

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 358/2022

In the matter of :

Prem Prakash Prajapati

.....Petitioner

Vs

Union of India

.....Respondent

ND01-22-08-2022

**FACTUAL AND ACTION TAKEN REPORT ON BEHALF OF
DELHI POLLUTION CONTROL COMMITTEE**

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Filed by:


(Delhi Pollution Control Committee)

Respondent

Place: New Delhi

Dated: 17.08.2022

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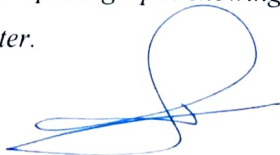
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**FACTUAL AND ACTION TAKEN REPORT ON BEHALF OF
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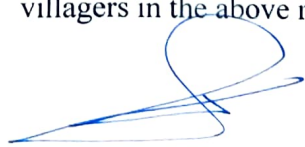
1. That This Hon'ble Tribunal vide its order dated 23.05.2022 was pleased to pass the following directions:

"...1. The grievance in the present letter petition sent by Mr. Prem Prakash Prajapati, President of Senior Citizen Forum for Environment is regarding removal of a storm water drain by the contractor of the NHAI at the time of widening of the highway without making an alternate arrangement for the domestic waste water and septic tank water of village Khampur Delhi situated at 25-26 KMs on NH 44. It is submitted that the said drain, which was located on the proposed service road to be constructed for non-stop travel from Mubarka Chowk to Panipat, joined the main drain situated 400 meters away from village Khampur. As a result of removal of above said drain entire waste water of village has accumulated in excavated land of proposed service road contaminating ground water, causing foul smell and posing serious health hazards to local residents besides damaging the environment. In support of the letter petition, the applicant has also annexed photographs showing removal of the drain and accumulation of water.



2. The allegations made require due verification and immediate remedial action. Accordingly, we constitute a Joint Committee of representatives of NHAI, DPCC, Commissioner, MCD and Deputy Commissioner, North West Delhi and direct the Joint Committee to meet within four weeks and undertake site visits, look into the grievances of the applicant and take requisite action by following due process of law. The State PCB will be the Nodal agency for coordination and compliance. Factual and action taken report may be furnished within two months by e-mail at judicial-ngt@gov.in....”


2. That a joint inspection by a team of DPCC, NHAI and Revenue Department officials was conducted on 29.07.2022. Copy of said Inspection Report dated 29.07.2022 is annexed as **Annexure-A**.
3. That Municipal Corporation of Delhi submitted a letter dated 26.07.2022 stating that matter does not pertain to MCD and accordingly, the officials from Municipal Corporation of Delhi did not join the inspection.
4. That during the inspection, it was observed by the inspecting team that a project of widening of National Highway NH-44 (earlier known as NH-1) for converting it into a 8 lane Highway from Mukarba Chowk, Delhi to Panipat, Haryana on BOT (Toll) basis has been undertaken under the supervision of National Highway Authority of India. Construction of proposed 10 m wide service road is also part of said National Highway.
5. That During the inspection, NHAI officials/representative told that for widening/construction of proposed service road, they have demolished the encroachment done by local people/ villagers in the above mentioned area.



6. That a stretch of road was found excavated for construction of drain (Latitude: 28.8247 Longitude: 77.1323) which was observed during the inspection. In this regard, NHAI officials stated that work has been stopped after protest by the local villagers due to demolition and layout of construction of drain.
7. That to discharge the waste water of village, NHAI has laid a pipe line to connect the village drain with the highway storm drain (Latitude: 28.8247 Longitude: 77.1322). Some garbage/mixed C&D waste was found dumped near the storm drain, which had choked the above mentioned under construction stretch of drain which need to be cleaned for proper domestic waste water/effluent flow.
8. That some C&D waste was also found dumped at the locations (a) Near the TPDDL Pole no. 517-16/9 (Latitude: 28.8251 Longitude: 77.1321) and (b) Near the TPDDL Pole no. 517-16/8 (Latitude: 28.8250 Longitude: 77.1322). Further, NHAI representative told that it was dumped beyond their ROW, so local body/ agency is require to take action.
9. That during inspection, NHAI representative was asked for taking necessary action to remove the dumped garbage/waste from the site and cleaning/de-silting of storm water drain for proper effluent flow in order to avoid septic condition.



10. That the NHAI vide its letter No. NHAI/PIU-SNP/NH-44/ATR/2022/D-10415 dated 16.08.2022 submitted Action Taken Report regarding removing of garbage/ mixed C&D waste and completion of work of de-silting in village Khampur. Copy of Action Taken Report along with photographs and enclosures is annexed as **Annexure-B**.
11. That the above status report/ action taken report may please be taken on record.


