

19
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 1164 of 2024

In the matter of:

News Item titled "How open drain snuffed out another young life" appearing in the Times of India dated 27.08.2024.

Index

Sr. No.	Particulars	Page no.
1.	Reply on behalf of the Respondent No. 1 Central Pollution Control Board in the matter of Original Application No. 1164/2024, News Item titled "How open drain snuffed out another young life" appearing in the Times of India dated 27.08.2024 before Hon'ble National Green Tribunal.	
2.	Annexure-I A copy of Hon'ble NGT order dated 13.09.2024.	
3.	Annexure-II A copy of letter dated 25.11.2024 issued by CPCB to DPCC.	
4.	Annexure-III A copy of letter dated 11.12.2024 issued by CPCB to DPCC.	
5.	Annexure-IV A copy of letter dated 18.12.2024 issued by CPCB to PWD.	



Filed by Adv. Saurabh Balwani
On behalf of Central Pollution Control Board

Place: Delhi
Dated: 02.01.2025

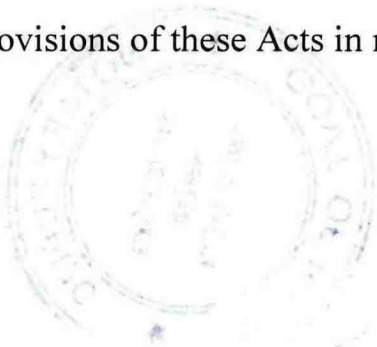
**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, DELHI
ORIGINAL APPLICATION NO. 1164 OF 2024**

IN THE MATTER OF:

**News Item Titled "How Open Drain Snuffed Out Another Young Life"
Appearing In The Times Of India Dated 27.08.2024**

**REPLY ON BEHALF OF THE RESPONDENT NO. 1 CENTRAL
POLLUTION CONTROL BOARD**

1. That, Hon'ble NGT vide order dated 13.09.2024 has sought the reply of Central Pollution Control Board (hereinafter referred as CPCB) in the instant matter. Thereby, the reply is made in succeeding paragraphs. The Copy of the Order dated 13.09.2024 is annexed herewith as **Annexure No.-I**
2. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and control of Pollution) Act 1974 (hereinafter Water Act), The Air (Prevention and control of Pollution) Act, 1981 (hereinafter Air Act) and The Environment (Protection) Act, 1986.
3. That, it is humbly submitted that the State Pollution Control Boards/Pollution Control Committees (hereinafter referred as SPCBs/PCCs) have been constituted in States/Union Territories under Water Act, 1974 and Air Act, 1981 are empowered to perform the functions and implement the provisions of these Acts in respect of their territorial Jurisdiction.

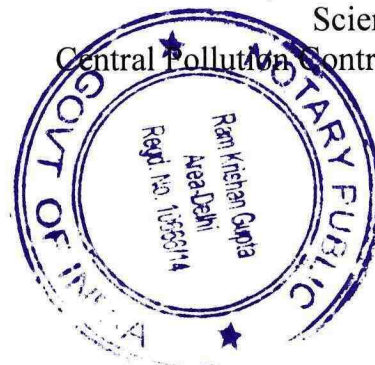


4. That, the present matter is related to death of a five-year-old girl, found trapped in the deep, slush-filled waters near the Palla village check post near Akbarpur Marza village, New Delhi. The article highlights that the open drains that crisscross the village pose a significant risk to residents, especially to children.
5. That, in compliance with Hon'ble NGT order dated 13.09.2024 passed in instant matter, CPCB has taken up the case with Delhi Pollution Control Committee (hereinafter referred as DPCC), District Magistrate (hereinafter referred as DM), North West Delhi and Public Works Department (hereinafter referred as PWD), Delhi seeking the status report/ action taken report in the matter via letter dated 25.11.2024, 11.12.2024 and 18.12.2024. A copy of the letters is enclosed as **Annexure No. II, III & IV** respectively.
6. That, the receipt of aforesaid status report/ action taken report of the matter is still awaited from the concerned authorities by answering Respondent, herein.
7. The answering respondent No. 1 craves leave of this Hon'ble Tribunal for filing additional reply, if required, in future.
8. That, in light of the above submission, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA and render justice.


