

Item No. 10

Court No. 1

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

Original Application No. 737/2022
(IA No. 93/2023)

Amit Aggarwal

Applicant

Versus

Delhi Development Authority & Ors.

Respondent(s)

Date of hearing: 08.07.2024

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

Applicant: Ms. Garima Kumar, Advocate

Respondent: Ms. Kritika Gupta, Adv. with Mr. Sonu Ram, Assistant Dir. (Hort.) & Mr. Gulshan, Section Officer (Hort.), DDA
Ms. Jyoti Mendiratta & Ms. Ananya Basudha, Advs. for PCCF, GNCTD (Through VC)
Mr. Kush Sharma, Mr. Nishchaya Nigam & Ms. Vagimi Singh, Advs. for DPCC (Through VC)
Ms. Richa Kapoor & Ms. Atika Singh, Advs. for MoEF & CC

ORDER

1. In this original application, the issue of improper maintenance of water body namely Macchali Talab in Smriti Van at Vasant Kunj alongwith certain allegations about the unauthorized use of Smriti Van has been raised.

2. In terms of the earlier direction of the Tribunal, the additional status report on behalf of the Delhi Pollution Control Board (DPCC) has been filed which states that the Sewage Treatment Plant (STP) installed in the Smriti Van, Vasant Kunj for treatment of sewage/waste water is now functional after carrying out the yearly maintenance. Along with the report, a communication dated 14.05.2024 sent by the DJB to DPCC has

been enclosed as Annexure I which states that “as such DJB has no role in the matters related to Macchali Talab maintenance”.

3. Learned Counsel for the DDA has submitted that a MOU was entered into between the DDA and DJB whereby the DJB was given the responsibility for construction and maintenance of STP in Macchali Talab, therefore, it is the responsibility of the DJB to properly maintain the STP. DJB has not been impleaded in this OA.

4. Along with the report of DPCC, essential details like capacity of STP and its extent of utilization and analysis report of treated water of STP have not been filed. Learned Counsel for DPCC submits that the samples will be taken and the report indicating compliance status will be placed on record.

5. The DDA has also not filed any analysis report of either treated water from STP or the water quality of Macchali Talab. Though a stand has been taken that the cleaning work of Macchali Talab is in progress.

6. Learned Counsel for DDA has also sought time to place on record the capacity and other details of STP.

7. A separate status report dated 06.07.2024 has been filed by the DDA reiterating the same fact that the STP existing within the Smriti Van is now operational, but at the same time the report states that “some electrical and mechanical components require maintenance; change of such equipment is in progress.” It is not disclosed as to what is the effect of those shortcomings in the STP on its performance.

8. Learned Counsel for the Applicant has disputed the facts disclosed in the report of the DPCC and DDA. Hence, she is granted four weeks’

time to file objection to the same and place on record all the relevant material in support of such a plea.

9. Learned Counsel for DPCC and DDA are directed to file a fresh report with necessary abovementioned details alongwith the analysis report of treated effluent from the STP and the water quality analysis report of the Macchali Talab. Let the same be filed within four weeks 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.

10. List on 27.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 08, 2024
Original Application No. 737/2022
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DV