

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No. 274/2022

In the matter of:

Prem Aggarwal & Ors.

...Applicant

Versus

Govt. of NCT of Delhi

...Respondents

09-09-2022

NDOH:

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(P.S. Pankaj)

Sr. Environmental Engineer

Dated: 01 Aug., 2022

Place: Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No. 274 /2022

In the matter of:

Prem Aggarwal & Ors.

...Applicant

Versus

Govt. of NCT of Delhi

...Respondents

STATUS REPORT ON BEHALF OF DELHI POLLUTION CONTROL
COMMITTEE WITH RESPECT TO ORDER DATED 27.04.2022.

IT IS MOST RESPECTFULLY SHOWETH:

1. That, this matter was taken up by this Hon`ble Tribunal on 27.04.2022 and pleased to constitute a joint Committee of CPCB, DPCC, Municipal Corporation, Delhi Jal Board, Irrigation and Forest Department, Govt. of NCT of Delhi and Deputy Commissioner (Shahdara). The DPCC was appointed nodal officer of the Committee and Committee was directed to file factual and action taken report.
2. That, in compliance to above mentioned order, a Joint Team comprising of the officials of CPCB, DPCC, East Delhi Municipal Corporation, Delhi Jal Board, Irrigation and Forest Department, Govt. of NCT of Delhi and Deputy Commissioner, (Shahdara) visited the Shahdara Drain on 26.05.2022 and following are the observations of the team:
 - The Joint Team 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 the said drain.
 - Both sides of the drain have been provided compound wall of 3.5 meter height with 0.5 meter fencing adjacent to Anupam Apartments

& Hans Apartments and 02 meter compound wall is being maintained by I&FC and PWD respectively.

- The compound wall maintained by I&FC on the society side is in good condition. However the wall on road side maintained by PWD found broken at some points, which eases dumping.
- Fencing on the foot over bridge found broken at some places, which helps illegal dumping of waste.
- The drain flow carries sewage also however as per DJB officials all the drains coming/ falling in the said drain from Bihari Colony to Gazipur have already been trapped and no discharge is falling in the said drain. It is further informed that Shahdara drain is connected to Kondli STP for treatment of sewage by DJB.
- No plantation observed on the bank of the drain maintained by I&FC.
- Desilting is being done annually as informed by I&FC officials. At some points, aggregation of waste noticed which hampers flow of the said drain.
- As informed by officials of I&FC, the said drain starts from UP Border (Indra Vihar) & terminates at Tata Telco (Near Gazipur) outfalling in Shahdara drain parallel to Gazipur. It is further informed that escape drain no. 01 near Khajuri, Karawal Nagar drain & Biharipur drain falls in the said drain with all septage of surrounding areas.
- The Joint Committee opined that height of the boundary wall/ railing parallel to Anupam Apartments and Hans Apartments to be raised about 05 meters for preventing overthrowing of Solid Waste/ Plastic Waste and also developing Green Belt/ Plantation on the side of the said societies parallel to said drain.

Copy of the inspection report dated 26.05.2022 is enclosed herewith as **ANNEXURE-1.**

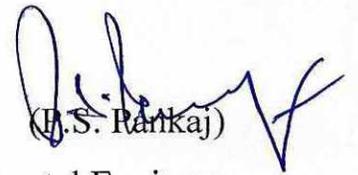
3. That, Delhi Pollution Control Committee issued directions under Section 33(A) of Water (Prevention and Control of Pollution) Act, 1974 on 16.06.2022 to Chief Engineer (Irrigation & Flood Deptt), Commissioner (Municipal Corporation of Delhi), Chief Engineer (PWD), Member Drainage

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(DJB) to comply with the recommendations of the joint inspection team and also to file action taken. Copies of the directions dated 16.06.2022 are enclosed herewith as ANNEXURE-2 (Colly).

4. That, as compliance with respect to direction dated 16.06.2022 was not received, hence reminders were issued on 04.07.2022 to all the authorities. Copies of the letters dated 04.07.2022 are enclosed herewith as ANNEXURE-3 (Colly).

The present status report may kindly be taken on record.



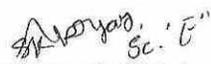
(H.S. Rankaj)

Sr. Environmental Engineer

Delhi

Dated:- 01 Aug, 2022

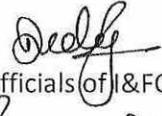
- ⑦ Desilting being done annually as informed by I&FC Official. At some points, aggregation of waste noticed which hampers flow of said drain
- ⑧ As informed by Officials of I&FC the said drain starts from UP Border (Gobra Vihar) & terminates at Tada Telia (Near Gazipur) outfalling in Shahdara drain parallel to Gazipur. It is further informed that Escape drain No. 1 near Khajuri Karamal Nagar drain & Bihari pur drain falls in in said drain with all septage of surrounding area.
- ⑨ A Joint discussion of the said Joint Committee is opined that height of boundary wall ~~retaining~~ ^{railling} ~~at~~ parallel to Anupam Apartment & Mans Apartment to be raised about 5m for preventing overthrowing of Solid Waste / Plastic Waste and also developing (green belt) plantation on the ~~at~~ side of said societies parallel to said drain.