(Vishal Gandhi)

Scientist- 'E'

Central Pollution Control Board



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, DELHI**

ORIGINAL APPLICATION NO. 1164 OF 2024

In the matter of :

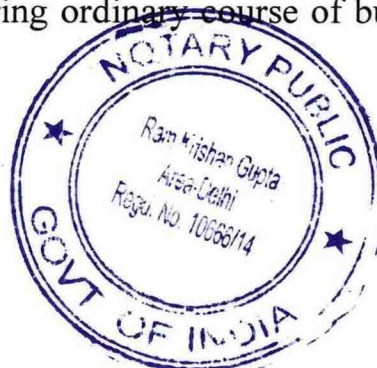
News Item Titled "How Open Drain Snuffed Out Another Young Life"

Appearing In The Times Of India Dated 27.08.2024

AFFIDAVIT

I, **Vishal Gandhi** working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 1 in the above matter, do hereby solemnly affirm, declare on oath and state as under: -

1. That I, the deponent herein is authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB



and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



DEPONENT

विशाल गांधी / Vishal Gandhi
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Min. Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

2 JAN 2025

Verified at New Delhi on this day of **2 JAN 2025** that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis- stated.

ATTESTED

NOTARY
DELHI (INDIA)

2 JAN 2025



DEPONENT

विशाल गांधी / Vishal Gandhi
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Min. Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032



Item No.07

Court No. 1

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

Original Application No.1164/2024

News Item titled "How open drain snuffed out another young life" appearing in the Times of India dated 27.08.2024

Date of hearing: 13.09.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This original application is registered *suo-motu* on the basis of the news item titled "How open drain snuffed out another young life" appearing in the Times of India dated 27.08.2024.

2. The matter relates to the death of a five year old girl, found trapped in the deep, slush-filled waters near the Palla village check post near Akbarpur Marza village, New Delhi. The article highlights that the open drains that crisscross the village pose a significant risk to residents, especially to children.

3. Based on the news item it can be inferred that the drain was to carry rainwater, but it looks like sewage slush filled in it due to non-maintenance and non-compliance of environmental norms, resulting in the accident.

4. The news item raises substantial issues relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

5. The power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal*

Corporation of Greater Mumbai vs. Ankita Sinha &Ors.” reported in 2021 SCC Online SC 897.

6. Hence, we implead the following as respondents in the matter:
- i. Central Pollution Control Board, Through its Member Secretary
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
 - ii. Delhi Pollution Control Committee, Through its Member Secretary
6th floor, C wing, Delhi Secretariat, I P Estate, Delhi-110002
 - iii. Ministry of Environment, Forest and Climate Change, Through its Regional Office
Integrated Regional Office, Jaipur, A-209&218, Aranya Bhawan,
Mahatma Gandhi Road, Jhalana Institutional Area, Jaipur –
304002, Rajasthan
 - iv. District Magistrate, North West Delhi
Office of District Magistrate Kanjhawala Delhi-110081

7. Issue notice to the above respondents for filing their response/reply by way of affidavit at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

8. List on 03.01.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 13, 2024..
No.1164/2024
HB

Speed Post/E-mail

CM-13011/293/2024-LAW-HO-CPCB-OH -720

25/11/2024

To,

The Member Secretary

Delhi Pollution Control Committee (DPCC)

6th floor, C wing, Delhi Secretariat,

I P Estate, Delhi-110002

Subject: Hon'ble NGT order dated 13.09.2024 in OA No. 1164/2024 in the suo-motu matter in news item titled "How open drain snuffed out another young life" appearing in the Times of India dated 27.08.2024-reg

Sir/Madam,

This has reference to Hon'ble NGT order dated 13.09.2024 in OA No. 1164/2024, Suo Moto matter In re: news item titled "How open drain snuffed out another young life" appearing in the Times of India dated 27.08.2024. Copy of the order is enclosed herewith for your kind perusal. In this matter, Hon'ble NGT has directed CPCB to file a response in the form of affidavit before the Tribunal.

