

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 274/2022

IN THE MATTER OF:

PREM AGGARWAL

...Applicant

Versus

GOVT OF NCT OF DELHI & ORS

...Respondents

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DATE: 26.04.2024

PLACE: DELHI

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DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007(PH.: -23853561)

F. No.17/CFD/Legal-Misc/23-24/

Date: 26.04.2024

To,

The Registrar,
The National Green Tribunal,
Principal Bench, Faridkot House,
Copernicus Marg, New Delhi - 110001
E-mail: judicial-ngt@gov.in

**Sub: Status Report in compliance of Hon'ble NGT order dated
15.02.2024 –reg**

**STATUS REPORT ON BEHALF OF DY. CONSERVATOR
OF FORESTS (CENTRAL) APROPOS TO HON'BLE NGT
ORDER DATED 15.02.2024 IN O.A: 274/2022 TITLED AS
"PREM AGGARWAL VS. GOVT OF NCT OF DELHI & ORS"**

The present status report is being filed in compliance of Hon'ble NGT (Principal Bench) order dated 15.02.2024 in O.A: 274/2022 titled as "*Prem Aggarwal Vs. Govt of NCT of Delhi & Ors*" apropos to scope of afforestation and requisite remedial measures along the embankments of Shahdara drain.

It is pertinent to mention that as per the directions passed by the Hon'ble National Green Tribunal (NGT) vide its order dated 15.02.2024 the following was directed:-

"7. In view of facts and circumstances of the case and nature of the issue involved in the case we consider it appropriate and accordingly direct that a meeting of all concerned officers be convened by the

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CEO, DJB in his office within three weeks from the date of this order and coordinated deliberations be made and remedial measures be taken as per the decisions taken in the meeting.”

It is hereby submitted that in compliance of the aforementioned direction passed by the Hon'ble Tribunal a meeting notice dated 04.04.2024 issued vide No.DJB/CE(Dr)Pr.-III/2024/112 - 123 was forwarded to the office of the undersigned scheduling a meeting under the Chairmanship of CEO, DJB through video conferencing on 08.04.2024 at 12:30 PM. A true copy of meeting notice dated 04.04.2024 issued vide No.DJB/CE(Dr)Pr.-III/2024/112 - 123 is annexed herewith as **Annexure – ‘A’**.

Consequently, on 08.04.2024 meeting in reference to directions passed by the Hon'ble National Green Tribunal (NGT) vide its order dated 15.02.2024 was convened under the Chairmanship of CEO, DJB through video conferencing. During the course of meeting the following was stated: *“9. CEO, DJB desired that UP Jal Nigam, UP Irrigation Department and Municipal Corporation of Ghaziabad, UP PCB may deliberate and arrive at a consolidated action plan under the chairmanship of DM Ghaziabad for desilting of drains and removal of encroachments, tree plantation, etc. as a short-term measure and action plan for closure of unauthorized industries along with treatment of industrial and domestic waste as long-term measure which can be submitted to Hon'ble NGT before next date of hearing i.e. 12.04.2024.”* as per the contents of Minutes of Meeting dated 10.04.2024 issued vide No:DJM/CE(Dr.)Proj.-III/2024/124 – 136. A true copy of Minutes of Meeting dated 10.04.2024 issued vide No:DJM/CE(Dr.)Proj.-III/2024/124 – 136 is annexed herewith as **Annexure – ‘B’**.

Thereafter, on 19.04.2024 an internal committee on behalf of Central Forest Division, Department of Forests and Wild Life (GNCTD) was constituted by the undersigned to carry out joint-inspection to ascertain the present status of drain, remedial measures and scope of afforestation on the embankments in reference to order dated 15.02.2024 passed by the Hon'ble National Green Tribunal in **O.A. No. 274/2022** titled as "**Prem Aggarwal Vs. GNCTD & Ors**". A true copy of Office Order dated 19.04.2024 is annexed herewith as **Annexure – 'C'**.

