

OFFICE OF THE YAMUNA POLLUTION MONITORING COMMITTEE
APPOINTED BY HON'BLE NGT
ROOM NO. 58, INDIA INTERNATIONAL CENTRE
40, MAX MUELLER MARG, LODHI ESTATE
NEW DELHI – 110003

No. YPMC/2020/453

Date: 30-06-2020

The Ld. Registrar general
National Green Tribunal
Faridkot House, Copernicus Marg
New Delhi-110001.

Dear Sir,

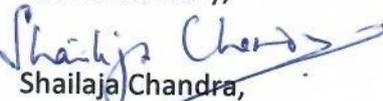
The Hon'ble National Green Tribunal vide its order dated 26th July 2018 in OA No. 6/2012 –Manoj Mishra Vs UOI &ors. had *inter alia* appointed a Monitoring Committee to monitor implementation of its Judgement dated 13-01-15 and orders thereafter. In compliance of the Hon'ble Tribunal order dated 5.3.20 and 6.5.20 the Monitoring Committee has submitted its Final Report to the Hon'ble Tribunal vide letter No. YMC/2020/451 dated 29.6.20.

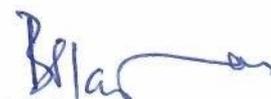
During the last 23 months the Yamuna Monitoring Committee YMC was also given the opportunity by the Hon'ble Supreme Court of India, the Hon'ble Delhi Court and the Hon'ble Tribunal to examine several important matters where general public was affected by the pollution in the storm water drains passing through their neighborhood, and the pollution in general caused to the river Yamuna. In addition, YMC also examined cases based on the News items published in the leading national dailies and those covered by the social media.

A Supplementary Report on the Action taken by the YMC on matters dealt by the Committee is enclosed herewith. It is requested that this Supplementary Report be also placed before the Hon'ble bench of the Tribunal along with the Final Report.

Enclosure: As above.

Yours Faithfully,


Shailaja Chandra,
Member,
Monitoring Committee for Yamuna


B.S. Sajwan,
Member,
Monitoring Committee for Yamuna

Encl: as above

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**Supplementary Report of the
Yamuna Monitoring Committee
Set up by the Hon'ble National Green Tribunal
vide order dated 26th July 2018

On Specific Matters Incidental to
OA No. 06/2012-Manoj Mishra vs UOI and ors,**

Shailaja Chandra

B S Sajwan

Dated 30th June 2020

**Supplementary Report on the matters incidental to OA no. 06/2012-Manoj
Mishra vs UOI and ors. dealt by the Yamuna Monitoring Committee**

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Supplementary Report on Cases Incidental to the Manoj Mishra Matter dealt by the Yamuna Monitoring Committee

Introduction

The mandate given to the Yamuna Monitoring Committee (YMC) was mainly to monitor the implementation of the judgment dated 13-01-15 and orders passed thereafter by the Tribunal in OA No. 06/2012-Manoj Mishra Vs UOI & Others. As directed in the orders dated 26.07.18, 29.1.19 and 11.9.19 YMC submitted three Interim Reports and three Supplementary Reports to the Tribunal. Pursuant to the Tribunal's orders dated 5.3.20 and 6.5.20 YMC has prepared the Final Report which is under submission to the Tribunal. Apart the main matter, and the related matters referred in a series of orders issued by the Tribunal, the YMC was also entrusted with two cases by the Hon'ble Supreme Court of India and one case by the Hon'ble High Court of Delhi, wherein YMC was directed to resolve the matters on merit. Besides these cases, specific cases of flagrant pollution and which defy NGT's orders have also been addressed. This Supplementary Report covers a gist of the cases dealt by the YMC and the outcomes that emerged from the efforts of the Committee. The summary of the cases is covered in the ensuing pages of the report.

Individual matters referred by NGT to the Monitoring Committee

A total of 10 cases were referred to the YMC by NGT. While in cases at Serial nos vi, vii and viii the Hon'ble Tribunal sought the recommendations of the YMC for final adjudication by the Tribunal, other cases arising out of grievances related to environmental pollution were referred to the YMC for disposal . Handling the undermentioned cases has given the YMC an opportunity to understand specific environmental and pollution issues faced by citizens and to pursue strategies for redressal of public grievances in a holistic manner. These pertain to :

- I. Order dated 10.08.2018 in OA No. 513 of 2018- Manjinder Singh Sirsa Vs UOI and ors.
- II. Order dated 14.08.2018 in OA No. 73 of 2016 – H Block Resident Welfare Association Saket Vs. Govt. of NCT of Delhi.
- III. Order dated 13.08.2018 in O.A. No. 815 of 2017-KshetriyaVikasSamiti (RWA, Ramnagar Ext.) vs UOI and Ors.
- IV. Order dated 27.08.2018 in OA No. 652 of 2018 – Braham Singh Vs. GNCT of Delhi.
- V. Order dated 26.10.2018 in OA no. 644 of 2016-Sushil Raghav Vs UOI and ors
- VI. Order dated 01.03.2019 in MA No. 65/2019-NHAI vs DDA and ors (in OA No. 6/2012)
- VII. Order dated 12.7.19 in MA no. 163/2019 (in OA no. 06/2012-Manoj Mishra vas UOI and ors) filed by IOCL.
- VIII. MA no. 1117/2018 (in OA no. 447/2017-Ananda Arya vs GNCTD and ors) regarding Millennium Depot
- IX. Execution Application No. 45/2018 in O.A. No. 434/2015 in the matter of Ojasvi Party Vs. Govt. of NCT of Delhi & Ors.
- X. Pollution in Gazipur & Shahdara drain – Hari Om Garg Pradhan Sadar Co-operative group housing society - Referred by NGT

Action Taken by YMC:

The matters listed at SN. 1 to 6 above were gone into by the YMC. Affected parties and the concerned public authorities responsible for taking action were called for meeting in the YMC. In the meetings grievances heard, documents perused and wherever required site inspections undertaken and minutes of the meeting drawn and directions given for

compliance by the public authorities. Final report in respect of these has been submitted to the Hon'ble Tribunal as a part of Second Interim Report. The outcomes of disposal by the YMC in the above 6 cases are summarized as below:

| SNO. | NGT Order and case no. | Issues involved | Outcome |
|------|---|---|---|
| i | Order dated 10.08.2018 in OA No. 513 of 2018- Manjinder Singh Sirsa Vs UOI and ors | Dumping of malba in Subhash nagar drain and release of toxic gases and odour | 50 truckloads of malba was got removed. Bar Screen and silt chamber constructed in the drain to prevent silt and solid waste going into drain and bins provided as directed by MC taken. |
| ii | Order dated 14.08.2018 in OA No. 73 of 2016 – H Block RWA Saket Vs. GNCT of Delhi | Release of sewage in the colony | Action to plug flow of sewage from Gurudwara taken by DJB. Problem resolved as per the feedback received. |
| iii | Order dated 13.08.2018 in O.A. No. 815 of 2017- KshetriyaVikasSamiti (RWA, Ramnagar Ext.) vs UOI & Ors. | Dumping of Solid waste in the drain 52 cusec and release of toxic gases and odour | Solutions to prevent dumping of solid waste and flow of stagnant sewage in the drain has stopped. YMC's Feedback is that people are satisfied. |
| iv | Order dated 27.08.2018 in OA No. 652 of 2018 – Braham Singh Vs. GNCT of Delhi | Encroachment on the floodplains of Yamuna at Khijrabad | Eviction was done. 600 jhuggis removed and 11 acres of floodplain reclaimed. However DDA has to be vigilant not to let further encroachment take |

| | | | |
|----|--|---|---|
| | | | place. Details discussed in Chapter 2 of the main Report |
| v | Order dated 26.10.2018 in OA no. 644 of 2016-Sushil Raghav Vs UOI and ors | Release of sewage in Banthala, Indirapuri and Sahibabad drains at Ghaziabad | Issues linked to Action Plan of UP for treatment of Sewage in Sahibabad. Needs further monitoring |
| vi | Order dated 01.03.2019 in MA No. 65/2019-NHAI vs DDA and ors (in OA No. 6/2012 | Construction of elevated expressway between Delhi and Faridabad | YNMC recommended the project with certain conditions |

The Action taken in respect of items at S No. VII to X is discussed hereunder:

vii. NGT's order dated 12.7.19 in MA no. 162/2019(in OA No. 06/2012-Manoj Mishra vs UOI and ors) regarding Setting up H-CNG depot on the floodplain of river Yamuna:

Indian Oil Corporation Ltd (IOCL) filed an application before the Hon'ble Supreme Court for setting up demonstration unit of 4 TPD H-CNG depot at Rajghat. After getting a go ahead for the trial, IOCL from the Hon'ble Supreme Court, IOCL filed an application before the Principal Committee for approval as the site lay on the floodplains. The Principal Committee recommended setting up the Depot to the NGT where after the Tribunal vide its order dated 12.7.19 directed as under:

"1. The applicant has sought direction to ratify Delhi Pollution Control Committee (DPCC) approval for setting up of demonstration unit of 4 TPD HCNG at DTC Rajghat Depot.

2. In view of order dated 13.01.2015 and subsequent order dated 26.07.2018, the applicant may first approach the Monitoring Committee. After the report of the said Committee, the application will be taken up. 2 List for further consideration on 23.08.2019."

The representative of IOCL stated before the YMC that the IOCL will raise only temporary structures on the floodplains, and that the IOCL undertakes to have them removed in 8 months

after installation of the pilot plant which will be completed in November 2019. Based on the results of the trial they will decide about moving to another location to undertake the activities on a wider scale

YMC, after examining the matter and taking on record the views of the DPCC, DDA and the IOCL, recommended the project subject to the following conditions:

- *The IOC shall not construct any permanent structure at the site in question.*
- *All the structures created at the site shall be dismantled and the site restored to its original state after the pilot trial is over,*
- *No alteration of the floodplain features will be carried out while undertaking the trial,*
- *No liquid waste or hazardous waste shall be released on the floodplain.*

Copy of the YMC's recommendation dated 16.8.19 is placed at **Annexure – C-1..**

viii. NGT's order dated 26.7.18 in MA No. 1117/2017 (in OA no. 447/2017-Anand Arya and another vs Govt of NCT Delhi and others regarding Millennium Depot

Hon'ble NGT in MA no.1117 of 2017 (in OA No. 447/2017) - Anand Arya & others V/s GNCTD & others had vide its order dated 26.7.2018 directed that since the issues concerning the river bed of Yamuna are being dealt with by the Yamuna Monitoring Committee constituted in OA number 06/2012- Manoj Mishra V/s VOI & ors, the matter regarding determination of whether the land under the DTC millennium depot falls on the river bed of Yamuna or not, needs to be determined by that Committee.

After undertaking site inspection, discussion with the representatives of DDA, DTC, IFCD and the Applicants and after perusing the documents and the reports of the Expert Committee appointed by the NGT, the YMC has submitted its recommendations to the Hon'ble Tribunal vide its letter No. YMC/2019/448 dated 27.6.20. A copy of the recommendations of the YMC is placed at **Annexure – C-2.**

ix. Execution Application No. 45/2018 In O.A. No. 434/2015 in the ,matter of Ojasvi Party Vs. Govt. of NCT of Delhi & Ors.

This case relates to grievances regarding pollution in the river Yamuna as a result of blood from slaughtered animals flowing into the river. The NGT in its order dated September

2015 had directed the DPCC and the Government of Delhi to ensure that no blood of slaughtered animals is allowed to flow directly into the river Yamuna. Thereafter the matter was agitated by the applicant before the NGT in 2017 and in 2018. The order dated 20.8.18 of NGT on the Execution Application 45/2018 filed by the Applicants is as follows:

“Grievance in this application is that there are orders dated 24.09.2015 and 29.05.2017 directing that no blood of slaughtered animals is allowed to flow directly into the river Yamuna but the said orders are not being complied with. This allegation may require ascertainment and determination of facts for enforcement of orders already passed. Since this Tribunal has appointed a Committee comprising of Ms. Shailaja Chandra, former Chief Secretary, Delhi and Mr. B.S. Sajwan, former Expert Member of this Tribunal vide order dated 26.07.2018 in Original Application No. 06 of 2012, titled ‘Manoj Mishra Vs. Union of India & Ors.’, to look into compliance of all aspects of orders of this Tribunal relating to maintenance of river Yamuna this aspect can also be gone into by the said Committee. It will be open to the applicant to move the said Committee in the first instance. A copy of this order be sent to the said Committee by Email.”

After hearing the Applicant and the representatives of the Municipal Corporations and the DPCC passed the following Directions:

.The Municipal Commissioner of the concerned area should restrict the slaughtering of animals on the occasion of religious festival or ceremony to any place which would be notified by public or special notices specifying such places for the slaughter of the animals in accordance with the religious customs under the DMC Act. This should to be read with NGT order of 2015 and 2017 making it incumbent on the Municipal Commissioner concerned to issue orders and to see that the orders are implemented by building adequate public awareness and ensuring that there is no disturbance to public peace.

Copy of the Minutes of meeting is placed at **Annexure – C-3**. The YMC did not receive any further complaint from the Applicant, though it is learnt that the Applicant had approached the Tribunal again on this subject.

Matters referred by the Hon'ble Supreme Court of India

Two matters arising from Civil Appeals before the Apex Court have been sent for disposal by the Monitoring Committee.

- I. Order dated 18.02.2019 in Civil appeal no. 10917 of 2018 – Sh. Rajeev Suri Vs. DDA & Ors.
- II. Order dated 25.03.2019 in Civil appeal no. 3288 of 2019 titled as Nizamuddin West Association Vs. UOI & Ors.

The Action taken by the YMC in these two matters was included in the Second Interim Report of the YMC submitted to the Tribunal on 27.5.19. These matters have been thereafter reviewed by the YMC on 01.7.19, 31.07.19, 25.9.19 & 27.9.19, 18.10.19 and 09.03.20. Exhaustive discussions and site visits were undertaken to understand the problem, the grievance faced by the public and the possible solutions, both engineering and non-engineering, were discussed with the officials of DJB, DMCs, DDA and DPCC. The focus of the Action required to be taken is to prevent flow of sewage in Kushak, Barapula and Sunehari bagh drains. DJB has prepared action plan for preventing/trapping of sewage emerging from unauthorized and authorised colonies in the catchment of the drains. SDMC has also agreed to engage IIT Delhi for finding an engineering solution to the open portion of the drain at Greater Kailash and Defense colony and to address the grievance raised by the residents. The progress will need to be monitored, because the residents are suffering due to pollution in the drains and because these cases were referred to the YMC by the Hon'ble Supreme Court of India. The minutes of the meeting give details of the proposed action by different public authorities. These are placed at **Annexure – C-4, Annexure – C-5 and Annexure – C-6**. The RWA's expressed their satisfaction at the proposed action which the YMC directed to be monitored by the authorities in coordination with the RWAs.

Matter referred by Hon'ble High Court of Delhi

(WP (Civil) No. 4246/2019-RWA, GK (North)-1 v/s GNCTD Delhi and others)

The Resident Welfare Association (RWA) of Greater Kailash (North) -I Approached the High Court of Delhi with a grievance that the Kushak drain passing near their colony, which has been covered for most part, except in a portion near their colony is the cause of toxic fumes and offensive odour causing environmental hazard for the residents and affecting the health of the residents. Their prayer before the Hon'ble High Court was as under:

- a) *Pass a writ in the nature of mandamus or any other appropriate writ directing the respondents to take all necessary steps, including necessary permissions if any, to cover the remaining about 1/4th of 10.31% of the storm water drain from adjacent to the residences of the petitioners and to cover & develop the same with greenery as done in other parts of Greater Kailash-I and Defence Colony;*
- b) *Pass a writ in the nature of mandamus or any other appropriate writ directing the respondents to ensure that the storm water drain is sewage and sullage free and no untreated sewage/sullage/any other waste is allowed into the same;*
- c) *In the alternative pass a writ in the nature of mandamus or any other appropriate writ directing the respondents directing the respondents to dismantle the entire cover/uncover the Storm water Nallah and thereafter conduct timely and periodic cleaning of the same and continue to use the same as a 'Storm water drain' and not as a sewage drain.*
- d) *Pass such other further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.*

The Hon'ble Court vide its order dated 24.4 19 referred the matter to this YMC. The operative part of the High Court order is reproduced below:

“Noting the above submissions made by the counsel for the parties, I direct the Committee constituted by the NGT to look into the representation of the petitioners dated February 19, 2019 and pass appropriate orders, as expeditiously as possible, preferably within a period of two months from today. It goes without saying that if the petitioners still have any grievance against the order to be passed by the aforesaid Committee on their representation, they can approach the NGT”.

After the matter was referred to the YMC, the Committee held meetings on 5.8.19, 25.9.19, and 9.3.20. The YMC also undertook site visits on 27.9.19 and 9.3.20, met the Members of the RWA and the representatives of the public authorities, namely, SDMC, DJB and DPCC to understand the factors responsible for the grievance being raised by the RWA, the action that the public authorities had already taken, and to explore the feasible solutions for resolution of the problem. This matter was clubbed with the other two matters discussed earlier as the drain in question is the same and also the agencies responsible for remedial actions are also the same. The main focus of the resolution is to ensure that the storm water drain which is presently carrying sewage should not carry any sewage and all the sources of flow of sewage into this drain should be plugged. Towards this the Action Plan prepared by DJB is summarized below:

Action Plan in the Catchment of Kushak Drain for trapping sewage flow in the drain:

| | | | |
|----|---|-------------------------------|------|
| A1 | Trapping of unauthorized colonies at Ratia Marg (16 Colonies) | Already achieved 30.6.2019 | 2 |
| A2 | Trapping of unauthorized colonies at Mangal Bazar Road. | Already achieved 30.6.2019 | 1 |
| A3 | Trapping of unauthorized colonies (20) of at Tigri Road, Devil and Dr. Ambedkar Nagar | May-20 | 1.25 |
| A4 | Trapping of 25 unauthorised colonies (25) IGNOU road is to be trapped. | Jun-20 | 2 |
| A5 | Trapping of unauthorised colonies (11) at Deoli Road. | Dec-20 | 1.25 |
| B1 | Rehabilitation of Peripheral trunk sewer at press enclave Road | Jun-20 | 4 |
| B2 | Rehabilitation of Peripheral trunk sewer at Chirag Delhi Flyover | Jun-20 | 1 |
| B3 | Damage 600 dia. Sewer line at Chirag Delhi Drain. | Jun-20 | 1 |
| B4 | Trapping of drain at Chirag Enclave. SPS. | Jun-20 | 0.5 |
| C1 | Trapping of Nallah at Krishi Vihar (450 mm dia for trapping) | MAy-20 | 1.5 |
| C2 | Trapping of Nallah at Andrews Ganj (900 mm dia for trapping) | May-20 | 6.42 |

| | | | |
|----|---|--------|------|
| C3 | Trapping of Nallah at Pant Nagar (900 mm dia for trapping) | May-20 | 6.42 |
|----|---|--------|------|

The YMC also directed that DJB, DMCs should hold meeting with RWAs to understand and expedite getting a report from IIT Delhi on the engineering solution keeping in mind all consideration of sewage, feasibility and effectiveness. The Chief Engineer Sh. Dahiya undertook to organize such a meeting for the entire area which consists of Kushak drain from Greater Kailash through Andrews Ganj / Defence Colony. A copy of the Minutes drawn after field visits and meeting held at the YMC office are attached at **Annexure – C-5 and Annexure – C-6**. The RWA members expressed satisfaction about the action proposed to be taken as recorded in the minutes.

Matters taken up by MC based upon media reports of serious nature or received on the Knowledge Sharing Platform on the MC's website.

There are eight (8) cases where the YMC took note of disturbing reports of different illegal activities taking place on the flood plain or in the River itself as reported in the Media or by aggrieved stakeholders. These cases are:

- I. Report on high levels of ammonia in river Yamuna.
- II. Dumping of Biomedical Waste in Barapulla Drain.
- III. Dumping malba on the flood plain near Signature Bridge.
- IV. Construction of bunds across the river Yamuna near Hathanikund
- V. Complaints from citizens received through the MC's Knowledge Sharing Platform.(Kalindi RWA)
- VI. Sewage flow on Mangal bazaar Road
- VII. Dumping of Septage in drain- L1 in Palam Vihar, Gurugram –news item published in the Hindustan Times of 23.2.20r-complaint received on the twitter
- VIII. Dumping of malba (C&D waste) near Nizamuddin on the floodplain of river Yamuna

The YMC took action on the following and resolved the environmental issue raised with the following outcomes.

| Sno. | Issues involved in the Complaint/Grievance | Outcome |
|------|---|---|
| i | High level of Ammonical N in Yamuna near Palla/Wazirabad affecting water supply to Delhi –news item Published in The HT dated-03.12.18. | 1. Directions issued for the CS Haryana and CS Delhi to have meeting and prepare SOPs for action against the defaulters. EC of Rs 5 lakhs each on M/s RSL distilleries and Piccadilly Agro Industries levied. |

| | | |
|-----|---|---|
| | | 2.Set up Online station at Palla for testing Ammonical N |
| ii | Dumping of Biomedical waste in Barapula Drain-news item published in the HT dated 23.2.19 | Inventorisation of 4428 registered and 3327 unregistered units done by DPCC. Show cause notices issued to 3451 units. SOPs prepared by DPCC for control of Biomedical waste going into drains |
| iii | News Item published in The HT of 17.4.19 and 24.4.19 regarding dumping of Malba on the floodplain of river Yamuna near Signature bridge | Malba removed and EC of Rs 5.50 lakhs imposed on M/S DTTDC and realized. 1000 tonnes of malba removed from the site. |
| iv | Construction of bunds across Yamuna near Yamuna nagar | Directions given to HSPCB and State of Haryana. Bunds removed and show cause notices issued to industries and action taken against concerned offender as informed by HSPCB |
| v | Kalindi Kunj RWA–Pollution due to sewage in Kalindi Kunj –Non implementation of NGT’s order of - 12.2.16 in OA no. 326/2015. | Matter resolved. Water body being rejuvenated and constructed wetlands being created through CEMDE of Delhi University. RWA satisfied with the progress. |

The Action taken on the above was incorporated in the Second Interim Report submitted to the Tribunal on 27.5.19.

In respect of items at S.no. 6, 7 and 8, the action taken is discussed below:

vi. Overflowing sewage on the roads in Mangal Bazaar – noncompliance with the order dated 1.8.16 of NGT.

A complaint was received by the Monitoring Committee with reference to the NGT order dated 1.8.16 in O.A. number of 257 of 2016 relating to overflowing sewer water from Mangal Bazar to M.B. road. A meeting was called where the officers of DJB, I&FC Deptt, South DMC and PWD as well as the Secretary of the complainant Association have been asked to attend.

The Association referred to the NGT's order of 1.8.16 and stated that despite NGT/s order no action has been taken by public authorities. The NGT had ordered as under:

The respondent no. 1 SDM shall clean and de-silt all the drains lying within its territorial area, particularly the drain abutting the temple complex of the applicant association situate along with the Mehrauli-Badarpur Road New Delhi-110062 and complete such work within one month, and shall keep the said drains clean and de-silted in future to avoid water logging of the said temple complex area.

Respondent no. 2- Govt. of Delhi and PWD, Govt. of Delhi shall cooperate with the respondent no. 1 – SDMC and provide such other assistance lawfully due to respondent no. 1-SDMC in carrying out the work of cleaning and de-silting the drains.

The association representative displayed the recent pictures showing the overflow on Mangal Bazar road and MB road where water mixed with sewage had inundated the entire stretch of over 2 KMs. The complainant said that it had been going on for several years and the position get worse during the Monsoon. Further it was stated that the entire wall of the temple caved in because of the heavy water/sewage pressure in 2016.

YMC was apprised that the work of drain being constructed alongside the Mangal Bazar Road is in progress be completed in six months, well before the next monsoons

The DMC SE was directed to ensure that de-silting of the drain is attended to immediately and to contact the RWA so that next set of photographs do not reflect the stagnant water. The

RWA also appreciated the SDMC for the substantial removal of slit that had taken place but wanted the efforts to continue.

DJB has connected the drain to the trunk sewer and due to this there is substantial removal of stagnant water in the downstream of the Mangal Bazar road. The RWA confirmed this.

Improvement of drainage work on MB Road which also receives the overflow from the Mangal bazaar Road has been taken up by PWD. The SE informed that further improvement in drainage systems will be carried out by providing additional drain for which tender has been awarded and the work will be completed in six months.

It came to notice of MC that there are 590 colonies for which work of providing drainage and internal colony roads in unauthorized colonies is being done by the I&FCD and in 150 colonies by the DSIIDC.

The Applicants expressed satisfaction on the commitments made as well as the progress of the work done by different authorities. However, this will have to be monitored by IDMC in future for monitoring the work committed to be done SDMC, DJB and PWD.

vii. News Item Published on 24.2.20 in the Gurugram Edition of The Hindustan Times about Septage being dumped in Drain at Palam Vihar

The Gurugram edition of Hindustan Times on 24.2.2020 reported about the unchecked discharge of sewage into drains going straight to the Yamuna through Najafgarh drain. Complaints had been filed by the residents of New Palam Vihar in regard to drain no. 1 in sector 111 close to the Dwarka Express way in which it was reported that hundreds of tankers dispose of untreated sewage daily at this drain which meets Najafgarh drain on the outskirts of the city. The Hindustan Times set up a team to observe the process and their report shows that individual tankers are being operated under the control of persons who own clusters of tankers. **The report stated that the tankers are disposing of untreated sewage and septage about 30-50times a day into the drain, leading to Najafgarh drain.**

The YMC asked the HYMC to get an independent assessment done after site visit.. The report of HYMC **completely supported** the newspaper report and stated that during their visit it was observed that 2 tankers were disposing sludge into the storm water drain referred as L-1 at the time of inspection. On enquiry it was revealed by the drivers that more than 500 tankers were operating clandestinely depositing untreated sewage into the storm water drains.

YMC called a meeting of Gurugram Metropolitan Development Authority, Gurugram Municipal Corporation, HSPCB and Haryana Shehri Vikash Parishad. The representative of Hindustan Times who covered the news item was also asked to attend the meeting at the YMC office on 28.2.20.