It is requested to kindly provide the status report in the matter to CPCB at the earliest for further necessary action to ensure timely compliance of Hon'ble NGT order.

Yours faithfully

R. P. Gurung
(Ritesh Prasad Gurung)
Scientist E

Encl: As above

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.

Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

दूरभाष /Tel : 43102030, 22305792, वेबसाइट/Website: www.cpcb.nic.in



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार.
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA.

Speed Post/E-mail

CM-13011/293/2024-LAW-HO-CPCB-OH -720

25/11/2024

To,
District Magistrate
Office of District Magistrate,
North-West Delhi. District Magistrate Office,
Kanjhawala, Delhi-110081

Subject: Hon'ble NGT order dated 13.09.2024 in OA No. 1164/2024 in the suo-motu matter in news item titled "How open drain snuffed out another young life" appearing in the Times of India dated 27.08.2024-reg

Sir/Madam,

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It is requested to kindly provide the status report in the matter to CPCB at the earliest for further necessary action to ensure timely compliance of Hon'ble NGT order.

Yours faithfully

R. P. Gurung
(Ritesh Prasad Gurung)
Scientist E

Encl: As above

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.
Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

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Reminder I

CM-13011/293/2024-LAW-HO-CPCB-OH / 735

Date: 11/12/2024

To,

The Member Secretary

Delhi Pollution Control Committee (DPCC)

6th floor, C wing, Delhi Secretariat,

I P Estate, Delhi-110002

Subject: Hon'ble NGT order dated 13.09.2024 in OA No. 1164/2024 in the suo-motu matter in news item titled "How open drain snuffed out another young life" appearing in the Times of India dated 27.08.2024-reg

Reference: CPCB letter No. CM-13011/293/2024-LAW-HO-CPCB-OH/720 dated 26.11.2024

Sir,

Kindly refer to CPCB previous letter dated 26.11.2024 on the subject above-mentioned wherein it was requested to provide a status report on the subject matter. However, information sought is still awaited.

In this regard, it is requested to kindly provide the same at the earliest.

This may be treated as urgent.

Thanking You.

Yours faithfully

(Vishal Gandhi)

Scientist-E, WQM-I Division

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in



Reminder I

CM-13011/293/2024-LAW-HO-CPCB-OH / 735

DATE:- 11/12/2024

To,

District Magistrate

Office of District Magistrate,

North-West Delhi. District Magistrate Office,

Kanjhawala, Delhi-110081

Subject: Hon'ble NGT order dated 13.09.2024 in OA No. 1164/2024 in the suo-motu matter in news item titled "How open drain snuffed out another young life" appearing in the Times of India dated 27.08.2024-reg

Reference: CPCB letter No. CM-13011/293/2024-LAW-HO-CPCB-OH/720 dated 26.11.2024

Madam,

Kindly refer to CPCB previous letter dated 26.11.2024 on the subject above-mentioned wherein it was requested to provide a status report on the subject matter. However, information sought is still awaited.

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Thanking You.

Yours faithfully


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Scientist-E, WQM-I Division

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दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in



30

Annexure-IV

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

Speed Post/ E-mail

CM-13011/293/2024-LAW-HO-CPCB-OH / 744

18/12/2024

To,

Engineer-in-Chief

Public Works Department,

12th Floor, MSO Building,

I. P. Estate, New Delhi: 110002

Subject: Compliance of Hon'ble NGT order dated 13.09.2024 in OA No. 1164/2024 in the suo-motu matter in news item titled "How open drain snuffed out another young life" appearing in the Times of India dated 27.08.2024-reg

Sir,

Enclosed please find a copy of Hon'ble NGT order dated 13.09.2024 in OA No. 1164/2024, Suo Moto matter: News item titled "How open drain snuffed out another young life" appearing in the Times of India dated 27.08.2024.

In this regard, it is requested to provide the status report / action taken report in the said matter at the earliest.

Yours faithfully


(Vishal Gandhi)

Scientist-E, WQM-I Division

Encl: As above

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाइट/Website : www.cpbc.nic.in