious and appalling measure taken by Respondent MCD, and is rejected outright.
5. Para No.6 of the Status Report: is rejected as there is no volumetric measure of the same.
6. Para No.7 of the Status Report: is rejected as this has only been partially covered.
7. Para No.8 of the Status Report: invites no comments.
8. Para No.9 of the Status Report: has been dwelt in detail in this Rejoinder document, and Respondent MCD must pursue the same with Respondent DDA.
9. Para No.10 of the Status Report: requires no additional comments.



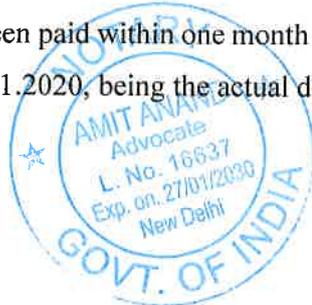
CONCLUSION {IN PUBLIC INTEREST}

7. With regards to the hand over from Respondent DDA to Respondent MCD, Respondent MCD has not taken appropriate and aggressive measures to recover Consultancy/ Deficiency Charges from project proponent Respondent DDA to redress the immediate need to remediate the ecological damage caused. Since Respondent MCD has not pursued recovery of Deficiency Charges, Respondent DDA taking full advantage, deliberately, intentionally has taken no action in resolving the Deficiency conundrum.
8. In public interest, Respondent MCD must rightfully demand and receive from Respondent DDA, full Consultancy / Deficiency Charges as calculated by IIT Delhi, including horticulture and lighting, in keeping with the integral condition placed by PAC while approving the project as stated by Respondent DDA in their own Affidavit in *OA 164/2015 Rajeev Suri v DDA Ors.*

*“After detailed deliberations the PAC felt that the proposal will substantially improve the ambience of the residential area of Defence Colony and therefore approved the proposal”.*

*“5. While approving the above said proposal, the PAC directed DDA to ensure that the area once covered will be fully landscaped and utilised as ‘green’ and will be maintained by DDA. To ensure that the area is not used for other purposes, physical barriers will be provided by the DDA to prevent entry of vehicles. While implementing the project, DDA will ensure that top quality construction and landscaping is ensured so as to achieve significant improvement in the urban form of area.”*

9. Respondent MCD while moving to recover Consultancy / Deficiency Charges from Respondent DDA must also claim Pendente lite interest as an inherent right of the hand over takeover settlement since the stated charges were meant to have been paid within one month of the handover/takeover., i.e. one month from 10.01.2020, being the actual date of handover/takeover.



*[Handwritten signature]*  
DEPONENT

**VERIFICATION**

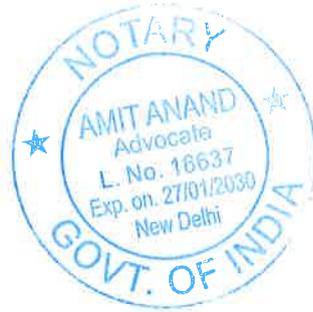
I, the above-named Deponent hereby verify that the contents of this Rejoinder Affidavit to the Status Report dated 06.09.2025 filed by the Respondent No.1 MCD, is true to my knowledge, based on the records of the case and legal advice which I believe to be true.

Dated: 23.02.2026

Place: New Delhi

**DEPONENT**

**IDENTIFIED BY AADHAAR NO. 3135 2036 8069**



NOTARY REGD NO.16637  
NOTARY REGISTER ENTRY  
SR. No. ...6.9.5... DT 23/2/26  
TITLE OF DOCUMENT *Affidavit*  
DOCUMENT CONTAIN ...9... PAGES  
NOTARY PUBLIC, GOVT. OF INDIA



Rajeev Suri &lt;cbms.rajeev@gmail.com&gt;

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**Re OA 174/ 2025 Rejoinder Affidavits**

1 message

Rajeev Suri &lt;cbms.rajeev@gmail.com&gt;

Tue, Feb 24, 2026 at 3:32 PM

To: "Deeksha.kakar@scladi.com" <Deeksha.kakar@scladi.com>, priyanka swami <advpriyankaswami@gmail.com>, "pujakalra09@gmail.com" <pujakalra09@gmail.com>, secy-mowr@nic.in, jmalawoffices@gmail.com, MoUHA Secretary <secyurban@nic.in>

Bcc: Rajeev Suri <cbms.rajeev@gmail.com>

Hello,

Kindly find attached herewith Rejoinder Affidavits on behalf of the Petitioner, in the matter OA 174/2025 *Rajeev Suri v MCD & Ors*

**Next DOH 27.02.2026**

Faithfully,

Rajeev Suri  
D 68 Defence Colony,  
New Delhi 110024  
Date: 24.02.2026  
M: 9810304580

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**5 attachments**

-  **NGT OA 174 25 REJOINDER to R 1 MCD Reply Affidavit.pdf**  
609K
-  **NGT OA 174 2025 REJOIN to Status Report R 2 DPCC.pdf**  
239K
-  **NGT OA 174 25 RES 3 DJB reply to Status Report.pdf**  
570K
-  **NGT OA174 2025 REJOINDER to R2 GNCTD.pdf**  
224K
-  **NGT OA 174 2025 REJOINDER TO CA R5 DDA.pdf**  
1030K