After the meeting the following directions were issued to the public authorities of Haryana:

- *All Government bodies have to establish a system and give registration to tankers that are required only to deposit the contents at an SPS or designated STP and to operationalize a system. If more staff or powers to outsource are needed the State Chief Secretary and Finance Secretary have to give special permission.*
- *A blanket order needs to be issued by the Urban Development Department that every condominium cluster must show how its sewage is being treated and disposed of through the Society/ organisation that is responsible for maintenance. **GMDA, MCG and HYSPCB therefore need to be directed to have this done. In the interest of stopping the***

unauthorized discharge of sewage YMC feels that the Chief Secretary and under her the Urban Development Secretary must issue directions within 2 days.

- *The measurement of treated sewage generated must be checked with reference to the number of residents living in the condominiums and the water utilized which will provide a normative idea of the number of tankers needed in case sewage is not being treated in-situ. Arrangements for only registered tankers to be used has to be put in place and got verified by the MCG which is presently the only authority which can exercise this power along with HYS PCB.. A daily report on how many tankers were deployed must be maintained by GMC and fortnightly progress reports given to the YMC, by area and condominium , including fines levied on those condominium managements that have not joined the Corporation run system. GMDA, MCG and HYS PCB therefore have to be directed to have this done.*
- *The MCG will have to make arrangement by giving a contract for sewage and septage collection and disposal. It will have to perform this function for all areas in Gurugram and GMDA and Panchayats Department would have to authorize the Municipal Corporation to undertake these functions. Charges to be levied can be decided by the State government but action should not wait for that. The Commissioner MCG agreed that the MCG is ready to undertake the functions of septage management including enforcement, if the GMDA make a formal request through Department of Urban Local Bodies. He informed that it is possible to start doing this on a short term basis in view of the extent of pollution. However the GMDA would need to facilitate the MCG by way of staff support and logistics till a formal policy decision in the matter is taken at the state level. The Chief Secretary Haryana needs to be directed to operationalize this and to confirm to YMC.*
- *YMC got the impression that presently no enforcement of any kind is being done to check whether in -house STPs owned by the condominium are functional. The SE of GMDA indicated that they do “some inspections” from time to time but could not produce any data of how many inspections were done and what enforcement action was taken. GMDA has to ensure that the STPs function and if necessary outsource the function with an in built system to check against false reporting and fudging. If STPs are found non-functional during inspections by GMC/ HSPCB or any other entity to whom this work is assigned the CEO of GMDA would be responsible.*

A copy of the Minutes of the meeting held on 03.03.2020 is placed at **Annexure – C-7.**

viii. Twitter report by SANDRP(@Indian Rivers) relating to dumping of debris, beneath Nizamuddin Bridge

A complaint received in the YMC through Twitter about dumping of malba (C&D waste) about dumping of malba underneath the Nizamuddin Bridge on 17.2.20. Immediately the Complaint was forwarded to VC DDA asking him to get the malba removed and take action against the offenders and submit report within two days.

Nothing was heard till 24.2.20 and therefore reminder was sent to VC DDA on 24.2.20. Separately DPCC was also asked to take action as the area in question was on the floodplains.

DDA reported that 2600 cum. was lifted till January, 2020, 550 cum. by 21.02.2020 and the balance 150 cum. by 27.02.2020 respectively. Presently, the cited site is free from all types of debris / C&D waste and no fresh dumping of illegal C&D waste has been noticed. Further to check the illegal dumping, a permanent barrier has been erected at the entry of the approach road.

Copy of the YMC's communication to DDA and DDA's reply are at **Annexure-C-8 & Annexure-C-9.**

Annexure-C-1

**OFFICE OF THE YAMUNA POLLUTION MONITORING COMMITTEE
APPOINTED BY HON'BLE NGT
ROOM NO. 58, INDIA INTERNATIONAL CENTRE
40, MAX MUELLER MARG, LODHI ESTATE
NEW DELHI – 110003**

No. YPMC/2019/ 287

Date: 16.8.19

Learned Registrar General,
Hon'ble National Green Tribunal,
Faridkot House, Copernicus Marg,
DELHI:

Subject: **Setting up of H-CNG plant by Indian Oil Corporation at Rajghat Depot 1 related to M.A. No. 163/2019.**

Sir,

The Hon'ble National Green Tribunal (Principal Branch) had issued an order in MA no. 163/2019 on 12.8.19 relating to a proposal to setup a demonstration unit of 4 TPD HCNG at DTC Rajghat Depot 1. The Hon'ble Tribunal had asked the applicant to first approach the Monitoring Committee and directed that after the report of the Committee is received, the application would be taken up for consideration on 23.8.19.

The report of the MC is attached after holding 2 meetings with all stake holders. This may kindly be placed before the Tribunal for further orders.

Encl: as above.

Yours faithfully

Shailaja Chandra,
Member,
Monitoring Committee for Yamuna

Sd/-
B.S. Sajwan,
Member,
Monitoring Committee for Yamuna

**OFFICE OF THE YAMUNA POLLUTION MONITORING COMMITTEE
APPOINTED BY HON'BLE NGT
ROOM NO. 58, INDIA INTERNATIONAL CENTRE
40, MAX MUELLER MARG, LODHI ESTATE
NEW DELHI – 110003**

No. YPMC /2019/

Date: 16/8/19

Sub: **Minutes of the meeting held with IOC on 13.8.19 regarding setting up of H-CNG plant.**

This relates to a matter in MA No. 163/2019 in which Hon'ble NGT on 12.7.19 had directed that the applicant organisation (Indian Oil Corporation Ltd) may first approach the Yamuna Monitoring Committee and the matter would be taken up by NGT on receiving the report from this Committee.

The MC held a meeting on 6.8.19 in which the background of the case was discussed. The MC had taken into account of the views of all stakeholders after listening to the overall concept explained by Indian Oil Corporation (IOC) representative. This was followed by seeking advice of the DDA which have control over the land and had given temporary allotment of land to Delhi Transport Corporation.DTC in turn had given a portion of land to IOC for conducting trials on a hydrogen based fuel for running buses. The background note regarding what exactly is proposed to be taken up is attached at **annexure A**. Hon'ble Supreme Court had directed the IOC to conduct the trial for using H-CNG fuel in buses in Delhi. Thereafter based on IOC's request the Principal Committee constituted by the NGT recommended the proposal for approval of NGT for setting up demonstration unit of 4 TPD H-CNG at DTC Depot at Raj Ghat. The DPCC has given consent to establish the demonstration plant.

The following aspects are important:

The project has already commenced construction activities for a unit which consist of 4 chambers of measuring a total of 1000 sq mtrs of land out of 7 acres available with DTC at this depot.

The project comprises of:

1. A control room which would be of pucca structure but the roof would be a tin sheet.
2. The H-CNG plant would occupy 18 meter X 7 meter space.
3. The H-CNG storage and compression would occupy a space of 40 meters X 7 meters.
4. The Dispenser would occupy a space of 3 meters X 3 meters.

The representative of IOC stated that these are temporary structures and the IOC undertakes to have them removed in 8 months after installation of the pilot plant which will be completed in November 2019. Based on the results of the trial they will decide about moving to another location to undertake the activities on a wider scale. It is also confirmed that the IOC has taken approval of the Petroleum and Safety Explosives Organisation (PESO) as required under law.

Normally MC would have declined supporting the grant of permission for any construction activity on the floodplain. However, considering that the land already stands allotted to DTC and only a portion of the land so allotted is proposed to be used for setting up the pilot plant and further considering that it is intended to test the suitability of H-CNG as fuel, the MC is of the opinion that the larger public interest warrants recommending setting up the pilot plant at the site. It is confirmed both by the IOC and the DPCC that the plant will not generate any liquid effluent and therefore there is no possibility of any pollution being caused to the river Yamuna or its floodplains.

MC, therefore, recommends that the project subject to the following conditions:

- 1. The IOC shall not construct any permanent structure at the site in question.**
- 2. All the structures created at the site shall be dismantled and the site restored to its original state after the pilot trial is over,**
- 3. No alteration of the floodplain features will be carried out while undertaking the trial,**
- 4. No liquid waste or hazardous waste shall be released on the floodplain.**

Apart from the IOC's request certain aspects emerged while MC went into background of the case and these are discussed below.

DTC

DTC had been given temporary space for establishing a Depot at Rajghat during the Commonwealth Games (2010) for maintenance and operation of low floor buses. DTC has been operating the depot which involves undertaking large scale washing of buses which leads to discharge of waste water into an open area on the floodplain. On enquiry the DTC representative informed that they are also doing repairs and maintenance of buses at the depot. The DTC did not inform the MC that they were operating without consent to operate until this was brought out by DPCC. The DTC representative also stated that they are using 20 KL of treated waste water taken from STPs for washing the buses and there was no bore-well installed there. DPCC informed that a bore-well exists which was found during the inspection MC had directed to be undertaken. DPCC also stated that hazardous substance like used engine oil and other oils/greases were being discharged and this was not brought to anyone's notice and had continued for the last 9 years. MC noted that such effluent being discharged on a regular basis is bound to go into river water. It is not environmentally safe or advisable and since such activities are integral to the Depot's functioning, DTC should find some other alternative space. This area being on the flood plain is not conducive to maintaining a healthy flood plain.

DDA

On the last date of hearing dated 6.8.19 when MC had held a preliminary meeting, DDA had been represented by 2 officers namely Ms. Savita Bhandari, Advisor (Landscape) and Ms. Poonam Diwan, AC (LS). During the meeting they had been asked to indicate details of various government or other authorities that had been given temporary allocation on the flood plain and the steps taken by the DDA for reclaiming the spaces allotted on a temporary basis keeping in mind that the Expert Committee's report had the acceptance of NGT. The DDA officers had

reported that they had undertaken a visit to the DTC depot and were aware that there was washing going on but had not initiated any action. Today (13.8.19) DDA was represented by Ms. Kamaljeet Kaur, Assistant Director (Planning). The officer did not have any knowledge about the last meeting with the result that the DDA team had brought no action plan / report and had no idea about any move to vacate the flood plain space allotted “temporarily” to DTC and other authorities. DDA should furnish such a list to the MC within a fortnight.

DPCC

The DPCC had had an inspection conducted as was directed by MC. DPCC had issued a consent to establish order dated 5.9.16 which included activities like repair, maintenance, washing and servicing the CNG low floor buses. In the conditions specified it was stated that the agency shall comply with the Effluent Emission Standards and in particular the Hazardous Waste (Management and Trans Boundary Rules) 2016. The consent to establish order also specified adherence to the Battery and Handling Rules 2001. However the DTC started working without getting consent to operate. It is surprising that DPCC did not take any action up to 2017 and only then issued a Show Cause Notice for closure under section 31A of the Air (Prevention and Control of Pollution) Act 1981 and under section 33 A of the Water (Prevention and Control of Pollution) Act 1974. However no further action was taken after issue of the show cause notices when DTC took no heed of the notice and continued to operate in violation. There are several provisions e.g. effecting the closure of any borewell, to disconnect power supply; disconnect water supply; deposit environmental damage compensation as per policy of the DPCC. It was only after the issue was raised by the MC in the meeting taken on 6.8.19 that the DPCC has issued closure order on 13.8.19 -on the date of the meeting.

In addition DPCC has issued an order dated 13.8.19 that the DTC will deposit environmental compensation to the tune of Rs. 1,11,50,000 within 10 days.

DPCC should have taken immediate action against DTC right from 2010 to 2017 for operating without consent. Even after the matter came to notice 2017 only a Show Cause Notice was issued and nothing was done till the matter came before MC in the last date of hearing. DPCC has been unable to get the fine deposited by any government agency and therefore this remains a paper order judging from the previous track record of what has happened to DPCC orders.

NGT is requested to take note of the fact that DPCC has not performed its duty as specified. Further, DTC should be directed to pay the fine amount to DPCC otherwise it should invite action against the Transport Department of GNCTD and the DTC.

On the IOC proposal MC has supported it in the opening portion of these minutes.

Shailaja Chandra,
Member,
Monitoring Committee for Yamuna

Sd/-
B.S. Sajwan,
Member,
Monitoring Committee for Yamuna

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IndianOil's H-CNG technology

IndianOil R&D had developed a patented compact reforming process which converts neat CNG to Hydrogen-CNG mixture in-situ wherein hydrogen percentage can be controlled at the desired proportion. Studies conducted at ARAI, Pune on a heavy duty TATA BS IV engine using CNG and 18% H-CNG (V/V) blends indicate substantial reduction in CO and HC emissions (meeting BS VI values) while NO_x emissions are at par for both fuels. Further it was also stated that, a fuel economy benefit of 4%-5% can also be attained. H-CNG can be used in existing CNG internal combustion engines without significant modifications in the engine design.

Hon'ble Supreme Court through amicus curie in MC Mehta Vs. Union of India & ORS. case took note of the above findings and directed MoPNG & IndianOil to conduct trial using 18% H-CNG fuel on a bus fleet in Delhi. Accordingly, Delhi State Transport Dept. allotted DTC's Rajghat Depot 1. Based on IndianOil's request the Principal Committee constituted by Hon'ble National Green Tribunal (NGT) has recommended the project. Subsequently DPCC has issued consent to establish the demo plant for producing HCNG at Rajghat Depot-1. Accordingly, IndianOil R&D in association with Indraprastha Gas Ltd (IGL) is in the process of setting up a 4 TPD demonstration unit for production of HCNG. 50 BS IV compliant CNG buses will be refueled with this H-CNG fuel to undertake trials.

This plant is only a demonstration unit for conducting the trial for a period of eight months and the allotted space of ~ 1060 m² is less than 2 % of the total depot area (~14 acres). The HCNG plant is likely to be installed by 15th Nov 2019 and trials will be completed by May 2020. Further this plant is a 'zero liquid effluent discharge' plant thus ensuring no effluent discharge to the Yamuna plain. Post trials this skid mounted plant can be removed as no permanent construction is being undertaken.

The project is of National importance aimed at improving the ambient air quality through use of HCNG fuel in CNG buses.

Annexure – C-2

OFFICE OF THE YAMUNA POLLUTION MONITORING COMMITTEE
 APPOINTED BY HON'BLE NGT
 ROOM NO. 58, INDIA INTERNATIONAL CENTRE
 40, MAX MUELLER MARG, LODHI ESTATE
 NEW DELHI – 110003

No. YPMC/2020/448

Date: 27.6.20

Learned Registrar General,
 Hon'ble National Green Tribunal,
 Faridkot House, Copernicus Marg,
 DELHI:

Subject: Determination of land use of the Millennium Depot reportedly falling on the river bed of Yamuna related to M.A. No. 177/2017.

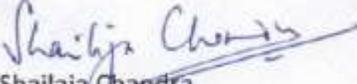
Sir,

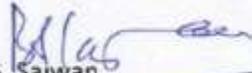
The Hon'ble National Green Tribunal (Principal Branch) had issued an order in MA no. 117/2017 on 27.7.18 relating to determination of land use of the Millennium Depot reportedly falling on the river bed of Yamuna. A copy of this order of the Hon'ble Tribunal was however, not received by the YMC, and it was only after the Delhi Transport Corporation approached the Committee on 27.6.19 that the matter was examined by the YMC.

The report of the YMC may kindly be placed before the Tribunal for further orders.

Encl: as above.

Yours faithfully


 Shailaja Chandra,
 Member,
 Monitoring Committee for Yamuna


 B.S. Sajwan,
 Member,
 Monitoring Committee for Yamuna

Address: Room No. 58, India International Centre
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Millennium Depot Case Referred by NGT vide order dated 27.07.18 in MA no. 1117 of 2017 in OA No. 447/2017.

Hon'ble NGT in MA no.1117 of 2017 (in OA No. 447/2017) - Anand Arya & others V/s GNCTD & others had vide its order dated 26.7.2018 directed that since the issues concerning the river bed of Yamunā are being dealt with by the Yamuna Monitoring Committee constituted in OA number 06/2012- Manoj Mishra V/s VOI &ors, the matter regarding determination of whether the land under the DTC millennium depot falls on the river bed of Yamuna or not, needs to be determined by that Committee.

Supreme Court's Order:

Without going into a long history of litigation it is important to recapitulate the most recent order of the Apex Court. Dated 13.7.19, the order reads as follows:

"While closing the present controversy , we consider it just and appropriate to grant liberty to the concerned authorities, including the Delhi Development Authority, to examine the viability of altering the existing Master Plan , in case it is permissible to do so (i.e., according to the final directions, passed by the National Green Tribunal). In the meantime, the area on which the DTC Millennium Depot was located, will not be put to any use. It may be put to a permissible use, if the Master Plan is eventually amended. The liberty granted herein above, should not be considered as an expression of an opinion, one way or the other. Needless to mention that the instant petition was entertained on the touchstone of environment protection, which shall be kept in mind, if and when the proposal to amend the Master Plan is considered."

NGT's Order

The DDA and DTC had filed applications before NGT which were disposed of on 27.7.18 with the following directions:

"It is undisputed that the only issue which remains open for consideration is whether DTC Millennium Bus Depot is on the river bed of the river Yamuna. Since the issue concerning of river bed's of the Yamuna have already been dealt with by the Tribunal in Manoj Mishra V/s Union of

India and others- original application no. 06 of 2012 decided on 13th January 2015 and vide order dated 26th July 2018 a Monitoring Committee has been constituted which is seized of the entire issue arising out of the orders of this Tribunal with regard to Yamuna river beds, no further order is necessary on the application. Accordingly the original application stands disposed of."

This order was brought to the notice of the YMC by the then Transport Commissioner in the month of June 2019, as the order was not received by the Committee.

Claims and Counter claims in the case of Millennium Depot.

Claims of the Petitioners on the land issue

Anand Arya & Manoj Misra, Petitioners in the case who had applied to the Hon'ble Supreme Court for the Bus Depot situated in zone "O" on the Yamuna Flood Plain not to be permitted to be located there have provided a chronology of events with supporting documentation which the YMC has perused. The entire chronology is at **Annexure A**.

Their contention is that:

- a. There was no embankment at the site in question prior to 2011, unless the over flowing fly ash rectangular box dumps are claimed as such.
- b. All the Statutory bodies (DUAC, DDA and NGT) have reported the site in question to be in the floodplains with the current use as 'river & water body' and the proposed land use was 'green'. According to the petitioners they had all called for the "restoration" of the floodplains after removal of the bus depot from the space occupied.
- c. The Executive bodies (YRDA and YSC) have not given any unconditional approval to the Dept of I&FC to construct the bund. Yamuna Standing Committee (YSC) had stated that since the site lies well within 300 m of the river edge, CE, Dept of I&FC must seek prior approval from the Hon'ble High Court, which was not done. In fact the same Yamuna Standing Committee (YSC) later in 2013 (82nd meeting) categorically rejected DTC's request for a post facto approval of the Bus Depot at the site, it being situated on the flood plain.

- d. The fact that the site in question is in the floodplains is evident based on documents (Zonal Developmental Plan of Zone O explicitly shows it in Zone O) as well as through maps which show the site being precariously close to the active river edge of Yamuna.

The most important points worth mentioning are:

14.9.1966 – Ministry of Works, Housing & Urban Development permits Delhi Electric Supply Undertaking (DESU), MCD for dumping waste ash (fly ash) in the low lying land measuring about 100.73 acres on either side of the Ring Road, south of the Railway Bridge with some conditions including the fact that DESU will have no other right, title or possession over the land whatsoever. This shows that the land belongs to L&DO and DDA.

16.11.2005 – High Court of Delhi in WP (C) No. 2112/2002 & WP (C) No. 689/2004 appoints Justice Usha Mehra Committee to “to take up in right earnestness and on day-to-day basis the task of removing encroachments upto 300 meters from both sides of River Yamuna in the first instance. No encroachment either in the form of jhuggi jhopri clusters or in any other manner by any person or organisation shall be permitted. Yamuna has to be re-developed in such a manner that it becomes the habitat for trees, forests and center for re-creation. We are making it clear that no structure whether it pertains to religious, residential or commercial or any other purpose shall be allowed to exist.

23.8.2007 – Hon’ble LG imposes a complete embargo on any new construction other than CWG village being undertaken on the river bed within the floodplains.

09.7.2008 – Letter from DTC to DDA for “Temporary allotment of land for idle parking of DTC buses during Commonwealth Games 2010”.

24.2.2009 – LG agreed for temporary allotment with the following conditions:

- a. No permanent construction to be allowed at site.
- b. Soft parking will be developed only by compressing the earth or by providing perforated paver blocks.
- c. Land will remain with DDA/Govt. and will be licensed to Govt. of Delhi/DTC for temporary stabling of buses till one week after the Games are over.

- d. Temporary infrastructure to be provided as per requirements & needs to be dismantled soon after the games are over.
- e. No servicing of the vehicles shall be permitted at this location.

1.7.2009 – Letter from OSD to the LG to Convener, to Yamuna Jiye Abhiyan stating:

“Considering the security threat perception prevailing in the region and security arrangement for the athletes during the CWG-2010, temporary parking for about 300 buses near Games Village has been permitted by the Hon’ble LG, Delhi. This parking lot is to be used during the CWG 2010 only for 2-3 weeks. It is assured that this will purely be a temporary arrangement and there is no question of any concretization of the river bed on this account. Further, there is no proposal by DTC for any other Bus Depot in the Yamuna river bed. Hon’ble LG Delhi himself is extremely sympathetic towards the Yamuna river bed and would never allow anything which would adversely affect the eco-system of the Yamuna.”

20.11.2009 – IPGCL (Indraprastha Power Generation Corporation Limited) the occupier of the said land in the river bed, handed over temporary occupation of the land to the DTC with a specific note as under:

“NOTE: The transfer of land is purely on temporary basis & vacant possession of same shall be given back to IPGCL after CWG 2010.”

5.5.2010 – Letter from OSD to LG to YJA with copies marked to VC, DDA; Secretary, Transport, GNCTD and CMD, DTC saying:

“It is to confirm that the bus parking facility opposite the I.P. Park will be a temporary arrangement for the DTC for the duration of the CWG-2010 and there is no plan for any permanent structures. The structures are supposed to be completely removed post games.”

30.11.2010– DUAC minutes of its 1269th meeting directs the DTC & DDA to dismantle the bus depot and vacate the river bed/floodplains.

28.3.2011– Shunglu Committee Report on CWG finds that *“All clearances were provided by the Lieutenant Governor for construction of a ‘temporary’ structure which was ostensibly to be dismantled after the conclusion of the Games. But this project was implemented by the Transport Department, GNCTD and DTC right from the beginning as a ‘permanent’ structure.*

It appears as if the hosting of CWG provided a pretext for 'land grab' by various Government Agencies after short circuiting the established rules and procedures".

6.5.2011 – A scientific paper titled "Anthropogenic Arsenic menace in Delhi Yamuna Flood Plains" jointly by Dubey, CS et al of Department of Geology, University of Delhi and Sakhare, P of Ministry of Environment & Forests, GOI is published in Springer. It found that "*Maximum concentration of arsenic contamination is found within a 5-km radius from power plants.*"

16.5.2011 – Anand Arya & another file WP (C) No 5481 of 2011 at High Court of Delhi against the raising of Bus Depot in the river Yamuna floodplains.

24.5.2011 – DDA in reply to DUAC admits that site is in Zone O with land use as "River & water body"

13.9.2012 – High Court of Delhi delivers judgment in W.P.(C) 3479 OF 2010 & W.P.(C) 5481 OF 2011 giving DDA six months time to change the land use if it is permissible. Otherwise bus depot would have to be relocated.

23.1.2014 – DTC files an affidavit/undertaking in the Contempt Court that the site in question shall be vacated by 31 October 2014.

13.1.2015 – NGT judgment in OA No 6 of 2012 and 300 of 2013 (Maily se Nirmal Yamuna case). NGT expert / high powered Committee reports (which form part of the Judgment) make reference to the site in question and the bus depot thereupon.

24.11.2015 – At the Contempt case in High Court Delhi it was recorded that

"Respondent No. 1/DDA has been filing periodic status reports from which it is apparent that as of today, 8.25 acres of additional land has been allotted at Sarai Kale Khan, 10 acres at Narela, 16.33 acres at Anand Vihar and 20 acres at Rohini Phase-V.

During the pendency of the present proceedings the Delhi Government decided to retain the millennium bus depot at the current site. For this purpose, an application for extension of time was filed before the Division Bench. On the ground that an application for extension had been filed before the Division Bench, this Court repeatedly adjourned the present proceedings.

On 20th October, 2015, the Division Bench dismissed DTC's application for extension of time holding that the said application was an abuse of the process of the Court. In view

thereof, this Court is of the opinion that the DTC has to forthwith comply with the order dated 13th September, 2012.

8.12.2015 – DTC files SLP 35037 of 2015 at the Supreme Court of India against the order of the Contempt Court at the High Court of Delhi.

13.1.2017 – The Supreme Court in its final order observed that *“A perusal of the aforesaid factual position reveals, that the issue whether the DTC Millennium Depot was located in the riverbed of river Yamuna, or in the flood plains thereof, is still pending consideration before the National Green Tribunal, and as and when the matter is adjudicated, it will be possible to determine, whether the existing Master Plan, can be amended/alterd”.*

18.6.2008 The then LG directed that the proposed categorizations of the land use as recreational should be replaced as green, and that no pucca construction should be permitted in this zone.

October -November 2010. The Delhi Urban Arts Commission visited the Millennium Depot and asked for all construction to be stopped and for the area to be restored. Also, to have hard top road services demolished or removed immediately. (iii) The NGT order of 2015 had accepted the reports of the Expert Committee dated 19.4.14 which had advised:-

“The controversial Millennium Bus Depot is located on the flyash dump. A new bund road is created to separate the Bus Depot from the water course of the river. There are some narrow strips of floodplain where nurseries are found. Encroachments also exist within the nurseries. The nurseries and encroachments should be relocated. The Bus Depot should be relocated on the Millennium park if no land is available and the flyash dump, after bioremediation and proper lining and capping, should be used for the development of Millennium Park.”

The petitioners have produced several maps from Survey of India and Eicher (both considered the best official and non-official authorities on Indian maps) which show no embankments. They have urged that there never were any embankments at site in question.

Case of DTC and GNCT.

