

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH NEW DELHI**

ORIGINAL APPLICATION NO. 6 /2012

(IA No. 272/2025)

In the matter of:

Nizamuddin West Association

Applicant

Versus

Union of India

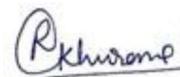
Respondents

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Place: New Delhi

Dated: 15.04.2025

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11681

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ORIGINAL APPLICATION NO. 6 /2012

(IA No. 272/2025)

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**FACTUAL STATUS REPORT BY THE COURT COMMISSIONER
IN COMPLIANCE OF ORDER DATED 09.04.2025**

1. That the Hon'ble Tribunal in the present OA is considering various issues related to the rejuvenation of river Yamuna and more particularly focussing on cleaning the drains which outpour their polluted water in river Yamuna.
2. That during the course of hearing on 09.04.2025, after taking note of submissions made on behalf of applicants in IA No. 272/2025 and MCD, this Hon'ble Tribunal appointed undersigned as Court Commissioner. The relevant portion of the Order dated 09.04.2025 is as under: -

"16. Shri Rahul Khurana, Advocate is appointed as Court Commissioner to assess the ground level situation and the work if any undertaken in the Defence Colony area to desilt the Drain. The Court Commissioner will visit the site, ascertain the extent of desilting work, if any, done and collect the relevant evidence in this regard and submit the report before the Tribunal within five days."

3. In furtherance of the said directions, the undersigned visited the said stretch, firstly on same date i.e. 09.04.2025 around 4 pm for immediate assessment of the ground status of drain and then again on 11.04.2025 around 12 pm for detailed assessment in presence of all concerned. On 11.04.2025, following officers and representatives assisted during visit:
- a) Shri S.D. Tanwar SE, Central Zone, MCD
 - b) Shri Kamal Yadav, Asst Eng, Central Zone MCD,
 - c) Shri Abhishek Shukla, JE, Central Zone, MCD
 - d) Maj. Ranjit Singh, President RWA Defence Colony.
 - e) Col. Anil Mehta, Member Executive Committee, RWA Defence Colony
 - f) Ms Priya Paul, Member Executive Committee, RWA, Defence Colony
 - g) Shri Sidharth Luthra, Senior Advocate
 - h) Shri Kushagra Raghuvanshi Advocate
4. That the subject matter stretch of Kushak drain at Defence Colony (**hereinafter referred to as "Drain"**) starts from the Ring Road at Southern End and goes up to point of meeting Sunheri Drain in the Northern end. For convenience, the Google Earth image of the area is being referred, as shown below, for directions and further the undersigned has labelled various points (A,B,C,D, E,F,G,H,I -) on the Google Earth image for ease of understanding.

Quick Glance of drain with help of google earth image and photos taken on 9th and 11th April, 2025:

5. The drain is covered after point A, almost till the end point G with concrete construction over it with same width as of drain. The concrete covered structure has an elevation of 2.5 to 3 meter height from the adjacent colony road on west side. And has small entry gates with stair cases for reaching the euphemistic Nalla Park.



Point 'I'
meeting of Sunheri
Drain and Kushak
drain

Point 'H'
railway track

Point 'G'
end point of covered
structure

Point 'F'
(Third ramp)

Point 'E'
where MCD has made a
cut on concrete

Point 'D'
internal colony
road cuts laterally

Point 'C'
(Second ramp)

East side

Point 'B'
(First ramp)

Point 'A'
Starting point of
Drain

ewar Nagar

Lajpat Nagar

West
Side

Ring Road



covered portion starts and goes upwards

Point 'A' enlarged view

Service Road

Ring Road

6. At service road/Ring Road. ↓



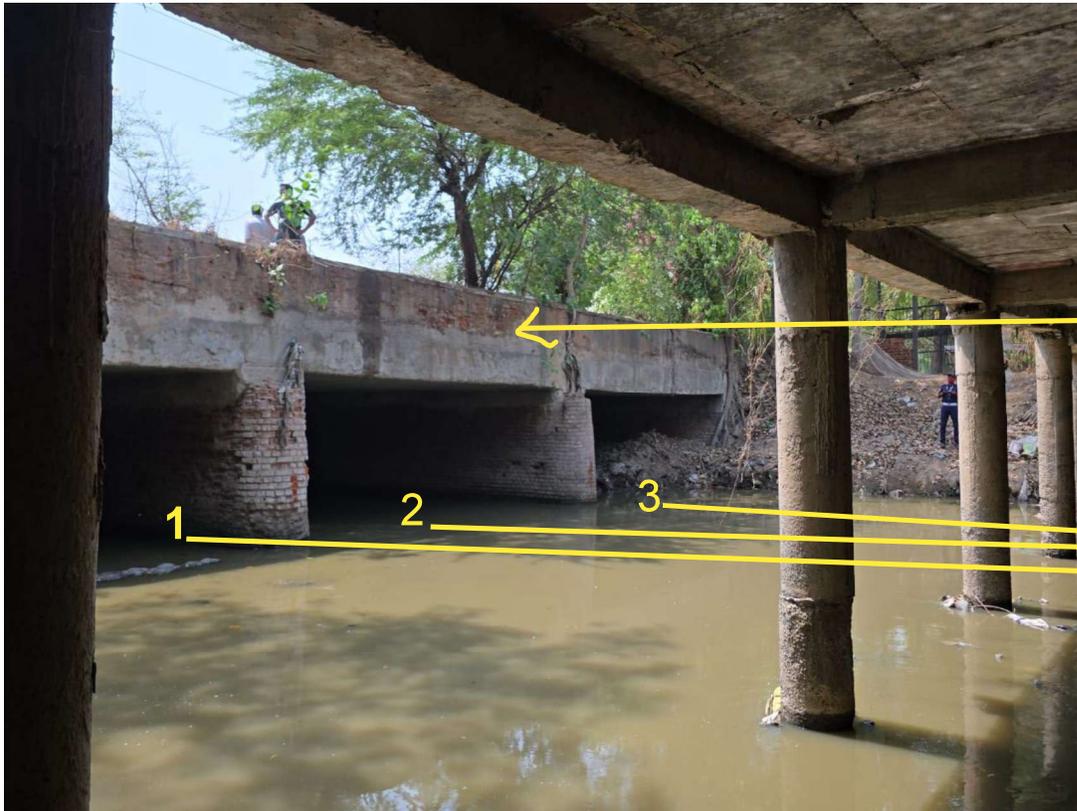




Muck/debris lying on service road 



7. Photos of Drain at the point of entering Defence Colony (taken from east side of drain)



**Culvert/
service
road/ring road**

**3 channels
entering drain**





Channel coming towards the Defence Colony drain (below the Ring Road)
filled with debris (on eastern side)



1st channel
filled/choked
with debris



8. Photos of Drain entering Defence Colony (taken from west side of drain) ↓







3rd channel

Channel coming towards the Defence Colony drain (below the Ring Road) filled with debris on Western side.



