

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 274/2022

IN THE MATTER OF:

PREM AGGARWAL AND ORS.

... APPLICANT

V/S

GOVT OF NCT OF DELHI & ORS

.... RESPONDETS

INDEX

ND 04-28/11/22

Sl. No.	Particulars	Page Nos
1.	Reply on behalf of Respondent MCD	1-5
3.	Annexure R-1	6



Ms. PUJA KALRA

STANDING COUNSEL MCD

CHAMBER-430, BLOCK-I

DELHI HIGH COURT, NEW DELHI

MOB.- 9312839323

EMAIL- pujakalra09@gmail.com

NEW DELHI

DATE: 11/11/2022

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO.274/2022

IN THE MATTER OF:

PREM AGGARWAL AND ORS. ... APPLICANT

V/S

GOVT OF NCT OF

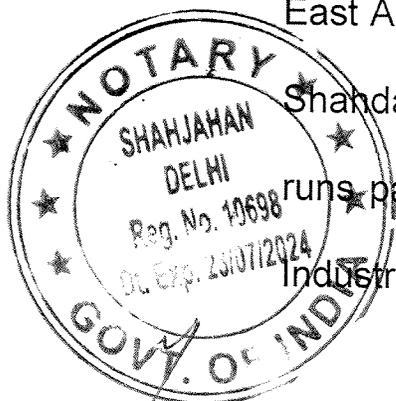
DELHI & ORS RESPONDETNs

REPLY ON BEHALF OF MUNICIPAL CORPORATION OF DELHI

MOST RESPECTFULLY SHOWETH:-

I, Om Prakash Ojha, working as Executive Engineer (Maintenance)-II, Shahdara South Zone, EDMC, Delhi do hereby solemnly affirm and declare on oath as under:-

1. That I am working as Executive Engineer (Maintenance)-II Shahdara South Zone, with Municipal Corporation of Delhi and am conversant with the facts of the present case on the basis of the records. Thus, I am competent to file this counter affidavit on behalf of MCD on the basis of the case record.
2. That the matter is regarding grievances of Mr. Prem Aggarwal and other residents of Anupam Apartments, 4-C.B.D, Area, East Arjun Nagar, Shahdara Delhi. The grievances are that the Shahdara drain, which is approximately 40 meters wide and runs parallel to Swami Dayanand Marg (Road No.47) contains Industrial Waste, storm / sewer waste etc. from adjoining areas



producing enormous amount of gases polluting the entire area which effect the respiratory system of nearby inhabitants and electrical installation.

3. That pursuant to the direction of Delhi Pollution Control Committee (DPCC), a nodal officer was appointed on dated 20.05.2022.
4. That in compliance of the direction of Hon'ble NGT a joint inspection of officer from Central Pollution Control Board (CPCB), Delhi Pollution Control Committee (DPCC), East Delhi Municipal Corporation, Delhi Jal Board, Irrigation and Flood Control Department, Govt. of NCT of Delhi, was done on 26.05.2022.
5. That during the inspection,

(i) Joint Committee comprising of officials of Central Pollution Control Board (CPCB), Delhi Pollution Control Committee (DPCC), the then East Delhi Municipal Corporation, Irrigation & Flood Control (I&FC)Department and DM Shahdara inspected the trunk drain No.1 covering the stretch of about 1.5 km from Krishna Nagar Metro Station to Karkardooma Court Road parallel to said drain on 26.05.2022.

(ii) Both sides of drains have been provided compound wall of 3.5m height with 0.5 m fencing adjacent to Anupam Apartments & Hans Apartments and 2m compound wall by Irrigation &



Flood Control (I&FC) and Public Work Department (PWD) respectively.

(iii) The compound wall maintained by Irrigation & Flood Control (I&FC) on society side is in good conditions, however the wall on road side maintained by Public Work Department (PWD) found broken at some points which eases dumping.

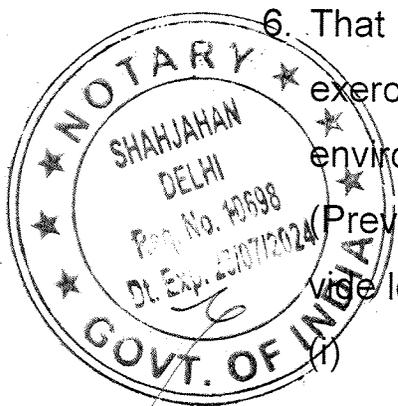
(iv) Fencing on Foot over bridge found broken at some places which helps illegal dumping of waste.