The Yamuna Monitoring Committee had held meetings, visited the area where the buses were being parked and asked for the responses from DTC, DDA and the Principal

Secretary Transport to be amalgamated. A final opportunity was given to the stakeholders to provide specific answers to the question raised at **Annexure B** (letter dated 14.2.2020).

On behalf of Govt. of Delhi the Transport Department has given following arguments: -

1. An affidavit filed by DDA before NGT in 2011 had referred to a marginal bund constructed as far as 1970 and which was later strengthened in 2008, on the Millennium Depot 's right bank which showed that it had ceased to be a part of the flood plain. The request was for NGT to initiate proceedings to bring the land beyond embankment within zone "O" or change the land use. It has been stated in a meeting chaired by LG in 2012, the then LG had observed the Millennium Park had remained protected from flood by construction of a bund since 1960 as an embankment to the flyash pond to prevent mixing of flyash with river water.
2. The bund was only constructed by the I&FCD Department later.
3. IIT carried out a survey of the flood plain of the River Yamuna for 25 years and in 2016 it was stated that if the Yamuna flood plain is in its natural stage the water near the Millennium Depot will not only inundate the land occupied by the department upto Ring Road for the H-CNG, Railway park and the washing yard before reaching the Zoo.
4. The arguments made by DTC are focused on the issue of the urgent need for having possession of land to park thousands of buses which are in an advanced stage of being inducted. However from the expected dates of arrival it is clear that none of these buses are scheduled before 2021 and pinning all expectations on the impugned land is being put forward as though it is inescapable.

The DTC has brought out the schedule of arrivals for different types of buses that the present plans will require parking space for one thousand AC LF CNG Buses in the following time lines placed at **Annexure C**.

Ground Realities:

1. The YMC has visited Millennium Depot twice and seen the structures constructed thereon from where a River is clearly visible behind the trees.
2. The allotment was made strictly temporarily which has not been denied.

3. None of the facts adduced by DTC on behalf of the GNCT provide a convincing picture to accept that this land could be treated as outside the flood plain.
4. On the other hand, the petitioners have given convincing justification and documentation to show that this land is on the flood plain and all authorities had made that clear. To hive off a temporary allotment in the name of the Commonwealth Games to justify permanent allotment is only an effort to drag the subject on from one Court to the next so that the need to actually hand it over can be circumvented.
5. Bus parking will entail washing, cleaning, servicing using water and grease. There would be a requirement for various amenities for drivers, conductors and other operational staff.
6. The approach to the millennium depot is long and circuitous and if it continues to be a permanent bus depot there would be an unending fleet of buses going in and out causing unnecessary noise and air pollution. The argument that parking in other places would lead to dead mileage is specious compared to the ecologically unsound plan to park, wash, service hundreds of buses with the effluent permeating into the ground water and eventually polluting the river.

There is no convincing documentation or other kinds of evidence advanced by the DDA or the DTC to show that this is not an integral part of the flood plain and the induction of new buses and the constraints on parking is not an issue the YMC was asked to look into. It has no connection with the point at issue which is to remove structures and activities which cause pollution and discharge to permeate ground water and runoff which pollutes the river Yamuna. Aside from this broader responsibility, in this case NGT had only desired YMC to restrict itself to determining whether the land in question is on the flood plain or not. It serves no purpose if YMC were to comment on DTC and Transport Department's bus parking issues.

The argument that no other land is available is also not acceptable. DTC should have made more efforts to secure land instead of looking to the Millennium Depot as the only alternative. The pressure being mounted to support change of land use seems to rest on tenuous arguments and mere reference to meetings, minutes and affidavits are not convincing

enough to make the YMC conclude that the land is outside the "O" Zone or the floodplains or that its use as a bus depot Department to is an urgent necessity because of the impending arrival of new buses in 2021 and 2022.

Since the embankment/bund was made by the IFCD , YMC asked that IFCD department to ascertain from records as to whether there was any pre-existing bund Commonwealth games or whether the bund was constructed at the site just prior to the Commonwealth games. From the Office notes of the IFCD Department for the period 2007-08 and of 2010-11, (Annexure D) the following observations are available:

*"A proposal was made to strengthen embankment on the right bank of the river, the of the same height as that existing on the left bank near Akshardham, to protect areas on the right bank from flooding. IFCD , Govt of NCT Delhi also made a provision of Rs 208 lakhs for construction of an embankment on the right bank of the river with a top width of 8m and with 2: 1 side slopes attaining a height of **208.30 metres** at par with Akshardham bund existing on the left bank. In a length of **1000 m** a low level bund of small cross section exists along the ash pond which is proposed to be raised/widened.....whereas construction of a completely new bund over **500metre** length is envisaged."*

Extract from another undated note received from Chief Engineer, IFCD on 17.6.20 is reproduced below:

*"The embankment on the right bank of River Yamuna from Nizamuddin Railway Bridge to Nizamuddin Road Bridge is approx. a length of 1500 meter was constructed as per the study carried out by CWPRS and on the advice of CWC to Delhi Administration with top level of **208.300 M** raised from the existing level **202.50 M**. After obtaining all the clearance from various authorities work was executed with a stipulated date of start as 29.07.2010 and completed on 01.11.2011.Millennium Bus Depot existed in between this Bund and the Ring Road, which was constructed on the fly ash pond."*

From the above it is clear that even though a low level small cross-sectional embankment was created for an ash pond, its height was raised to **208.30 m** for flood

protection sometime before the Commonwealth Games in 2010. The Satellite imageries submitted by the Applicants (Manoj Mishra and Anand Arya) in support of their contention that the embankment was created during the Commonwealth Games gets support from the documents furnished by the IFCD. This increase of height from the earlier level of floodplains level of 202.50 metres to 208.30 metres on the right bank is substantial to alter the characteristics of the floodplain's configuration. The concluding sentence in the note received from IFCD on 21.6.20 states that Millennium depot which was constructed on the ash pond existed in between this bund (meaning the bund of 208.30 metres constructed before the Commonwealth games) and the ring road.

From the facts brought in and documents received from IFCD there is reason for the YMC to conclude that the embankment near Millennium Depot in its present form, shape and height has been constructed to prevent flooding on the right bank of the river consequent to an embankment of height 208.30 metres having been created on the left bank near Akshardham in 2002. Such a construction to contain flood within the embankments on the left and right banks has obviously altered the normal characteristic of the floodplain. This itself goes to confirm that the portion on the right bank called the millennium depot where a fly ash pond existed earlier was a part of the floodplains and but for the embankment having been created the floods would have continue to inundate the areas up to the Ring road on the right bank.

Given its location and taking cognizance of the facts adduced by the petitioners and looking at the space from the eyes of ordinary citizens the YMC concludes that the land is in the 'O' Zone and would fall within the floodplains of the river Yamuna and if 63 acres is pulled out for change of land use it will open the flood gates for other project based activities when all along the effort has been to have allotments made to other agencies like PWD, DMRC and the Power Department of GNCT retrieved.

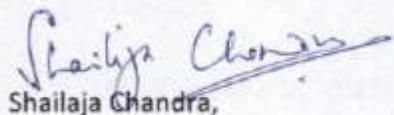
On merits therefore there is no case for change of land use. It can be converted into green to enable DDA to plan regulated entry for outdoor activities. Particularly in the post COVID19 times there will be a greater need for easily accessible open areas where cycling, walking and jogging can be enjoyed. With closed spaces and congregations of people being

discouraged, there will be greater need for open spaces, parks, gardens, an arboretum (an open area devoted to tree plantations) and even water bodies created within the area where children can participate in outdoor activities and learn about nature and for encouraging eco-friendly pastimes for different age groups.

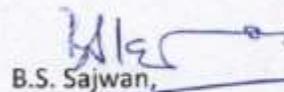
Across the world efforts have been made to stop all polluting activities and to use land adjacent to the river in ways that permit recreational use, create a green buffer and become an outlet for the public to enjoy nature. The so-called Millennium Bus Depot is on a piece of land which is ideally located to provide several avenues for pursuing outdoor recreation.

Based on strands of history and the fact that because the matter was before the Hon'ble Supreme Court and thereafter the NGT when an opportunity was given to DDA to alter the land use if the Master Plan is eventually amended is being used as a leeway to justify change of land use. The fact that the Apex court had cautioned that it should not be considered as an expression of an opinion, one way or the other has been glossed over. Moreover, the Supreme Court said it had entertained the matter on the touchstone of environment protection which was to be kept in mind if at all a change in the Master Plan is considered.

To respond to the opportunity given to YMC to express an opinion based on NGT's order, our conclusion is that it would be environmentally and ecologically unwise to interpret that the land in question does not fall in flood plain area. Documentation, and the interpretation given time and again by different competent authorities and most important a spot assessment leave no doubt in YMC's opinion that this land must not be allowed to be used to serve a purpose which is diametrically opposed to the tenets of protecting the river bed and its floodplains.



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Annexure-A**WHY WE HOLD THAT BUS DEPOT SITE IN ZONE O IS IN YAMUNA FLOODPLAIN AND DOES NOT BELONG THERE LEGALLY, MORALLY, AESTHETICALLY OR ECOLOGICALLY?****Brief Chronology of the matter:**

14.9.1966 – Ministry of Works, Housing & Urban Development permits Delhi Electric Supply Undertaking (DESU), MCD for dumping waste ash (fly ash) in the low lying land measuring about 100.73 acres on either side of the Ring Road, south of the Railway Bridge with some conditions including the fact that DESU will have no other right, title or possession over the land whatsoever.

3.9.1978 – Highest recorded flood in river Yamuna which inundated large parts of north Delhi and the highest flood level of 207.49 m at the Old Railway Bridge was achieved.

16.11.2005 – High Court of Delhi in WP (C) No. 2112/2002 & WP (C) No. 689/2004 appoints Justice Usha Mehra Committee to “to take up in right earnestness and on day-to day basis the task of removing encroachments up to 300 meters from both sides of River Yamuna in the first instance. No encroachment either in the form of jhuggi jhopri clusters or in any other manner by any person or organisation shall be permitted. Yamuna has to be re-developed in such a manner that it becomes the habitat for trees, forests and center for re-creation. We are making it clear that no structure whether it pertains to religious, residential or commercial or any other purpose shall be allowed to exist”.

23.8.2007 – Hon’ble LG imposes a complete embargo on any new construction other than CWG village being undertaken on the river bed within the floodplains.

09.7.2008 – Letter from DTC to DDA for “Temporary allotment of land for idle parking of DTC buses during Commonwealth Games 2010”.

22.8.2008 – Meeting chaired by Pr Commr (CWG), DDA discussed 3 alternative sites for temporary parking for CWG 2010. Two of the sites (II and III) fell in the river bed and one (Site I) outside of it.

24.2.2009 – Hon’ble LG agreed for temporary allotment with the following conditions:

- a) No permanent construction to be allowed at site.
- b) Soft parking will be developed only by compressing the earth or by providing perforated paver blocks.
- c) Land will remain with DDA/Govt. and will be licensed to Govt. of Delhi/DTC for temporary stabling of buses till one week after the Games are over.
- d) Temporary infrastructure to be provided as per requirements & needs to be dismantled soon after the games are over.
- e) No servicing of the vehicles shall be permitted at this location.

22 and 24th June 2009 – Mail from Yamuna Jiye Abhiyaan (YJA) Convenor to Hon’ble LG of Delhi

1.7.2009 – Letter from OSD to the LG to Convener, YJA stating:

"Considering the security threat perception prevailing in the region and security arrangement for the athletes during the CWG-2010, temporary parking for about 300 buses near Games Village has been permitted by the Hon'ble LG, Delhi. This parking lot is to be used during the CWG 2010 only for 2-3 weeks. It is assured that this will purely be a temporary arrangement and there is no question of any concretisation of the river bed on this account. Further, there is no proposal by DTC for any other Bus Depot in the Yamuna river bed. Hon'ble LG Delhi himself is extremely sympathetic towards the Yamuna river bed and would never allow anything which would adversely affect the eco-system of the Yamuna."

20.11.2009 – IPGCL (Indraprastha Power Generation Corporation Limited) the occupier of the said land in the river bed, handed over temporary occupation of the land to the DTC with a specific note as under:

"NOTE: The transfer of land is purely on temporary basis & vacant possession of same shall be given back to IPGCL after CWG 2010."

5.5.2010 – Letter from OSD to LG to YJA with copies marked to VC, DDA; Secretary, Transport, GNCTD and CMD, DTC saying:

"It is to confirm that the bus parking facility opposite the I.P. Park will be a temporary arrangement for the DTC for the duration of the CWG-2010 and there is no plan for any permanent structures. The structures are supposed to be completely removed post games."

30.11.2010 – DUAC minutes of its 1269th meeting directs the DTC & DDA to dismantle the bus depot and vacate the river bed/floodplains.

11.1.2011 – YJA letter to Sri Jairam Ramesh, Minister of Environment & Forests, GOI objecting to the construction by the GNCTD Department of Irrigation and Flood Control of an embankment in the river bed between the bus depot on fly ash dump and the river water edge.

28.3.2011 – Shunglu Committee Report on CWG finds that *"All clearances were provided by the Lieutenant Governor for construction of a 'temporary' structure which was ostensibly to be dismantled after the conclusion of the Games. But this project was implemented by the Transport Department, GNCTD and DTC right from the beginning as a 'permanent' structure. It appears as if the hosting of CWG provided a pretext for 'land grab' by various Government Agencies after short circuiting the established rules and procedures"*.

6.5.2011 – A scientific paper titled *"Anthropogenic Arsenic menace in Delhi Yamuna Flood Plains"* jointly by Dubey, CS et al of Department of Geology, University of Delhi and Sakhare, P of Ministry of Environment & Forests, GOI is published in Springer. It found that *"Maximum concentration of arsenic contamination is found within a 5-km radius from power plants."*

16.5.2011 – Anand Arya & another file WP (C) No 5481 of 2011 at High Court of Delhi against the raising of Bus Depot in the river Yamuna floodplains.

24.5.2011 – DDA in reply to DUAC admits that site is in Zone O with land use as "River & water body"

13.9.2012 – High Court of Delhi delivers judgment in W.P.(C) 3479 OF 2010 & W.P.(C) 5481 OF 2011 giving DDA six months time to change the land use if it is permissible. Otherwise bus depot would have to be relocated.

30.5.2013 – A Contempt case CONT.CAS(C) 474/2013 against DTC was filed in the High Court of Delhi

15.1.2014 – In a meeting convened by the Chief Minister of Delhi it was decided that the DTC would relocate to an alternate site within a period of 18 months. After vacation of the land it was proposed that a recreation park would be developed at the said site.

23.1.2014 – DTC files an affidavit/undertaking in the Contempt Court that the site in question shall be vacated by 31 October 2014.

13.1.2015 – NGT judgment in OA No 6 of 2012 and 300 of 2013 (Maily se Nirmal Yamuna case). NGT expert / high powered Committee reports (which form part of the Judgment) make reference to the site in question and the bus depot thereupon.

24.11.2015 – At the Contempt case in High Court Delhi it was recorded that

“Respondent No. 1/DDA has been filing periodic status reports from which it is apparent that as of today, 8.25 acres of additional land has been allotted at Sarai Kale Khan, 10 acres at Narela, 16.33 acres at Anand Vihar and 20 acres at Rohini Phase-V.

Though the DTC in its various status reports has stated that some portion of the land which has been allotted by DDA is encroached upon and the land use has not been changed, yet the records reveal that possession of substantial portion of the land allotted by the DDA has been received by the DTC and the land use has already been changed.

However, it seems that during the pendency of the present proceedings the Delhi Government decided to retain the millennium bus depot at the current site. For this purpose, an application for extension of time was filed before the Division Bench. On the ground that an application for extension had been filed before the Division Bench, this Court repeatedly adjourned the present proceedings.

On 20th October, 2015, the Division Bench dismissed DTC’s application for extension of time holding that the said application was an abuse of the process of the Court. In view thereof, this Court is of the opinion that the DTC has to forthwith comply with the order dated 13th September, 2012.

As this Court is informed that 500 out of 800 buses that were being parked at the millennium bus depot have now been shifted to other bus depots, this Court directs the DTC to vacate the millennium bus depot within a period of two months from today, that means, on or before 27th January, 2016.

8.12.2015 – DTC files SLP 35037 of 2015 at the Supreme Court of India against the order of the Contempt Court at the High Court of Delhi.

13.1.2017 – The Supreme Court in its final order observed that *“A perusal of the aforesaid factual position reveals, that the issue whether the DTC Millennium Depot was located in the riverbed of river Yamuna, or in the flood plains thereof, is still pending consideration before the National Green Tribunal,*

and as and when the matter is adjudicated, it will be possible to determine, whether the existing Master Plan, can be amended/alterd".

PONDERABLES

A) WHAT IS ZONE O AND IS THE SITE IN QUESTION IN ZONE O?

Zonal Development Plan for Zone O (River Yamuna/River front) as approved by Ministry of Urban Development, GOI vide letter No. K-12011/23/2009-DDIB dated 8th March 2010 defines Zone O as:

"River Yamuna enters from Palla (on north side) traverses a length of 48 km through National capital Territory of Delhi and leaves it at Jaitpur (south side). The Zone O covers about 9700 ha area ...

The River Yamuna/River front, Zone O is bounded as under:

North: NCTD Boundary

South: NCTD Boundary

East: Marginal Bund and NCTD Boundary

West: Marginal Bund, Ring Road and proposed NH-2 bypass along Agra Canal."

NOTE: The Zone O boundary on the West is defined by the Ring Road with respect to the site (Bus depot in Zone O) in question. **Obviously the site in question (Site II in map) falling east of Ring Road in river floodplain (Map 1) is well inside the Zone O.**



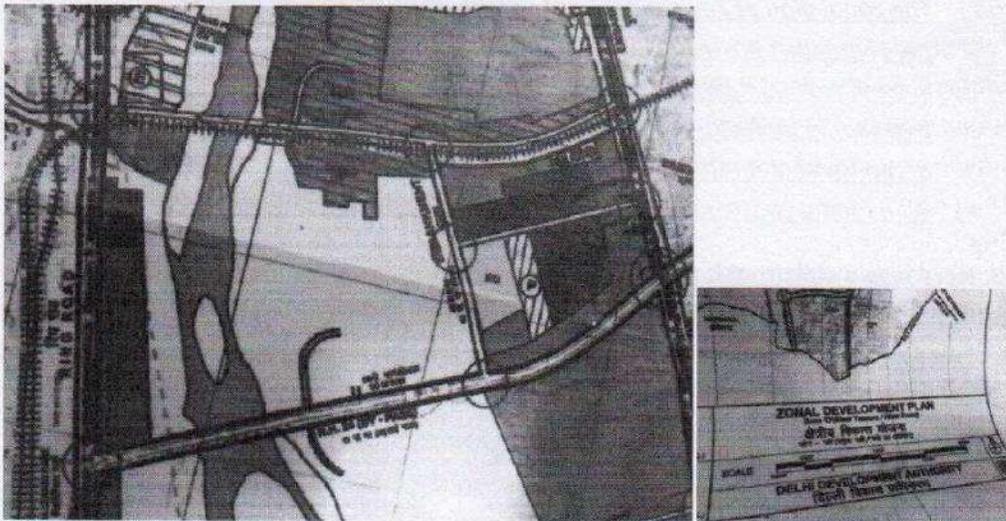
Map 1

Here it is pertinent to refer to Minutes of the Delhi Development Authority meeting dated 18.6.2008 held at Raj Niwas, New Delhi in which Item No. 34/2008 deals with finalisation of the Draft Zonal Development Plan for Zone O. F.4(10)2007/MP and the following observations of Prof. K.T. Ravindran, Chairman, DUAC and Hon'ble Lt Governor are relevant:

Prof. K.T. Ravindran: *"River Zone is a vulnerable area. PSP facilities of any kind should therefore not be permitted in the Zone."*

Hon'ble Lt Governor: *"The Lt. Governor directed that proposed categorization of land use as 'Recreational' should be replaced as 'Green' and only green stretches and bio-diversity stretches should be allowed in the 'green' use. No pucca construction should be permitted in this Zone."*

Here it may be noted that a Bus Depot is a PSP (Public Semi Public) facility WHILE the approved land use (as per the Zone O zonal plan) of the site in question is 'Green' (see Map 2).



Map 2

B) WHICH ALL REGULATORY AUTHORITIES/AGENCIES COME INTO PICTURE IF A STRUCTURE HAS TO BE CONSIDERED IN ZONE O AND WHAT HAVE THESE SAID ABOUT THE SITE IN QUESTION?

1. Delhi Urban Arts Commission (DUAC) – **Statutory Body**

DUAC is a statutory body created in 1973 by the Parliament of India to ensure a planned development of the city and its decision in accordance with para 12 of Chapter III of the DUAC Act, 1973 is binding in nature.

Secretary, DUAC vide letter No 35(2)/2010-DUAC dated 3 Dec 2010 addressed to Chairman cum Managing Director, DTC and the Vice Chairman, DDA observed as under:

"As decided at Commission's meeting held on Oct, 27, 2010 a site visit of the Yamuna bank areas was undertaken by the Commission on Nov 3, 2010. The matter was considered by the Commission at its meeting held on Nov 10, 2010 and the observations made are reproduced below for further compliance at your end:

- a) Certain drawings of the DTC depot submitted by the Executive Engineer (Bldg) PWD were taken on record
- b) The proposal has never been referred to the Commission for its approval though it is mandatory under the Section 11 of the DUAC Act and is therefore violation of the DUAC Act
- c) The zonal plan of Zone O does not permit any such facility area and the proposal violates the zonal plan provisions
- d) Since it was built as a temporary facility for the Commonwealth Games the Yamuna river bed should be restored and the existing structures and hard top road surfaces should be demolished and removed immediately
- e) All ongoing construction and use must be stopped immediately...."

NB: Here was a statutory body giving explicit directions both to the DTC and the DDA regarding the structures at the site in question. Fact remains that if both the DTC and DDA had complied (as they were bound under the law) with the directions of the DUAC, then the matter would have ended amicably there and then.

2. National Green Tribunal – Statutory Body

National Green Tribunal in its judgment dated 13.1.2015 in OA No 6 of 2012 (Maily se Nirmal Yamuna case) amongst other things observed that:

Para 94 (i)*"The Tribunal hereby accepts both the reports filed by the Expert Committees: first report dated 19th April, 2014, read with the gist of recommendations submitted by the Principal Committee on 2nd August, 2014, on the aspects of preservation, restoration and beautification of the banks of River Yamuna and the second report dated 13th October, 2014, read with its annexure, in relation to drainage system in Delhi, together with the Action Plan prepared by the DJB for revitalization of River Yamuna. Both these reports shall form integral part of this judgment. All the concerned authorities of NCT of Delhi, State of UP and State of Haryana shall implement the same without demur and default, expeditiously".*

Now the Expert Committee Report (Babu Committee) dated 19 April 2014 has made the following observations regarding the site in question:

"The controversial Millennium Bus Depot is located on the flyash dump. A new bund road is created to separate the Bus Depot from the water course of the river. There

are some narrow strips of floodplain where nurseries are found. Encroachments also exist within the nurseries. The nurseries and encroachments should be relocated. The Bus Depot should be relocated on the Millennium Park if no land is available, the flyash dump, after bioremediation and proper lining and capping, should be used for the development of Millennium Park."

(In this context it may be recalled that the DDA has already transferred (pursuant to the Contempt Case at the HC) almost 54.58 acres land to the DTC for the needful).

While the High Powered Committee report dated 2 August 2014 has made following observations regarding the site in question:

"8. All sites of flyash dumps (from power plants) in the floodplain should be removed on priority, as they are a source of Arsenic toxicity in the river, e.g., the area retrieved from Millennium bus depot in the river bed to be dredged and restored to the floodplains".

NB: Clearly it is a matter of fact the NGT had already taken a stand regarding the site in question with a clear recommendation that the bus depot site should be "restored back to the floodplains" and the Hon'ble SC had been misinformed that the matter was still pending at the NGT? It may be recalled that another Statutory Agency namely the DUAC had way back in 2010 taken the same stand.

3. Yamuna River Development Authority (YRDA) – Executive Body

A High Powered Committee called as the Yamuna River Development Authority (YRDA) was created vide Cabinet Secretariat's OM No. 731/2/1/2007-Cab-III dated 24 August 2007 by the Government of India with following composition:

- 1) Lt Governor, Delhi – Chairperson
- 2) Chief Minister, Delhi – Vice Chairperson
- 3) Secretary, M/O of Urban Development – Member
- 4) Secretary, Ministry of Environment & forests – Member
- 5) Secretary, Ministry of Water Resources – Member
- 6) Chief Secretary, GNCT of Delhi – Member
- 7) Pr. Secretary, Urban Development, GNCT of Delhi – Member
- 8) CEO, Delhi Jal Board – Member
- 9) Vice Chairman, DDA – Member

The terms of reference of the High Powered Committee were:

- a. Commission studies on different aspects of the development of the river, viz., hydrology, ecology, environmental pollution, sustainable use of the river front, etc to feed into the policy framework
- b. Develop a policy framework and prepare an integrated plan addressing issues of both quantity in terms of river flow and quality in the Yamuna river

- c. Develop an operational plan for the implementation of the river action program
- d. Effect inter sectoral coordination for planning and implementation until such time as a statutory arrangement is in place
- e. Suggest the design for the statutory framework.

Clearly, this High powered Committee had a role to play while the issue of bus depot in the floodplain was being deliberated upon or being adjudicated in the Courts.

NB: While the Hon'ble LG as the Chairperson of this Committee was intimately involved in decision making on different aspects regarding the site in question, but there is nothing on record in public domain to suggest that YRDA had discussed or taken a stand in the matter?

4. Yamuna Standing Committee – Executive Body

Yamuna Standing Committee was constituted in 1961 under the chairmanship of Member (RM) CWC [erstwhile member (flood)]. The director (FM-I) [erstwhile director (floods)], CWC provides secretariat services to YSC. Membership includes relevant departments from the Union (MoEF, MoWR, MoUD, Ministry of Railways etc) and State governments (UP, Haryana, Delhi).

YSC was constituted to study the interests of Delhi, its suburbs and the northern railway bridge and other studies on Yamuna at Delhi against undue increase in maximum flood level in Yamuna at Delhi on account of flood control works upstream and to safeguard the interest of Haryana, UP and Delhi against adverse effects of flood control works.

