

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
AT NEW DELHI

## Summary Final Arguments of the Applicant

IN

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. ...Opposite Parties

### INDEX

| S.No. | Particulars                              | Page No. |
|-------|--|----------|
| 1.    | Summary Final Arguments of the Applicant | 1-5      |
| 2.    | Proof of Service                         | 6        |

Place: New Delhi

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Filed By:



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**Summary Final Arguments of the Applicant**

1. The submissions of the Applicant are to be found in (1) Written Submissions dated 27.6.24, (2) Additional Submissions dated 4.7.24 and (3) Response of the Applicant dated 30.7.24.
2. Arguments were heard on 4.7.24 on the Written Submissions and the Additional Submissions abovementioned after which the respondents were heard at length and filed numerous documents. Therefore the Applicant filed the Response abovementioned to the documents tendered in Court.
3. The Written Submissions started with the NGT order dated 13.1.15 which passes strictures against the respondent authorities for not carrying out the removal of debris and silt in compliance with the NGT order dated 31.1.13. The NGT noted that this order was not complied with at all.
4. The NGT directed 55 STPs to be operational by 2016. In reality the land that was to be allotted by DDA for the STPs

were not so allotted. Resultantly as of 2024 out of 55 STPs 40 are in existence but only 14 out of the 40 STPs are functioning. In the meanwhile the authorities took the stand that 40 decentralised STPs were going to be constructed but not one was so constructed.

5. In the Additional Written Submissions dated 4.7.24 it was pointed out that the NGT once again reviewed the status of the dredging and the STPs and passed severe strictures against all the authorities in its order dated 27.1.21. Once again it was found, 6 years after the original NGT order dated 13.1.15 that neither the dredging was done nor the STPs were in place.
6. On the last occasion a large number of documents were tendered across the Bar by the Authorities. These were analysed by the Applicant and therefore the response of the Applicant dated 30.7.24 was filed. This response starts with the well-publicised photographs of the LG where he is seen directing dredging be done “on a war footing”. Shockingly a study of the documents filed by the Authorities showed that DDA was the principal offender because land was not allotted to most STPs and the DSTPs and therefore work could not begin.
7. The documents filed by GNCT showed that though the 22 open drains which are falling in the river Yamuna were to be handed over to the I&FC Department but even as on today only 5 drains were so handed over. Due to the STPs not being constructed/upgraded and land not being made available by DDA for STPs out of the sewage generated in Delhi of 792 MGD only 268 MGD was being treated. Thus the Barapullah was a huge sewage drain running through Delhi.

8. In the response it is stated by the Applicant that the desilting of the entire 3.5 km stretch from A-7 to B (Yamuna) was to be done by the DDA and this was not done. As a result it caused a back flow in the Barapullah Nalla resulting in sewage overflowing the boundaries and entering the residences of the people.
9. The removal of debris and desilting was being done without the consolidation of the embankments. With another heavy rain much of this debris/silt will enter the nalla again. Delhi Government admits that 15,000 cu.m. of debris etc. is yet to be removed and dumped far away.
10. The reply by NCT of Delhi shows that tender after tender has been floated for the making of reports by consultants. Very little work is being done.
11. The status of the DJB shows that out of 105 unauthorised colonies the sewer network has been completed only in 39 colonies. The most shocking part of the DJB document shows that the large STP of 90 MLD which was to be constructed on the outfall of the Barapullah drain into the Yamuna had been cancelled because the DDA was demanding a very high cost. It also discloses that the upgrading of the STPs that was ordered as far back as 2015 is not yet completed. The DJB status report also shows that land for the STPs has not yet been completed. The most alarming part of the report is that DJB appears reconciled not to proceed with the construction of STPs, seems reconciled with the DDA not providing land for STPs and this is to be found in its statement that ultimately the sewage will be caught when the Barapullah empties its sewage in the Yamuna. As already pointed out the largest 90 MLD

STP to catch the sewage emptying from the Barapullah into the Yamuna has been cancelled.

12. The DDA filed an affidavit dated 27.7.24. Even in this affidavit it is stated that “an action plan” is being prepared. There is no mention at all of the 3.5 km stretch from A7 to B which is the exclusive responsibility of DDA. There is no reason given for the disobedience of the DDA of the orders of the NGT of 2015 and 2021.
13. The I&FC department has stated in its documents that it is doing dredging going down to the final level of the bed of the nalla. This is what the Applicants had asked for. Whether this is a correct statement is to be verified later. At the moment it is sufficient to say that part of the dredged material must be used for the consolidation of the embankments to ensure that whatever is removed does not land up once again inside the nalla. The remaining material removed from the nalla has to be taken away and dumped at a far-away site. The I&FC has stated that 15,000 cu.m. of this material has to be taken away and dumped.
14. Finally, the reliefs sought in the EA and the IAs filed by the Applicant may be tweaked to meet the factual situation in the following manner.
  - a. For an interim order directing the I&FC Department of the Delhi Government to continue on an emergency basis with the dredging work of all the drains in Delhi, remove the 15,000 cu.m of debris/silt to a faraway dumping site, immediately consolidate the embankments and prepare an

action plan within 2 weeks for the further dumping of debris in and around the nalla.

- b. For an order directing the DDA to forthwith begin the dredging of the stretch of the Barapullah nalla from A7 to B (page no. 10576) and complete the work within 2 weeks from today “on a war footing”.
- c. For an order directing DDA to within two weeks from today allocate all the lands required for the STPs/DSTPs mentioned in these proceedings that remained to be constructed/ upgraded and for a further direction to the DJB to forthwith pay and takeover the lands so allocated.
- d. For an order directing DJB to forthwith distribute the work of the STPs that remain to be constructed/upgraded in view of the orders of the NGT including the orders dated 13.1.15 and 27.1.21 and other orders, among the various STPs construction companies in the country so that the work of constructing/ upgrading STPs are completed latest by the end of this year.
- e. For an order directing that the present CEO and Chairman of the DJB as well as the Chief Secretary of the Govt. of NCT of Delhi as well as the Lieutenant Governor and the Vice Chairman of the DDA shall be held responsible for the implementation of all the orders passed by the NGT from today onwards.

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**Advance service of Summary Final Arguments filed by the Applicant in OA No. 6 of 2012 titled as Nizamuddin West Association (Regd.) vs Union of India and Ors.**

1 message

**Nayab Gauhar** <nayab@hrln.org>

Thu, Aug 1, 2024 at 6:52 PM

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Respected Sir/Ma'am

Please find the attached copy of the Summary Final Arguments filed by the Applicant in OA No. 6 of 2012 titled as Nizamuddin West Association (Regd.) vs Union of India and Ors.  
Please treat this email as an advance service of the same.

Regards,  
Nayab Gauhar for Ali Qambar Zaidi  
Advocate for the Petitioner

**Summary of arguments Barapulla 1.8.24.pdf**

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