Signature of officials of CPCB


Signature of officials of DPCC


Signature of officials of EDMC
JE (M-II) Sh. S


Signature of officials of DJB
Devender Kumar
EE(M)59

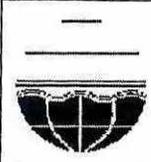

Signature of officials of I&FC
RONEET DODEJA
EE

Signature of officials of Forest Dept
NOT present.

Signature of officials of DC/DM Shahdara
Ramesh Kumar
Tem (Nirakhar)

371
6

By Speed Post



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-I/OA-274/2022/ 371

Dated: 16-06-2022

To,

**The Chief Engineer,
Irrigation & Flood Department,
L.M. Bund Office Complex, Shastri Nagar,
Delhi-110031**

Annexure-2 (Colly)

Subject: Directions u/s 5 of The Environment Protection Act, 1986 as amended to date.

And whereas, Delhi Pollution Control Committee has been vested with the powers under section 5 of Environment (Protection) Act, 1986 which empowers the Delhi Pollution Control Committee (DPCC) to issue directions in writing to any person, officer or any authority shall be bound to comply with such directions.

And whereas, Hon'ble NGT in the matter of Original Application No. 274/2022 titled as "Prem Aggarwal & Ors. Vs. GNCTD" vide order dated 27.04.2022 has directed that "a Joint Committee comprising of CPCB, DPCC, Municipal Corporation, Delhi Jal Board, Irrigation and Forest Department, Govt. of NCT of Delhi and Deputy Commissioner, Shahdara. The DPCC will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicants and take remedial action by following due process of law".

And whereas, an inspection by Joint Inspection Committee of the officers from CPCB, DPCC, Municipal Corporation, Delhi Jal Board, Irrigation and Forest Department, Govt. of NCT of Delhi and Deputy Commissioner, Shahdara was done on 26.05.2022(copy enclosed) in compliance of the direction of Hon'ble NGT. During inspection the team has observed that:

1. Joint Committee comprising of officials of CPCB, DPCC, EDMC, 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
2. Both side of drains have been provided compound wall of 3.5 m height with 0.5 m fencing adjacent to Anupam Apartments & Hans Apartments and 2 m compound wall by I&FC and PWD respectively.
3. The compound wall maintained by I&FC on society side is in good condition, however the wall on road side maintained by PWD found broken at some points which eases dumping.
4. Fencing on Foot over bridge found broken at some places which helps illegal dumping of waste.
5. The drain flow carries sewage also however as per DJB officials all drains coming/falling in the said drain from Bihari Colony to Gazipur are already trapped & no discharge is falling on said drain. It is further informed that Shahdara drain is connected to Kondli STP for treatment of sewage by DJB.
6. No plantation observed on the bank of the drain maintained by I&FC Department.

In view of above the Competent Authority in Delhi Pollution Control Committee and as decided, in exercise of powers conferred upon it u/s 5 of The Environment Protection Act, 1986 as amended to date, hereby issue the following directions for the area under your jurisdiction:

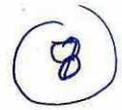
7

1. I&FC shall provide iron mesh fencing over entire drain to avoid dumping of garbage/C&D waste.
2. I&FC shall deploy employees to monitor and keep a vigil on the drain to prevent dumping of garbage/C&D waste.
3. Messages for public in respect of prosecution and fine shall be displayed at prominent locations to discourage of dumping of waste.
4. CCTV cameras be installed at suitable locations to monitor the garbage/C&D waste dumping.
5. Plantation shall be provided on the bank of the drain.
6. I&FC shall regularly de-silt and clean the drain.

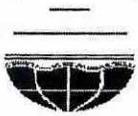
You are requested to submit the Action taken report with timelines within 15 days from date of issuance of these directions

This is being issued as per the approval of the Competent Authority, Delhi Pollution Control Committee.


P.S Pankaj
In-charge, (CMC I)



By Speed Post

	<p style="text-align: center;">DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6 visit us at : http://dpcc.delhigovt.nic.in</p>
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F. No. DPCC/CMC-I/OA-274/2022/ 368

Dated: 16.06.2022

To,

The Commissioner,
Municipal Corporation of Delhi,
DR. S.P.M. CIVIC CENTRE, MINTO ROAD,
NEW DELHI – 100002

Subject: Directions u/s 33 (A) of Water (Prevention & Control of Pollution) Act, 1974 as amended to date.