NB: Perusal of minutes of various meetings of YSC from 33rd (1975) till 82nd (2012) (accessed through RTI) reveals that since the YSC, being an executive body has no teeth, often authorities have either ignored; presented it with fait accompli for post facto approvals or pressurized it into arriving at decisions which lack technical merit. On the other hand the same authorities have never shied away from using its approval (on merit or not) to buttress its point at various forums including the courts?

- a) At its (YSC) 37th meet held on 26 April 1979 (first such meet after the disastrous floods in river Yamuna in Sep 1978) the members had discussed in detail the floods and then taken a decision as under:

Para 4.9 (ii) Spacing of Embankments

"After considerable discussion, it was then decided that the minimum spacing between future embankments on the banks of the river Yamuna should be 5 km and the embankment should be aligned at a minimum distance of at least 600 m from the active river edge at the time of construction of embankments."

Clearly on merit no embankment closer than 600 m from the active river edge could be permitted by the Yamuna Standing Committee.

- b) At its 74th meet held on 15 July 2008 YSC considered the request from the Department of Irrigation and Flood Control for the construction of embankment on the right bank of river Yamuna between HNZ railway bridge and the HNZ road bridge.

“YSC observed that the proposed works of the embankment are located very near to the active river edge of Yamuna which apparently violates the decision of the Hon’ble High Court’s order dated 29.3.2006 that no construction should take place within the vicinity of 300 m of either side of river Yamuna.After discussion in details the Committee requested the Chief Engineer (I&FC) NCT of Delhi to approach the Hon’ble Delhi High Court for clearance before implementation”.

NB: To our best knowledge this was presumed by the Dept of Irrigation and Flood Control as enough approval of the YSC and the necessary clearance from the Hon’ble High Court, as had been directed by the YSC was never taken. This we say, since if such an approval from the Hon’ble High Court in Delhi had been taken, this fact would have been mentioned everywhere by Govt of Delhi while facing the legal challenge on the construction of Bus depot in the flood plains. It is also strange as to why the YSC had not referred to its standing direction from its 37th meet on Spacing of Embankments, while dealing with this case which was clearly in the teeth of YSC stipulation on an embankment not being closer than 600 m from the active river edge?

- c) At its 82nd meeting held on 19.7.2013 in New Delhi, the proposal of DTC for development of a bus parking complex at IP Ash pond opposite Millennium Park was discussed, wherein the representative from DTC informed that the said bus depot was constructed temporarily before CWG 2010 with the permission of Hon’ble Lt Governor, Delhi and requested Committee to grant permission for the development of bus depot. (NB: Clear case of a request for approval of a post facto and fait accompli situation – added comment)

“Chairman, YSC wanted to know ...whether DDA has been requested to allocate alternative land for construction of depot? The representative from DTC informed thatChairman, DTC had requested DDA to allocate land for construction of depot. The representative from UP was also not agreed with the proposal as it lies in the floodplains of river Yamuna. After discussing the matter at length, it was decided that proposal cannot be considered for acceptance and it was advised to DTC that DDA may be approached for allocating alternate land out of floodplains of river Yamuna”.

NB: Here it may be recalled that the DDA pursuant to DTC undertaking given before the Contempt Court has already allocated 54.58 acres of land to DTC for the needful.

C) WAS THERE AN EMBANKMENT PRIOR TO 2011 AT THE SITE IN QUESTION?

Minutes of a meeting convened by Hon'ble Lt Governor, Delhi on 31.1.2012 report:

- 1) Meeting was convened to consider issues raised in WP 5481/2011 relating to DTC Bus parking
- 2) Hon'ble LG observed that this land has remained protected from floods by construction of a bund since 1960s i.e., since construction of IP power plant, and has therefore no longer the character of river bed/flood plains....
- 3) So called fly ash dump embankment was strengthened at the time of hosting of CWG 2010 it being one of the conditions for according environmental clearance to CWG village project.
- 4) Before taking up strengthening of the embankment, I&FC department had obtained clearance of the Yamuna Standing Committee of the Central Water Commission as well as Usha Mehra Committee

Explanation:

1. Clearly the meeting was called as an afterthought since the DDA had at the then ongoing petition at the High Court stated the correct facts about the land use of the site in question being "River and water body" and "recreational" in accordance with the Zonal Development Plan for Zone O.
2. Hon'ble LG's assertion that the site in question was protected since 1960s by the construction of a bund needs validation through supporting document / maps. As we shall show that all maps of the site in question since 1960s fails to show the presence of any such bund / embankment?
3. The construction of a new embankment close to the Bus depot on fly ash dump began only in 2011 (when YJA had through its letter dated 11 Jan 2011 to Sri Jairam Ramesh, the then Union Environment Minister contested the construction) much after the CWG 2010 event was over and it could not have been an EC clearance condition as claimed by the Chief Engineer Dept of I&FC since at the time of consideration of EC by MOEF in 2007, there was neither any bus depot nor any bund in place. What were indeed strengthened then were the two Guide bunds of the HNZ Road Bridge. So it is an absolute lie.
4. As far as the claim of clearance from the YSC is concerned it may be recalled that the Yamuna Standing Committee at its 74th meet held on 15 July 2008 had directed the Chief Engineer (I&FC) NCT of Delhi to approach the Hon'ble Delhi High Court for clearance before implementation, something which had not been done.
5. As far as obtaining clearance from the HC appointed Usha Mehra Committee (officially known as **The Yamuna – Removal of Encroachments Monitoring Committee**) by I&FC department is concerned it is to assert that the said Committee was constituted to remove structures (in pursuance of which the said Committee had actually removed from the floodplains some 11280 jhuggies & pucca structures from the river bed as per its 13th report to HC dated 13 Dec 2006) and had no power or been invested of any such authority by the

Hon'ble High Court to give any such clearances. Clearance if any could have been accorded only by the Hon'ble High Court which was never sought or taken.

As a matter of fact the Hon'ble HC had on 1.6.2006 itself clarified its previous order and stated:

"We make it clear that no structure which comes on the river bed or within 300 m of the edge of the water of river Yamuna can be regularized even if it finds mention somewhere else....."

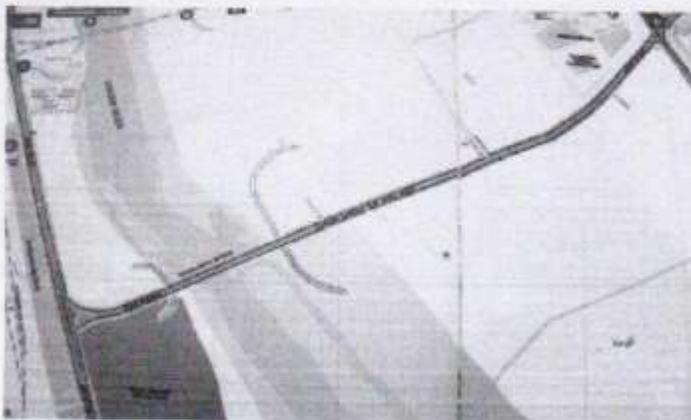
(Source: page 57 of 'The Unquiet River': An overview of Select decisions of the Courts on the River Yamuna. Published 2009)

D) WHAT DO VARIOUS MAPS TELL US ABOUT THE SITE IN QUESTION?

Since it was claimed that a embankment existed since 1960s, Series of maps dating from 1970s till 2011 including those of the DDA; Survey of India; Eicher Map of Delhi and Google earth imageries, fail to show any embankment in the area (West bank of Yamuna lying between HNZ Road bridge and the HNZ Railway Bridge).



SOI Map 1984 (Shows no Embankment in both East and West Bank since there was no Akshardham at that time)



Eicher Map 2006 (shows no Embankment on West Bank, while the Akshardham embankment can be seen on East Bank as Akshardham had come up by then)



Google earth 15.10.2006. Akshardham Embankment in East bank has been completed. All the JJ colonies up stream of the fly ash dump have been removed under the Direction of Usha Mehra Committee of Hon'ble High Court. Fly ash dump are over flowing.



Google image 10.6.2010. Construction of Bus depot on Fly ash dump underway in West Bank. There is no embankment in West Bank, which was constructed only in 2011. Construction of CWG village and International area underway in the East Bank.



Google earth image 25.3.2017. New Embankment close to the Bus depot (on fly ash dump) can be seen in West Bank. The entire fly ash top has been paved and concretized. CWG village and other facilities well in place in the East Bank.

CONCLUSION

The chronology of events, referred documents and various maps go to prove that

- a) There was no embankment at the site in question prior to 2011, unless the over flowing fly ash rectangular box dumps are claimed to be such?
- b) All the Statutory bodies (DUAC, DDA and NGT) have reported the site in question to be in the floodplains with 'river & water body' as the current use and green' as the proposed land use and called for the "restoration" of the floodplains after removal of the bus depot there from.
- c) The Executive bodies (YRDA and YSC) have not given any unconditional approval to the Dept of I&FC to construct the bund. Yamuna Standing Committee (YSC) had clearly stated that since the site lies well within 300 m of the river edge, CE, Dept of I&FC must seek prior approval from the Hon'ble High Court, which was ostensibly not done. In fact the same Yamuna Standing Committee (YSC) later in 2013 (82nd meeting) categorically rejected DTC request for a post facto approval of the Bus Depot at the site, it being in the flood plains.
- d) The fact that the site in question is in the floodplains is evident based on documents (Zonal Developmental Plan of Zone O explicitly shows it in Zone O) as well as through maps which show the site being precariously close to the active river edge of Yamuna. There is no way that this site (being so close to active river edge) would not fall within 25 year flood line as stipulated by the Hon'ble NGT.

Anand Arya & Manoj Misra, Petitioners

26.10.2019

Annexure-B

**OFFICE OF THE YAMUNA POLLUTION MONITORING COMMITTEE
APPOINTED BY HON'BLE NGT
ROOM NO. 58, INDIA INTERNATIONAL CENTRE
40, MAX MUELLER MARG, LODHI ESTATE
NEW DELHI – 110003**

No. YPMC/2020/420

Date: 14.2.2020

Subject: Determination of land use of the Millennium Depot reportedly falling on the river bed of the Yamuna- Final request to furnish relevant information.

Hon'ble NGT in MA no.1117 of 2017 (in OA No. 447/2017) -Anand Arya & others V/s GNCTD & others has vide order dated 26.7.2018 *interalia* directed that since the issues concerning the river bed of Yamuna are being dealt with by the Yamuna Monitoring Committee constituted in OA number 06/2012- Manoj Mishra V/s UOI & ors, the matter regarding determination of whether the land under the DTC millennium depot falls on the river bed of Yamuna or not needs to be determined by that Committee.

In order to understand the history of this matter as well as the geography of the land in question, the YMC had held meetings on 12.8.19, 3.9.19 and 16.9.19. These meetings were held to get an up-to- date idea of the factual position in relation to the land in question as put forward by the main stakeholders viz., DTC, Transport Department of Delhi, DDA and the petitioners in the case. Although 3 meetings were held reliance was placed on available documents which were found either unverifiable or lacked authenticity related to land use. The last meeting to review the matter was held on 21.11.19 and the minutes required the Transport Department of GNCTD and the MD, DTC who were the main authorities, presently in control the land in question to give information on the following after checking records:

1. Month wise schedule of delivery of new buses in the coming months.
2. Total capacity of all depots for parking the buses and number of buses being parked in these depots under DTC and under Transport Department (for Cluster Buses).

3. The details of Depots where 6000 buses operated by the DTC in the past were being parked.
4. Details of land allotted to DTC in lieu of Millennium Depot at various locations and present status thereof.
5. Number of buses, the Millennium Depot site can accommodate.

The information which has been now received vide communication number CGM(C)/HQ/2020/01 dated 17.1.2020 has been sent by the DTC after amalgamating information provided by Transport department. No effort appears to have been made to collect records from DDA or the Revenue Department. Some questions remain unanswered and are highlighted below with a last opportunity extended to give a duly authenticated reply within the next 7 days:

1. It has been stated that buses are expected by February/March 2020. This may be confirmed and the lead time for the actual delivery whether they are low floor buses/electric buses or ordinary buses may be spelt out segment by segment. The confirmed figure may be indicated on how many buses have been ordered and are expected to be delivered within 2020. Conjecture about the future may be avoided as such responses are being repeatedly given in the material provided to the YMC. A copy of the Government order on the award of contract for bus procurement may be given with number and date. Likewise an undertaking may be shown from the manufacturer and fabricator about the likely dates of delivery. **If vague or misleading information is selectively provided with no authentic documents the NGT would be informed of it.**
2. The protagonist in the case -Anand Arya V/s GNCTD have taken the stand that the "bundh" which is claimed to be the dividing line between the flood plain and the depot does not signify that the depot is not on the flood plains. The Google maps as well as the inspection of the area has shown according to their submissions that although the bund does exist at the depot, it is limited to that specific portion adjacent to the depot and does not extend upstream and downstream beyond that area. This has to be confirmed.

3. The DTC representatives have stated that the "bundh" was constructed in 1960 though no data has been provided to show this in terms of authentic revenue maps. The legal position supported with revenue records and Government survey maps needs to be confirmed by the stake holders viz., DDA, Department of Revenue, Department of Transport and DTC.
4. The Supreme Court of India had in its order dated 5.2.16 in court appeal No. 888/2016 directed as follows:

"Accordingly we dispose of these appeals by granting one year time to the DTC during which period the DTC shall either get the MPD 2021 amended, failing which it shall shift the Depot in question, We make it clear that no further time on any ground whatsoever shall be granted in this behalf."

The DDA has attended several meetings with the YMC when this matter was raised. At no point has any indication been given as to the status of the matter whether the NGT or Supreme Court of India has passed subsequent orders and what is proposed to be done to take this matter further and whether court orders are awaited or whether a stay has been granted.

5. The chronological history of land allotted and its subsequent handing over/transfer to another department may be provided.
6. DDA also needs to inform the YMC about the land allotted to Transport Department for setting up Depots in lieu of the Millennium Depot site regardless of encroachment issues.

A final opportunity is being given to all stake holders to provide specific answers to the above questions, failing which it will be presumed that the information is deliberately not being provided or is deliberately being withheld.

The YMC will be addressing only the issue given to it by the NGT and would not be considering issues unconnected with the land use issue.

Responses on this may be given with the approval of the Principal Secretary, Department of Transport GNCTD, Vice Chairman, DDA and the Chairman DTC. This may be recorded in the response. These responses will be taken as final and appended to the submission made by the YMC to NGT.

SD/-

Shailaja Chandra,
Member,
Monitoring Committee for Yamuna

SD/-

B.S. Sajwan,
Member,
Monitoring Committee for Yamuna

To:

1. Chairman DTC
2. VC, DDA
3. Principal Secretary (TPT.) GNCTD

Address: Room No. 58, India International Centre
40, Max Mueller Marg, New Delhi – 110003
Telephone No: 011- 24609270
Email id: rymonitoringcommittee@gmail.com

TENTATIVE TIMELINE FOR INDUCTION OF 1000 AC LF CNS
BUSES (BS VI Compliant)

Annex
Annex II
11/2/c

Annexure - C

| S. No. | Milestone | Tentative Time |
|--------|---|----------------|
| 1 | 1 st Lot of 40 Buses (including prototype) | April 2021 |
| 2 | 2 nd Lot of 160 Buses | May 2021 |
| 3 | 3 rd Lot of 160 Buses | June 2021 |
| 4 | 4 th Lot of 160 Buses | July 2021 |
| 5 | 5 th Lot of 160 Buses | Aug 2021 |
| 6 | 6 th Lot of 160 Buses | Sep 2021 |
| 7 | 7 th Lot of 160 Buses | Oct 2021 |

Answer

Answer VI

1121

TENTATIVE TIMELINE FOR ENGAGEMENT OF 300 AC LF ELECTRIC BUSES UNDER FAME-II SCHEME (OPEX MODEL)

| S. No. | Milestone | Tentative Date |
|--------|---------------------------------|----------------|
| 1 | Delivery of Prototype | Feb 2021 |
| 2 | 1 st Lot of 59 Buses | June 2021 |
| 3 | 2 nd Lot of 60 Buses | July 2021 |
| 4 | 3 rd Lot of 60 Buses | Aug 2021 |
| 5 | 4 th Lot of 60 Buses | Sep 2021 |
| 6 | 5 th Lot of 60 Buses | Oct 2021 |

Annexure – DNote for consideration for construction of bund on right bank of river Yamuna near Millennium Bus Depot

As proposed the Commonwealth games 2010 was to be held in Delhi and Games village was to be constructed on the east bank of River Yamuna near Akshardham Temple, in this connection DDA has desired Hydraulic Model Studies to examine the effect of Akshardham bund constructed by DDA in the year 2002. In the past it was observed that attenuation flood peak in Delhi area was on the account of valley storage as well as to occurrence of spills and breaches in the upper reaches. So, it was decided to conduct Hydraulic Model Studies of the river Yamuna with & without the Akshardham bund.

The Vice Chairman, DDA vide his letter No. C/(SCZ)/7/213/06/679 dated 06.03.07 made a request to Chief Secretary , Govt. of Delhi to instruct the various departments to take up the work of strengthening of various structures as per the Technical report No.4428 ,February 2007. In the report it was also stated that the river bed levels in the vicinity of Akshardham Bund vary from 202.50.m to 203.00 m and strengthening of the existing embankments and guide bunds to a minimum free board of 1.8 m could be considered and as the top level of Akshardham bund is 208.30 m it was decided that the right bank of river Yamuna between Nizamuddin Railway Bridge and Nizamuddin Road Bridge may also be raised up to 208.30 m.

The Technical report submitted by CWPRS suggested the following measures:

- I. Protection of Akshardham Bund.
- II. Protection of left upstream Guide bund of Nizamuddin Road Bridge.
- III. Protection of left upstream Guide bund of Nizamuddin Railway Bridge.
- IV. Strengthening of right bank of River Yamuna Nizamuddin Railway Bridge and Nizamuddin Road Bridge

Moreover CWC had also advised Delhi Administration, that Delhi being the capital of country should be properly protected from ravages of floods, it was also advised that the Delhi should have a safety considering 9910cum/s discharge and checks for overtopping of

embankments in case of 12750 cum/s discharge; as the due to urbanization of area along embankments and jacketing of the river by neighboring states in upstream reaches threat of flood cannot be ruled out.

A meeting was held on 11.04.2007 by Pr. Secretary (PWD) regarding Commonwealth Games Village and strengthening of Guide bunds etc. it was decided that the work for Strengthening of right bank Nizamuddin Railway Bridge and Nizamuddin Road Bridge will be taken up by Irrigation & Flood Control department.

The embankment on the right bank of River Yamuna from Nizamuddin Railway Bridge to Nizamuddin Road Bridge in a approx. length of 1500 meter was constructed as per the study carried out by CWPRS and on the advice of CWC to Delhi Administration with top level of 208.300 M raised from the existing level 202.50 M. After obtaining all the clearance from various authorities work was executed with a stipulated date of start as 29.07.2010 and completed on 01.11.2011.

Millennium Bus Depot is existed in between this Bund and the Ring Road, which was constructed on the fly ash pond.

GOVERNMENT OF DELHI
IRRIGATION AND FLOOD CONTROL DEPARTMENT

State:- Delhi Division:- CD-III Sub-Division:- I

Name of scheme : Construction of embankment on right bank of River Yamuna in between Nizamuddin Railway Bridge and Nizamuddin road bridge.

Major Head : 4711-Plan

Minor Head :

Detailed Head :

Estimated Cost : Rs.9.25 Crore.

Scheme framed by : Executive Engineer, Civil Division-III.

REPORT

In the wake of ensuing Common Wealth Games to be held in the year 2010, Delhi Development Authority requested Central Water and Power Research Station, Pune to conduct hydraulic model studies for Akshardham Bund constructed by the Authority in the year 2002. Accordingly, CWPRS, Pune conducted the studies for different discharges 7022 cumecs, 9910 cumecs and 12750m cumecs in river Yamuna with and without Akshardham Bund in position.

While carrying out the model studies, an afflux of 10cm was observed for a discharge of 12750cumecs. Accordingly, the CWPRS, Pune vide their technical report No.4428, February, 2007 have suggested the following works:-

- 1- Protection of Akshardham Bund.
- 2- Protection of left side upstream Guide Bund of Nizamuddin road bridge.
- 3- Protection of left side down stream Guide Bund of Nizamuddin Railway Bridge, and
- 4- Strengthening of right bank of river Yamuna between Nizamuddin Railway Bridge and Road Bridge.

DDA has to provide a required strip of land of 40m width and 1500m length for construction of this embankment.

A provision of 608 lakh has been made under this head for the protection works on the river side slope and bed by putting 1m x 1m x 0.85m size stone-filled wire crates layer, on slope and bed of 15cm thick layer of coarse sand filter as per recommendation made in the report. A provision of 6.00m wide and 30cm. thick layer of brick bats and building rubbish, compacted with road roller, has been made to make the top of bund durable for plying of vehicles for inspections and maintenance purpose. Required material is available within 1 km lead which is lying at site as a result of demolition of unauthorized constructions by DDA in past.

A lump sum provision of Rs.100 lakh for construction of two numbers bridge-cum-regulator at Drain No.14 and Drain No.15 has been made.

A provision of 208 lakh has been made under this head for construction of earthen embankment on right bank of River Yamuna having a top width of 8.00m with 2:1 side slopes attaining the top level of 208.30m at par with Akshardham Bund existing on left bank. In a length of about 1000m a low level, small section bund exists along the ash pond, which is proposed to be raised/widened whereas construction of a completely new embankment in a length of about 500m, by mechanical cartage of good earth from a lead of 25 km is envisaged. City side slope of bund is proposed to be protected by doob grass turfing. A provision of shifting of 160m length of outfall portion of drain No.15 is

Since the top level of the Akshardham Bund is 208.30 m with a free board of 2.2 m for the discharge of 12750m cumecs, it has been suggested in the report that the right bank of river Yamuna between Nizamuddin Railway Bridge and Road Bridge may also be raised up to a level 208.30 m.

The Vice Chairman, DDA vide his letter No. C/RS/2/7/212/07/679 dated 06.01.07, made a request to the Chief Secretary, Govt. of Delhi to instruct the various departments to take up the works of strengthening of various structures as per the aforesaid recommendations of CWPRS, Pune.

In this connection, a meeting was also held on 13.1.07 in the office of the Chief Secretary, Govt. of Delhi to discuss the matter related to strengthening of various structures as suggested in the above referred CWPRS, Pune report and it was decided that I&FC Department will take up the work of "Strengthening of right bank of river Yamuna between Nizamuddin Rail Bridge and Nizamuddin Road Bridge".

Subsequently, a meeting on the subject, with reference to Common Wealth Games to be held in 2010, was also held in the Chamber of Principal Secretary (PWD) on 11.04.07 (minutes appended in the scheme) wherein a time frame has been laid for various activities required for completion of the scheme right from preparation and submission of the estimates by 15th May, 2007 to completion of the scheme by 30.9.2009.

Accordingly, a scheme amounting to Rs.9.25 Crore has been prepared by I&FC Department for "Raising and strengthening of right embankment of river Yamuna from Nizamuddin Railway Bridge to Nizamuddin Road Bridge".

Scope of work:- Out of a total length of 1500m of the embankment, raising and widening of existing small section bund is proposed to be done in a length of 1000m and a new bund is proposed to be constructed in another length of 500m. The protection work, by laying stone crates having size of 1m x 1m x 0.85m in the bed and on river side slope of the bund, including other allied works have been proposed in the scheme. Sub-head wise provisions are detailed as below:-

A-Preliminary:-

A lump sum provision of Rs.9.16 lakh has been made under this sub-head for surveying, drawing and detailed design etc.

Since the top level of the Akshardham Bund is 208.30 m with a free board of 2.2 m for the discharge of 12750m cumecs, it has been suggested in the report that the right bank of river Yamuna between Nizamuddin Railway Bridge and Road Bridge may also be raised up to a level 208.30 m.

The Vice Chairman, IDRA vide his letter No. C/154/287/21329/07 dated 06.03.07 made a request to the Chief Secretary, Govt. of Delhi to instruct the various departments to take up the works of strengthening of various structures as per the aforesaid recommendations of CWPRS, Pune.

In this connection, a meeting was also held on 17.3.07 in the office of the Chief Secretary, Govt. of Delhi to discuss the matter related to strengthening of various structures as suggested in the above referred CWPRS, Pune report and it was decided that I&FC Department will take up the work of "Strengthening of right bank of river Yamuna between Nizamuddin Rail Bridge and Nizamuddin Road Bridge".

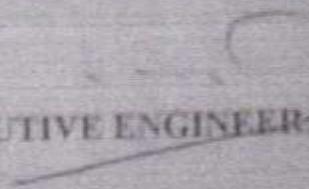
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Scope of work:- Out of a total length of 1500m of the embankment, raising and widening of existing small section bund is proposed to be done in a length of 1000m and a new bund is proposed to be constructed in another length of 500m. The protection work, by laying stone crates having size of 1m x 1m x 0.85m in the bed and on river side slope of the bund, including other allied works have been proposed in the scheme. Sub-head wise provisions are detailed as below:-

A-Preliminary:-

A lump sum provision of Rs.9.16 lakh has been made under this sub-head for surveying, drawing and detailed design etc.

| | |
|--|--|
| ates:- | The scheme has been prepared on the basis of DSR 2002 adding 42% enhancement, 5% contingencies and 1% labour welfare cess. |
| Method:- | By contract after call of tenders. |
| Funds:- | |
| Specifications:- | Latest CPWD specifications with upto date correction slips issued. |
| Time allowed:- | 18 months (after the receipt of A/A & E/S) |
|  ASSISTANT ENGINEER:I |  EXECUTIVE ENGINEER:CBIII |

Annexure – C-3

**OFFICE OF THE YAMUNA POLLUTION MONITORING COMMITTEE
APPOINTED BY HON'BLE NGT
ROOM NO. 58, INDIA INTERNATIONAL CENTRE
40, MAX MUELLER MARG, LODHI ESTATE
NEW DELHI – 110003**

No. YPMC /2019/282.

