

**THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
NEW DELHI
M.A. No. 66/2023
IN
Original Application No. 168/2022**

IN THE MATTER OF:

Mudit Kumar

..... Applicant

Versus

Govt. of NCT of Delhi & Ors.

..... Respondents

STATUS REPORT ON BEHALF OF IFCD, GNCT OF DELHI

Most Respectfully Showeth:

1. That the above-mentioned application has been filed by the Applicant in relation to the running of illegal fish market on DDA land at Pahla Pushta, New Usmanpur, Front Road in Yamuna Khadar alleging environmental pollution posing serious health hazards to the local residents besides problems of traffic jams and other unsocial activities.
2. That this Hon'ble Tribunal constituted a Joint Committee comprising of Delhi Pollution Control Committee (DPCC), Delhi Agricultural Marketing Board, Government of NCT of Delhi, and Deputy Commissioner, Shahdara was vide order dated 05.05.2022 with direction to verify the factual position, look into the grievances of the applicant and take remedial action and submit Factual and Action Taken Report.

3. That the Action Taken Report was then submitted by the DPCC, wherein it was mentioned that directions were issued under Section 5 of the Environment (Protection) Act, 1986 to several authorities requiring them to file Action Taken Report and further made the following observation:

“2. PWD/ I&FC Dept Govt of Delhi shall ensure for all adequate measures including raising the height of wall in and around so that no encroachment could take place in `O' zone of Yamuna River Bed, for carrying out illegal activities.”

4. That on the basis of the abovementioned report, this Hon’ble tribunal vide order dated 28.08.2023 was pleased to direct issuance of notices, *inter-alia*, to PWD, Government of NCT of Delhi requiring it to file Action Taken/Status Report. **(Annexure 1)**

“6. Notices be issued to MCD, PWD, I&FC, Department of Government of Delhi and DPCC requiring them to file Action Taken/Status Reports within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.”

5. That vide order dated 20.12.2023, on the request of the counsel for GNCT of Delhi, this Hon’ble Tribunal was pleased to give another opportunity to file their compliance report. **(Annexure 2)**

“1. The case is fixed for pronouncement of judgement but learned Counsel for GNCT of Delhi and Executive Engineer, PWD and Executive Engineer, I&FCD has submitted that the above respondents may be given opportunity to file their compliance report which could not be filed earlier.”

6. That the respondent department is responsible for the following functions and activities:

- A. Protecting the city of Delhi from floods in River Yamuna, by construction, strengthening and maintenance of marginal embankments including planning execution and maintenance of flood protection & river training works
- B. Protecting the city of Delhi against floods in Sahibi Nadi-Najafgarh Nallah basin by maintenance of Dhansa Bund, Najafgarh drain and construction of a new drains as per requirement.
- C. To provide drainage to Delhi area through various trunk storm-water drains having more than 1000 cusecs capacity.
- D. Effective monitoring of the flood situation in the river basin during the floods and to take all precautionary/preventive measures to avoid any untoward situation including emergent flood protection/flood fighting measures, if such a situation arises.
- E. To provide irrigation facilities to the cultivators of Delhi through State Tube Wells, and to provide treated effluents water (available from various Sewage Treatment Plants at Okhla, Keshopur & Coronation Pillar) for farming.

Besides the above main functions, Irrigation & Flood Control Department is also entrusted with planning and execution of various types of civil works to be executed on behalf of different Departments of Govt. of Delhi such as Rural Development, SC/ST works, DUDA, Panchayat, Trans Yamuna Area Development Board, U.D. Deptt., Wild Life and Forest, Horticulture etc.

7. It is humbly submitted that IFCD has no role in present matter in as much as the land on which illegal fish market is operating belongs to the DDA and the Pushta Road has already been handed over to the PWD Delhi.



Sudheer Kumar Arya
Executive Engineer
CD-4, IFCD

NEW DELHI

05.02.2024