

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

I.A. No. 537/2023
in
Original Application No. 06/2012

Nizamuddin West Association		Applicant
	Versus	
Union of India & Ors.		Respondent(s)

Date of hearing: 01.04.2024

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Akansha Singh, Advs. for Applicant in I.A 537/2023

Respondent: Ms. Puja Kalra & Mr. Virendra Singh, Advs. for MCD with Mr. S.K. Meena, EE
Mr. Kunal Anand & Ms. Eesha Sharma, Advs. for DJB
Mr. Narender Pal Singh & Ms. Anjali, Advs. for DPCC
Mr. Raj Kumar, Adv. for CPCB (Through VC)

ORDER

1. In this IA, applicants have raised the grievance that part of the storm water drain behind the houses i.e. B-159 to B-187 of Greater Kailash-1, New Delhi has been left open and from that open drain toxic and foul smell is emitting creating health hazard to the local residents.
2. Tribunal in last one year has given repeated opportunities to the respondents- Delhi Jal Board (DJB) and Municipal Corporation of Delhi (MCD) but, till now the problem has not been remediated and no effective steps in this regard have been taken.
3. Learned Counsel for applicant and applicant present in person have submitted that in the middle of the National Capital such a problem is continuing and residents especially elderly and children, living in the locality are suffering and there is no effort to solve the issue.

4. Learned Counsel for the DJB has submitted that Civil Appeal No.3639/2023 along with the connected Appeals relating to direction of opening of Sahibabad Drain is still pending before the Hon'ble Supreme Court which is likely to come up for hearing on 25.04.2024.

5. Responding to it, stand of the Learned Counsel for the applicant is that on the plea of pendency of Civil Appeal, applicant's misery cannot be prolonged.

6. Learned Counsel appearing for DJB on instructions has informed that about 67 MLD of untreated sewage is flowing in this storm water drain.

7. We also take note of the fact that in the proceedings dated 09.01.2024, affidavit of CEO, DJB disclosing the timeline for completion of tapping of drains flowing in the storm water drain was noted and as per the said affidavit, tapping of most of the drains was to be completed by 31.03.2024.

8. Counsel for the applicant has submitted the very fact that there is no change in the sewage flowing in the storm water drain in question indicates that drains have not been tapped.

9. Hence, we direct the DJB to place on record the status of tapping of the drains flowing in the storm water drain in question.

10. In view of the unsatisfactory response by respondents-DJB and MCD, we are of the view that interim compensation needs to be imposed for continuous violation of the norms.

11. Learned Counsel for DJB has sought time to argue on the issue of imposition of interim compensation. Hence, matter is adjourned.

12. List on 16.04.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 01, 2024
I.A. No. 537/2023
In Original Application No. 06/2012
JG.