Date: 5/8/19

Subject: Stopping blood from slaughtered animals flowing into the River Yamuna

This case relates to grievances regarding pollution in the river Yamuna as a result of blood from slaughtered animals flowing into the river. The NGT in its order dated September 2015 had directed the DPCC and the Government of Delhi to ensure that no blood of slaughtered animals is allowed to flow directly into the river Yamuna. Thereafter the matter was agitated by the applicant before the NGT in 2017 when the order was reiterated. In 2018 the NGT had passed an order that the allegation may require ascertaining and determination of the facts and by enforcement of the orders already passed. The applicant was also given liberty by the same NGT order to approach this Committee for seeking compliance of the order passed by the Tribunal. The Applicant Association was represented by the following:

1. Sh. Mukesh Jain
2. Sh. Swami Om ji

The Monitoring Committee gave a hearing to the representatives of the association. They repeatedly stated that the blood from slaughtered animals was flowing into the river Yamuna which was holy river in which they bathed as a part of religious beliefs and the practice of allowing blood to flow must be stopped. When asked whether they had any particular area or locality or river stretch in mind to enable enforcement action to be focused they said it is happening throughout different localities i.e. Jafarabad, Seelampur, Khajoori, Jheel Khujeji etc. These are vast areas with congested population groups. The Applicants asked the MC to pass a blanket order on the lines issued by the CM of Uttar Pradesh. The applicants wanted action to be taken before a religious festival which was coming up shortly. The MC told the applicants that the MC cannot pass any general order over and above the NGT's order which stands.

Besides the law of the land provides specific provisions which have to be enforced by the concerned authorities-in this case the DPCC and the DMCs.

In compliance of the NGT's order dated 20.12.17, the DPCC should take action under the Water (Prevention and Control of Pollution) Act 1974 for any acts of pollution caused in the river Yamuna.

Similarly, the Municipal Corporations under the DMC Act have powers to regulate the private markets and slaughter houses within their jurisdiction.

Under the DMC act 1957 Chapter XX, section 407; dealing with private markets and slaughter houses, the following is recorded:

"407. Private markets and slaughter houses

1. *No place other than a municipal market shall be used as a market such place has been licensed as a market by the Commissioner.*
2. *No place other than a municipal slaughter house shall be used slaughter house:
Provided that nothing in this sub-section shall be deemed-*
 - a) *to restrict the slaughter of any animal in any place on the occasion of any religious festival or ceremony, subject to such conditions (non-compliance with which shall be punishable under this Ac: the Commissioner may, by public or special notice, impose in behalf, or*
 - b) *to prevent the Commissioner, with the sanction of the corporation, from setting apart places for the slaughter of animal in accordance with religious custom."*

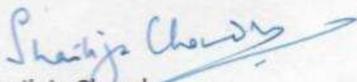
It is incumbent on the Municipal Commissioner of the concerned area to restrict the slaughtering of animals on the occasion of religious festival or ceremony to any place which would be notified by public or special notices specifying such places for the slaughter of the animals in accordance with the religious customs. This has to be read with NGT order of 2015 and 2017 making it incumbent on the Municipal Commissioner concerned to issue orders and to see that they are got implemented by building adequate public awareness and ensuring that

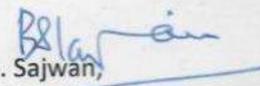
there is no disturbance to public peace as it would appear that such action has not been taken until now.

Subsequent to the meeting the MC alerted the three DMCs about NGT's directions and the statutory responsibility already contained in the DMC Act. The North DMC has issued orders and these are appended. The East DMC and South DMC did not respond and are directed to take action on similar lines as done by Commissioner of North DMC. APPENDIX 1 and 2.

The Ojasvi's representatives threatened the MC that they will now hold press conference and agitate by doing gherao and demonstration before the Police headquarter and Ministry of Home Affairs.

Further necessary action may be taken in accordance with the NGT order and the provisions of the DMC Act and in any case blood from animals must not be allowed to flow into the river.


Shailaja Chandra,
Member,
Monitoring Committee for Yamuna


B.S. Sajwan,
Member,
Monitoring Committee for Yamuna

To:

1. Commissioners, South DMC, North DMC & East DMC.
2. Chairman, DPCC.
3. Swami Omji, Ojasvi Party, C-36, Chairman Market, Gali No. 1, Khajuri Khas Colony, Delhi-110094.

Address: Room No. 58, India International Centre
40, Max Mueller Marg, New Delhi - 110003
Telephone No: 011- 24619270
Email id: rymonitoringcommitte@gmail.com

Appendix 1



VETERINARY DEPARTMENT
 17th Floor Dr. S. P. Mukherjee Civic Centre,
 Jawaharlal Nehru Marg, New Delhi-110002.
 E-Mail: dvs-north@mcdd.gov.in
 Ph.: 011-23226724,35

No. ____/DVS/North DMC/2019

Dated: 2nd August, 2019

In a reply on behalf of respondent North MCD in compliance of the order of the National Green Tribunal, New Delhi in the matter of **OJASVI PARTY V/S GNCTD & ORS, ORIGINAL APPL. NO. 434/15** issued w.r.t. an application filed by the Ojasvi Party for seeking directions from the Hon'ble Tribunal to stop the pollution of River Yamuna by preventing the outflow of blood of illegally slaughtered animals in the drains and from the sacrifice of animals on the religious occasion, going to the drains, falling into the River from the illegal slaughtering and sacrifice of animals on the religious occasion, the department submitted that: A public notice as texted below has been posted on MCD website -www.mcdonline.gov.in for information of all concerned:

- (i) That the Ghazipur Abattoir under EDMC remains open and functional on the occasion of EID. The persons intending to offer sacrifice of the Sheep, Goats & Buffaloes during the religious occasion should utilize the facilities provided in the Ghazipur Abattoir.
- (ii) It shall be mandatory for the persons preferring to sacrifice Sheep, Goats & Buffaloes in their premises to ensure hygienic disposal of the biological/organic waste of the sacrificed animals in an environment friendly manner. Non-compliance of this condition would attract the penalty as decided by the NGT for polluting the environment and River Yamuna.

All concerned are hereby informed to exercise necessary precaution for abatement of pollution in the River Yamuna.

Director (VS) NORTH DMC

Copy to: -

1. The **General Secretary**, Delhi Meat Merchant Association (Regd. 1971), 7642, IInd Floor, Jamiatul Qureshi Trust Building (WAKF), Quresh Nagar, Sadar Bazar, Delhi - 110 006 - (Please advise people to control pollution).
2. The **General Secretary**, Buffalo Traders Association, Rham Mia School, Sher Ka Pinjara, Quresh Nagar, Sadar Bazar, Delhi - 110 006 - (Please advise people to control pollution)

Copy for information to: -

1. Director (VS) EDMC

Appendix 2.

^N
उत्तरी दिल्ली नगर निगम

Sub: Preventing outflow of blood of slaughtered animals into the River Yamuna.

In compliance of the order of the National Green Tribunal, New Delhi passed in O.A. NO. 434/15 titled OJASVI PARTY V/S GNCTD & ORS filed by the Ojasvi Party for seeking directions from the Hon'ble Tribunal to stop the pollution in the River Yamuna by preventing the outflow of the blood of illegally slaughtered animals in the drains and from the sacrifice of animals on the religious occasion, it is apprised that a public notice as texted below has been posted on MCD website - www.mcdonline.gov.in for information of all concerned:

- (i) That the Ghazipur Abattoir under EDMC remains open and functional on the occasion of EID. The persons intending to offer sacrifice of the Sheep, Goats & Buffaloes during the religious occasion should utilize the facilities provided in the Ghazipur Abattoir.
- (ii) It shall be mandatory for the persons preferring to sacrifice Sheep, Goats & Buffaloes in their premises to ensure hygienic disposal of the biological/organic waste of the sacrificed animals in an environment friendly manner. Non-compliance of this condition would attract the penalty as decided by the NGT for polluting the environment and River Yamuna.

All concerned are hereby informed to exercise necessary precaution for abatement of pollution in the River Yamuna.

The petitioner approached to Yamuna Pollution Monitoring Committee appointed by the Hon'ble NGT to focus enforcement action, specifically in Jafrabad, Seelampur, Khajuri Jheel Khureji etc. All these areas are in the jurisdiction of EDMC and necessary steps are being taken by them. For the awareness of public North DMC has posted information on website to all concerned.

For kind information please.

Jhmar.
02.08.19
(Dr. Y. Kumar)
Dy. Director (VS) GDP

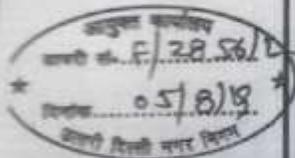
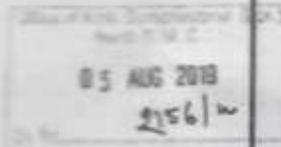
~~Addl. Commissioner (Vet.)~~

Commissioner
5/8

5/8/19



N.D.M.C.



Annexure – C-4

**OFFICE OF THE YAMUNA POLLUTION MONITORING COMMITTEE
APPOINTED BY HON'BLE NGT
ROOM NO. 58, INDIA INTERNATIONAL CENTRE
40, MAX MUELLER MARG, LODHI ESTATE
NEW DELHI – 110003**

No. YPMC /2019/ 281

Date: 01/8/19

Subject: Minutes of the Meeting held on 31.7.19 regarding flowing of untreated sewage water in Barapulla Nalla.

The MC took up the problem of sewage, debris, and other pollutants in the Barapulla Drain appurtenant to the Nizamuddin colony with the representatives of the SDMC and thereafter DJB.

South DMC

On behalf of SDMC Sh. Deepak Khosla, Ex. Engineer began asking representatives of the RWA which area was under dispute as according to him the drain was clean and desilted. The Monitoring Committee noted that it was unfortunate that SDMC had come unprepared and despite being a party to the case before NGT they are not bothered to look into the complaints or to contact RWA to find out specific locations. The photographs produced by the RWA showed shocking state of affairs. Since it was not possible to have any fruitful discussion in the absence getting up to date report from SDMC on what had to be done in the short and medium term to deal with it. The Monitoring Committee asked Deputy Commissioner, SDMC Sh. Aman Gupta to arrange an inspection at the earliest. It was decided that the inspection would take place on 1.8.19 and the RWA would assist the SDMC. A report in this regard may be sent to the MC on what action is proposed to be taken duly signed by the representatives of the RWA by 7.8.19. A fresh date of hearing will be notified subsequently. In terms of Chief Secretary's order dated 9.1.19 the concerned EEs of the drain -owing agency and any other agency concern would be held responsible if debris and sewage were found in storm water drain and had not been

attended to. The concerned EE of the area may be got identified through Nodal Officer appointed through Chief Secretary's order dated 9.1.19 and his name would be conveyed to the concerned authorities.

Delhi Jal Board.

The DJB was asked by the MC as to why there should be sewage in the drain. The officer stated that the sewage came from sewerred areas and the sewage system needed rehabilitation or from unauthorized colonies for which no sewage system has been established. The Monitoring Committee brought to the notice of the DJB representative Sh. V.P. Sharma Chief Engineer that assurances had been given by the DJB in 2015 before the NGT which inter alia has undertaken the following.

Short Term: Sewage flowing into Barapula drain will be trapped into existing trunk sewers passing through drains and diverted to Okhla Sewage Treatment.

The following action has been and is being taken by Delhi Jal Board:

Presently, sewage coming from unsewered areas and overflow from the defective sewer shall be trapped into existing trunk/peripheral sewer at Vayusenabad/ Dakshinpuri 20 Block, Saket PVR, Opp. Central School near DDA Park, GK-I, B Block GK-I JE Store, Opp. Savitri Cinema, Sheikh Sarai Authority, BRT, MCD School Nizamuddin Basti, Alvi Chowk Nizamuddin Basti, Nizamuddin West, Ring Road Kilokri, Village Pillangi, Gautam Nagar culvert, Sector-02 R.K. Puram Near School, C-Block Vasant Vihar, VHP Office, Sec.-6, R.K. Puram, Near Krishi Vihar, near Pantnagar, and near Nizamuddin.

After completion of above work around 25 MGD sewage shall be diverted to existing Okhla STP which will accommodate the above sewage for treatment.

NDMC is also diverting flow from Kushak SW Drain to DJB sewer due to which around 5 to 6 MGD sewage shall be diverted.

The above work will be completed by December 2014 in a phased manner.

Medium Term: Defective Sewer at following locations shall be rectified in a phased manner within one year. Hence, substantial quantity of sewage shall be diverted to regular sewerage system for treatment at STPs.

| S. No. | Location of Sewer | Likely date of completion |
|---------------|--|----------------------------------|
| 1. | Central Park DDA GK-I | 30.04.2015 |
| 2. | Chirag Delhi/ Sheikh Sarai | 31.03.2015 |
| 3. | AIIMS | 31.06.2015 |
| 4. | Culvert Near Qutub Hotel | 31.03.2015 |
| 5. | Krishna Nagar | 31.03.2015 |
| 6. | Humayun Pur | 31.03.2015 |
| 7. | Arjun Nagar | 31.03.2015 |
| 8. | Harkishan Public School, Poorvi Marg, VasantVihar | 31.03.2015 |
| 9. | Sector-9 R.K. Puram Opp. Sangam Cinema | 31.06.2015 |
| 10. | B-Block Nanak Pura, Shanti Niketan | 31.03.2015 |
| 11. | Repair/ rehabilitation of Madangir Peripheral sewer line up to Andrews Ganj. | 31-08-2015 |

Long Term: In many of the unsewered colonies, the work of laying of sewerage system is in progress. However, in remaining colonies, the consultant M/S AECOM has already conducted survey of the above unsewered areas for preparing schemes of laying of sewer lines. After award of work. This exercise of laying of sewerage system will take around 3 years after award of work.

| S. No. | List of Group of colonies (GoC) | Total nos. Of colonies. | Likely date of completion |
|---------------|--|--------------------------------|----------------------------------|
| 1. | Saidulajab, Maidangarhi | 31 | 26.09.2015 |

| | | | |
|-----|---|-----|------------|
| 2. | Mehrauli Group of Colonies | 2 | 22.09.2015 |
| 3. | Jahanpanah Mohalla Khirki Extn. & Panchsheel | 3 | 31.03.2016 |
| 4. | Malviyanagar GoC | 3 | 30-06-2016 |
| 5. | Part of Rajpur Khurd | 3 | By 2020 |
| 6. | Sangam Vihar Phase-I&II | 63 | By 2020 |
| 7. | Part of Pul Pehaladpur | 6 | 30-06-2016 |
| 8. | Part of Batla House Phase-I | 18 | 30-06-2016 |
| 9. | Part of Batla House Phase-II | 9 | 30-06-2016 |
| 10. | Tughlaka Bad | 9 | 31-12-2017 |
| | Total | 136 | |

After completion of all the above works, sewage will flow into sewer lines only provided no more unplanned habitation will come up in future, citizens come forward to take sewer connections and proper solid waste management is done by the respective authorities.

No officer was forth- coming on what had been done in the period 2015-19 except to say that rehabilitation work had been awarded and the work shall commence after rainy season in 2019 and would take atleast one year to complete. The MC directed the chronology of officers from 2015-2019 may be made available as to know hat action has been taken to rehabilitate sewage system and other undertakings given to the NGT in regard to this matter. The names of CE/EE who dealt with this case in regard to maintenance work for the last 4 years may also be provided because it is clearly a dereliction of duty.

On the question of unauthorized colonies, and in the absence of sewage network, it was stated that sewage network had been laid for some colonies and household connection had been taken by some dwelling units. When asked the number colonies within larger complexes and the number having sewage network and the number having household connection, no reply was available and the Chief Engineer, DJB said that a survey had begun. It is apparent that DJB lacks at the primary function of making provision for collection of sewage whether in centralized way through a network and through decentralized way through Septage management. For the time

being, the Monitoring Committee directed them everything possible must be done to prevent sewage going into storm water drain. If necessary collection services have to be provided to see that the sewage is collected and sent to sewage pumping stations and not allowed to go directly into the drains particularly as it is affecting the quality of life and health of residents in organized colonies who are entitled to civic services. The short term and medium term plans would be made available by the next date of hearing and steps to contain the discharge to sewage taken immediately within the framework of Septage Regulation 2018 issued by DJB.

On behalf of the RWA the counselor Ms. Anupradha Singh stated that there was also Industrial effluent from trade related activities in the unauthorised colonies. The representative of DPCC Dr. Nandita Moitra stated that they had been checking Barapulla drain and had not come across any drains of industrial effluent. The RWA was asked to give some evidence/data and contact Dr. Nandita Moitra in case there is something concrete to report.

Shailaja Chandra,
Member,
Monitoring Committee for Yamuna
Yamuna

B.S. Sajwan,
Member,
Monitoring Committee for

To:

1. CEO, DJB
2. Secy, IFCD
3. Chairperson, NDMC
4. Secy, PWD,
5. Commissioner, SDMC.
6. Chairman, DPCC.
7. RWA.

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Annexure – C-5

**OFFICE OF THE YAMUNA POLLUTION MONITORING COMMITTEE
APPOINTED BY HON'BLE NGT
ROOM NO.58, INDIA INTERNATIONAL CENTRE
40, MAX MUELLER MARG, LODHI ESTATE
NEW DELHI-110003**

o. YPMC/2019/321

Dated: 7/10/19

Subject: Minutes of the meeting held by the Two Member Yamuna Monitoring Committee on 25.09.2019 at 2.30 PM, followed by inspection of the area on 27.09.2019 regarding grievances of RWAs of Greater Kailash -1, Defence Colony and Nizamuddin (West) relating to pollution in Kushak and Barapulla drains.

The list of the officers and RWA representatives that attended the meeting and inspections is enclosed as **Annexure-I**.

Background of the Court Orders: A meeting of the Monitoring Committee appointed by the Hon'ble NGT was held on 25.09.2019, to look into the grievances of the RWAs of Greater Kailash-I, (GK-I) Defence Colony & Nizamuddin (West) relating to health hazards they faced due to emission of toxic gases and foul odor emanating from the open portion of the storm water drain carrying sewage and huge quantities of solid waste. These were impeding the flow of storm water and polluting the drains. While the matter pertaining to RWA GK-I(North) was referred to the MC by the Delhi High Court vide order dated 24.4.19 in WP (C) 4246/2019, CM No. 18982/2019, the matter pertaining to Defence Colony and Nizamuddin West drains was referred to the MC vide Hon'ble Supreme court's orders dated 18.2.19 and 25.3.19 respectively.

In compliance of the Court orders, the matter relating to the RWA of GK was taken up by the MC on 5.8.19 and 25.9.19, the matter relating to Defence colony was taken up on 11.4.19 and 1.7.19 and that relating to Nizamuddin West RWA on 31.7.19 and 25.9.19. In the meeting on 25.9.19 MC took up the progress made on agreed action points keeping in mind the grievances of the RWAs. Since all the matters were connected with the Barapulla drain and its tributary drains a site inspection for all segments was undertaken on 27.9.19.

The Barapulla Drain and its Tributaries: A large number of storm water drains originate from the ridge to finally drain into the river Yamuna. Barapulla drain, which derives its name from a 12 arch bridge of the Mughal period. This drain outfalls into the river Yamuna across the Ring Road near Sarai Kale Khan Village. The drain carries a mixture of storm water and sewage emanating from the following smaller drains:

- a) Satpula (7 arched bridge) drain originating from the South Ridge.
- b) Kushak drain (including Mehrauli Drain) originating from the Central Ridge.
- c) Drains near AllMS and INA market and Lajpat Nagar.
- d) Sunehri Nala from Lodi garden area.

This drainage system is entirely located within the NCT of Delhi and carries no discharge originating from outside of the city. In other words, unlike many other drains which are connected to drains from the townships of Haryana and UP, the discharge here is a Delhi problem from start to finish.

Sewage from NDMC area enters this drainage system through Sunehri Nala drain at Nizamuddin West. Sewage coming from unsewered areas especially from unauthorized colonies and even from planned and sewerred areas where sewer lines have become defective due to ageing is carried by the drain. Delhi Jal Board had submitted its action plan to NGT for trapping sewage flowing into Barapulla and its tributaries in 2014 according to which most of the work was to be completed by 2017. However very little appears to have been done on the ground with no improvement in terms of containment of pollution. Specific directions were issued to the SDMC in March and July 2019 to take stock of the pollution emerging from the NDMC drain in the current situation prevailing there. The Monitoring Committee inspected the Kushak and Barapulla drains on 27.9.19 along with the concerned officers of Delhi Jal Board, South DMC, DPCC and representatives of RWAs.

The following RWAs explained their grievances and accordingly MC issued appropriate directions:

1. **Greater Kailash-1 RWA:** Mr Daleep Jolly, representative of G.K.-1 RWA submitted several documents containing appeals filed in the Hon'ble High Court, various directions

of the court from time to time, from the year 2004 together with a Mercy Appeal before the Monitoring Committee on 16.07.2019. He explained how the drain passing on the rear side of their houses (from House No. 3-149 to B-219) abutting the drain was carrying sewage due to which noxious gases i.e. Methane, Hydrogen Sulphide and Carbon Monoxides were being emitted causing health hazards to the residents living in those houses. He also showed the test results of the waste water flowing in the drains and the impact of the same on air quality (Reports annexed). On the directions of the Hon'ble High Court, in a hearing held on 4.3.2006 Mr. B.M. Dhau, the then Chief Engineer (Drainage) DJB had filed an affidavit undertaking to execute certain works for reducing sewage in the drains in a time bound manner. But, nothing appeared to have been done by DJB.

The Hon'ble High Court passed a contempt order on 25.11.2008 which states:

"The attitude of the officials of DJB to be callous and negligent and holding them guilty of contempt of court while awarding the suspended sentence of two weeks civil imprisonment and fine of Rs. 20,000/- each. It was stated that if the entire flow of sewage into storm water drain is not stopped within three months, the respondents were to undergo civil imprisonment". However, subsequently in an appeal against the contempt order the respondents were discharged and CCP was closed.

Hon'ble High Court in the present case W.P.4246/2019 vide order dated 24.04.2019 has referred this matter to the Monitoring Committee appointed by the NGT for passing appropriate orders to the concerned departments.

The representative of the RWA submitted before the MC that as per the directions of the Hon'ble NGT in a matter of Manoj Mishra Vs UOI, the construction and covering of this drain was stopped by the South MCD as the drain was covered up to less than 85%, whereas as per the RWA calculations the work left in this drain is far less than 15%. He argued that with three sides of the box drain completed over the entire length, only the cover on the remaining length needs to be provided which amounts to only 2-1/2% of the total concretization work. He further argued that the South MCD did not present the case properly before the NGT.

RWA therefore requested the Monitoring Committee to give a direction to South DMC to cover the balance portion of the drain to avoid the adverse effects of harmful gases and also to clear the drain of all the Solid waste deposited in the drain. Further, the Delhi Jal Board should stop sewage flowing in this drain as it is a storm water drain and the pollution causes a grave public nuisance and amounts to criminal negligence.

Observations of MC during inspection of drain on 27.09.2019 and directions issued:

1.1 The Constructed drain has four Box RCC sections for maximum discharge during rainy and stormy weather. During the lean season however the flow is restricted to one or two box channels. During the visit of the MC, sewage was in fact found flowing in only two boxes of the drains. The drain appeared to have been cleaned / desilted in this portion. In the remaining two boxes the waste water was stagnant as the drain had not been de-silted. It was informed by SDMC that cleaning of covered portion of the drain is difficult and dangerous due to emission of noxious gases. MC directed SDMC that flow in all the boxes of the RCC drain must flow smoothly for which, historical silt already deposited in the covered drain must be removed by application of the latest technology/equipment. Robotic cleaning may be an option. However it is for the SDMC to consult experts and take such measures as are necessary for cleaning the drains in an efficacious and safe manner. For stopping silt and floating material in the covered portion of the drain in future, South DMC may consider constructing silt chambers and fix Boom barriers / Bar Screens at the entry point and in the open portion of drain in consultation with experts for preventing silt and floating material from entering the covered portion of the drain which is continues for quite a distance. The concerned S.E., South DMC was also asked to explore the feasibility of putting removable slabs at regular intervals after breaking the permanent RCC roof of the drain to facilitate regular de-silting, maintenance of drain and so as to prevent noxious gases being generated which can be dangerous.

1.2 A lot of floating solid waste had accumulated which was visible from the open portion of the drain. This had resulted in virtually stagnant flow suggesting that there the accumulated solid waste and silt underneath had not been removed. Only some work of removal of floating material was done recently by SDMC as informed by the RWA just prior to the inspection by the

Monitoring Committee but even so a lot of debris was still found lying in the drain. The Monitoring Committee directed SDMC to clean the drain regularly.

1.3 It was observed that a lot of malba had been dumped on one side of the drains which was being leveled with the help of J.C.B. during inspection. RWA informed that this is a regular feature of dumping solid waste on the side of the drain. The trucks enter from the gates which are under the control of SDMC. The MC directed SDMC to keep a vigil on unauthorized dumpers and challan them heavily and if they are trucks contracted by the MCD the officers/ engineers would be held responsible. The SDMC was asked to install CCTV cameras which could capture the registration numbers of the trucks. The RWA was asked to extend their help to make the CCTV monitoring effective and to help identify the trucks by registration be it with a Delhi or outside state registration. The MCD was asked to issue instructions and make a copy available to MC.

1.4 The uncovered portion of the drain should be protected with fencing/ or with grills to prevent accidents as anyone can fall into the drain particularly in the dark. This should be done immediately by South DMC and warning lights /signage displayed as there is a danger of passersby, children and rag picker's falling into the drain which must be safeguarded immediately. The stoppage of concretization orders of NGT will not be circumvented however.

1.5 A system for inspection of CCTV footage should be put in place and the Executive engineer of SDMC made responsible for ensuring that no dumping takes place in or around the drain or vacant areas.

1.6 Since the drain is covered, foul and noxious gases were finding an outlet only through the uncovered portion of the drain. It was observed that vent shafts have not been installed on the covered portion of the drain to provide an outlet to the gases formed inside the drain. South DMC was directed to install the vent shafts of appropriate heights at a regular intervals along the length of the drain observing standard specifications for outlets for the emission of gases from the drain. If required an expert may be consulted about the size, height of the shafts and distance between shafts.