9. Photos of Drain towards Defence Colony (taken from service road/ring road) towards the North side.



concrete
portion
starts

on top of
culvert/service
road/ring road



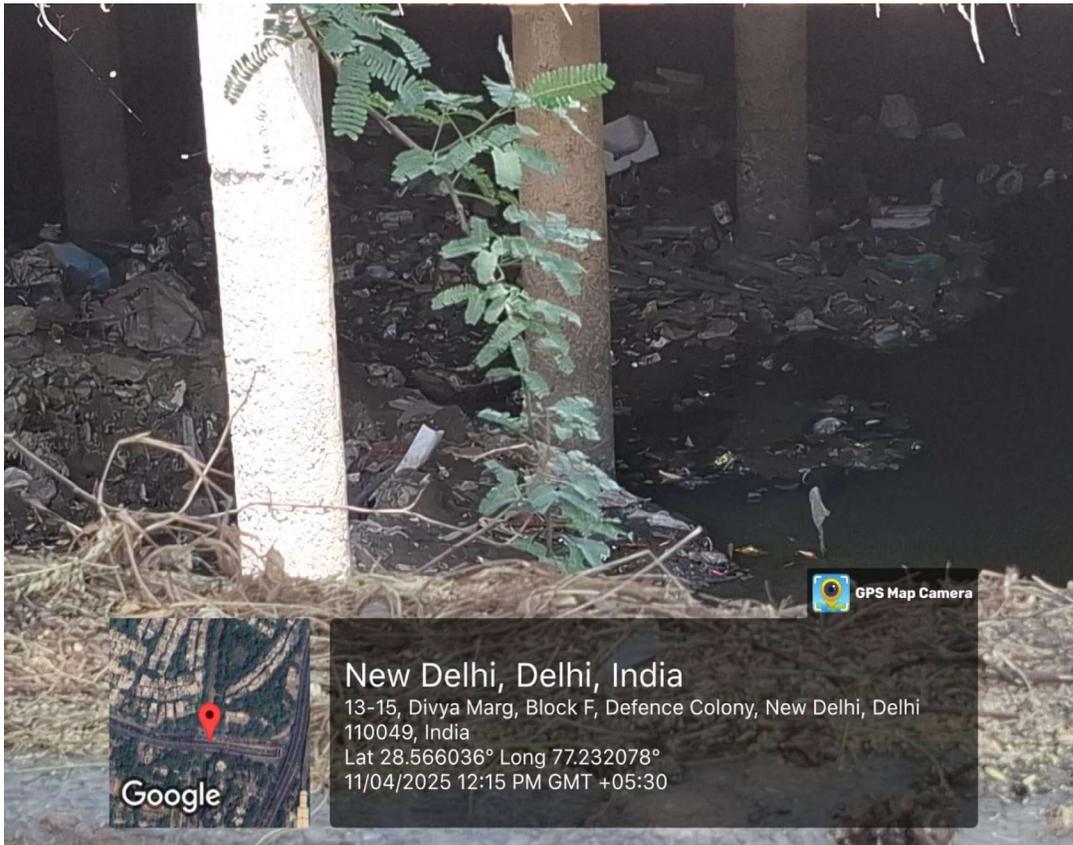


New Delhi, Delhi, India

13-15, Divya Marg, Block F, Defence Colony, New Delhi, Delhi
110049, India
Lat 28.566041° Long 77.23207°
11/04/2025 12:15 PM GMT +05:30

Google

GPS Map Camera

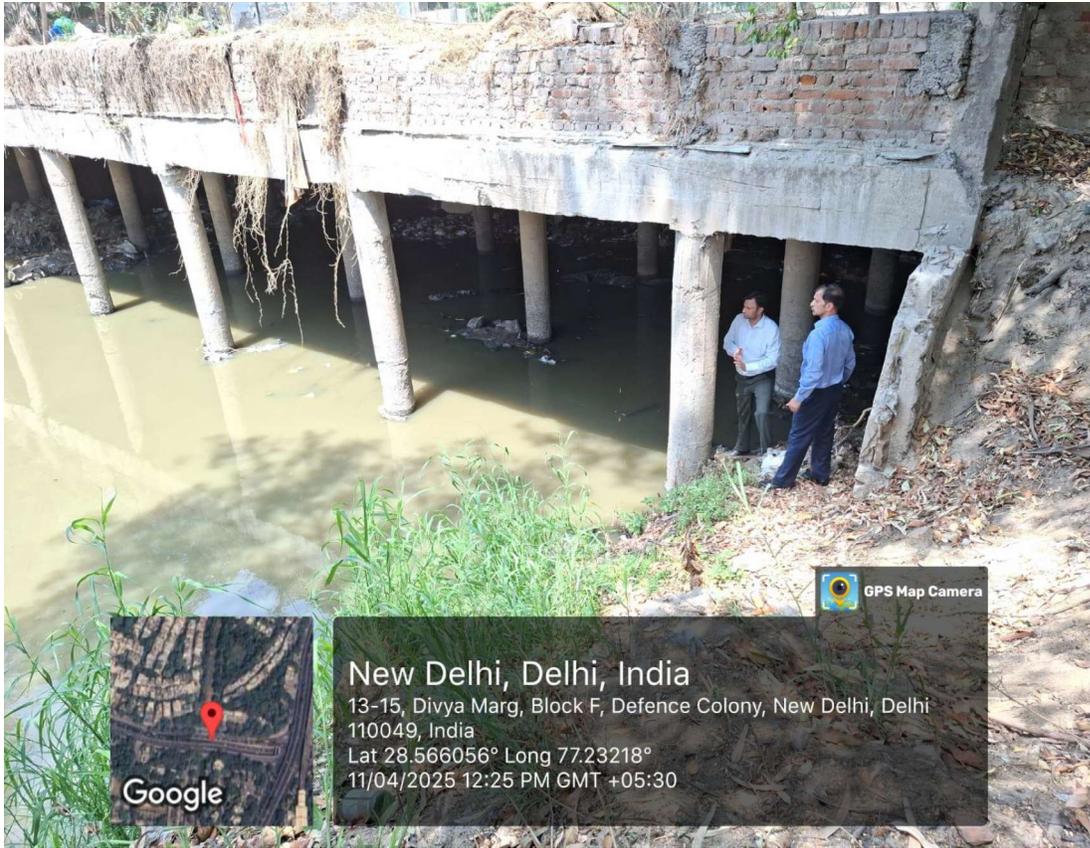


New Delhi, Delhi, India

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110049, India
Lat 28.566036° Long 77.232078°
11/04/2025 12:15 PM GMT +05:30

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just below the
concrete
portion

