

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

ORIGINAL APPLICATION NO 274 OF 2022

**IN THE MATTER OF:**

PREM AGGARWAL AND ORS. ... PETITIONERS

VERSUS

GOVT OF NCT OF DELHI AND ORS ... RESPONDENTS

**INDEX**

S.NO	PARTICULARS	PG. NO
1.	STATUS REPORT ON BEHALF OF DELHI JAL BOARD IN COMPLIANCE OF ORDER DATED 20.11.2024	1-9

FILED BY



KANIKA AGNIHOTRI

ADVOCATE FOR DELHI JAL BOARD

A-118, THIRD FLOOR

DEFENCE COLONY

NEW DELHI 110024

ADMIN@SKVASSOCIATES.COM

DATE: 09.12.2024

PLACE: NEW DELHI

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

ORIGINAL APPLICATION NO. 274 OF 2022

IN THE MATTER OF:

PREM AGGARWAL AND ORS ... PETITIONERS

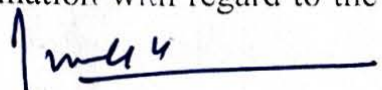
VERSUS

GOVT OF NCT OF DELHI AND ORS ... RESPONDENTS

**STATUS REPORT OF BEHALF OF DELHI JAL BOARD IN  
COMPLIANCE OF ORDER DATED 20.11.2024 OF THE  
HON'BLE TRIBUNAL**

**MOST RESPECTFULLY SHOWETH**

1. That the Delhi Jal Board has filed an affidavit dated 18.11.2024, detailing the measures taken for cleaning of sewage before it enters the Shahadra drain to ensure that it meets the parameter set out by this Hon'ble Tribunal.
2. That the Delhi Jal Board has also vide the said affidavit detailed the substantial compliance of the orders of the Hon'ble NGT as well as the on-going work to upgrade the number of STPs and add additional STPs so as to increase the quantum of sewage that can be treated, with a view to ensure that the sewage entering the Shahdara drain is as per the parameter set out by this Hon'ble Court.
3. That on 20<sup>th</sup> Nov. 2024, this Hon'ble Tribunal sought certain clarifications with regard to Yamuna cleaning. The present status report is being filed to give the current information with regard to the said query.

  
BHUPESH KUMAR  
CHIEF ENGINEER (SDW)  
Delhi Jal Board  
(Govt. of NCT of Delhi)  
Varunalaya Phase-II, Karol Bagh  
New Delhi-110005

- 4 It is pertinent to mention that this Hon'ble Tribunal seized the issue of Yamuna cleaning in O.A. No.06/2012 Manoj Mishra Vs. Union of India and Ors. By the directions of this Hon'ble Tribunal, Yamuna Monitoring Committee has been set up and is submitting regular reports before this Hon'ble Tribunal and is charged with the task of ensuring that the Governments of Delhi, Haryana, Uttar Pradesh and the various bodies in the three States comply with the directions issued by this Hon'ble Tribunal.
5. That vide report dated 29.06.2020, the Yamuna Monitoring Committee took note of the environmental flow and requested this Hon'ble Tribunal to issue the following directions: -
- (i) That the recommended E-flow is a scientific study and all stakeholders should treat it as a critical parameter for revival of the river.
  - (ii) The MOJS, UYRB and the riparian states of Uttarakhand, HP, UP, Haryana and Delhi who are beneficiary states under the Water Sharing agreement of 1994 to rework the water sharing arrangement to permit release of the recommended E-flow at Hathnikund barrage.
  - (iii) The NMCG and MOJS should prepare a road map, with timelines in consultation with state governments and other stakeholders for the implementation of various policy and conservation measures.
  - (iv) CGWB and CPCB be directed to monitor the status of ground water in floodplains areas where shallow reservoirs have been created and if the outcomes are encouraging, direct GNCT and States of Haryana and UP taking up such works in their areas along the flood plains.



**BHUPESH KUMAR**  
CHIEF ENGINEER (SDW)  
Delhi Jal Board  
(Govt. of NCT of Delhi)  
Varunalaya Phase-II, Karol Bagh  
New Delhi-110005

6. That after perusal of the YMC's report this Hon'ble Tribunal on 06.07.2020 passed the following directions:-

“Third major issue is of e-flow which has to be worked as administrative level. Apart from authorities in Delhi, the States of Haryana and UP cannot avoid their responsibility Undertaking awareness programme and involving civil society is essential. Effective institutional monitoring mechanism has to be evolved.

The issue of e-flow may be resolved by the Principal Committee as recommended by YMC.

We have carefully perused the recommendations of the YMC. We are in agreement with the same. The directions proposed are essential for compliance of orders of this Tribunal and environmental norms.”