1.7 DPCC was asked to draw a sample of waste water flowing in the drain to assess the pollution load of the waste water in the drain at inlet and outlet points and measure the flow and send quarterly reports to MC.

1.8 This being a storm water drain, no sewage should be allowed to enter the drain. The Delhi Jal Board was directed to submit Short Term, Medium Term and Long Term Action Plan or reducing sewage flow in the drain. Mr. Vikram Singh, C.E., DJB presented the Action Plan **(annexed)** for reduction of sewage in these drains, as annexed. He informed that approximately 14 MGD sewage will be diverted to the respective STPs by June 2020 in a phased manner after completion of some works as mentioned in the Annexures A to E. Around 2.0 MGD treated effluent is also flowing in this drain. It was made clear to the officers of Delhi Jal Board that if the above Action Plan is not implemented in time given by them, the MC will be constrained to recommend action to the NGT and the Government considering that there is already a Contempt order passed by the Hon'ble High Court. Mr. Vikram Singh C.E. / Nodal officer has been given repeated opportunities to prevent sewage flowing in the drain. No excuses of administrative kind will be accepted as the timelines have been given after in -depth consultation and drawn up by DJB.

DJB was also directed to measure the flow at all the sewage discharge points into Chirag Delhi Drain and the flow at the entry of drain near Andrews Ganj within 10 days so that the expected outcomes can be confirmed.

1.9 The DJB was also directed that a survey should be carried of the entire length of the drain and its tributaries right from their origin till the drain meets the river Yamuna and entry points of sewage into the drain and the sources thereof identified and documented for the Action Plan to be comprehensive. The Action Plan submitted by the DJB based on the existing information should thereafter be updated for effectively plugging all the sewage flowing into

the drain and its tributaries. A piecemeal approach is not expected of DJB which has a statutory responsibility for the whole of Delhi.

CONCLUSION

The MC has given clear directions to South DMC to prevent entry of solid waste into the drain through preventive measures and enforcement. The DJB already has a plan which is expected to fructify in the next six months to prevent sewage from going into the drain. Once the effect of this is seen the question of whether to cover or not cover the drain can be addressed.

2. Defence Colony RWA:

2.1 Mr. Rajiv Suri, representative of Defence colony explained that a portion of the Kushak drain within Defence Colony was constructed and covered by DDA under Urban Development fund (UDF) provided by the Ministry of Urban Development, to DDA for carrying out the work of construction and covering of drain in this limited portion. This work had a faulty design and without giving a proper slope and cunette in the drain the work had been executed. No Environmental Impact Assessment (EIA) was conducted.

2.2 Though the drain is under the SDMC, the construction work of covering the drain was done the DDA without any consultation with the public. Also after stoppage of the work by the DDA on the orders of NGT, the covered and semi-covered portion continues to be with DDA and as a result SDMC does not do any maintenance work. Also DDA has also not been maintaining the drain satisfactorily. The residents continue to suffer due to this apathy on the part of the concerned government authorities.

2.3 Kushak storm water drain is carrying sewage along with a lot of floating material which is difficult to clean under the covered portion of drain. Before and after Defence colony, the drain is not covered.

2.4 DDA proposed to set up a small STP at the exit of Defence colony for using treated effluent for park irrigation to be constructed over the covered portion of the drain and to be maintained by RWA of Defence colony. But after the NGT order, DDA stopped the work.

2.5 After construction of this drain by DDA, it was supposed to be taken over by the South MCD which is the drain owning agency or further maintenance. But, SDMC is not taking over the drain as it was not constructed as per specifications and norms. DDA is not ready to give deficiency charges to SDMC for rectification work.

Appeal of Defence colony RWA before MC:

1. To order complete stoppage of sewage flowing through the drain, by diverting it to STPs.
2. Portions of the drain left in various unfinished stages should be dismantled. This is in conformity with directions in the *Mailey se Nirmal Yamuna* Judgment.
3. The gradient of the floor of the drain which was upset during the process of concretizing; should be rectified and a central 'cunette', created as earlier existed. This will stop the stagnation as water, which now spreads across the entire cross section of the drain, and only moves with hydraulic push of more water from behind. Simultaneously a slope should be made from the side walls towards the centre of the drain to direct water to flow through the centre, rather than spread through the entire cross section.
4. Proper ventilation should be provided through vent shafts to facilitate emission of foul gases.
5. A proper provision must be made at a regular interval for cleaning/ desilting of drain.
6. Regular desilting should take place, followed by clearing up the area of accumulated trash.

Observations of MC during Inspection and directions given to the concerned authorities:

- I. It was pointed out by the residents living in houses abutting the drain that Culvert over Kushak drain across Ring Road was very old and in a dilapidated condition which may collapse at any time causing an unforeseen mishap. Though MC is not concerned with rehabilitation issues of this kind, but observing the dilapidated condition of the culvert/bridge and the possibility that it might cave in, requested D.C. (South) DMC to take up the matter of construction of new Culvert across Ring Road with concerned authority i.e. PWD or find the best engineering solution to deal with the situation.

- II. A lot of floating material was dumped at the entry of the drain into Defence colony. It was observed that cleaning of the drain was not happening. South DMC informed that they have not taken over this drain from DDA due to various deficiencies in the drain. DDA is not agreeing to pay the deficiency charges to South DMC. MC regrets to note the absence of the officers of DDA at the time of inspection despite the fact that they were aware about the inspection of this portion of the drain under their maintenance which was deliberated in the meeting held by M.C on 25.09.2019 **and all officers who attended the monitoring meeting had been asked to be present at the inspection.**
- III. A branch drain was found connected with the drain carrying waste water from Andrews Ganj side near Indira Camp of Andrews Ganj. It was reported that it was a treated effluent coming from a small STP set up in a Govt. Colony. Although an STP has been set up in the Govt. colony, it was observed that waste water was being discharged. A team comprising S.E. (S), DJB, S.E. (South), South DMC & DPCC was constituted to inspect the Government colony to see whether the STP was functional and to find a solution as necessary.
- IV. The entire drain was covered within the Defence colony and there is no proper access to drain due to which cleaning of the drain was difficult.
- V. The width of drain was squeezed near the outfall point of Defence colony after increasing the depth of drain.
- VI. Some small vents of HDPE pipes were fixed for emission of harmful gases from the drain but this was ineffective considering the size of drain. MC directed South DMC to work out a solution for proper ventilation for emission of the foul gases from the drain in consultation with Experts and RWA of Defence colony.
- VII. DPCC was directed to take the sample of waste water in the drain for testing and submitting a report thereon within 10 days.

CONCLUSION

MC feels that since DDA has no role in the matter any longer, it should expedite handing over the drain to South DMC on an "As is where is" basis after paying deficiency

charges to them, as may be agreed between the Commissioner SDMC and the VC DDA within one month. MC will seek orders on this from NGT so that there is finality. The continuance of this "no man's land" syndrome is unfair to the residents who have been battling this before courts for long years.

On the question of dismantling the half/unbuilt portion of the drain it was observed that this is leading to accumulation of debris and garbage. However a call on this has to be taken by the owner of the drain (SDMC) which has to await NGT's orders which are being sought by MC.

3. Nizamuddin (West) RWA: Mr. Sheikh Mohd. Umar, the representative of Nizamuddin RWA explained that Barapulla drain is S W. drain, but huge quantities of sewage is flowing in the drain. A lot of solid and C&D waste is being dumped along the banks of the drain. RWA appreciated the work done by SDMC for cleaning the solid waste from the drain. But the pace of removal is not commensurate with the waste being dumped in the open areas near the drain. South DMC should accelerate clearing the solid waste and Malba from the bed of the drain Dumping of malba not only impedes the velocity/ flow of water but also reduces the carrying capacity of the drain.

The representative of the NDMC was not present at the inspection site despite clear instruction at the time of meeting on 25.9.19 and being reminded on phone by Shri Tyagi.

3.1 Appeal of RWA before the MC:

- I. Delhi Municipal Corporation should stop dumping of solid waste along the drain.
- II. Regular cleaning of drain should be carried out.
- III. A grill must be fixed along both sides of the bridge near Nizamuddin Basti to stop throwing solid waste into drain
- IV. Sewage should be stopped flowing into drain

Observations of the MC during inspection and directions issued to the concerned authorities:

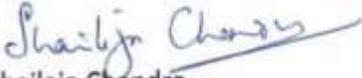
- I. Sunheri Bagh drain carrying a lot of sewage from NDMC area is meeting with Kushak drain forming Barapulla drain from Nizamuddin Basti onwards. Delhi Jal Board

informed that the Action Plan already submitted by them for Kushak drain will hold good for this drain too.

The representative of New Delhi Municipal Council was not present to explain the Action Plan for reducing sewage from NDMC area whereas; they have been given enough opportunities to take suitable action. MC took a very serious note on the callous attitude of the officers of NDMC. The MC would report this to the Chief Secretary who was holding charge of NDMC.

- II. It was informed by RWA that during construction of Barapulla corridor, a lot of earth & malba was left along the drain which was dumped for construction of temporary road for moving heavy machines. This excess Malba dumped on the drain should be got removed by the SDMC as it impedes the natural flow of the drain
- III. It was observed that the residents of Nizamuddin Basti are throwing solid waste into the drain. MC requested RWA to motivate residents of Nizamuddin Basti not to throw waste into drains. The RWAs should identify volunteers and assist SDMC in their cleaning efforts. RWA representatives were asked to meet DC, SDMC and work out modalities of citizens involvement in keeping the drain clean and prevent waste being deposited in the drain by casual visitors. SDMC should also tighten enforcement.
- IV. D.C. (South) DMC informed that the work of fixing grill along the bridge has been awarded and will be taken up shortly. In so far as prevention of solid waste dumping is concerned, J.E. store has been recently set up near Nizamuddin Basti across the bridge. Strict vigilance is now being kept on solid waste dumping.
- V. Efforts to green the area as a CSR activity would be pursued with IOC which appeared feasible.

MC will review the progress on the Action taken by the different public authorities after one month. A suitable date for the review meeting will be intimated later.


Shailaja Chandra,
Member,
Monitoring Committee for Yamuna


B.S. Sajwan,
Member,
Monitoring Committee for Yamuna

To:

1. CEO, DJB.
2. Commissioner, SDMC.
3. VC, DDA.
4. Chairperson, NDMC.
5. Secretary, PWD.
6. MS, DPCC.
7. RWA, G.K.-I.
8. SH. Rajeev Suri.
9. RWA, Nizamuddin.
10. MC Website.

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Annexure – C-6

**OFFICE OF THE YAMUNA POLLUTION MONITORING COMMITTEE
APPOINTED BY HON'BLE NGT
ROOM NO. 58, INDIA INTERNATIONAL CENTRE
40, MAX MUELLER MARG, LODHI ESTATE
NEW DELHI – 110003**

No. YPMC /2020/437

Date: 9/3/20

Subject: Minutes of the meeting on sewage, plastic and other solid waste inside Kushak drain held with representatives of Delhi Jal Board, South DMC, NDMC and the RWAs of Greater Kailash-1, Defence Colony & Nizamuddin West - on 5.3.2020.

The Yamuna Monitoring Committee (YMC) held the above meeting to review the status of the action taken on the following issues:

- i) Release of toxic gases from the Kushak drain adjacent to some House of B-Block (North), Greater Kailash-1.
- ii) Covering of Kushak Drain in Defence Colony – Application filed by Sh. Rajeev Suri.
- iii) Pollution from some houses/Jhuggis/unauthorized buildings at Nizamuddin West discharging into Barahpullah drain.

The Yamuna Monitoring Committee has been monitoring and pursuing the matters raised in these applications over the last more than 12 months and in particular with reference to the following matters.

Prayer of RWA Greater Kailash 1 before Hon'ble High Court, WP(C)4246/2019.

- a. Pass a writ in the nature of mandamus or any other appropriate writ directing the respondents to take all necessary steps, including necessary permissions if any, to cover the remaining about 1/4th of 10.31% of the storm water drain from adjacent to the residences of the petitioners and to cover & develop the same with greenery as done in other parts of Greater Kailash-I and Defence Colony;
- b. Pass a writ in the nature of mandamus or any other appropriate writ directing the respondents to ensure that the storm water drain is sewage and sullage free and no untreated sewage/sullage/any other waste is allowed into the same;
- c. In the alternative pass a writ in the nature of mandamus or any other appropriate writ directing the respondents directing the respondents to dismantle the entire cover/uncover the Storm water Nallah and thereafter conduct timely and periodic cleaning of the same and continue to use the same as a 'Storm water drain' and not as a sewage drain.

- d. Pass such other further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

Operative part of the orders of the Hon'ble High Court

Noting the above submissions made by the council for the parties, I direct the Committee constituted by the NGT to look into the representation of the petitioners dated February 19, 2019 and pass appropriate orders as expeditiously as possible, preferably within a period of two months from today.

Prayer of RWA Defence Colony before Hon'ble Supreme Court, Civil Appeal No. 10917 of 2018.

- a. Admit, allow the instant civil appeal and set aside final order dated 26.07.2018 passed by the Hon'ble National Green Tribunal, New Delhi in O.A. No. 164 of 2015.
- b. Pass such further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

Operative part of the orders of the Hon'ble Supreme Court

We are of the opinion that the mandate given to the Monitoring Committee would include the problem which is highlighted by the applicant in his O.A. as well in any case, it is made clear that the Monitoring Committee shall look into those aspects.

Prayer of Nizamuddin West before Hon'ble Supreme Court, Vide diary no. 8231 of 2019.

- a. For an order directing the respondents to remove all the debris, sewage, industrial and trade effluent and other municipal solid waste and to restore the ecology of the area along with the drain in the Nizamuddin west area.
- b. For an order directing the respondents to ensure that no fresh debris and other municipal solid waste is thrown into the Drain.
- c. For an order directing the authorities to ensure that both the banks of the drain be planted with trees and other greenery and plantations.
- d. For any other order or directions with the Hon'ble Tribunal deems fit in the facts and circumstances of the present petition.

Operative part of the orders of the Hon'ble Supreme Court

We accordingly, permit the applicant to move the Committee and request the Committee to enquire into the grievances in terms of the directions which were issued by the NGT as expeditiously as possible.

Review of Previous Developments.

The matters have been dealt with by YMC by conducting physical inspections in the presence of the drain owning agencies, namely, south DMC and DJB as responsible for management of sewage and the petitioners before the court along with other members of the RWAs. YMC has held 3 meetings each with RWAs, of GK-I & Nizamuddin West & 5 meetings with the RWA Defence Colony to review what is being done by DJB to target the sewage and grey water and the South DMC to remove the debris and filth in the drain. The last inspection was done in September 2019 and the main decisions taken then are as follows:

- The MC had given clear directions to South DMC to prevent entry of solid waste into the drain through preventive measures and enforcement. The DJB already has a plan which is expected to fructify in the next six months to prevent sewage from going into the drain. Once the effect of this is seen the question of whether to cover or not cover the drain can be addressed.
- MC had recorded that since DDA has no role in the matter any longer, it should expedite handing over the drain to South DMC on an "As is where is" basis after paying deficiency charges, as may be agreed between the Commissioner South DMC and the VC DDA, within one month. The YMC observed that the continuance of "no man's land" syndrome between the civic authorities was unfair to the residents who have been battling this before courts for long years. On the question of dismantling the half/un built portion of the drain it was observed that it was leading to the accumulation of debris and garbage. However, a call on engineering solutions had to be taken by the owner of the drain (South DMC).
- It was informed by RWA that during construction of Barahpullah corridor, a lot of earth and malba was left along the drain which was dumped for construction of temporary road for moving heavy machines. This excess Malba dumped on the drain was

directed to be got removed by the South DMC as it was impeding the natural flow of the drain.

- It was observed that the residents of Nizamuddin Basti were throwing solid waste into the drain. MC requested RWA to motivate residents of Nizamuddin Basti not to throw waste into drains. The RWAs should identify volunteers and assist South DMC in their cleaning efforts. RWA representatives were asked to meet DC, South DMC and work out modalities of citizens involvement in keeping the drain clean and prevent waste being deposited in the drain by casual visitors. South DMC should also tighten enforcement.
- D.C. South DMC informed that the work of fixing grill along the bridge has been awarded and will be taken up shortly. In so far as prevention of solid waste dumping is concerned, J.E. store has been recently set up near Nizamuddin Basti across the bridge. Strict vigilance is now being kept on solid waste dumping.

Despite all these observations having been minuted and directions issued the action taken was apparently unsatisfactory and the residents of the three colonies continued to complain about noxious gases and bad odour emanating from the open portions of the drains presenting health hazards. YMC decided to hold a meeting at site on 27.2.2020. The areas covered were Greater Kailash-1, Defence Colony stretch of Kushak drain and Nizamuddin West at Barahpullah Nalla.

Field Visit Observations:

The following situations which were observed at site were glaring:

1. At Greater Kailash, Andrews Ganj and Nizamuddin portion of the drain the fumes were intolerable.
2. The amount of debris and solid waste/garbage which had accumulated in the concrete boxes which had been constructed to channelize the flow was, if anything, worse than before and the drain had become uncontrollably filthy. The YMC went to the site where the JCB machines had been deployed because of the visit and it was shocking to find the underground situation of the drains in the heart of some of the most organized colonies of Delhi.

The YMC felt that various short term measures like erecting screens, providing CCTV cameras, and desilting would only serve a limited purpose and as long as there was a constant flow of grey and black water the garbage thrown by the people would have every opportunity to accumulate and stagnate.

DJB has been giving assurances over the last few months about trapping and diverting the sewage/ sullage but the ground situation had not improved. Before the meeting YMC had conducted an internal review and asked for proper mapping of the drain, its tributaries and the sewer lines to be done showing the points where the DJB proposed to trap the sewage/sullage which was being discharged both from the unauthorized colonies as well as the sewer areas in which the sewerage/ conveyance systems were not functioning.

The YMC called the meeting with main representatives of the RWAs who are petitioners before the various courts to listen to DJB's presentation. In a nut shell it would appear that if all the efforts being made fructify as claimed by DJB, the expectation is that by June end 2020 maximum number of points of discharge would be diverted or plugged.

DJB's Plans and Current Status of Works for Sewage Containment

The sewage carrying pipes requiring rehabilitation would also be renovated and some work on this had been completed. The presentation made by Chief Engineer DJB Shri Vikram Singh is at **Annexure A** along with the mapping and legends. The target dates of completion of the various works under action plan are given below :

ACTION PLAN OF DJB GIVEN ON 5.3.20 TO YMC

| S.No. | Activity | By Date | Quantity of sewage trapped (MGD) |
|-------|--|-------------------------------|----------------------------------|
| A1 | Trapping of unauthorized colonies at Ratia Marg (16 Colonies) | Already achieved 30.6.2019 | 2 |
| A2 | Trapping of unauthorized colonies at Managal Bazar Road. | Already achieved 30.6.2019 | 1 |
| A3 | Trapping of unauthorized colonies (20) of at Tigri Road, Devli and Dr.Ambedkar Nagar | May-20 | 1.25 |
| A4 | Trapping of 25 unauthorized colonies (25) IGNOU Road is to be trapped. | Jun-20 | 2 |

| | | | |
|----|--|--------|------|
| A5 | Trapping of unauthorized colonies (11) at Deoli Road. | Dec-20 | 1.25 |
| B1 | Rehabilitation of Peripheral trunk sewer at press enclave Road. | Jun-20 | 4 |
| B2 | Rehabilitation of Peripheral trunk sewer at Chirag Delhi Flyover | Jun-20 | 1 |
| B3 | Damage 600 dia. Sewer line at Chirag Delhi Drain. | Jun-20 | 1 |
| B4 | Trapping of drain at Chirag Enclave. SPS. | Jun-20 | 0.5 |
| C1 | Trapping of Nallah at Krishi Vihar (450 mm dia for trapping) | May-20 | 1.5 |
| C2 | Trapping of Nallah at Andrews Ganj (900 mm dia for trapping) | May-20 | 6.42 |
| C3 | Trapping of Nallah at Pant Nagar (900 mm dia for trapping) | May-20 | 6.42 |

The YMC was assured that work had been awarded and is in physical progress. Only the work yet to be awarded pertained to B-3 Chirag Delhi which was also under award. In addition, there is one place, namely, Deoli area and where the work would continue till end December 2020. However, it was noted that if the work on downstream trapping is completed by June 2020 one can reasonably expect that all sewage which is emanating from the unauthorized colonies upstream at Sangam Vihar and Chirag Delhi would be stopped which should substantially reduce the problem of sewage flow and consequently the fumes. Grey water would continue to be discharged at places but sewage in the drains will reduce considerably. The RWAs and their representatives/ petitioners in the court cases were shown the exact plans of DJB which are under execution. They requested to be associated so that there is a feeling of satisfaction that the work is actually in progress and the DJB has no objection to collaborating with them.

The members of the RWA appreciated the efforts made by DJB . YMC also feels that it is for the first time that such a satisfactory response had been received .However the actual success would depend on how the situation develops by June and would constantly be kept under review by the RWA who will report to the YMC if they feel that efforts are not being undertaken as promised.

For some of the works to be executed by DJB permission from South DMC may be required and it was assured by the Chief Engineer Sh. M.M Dahiya that there would be no delay in grant of permission and it would be done collaboratory and not through letter writing.

Barapulla Drain Issues :

The only point which stands out and continues to be a matter of serious concern is the enormous amount of water that was flowing upto and into Barapulla Drain from Sunheri Bagh and branch of Kushak drains coming from AIIMS/INA market side. The discharge of that water is a matter of highest concern because it is ultimately flowing into River Yamuna. The inspection with the former Member Drainage, DJB Sh. R.S Tyagi and the DJB engineers had been undertaken during the last several months but there is no finality about the trapping of sewage water and it continued to be a jurisdictional issue which was not being resolved.

The former Member Drainage, DJB Sh. R.S Tyagi was asked to convene a meeting on the small bridge outside Nizamuddin West Basti, to see that inspection teams identify the points of discharge and give a report of the short term and long term measures which are going to be put in place because all the upstream work will be negated if the flow of dirty water from the storm water drains continues and pollutes the Barapulla drain. The outcome of the inspection and its solution may be reported upon in the next 15 days.

Need to Keep GK Drain Clean because of fumes/ garbage and filth

YMC had found particularly in Greater Kailash that the open drain had allowed accumulation of vast quantities of silt, garbage, plastics and all kinds of filth. This was being removed on the date of inspection of YMC on 27.2.2020 and according to Sh. Anil Tyagi, SE, South DMC about 300 MT silt have been removed. It is a matter of concern that this had been pointed out during the September 2019 visit of YMC. After giving assurances obviously nothing was done. The design of the concrete boxes was extremely faulty and the heavy accumulation of filth was in no small measure the result of faulty design. If sewage / garbage and silt collect and stagnate at different points it will continue to be a health hazard as in due course it will be infested with mosquitoes causing dengue and other vector borne diseases. It is absolutely necessary that filth/silt removal is undertaken in a continuous manner in the open truncated portions of the drains until the outcomes promised by DJB are affected.

Sh. Anil Tyagi S.E, South DMC informed the YMC that tenders had already been notified for erection of screens (which had already been committed in September 19 and was not attended to despite assurances). This time the tenders would be opened within the next 10 days and it is expected that the screens and the grills would be mounted within 3 months. The screens would serve the purpose of barricading the inflow of garbage and other debris into the drain.

YMC directed that plans for executing the barricades/ screens should be shared with the concerned RWAs because it is only if they are satisfied with the work that the strategy would prove to be effective. Accordingly from this month itself, every 15 days the residents may request Sh. Anil Tyagi from South DMC in respect of the problems they face because they were suffering due to the fumes being generated at different points wherever there are openings in the drain.

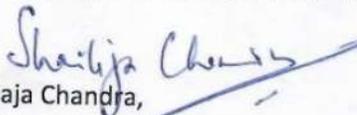
Unfinished Portion of Kushak Drain at Defence Colony

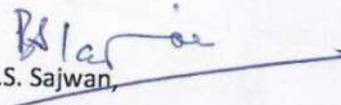
The question of finding an engineering solution to the problem of Kushak Drain both at Greater Kailash where it is covered in a truncated fashion and Defence colony where the drain has been covered almost completely but left unfinished with pillars and steel bars jutting out which was unsightly and gave cause for accumulation of garbage which could not be accessed. The YMC had asked the CE South DMC in charge of the Defence Colony portion Sh. M.M Dahiya to see that the drain is first taken over which action has been completed. DDA had to pay deficiency charges to South DMC after the design features, gradient and safety aspects as well as the benefits and risks of keeping/ removing the pillars were commented upon professionally. Sh. Dahiya Chief Engineer said he had met the IIT professors and requested them for advice and a report would be forthcoming. It was decided that YMC would try to bring this matter to a head and meet the IIT professors in the forthcoming ten days after Holi or if convenient to them YMC can also meet them in their office. The purpose of the meeting would only be to try and expedite getting a report on the engineering solution keeping in mind all considerations. The Chief Engineer Sh. Dahiya undertook to organize such a meeting for the entire area which consists of Kushak drain from Greater Kailash through Andrews Ganj/Defence Colony.

Conclusion:

The problems of the drain needed to be addressed systematically.

- (i) In respect of sewage and grey water the DJB had been pursued and now there was some hope of trapping the sewage which had to be completed on priority.
- (ii) Removal of silt/ garbage and accumulated debris had to be handled through screening/ vigilance/ removal using JCBs and deterring the public . This was being addressed and RWAs would have to work in tandem to see that South DMC does what has been committed.
- (iii) The faulty design issues have to be addressed and YMC would help expedite obtaining professional advice.
- (iv) Nizamuddin West RWA raised the issue of pollution caused by clusters of jhuggies along the drain. YMC decided to hold a meeting on this with DUSIB for containment of sewage going into the drain from these jhuggis.