And whereas, Central Pollution Control Board has delegated all its powers and functions under Water (Prevention & Control of Pollution) Act, 1974 in respect of Union Territory of Delhi to Delhi Pollution Control Committee.

And whereas, it is mandatory provisions u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 that no person without the previous consent of DPCC shall Establish or take any steps to establish any Unit/ Industry, operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent in to a stream or on land.

And whereas, Hon'ble NGT in the matter of Original Application No. 274/2022 titled as "Prem Aggarwal & Ors. Vs. GNCTD" vide order dated 27.04.2022 has directed that "*a Joint Committee comprising of CPCB, DPCC, Municipal Corporation, Delhi Jal Board, Irrigation and Forest Department, Govt. of NCT of Delhi and Deputy Commissioner, Shahdara. The DPCC will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicants and take remedial action by following due process of law*".

And whereas, an inspection by Joint Inspection Committee of the officers from CPCB, DPCC, Municipal Corporation, Delhi Jal Board, Irrigation and Forest Department, Govt. of NCT of Delhi and Deputy Commissioner, Shahdara was done on 26.05.2022(copy enclosed) in compliance of the direction of Hon'ble NGT. During inspection the team has observed that:

1. Joint Committee comprising of officials of CPCB, DPCC, EDMC, 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
2. Both sides of drains have been provided compound wall of 3.5 m height with 0.5 m fencing adjacent to Anupam Apartments & Hans Apartments and 2 m compound wall by I&FC and PWD respectively.
3. The compound wall maintained by I&FC on society side is in good condition, however the wall on road side maintained by PWD found broken at some points which eases dumping.

- 9
4. Fencing on Foot over bridge found broken at some places which helps illegal dumping of waste.
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In view of above the Competent Authority in Delhi Pollution Control Committee and as decided, in exercise of powers conferred upon it u/s 5 of The Environment Protection Act, 1986 as amended to date, hereby issue the following directions for the area under your jurisdiction:

1. I&FC shall provide iron mesh fencing over entire drain to avoid dumping of garbage/C&D waste.
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5. Plantation shall be provided on the bank of the drain.

You are requested to submit the Action taken report with timelines within 15 days from date of issuance of these directions

This is being issued as per the approval of the Competent Authority, Delhi Pollution Control Committee.


P.S Pankaj
In-charge, (CMC I)



F. No. DPCC/CMC-I/OA-274/2022 369

Dated: 16.06.2022

To,

**The Chief Engineer,
Public Works Department (PWD),
12th Floor, MSO Building, I. P. Estate,
New Delhi: 110002**

Subject: Directions u/s 33 (A) of Water (Prevention & Control of Pollution) Act, 1974 as amended to date.

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5. The drain flow carries sewage also however as per DJB officials all drains coming/falling in the said drain from Bihari Colony to Gazipur are already trapped & no discharge is falling on said drain. It is further informed that Shahdara drain is connected to Kondli STP for treatment of sewage by DJB.
6. No plantation observed on the bank of the drain maintained by I&FC Department.

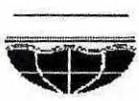
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3. Messages for public in respect of prosecution and fine shall be displayed at prominent locations to discourage of dumping of waste.
4. CCTV cameras be installed at suitable locations to monitor the garbage/C&D waste dumping.
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P.S Pankaj
In-charge, (CMC I)



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
 visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-I/OA-274/2022 370

Dated: 16.06.2022

To,

**The Member Drainage,
 Delhi Jal Board (DJB),
 Varunalaya Complex, Staff Colony, Block E,
 Jhandewalan Extension, Jhandewalan,
 New Delhi, Delhi 110005**

Subject: Directions u/s 33 (A) of Water (Prevention & Control of Pollution) Act, 1974 as amended to date.

And whereas, Central Pollution Control Board has delegated all its powers and functions under Water (Prevention & Control of Pollution) Act, 1974 in respect of Union Territory of Delhi to Delhi Pollution Control Committee.

And whereas, it is mandatory provisions u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 that no person without the previous consent of DPCC shall Establish or take any steps to establish any Unit/ Industry, operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent in to a stream or on land.

And whereas, Hon'ble NGT in the matter of Original Application No. 274/2022 titled as "Prem Aggarwal & Ors. Vs. GNCTD" vide order dated 27.04.2022 has directed that "*a Joint Committee comprising of CPCB, DPCC, Municipal Corporation, Delhi Jal Board, Irrigation and Forest Department, Govt. of NCT of Delhi and Deputy Commissioner, Shahdara. The DPCC will be the Nodal agency for coordination and compliance. The Joint Committee may meet within four weeks, undertake site visits, look into the grievances of the applicants and take remedial action by following due process of law*".

