

Item No. 03

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(BY VIDEO CONFERENCING)**

Original Application No. 339/2023

Deepti Gupta

Applicant

Versus

Ministry of Environment and Forest &
Climate Change & Ors.

Respondent(s)

Date of hearing: 19.07.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Vaibhav Grover, Advocate

ORDER

1. The issue raised in this application is discharge of sewage coming out of the jhuggi clusters, open defecation, into the open green area of Shalimar Garden, Delhi which have become sewage pond, lying adjacent to Block CA, Shalimar Bagh, Delhi - 110088 boundary and in front of her residential house. The inaction and negligence in performing their respective duties by the Respondent authorities over the last several years have resulted the open green area of Shalimar Garden, Delhi have become a sewage pond where the sewage coming out of the jhuggi clusters is being dumped. The jhuggi clusters are established and are propagated on the land belonging to the State of Haryana which is adjacent to the fresh water canal, which is now abandoned and is being used to dump part of the sewage of the jhuggi clusters. That as result of a creation of a sewage pond, in the green zone of Shalimar Garden, as well as due to dumping of

municipal waste and sewage in the abandoned fresh water canal, not only the flora and fauna are being affected and damaged but even the said sewage is creating a serious health hazard.

2. A substantial issue of environment has been raised. Respondent Nos. 1,2,3,4,8 and 9 are not proper and necessary party, thus, their names be deleted.

3. Issue notice to the respondents, returnable within four weeks. Respondents are directed to submit their reply within Six weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

4. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.

5. We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of

- i. Representative from Delhi Pollution Control Committee (DPCC) not below the rank of Senior Environmental Engineer.
- ii. Representative from Municipal Corporation of Delhi (MCD).
- iii. Representative from Delhi Jal Board (DJB).
- iv. Representative from Delhi Urban Shelter Improvement Board.

6. The Committee is directed to visit the place and submit the factual and action taken report within four weeks. DPCC will be the nodal agency for coordination and logistic support.

7. Applicant is directed to supply the copy of the application and relevant documents to the Committee and Respondent(s) within a week and after compliance of service, the applicant has to submit an affidavit

that the notice and copy of the application have been served upon the Committee and respondent(s).

8. The report in the matter be filed by the Committee through by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

9. List the matter on 20.10.2023.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 19, 2023
Original Application No. 339/2023
SN