Shailaja Chandra,
Member,
Monitoring Committee for Yamuna


B.S. Sajwan,
Member,
Monitoring Committee for Yamuna

To:

1. VC,DDA
2. CEO, DJB.
3. Commissioner, South DMC.
4. Chairperson, NDMC.
5. Chairman/MS,DPCC.
6. RWA GK-1/Defence Colony/Nizamuddin West.
7. Sh. R. S Tyagi, Expert Member

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Annexive 'A'

Barapullah Catchment including Kushak Drain & Chirag Dilli Drain

INDEX MAP

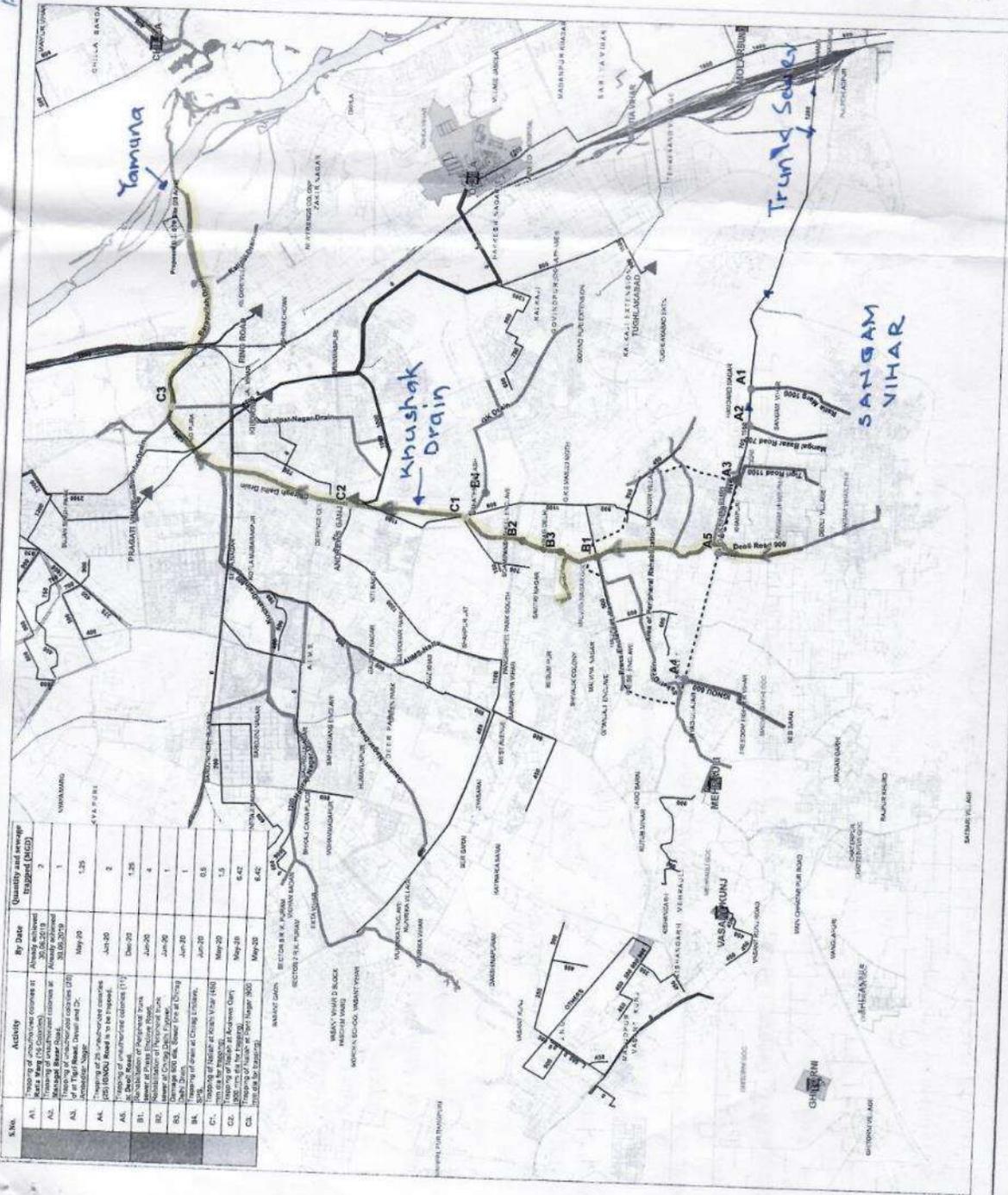


Legend

- STP
- ▲ SPS
- NGT TRAPPING OF NALLA
- TRUNKSEWER
- DRAIN
- ROAD CENTER LINE
- RAILWAY LINE
- ▨ PROPOSED STP SITE
- ▤ REHABILITATION
- ▥ NDMC BOUNDARY
- ▧ STP POLYGON
- ▩ GOC
- YAMUNA RIVER

1:25,000

Prepared by: M/s. Geospatial
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 Haryana - 122002



| S.No. | Activity | By Date | Quantity and coverage Trapped (MGD) |
|-------|--|------------|-------------------------------------|
| A1. | Trapping of unsewered houses at Keesa Marg (150 Houses) | 20.05.2018 | 2 |
| A2. | Trapping of unsewered houses at Mangla Road (150 Houses) | 20.05.2018 | 1 |
| A3. | Trapping of unsewered houses at Jangpura Road (150 Houses) | 20.05.2018 | 1.25 |
| A4. | Trapping of unsewered houses at Jangpura Road (150 Houses) | 20.05.2018 | 2 |
| A5. | Trapping of unsewered houses at Jangpura Road (150 Houses) | 20.05.2018 | 1.25 |
| B1. | Trapping of unsewered houses at Jangpura Road (150 Houses) | 20.05.2018 | 4 |
| B2. | Trapping of unsewered houses at Jangpura Road (150 Houses) | 20.05.2018 | 1 |
| B3. | Trapping of unsewered houses at Jangpura Road (150 Houses) | 20.05.2018 | 1 |
| B4. | Trapping of unsewered houses at Jangpura Road (150 Houses) | 20.05.2018 | 0.5 |
| B5. | Trapping of unsewered houses at Jangpura Road (150 Houses) | 20.05.2018 | 1.5 |
| C1. | Trapping of unsewered houses at Jangpura Road (150 Houses) | 20.05.2018 | 0.42 |
| C2. | Trapping of unsewered houses at Jangpura Road (150 Houses) | 20.05.2018 | 0.42 |
| C3. | Trapping of unsewered houses at Jangpura Road (150 Houses) | 20.05.2018 | 0.42 |

Annexure – C-7

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 NEW DELHI – 110003

No. YPMC/2020/ 432

Date: 3 /3 /20

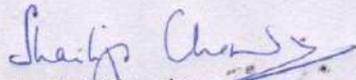
Learned Registrar General,
 Hon'ble National Green Tribunal,
 Faridkot House, Copernicus Marg,
 DELHI:

Subject: Discharge of sewage of into the storm water drains reported in Hindustan Times on 24.2.2020.

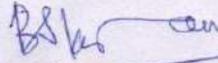
The Yamuna Monitoring Committee (YMC) took note of Newspaper Item dated 24.2.2020 published in Hindustan Times (Gurugram Edition) about a large number of tankers discharging sewage into specific drains in Gurugram which lead to Najafgarh Drain and the River Yamuna. The dimension of the activity was so huge that immediate steps were called for to contain it. The YMC called a meeting of all the concerned agencies by alerting the Chief Secretary, Haryana. The attachment is record of note on what transpired at the meeting. YMC is not issuing full and final directions in the matter because it concerns taking an administrative view of specific jurisdiction of different authorities namely the Gurugram Municipal Corporation, the Gurugram Metropolitan Development Authority, the Urban Development Department, the Panchayati Raj and Development Department and Haryana State PCB. It is requested that the interim solution found by the YMC as contained in the attached note may kindly be placed before the Hon'ble NGT. The YMC requests for directions of the Hon'ble Tribunal to the State Government authorities who are by present indications unlikely to take note of the immediate road map that has been drawn up by YMC. Despite having been drawn up in full consultation of the concerned authorities it will not get any traction unless there is a binding judicial order.

If this matter is delayed, everyday hundreds of tankers will continue to discharge sewage into the drains and the quantity being gigantic it requires immediate action to contain the daily damage being caused to river water. The situation necessitates a strong direction from the Hon'ble Tribunal. YMC requests indulgence of the Hon'ble NGT to kindly consider this

matter out of the way in view of the seriousness of what has been reported which has been corroborated by the Haryana MC.



Shailaja Chandra,
Member,
Monitoring Committee for Yamuna



B.S. Sajwan,
Member,
Monitoring Committee for Yamuna

Encl: as above

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NEW DELHI – 110003

No. YPMC/2020/ 433

Date: 3/3/20

Subject: Discharge of sewage of into the storm water drains reported in Hindustan Times on 24.2.2020.

The Gurugram edition of Hindustan Times reported on 24.2.2020 about the unchecked discharge of sewage into drains going straight to the Yamuna through Najafgarh drain. Complaints had been filed by the residents of New Palam Vihar in regard to drain no. 1 in sector 111 close to the Dwarka Express way in which it was reported that hundreds of tankers dispose of untreated sewage daily at this drain which meets Najafgarh drain on the outskirts of the city. The Hindustan Times set up a team to observe the process and their report shows that individual tankers are being operated under the control of persons who own clusters of tankers. **The report states that the tankers are disposing of untreated sewage and septage about 30-50 times a day into the drain, leading to Najafgarh drain.**

HYMC Report

The HT report has been got checked by the HYMC who was asked for an independent assessment. A copy of the report is attached as **Annexure-A** which **completely supports** the newspaper report and states that during their visit it was observed that 2 tankers were disposing sludge into the storm water drain referred as L-1 at the time of inspection. On enquiry it was revealed by the drivers that more than 500 tankers were operating clandestinely depositing untreated sewage into the storm water drains.

The report being of a very serious nature and indicative of rampant willful pollution being caused on a daily basis with impunity, despite the presence of so many authorities mainly Gurugram Municipal Corporation (MCG), the Gurugram Metropolitan Development Authority

(GMDA) and the Haryana Pollution Control Board (HSPCB) the YMC convened a meeting with the authorities to see what short and medium term solutions were needed to stop this noxious practice. The meeting was attended by the following:

1. Sh. S Narayanan MS, HSPCB
2. Sh. Vinay Pratap Singh, Commissioner, MCG
3. Sh. Kuldeep Singh, RO, HSPCB
4. Sh. Amit Sandila , EE, MCG
5. Sh. Rajesh Bansal, SE, GMDA
6. Dr. P.K.M.K Das Member, RYMC
7. MS. Neha Pushkarma, Gurugram Bureau Chief, Hindustan Times
8. Mr. Dhananjay Jha, Gurugram Reporter, Hindustan Times.

The Chief Secretary, Haryana had been requested by YMC both in writing and on phone to see that the CEO of the GMDA attended the meeting because the area largely pertains to GMDA and it was too serious a matter to be left to anyone lower in the administrative hierarchy. This was needed also because follow up would necessarily require policy level intervention and deployment of resources to confront the problem. Despite this request only Sh. Rajesh Bansal, SE attended and he was unable to satisfactorily answer most of the questions that the YMC put up to him. This led to a waste of time and seemed to be a deliberate avoidance of the meeting by the CEO GMDA.

GURUGRAM STATISTICS

Total Area=1265 Sq. km

Population=15, 14,432(2011)

Current population= 25.75 Lakh (approx.)

| Department | Area | Remarks |
|--|------------|---------|
| Under GMDA | 675 Sq km | |
| Gurugram-Manesar Urban Complex (GMUC) Master Plan -2031 | 447 Sq km | |
| Under MCG | 232 Sq. km | |

| | | |
|------------------------------------|------------|---|
| Under Panchayat Department Haryana | 228 Sq. km | Rural area within 675 Sqkm, but not covered by Master Plan, |
|------------------------------------|------------|---|

Area falling outside MCG but within GMDA or Panchayats:

| Details | Nos. | Population | Department |
|--------------|------|------------|---------------------------|
| Villages | 66 | 2.76 Lakh | Panchayats |
| Condominiums | 56 | 1.71 Lakh | GMDA/ T&CP Deptt. Haryana |

Area under MCG Limit:

| Details | Numbers | Population | Area | Remarks |
|-----------------------------------|-----------------------------|------------|--------------|---|
| Condominiums/ gated societies: | 562 | 4.50 Lakh | - | 339 Gated societies are under control of T&CP Deptt. Haryana. Master Water supply & Sewerage faculties are provided by GMDA |
| a. GMDA | 339 | | | |
| b. MCG | 223 | | | |
| Other built up areas | 70 sectors and 51 villages. | 10.30 Lakh | - | Sewered area |
| Unauthorized Colonies/ Slums | 44 | 2.50 Lakh | 10.31 sq. km | Not covered by sewerage network |

Water Supply and Sewerage System in Gurugram:

Gurugram supplies approximately 500 MLD water including more than 400 MLD water from canal based sources to the residents both within the GMDA as well as MCG areas. The sewage generated at the notional rate of 80% is around 400MLD except in the case of 56 condominiums and 66 Villages which fall outside the organized areas under GMDA and MCG. These are not connected with the Master Water supply and Master Sewerage systems of GMDA.

In addition to water supplied by the GMDA to residences a large number of condominiums/residential societies and villages depend upon bore wells for drinking and other

non-potable usage. A rough estimate given by the officers present is of about 100 MLD of water, in addition to that supplied by GMDA, extracted through Borewells, though this appears to be an underestimation. The Hydrogeology Department of Haryana regulates the permissions for installation of tube wells.

Almost the entire area catered to by MCG comprises authorized colonies, independent houses and condominiums which are seweraged. However the unauthorized colonies have no sewer network and residents depend upon septic tanks or directly release sewage/grey water into drains. There is however no assessment of how many households have septic tanks and how many do not, which measurement is necessary to take stock of progress in stopping discharge into drains. However a rough estimation appears to indicate that 12% of population in unauthorized colonies depends upon septic tanks and the rest are directly releasing the sewage into drains.

The condominiums outside the MCG areas (but within the Greater GMUC areas) are not connected to the sewer network as it is in the process of being laid. Once the system is laid, connectivity to the STPs will start. These condominiums are expected to have in-house STPs installed by each Society/ gated community and to use the treated water for horticultural purposes. However experience shows that a quite a few of them do not operate the STPs and dispose of their sewage through tankers with no control on where the septage/sewage is deposited/dumped. The discharge which was found by HT and confirmed by the HYMC could very well emanate from these communities.

Most of the villages in MCG area are provided with sewerage network connected with STPs. The villages outside MCG but within GMDA area are not seweraged and rely on septic tanks or release waste water into ponds which is under the jurisdiction of the Development & Panchayat Department of Haryana. The sewage and septage from the villages also gets disposed of through tankers and this activity is completely unregulated.

Current position of legal authority and law in enforcement

The legal/administrative Jurisdiction over civic services and sanitation in Gurugram is complex and partially responsible for providing excuses and alibis to avoid responsibility. Fixing accountability for sewage collection/trapping and its channelization and conveyance to the STPs or to ensure on-site treatment becomes impossible but unless it is tackled the defilement of the river cannot be contained.

- The GMDA is responsible for creating infrastructure of roads, the trunk sewer network but internal sewer and road network is not within its area of responsibility. The YMC was also informed that they do not exercise enforcement authority arising out of violation of terms of occupancy certificate. The SE from GMDA told YMC that neither does the Authority give occupancy certificate subject to conditions and nor do they have powers to fine occupiers who do not abide by the conditions. This power is exercised by the Town and Country Planning Office which was not represented.
- The Septage Management Policy formulated by the MCG (notified in June 2019) is issued under the Municipal Corporation Act. The GMDA has no such policy and presently has no control over unregulated sewage being collected from buildings / colonies under its jurisdiction and cannot prevent sullage being dumped into the storm water drains.
- The Septage Management policy is limited at present to the municipal areas alone and MCG has both the authority, control over the management of septage and enforcement powers under the policy. However the progress so far has been far from satisfactory. During the meeting the Commissioner of MCG indicated that in the last two months they have impounded 13 vehicles and imposed a fine of Rs. 2.65 Lakh only.
- It appears that the grant of license/occupancy certificate is the responsibility of the Town and Country Planning Office and neither with the MCG nor the GMDA. The YMC has asked the Commissioner MCG to have a meeting with Town and Country Planning Office and sort out who can exercise this authority because if occupancy certificates are given by T& CP office, there has to be mechanism for ascertaining and ensuring that conditions imposed in the conditions of Occupancy are complied with. HSPCB also needs

to step in and use its vast powers that are vested in the Board although the Member Secretary seemed not to have any knowledge of what the requirements were. He kept harping on shortage of staff as a reason to justify inaction.

Outcomes from the YMC's meeting on 28.2.20

Instead of getting into the issues of jurisdiction which are never -ending, there is an immediate need for all concerned to do everything possible to stop sewage/ septage going into the drains through unlicensed collectors.

- All Government bodies have to establish a system and give registration to tankers that are required only to deposit the contents at an SPS or designated STP and to operationalize a system. If more staff or powers to outsource are needed the State Chief Secretary and Finance Secretary have to give special permission.
- A blanket order needs to be issued by the Urban Development Department that every condominium cluster must show how its sewage is being treated and disposed of through the Society/ organisation that is responsible for maintenance. **GMDA, MCG and HSPCB therefore need to be directed to have this done. In the interest of stopping the unauthorized discharge of sewage YMC feels that the Chief Secretary and under her the Urban Development Secretary must issue directions within 2 days.**
- The measurement of treated sewage generated must be checked with reference to the number of residents living in the condominiums and the water utilized which will provide a normative idea of the number of tankers needed in case sewage is not being treated in-situ. Arrangements for only registered tankers to be used has to be put in place and got verified by the MCG which is presently the only authority which can exercise this power along with HSPCB. The tankers must be registered and must operate under the overall supervision of the GMC. A daily report on how many tankers were deployed must be maintained by GMC and fortnightly progress reports given to the YMC, by area and condominium , including fines levied on those condominium managements that have not joined the Corporation run system. GMDA, MCG and HSPCB therefore have to be directed to have this done.

- The MCG will have to make arrangement by giving a contract for sewage and septage collection and disposal. It will have to perform this function for all areas in Gurugram and GMDA and Panchayats Department would have to authorize the Municipal Corporation to undertake these functions. Charges to be levied can be decided by the State government but action should not wait for that. The Commissioner MCG agreed that the MCG is ready to undertake the functions of septage management including enforcement, if the GMDA make a formal request through Department of Urban Local Bodies. He informed that it is possible to start doing this on a short term basis in view of the extent of pollution. However the GMDA would need to facilitate the MCG by way of staff support and logistics till a formal policy decision in the matter is taken at the state level. The Chief Secretary Haryana needs to be directed to operationalize this and to confirm to YMC.
- YMC got the impression that presently no enforcement of any kind is being done to check whether in-house STPs owned by the condominium are functional. The SE of GMDA indicated that they do "some inspections" from time to time but could not produce any data of how many inspections were done and what enforcement action was taken. GMDA has to ensure that the STPs function and if necessary outsource the function with an in built system to check against false reporting and fudging. If STPs are found non-functional during inspections by GMC/ HSPCB or any other entity to whom this work is assigned the CEO of GMDA would be responsible.

On the basis of the facts collected and since there has to be a regulatory authority to prevent, deter and deal with the practice of unauthorized discharge of septage, the YMC feels that in the absence of GMDA possessing the power to regulate this (as was informed during the meeting,) and the Town Country and Planning Office having no role to play in respect of unauthorized operation by privately owned septage collectors, that within Gurugram, MCG should be given direct responsibility for ensuring that septage / sewage is not discharged except at designated places. If effective action is not taken immediately, the discharge of gargantuan volumes of septage will continue unabated and will add to pollution of the Yamuna daily.

Role of HSPCB

The role of Haryana state PCB is conspicuous by its absence. It was admitted that all this has been going on without the knowledge of the Board. They have all the authority to issue whatever punitive orders are necessary under the Water Act but it was abundantly clear that the body is reluctant or worse, unwilling to take strict action. HSPCB, on its own admission, limits itself to grant of Consent to Establish and Consent to operate under the Water/Air Acts to only those Condominiums with built up area of more than 20,000 sqm. The Board will have to cover all condominiums regardless of the built up area and undertake periodic inspection of their stand-alone STPs and to satisfy that untreated sewage and septage is not being released into the environment and take actions for violations, if any noticed.

Summary of Directions Needed from Hon'ble National Green Tribunal

1. **Action under Section 28 of the NGT Act appears called for if the situation does not improve in the next 10 days.**
2. **The Chief Secretary may be directed by NGT to give approval for engagement of staff through a competent agency which can assist the regular officers so that the functions of collecting the sewage is done in an organised way. Both MCG and HSPCB would need more outsourced staff to work under regular officers.**

The collection of septage from authorized and unauthorized areas under Gurugram is obviously a huge business and either the authorities are apathetic or in connivance. Since this affects the Najafgarh drain and the River Yamuna it is imperative that strict action is taken. Internal minutes which were issued by MCG placed at **Annexure B** would show that work has been relegated to the level of EE and no improvement can be expected.

Directions of NGT are requested as recommended below:

- 1) **Condominiums:** MCG/ GMDA and HSPCB may be directed to urgently identify condominiums which are not operating STPs. A system must be set up whereby MCG is in charge of all enforcement in the absence of GMDA having the authority. The GMDA has to facilitate MCG to make visits to the condominiums to check the proper operation

of STPs, maintenance of log books and the electricity bills for operation of STPs to ascertain whether the STPs have been operational and how the treated waste water which was supposed to be generated was being used. Fines would need to be imposed on RWAs/Condominiums for not installing or operating STPs as per conditions of occupation.

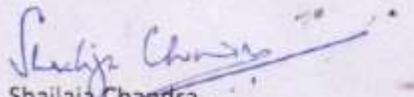
- 2) **In unauthorised colonies**, segregation of those linked to septic tanks and those not having septic tanks has to be done on priority. To start with, those having septic tanks must be linked through a proper system of collection set up by the Government, in this case the MCG. An action plan for collection/ conveyance of septage from unauthorized colonies has to be prepared and operationalized in 3 weeks.
- 3) **For rural habitations**, MCG has to take necessary action on behalf of the land owning agency to prevent dumping of sewage in the drains to be facilitated by the Panchayats Department or any other Department until an organised system is put in place.
- 4) **Polluter Pays Principle:** MCG will have to improve its enforcement capabilities. [In the last 2 months just about Rs. 2 Lacs has been collected which shows action was taken against 53 tankers.] *Enforcement will have to increase at least 5-fold through confiscation/impounding of tankers, cancellation of registration of vehicles and levy of fines. Fine that is proposed to be imposed is just Rs. 5000. Environmental Compensation of Rs. 50,000 per case/each truck has been directed by NGT. Large scale dumping of septage collected from several households is no less an environmental hazard compared to trucks dumping debris and C& D waste and this direction of NGT needs to be used to have a deterrent effect.*
- 5) **The Police Department** has not been involved in this exercise at all. It is very necessary that there is a direction to the Gurugram Police Commissioner to liaise with the MCG and GMDA to institute a unified plan for identifying the unauthorised tankers, impounding them, taking action under the relevant laws for causing health hazards and permanent ecological damage to the river.

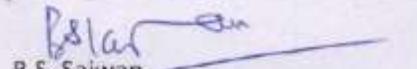
- 6) **The Haryana PCB** till such time as it augments its staff will need to work in tandem with MCG at least for the next 4 months to see that the visits to the condominiums and other organized habitations are undertaken with full authority of the Environmental Protection Act, the Water Act and the Municipal Act. It is necessary to measure what is done and this requires a strict direction to the HSPCB to indicate how many condominiums colonies they would be visiting in the course of a month both relating to action taken where in – house waste water / sewage treatment is not being undertaken despite having an STP on the premises and those condominiums having no facility and unable to show linkage with a Government registered / approved collector. Records will have to be ordered to be maintained by HSPCB and a log book of STP operations inspected. This direction is necessary as the HSPCB appears to be oblivious of or unperturbed by the extent of pollution.
- 7) **Identification of hotspots** has to be undertaken by seeking public co-operation. In view of citizen's complaints to the press, a toll free line or any other suitable mechanism has to be set up to register public complaints and to see that effective action is taken. Citizens have to be informed and encouraged to make complaints of tankers discharging sewage/ septage into the drains through newspaper advertisements.
- 8) **Preventive action** has also to be taken against the dumping of solid and C&D waste into the drains and fine and/or EC levied under the Municipal Act /EP Act. [Surprise inspections would need to be undertaken at night and early and late evenings with police assistance.]
- 9) **Display of Signage** on penalties that would be imposed needs to be put up prominently.

This communication is being sent to the Hon'ble NGT for considering the issue of suitable directions.

In the meantime in order to prevent such rampant defilement of the drains and the River Yamuna, the Chief Secretary Haryana, the CEO GMDA, the Commissioner MCG and the Police Commissioner Gurugram may initiate immediate necessary action to contain the

pollution being caused inside the storm water drains by the discharge of sewage/ septage by regular as well as unauthorised condominiums/ colonies, without waiting for NGT's orders which may take time.


Shailaja Chandra,
Member,
Monitoring Committee for Yamuna


B.S. Sajwan,
Member,
Monitoring Committee for Yamuna

To:

1. Chief Secretary, Haryana.
2. Additional Chief Secretary, ULB.
3. Additional Chief Secretary, Panchayat Raj & Development Department.
4. CEO, GMDA.
5. MS, HSPCB.
6. Commissioner, MCG.
7. RY, MC, Haryana.

Address: Room No. 58, India International Centre
40, Max Mueller Marg, New Delhi – 110003
Telephone No: 011- 24609270
Email id: rymonitoringcommittee@gmail.com

Annexure 'A'

River Yamuna Monitoring Committee, Haryana
 Sub. Tehsil Wazirabad Complex, HUDA Market Road, Sector 56,
 Gurugram, Haryana-122011

E-mail:- rymcharyana@gmail.com
 RYMC/2019/111

0124-2577886

Date:- 27.02.2020

Inspection Report

The HYMC inspected the possible untreated sewage dumping sites through tankers into storm water drains, Leg - I, Leg - II & Leg - III (Badshapur drain) Gurugram on 26.02.2020 along with Sh. Dhananjay Kumar Jha, report of Hindustan Times. It was observed that two tankers were disposing sullage from septic tanks to the storm water drains, Leg - I at the time of inspection. The GPS coordinates and photographs of tankers are enclosed for reference. The field staffs of Gurugram Metropolitan Development Authority (GMDA) and Municipal Corporation Gurugram (MCG) were also present there. The PCR van reached the site when we try to ask the tanker drivers about their illegal activities. It seems that the Septage Management Policy of MCG are not being implemented at all. The tanker owners are disposing sullage collected from unauthorized residential areas at their will in to the nearest storm water drains leading to Najafgarh drain. On enquiry it was revealed by the tanker driver that more than five hundred tankers are operating their clandestine activities of disposing untreated sewage into storm water drains of Gurugram. Strong punitive actions are required from GMDA and MCG against the tanker owners including impounding those tankers.