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4. Fencing on Foot over bridge found broken at some places which helps illegal dumping of waste. (13)
5. The drain flow carries sewage also however as per DJB officials all drains coming/falling in the said drain from Bihari Colony to Gazipur are already trapped & no discharge is falling on said drain. It is further informed that Shahdara drain is connected to Kondli STP for treatment of sewage by DJB.
6. No plantation observed on the bank of the drain maintained by I&FC Department.

In view of above the Competent Authority in Delhi Pollution Control Committee and as decided, in exercise of powers conferred upon it u/s 5 of The Environment Protection Act, 1986 as amended to date, hereby issue the following directions that-

You shall trap entire sewage from the upstream of trunk drain no. 1 and treat it in the STP, so that no sewage enters into the drain.

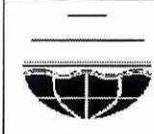
You are requested to submit the Action taken report with timelines within 15 days from date of issuance of these directions

This is being issued as per the approval of the Competent Authority, Delhi Pollution Control Committee.


P/S Pankaj
In-charge, (CMC I)

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By Speed Post



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-I/OA-274/2022 / 474

Dated: 04/07/2022

To,

Annexure-3 (Colly)

The Member Drainage,
Delhi Jal Board (DJB),
Varunalaya Complex, Staff Colony, Block E,
Jhandewalan Extension, Jhandewalan,
New Delhi, Delhi 110005

Sir,

Kindly refer to direction u/s 33 (A) of Water Act, dated 16.06.2022 issued to you in compliance to the order of Hon'ble NGT dated 27.04.2022 in the matter of Original Application No. 274/2022 titled as "Prem Aggarwal & Ors. Vs. GNCTD".

Action taken report is still awaited from your department. You are requested to kindly send the Action Taken Report immediately.

Yours Sincerely


P.S Pankaj
SEE, CMC-1

Encl: Copy of direction dated 16.06.2022



(15)

By Speed Post

	<p style="text-align: center;">DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6 visit us at : http://dpcc.delhigovt.nic.in</p>
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F. No. DPCC/CMC-I/OA-274/2022 /473

Dated: 04/07/2022

To,

**The Chief Engineer,
Public Works Department (PWD),
12th Floor, MSO Building, I. P. Estate,
New Delhi: 110002**

Subject: Action Taken Report in the matter of Original Application No. 274/2022 titled as "Prem Aggarwal & Ors. Vs. GNCTD"

Sir,

Kindly refer to direction u/s 33 (A) of Water Act, dated 16.06.2022 issued to you in compliance to the order of Hon'ble NGT dated 27.04.2022 in the matter of Original Application No. 274/2022 titled as "Prem Aggarwal & Ors. Vs. GNCTD".

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Yours Sincerely

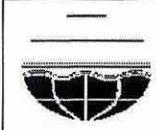

R.S. Pankaj
SEE, CMC-1

Encl: Copy of direction dated 16.06.2022



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By Speed Post



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-I/OA-274/2022/472

Dated: 04/07/2022

To,

The Commissioner,
Municipal Corporation of Delhi,
DR. S.P.M. CIVIC CENTRE, MINTO ROAD,
NEW DELHI – 100002

Subject: Action Taken Report in the matter of Original Application No. 274/2022 titled as “Prem Aggarwal & Ors. Vs. GNCTD”

Sir,

Kindly refer to direction u/s 33 (A) of Water Act, dated 16.06.2022 issued to you in compliance to the order of Hon'ble NGT dated 27.04.2022 in the matter of Original Application No. 274/2022 titled as “Prem Aggarwal & Ors. Vs. GNCTD”.

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Yours Sincerely

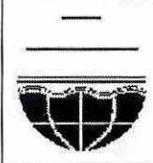

R.S Pankaj
SEE, CMC-1

Encl: Copy of direction dated 16.06.2022



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By Speed Post



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-I/OA-274/2022/ (47)

Dated: 04/07/2022

To,

The Chief Engineer,
Irrigation & Flood Department,
L.M. Bund Office Complex, Shastri Nagar,
Delhi-110031

Subject: Action Taken Report in the matter of Original Application No. 274/2022 titled as "Prem Aggarwal & Ors. Vs. GNCTD"

Sir,

Kindly refer to direction u/s 33 (A) of Water Act, dated 16.06.2022 issued to you in compliance to the order of Hon'ble NGT dated 27.04.2022 in the matter of Original Application No. 274/2022 titled as "Prem Aggarwal & Ors. Vs. GNCTD"

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SEE, CMC-1

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