

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

E.A. No. 5 of 2024

IN

O.A. No. 6 of 2012

IN THE MATTER OF:

Nizamuddin West Association (Regd.)

...Applicant

Versus

Union of India & Ors.

... Respondent

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FILED BY:

JYOTI MENDIRATTA

ADVOCATE FOR GNCT OF DELHI

Dated: 12.08.2024

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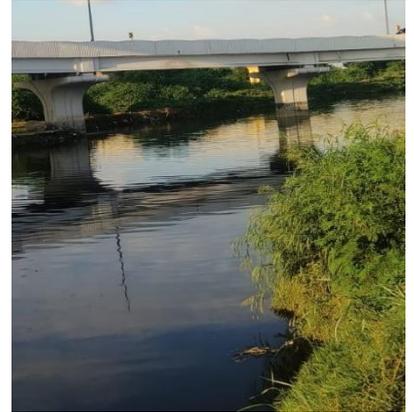
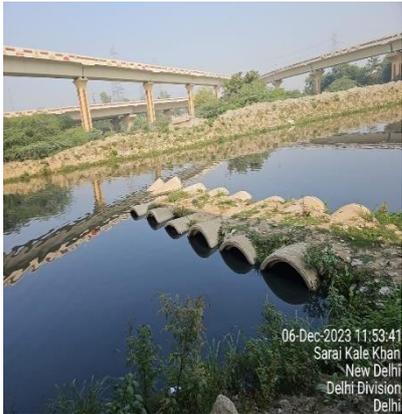
**STATUS REPORT ON BEHALF OF IRRIGATION AND FLOOD
CONTROL DEPARTMENT, GOVERNMENT OF NCT OF DELHI**

1. That this Hon'ble Tribunal is, *inter-alia*, reviewing and monitoring the status of desilting of Barapulla Drain. A stretch of 2.5 km (Approx.) from Lala Lajpat Rai Marg to Outer Ring Road (A-1 to A-7) was proposed to be handed over to Irrigation and Flood Control Department, GNCTD ("I&FCD") in Feb-2023 by Municipal Corporation of Delhi (MCD) on "as is what is" basis. However, in the absence of basic records related to the drain i.e. land record, technical & Hydraulic data and encroachment details etc. the drain could not be formally taken over by I&FCD.
2. That desilting of the drain was undertaken by I&FC department on as is where is basis as per the directions of the higher authorities. The bathymetry survey has been carried out in the drain. In the absence of technical data of the drain, the exact quantity of siltation could not be ascertained. However, desilting work was carried out and 54862 cu.m. silt has been removed from drain.

3. That the part of drain in downstream of Outer Ring Road Bridge up to river course **(A-7 to B)** lies in the flood plain of the river Yamuna. The ownership of the flood plain of river Yamuna lies with Delhi Development Authority (DDA). However, as noted by this Hon'ble Tribunal in Order dated 06.08.2024 taking into consideration the affidavit of the Ld. Chief Secretary, GNCTD which stipulated that the authority responsible for desilting of stretch **(A-7 to B)** of Barapulla Drain is I&FCD.
4. It is submitted that the work in the stretch **(A-7 to B)** was started by the I&FCD, as per direction of the Ld. Chief Secretary pursuant to his visit near the Outer Ring Road at Barapulla Drain. Desilting from Outer Ring Road to interceptor diversion arrangement to STP of DJB has been carried out to remove the obstructions to ensure the free flow and approx. 10000 cu.m. silt has been removed from drain bed which is included in 54862 cu.m. (total silt removed from Barapulla Drain). Details of the same is enclosed as **Annexure- 'A'**.
5. The before and after photographs of downstream portion of Outer Ring Road, depicting the condition of stretch of drain after execution of work are as indicated below:



6. That the obstruction in form of diversion arrangement by placing Hume pipes bridges, created by Delhi Jal Board for under construction work of diversion arrangement for intercepting system in this reach across the drain bed, has also been removed by I&FCD to ensure free flow in the drain. The before, during and after photographs are indicated below:



7. The hyacinth and floating material has also been removed from this stretch (A7 to B) by deploying departmental Trash Skimmer machine to ensure free/unobstructed flow of water from drain to river. The photograph depicting the clearing of drain is indicated below:



8. That free flow condition in the drain is being maintained by removing obstructions from drain bed with the help of departmental machines deployed at various locations as per feasibility and requirement.
9. The I&FC Department is busy with monsoon measures particularly to prevent flooding due to river Yamuna. Further, as earlier submitted, MCD has not provided the hydraulic and other data of Barapulla drain and siltation continues during the monsoon season. As such, it is prayed that, a time of two months be allowed i.e. upto the withdrawal of monsoon season, to assess the quantity of silt after proper scientific assessment and to submit the action plan for removal of the same. The tentative time lines for desilting of the Barapulla drain are as follows:-
 - A. The assessment of silt and target of removal for 2024-25 shall be decided after flood season and taking over of drain by I&FCD - 15.11.2024 (Target date)
 - B. Framing of schemes and accord of Admn, Approval and Expenditure Sanction – 30.11.2024
 - C. Call of tender and award of work – 31.12.2024.
 - D. Target date of start of desilting – 05.01.2025.
 - E. Target date of completion – 31.05.2025.
10. That I&FC department is also planning to execute various works on Barapulla drain to prevent further encroachment, dumping of MSW waste into drain land, improve the carrying capacity and to prevent back flow of storm water into adjoining colonies, subject to allocation and authorization of budget for the proposed works.
11. The list of various activities undertaken / proposed to be undertaken are as follows:

Sl. No.	Activity	Expenditure incurred/ to be incurred (Rs. In crore)	Status	Timelines for completion
1	Desilting and disposal already carried out	2.80	Completed	---
2	Disposal of silt of desilting currently in progress through departmental machines	1.00	In progress	15.10.2024
3	Construction of boundary wall with concertina coil fencing lump sum	7.30	Proposed	June 2025
4	Inlet gates on major outfalling drains lump sum	3.00	Proposed	June 2025
5	Lump sum provision for further desilting including desilting through Amphibious Excavator	5.90	Proposed	May 2025
	Total	20.00		

12.As such, an initial budget allocation to the tune of Rs. 20.00 crore is required, to take up the above cited works, the proposal for which has already been submitted. The Kushak and Sunehri Pul drain, which are also likely to be handed over by MCD for which additional budget will be required in due course.

13.Furthermore, since the work of Delhi Drainage Master Plan and its implementation plan for Barapulla basin, is being undertaken and it has been assigned to an expert agency/consultant by Public Works Department, as such Engineer-in-Chief PWD, Delhi has been accordingly, requested vide letter dated 19.07.2024 (copy annexed as **Annexure-‘B’**) to comprehensively study the Barapulla catchment area and to suggest permanent measures that need to be taken for

Barapulla drain for its improvement and to avoid water logging. On receipt of the specific plans / recommendation in respect of Barapulla Drain from PWD, the same will be implemented by I&FC Department in a time bound manner.

14. It is further humbly submitted that while I&FCD has been taking up the responsibility as entrusted in the wake of emergent situation, the responsibility to remove encroachments and other obstructions lies with the respective District Magistrates and MCD.


EXECUTIVE ENGINEER (CD-III)
IRRIGATION AND FLOOD CONTROL DEPARTMENT
GOVT. OF NCT OF DELHI

Dated: 12.08.2024

Action Plan for Disilting and Disposal from Barapulla Drain 31.07.2024

S. No.	Reach	Silt Removal				Disposal					
		Target (in cum)	Achievement	Date of Start	Date of Completion	Remarks	Target (in cum)	Achievement	Date of Start	Date of Completion	Remarks
1	2	3	4	5	6	7	8	9	10	11	12
	Desilting/Disposal										
1	RD 0m to RD 1740m from outer ring road to outfall point at Yamuna River	10000.00	10000.00	4.12.2023	28.02.2024	By Departmental Machine	NIL	NIL	01.03.2024	31.03.2024	10000.00 cum used for formation of embankment.
2	Desilting of Barapulla Drain from RD 2250m to RD 1740m, from Mathura Road (RD 3420m) to Nizamuddin Railway Line (RD 2730m), RD 4225.90m to RD 3810m	28951.00	30136.48	04.03.2024	23.04.2024	By Contract	10000.00	11000.00	09.06.2024	Work completed on 31.07.2024.	19000.00 quantity are used for formation of bank. Desilting completed. Disposal Contract completed on 31.07.2024.
3	Barapulla Drain RD 3810m to RD 3420m	5566.85	8195.788	29.01.2024	18.03.2024	By Contract	8000.00	8900.00	09.06.2024	Work completed on 31.07.2024.	Desilting completed. Disposal Completed on 31.07.2024
4	Barapulla Drain RD 2730m to RD 2250m	9296.00	6529.364	29.01.2024	18.03.2024	By Contract	6500.00	4500.00	09.06.2024	Work completed on 31.07.2024.	Desilting completed. Disposal Completed on 31.07.2024
Total		53814	54862				24500	24400			