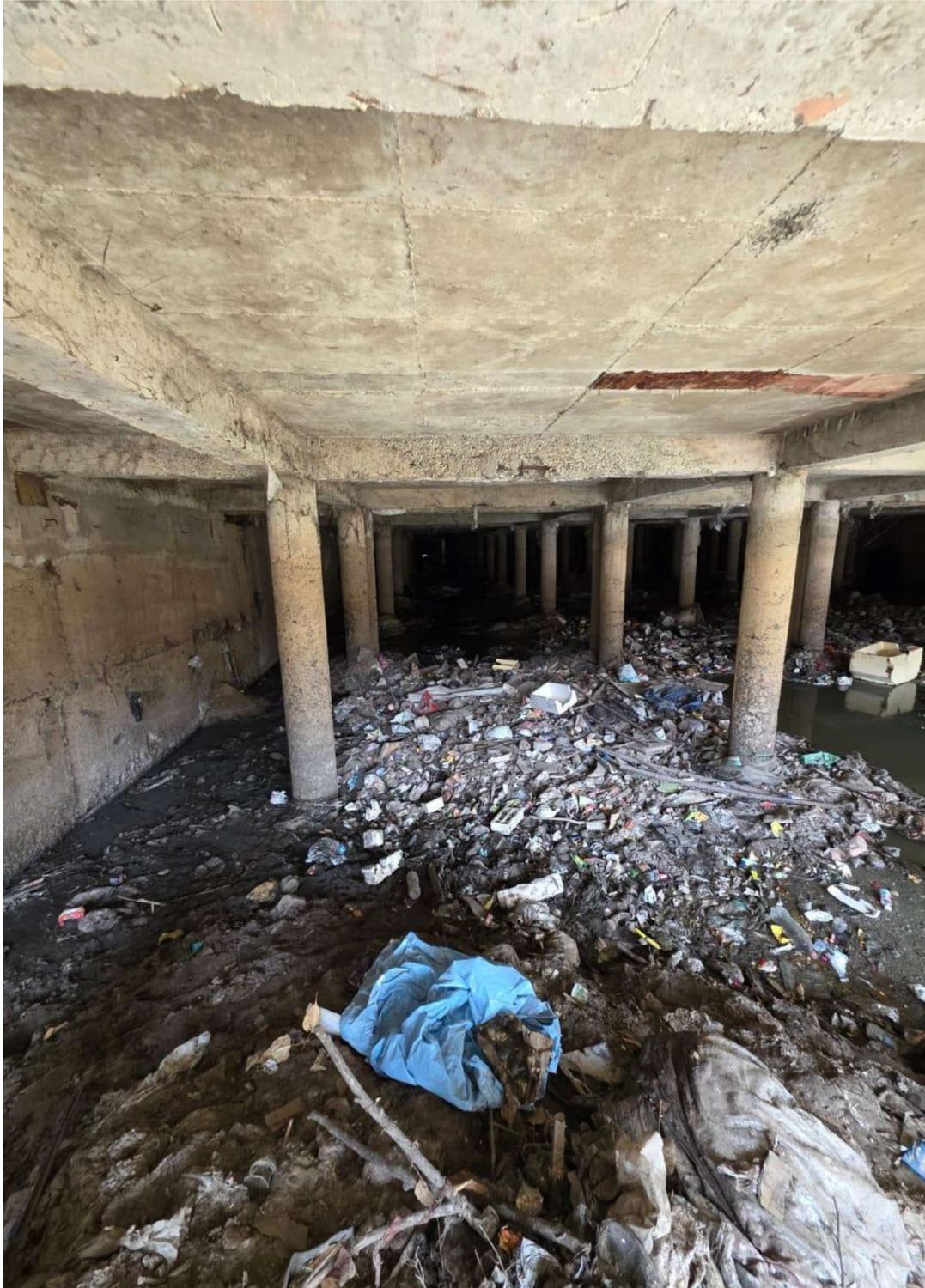






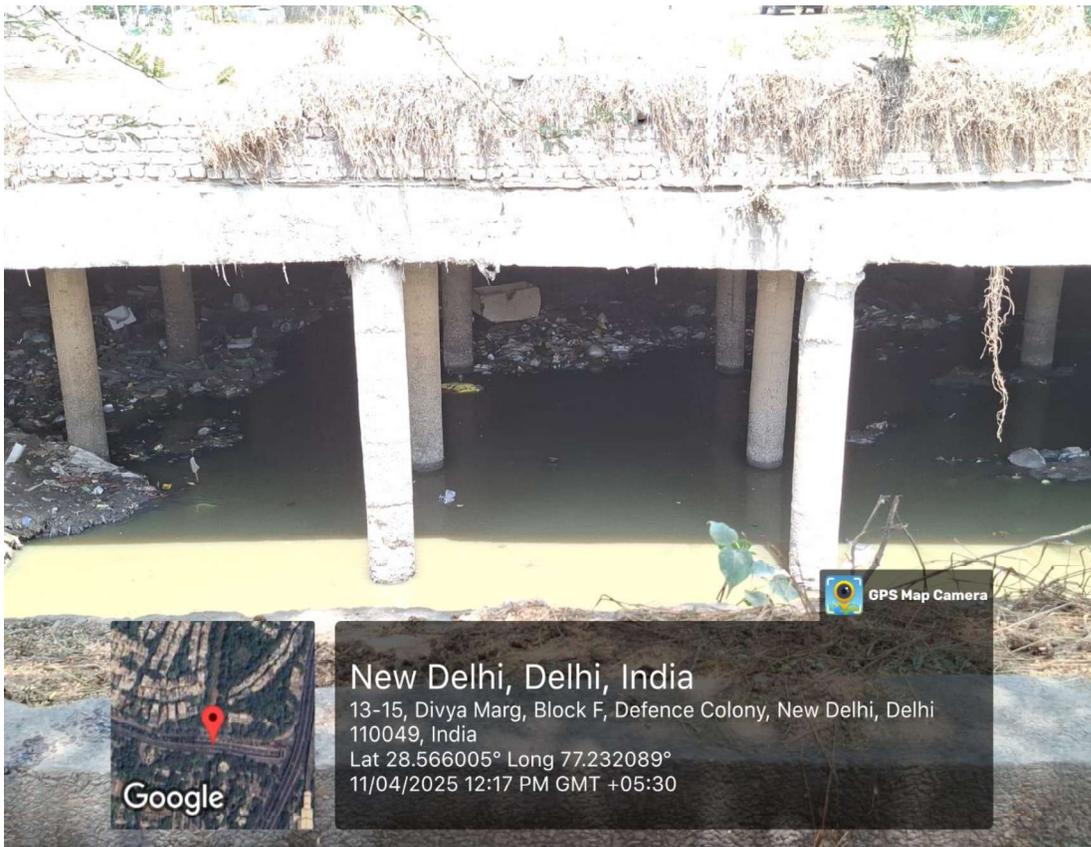














GPS Map Camera

New Delhi, Delhi, India

13-15, Divya Marg, Block F, Defence Colony, New Delhi, Delhi
110049, India

Lat 28.56603° Long 77.232086°

11/04/2025 12:15 PM GMT +05:30



Google

10. Towards the North Direction from Point A, there is First ramp to approach the drain somewhere at point B in front of House no.C-558.





← dried sludge/
mud



**stagnated
drain water**



covered with tin sheet.

Photographs of Drain from the said approach point ↓







Stagnated drain with garbage. 



11. After walking further, there is Second ramp to approach (Infront of House No.C-159) the drain which was covered with tarpaulin sheet. Since sewage was stagnated, therefore it was not possible to approach the drain and take inside photographs. (Point 'C')







12. Rain Water Harvesting Pit loosely covered with concrete slab and garbage also found inside it.





13. Moving further, Mr Sidharth Luthra, Senior Advocate drawn the attention on the top of the covered concrete area/park where various square shaped manhole/chambers on both boundaries giving access to the drain flowing underneath were situated. However, most of them had cracks and broken lids which were observed as releasing mild foul odour at close proximity to it. The exhumed pipes were visible with maximum height of 15-20 feet. And at some places the exhumed pipes were found broken and fallen on ground.





 **GPS Map Camera**

New Delhi, Delhi, India
H6cm+fcv, Block D, Defence Colony, New Delhi, Delhi
110049, India
Lat 28.57143° Long 77.233671°
11/04/2025 01:02 PM GMT +05:30