### **Environmental Flow**


#### **A. Comments of NMCG**

The National Mission on Clean Ganga, Ministry of Jal Shakti has sent a status report on the implementation of the Hon'ble NGT's direction reproduced below:

**“Status Report in respect of NMCG/ MoJS on the Action Points covered in the Final Report of Yamuna Monitoring Committee.**

**a.) NMCG was asked by YMC to have estimation of quantitative enhancement possible with water conservation measures introduced in the Yamuna river basin to be done as a part of the NIH study:**

**Status:**

  
**BHUPESH KUMAR**  
CHIEF ENGINEER (SDW)  
Delhi Jal Board  
(Govt. of NCT of Delhi)  
Varunalaya Phase-II, Karol Bagh  
New Delhi-110005


NIH, Roorkee was awarded a study titled "Environmental Flow Assessment for Yamuna River from Hathnikund Barrage to Okhla Barrage". The objectives of the study undertaken by NIH are as follows:

- To assess environmental flows for Yamuna river from Hathnikund barrage to Okhla barrage.
- To suggest management options for maintaining the recommended e-flows.

The draft final report was submitted by NIH in May' 2020 and presentation was also made before the Hon'ble Minister of Jal Shakti during meeting dated 03.06.2020 and before Secretary, D/o Water Resources, River Development & Ganga Rejuvenation (WR, RD & GR) cum Chairman, Principal Committee of Hon'ble NGT (Yamuna) during meeting dated 22.05.2020.

Following management strategies have been recommended for maintaining e-flows in the study reach:

- (i) Increase in irrigation efficiency and reduction in diversions to Western Yamuna Canal (WYC) / Eastern Yamuna Canal (EYC): In present scenario, only 42.7% and a meager 8.5% of inflows at Hathnikund barrage are released into the river during monsoon and non-monsoon seas, respectively. Adoption of scientific water management practices such as proper assessment of command area size, proper fixing of outlet sizes to match the crop water requirements, scientific estimation of crop water demands, scheduling of irrigation based on soil-water-plant interactions, minimizing evaporation losses from irrigated fields

  
BHUPESH KUMAR  
CHIEF ENGINEER (SDW)  
Delhi Jal Board  
(Govt. of NCT of Delhi)  
Varunalaya Phase-II, Karol Bagh  
New Delhi-110005

through use of mulches, conjunctive use of surface water and groundwater, blending of water for irrigation application in salinity-affected areas, and technological up-gradation by adoption of sprinkler/micro-sprinkler/drip irrigation system can help in achieving the desirable level of irrigation efficiency.

- (ii) Regulate groundwater withdrawal in the basin especially in the Mawi-Baghat stretch and augment groundwater recharge in order to sustain base flows –
- (iii) Augmentation of non-monsoon inflows at Hathnikund barrage by creating storage of monsoon runoff in the upstream reaches-
- (iv) Treatment of effluent coming through various drains meeting river Yamuna –

In terms of the objectives of project sanctioned to NIH, the final report has been submitted by NIH and further aspects related to estimation of quantitative enhancement possible with water conservation measures introduced in the Yamuna river basin are proposed to be taken up in another study.”

**b.) MoJS has been directed to notify recommended E-flow in the river Yamuna within two months.**

### **Status**

A meeting to discuss the recommendations/ results of the draft final report submitted by NIH-Roorkee for project titled “Environmental flow assessment for Yamuna river from Hathnikund barrage to Okhla barrage” was held on 03.06.2020 via video conferencing under the Chairmanship of Hon’ble Minister, M/o Jal Shakti. The meeting was

  
**BHUPESH KUMAR**  
CHIEF ENGINEER (SDW)  
Delhi Jal Board  
(Govt. of NCT of Delhi)  
Varunalaya Phase-II, Karol Bagh  
New Delhi-110005

attended by Hon'ble Minister of State, M/o Jal Shakti, Sh. SriramVedire, Advisor, M/o Jal Shakti and officials from NMCG and NIH-Roorkee. Based on the discussions, following has been decided.

- i. A detailed action plan on increasing water use efficiency in irrigation sector may be evolved.
- ii. A concept paper on long term action plan for rejuvenation of river Yamuna in Delhi stretch may be developed. Further decision on notification or otherwise on recommended E-flow in the river Yamuna will be taken thereafter.

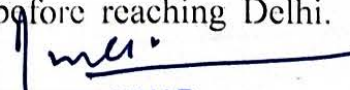
**c.) MoJS , States of Haryana, UP, Delhi Uttarakhand and HP were directed to review the Water sharing arrangement of 1994 for ensuring E- flow in the river Yamuna.**

**Status:**

As per terms of MoU between UP, Haryana, Rajasthan, HP and NCT of Delhi dated 12.5.1994, the agreement is for review after the year 2025 if any of the Basin States so demand.

“ YMC's Comments: Since NMCG and Ministry of Jal Shakti is already seized of the matter further developments on E-flow and the water conservation measures by basin states will have to be monitored for achieving the overall objective of river rejuvenation.

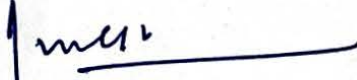
7. Minimum e-flow in the river is desired as 2500 cusec i.e. 1350 MGD in River Yamuna as per NGT order dated 11.06.2015. (Directions of NGT order dated 11.6.2015 in the matter of OA No. 6/2012 & 300/2013) However, only 352 cusec i.e. 190 MGD is released from Hathinikund Barrage which literally dries up before reaching Delhi.