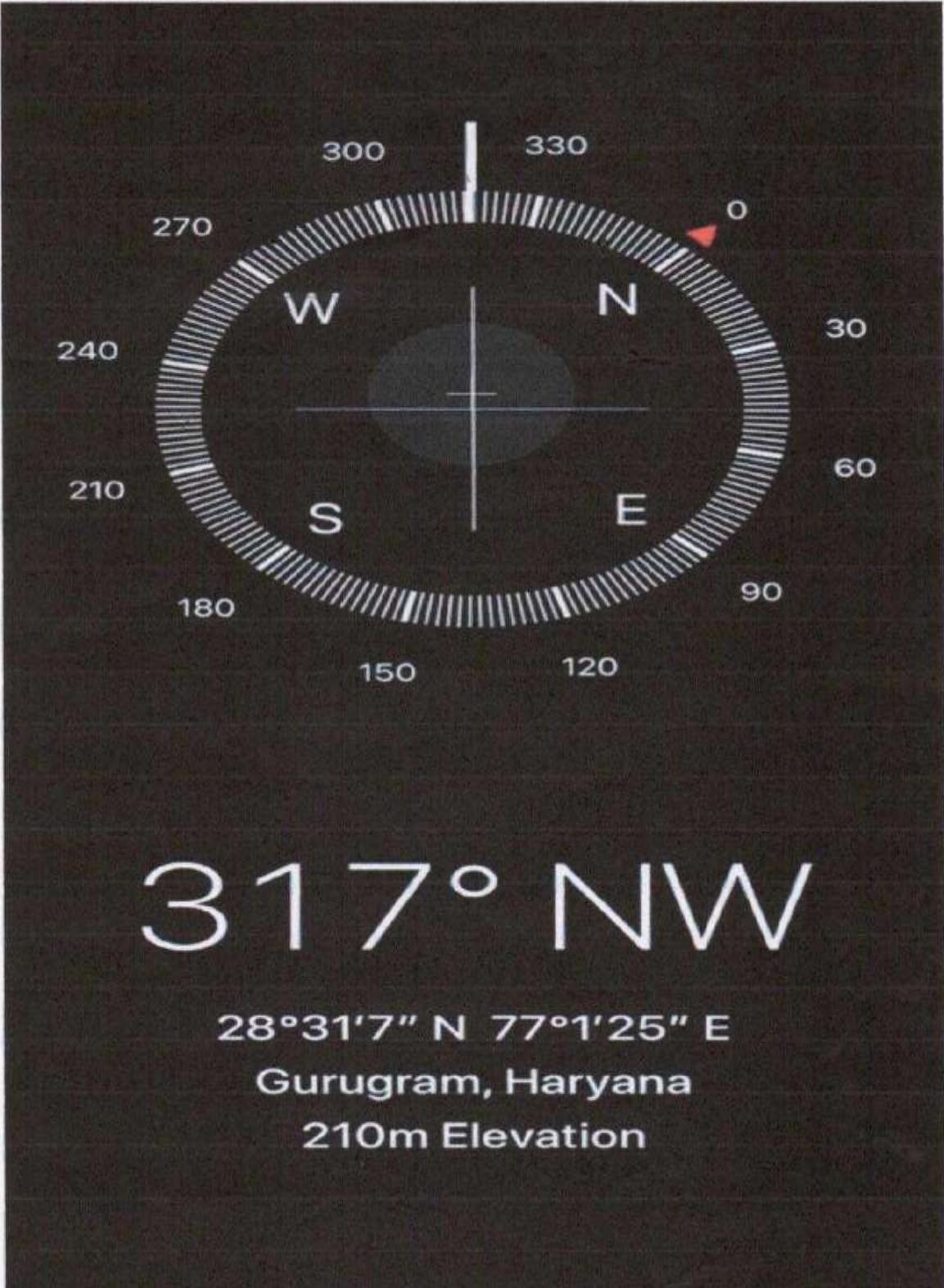
DA/As Above

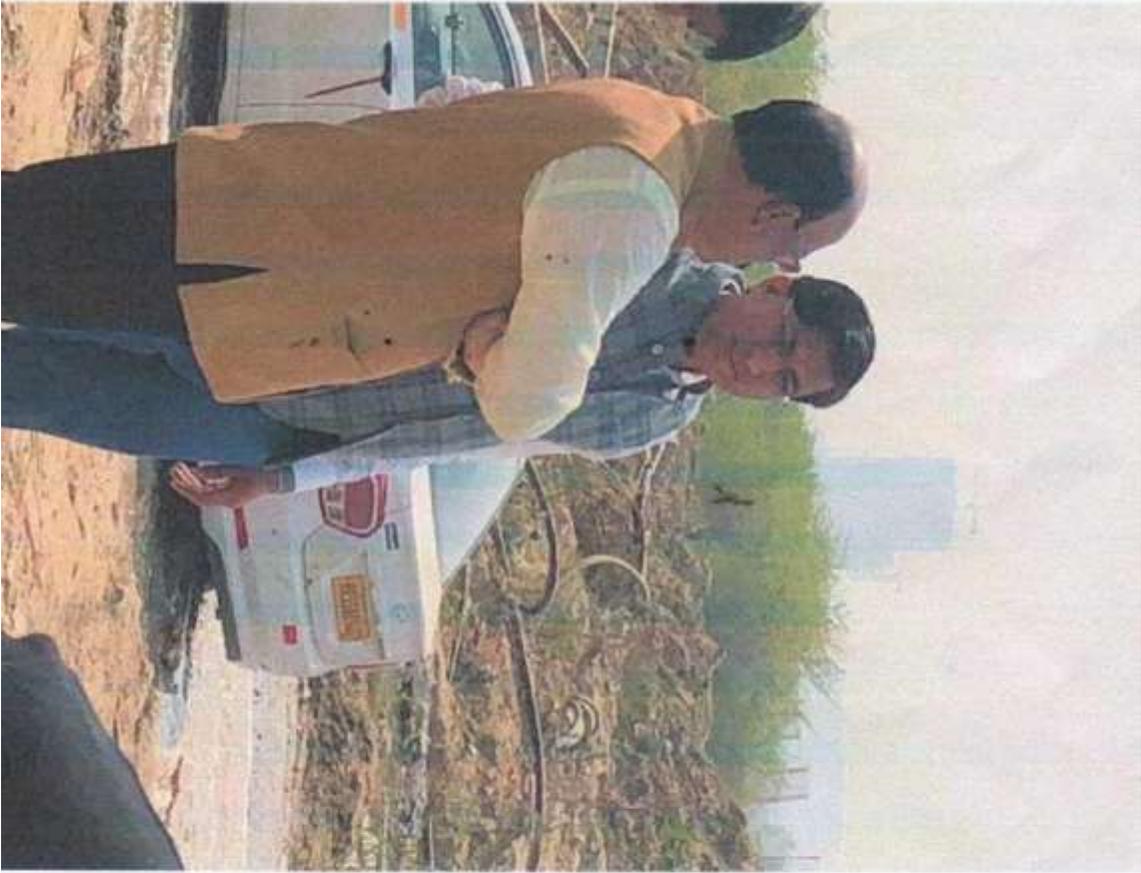


Dr. P K M K Das
 Member









Annexure B



ORDER

In partial modification of orders issued vide Endst. No. MCG/CMC/2020/3136 dated 22.01.2020 and Endst. No. MCG/CMC/2020/4263 dated 29.01.2020, the following adjustment of Executive Engineers/Assistant Engineers/Junior Engineers is hereby made for smooth functioning of Civil/Enforcement/Horticulture/Electrical divisions of Municipal Corporation, Gurugram with immediate effect:-

i. Civil Engineering:-

| Zone | Division | Ward No. & work | Executive Engineer | Assistant Engineer | Junior Engineer R-Regular O-outsource |
|------|----------|---|---|--|--|
| I | I | 13, 20, 21, 22, 23 & 24 | Sh. Amarjit Bisla, E.E., Division No.-I | Sh. Narender Pawar & Sh. Pawan Kumar, A.E.s | Sh. Naveen Sangwan, J.E. (O) Sh. Naveen Yadav, J.E. (O) Sh. Aman Kumar, J.E. (O) |
| II | II | 1, 2, 7, 8,9 & 17 | Sh. Dharambir Malik, E.E., Division No. II | Sh. Deepak Kumar, A.E. | Sh. Neeraj, J.E. (O) Sh. Sachin Malik, J.E. (O) |
| IV | III | 28, 29 & 30 | Sh. Vishal Garg, E.E., Division No. III | Sh. Prem Kumar, A.E. | Sh. Rahul Khan, J.E. (O) Sh. Ashish Schrawat, J.E. (O) |
| IV | IV | 25, 26 & 27 | Sh. Gopal Kalawat, E.E., Division No. IV | Sh. Krishan Kumar, A.E. | Sh. Kapil, J.E. (O) Sh. Yogesh Yadav, J.E. (O) |
| III | V | 31 & 32 | Sh. Vishal Garg, E.E., Division No. V | Sh. Dalip Yadav, A.E. | Sh. Vinay Verma, J.E. (O) Sh. Himanshu Rao, J.E. (O) |
| I | VI | 10, 11, 12, 14, 15 & 16 | Sh. Tushar Yadav, E.E., Division No. VI | Sh. Ajay Sharma, A.E., | Sh. Pardeep Sharma, J.E. (O) Sh. Hari Parkash, J.E. (R) |
| II | VII | 3,4,5,6,18 & 19 | Sh. Gopal Kalawat, E.E., Division No. VII | Sh. Hitesh Dahiya, A.E. | Sh. Jaibir Singh, J.E. (R) Sh. Vineet, J.E. (O) |
| III | VIII | 33, 34, 35, HQ & Bandhwari Plant & C&D Plant. | Sh. Pankaj Saini, E.E. Division No. VIII in addition to his present duties. | Sh. Dinesh Kumar, A.E. for Ward No. 33, 34 & 35 Sh. Dalip Yadav, A.E., HQ, Bandhwari Plant & C&D Plant. | Sh. Hari Kishan, J.E. (O) Sh. Arif Khan, J.E. (O) |

Note:

- Civil Engineering Divisions of Zone-III (Division No. V & VIII) and Zone-IV (Division No. III & IV) shall also look after the work of Water Supply and Sewerage in their respective areas.



- Sh. Rahul, Naveen Yadav and Naveen Sangwan, J.E.s (outsourcer) shall supervise and monitor the C&D Waste Plant 24 hours (Night shift alternatively starting for Sh. Rahul, J.E.).

ii. Water Supply & Sewerage Division with Septage Management:-

| Sr. No. | Executive Engineer | Assistant Engineer | Junior Engineer | Septage Management Junior Engineer (outsourcer) |
|---------|-------------------------------------|--|---|---|
| 1 | Sh. Amit Sandila, E.E.- Zone-I & II | Sh. Vicky Kumar & Sh. Kuldeep Yadav, A.Es- Zone-I & II | Sh. Vinod Kumar, Zone-I Sh. R.K. Mongia, Zone-I Sh. Bhupinder Singh, Zone-II Sh. Waseem Akram, Zone-II | Sh. Mohit Sharma, Zone-I Sh. Jasvinder, Zone-II Sh. Nishupal Gulia, Zone-III Sh. Jitender Kumar, Zone-IV |

Note:

- This WSS Division shall have the responsibility for issuance of bills as well as recovery of Water and Sewerage charges and release of connections for whole MCG area.
- Septage Management teams shall report to Executive Engineer (WSS), MCG on daily basis.

iii. Horticulture Division:-

| Sr. No. | Executive Engineer | Assistant Engineer | Junior Engineer (outsourcer) |
|---------|--|---|--|
| 1 | Sh. Devender Kumar, E.E., Hort.-I & II (Zone- I to IV) | Sh. Sanjay Bansal, Hort. Division-I Sh. Rakesh Joon, Hort. Division-II | Sh. Satyander Yadav- Zone-I Sh. Akhlak Ahmed -Zone-IV Sh. Gulshan Yadav -Zone-II Sh. Milan Yadav Zone-III |

iv. Electrical Division:-

| Sr. No. | Executive Engineer | Assistant Engineer | Junior Engineer |
|---------|--------------------------------|--------------------|---|
| 1 | Sh. Raman Yadav, E.E. (Elect.) | Sh. Rajender Yadav | Sh. Pankaj Saluja, J.E., (officiating) Zone-I & II Sh. Ashish Kumar, Zone-III & IV |

v. Enforcement & Advertisement Division:-

| Sr. No. | Zone | Assistant Engineer | Junior Engineer | Junior Engineer (outsourcer) |
|---------|------|-----------------------------------|--|-------------------------------------|
| 1 | I | Sh. Sunil Kumar, A.E. | Sh. Rajkumar, J.E. Sh. Sandeep Rathi, J.E. | Sh. Tilak Sharma, Sh. Sandeep |
| 2 | II | Sh. Amit Kumar, A.E. & SBM | Sh. Sujjan Singh, J.E., Sh. Rakesh Kumar, | Sh. Sunil Kumar, Sh. Rohit Kumar |
| 3 | III | Sh. Kuldeep Kumar, A.E. | Sh. Mahboob Ali, J.E. (O), Sh. Sandeep Hooda, | Sh. Hari Om, Sh. Sachin Kumar |
| 4 | IV | Sh. Rajiv Yadav, A.E. & Transport | Sh. Ankit Kapoor, J.E. (O), Sh. Naim Hussain, J.E., | Sh. Rahul Yadav Sh. Vijay Verma |

MCG

MUNICIPAL
CORPORATION
GURUGRAM

GURUGRAM

Note:

1. Assistant Engineers shall report directly to the concerned Joint Commissioner to enforce the directions issued vide order No. MCG/ADMC/CFMS/2020/2406 dated 17.01.2020.
2. Sh. Rajiv Yadav, Assistant Engineer will also look after the work of Assistant Engineer, Advt. (HQ) for Court cases and permissions etc. and will report directly to concerned Additional Commissioner in addition to his present duties.

vi. Challaning of C & D Waste, Solid Waste and banned plastic items:-

| Sr. No. | Zone | C & D Waste J.E. (outsorce) | Solid Waste & Plastic J.E. (outsorce) |
|---------|------|--------------------------------|--|
| 1 | I | Sh. Naveen Bedi | Sh. Deepak Rao |
| 2 | II | Sh. Ashish Kataria | Sh. Varun Vashisht |
| 3 | III | Sh. Manjeet | Sh. Devender, J.E. |
| 4 | IV | Sh. Vivek | Sh. Manoj Kaushki |

Note:-

- C&D Waste, Solid Waste and banned plastic items staff shall report to Additional Commissioner-III through Joint Commissioner (HQ), MCG on daily basis.
- The Junior Engineers (Outsource) deputed for challaning of Solid Waste & banned Plastic will also assist respective Joint Commissioner in the work of sanitation. They shall issue challans for burning of garbage in coordination with concerned SSI in their respective areas and shall report to concerned Joint Commissioner instead of Joint Commissioner (HQ).
- The Enforcement Teams for C&D Waste shall ensure challaning regarding Air Pollution norms for construction sites including dust creation and other environmental violations as per directions passed by Hon'ble NGT from time to time.

GENERAL NOTE:-

- The order issued vide Endst. No. MCG/ADMC/2019/38862 dated 14.09.2019 regarding entry in the Measurement Book (M.B) by regular J.E. and in his absence by A.E. shall remain in force as hitherto.
- Additional Commissioner-I and Superintending Engineer shall be the Nodal Officers for controlling & treatment of discharge in Leg-I, II & III. Further they shall also ensure timely filing of status report/replies before the Hon'ble Courts/Tribunal as well as cases relating to their enforcement. They shall ensure compliance of directions/instructions passed from time to time by Hon'ble Courts/Tribunal as well as Government in this regard.
- The Officers/teams entrusted with challaning/unauthorized constructions/encroachments shall only use Violation Mobile App for this purpose. No manual challan be issued.
- The Septage Management/C&D Waste/Solid Waste/Banned Plastic items/Sanitation teams entrusted with challaning and recovery shall be **paid salary only out of recovered amount and not from the MCG funds**. However, if any team collects the amount of fine more than the expenditure incurred on

MCG



their salary and other expenditure incurred on these teams for this purpose, then **upto 5% of the excess amount collected may be given to the respective teams as incentive.**

- No extra remuneration, seniority and promotion shall be claimed by Sh. Pankaj Saluja, J.E. (Officiating) on account of assigning the officiating charge of J.E. This is a time gap arrangement and can be withdrawn at any time without assigning any reason.
2. Strict compliance of above directions be ensured.

Dated: 25.02.2020

25/2/20
 (Vinay Pratap Singh, IAS)
 Commissioner,
 Municipal Corporation,
 Gurugram.

Endst. No. MCG/ACMG-III/2020/ 7845

Dated: 25/02/2020

A copy of the above is forwarded to the following for information and further necessary action:-

1. Mayor, Sr. Dy. Mayor, Dy. Mayor and All Corporators, Municipal Corporation, Gurugram.
2. Joint Commissioner-I, II, III, IV & HQ, Municipal Corporation, Gurugram.
3. Chief Engineer-I & II, Municipal Corporation, Gurugram.
4. Chief/Senior Town Planer, Municipal Corporation, Gurugram.
5. Chief Medical Officer/Medical Officer, Municipal Corporation, Gurugram.
6. District Attorney, Municipal Corporation, Gurugram.
7. Chief Accounts Officer, Municipal Corporation, Gurugram.
8. Dy. Director-Audit, Municipal Corporation, Gurugram.
9. Superintending Engineer, Municipal Corporation, Gurugram.
10. All Executive Engineers, Municipal Corporation, Gurugram.
11. Accounts Officer (Estt.), Municipal Corporation, Gurugram.
12. IT Consultant, Municipal Corporation, Gurugram.
13. All Concerned Officers/Officials, Municipal Corporation, Gurugram.
14. Public Relation Officer, Municipal Corporation, Gurugram.
15. PA to Commissioner/Addl. CMC-I & II/ Addl. M.C., Municipal Corporation, Gurugram.
16. Incharges, both CFCs and Call Centre, Municipal Corporation, Gurugram.

U
 Addl. Commissioner-III,
 for Commissioner,
 Municipal Corporation,
 Gurugram.

Home / Cities / Untreated sewage dumping into drains that lead to Yamuna continues by private septic tank owners



NEW ROLES IN LIFE DEMAND NEW PROMISES.

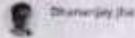
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New Delhi

Home / Cities / Untreated sewage dumping into drains that lead to Yamuna continues by private septic tank owners

Untreated sewage dumping into drains that lead to Yamuna continues by private septic tank owners

Updated: Feb 23, 2020 20:58 IST



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- CAA protes
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- Trump ind
- Assam Poli
- Droptika P
- Anti-CAA pr

Gurugram: The dumping of untreated sewage into the city's drains seems to be going unchecked by many septic tank owners — unmindful of the fact that the highly polluted water is going straight to the river Yamuna through the Najafgarh drain and that it is a gross violation of environmental norms.

On Friday, residents of New Palam Vihar filed a complaint with the district administration officials in this regard, drawing their attention to a noted location at drain number 1 in Sector 111, which is close to the Dwarka expressway. The residents alleged that hundreds of tankers dispose untreated sewage daily at this drain that meets Najafgarh drain on the outskirts of the city.

When an HT team visited the site, it found that five tankers, in a span of only 30 minutes, had

don't



Untreated sewage dumping into drains that lead to Yamuna



DGP Deonar Gupta has apologised for Kharipur remarks



US First Lady Melania Trump attends Happiness



Punjab passes resolution urging Centre to sue



In plea to SC, Bihar Army chief blames BPs Kaul Mishra

2/25/2020

Untreated sewage dumping into drains that lead to Yamuna continues by private septic tank owners - cities - Hindustan Times

ht

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Drivers of these tankers said that they have to follow the command of their employers, the tanker owners. "We cannot name house or locality from where we have collected sewage," said a driver while emptying a tank, adding that nearly 30 to 50 times a day each tanker disposes untreated sewage at the same location, which is known to police, officials of the Municipal Corporation of Gurugram and the Haryana State Pollution Control Board (HSPCB).

In September last year, the National Green Tribunal (NGT) laid a penalty provision in its order — if polluted water was found in any city drain, the NGT-appointed river Yamuna monitoring committee will impose a penalty of ₹5 lakh/drain in a month and the penalty is to be recovered from the officials in whose jurisdiction the drain falls.

However, no penalty has been imposed on violators since January 1, when the provision came into effect.

Primarily, officials of HSPCB can act against these violations under the environment act. When asked about the matter, Kuldeep Singh, regional officer, HSPCB, said, "We continue to keep a watch on such offences as this is illegal. We will write to MCG to check illegal dumping of sewage directly into the drains as such power is vested with the MCG."

A senior MCG official, wishing anonymity, said, "MCG has empanelled authorized septic tankers. Residents should call only authorized tankers for such work because empanelled tankers can dispose sewage at designated locations only that will go to STPs. Besides, the civic body has been taking action against illegal dumping also."

The discharge of polluted water into Yamuna from Gurugram and other cities has been a big concern for the NGT.

LIC



india

Annexure – C-8

**OFFICE OF THE YAMUNA POLLUTION MONITORING COMMITTEE
 APPOINTED BY HON'BLE NGT
 ROOM NO. 58, INDIA INTERNATIONAL CENTRE
 40, MAX MUELLER MARG, LODHI ESTATE
 NEW DELHI – 110003**

No. YPMC /2020/ 438

Date: 9/3/2020

Subject: Complaints regarding dumping of debris beneath Nizamuddin Bridge.

Several complaints were being made on social media between 16.2.2020 and 5.3.2020 relating to the dumping of large quantities of debris under the Nizamuddin Bridge. Yamuna Monitoring Committee pursued this with DDA and DPCC through a series of messages. The reports received show clearance of the impugned site but are confusing because of the following factors:

1. DDA vide its report CE(E2)/13/(20)2020/O /Zone/279 dated 28.2.20 (surprisingly received only on 3.3.20) informed the YMC that presently the site is free from all types of debris/C&D waste and no fresh dumping of illegal C&D waste has been noticed. In the DDA reply it has been stated that the debris was on account of the new bridge over Yamuna River constructed by National Highway Authority of India. If this was so, action should have been taken by DDA long ago and if it was allowed to be dumped there someone has to be held responsible.
2. DPCC in its mail dated 4.3.2020 has reported that “no C&D waste was found beneath the Nizamuddin Bridge on the river bed.” It has not tried to ascertain who put the debris there in the first place. If DDA says it could be old NHAI debris DPCC should have tried to check why DDA had not removed it earlier and whether the damage has been reported to NHAI. It is necessary for DPCC to get to the bottom of such large scale dumping of debris on the

flood plain as clearing it is only one aspect. DPCC is bound to check and fine those who have indulged in such large scale pollution. DDA has not reported on the functionality of the CCTV cameras and DPCC needs to report on this too as mere claims by DDA serve no purpose as this case has shown.

3. DPCC has added that *“some heaps of C & D waste & mud were found lying on the road side of Ring Road abutting the flood-plain.”* Environmental Damage compensation of Rs. 10,00,000/- (Rs. Ten lakhs only) has been imposed upon PWD for causing damage to Environment. It is not clear whether this is for dumping on the road or the flood plain under DDA. It may be confirmed that the fine referred pertains to the PWD road.

DPCC should recheck these matters and give a report which fixes responsibility for dumping and for not reacting to the dumping of C& D waste and preventing it from happening.

Shailaja Chandra,
Member,
Monitoring Committee for Yamuna

B.S. Sajwan,
Member,
Monitoring Committee for Yamuna

To:

1. VC,DDA
2. MS, DPCC
3. CGM,NHAI
4. Pr. Secy. (PWD)
5. SANDRP@indian_rivers

Address: Room No. 58, India International Centre

40, Max Mueller Marg, New Delhi – 110003

Telephone No: 011- 24609270

Email id: rymonitoringcommittee@gmail.com

Annexure – C-9

DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE CHIEF ENGINEER (EAST ZONE)
16TH FLOOR, VIKAS MINAR, I.P. ESTATE, NEW DELHI-110002

Dated 28/2/2020

No. CE (E2)/13 (20) 2020 / 'E Zone' / 275

To,

1. Ms. Shailaja Chandra
Member, Yamuna Monitoring Committee
Room No. 5B, India International Centre
40, Max Mullar Marg, Lodhi Estate,
New Delhi 110003
2. ✓ The Member Secretary
Central Pollution Control Board
Parivesh Bhawan, CBD-Cum-office complex
East Arjun Nagar, New Delhi-110032

Sub: - Action taken report (ATR) regarding removal of C & D waste below NH-24 towards Sarai Kale Khan.

Ref: - Tweet Message on debris near Yamuna Spurs depts.. Into action in 19.02.2020 and further DO note no. YPMC/2020/428 dated 26.02.2020.

Sir,

In reference to the above noted subject matter, it is to inform that approximately 3300 cum. Debris found dumped beneath the Hazrat Nizamuddin Bridge is quite old, likely to be generated on account of construction of New Bridge over Yamuna River by National Highway Authority of India (NHA).

As soon as it was noticed, Ex. Engineer, ED-8/DDA has taken immediate action to remove the dumped C & D waste at SLF site, Shastri Park as:-

1. 2600 cum. was lifted till January, 2020, 550 cum. by 21.02.2020 and the balance 150 cum. by 27.02.2020 respectively.

Presently, the cited site is free from all types of debris/C&D waste and no fresh dumping of illegal C&D waste has been noticed. Further to check the illegal dumping, a permanent barrier has been erected at the entry of the approach road. The photographs before and after the removal of debris have been enclosed for ready reference.

This is issued with the approval of the competent authority.

Your Faithfully

(Sanjeev K. Arya)
Chief Engineer (E2)/DDA