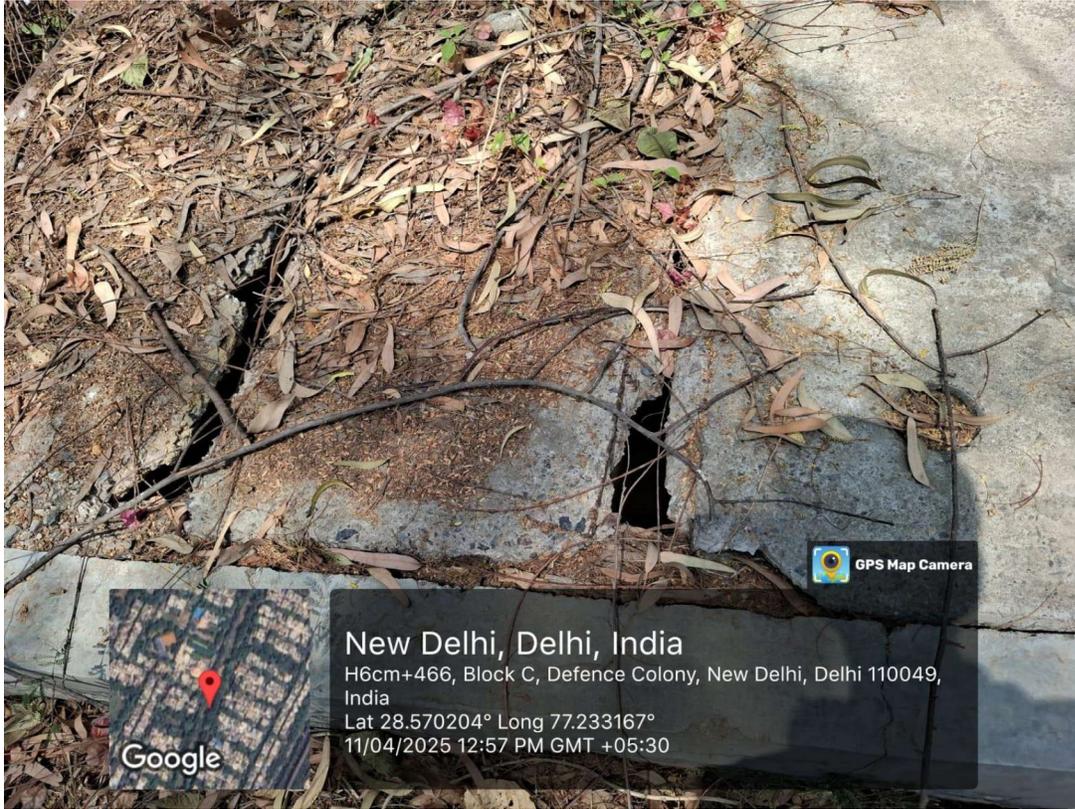














GPS Map Camera

New Delhi, Delhi, India

C180, Chetna Marg, Block C, Defence Colony, New Delhi,
Delhi 110049, India

Lat 28.570197° Long 77.233182°

11/04/2025 12:57 PM GMT +05:30

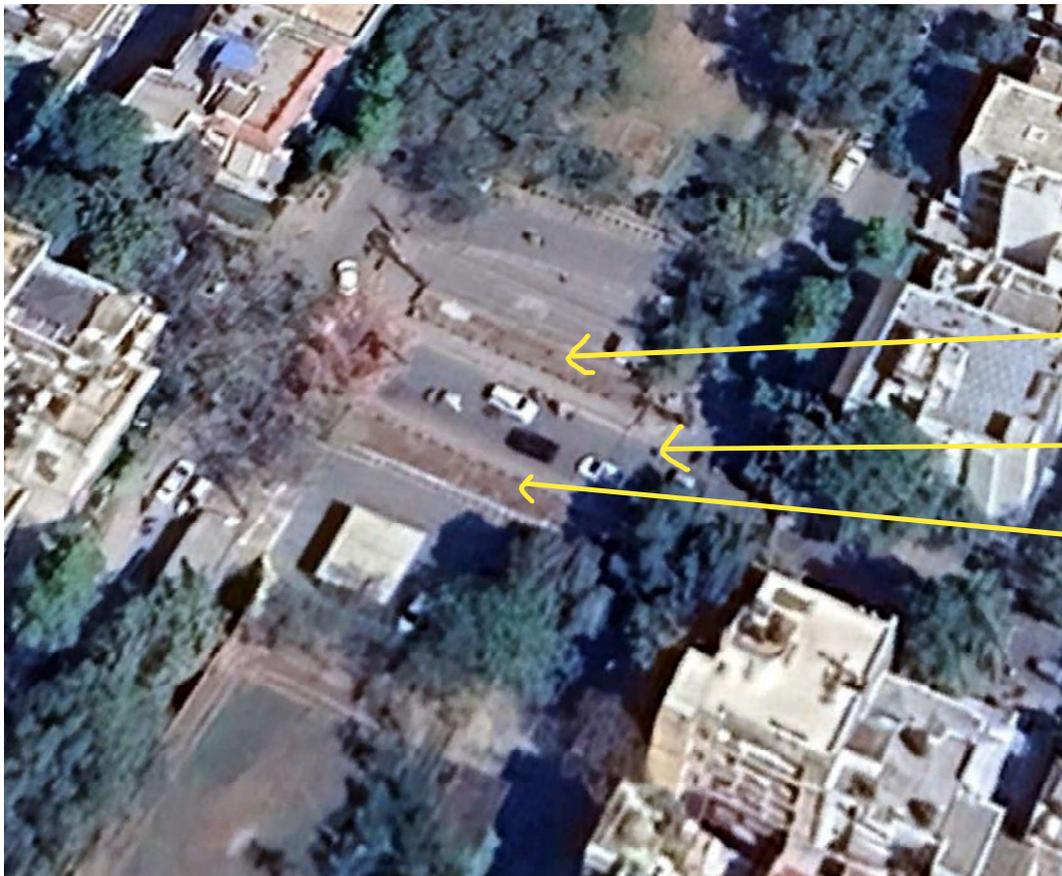
Google







14. After reaching the mid point of drain at point D where the internal roads intersect, the drain was found covered with 2 big iron sheets (one each on 2 sides of intersecting road). The iron sheet has gained significant rust and developed holes. These holes were tried to be covered loosely with makeshift material.



iron sheet

Point D
enlarged view

iron sheet





iron sheet





cracks









15. At point E towards the northern side reaching almost 50 meter before the end of drain, MCD has broken the concrete top cover of the drain and stated it as a Pilot project to uncover/break open the covered area of the drain at various points in order to clean it through sucker machines etc. The Lanter and iron bars were incompletely broken.









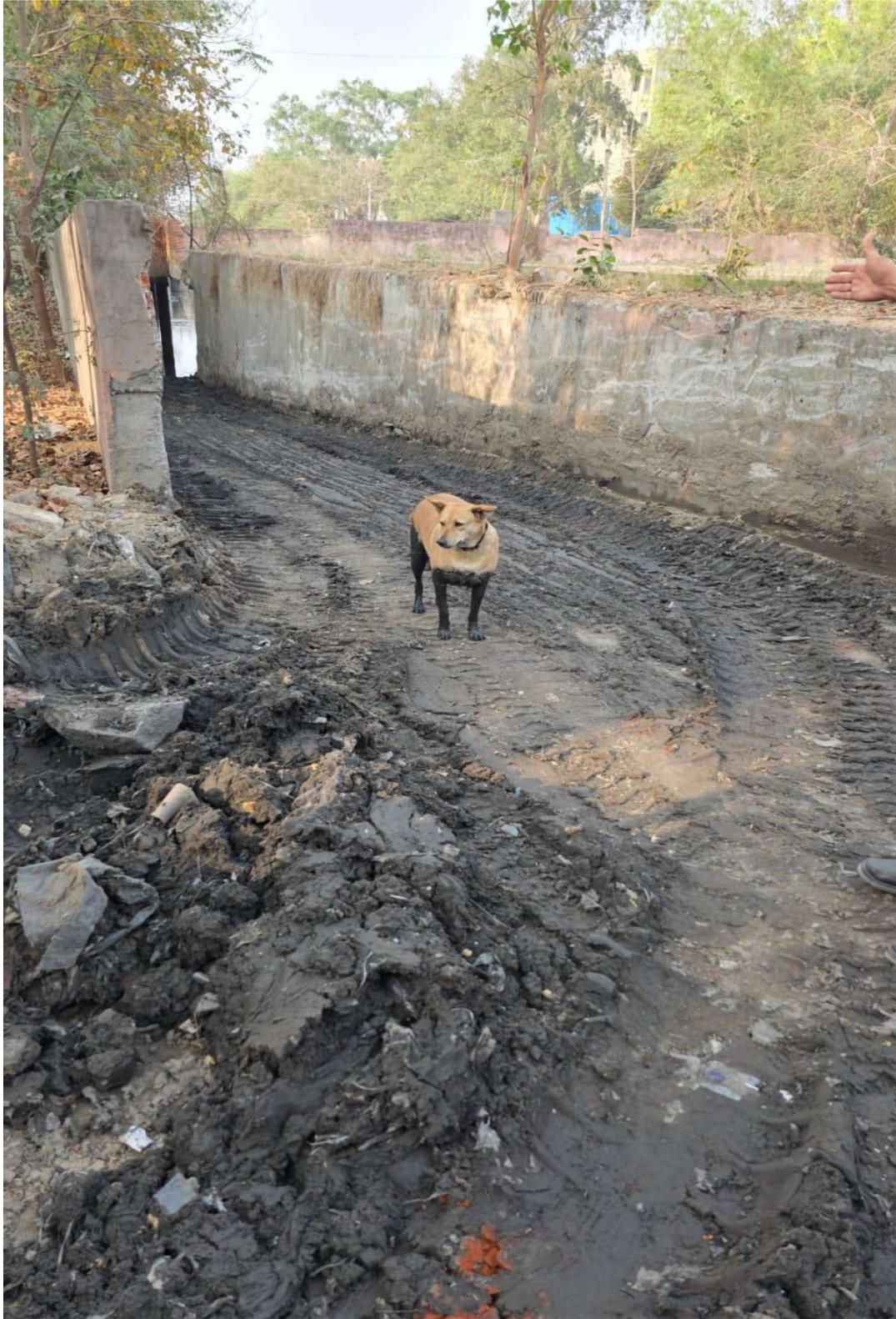


16. After reaching point F almost near to the end of drain, in front of Chetak Vithi signboard, there was 3rd ramp to approach the drain and on 11.04.2025 one JCB machine was found removing the silt through it. On observation it appeared to be black stinking sludge.

Photos of 3rd ramp taken on 09.04.2025



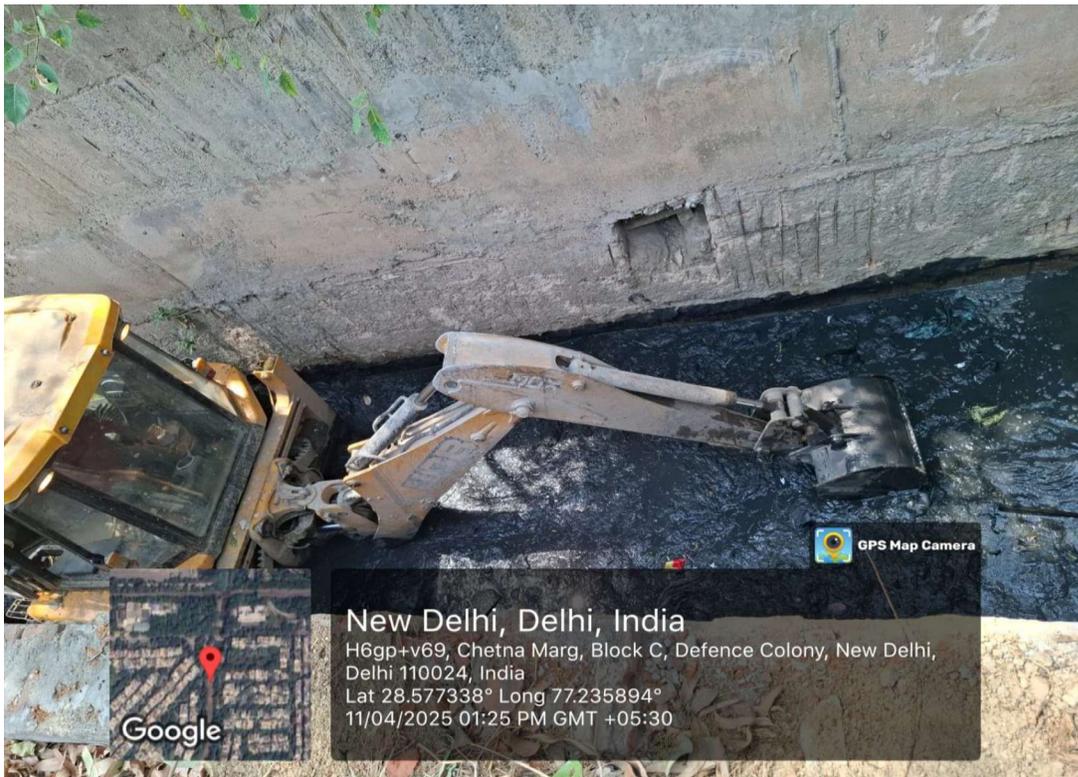








Photos of 3rd ramp taken on 11.04.2025



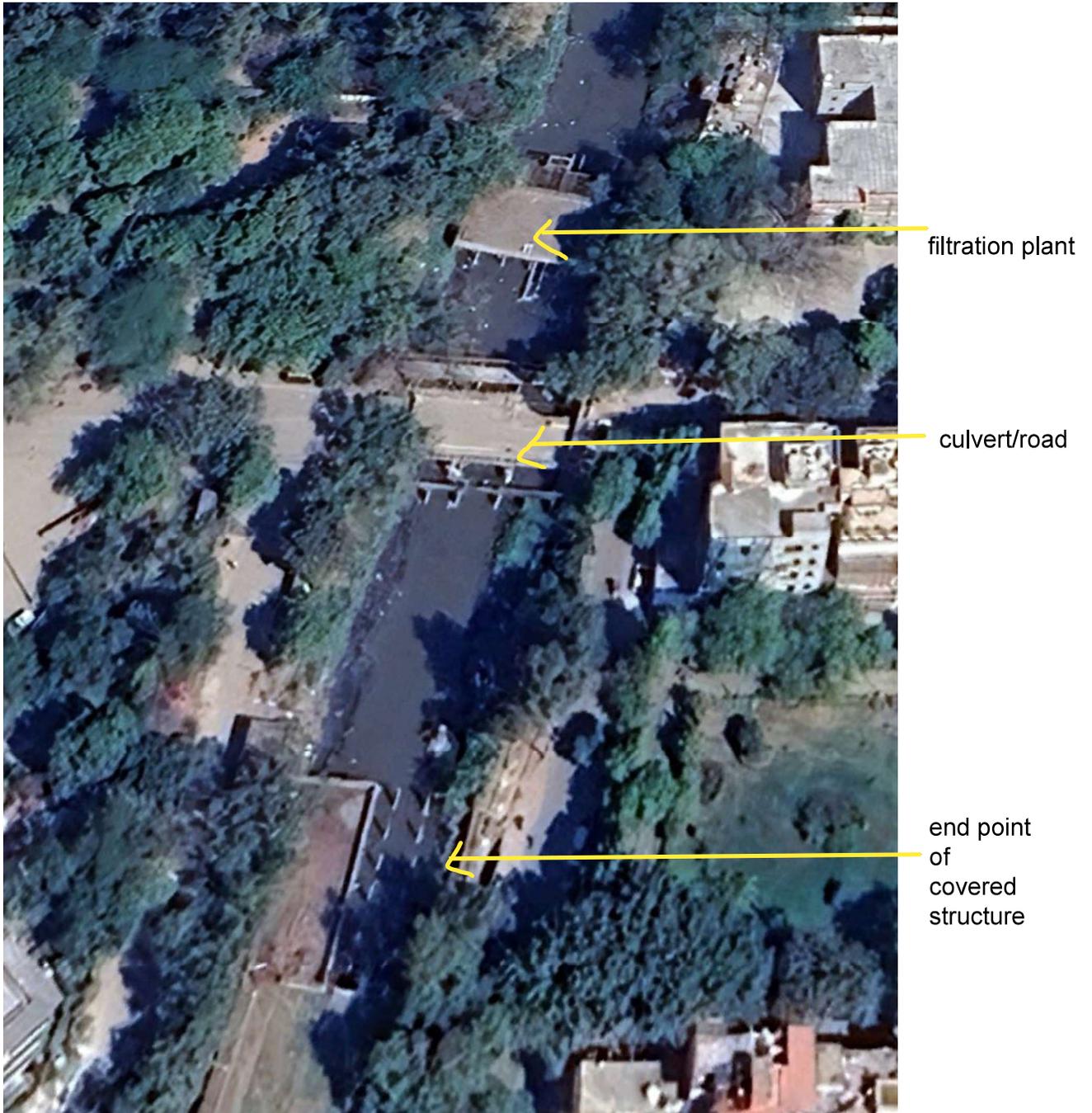








17. At end point of covered structure of Drain at point G only half portion along the width is covered. In other half portion pillars were there. After this point the drain is open except at culvert/road from Defence Colony towards Lajpat Nagar II.