  
**BHUPESH KUMAR**  
 CHIEF ENGINEER (SDW)  
 Delhi Jal Board  
 (Govt. of NCT of Delhi)  
 Varunalaya Phase-II, Karol Bagh  
 New Delhi-110005

Therefore, it can be seen that there is absolutely no environmental flow in the reiver downstream of Wazirabad in Delhi during dry/ lean season.

8. That from the above it is apparent that there is almost no flow in river Yamuna during 9 out of 12 months and only in the Monsoon months there is flow of river water. There is no environmental flow during the dry months. UP Irrigation Department needs to release river water through Okhla Barrage round the year to ensure that the river has bathing quality parameters. That from the above it is evident that due to lack of E- Flow during lean seasons, river Yamuna practically ends at upstream side of wazirabad barrage gates . At the downstream side of these barrage gates , the waste water carried by supplementary and najafgarh drain enters and flows into the river without any dilution since there is no E-flow towards downstream of the river . It is pertinent to point out that as and when any comparison of quality of raw water is to be made , samples may be taken at Palla ( where the river enters Delhi) and upstream of wazirabad barrage ( where river practically ends during the lean season) and not at any point / location downstream of wazirabad barrage , so that factual situation regarding in any change of parameters of the raw water can be ascertained.

That regarding industrial waste entering into the sewage system and then reaching the river system as clarified , DJB is responsible only for domestic sewage collection and treatment , whereas the industrial waste from Industrial areas is to be treated by DSIIDC through its CETPs before discharging the same to the DJB's system and case of any quality related issues regarding/ or due to lack of proper treatment

  
BHUPESH KUMAR  
CHIEF ENGINEER (SDW)  
Delhi Jal Board  
(Govt. of NCT of Delhi)  
Varunalaya Phase-II, Karol Bagh  
New Delhi-110005

of industrial waste , the responsibility of the same remains solely with DSIIDC .

9. The treatment standard notified by DPCC sewage is 10:10 (BOD:SS) whereas four bathing 3:3 (BOD:SS) standard is required. Without dilution/e-flow in the river it is not possible to bring the sewage to that standard despite meeting the DPCC notified standard.

10. That As per DJB Act 1998 , The term “ drain” has been defined at clause 2(m) which is as follows;

*“2(m) – Drain includes a sewer, a house drain , or a drain or any other description , a tunnel, a culvert, a ditch, a channel or any other device for carrying of sewage, offensive matter, polluted water, waste water, but not designed to carry rain water or sub-soil water.”*

Thus , it can be clearly seen that DJB’s responsibility lies in collecting, treating and disposal of domestic sewage through closed sewers/ pipes only and any open drain does not come under its perview in any manner. These drains come under MCD , PWD and IFCD who are fully responsible in maintaining the same. It is humbly clarified that the Shahdara Drain belongs to I&FCD etc. and the role of DJB is limited to household sewage. Industrial pollution is to be checked/penalized by the DPCC and MCD for the industries operating in non-confirming and residential areas.

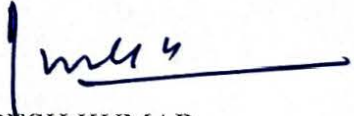
11. That it is humbly submitted that Delhi Jal Board has made a substantial compliance and only a small portion of the work remains. That the non-completion of the same is not willful negligence on the part of the Delhi Jal Board but due to technical hurdles , land constraints and several other constraints and efforts are being made by the Delhi Jal Board for actively resolving the abovementioned constraints.

  
**BHUPESH KUMAR**  
 CHIEF ENGINEER (SDW)  
 Delhi Jal Board  
 (Govt. of NCT of Delhi)  
 Varunalaya Phase-II, Karol Bagh  
 Delhi - 110005

That the Hon'ble Supreme Court in the case of P.Arun Prasad and Another Vs Union of India & Ors. [2024 SCC Online SC 2268] has also observed that for initiating action u/s 26 of the NGT there should be willful negligence and abject dereliction of duty in complying with the order passed by the Hon'ble Tribunal. It is humbly submitted that the DJB has neither been willfully negligent nor shown dereliction of duty but has been actively working to ensure full compliance of the mandate of Hon'ble NGT.

12. It is further relevant to mention that almost the entire treated effluent of Delhi area is being diverted into the Agra Canal by ponding it at Okhla Barrage. Control of Okhla Barrage pertains to Uttar Pradesh. Due to the ponding effect at Okhla Barrage, treated effluent becomes septage and BOD of river Yamuna increases.
13. As stated in the affidavit dated 18.11.2024, the Delhi Jal Board would be in a position to ensure compliance with the standards set by this Hon'ble Tribunal for treatment of sewage for 32 drains out falling in Shahdara Drain by December 2025.

NEW DELHI  
DATED:

  
BHUPESH KUMAR  
CHIEF ENGINEER  
DELHI JAL BOARD

BHUPESH KUMAR  
CHIEF ENGINEER (SDW)  
Delhi Jal Board  
(Govt. of NCT of Delhi)  
Varunalaya Phase-II, Karol Bagh  
New Delhi-110005