M. Manj
31/7/24

DB/AE

**OFFICE OF THE CHIEF ENGINEER, ZONE- II
IRRIGATION AND FLOOD CONTROL DEPARTMENT
GOVT. OF NCT OF DELHI
L.M. BUND OFFICE COMPLEX, SHASTRI NAGAR, DELHI-110031**

No. CEF/Zone-II/P&D/Misc./2023-24/

Dated:

To,

The Engineer-in-Chief,
Public Works Department,
Govt. of NCT of Delhi,
12th Floor, MSO Building,
Delhi-110002



M. Manoj
23/7/24
DB/ME-III
23/7/24

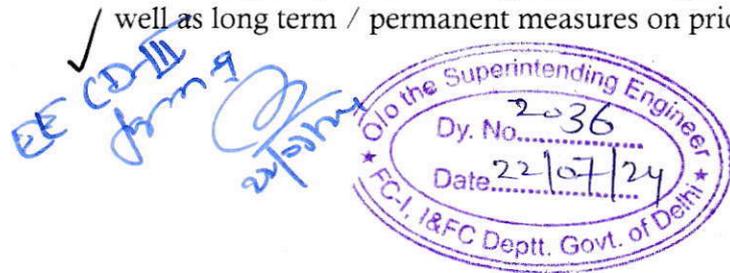
Subject: To suggest permanent measures needs to be adopted for Nala number 14 and Barapulla drain to avoid water logging in adjoining areas.

Sir,

As you are aware that during heavy rainfall on 28 June 2024 water logging in upstream and adjoining areas of various out falling drains has been noticed, particularly in respect of Nala number 14 and Barapulla drain. Since Irrigation and Flood Control Department has been assigned with the role of desilting of Barapulla drain as such desilting of the Barapulla drain has been carried out by I&FC department. In spite of said desilting water logging and afflux in upstream and adjoining areas of Barapulla drain has been noticed. The situation was also similar for other out-falling drains including Nala No. 14.

Various suitable measures in form of removal of floating materials, deepening of bed and removal of diversion bundies from Barapulla drain has been taken up to avoid repetition of such incident during ongoing monsoon season. Similarly, heavy duty pumps have been deployed near Matka Peer for Nala number 14 to avoid water logging in upstream areas. The recent rainfall and water logging in adjoining areas indicated urgent reassessment of carrying capacity of the out-falling drains particularly Nala number 14 and Barapulla drain, so that permanent measures can be taken up in time bound manner to prevent such incidents in future.

Public Works Department has already assigned the work of implementation drainage plan of all three basins to expert agencies / consultants. Therefore, it is requested that necessary directions may kindly be issued to these concerned expert agencies/ consultants to comprehensively study the catchment area of out-falling drains (particularly Nala No.14 and Barapulla Drain) and for closely monitoring the problems being faced during current monsoon season so as to suggest short term as well as long term / permanent measures on priority, to avoid such water logging in future.



1835/DB
22/07

Yours faithfully,

①

(Mukesh Kumar)

Chief Engineer (Zone-II)

No.: CE/Zone-II/P&D/Misc./2023-24/ 4765-70

Dated: 19/7/24

Copy for kind information and necessary action please:

1. SO to Chief Secretary, GNCTD, 5th Floor, Delhi Secretariat, Delhi.
2. PPS to ACS (I&FC), Govt. of NCT of Delhi.
3. Chief Engineer, PWD, GNCTD, MSO Building, Delhi-110002
4. Superintending Engineer (FC-I), I&FC Department, GNCTD, for pursuance and coordination.
5. Executive Engineer (CD-III), I&FC Department, GNCTD for necessary pursuance.

Chief Engineer (Zone-II)

M. Manoj
19/07/24



Jyoti Mendiratta <jyoti.legal@gmail.com>

Re: O.A. NO.6 of 2012][EX APP NO.5/2024; NIZAMUDDIN WEST ASSOCIATION VS UNION OF INDIA & ORS.

Jyoti Mendiratta <jyoti.legal@gmail.com>

Mon, Aug 12, 2024 at 11:36 AM

To: Ali Qambar Zaidi <aqzaidi110@gmail.com>

Cc: "pujakalra09@gmail.com" <pujakalra09@gmail.com>, "narenderpalsingh@gmail.com" <narenderpalsingh@gmail.com>, "Deeksha.kakar@scladi.com" <Deeksha.kakar@scladi.com>, office@marklegal.co.in, Prabhsahay Kaur <sahayk@gmail.com>, judicial-ngt@gov.in, filing.bpl-ngt@gov.in

Dear Sir/ ma'am,

Please find the attached affidavit on behalf of the I&FCD, GNCTD in the captioned matter.

[Quoted text hidden]

**REPORT IFCD.pdf**

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