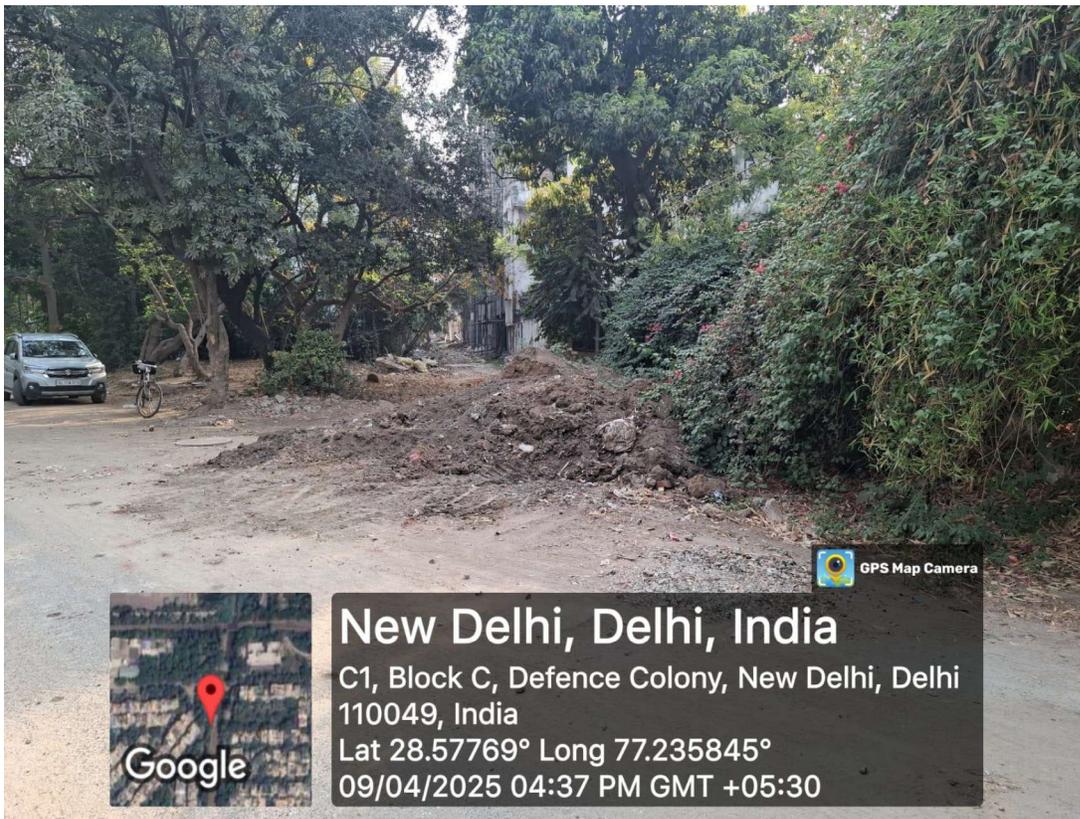






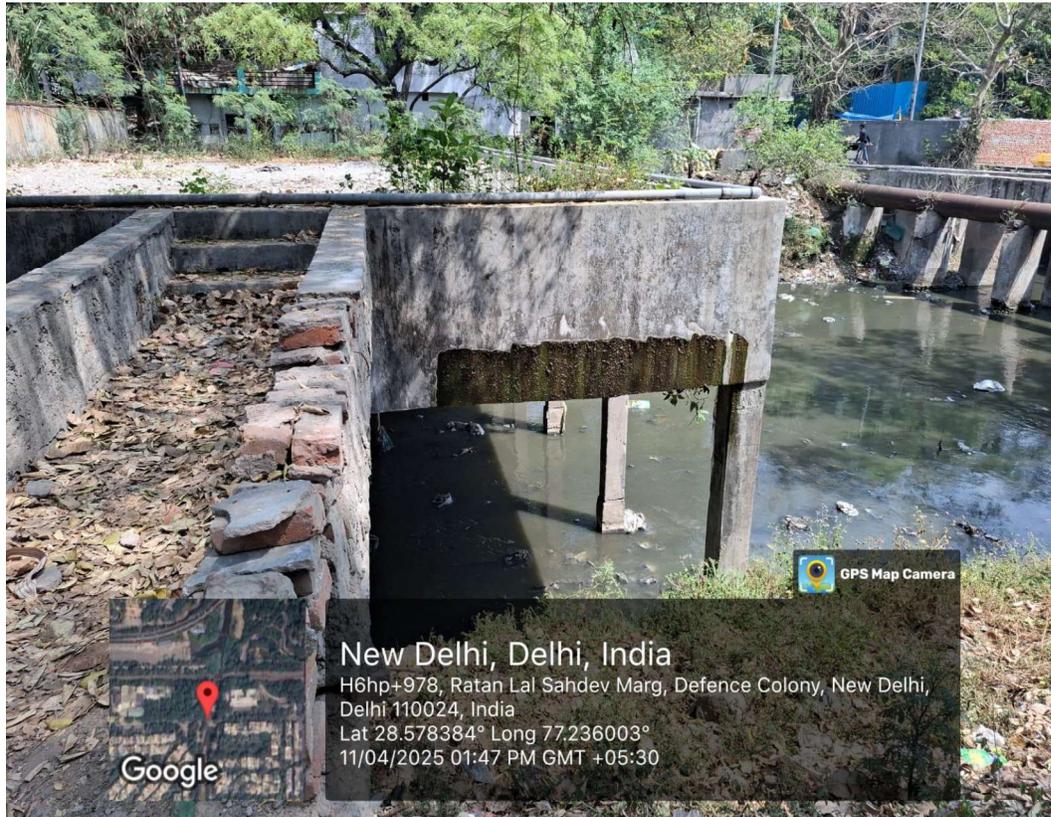


The removed silt having mixed earth was found lying at one place at the other side of road before the end point of colony road. ↓



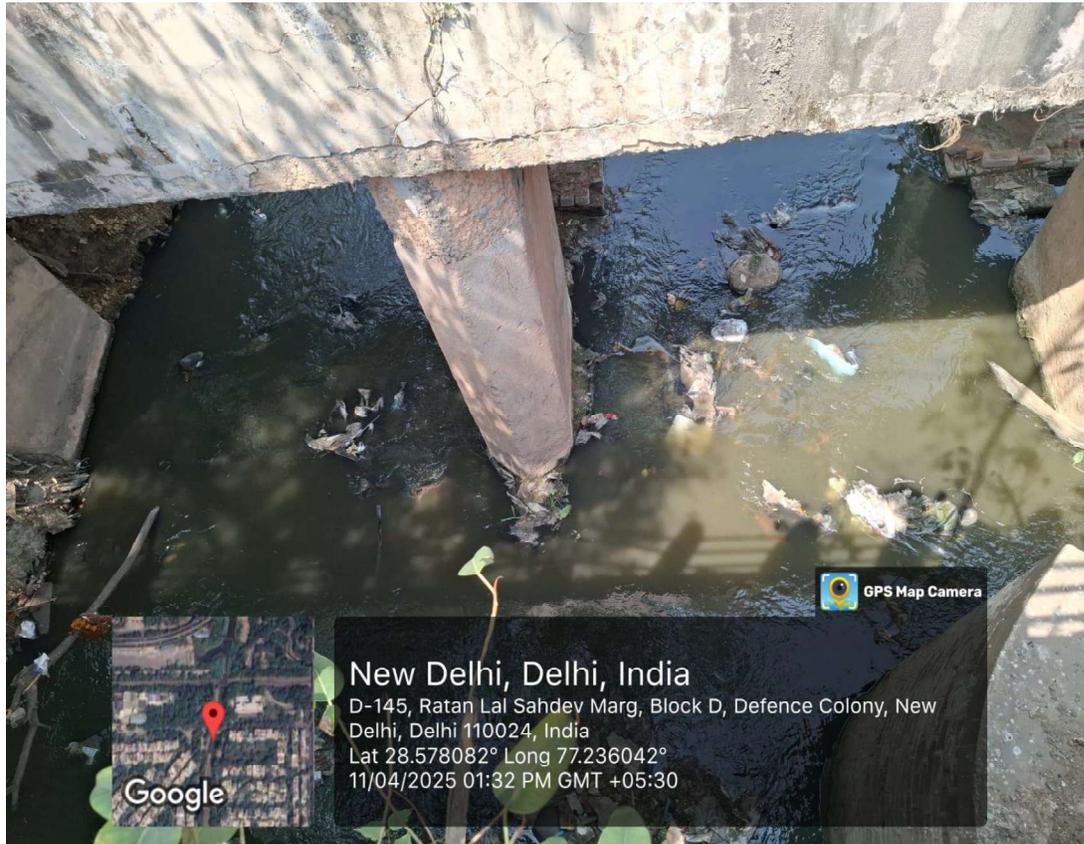
18. After culvert/road and before railway track, a filtration plant was found which appeared as non-functional. Some flow was observed in the drain near about this point.

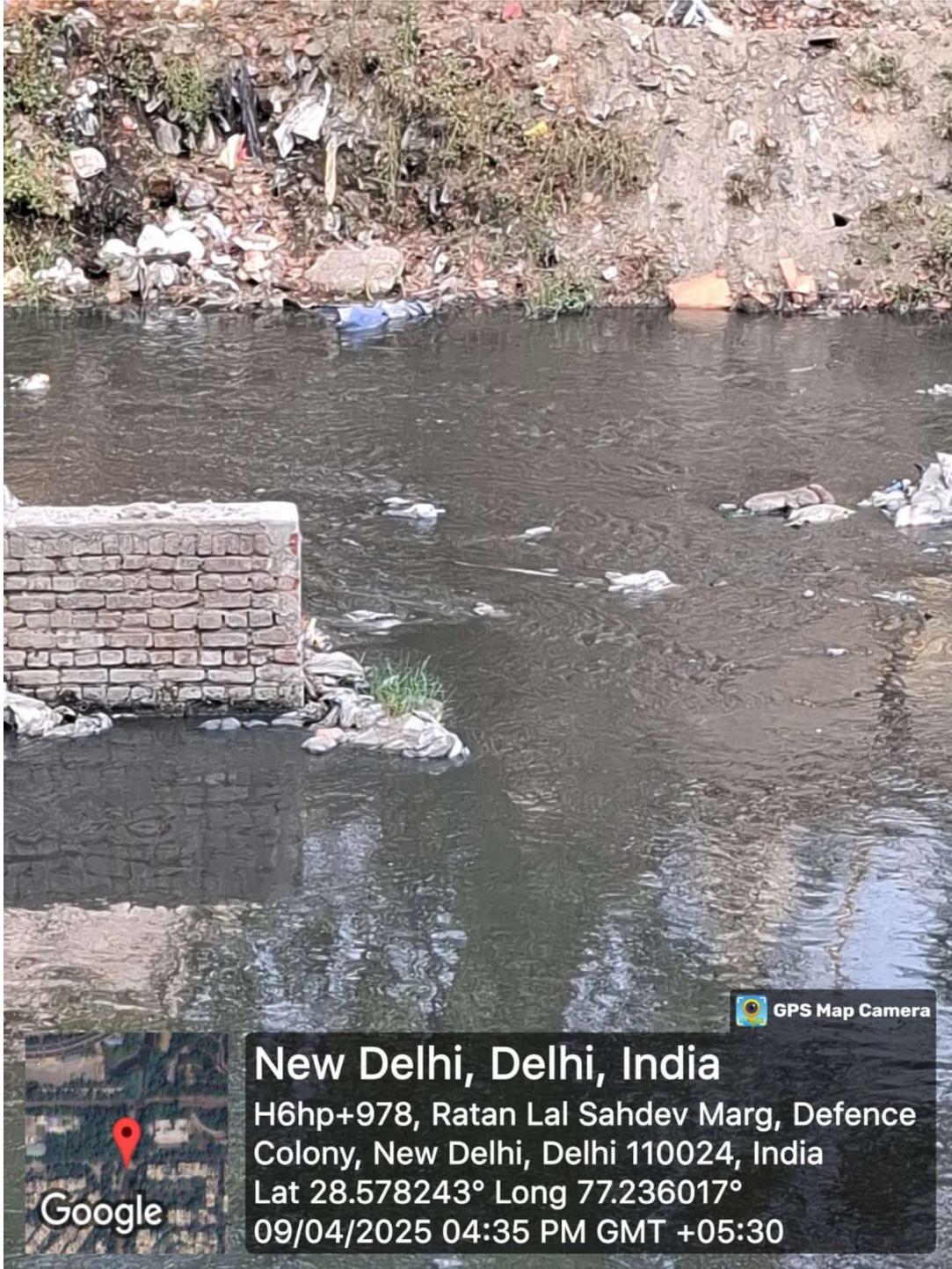
Photos of/near Filtration plant.