(MOHD. ARIF)
SR. ENV. ENGINEER

JOINT INSPECTION REPORT

Annexure-A (5)

Reference No:-OA No. 358/2022 in the matter of "Prem Prakash Prajapati Vs Union of India."

A joint inspection of the area i.e. proposed service road along NH-44 in village Khampur, situated at 25-26 KMs on NH-44 was carried out today i.e. on 29.07.2022 by the officials of Revenue department, NHAI and DPCC. In response to DPCC letter dated 22.06.2022, Municipal Corporation of Delhi submitted a letter dated 26.07.2022 stating that matter does not pertain to MCD. Officials from Municipal Corporation of Delhi did not join the inspection. Observations/findings of inspection are as under:

- 1) A project of widening of National Highway NH-44 (earlier known as NH-1) for converting it into a 8 lane Highway from Mukarba Chowk, Delhi to Panipat, Haryana on BOT (Toll) basis has been undertaken under the supervision of National Highway Authority of India. Construction of proposed 10 m wide service road is also part of said National Highway.
- 2) During the inspection, NHAI officials/representative told that for widening/construction of proposed service road,they have demolished the encroachment done by local people/ villagers in the above mentioned area.
- 3) As observed during inspection, a stretch of road was found excavated for construction of drain (Latitude: 28.8247 Longitude: 77.1323). In this regard, NHAI officials stated that work has been stopped after protest by the local villagers due to demolition and layout of construction of drain.
- 4) To discharge the waste water of village, NHAI has laid a pipe line to connect the village drain with the highway storm drain (Latitude: 28.8247 Longitude: 77.1322). Some garbage/mixed C&D waste was found dumped near the storm drain and choked near the above mentioned under construction stretch of drain which need to be cleaned for proper domestic waste water/effluent flow.
- 5) Some C&D waste was also found dumped at following locations:
 - a) Near the TPDDL Pole no. 517-16/9 (Latitude: 28.8251 Longitude: 77.1321).
 - b) Near the TPDDL Pole no. 517-16/8 (Latitude: 28.8250 Longitude: 77.1322).NHAI representative told that it was dumped beyond their ROW, so local body/agency to take action.
- 6) During inspection, NHAI representative was asked for taking necessary action to remove the dumped garbage/waste from the site and cleaning/de-silting of storm water drain for proper effluent flow in order to avoid septic condition.

V:Kas
29/7/22

(Vikas)
Jr. Env. Engineer
DPCC

Kuldeep Singh
29/7/22

(Kuldeep Singh)
Tehsildar
Alipur Sub-division

Tehsildar (Alipur)
O/o District Magistrate (North)
D.M. Office Complex, G.T. Karnal Road
Allpur, Delhi-110036

Pranjal Mishra
29/7/22

(Pranjal Mishra)
Site Engineer (Tech)
NHAI PIU Sonapat



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

(Ministry of Road Transport & Highways)

परियोजना कार्यान्वयन ईकाई-सोनीपत

Project Implementation Unit - Sonapat



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NHA/PIU-SNP/NH-44/ATR/2022/D- 10415

16.08.2022

To

Senior Env. Engineer
Delhi Pollution Control Committee,
1st Floor, E-Blk, Vikas Bhawan-II, Upper Bela Road,
Civil Lines, New Delhi-110054.

Annexure B

Sub: Action Taken Report in respect of OA No. 358/2022 in the matter of "Prem Prakash Prajapati Vs Union of India – reg.

Sir,

In reference of OA No. 358/2022 in the matter of "Prem Prakash Prajapati Vs Union of India regarding above cited subject.

2. In this regard, it is submitted that the garbage/ mixed C&D waste has been removed near storm drain and the de-silting work has also been completed in village Khampur (Latitude : 28.8247, Longitude: 77.1322). The colour photograph (Annexure-A) is attached herewith for your kind information please.

Encl.: As above.


Project Director
NHAI, PIU-Sonapat

ACTION TAKEN REPORT

Reference No:- OA No. 358/2022 in the matter of "Prem Prakash Pralapati Vs Union of India."

A joint inspection of the area i.e. proposed service road along NH-44 in village Khampur, situated at 25-26 KMs on NH-44 was carried out today i.e. on 29.07.2022 by the officials of Revenue department, NHAJ and DPCC. In response to DPCC letter dated 22.06.2022, Municipal Corporation of Delhi submitted a letter dated 26.07.2022 stating that matter does not pertain to MCD. Officials from Municipal Corporation of Delhi did not join the inspection. Observations/findings of inspection are as under:

Action Taken Report for removing dumped garbage/waste from the site and cleaning/de-silting of storm water drain for proper effluent flow in order to avoid septic condition. Photographs of the same are as under:

