

**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)

-----

**BLK-B (North) GK-1 RWA, through its President:      Applicant in IA**

Date of hearing:    22.11.2023

**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:    Mr. Narender Pal Singh, Adv. for DPCC  
Ms. Richa Kapoor & Mr. Kunal Anand, Adv. for DJB  
Mr. Virendra Singh, Adv. for MCD

**ORDER**

1.      The issue raised in I.A. No. 537/2023 is in respect of storm water drain a part of which has been covered and a portion of which has been left open touching near the back side of some of the houses i.e. B-159 to B – 187 of G.K.- I and the grievance raised is that the nearby residents are facing various health issues and problems on account of toxic and foul gases emitting from open part of the drain.

2.      In terms of the earlier order of the Tribunal, the reports on behalf of the Municipal Corporation of Delhi (MCD) and Delhi Jal Board (DJB) have been filed.

3. The report of the DJB mentioned above the network of Barapulla drain of which Kushak drain is also a part as under:

*“Barapulla drain, derives its name from a 12-arch bridge of the Mughal period. This storm water drain of Delhi outfalls into the river Yamuna across the ring road near Sarai Kale Khan Village and is emanating from the following smaller drains: -*

- i. Satpula (7 arched bridge) drain originating from the south ridge.*
- ii. Kushak drain (including Mehrauli drain) originating from the central ridge.*
- iii. Drains near AIIMS, INA Market and Lajpat Nagar,*
- iv. Sunehri Nalla from Lodhi Garden area.*

*The drains of South Delhi falls into the Barapulla Basin. The Kushak Nallah- Barapulla Nallah enters MCD area behind INA Market. After this a tributary, called Defence Colony Nallah joins the Kushak Nallah. There after Sunehri Nallah from New Delhi Areas joins it. From this point the Kushak Nallah is called Barapulla Nallah. In the upper reaches, the Defence Colony Nallah is named as Chirag Delhi Drain and Chirag Delhi drain is passing behind the B-Block G.K.-I which actually affects the Applicant's. This drain originates from three hilly Nallahs above Devli Bandh in Mehrauli.*

4. As per the report of DJB there are three main causes of the emitting of foul smell from the open area of drain which are:-

- i. The discharge of sewage from the unauthorized colonies Chirag Delhi, Chatterpur, Mehrauli, Saidullajab, Devli, Khanpur, Sangam Vihar, Tigri, Dakshinpuri Extn. etc.*
- ii. Improper desilting of the drains due to covering of the drain and*
- iii. Other factors which have caused stagnation of sewage and generation of foul gases.*

5. The report filed by the MCD discloses that the total length of the drain in question is approximately 945 meters and out of this 645 meter is covered and 300 meters is open drain.

6. Report of the MCD discloses that some desilting operation has been done but as per the photographs which has been produced during the course of argument by the counsel for the applicant, the silt still exists in

the open area and foul smell is still emitting and no improvement of the situation has been witness by the residents of that area.

7. The report of the DJB in paragraph 11 reveals that there are 11 points from where sewage is entering the storm water drain in question and out of those 11 location five sewage drain have been trapped and it is stated that remaining six will also be trapped by 31.03.2024 and only point i.e. sewage coming from Mehrauli will be trapped by 30.06.2025. Learned counsel appearing for DJB has submitted that once these points from which sewage is falling in the storm water drain, are trapped then the issue will be solved. Learned counsel for the applicant has disputed such solution and has sought time to file objection to the report filed by the MCD and DJB.

8. In the meanwhile till the action as proposed by the DJB is completed, the remedial measures are required to be taken to solve the immediate problem faced by the residents of the area concerned. In this regard learned counsel for the MCD has fairly accepted the proposal that the vents on the covered area of the drain can be increased so that the concentrated foul smell may not exist from the open drain near the residence of the applicant in the I.A.

9. The report filed by the MCD reveals that there are 10 vent shafts at the approximate interval of 30 meters in the entire covered area of 645 meters. The concerned officers of the MCD are directed to explore the feasibility and possibility of increasing number of vents in the covered area of drain and also to take appropriate action in this regard.

10. Meanwhile the concerned authorities are also directed to take action for regularly desilting the open area of the drain and also to

take regular measures for adequate desilting of the covered area and disclose it in the next report the detail of the action taken in this regard.

11. It has been submitted before the Tribunal that the drain in question has four channels which are interconnected and on account of existence of four channels in the drain there is difficulty in cleaning it. Hence the learned counsel for the MCD is directed to produce the project report on the basis of which the four channels of drain were constructed and to point out the object and purpose of constructing four channels in the drain.

12. The DJB will also disclose the capacity of Okhla sewage treatment plant, the extent of sewage which is diverted to the Okhla sewage treatment plant from different sources and also if the capacity of the Okhla sewage treatment plant is sufficient to treat the sewage which is under process of being diverted from the 11 points which are disclosed by DJB in paragraph 11 of the report.

13. Let further report be filed by Municipal Corporation of Delhi and Delhi Jal Board within four weeks keeping in view the observation made above.

14. List the matter on 22<sup>nd</sup> December, 2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 22, 2023  
I.A. No. 537/2023 In  
Original Application No. 06/2012  
HB