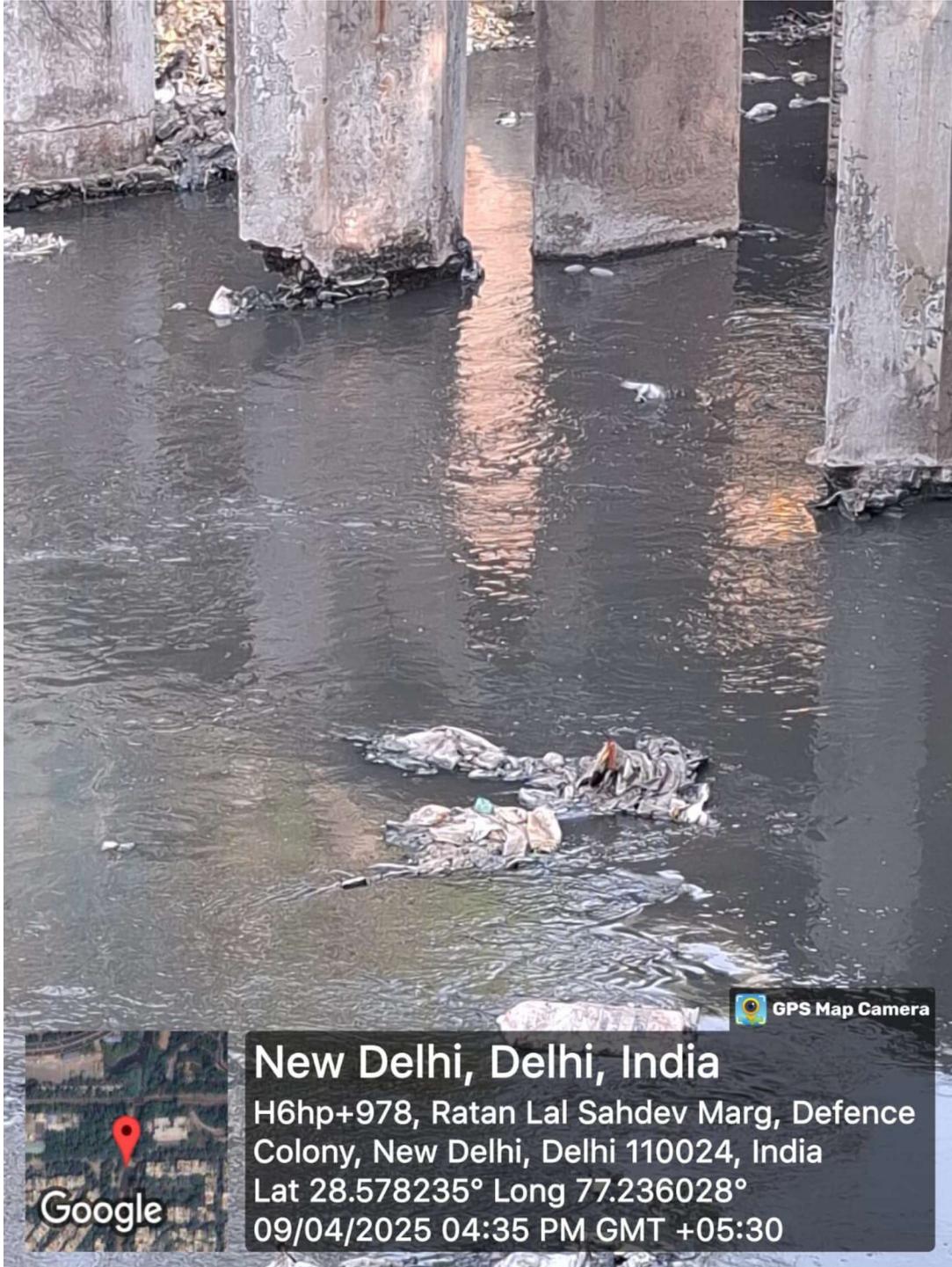




19. Under the filtration plant, the solid garbage was found in the drain.







GPS Map Camera

New Delhi, Delhi, India
H6hp+978, Ratan Lal Sahdev Marg, Defence Colony, New Delhi, Delhi 110024, India
Lat 28.578235° Long 77.236028°
09/04/2025 04:35 PM GMT +05:30



20. After filtration plant and before the Railway track, two small openings were found discharging the waste water in the Drain.





21. The drain ends after railway track where it meets Sunheri drain. On 11.04.2025, it was not possible to cross the railway track due to dumping of soil at Kachcha path which was not dumped on 09.04.2025 (**Point 'H'**)

Photos taken on 09.04.2025



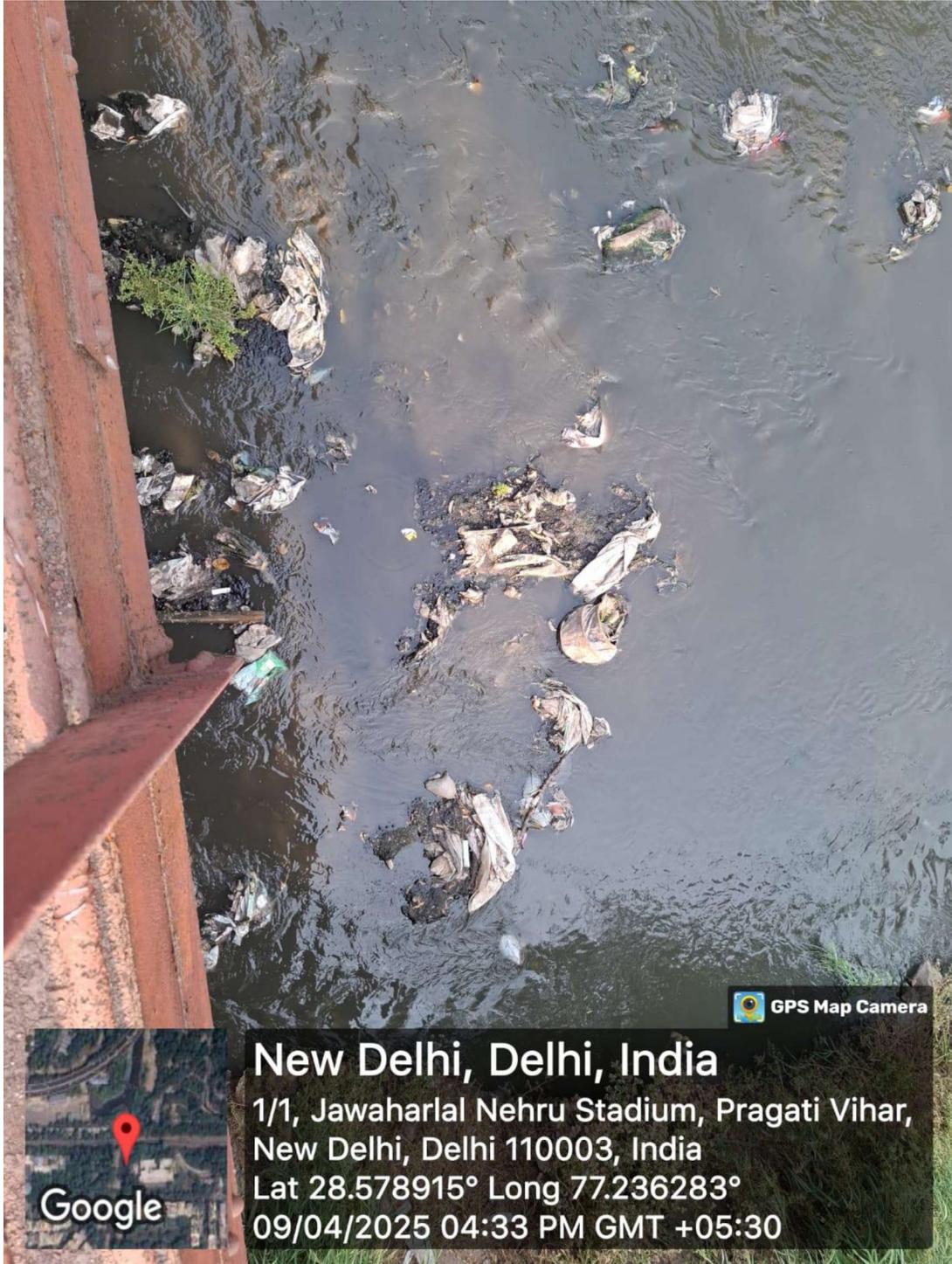
Point 'H'

