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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4931/2013, CM Nos.11151/2013, 237/2015, 4337/2015, 4515/2015, 7299/2015, 7654/2015, 729-30/2018, 9620/2018 & 17857/2018

S.B. TRIPATHI

..... Petitioner

Through : Petitioner in person

versus

GNCT OF DELHI & ORS

..... Respondents

Through : Mr.Rajiv Bansal, Sr.Adv.
with Mr. Sanjeev Sabahrwal,
SC-DDA with Mr. Hem
Kumar and Ms.Fiza Saluja,
Adv.

Mr.Satyakam, ASC-GNCTD
with Mr.Shashwat Parihar,
Adv.

Ms.Shefali Jain, Adv. on
behalf of Mr.Rakesh
Kr.Khanna, Sr.Adv. (*Amicus
Curiae*)

Mr.Dayan Krishnan, Sr.
Adv. with Mr.Sumeet
Pushkarna, Mr.S.U.Abbas,
Mr.Devanshu Lahiry, Adv.
and Mr.Virender Kumar
(S.E.) and Mr. Jagdish Arora
(C.E.) for R-3/DJB

Mr.Jagdeep Dhankar,
Sr.Adv. and Ms.Geeta
Luthra, Sr. Adv. with
Mr.Anish Kr.Gupta,
Ms.Priyanka, Ms.Parida and
Ms.Harsha, Adv. for R-4
Mr.Amit Mahajan, CGSC
for R-6/UOI

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
10.05.2018

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1. Despite the matter having been passed over once, Mr.Rakesh Kr.Khanna, learned senior counsel (Amicus Curiae) has not been able to appear for the hearing.
2. We are informed that the Delhi Jal Board has handed over two cheques to the State of Haryana towards the repairs of the Delhi Sub-branch Canal. The details of the two cheques are as follows:

Sr. No.	Cheque No.	Date	Amount (INR)	Bank
1	560044	13 th March, 2018	10 crores	Corporation Bank
2	560046	16 th March, 2018	18.16 crores	Corporation Bank
	Total		28.16 crores	

The aforesaid cheques appear to have not been encashed by the State of Haryana.

3. We are informed by Mr.Jagdeep Dhankar, learned senior counsel for the State of Haryana that the cheques could not be encashed in view of the conditions suggested by the Govt. of NCT of Delhi in the draft Memorandum of Understanding which was forwarded with the cheques.
4. We are further informed that despite several communications from the Chief Engineer of the State of Haryana, the Delhi Jal

Board has failed to respond to the same.

5. Be that as it may, it cannot be denied that the repairs to the Delhi Sub-Branch Canal are imperative in nature. There also cannot be further delay in the process of tendering of the work of the repairs of the said canal. Any delay results in continuing the loss of water which is badly needed for human purposes.

6. In view thereof, pending consideration of the objections of both sides, we direct as follows:

(i) The State of Haryana shall forthwith encash the cheques which have been forwarded by the Govt. of NCT of Delhi, without prejudice to its rights and contentions.

(ii) The Chief Engineer of the State of Haryana shall forthwith commence the process of tendering of the work of repairs to the Delhi Sub-Branch Canal and to ensure the process of award and completion of the work is effected at the earliest, in any case, not later than by 15th June, 2018.

7. Status report, in this regard, shall be filed before the next date of hearing by the State of Haryana.

8. List on 24th May, 2018.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

MAY 10, 2018/rk