

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

Original Application No. 606/2024

IN THE MATTER OF: -

**NEWS ITEM TITLED "GREATER KAILASH LESSER COMFORT LIFE
AMID FOUL AIR & MOSQUITOES" APPEARING IN THE TIMES OF INDIA
DATED 22.04.2024**

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Filed By:




**Vikrant Pachnanda & Mukul Katyal
Advocates for Central Pollution Control Board
C-485, LGF, Defence Colony,
New Delhi-110024
Ph-+91 9871138313
Email: vikrant.pachnanda@gmail.com**

Date: - 06.09.2024

Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 606 OF 2024**

IN THE MATTER OF:

**NEWS ITEM TITLED "GREATER KAILASH LESSER COMFORT LIFE
AMID FOUL AIR & MOSQUITOES" APPEARING IN THE TIMES OF
INDIA DATED 22.04.2024**

**REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD
(CPCB) i.e. RESPONDENT NO. 2**

1. That, Hon'ble NGT vide order dated 27.05.2024 and notice dated 27.07.2024 has sought the reply of CPCB over the averments brought out in the News Item. Thereby, the reply is made in succeeding paragraphs.
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 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 menace due to a drain running alongside a park in South Delhi's Greater Kailash-I area, allegedly attracting swarms of mosquitoes and creating hardships for the residents of the area.
5. That, in compliance with Hon'ble NGT order dated 27.05.2024 passed in instant matter, CPCB communicated with Delhi Jal Board (DJB) and Delhi Pollution Control Committee(DPCC) for seeking the status report of the drain in South Delhi's Greater Kailash I via letter dated 21.06.2024 and 15.07.2024. The DJB vide its letter dated 09.08.2024 submitted the status report of the drain. Copy of the Status Report attached as **Annexure-I**. The key findings of the site visit conducted by DJB are as follows:
 - a. The drain running alongside a park in South Delhi's Greater Kailash-I and behind Krishi Vihar pertains to Municipal Corporation of Delhi (MCD).
 - b. The concerned officials of DJB who inspected the drain site on 26.07.2024 reported that the flow in the drain is not stagnant and is running continuously.
 - c. DJB had already diverted the flow of water at the corner of the park through sewer line to Okhla Sewage Treatment Plant.
6. That, the status report of the drain in South Delhi's Greater Kailash I from DPCC is still awaited.
7. It is humbly submitted that the matter pertains to proper maintenance of the drains which is the responsibility of local bodies and state specific agencies such as Public Works Department (PWD), Public Health Engineering Department (PHED), Water Resources department, Municipal Corporations, etc.



8. That, the answering respondent craves leave of the Hon'ble Tribunal to file additional reply, if required, in future.
9. That in the light of the above submissions, 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.



(Vishal Gandhi)

Scientist 'E'

Central Pollution Control Board



विशाल गान्धी \ Vishal Gandhi
 वैज्ञानिक 'ई' / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 (पर्यावरण, वन्य जीव संरक्षण एवं जल सफाई विभाग)
 Ministry of Environment, Forest & Climate Change
 दिल्ली नगर, दिल्ली
 New Delhi, India

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 606 OF 2024**

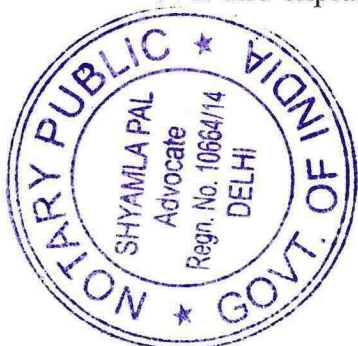
IN THE MATTER OF:

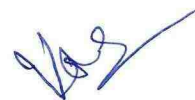
NEWS ITEM TITLED "GREATER KAILASH LESSER COMFORT LIFE AMID FOUL AIR & MOSQUITOES" APPEARING IN THE TIMES OF INDIA DATED 22.04.2024

AFFIDAVIT

I, Vishal Gandhi, working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 2 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 as I am competent to swear this 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

**विराट गांधी / Vishal Gandhi
शैक्षणिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Mo Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अरजुन नगर
Parivesh Bhawan, East Arjun Nagar**

VERIFICATION

Verified at New Delhi on this day of - 6 SEP 2024 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.