railway track









GPS Map Camera



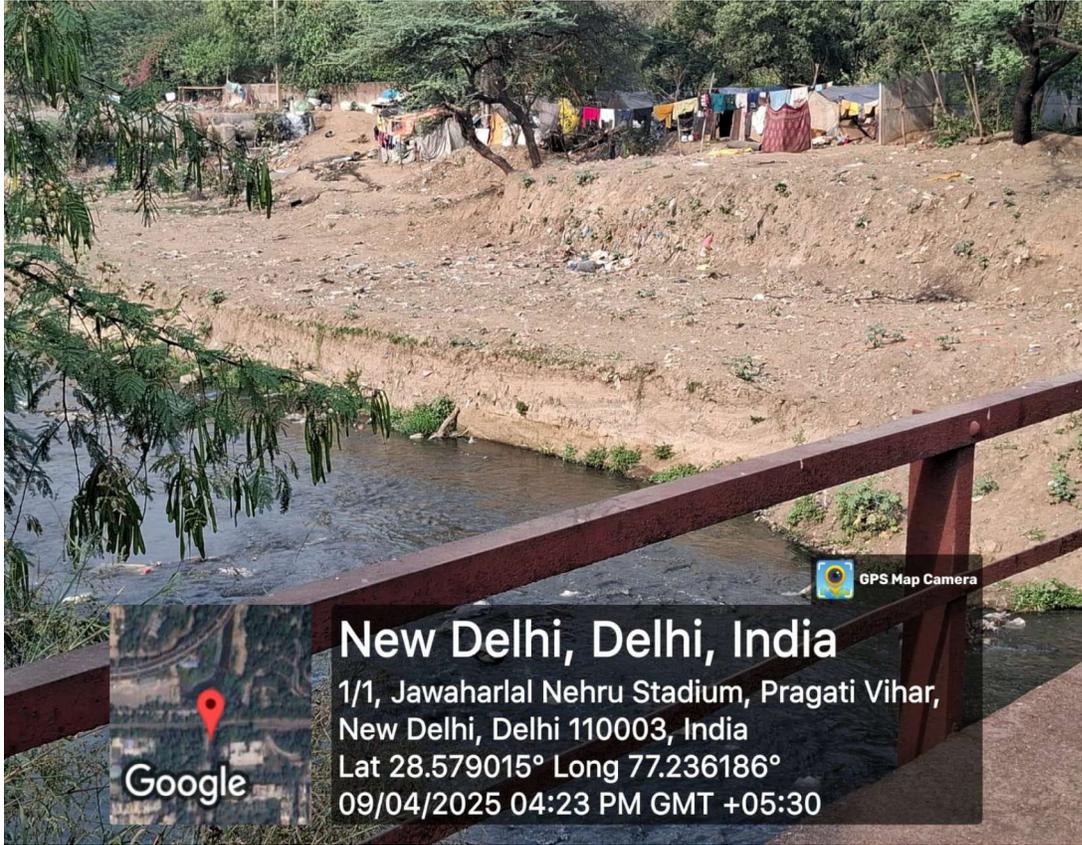
New Delhi, Delhi, India

1/1, Jawaharlal Nehru Stadium, Pragati Vihar,
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Lat 28.578915° Long 77.236283°

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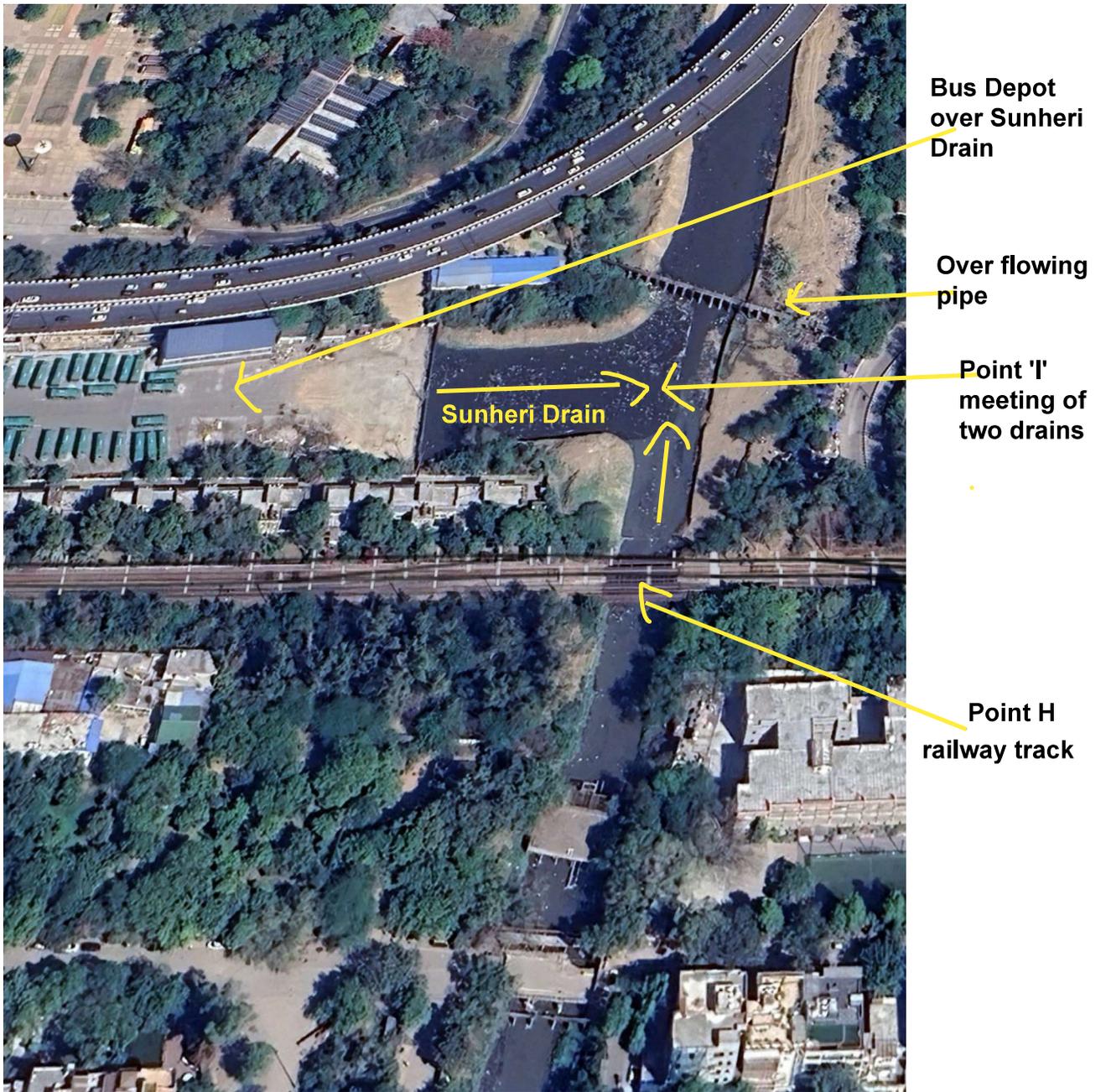




The water pipeline going over the meeting point area at point I was found over flowing and water falling into drain.



At the end point and beyond the railway track, the Drain meets the Sunheri drain.





Meeting of Sunheri drain and Kushak drain at Point 'I'



Photos taken on 11.04.2025





OBSERVATIONS

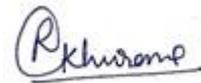
1. Along the entire drain there are only three entry points through ramp from adjoining road to approach the drain. These entry points are stated to be meant for cleaning the drain through JCB machine etc. First entry at point "B" was found to be inadequately covered with tin sheet. Second entry at point "C" was found to be covered with Tarpoline and at the Third entry at point "F" one JCB was found cleaning the drain on 11.04.2025. At First and Second entry points/ramps as shown/detailed in above placed photos, the drain/polluted water was found stagnated.
2. At the Third ramp made to approach the drain, the JCB machine was working on 11.04.2025, and it was observed that when the water was stable/stagnant then the colour was dark green and when the JCB arm scooped it then the underlying bottom layer of sludge got mixed with upper layer and turned into black sludge.
3. Except at point "F" (Third ramp), no de-siltation work was going on. And in near past also no such major work seems to be carried out except at Point "F". That might be the reason some flow in drain was observed beyond Point "F" where the concrete portion ends and near to filtration system. No traces of recent de-siltation work at any other point found.
4. Point "A" was full of debris on both side of drain underneath the Ring Road culvert. And just below the starting point of concrete cover, huge amount of all type of waste including plastic waste (varying from small to large pieces) was found majorly on west side. The flow was found stagnant.
5. The waste including the debris is visible both in open part and covered part. That the drain is full of waste material wherever the

drain water is visible. There is clearly perceivable foul and stinking smell at various openings and cracks. And thus, the entire Drain appears to be crying for serious desilting and cleaning.

6. The solid garbage including cloths, big plastic bags etc were not found moving/flowing and rather found stagnant at every such places where the drain is visible and therefore it appears that these pieces of garbage have become stuck in the sludge at the bottom.
7. There is need of de-siltation at various points starting from entry point "A" where no efforts seem to be made till now. Simultaneous work of de-siltation/dredging should be undertaken by authorities at Point "B" (First ramp) and at Point "C" (Second Ramp) also.
8. The desilted sludge/mud should be removed immediately from the area and should not be allowed to be accumulated. And further it should be disposed of safely.

Dated: 15.04.2025

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