

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

MA 72/2023 IN OA 432/2022

IN THE MATTER OF:-

Jhilmil & Friends Colony Industrial

Area CEPT Society

.....Applicant

Versus

Delhi Jal Board & Ors.

.....Respondents

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THROUGH



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Place: New Delhi

Date: 12.10.2023

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REPLY BEING FILED ON BEHALF OF THE DELHI JAL BOARD RESEPPONENT**NO.1****MOST RESPECTFULLY SHOWETH:**

1. In reference to the above cited subject, it is submitted, that the Govt. of NCT of Delhi constituted Yamuna Cleaning Cell to achieve the target to clean River Yamuna with CEO, DJB as Chairman and DSIIDC, DUSIB, DPCC and I&FC as members of this cell. The Govt. of NCT Delhi is in process of transfer of CETP from DSIIDC/ Industries Department to DJB for further up gradation and maintenance. The discharge of two drains namely Dilshad Garden drain and Jhilmil drain is going into existing Kondli STP which is already overloaded. To reduce the load on Kondli STP and optimum utilization of Jhilmil CETP, it is proposed to treat discharge of these drains at Jhilmil CETP which is already running under capacity i.e., about 4-5 MLD against the capacity of 16.8 MLD. The treated effluent of this CETP can be further utilized for Horticulture purposes in the nearby parks of EDMC, DDA, PWD etc. Accordingly, after in principle approval of Hon'ble Minister (Water)/Chairman DJB, GNCT, Delhi, dated 27.01.2022,

the instant proposal for trapping of Dilshad Garden drain and Jhilmil drain into Jhilmil CETP was taken up.

2. It is respectfully submitted that during the execution of work of "Trapping of Jhilmil & Dilshad Garden drain into CETP at Jhilmil Industrial Area in AC-62, Shahdara under ACE (M)-1", the Jhilmil and Friends Colony Industrial Area CETP Society filed an application before the Hon'ble NGT, New Delhi vide OA No. 432/2022, the reply for the same was submitted to Hon'ble NGT duly approved by Competent Authority. The first date of hearing of the case was 04.08.2022, where prayer was made by applicant before Hon'ble NGT, New Delhi against DJB (respondent) to stop connecting the pipe line to CTEP Jhilmil.
3. The Hon'ble NGT on 20.09.2022 has passed final order stating that " By way of abundant caution it is clarified that nothing in this order shall be treated as any direction for transfer of CETPs from DSIIDC to DJB or to prevent respondent no. 1 from completing the works (except connecting Dilshad Garden drain and Jhilmil CETP which is to be done as undertaken on transfer of CETP Jhilmil from DSIIDC to DJB) already undertaken through respondent No. 4". It was also directed that the CPCB and DPCC may conduct joint inspection and study with the DJB to evaluate the status and feasibility of the proposal and proposed technology upgradation of CETPs before actual implementation. The DPCC will be the Nodal Agency for coordination and compliance. The Joint Inspection Report to be submitted within two months."

4. That Accordingly, DJB completed the work of laying of lines except interconnection/ trapping with CETP and drains respectively. Joint Team of Central Pollution Control Board and Delhi Pollution Control Committee submitted the report before the Learned Registrar General of this Tribunal on 10.02.2023 and the conclusion and recommendations in the report are extracted as under:

"Conclusion and Recommendations:

- (i) DJB has not carried out any Technical Feasibility Study before going ahead for proposed project of interception of the waste water at two locations from Jhilmil Drain to the Jhilmil CETP and imparting treatment at the existing CETP.
- (ii) As the interception of the waste water from Jhilmil Drain at the two points which are located after the discharge points of treated effluent of CETP, it will result in recirculation of the treated effluent again & again to Jhilmil CETP.
- (iii) As the characteristics of waste water at the inlet of Jhilmil CETP have changed over a period of time, NEERI has proposed for upgradation of existing CETP by adding Biological Treatment Units for treating the organic matter i.e. quality parameters BOD.
- (iv) In case the waste water from the Jhilmil & Dilshad Garden Drains is considered for diverting to Jhilmil CETP for utilisation of its full capacity, only after upgradation of the Jhilmil CETP to meet the discharge standards as prescribed by DPCC for the various quality parameters including BOD, it will exhaust its capacity and will not be able to handle/treat the additional waste water to be generated in future from

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the associated Jhilmil & Friends Colony Industrial Areas, for which the CETP has been constructed. It will also increase the generation of hazardous waste from the CETP which will increase the sludge load manifold on TSDF and impact its design period.

In view of above observations, findings and the prevailing situation, it is not recommendable to divert the waste water of the Jhilmil & Dilshad Garden Drains to Jhilmil CETP for its treatment."

5. That the Hon'ble NGT while dealing with the report as submitted to it passed the following direction: "In view of the recommendations made in the above said report, the provisions made in Section 20 of the National Green Tribunal Act, 2010 which inter alia requires this Tribunal to apply precautionary principle and Section 19 (4) () of the National Green Tribunal Act, 2010 which empowers this Tribunal to pass an order requiring any person to cease and desist from committing or causing any violation of any enactment specified in Schedule I and the attending facts and circumstances, respondent no. 1-DJB is restrained till further orders to the contrary from connecting Dilshad Garden Drain into Jhilmil CETP."