DEPONENT



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

ATTESTED



NOTARY PUBLIC DELHI
 GOVT. INDIA

- 6 SEP 2024

- / By H.

e-186773/12.8.2024/WQM-I

22

Annexure - I

6



DELHI JAL BOARD: GOVT. OF N.C.T. OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER
MAINTENANCE DIVISION-50
ENGINEERS BHAWAN, ANDREWS GANJ,
NEW DELHI 110049
Email id: eem50gk@gmail.com

NO: DJB/EE(M)-50/2024-25/ 418

Dated: 09.08.2024

✓ **Sh. Vishal Gandhi**
Scientist-E, WQM-I Division
Central Pollution Control Board
Ministry of Environment, Forest &
Climate Change, Govt. of India
Parivesh Bhawan, East Arjun Nagar
New Delhi-110032




Subject: Hon'ble NGT (PB) order dated 27.05.2024 in the matter of OA No. 606/2024 on News Item titled "Greater Kailash lesser comfort Life amid foul air & mosquitoes."

Dear Sir

In reference to your letter No. A-14011/ 2024-WQM-I/ (OA No. 606 of 2024)/645 dated 21.06.2024, the status report is enclosed herewith for your kind perusal please.

Encl : As above


09.08.2024
(R.G. Saraswat)
Executive Engineer
Maintenance Division-50

Copy to:-

1. Chief Engineer (Nodal) Drainage : for kind information.
2. Chief Engineer (South) : -do-
3. Superintending Engineer (M)-10 : -do-
4. Assistant Engineer-I
5. ASO

Executive Engineer
Maintenance Division-50

Sc. B(C.E.S.) 13/8

6

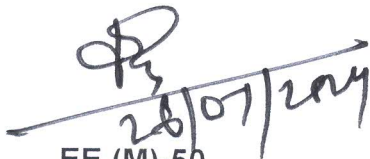
Subject: - Hon'ble NGT (PB) order dated 27.05.2024 in the matter of OA No. 606/2024 on News Item titled "Greater Kailash lesser comfort Life amid foul air & mosquitoes."

Status Report

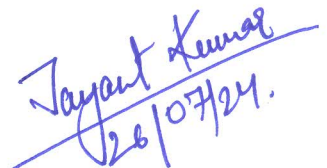
In reference to the news item titled "Greater Kailash lesser comfort life amid foul air & mosquitoes" appeared in The Times of India dated 22.04.2024.

In the above mentioned subject matter, it is submitted that the drain running alongside a park in South Delhi's Greater Kailash-I and behind Krishi Vihar pertains to Municipal Corporation of Delhi (MCD). The matter of cleaning of drain not pertains to Delhi Jal Board as not being the custodian. DJB has trapped the water flowing in the drain at the corner of the park in lieu of another Hon'ble NGT matter I.A. No. 537/2023 and moved its flow towards Okhla Sewage Treatment Plant through existing sewer line. After inspecting the site on dated 26/07/2024, it is also submitted that the water of the drain is not stagnated and running continuously.

Submitted for information and onward submission please.


26/07/2024
EE (M)-50


26/07/24
AE-I


26/07/24.
JE

Speed Post /Email

F. No. A-14011/2024-WQM-I/ (OA No 606 of 2024) / 645

Dated: 21.06.2024

2510

To

The Member Drainage
Delhi Jal Board,
Varunalaya Ph-II
Jhandewalan, Karol Bagh
New Delhi-110005.
memberdrainagedjb@gmail.com

Office of CEN (Drainage)
DELHI JAL BOARD
Diary No. 2638
Date 26-6-24

Sub: Hon'ble NGT (PB) order dated 27.05.2024 in the matter of OA No. 606/2024 on News Item titled "Greater Kailash lesser comfort Life amid foul air & mosquitoes"


Sir,

Enclosed please find a copy of Hon'ble NGT (PB) order dated 27.05.2024 in the matter of OA No. 606/2024 on News Item titled "Greater Kailash lesser comfort Life amid foul air & mosquitoes". The Hon'ble NGT issued the following direction in Paragraph 2 of the said order:

2. The news item relates to the intolerable stench being emitted from a drain running alongside a park in South Delhi's Greater Kailash I, attracting swarms of mosquitoes. As per the article, the residents of the area are facing severe hardship as in early and evening hours, there are big clouds of mosquitoes everywhere. All the windows have to be kept sealed. Repellents do not work because of the sheer number of the pests. It states that the situation has deteriorated significantly in the past four months because the stagnant water in the drain provides an ideal breeding ground for mosquitoes. The news item states that despite multiple requests made to the authorities, the abovementioned drain has not been cleaned. The article discloses that sewage is also flowing into the drain, worsening the problem. The article cites that the residents are worried that if not dealt with soon, the situation may lead to health problems.

In this regard, it is requested to provide the status report of the concerned drain in South Delhi's Greater Kailash.

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

E.E.(M)-30
Delhi Jal Board
Diary No. 108
Date 16/7/24

Item No. 06

Court No. 1

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

Original Application No. 606/2024

News Item titled "Greater Kailash lesser comfort Life amid foul air & mosquitoes" appearing in The Times of India dated 22.04.2024

Date of hearing: 27.05.2024

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

ORDER

1. This original application is registered *suo motu* on the basis of the news item titled "Greater Kailash lesser comfort Life amid foul air & mosquitoes" appearing in 'The Times of India' dated 22.04.2024.

2. The news item relates to the intolerable stench being emitted from a drain running alongside a park in South Delhi's Greater Kailash I, attracting swarms of mosquitoes. As per the article, the residents of the area are facing severe hardship as in early and evening hours, there are big clouds of mosquitoes everywhere. All the windows have to be kept sealed. Repellents do not work because of the sheer number of the pests. It states that the situation has deteriorated significantly in the past four months because the stagnant water in the drain provides an ideal breeding ground for mosquitoes. The news item states that despite multiple requests made to the authorities, the abovementioned drain has not been cleaned. The article discloses that sewage is also flowing into the drain, worsening the problem. The article cites that the residents are worried that if not dealt with soon, the situation may lead to health problems.

3. The news item raises substantial issue relating to compliance of the environmental norms, especially compliance of Water (Prevention and Control of Pollution) Act, 1974 and the Environment (Protection) Act, 1986.

4. 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.

5. Hence, we implead the following as respondents in the matter:

- (1). Delhi Pollution Control Committee, through its Member Secretary, Building No. TC-12V, 6th Floor, C Wing, Delhi Secretariate, I P Estate, Delhi 110002.
- (2). Central Pollution Control Board, through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.
- (3). Delhi Jal Board, through its CEO, Room No. 306, 3rd Floor, Varunalaya Ph-II, Jhandewalan, Karol Bagh, New Delhi 110005.
- (4). Municipal Corporation of Delhi, through its Commissioner, 24th Floor, Dr. SPM Civic Centre, Minto Road, New Delhi 100002.
- (5). District Magistrate, South Delhi, M.B. Road, Saket, New Delhi 110068.

6. Issue notice to the above respondents for filing their response at least one week before the next date of hearing.

7. List on 11.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 27, 2024
Original Application No. 606/2024
DV

Advance Service | News Item titled “Greater Kailash Lesser Comfort Life Amid Foul Air & Mosquitoes” Appearing in The Times of India dated 22.04.2024 | O.A. No. 606 of 2024

1 message

Mukul Katyal <advmukulkatyal@gmail.com>

9 September 2024 at 13:27

To: msdpcc@nic.in, ceodelhi.djb@nic.in, commissioner@mcd.nic.in, dcsouth@nic.in

Cc: Vikrant Pachnanda <vikrant.pachnanda@gmail.com>

Dear Sir / Ma'am,

We refer to the captioned matter and are concerned for Respondent No.2 - Central Pollution Control Board ["CPCB"].

Please find attached a copy of the Reply Affidavit being filed in the captioned matter on behalf of CPCB

Regards,
Mukul Katyal
Advocate

Address: C - 485, LGF, Defence Colony, New Delhi - 110 024, India

M.: +91 88823 66999 | **E.:** advmukulkatyal@gmail.com

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 **Reply in OA No. 606 of 2024.pdf**
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