

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

Original Application No. 105 of 2014

J.P. Sharma Vs. Delhi Development Authority & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER
HON'BLE Mr. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant: Mr. Ritesh Agrwal, Adv.
Respondent No. 1: Mr. Rajiv Bansal and Mr. Kush Sharma, Adv.
Respondent No.2 & 7: Ms. Mamta Tondon, Adv. for Mr. V.K. Tandon, Adv.
Respondent No.3: Mr. Balendu Shekhar and Mr. Akshay Abrol, Adv.
Respondent No. 4: Mr. Raman Yadav and Mr. Dalsher Singh, Adv.
Respondent No.9: Mr. Pradeep Misra and Mr. Daleep Kr. Dhayani, Adv. for UPPCB
Mr. Suresh Tripathy, Adv. for DJB

	Date and Remarks	Orders of the Tribunal
	Item No. 05 August 27, 2015	<p>Learned counsel appearing for the Ghaziabad Development Authority and Ghaziabad Nagar Nigam submit that there is no municipal solid waste being thrown in Hindon Canal and the area is absolutely clean. He has filed some photographs in this regard. The Committee constituted under the Orders of the Tribunal has also made observations stating that municipal solid waste was not noticed in the 7.2 Km. area falling under Ghaziabad and Hindon Canal. However, there is massive collection of municipal solid waste in the area of Hindon Canal falling in Vasundhara Enclave, Mayur Vihar Phase-I, Dallu Pura Village and New Ashok Nagar. All these colonies fall under the jurisdiction of EDMC. Learned counsel appearing for EDMC submits that after the orders of the Tribunal they have already removed 18 trucks of municipal solid waste and have deployed huge man power for the said purpose and the process is continuing.</p>

This is an admitted position, which clearly shows the serious dimensions of these environmental issues arising from the indiscriminate dumping of municipal solid waste and allied waste in and around the Hindon Canal. This is undisputedly causing water pollution and environmental degradation. This menace must be stopped.

However, we find that the various Authorities of NCT Delhi are shifting burden to one another. According to the Corporation the municipal solid waste is being thrown on the greater part of the area which belongs to PWD and as such they are expected to collect and dispose of municipal solid waste according to the Rules. The Canal is stated to be belonging to the U.P. Irrigation Department and, therefore, they should take care. The DDA has developed the colonies and colonies have been handed over to the EDMC for sanitary purpose only in June, 2015 and as such prior thereto the DDA was responsible for proper collection and disposal of the waste.

From the above, it is crystal clear that each Department shirks its responsibility, not only the one towards public but even the statutory obligation. On the one hand Authorities are failing to perform their functions and on the other hand there is indiscriminate dumping of waste by the people living in these areas. Primarily, in either case, it causes environmental degradation and water pollution in those areas.

Learned counsel appearing for the Applicant also submits that there is no outlet for storm water drain in the entire block of the Societies.

In view of the above, we pass the following directions:-

1. Issue show cause Notice to all the 45 Societies represented through the learned counsel appearing for the Applicant in the Vasundhara Enclave as to why they not be directed to pay compensation on the principle of 'Polluter pays'.
2. They should place on record the complete mechanism followed by these Societies for collection, segregation and disposal of municipal solid waste.
3. They will state as to the extent of municipal solid waste that they generate per day and whether such municipal solid waste is segregated at source or not.
4. The Corporation shall issue Notice to Residents Association of Mayur Vihar Phase- I, Dallu Pura Village and New Ashok Nagar on the similar lines on which Notice is being issued to the Societies.
5. The EDMC, DDA, PWD, U.P. Irrigation and DJB will hold a meeting and give a complete proposal for implementation of the recommendations made by the Committee as well as the possibility of erecting live hedges and/or iron Grill on the sides of the Canal to ensure that no municipal solid waste or any other waste is thrown into the canal by anyone.
6. The entire municipal solid waste lying in these areas should be cleared within one week from today.
7. The Corporation should place before the Tribunal the expenditure that will be incurred in removing such waste. All the Authorities like DDA, PWD and

all the Departments concerned of NCT of Delhi would fully cooperate in implementation of these directions.

8. The DDA would also explain as to why they have not provided outlet for the storm water which collects in the society and/or Villages blocks.

9. The DDA will also state as to how the Police Station as stated has been constructed on the outlet of drain thereby obstructing the flow of the drain.

List this matter for arguments on 05th October, 2015.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)

.....,EM
(Ranjan Chatterjee)

