

Item No. 09

Court No. 1

**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: 03.11.2023

**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: Mr. Rahul Chauhan & Ms. Akansha Singh, Advs. for Applicant in I.A
537/2023

Respondent: Ms. Richa Kapoor (Through VC) & Mr. Kunal Anand, Advs. for DJB
Mr. Narender Pal Singh, Adv. for DPCC
Ms. Puja Kalra, Adv. for MCD

ORDER

1. The grievance raised in this IA No. 537/2023 is in respect of storm water drain, a large portion of which is covered but a small portion touching back of some of houses i.e. B-159 to B-187 in GK-1 has been left open, from which foul gases are emitting and causing inconvenience and serious health hazards to nearby residents.

2. The Tribunal by order dated 26.09.2023 had adjourned the matter with a direction to supply the report of the DJB to the Counsel for the applicant and permitting the Counsel for applicant to file the objection, which have been now placed on record.

3. Learned Counsel for the applicant has drawn attention of this Tribunal to the order of the Delhi High Court dated 24.04.2019 passed in W.P. (C) No. 4246/2019, CM No. 18982/2019, wherein the same issue

was raised and Delhi High Court had directed the Committee constituted by the NGT to look into the representation of the petitioners and pass appropriate orders within a time bound period and permitted the petitioners to approach the NGT, if their grievance still remains.

4. It has been pointed out that the applicant had appeared before the Committee and participated in the meeting dated 25.09.2019 and the Committee had made following field visit observations:

“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 the JCB machines had been deployed because of the visit and it was shocking to find underground situation of the drains in the heart of some of the most organized col 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 sewered areas in which the sewerage/conveyance systems were not functioning.”

5. The above minutes reveal the seriousness of the problem and also that the DJB has failed to take the action within the timeline in respect of trapping and diverting the sewage sullage.

6. In the status report filed by the DJB before the Tribunal on 25.09.2023, the DJB has taken the stand that in respect of trapping, further action is awaited and had sought six months' time.

7. It is not in dispute that the drain in question is a storm water drain and sewage is entering in the said drain from different locations.

8. The suggestions which have been recorded in the minutes of the meeting of the Committee appointed by the NGT needs to be implemented by the DJB expeditiously.

9. Having regard to the seriousness of the issue and the problem which is being faced by the applicant, the six months' time which is prayed by the DJB seems to be unreasonable time. Hence, we direct the CEO, DJB to file affidavit within two weeks from today disclosing the time bound schedule for the action to remedy the situation and resolve the grievance raised by the applicant in this IA.

10. Meanwhile, the MCD is also directed to take prompt and effective steps for diverting the sewage sullage, cleaning and de-silting of the drain in question and submit action taken report on or before the next date of hearing.

11. List on 22.11.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 03, 2023
I.A. No. 537/2023
IN Original Application No. 06/2012
DV