Subsequently, an inspection of the site of the drain located at Anupam apartments and Hans apartments was carried out by the members of the above-mentioned Internal Committee constituted by Central Forest Division, Department of Forests and Wild Life (GNCTD) on 22.04.2024. During the course of inspection it was observed that:-

"With regards to remedial measures possible to carry out plantation along the drain it is pertinent to mention the fact that soil testing is required to be carried out before any plantation work is initiated, Furthermore site cleaning by removal of sludge and removal of large amount of dumping material is necessary to be carried out before plantation is possible, Filing of Good Earth soil is required, Slope stabilisation by Stone pitching method and natural grassing, Repairs work of boundary wall is required for stopping the waste dumping activities and for stopping stray cattle from grazing, Supply of Good Earth and Neem Manure is required and necessary for any plantation work to be carried out."

A true copy of inspection report dated 22.04.2024 along with site map and photographs of the site are annexed herewith as **Annexure – 'D' COLLY**.

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It is most humbly submitted that Central Forest Division, Department of Forests and Wild Life (GNCTD) has the highest respect and regard for the orders of this Hon'ble Tribunal. The present report along with its annexures is being placed before this Hon'ble Court for its consideration.

Jale
Dy. Conservator of Forests/Tree Officer
Central Forest Division (GNCTD)

OFFICE OF THE CHIEF ENGINEER (DR.) PROJ-III
 DELHI JAL BOARD: GOVT. OF NCT OF DELHI
 ROOM NO.-118, VARUNALAYA PH-II: JHANDEWALAN: DELHI -110005


No.DJB/CE(Dr.)Pr.-III/2024/ 112 - 123

Dated: - 04-04-24

A meeting is convened under the chairmanship of CEO, DJB through Video Conferencing on dated 08.04.2024 at 12.30 PM in compliance of directions issued by Hon'ble NGT vide order dated 15.02.2024 in the matter of OA No. 274/2022 Prem Aggarwal & Ors. V/s GNCTD & Ors.

The following are requested to attend the meeting on scheduled date and time:

1. Commissioner, Municipal Corporation of Delhi,
2. Commissioner, Municipal Corporation of Ghaziabad,
3. District Magistrate, Shahdara,
4. District Magistrate, Ghaziabad,
5. Deputy Conservator of Forest, Delhi,
6. Deputy Conservator of Forest, Ghaziabad,
7. CEN (Drainage) Delhi Jal Board,
8. The Managing Director, Uttar Pradesh Jal Nigam,
9. The Chief Engineer, Irrigation Department, Delhi (to attend in person in the chamber of CEO, DJB)
10. The Chief Engineer, Irrigation Department, Uttar Pradesh


 CE(Dr.) Proj.-III

Copy to:

1. PS to CEO : for kind information please.
2. PS to CEN(Dr.) : -Do-
3. Office Copy

DELHI JAL BOARD: GOVT. OF N.C.T. OF DELHI
OFFICE OF THE CHIEF ENGINEER (DRAINAGE)PR-III
ROOM NO. 118, VARUNALAYA PH-11, KAROL BAGH,
NEW DELHI-05

E-mail: cedrpr3@gmail.com

No: DJB/CE(Dr.)Proj.-III/2024/124-136

Dated: 10-4-24

Subject:- Minutes of the Meeting dated 08.04.2024 regarding direction of Hon'ble NGT in OA No.274/2022 titled Prem Agarwal & Ors. V/s Govt. of NCT of Delhi & Ors.