6. The para wise reply of conclusion and recommendation are as under: -

1. It is most respectfully submitted that the Govt, of NCT of Delhi had constituted Yamuna Cleaning Cell to achieve the target to clean River Yamuna, CEO, DJB as Chairman and DSIIDC, DUSIB, DPCC and I&FC as members of this cell. The Govt. of NCT Delhi is in process of transfer of CETP from DSIIDC/ Industry Department to DJB for further up- gradation and maintenance. It is also observed that the existing CETP having

capacity of 16.8 MLD was running under capacity i.e. only 4-5 MLD (approx.), Since both catchment area i.e. Jhilmil & Friends Colony Industrial Area having almost 100% occupancy and there is hardly any chance in increase of discharge to CETP. Therefore, to reduce the load on Kondli STP and optimum utilization of Jhilmil CETP, it was proposed to treat discharge of Dilshad Garden drain and Jhilmil drain at Jhilmil CETP.

2. It is further relevant to highlight that the treated effluent of this CETP can be further utilized for Horticulture purposed in the nearby parks of EDMC, DDA, PWD etc. In reference to recirculation of remaining treated effluent again and again to Jhilmil CETP, it is stated that the discharge point of the treated effluent of CETP will be shifted in the downstream side of both points of drains which is to be trapped for balance discharge, if any.
3. It is also relevant to point out that the Govt. of NCT Delhi is in process of transfer of CETP from DSIIDC/Industry Department to DJB. The upgradation of CETP for treating industrial as well as domestic sewage will be done after transfer of CETP to DJB.
4. **That as far as the utilization of capacity of CETP is concerned**, it is to mention that, presently CETP is treating approx. 4-5.0 MLD only. It is to be worth mentioning that both the industrial area are having almost 100 % occupancy, so there is hardly any chance of increase in discharge in future. Therefore, balance capacity of the CETP can be utilized by trapping the discharge of Dilshad Garden drain and Jhilmil drain into Jhilmil CETP after upgradation and transfer from DSIIDC to DJB.

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7. That the Proposed trapping of Dilshad Garden drain and Jhilmil drain into Jhilmil CETP shall be connected/commissioned only after transfer of CETP to DJB. CETP is also required to be upgraded as per latest DPCC norms. Recently the study has been conducted by NEERI for upgradation by adding Biological Treatment Unit with MBBR process for taking in to account of treating the quality parameter BOD. The trapping of Dilshad Garden drain and Jhilmil drain shall be carried out only after upgradation and transfer of CETP to DJB.
8. That the Respondent No.1 DJB is always committed to work for the welfare of the people at large and any work undertaken by the same is in consonance of the laid down norms and rules and that the Govt. of NCT of Delhi as submitted earlier herein has constituted Yamuna Cleaning Cell to achieve the target to clean River Yamuna with CEO, DJB as Chairman and DSIIDC, DUSIB, DPCC and I&FC as members of this cell.
9. That it is further respectfully prayed and submitted that in view of the facts mentioned herein above that DJB shall connect the Dilshad Garden Drain and Jhilmil Drain into CETP only after transfer of CETPs from DSIIDC/Industry Department Delhi to DJB.


RESPONDENT NO.1
(B.P. SARASWAT)
Add. Chief Engineer (M)-1

VERIFICATION:

I, Bhagwati Prashad Saraswat, do hereby verify that the contents of Para nos. 1 to 9 of the reply are true and correct to the best of my knowledge derived from the relevant office record which are regularly maintained by the Respondent and is also believed to be correct upon information received.

Verified at New Delhi on this 12th Day of October, 2023.

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AFFIDAVIT

I, Bhagwati Prasad Saraswat, Son of Sh. Roshan Lal Saraswat, aged about 59 years, working as ACE(M)-1 having office at BPS & UGR, Chitra Vihar, Delhi-110092, do hereby solemnly affirm and state as under:

1. That I am the deponent and hence I am competent to swear the contents of the present affidavit.
2. That the accompanying REPLY has been drafted by my counsel. The contents of the same have been read by me and I have understood the same. The contents of the same are true to my knowledge as derived from the records of DJB.
3. I say that the averments of facts stated herein above are true to my knowledge, no part of it is false and nothing material has been concealed therein.

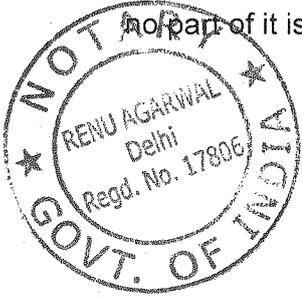

DEPONENT
(B.P. SARASWAT)
Add. Chief Engineer (M)-1



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VERIFICATION:

Verified on this the 12 OCT day of 2023, 2023 at _____ that the contents of the above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from.



ATTESTED
[Signature]
NOTARY PUBLIC
(INDIA)

12 OCT 2023

[Signature]
DEPONENT
(B.P. SARASWAT)
Add. Chief Engineer (M)-1