

Item No. 10

Court No. 1

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

M.A. No. 85/2023

In

Original Application No. 81/2023

Sunil Kumar Aledia

Applicant

Versus

Govt. of NCT of Delhi

Respondent

Date of hearing: 26.02.2024

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

Respondent: Ms. Richa Kapoor, Mr. Deepak Singh & Ms. Eesha Sharma, Advs. for
Delhi Jal Board
Ms. Jyoti Mendiratta, Adv. for Govt. of NCT of Delhi (Through VC)

ORDER

1. This MA has been registered on the basis of the report submitted in pursuance to the order dated 13.03.2023 passed in OA No. 81/2023.

2. In the OA, the grievance was raised about discharge of sewage in storm water drain passing through Malviya Nagar Vidhan Sabha to Greater Kailash, Vidhan Sabha by joining sewer line to storm water drain by Delhi Jal Board (DJB) for last three years and converting fresh water of storm water drain into sewage damaging environment and causing health hazard.

3. The Tribunal, while disposing of the OA by order dated 13.03.2023, had constituted the Joint Committee with the District Magistrate, South Delhi as nodal agency and directed the Joint Committee to visit the site, collect relevant information and take appropriate remedial action within two months and submit the report before the Registrar General and if

found necessity of any further order, to place the matter before the Bench.

4. Hence, on the basis of the report so submitted, the present MA has been registered.

5. On 20.09.2023, the report was considered and it was noted that the report only referred to certain directions but did not very clearly disclose the finding and also did not disclose any remedial action. Hence, the Tribunal on 20.09.2023 had directed personal appearance of the District Magistrate (South) Delhi and Executive Engineer, DJB by virtual mode on the next date of hearing.

6. On 12.12.2023 when the matter was listed, the District Magistrate (South) Delhi and Executive Engineer, DJB appearing through virtual mode had made following statement:

“1. In compliance with order dated 20.09.2023, District Magistrate (South) Delhi has appeared through VC and Mr. S.K. Jain, Executive Engineer, Delhi Jal Board has joined through mobile phone call and they seek time for compliance with the order passed by this Tribunal. Compliance report be filed on or before 15.02.2024.

2. List for further consideration on 26.02.2024.”

7. In terms of the above, the compliance report indicating the compliance of the order was required to be filed on or before 15.02.2024.

8. The DJB has filed the status report dated 24.02.2024 making following submissions:

“5. That in compliance of the aforementioned orders and in furtherance to the action taken report dated 25.05.2023, the Delhi Jal Board seeks to submit:

— That the sewer line which was running on Basant Kaur Marg, was damaged by the Public Works Department, Govt of NCT of

Delhi during the construction of a drain near C-92 Shivalik to DERC (BSES) office. It is because of the damage and construction of the aforesaid drain, the sewer is flowing into drain passing through Malviya Nagar Vidhan Sabha to Greater Kailash Vidhan Sabha (Shahpur Jatt).

- *Given the seriousness of the situation, DJB has proposed a remedial solution i.e. replacing the old damaged sewer line from C-Block Shivalik to the BSES office on Shivalik Road (Basant Kaur Marg), spanning 455 meters. This replacement would separate the sewer line from the stormwater drain, effectively halting the sewage from mixing with the stormwater."*
- *To replace the damaged sewer line, an estimated cost of Rs. 1,26,48,980/-has been calculated based on the Delhi Schedule of Rates 2021 under the name of work "Improvement of damage sewerage system at Shivalik Main Road near BSES office in Malviya Nagar under Malviya Nagar Constituency AC-43" which was also informed in the meeting dated 09.05.2023. (S. No. 6 of MOM SDM/I-K/GEM.CORR.2023/2978-88. True copy of Minutes of Meeting dated 15.05.2023 held on 09.05.2023 regarding the drain passing through Malviya Nagar Sabha to Greater Kailash Vidhan Sabha in District South is attached and annexed herewith as Annexure 2.*
- *In Principle approval for the above cited work has also been got accorded from competent authority i.e. Chairman DJB. The proposal has been submitted for allocation of budget and upon receipt of funds, the case will be processed for competent authority for calling on tender."*

9. The above disclosure by DJB clearly reflects that the sewer is still flowing into storm water drain passing through Malviya Nagar Vidhan Sabha to Greater Kailash, Vidhan Sabha (Shahpur Jat). More than three years have passed but till now, no effective action has been taken to remediate the situation. In the status report dated 24.02.2024 also no action has been reflected till now.

10. Hence, we give an opportunity to all the concerned respondents to argue on the next date of hearing on the issue of violation of the environmental norms by them and as to why environmental compensation be not imposed upon them and quantum thereof. All the concerned respondents are granted four weeks' time to file their response

on these issues and advance arguments on these issues on the next date of hearing.

11. List on 06.05.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

February 26, 2024
M.A. No. 85/2023
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DV