A meeting on above subject was held on dated 08.04.2024 under the chairmanship of Chief Executive Officer, DJB which was attended by the following officials:-

I.	Sh. A. Anbarasu	- CEO, DJB - In Chair
II.	Sh. Ajay Gupta	- CE (N/Dr.), DJB
II.	Sh. S.K. Bhardwaj	- CE(Dr.)Proj-III, DJB
III.	Sh. Bhupesh Kumar	- CE(SDW), DJB
IV.	Sh. Mukesh Kumar	- CE(I&FC Dept.) GNCTD
V.	Sh. Anil Kr. Sharma	- CE(I&FC Dept.) GNCTD
VI.	Sh. Pankaj Kr. Gupta	- SE(M)-1, DJB

Representative of the following officers attended through video conferencing:-

1. Commissioner, Municipal Corporation of Delhi	: Sh. S. D. Tomar (SE)
2. Commissioner Municipal Corporation of Ghaziabad	: Sh. K.P. Anand (GM)
3. DM (Ghaziabad)	: Sh. Shailendra Kumar Bhatia (ADM)
4. DM (Shahdara)	: Ms. Rishita Gupta (DM)
5. DCF (Central) Delhi	: Ms. Anamika (DCF)
6. CE Irrigation Department UP	: Sh. Dheeraj Kumar (AE)


Brief History of the Matter:-

1. It was apprised that the OA 274/2022 was filed by Mr. Prem Agrawal and other residents of Anupam Apartment, East Arjun Nagar, Shahdara regarding air pollution from industrial waste/ sewage water/ stagnated storm water with floating plastic material etc. in Shahdara drain (Trunk Drain no.-1) which produce organic gases which not only affect the health of nearby population but also affect the electrical installations like compressors of air conditioners and refrigerators. The petitioner further requested to cover the drain and extensive plantation along two sides of the drain which will help to resolve their problem.
2. It was further apprised that as per order of Hon'ble NGT dated 27.04.2022 a joint inspection was done by officials of CPCB, DPCC, EDMC, DJB, I&FCD, Dy Commissioner (Shahdara) on 26.05.2022 and following observations were given:

- i. The Joint Team inspected the trunk drain from Krishna Nagar Metro Station to Karkardooma Court Road parallel to the said drain.
 - ii. 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.
 - iii. 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
 - iv. Fencing on the foot over bridge found broken at some places, which helps illegal dumping of waste.
 - v. 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 Shandara drain is connected to Kondli STP for treatment of sewage by DJB.
 - vi. No plantation observed on the bank of the drain maintained by I&FC.
 - vii. 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.
 - viii. As informed by officials of I&FC, the said drain starts from UP Border (Indra Vihar) & terminates at Tata Telco (Near Gazipur) outfalling in Shadara 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.
 - ix. 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.
3. It was further apprised that during hearing dated 15.02.2024, Hon'ble NGT mentioned that status reports sought in order dated 16.10.2023 from various departments have not yet been received and only DM-Ghaziabad, SDM Vivek Vihar, DCF Central, GNCTD, EE I&FCD appeared before the tribunal and no officers for Municipal Corporation Ghaziabad, DJB, UP Jal Nigam and Irrigation department UP attended the hearing.
4. Hon'ble NGT further directed CEO, DJB to convene a meeting of concerned officers in his office within 3 weeks from the date of order for coordinated deliberation and remedial measures be taken as per the decisions in the meeting. Minutes of the Meeting and status reports by all the respondents be filed within three weeks thereafter. Next date of hearing is fixed on 12.04.2024.
5. It was apprised that a preliminary meeting on this matter was held on 13.03.2024 under the chairmanship of CE N (Dr.), DJB. The minutes of the meeting are enclosed as Annexure "A".
6. CE(I&FC) informed that IFC Dept. GNCTD have removed floating material, desilted the drain, and developed the banks of the drain in the stretch from Kanti Nagar to Karkardooma and now the flow is steady and smooth in the above stretch near Anupam Apartment. This was witnessed during a joint site inspection of the drain dated 06.03.2024 by senior officers of various departments. Further, I&FCD has prepared an action plan for desilting in the balance stretch of Trunk Drain no.-1/Shadhara Drain. Detailed action taken report of I&FC Dept. in compliance with directions of Hon'ble NGT is enclosed as Annexure-"B".