(v) The drain flow carries sewage also however as per Delhi Jal Board officials all drains coming / falling in the said drain from Bihari Colony to Gazipur are already trapped & no discharge is falling in said drain. It is further informed that Shahdara drain is connected to Kondli Sewerage Treatment Plant for treatment of sewage by Delhi Jal Board.

(vi) No plantation observed on the bank of the drain maintained by Irrigation & Flood Control (I&FC) Department.

6. That further, the Delhi Pollution Control Committee (DPCC) in exercise of the power conferred upon it u/s 5 of the environment protection Act, 1986 and u/s 33 of water (Prevention and Control of Pollution) Act-1974 issued direction vide letter No. 16.06.2022 which are as under :-

- (i) I&FC shall provide iron mesh fencing over entire drain to avoid dumping of garbage / C&D Waste.
- (ii) I&FC shall deploy employees to monitor and keep a vigil on the Drain to prevent dumping of garbage / C&D waste.



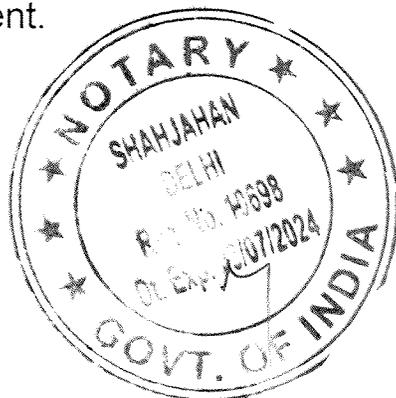
- (iii) Messages for public in respect of prosecution and fine shall be displayed at prominent locations to discourage of dumping of waste.
- (iv) CCTV cameras be installed at suitable locations to monitor the garbage / C&D waste dumping.
- (v) Plantation shall be provided on the bank of the drain.

7. That pursuant to the direction of DPCC dated 16.06.2022, a brief parawise reply was submitted to DPCC vide letter No.EE (M)-II/Shah/S/2022/D-316 dated 21.07.2022 which is reproduced as under :-

- (i) The direction in the para pertains to I&FC Department.
- (ii) The direction in the para is for I&FC Department.
- (iii) The needful is to be done by I&FC Department.
- (iv) As desired for fixing CCTV cameras at suitable locations on drain is under jurisdiction of I&FC Department and as such it is to be provided by I&FC Department.
- (v) The needful is to be done by I&FC department.

The of copy of reply is annexed as Annexure R-1.

8. That, it is further submitted that the drain under subject belongs to I&FC department and the adjoining road comes under the jurisdiction of PWD and as such all the action to be taken as per direction of DPCC, lie on the part of PWD & I&FC Department.



↓
DEPONENT

VERIFICATION

Verified at New Delhi on 11 NOV 2022 day of November, 2022 that the contents of above mentioned affidavit are true and correct to the best of my knowledge and belief, no part thereof is false and nothing material has been concealed therefrom.

[Handwritten signature]

I have identified the deponent who has signed/put in my presence.

11 NOV 2022

[Handwritten signature]
DEPONENT



CERTIFIED THAT THE DEPONENT
Shri/Smt./M...
S/o W/o ...
Identified by Shri...
has solemnly affirmed before me at Delhi
on...
that the contents of the affidavit which
have been read & explained to me are
true and correct to this & knowledge
[Handwritten signature]
37 Notary Public



MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER(M)-II
SHAHDARA SOUTH ZONE
VISHWAKARMA NAGAR, JHILMIL COLONY
DELHI - 110095

ANNEXURE - R-1

6

7
Azadi Ka
Amrit Mahotsav

No. EE(M)-II/Sh. S)/2022/D-316...

Dated: 21/7/22

To,

Delhi Pollution Control Committee
Department of Environment, (Govt. of NCT of Delhi)
4th Floor, ISBT Building, Kashmere Gate
Delhi-110006.

**SUB:- Action Taken Report in the matter of Original Application No. 274/2022
titled as "Prem Aggarwal & Ors. V/s GNCTD.**

In compliance of letter No. DPCC/CMC-I/OA-274/2022/472 dated 04.07.2022.
The ATR against original application No. 274/2022 titled as "Prem Aggarwal & Ors.
V/s GNCTD is as under:-

1. The direction in the para pertains to I &FC Department.
2. The direction in the para is for I &FC Department.
3. The needful is to be done by I &FC Department.
4. As desired for fixing CCTV cameras at suitable locations on drain under jurisdiction of I &FC Department and as such it is to be provided by I &FC Department.
5. The needful is to be done by I &FC Department.

Copy to :-

1. CE/Shah.South
2. SE-I/Shah.South
3. AE/JE to pursue the matter.

1
Executive Engineer (M)-II
Shahdara (South) Zone

d
Executive Engineer (M)-II
Shahdara (South) Zone

f.c
g