7. CEN (Dr.), DJB informed that Delhi Jal Board has made provision for trapping of the sub-drains outfalling in the Shadhara Drain through the Interceptor Sewer Project along with provision for diversion to Yamuna Vihar Sewage Treatment Plant through Sewage Pumping Station. Further, DJB will also augment the capacity of Yamuna Vihar STP from 45 MGD to 85 MGD so that the entire tapped sewage can be treated before discharging in to River Yamuna. The action plan for augmentation of the capacity of Yamuna Vihar STP has been mentioned in Annexure- "A".
8. CE N (Dr.), DJB further raised the issue of untreated sewage and industrial waste coming to Trunk Drain No./ Shadhara Drain from Indrapuri Drain, Banthala Drain and Sahibabad Drain from UP side for which CETP and STP may be installed so that no untreated sewage is discharged into the Shadhara Drain from Uttar Pradesh/ Ghaziabad.
9. CEO, DJB desired that UP Jal Nigam, UP Irrigation Department and Municipal Corporation of Ghaziabad, UP PCB may deliberate and arrive at a consolidated action plan under the chairmanship of DM Ghaziabad for desilting of drains and removal of encroachments, tree plantation, etc. as a short-term measure and action plan for closure of unauthorized industries along with treatment of industrial and domestic waste as long-term measure which can be submitted to Hon'ble NGT before next date of hearing i.e. 12.04.2024.
10. ADM (Ghaziabad) who attended on behalf of Ghaziabad District Administration assured that he will coordinate various concerned departments of UP and will submit a joint action plan before Hon'ble NGT through DM (Ghaziabad).
11. As per directions of Hon'ble NGT dated 27.04.2022, DPCC was appointed as Nodal Agency for coordination and compliance. In compliance of directions of Hon'ble NGT dated 15.02.2024 CEO, DJB had convened this meeting on 08.04.2024 with all concerned officers and coordinate deliberations for remedial measures to be taken by respective agencies/states.
12. CEO, DJB also noted that Shadhara drain pertain to I&FCD Delhi, and both industrial and domestic waste is coming from UP and Delhi area and further suggested that UP PCB be nominated as Nodal Agency from the UP side and DPCC be nominated as the Nodal Agency from the Delhi. Further CPCB should be made the Chief Nodal Agency to coordinate with both the states (UP PCB & DPCC) in this matter so that compliance of directions of Hon'ble NGT could be achieved. Necessary approval from the Hon'ble NGT may also be obtained in this regard.
13. The meeting ended with thanks to the chair.

All Concerned


(S.K. Bhardwaj)
CE(Dr.)Pr-III

Copy for kind information to:

1. CEO, DJB
2. CE N(Dr.)


CE(Dr.)Pr-III

F. No.17/CFD/legal-Misc/24-25/2024-301
 GOVT. OF NCT OF DELHI
 DEPARTMENT OF FOREST AND WILD LIFE
 OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
 CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE,
 DELHI-110007(PH.: -23853561)

19.04.2024
 Date: 19.04.2024

OFFICE ORDER

This is to inform that an internal committee on behalf of Central Forest Division, Department of Forest and Wild Life (GNCTD) has been constituted to carry out joint-inspection to ascertain the present status of drain, remedial measures and afforestation on the embankments in reference to pending matter before the Hon'ble National Green Tribunal (NGT) titled as "Prem Aggarwal Vs. Govt of NCT of Delhi & Ors" filed vide O.A.No 274/2022. Officials nominated to constitute the internal committee on behalf of Central Forest Division (GNCTD) are as following:-

1. Sh. Vicky Dagar (Range Officer, Central Forest Division)
2. Sh. Pradeep Lochab (Forester, Central Forest Division)
3. Sh. Lokesh Meena (Forest Guard - Legal Cell, Central Forest Division)
4. Sh. Vikas Dhull (Beat In-charge, Central Forest Division)
5. Sh. Sachin Rathi (Beat In-charge, Central Forest Division)

Furthermore, it is directed that the internal committee shall submit its detailed report apropos to the above-mentioned components within three (03) working days of its constitution.

Dy. Conservator of Forests/Tree Officer
 Central Forest Division
 (GNCTD)

Copy to:

1. Sh. Vicky Dagar (Range Officer, Central Forest Division)
2. Sh. Pradeep Lochab (Forester, Central Forest Division)
3. Sh. Lokesh Meena (Forest Guard - Legal Cell, Central Forest Division)
4. Sh. Vikas Dhull (Beat In-charge, Central Forest Division)
5. Sh. Sachin Rathi (Forest Guard, Central Forest Division)

Dy. Conservator of Forests/Tree Officer
 Central Forest Division
 (GNCTD)

GOVT. OF NCT OF DELHI
DEPARTMENT OF FOREST AND WILD LIFE
OFFICE OF THE DEPUTY CONSERVATOR OF FOREST
CENTRAL FOREST DIVISION, KAMLA NEHRU RIDGE,
DELHI-110007(PH.: -23853561)

DATE: 22.04.2024

INSPECTION REPORT

In compliance of Hon'ble NGT order dated 15.02.2024 in O.A.No. 274/2022 an Internal Committee on behalf of Central Forest Division (GNCTD) was constituted to carry out inspection and ascertain the present status of Shahdara drain, remedial measures and scope of afforestation on the embankments. In reference of the above the following members of the internal committee on behalf of Central Forest Division (GNCTD) carried out inspection of the site (Shahdara drain) running along Hans Apartment and Anupam Apartment.

Site Information

Inspection was carried out by members of the Internal Committee, Central Forest Division (GNCTD) at 2 Arjun Gali, Vishwas Nagar, Shahdara, Delhi - 110032. Geo- coordinates of the blocks inspected by the Internal Committee is provided hereunder:-

1. Block - I (28.39'26.25"N 77.17'27.49E)
2. Block - II (28.39'21.90"N 77.17'30.33E)
3. Block - III (28.39'26.93"N 77.17'28.86E)
4. Block - IV (28.39'18.08"N 77.17'33.90E)
5. Block - II (28.39'15.99"N 77.17'33.03E)

During the course of inspection it was observed that the total length of the drain was 9235 sqm and the area available for plantation is 5063 sqm. In view of the above facts Plantation of 202 trees is feasible to be carried out with a spacing of 5m X 5m.

Status of Drain

During the course of inspection carried out by the internal committee along the drain it was observed that Large Quantity of Solid Waste material was found on both sides of the drain, Right side of the drain is presently being used for desilting work by IFCD, the physical appearance of the soil is observed to be of very poor quality due to which plantation is not feasible

Remedial Measures

With regards to remedial measures possible to carry out plantation along the drain it is pertinent to mention the fact that soil testing is required to be carried out before any plantation work is initiated, Furthermore site cleaning by removal of sludge and removal of large amount of dumping material is necessary to be carried out before plantation is possible, Filing of Good Earth soil is required, Slope stabilisation by Stone pitching method and natural grassing, Repairs work of boundary wall is required for stopping the waste dumping activities and for stopping stray cattle from grazing, Supply of Good Earth and Neem Manure is required and necessary for any plantation work to be carried out.




Observation

An area of interest for plantation is a sloppy terrain which has a slope of more than 30 degrees. Hereby plantation at the site can only be carried out after reducing the slope to 15 degrees which is to be carried out by the land owning agency. Thereafter plantation of native plants like Jamun, Goolar, Peepal, Badh, Siris etc having a minimum height of 6 feet can be carried out by the Forest Department. Furthermore, regular maintenance of plantation at the site would be possible only after proper handing over of the site.

Encl:- (1). Site Map

(2). Photographs of the site


Pradeep Lochab
(Forester)


Lokesh Kumar
(Forest Guard)


Vikash Dhull
(Forest Guard)


Sachin Rathi
(Forest Guard)

site map of anupam apartments

Write a description for your map.



Legend

Google Earth
Image © 2024 Airphoto

800 ft



