

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

**M.A. No. 877 of 2013, M.A. No. 1035 of 2013
And
M.A. No. 1074 of 2013
In
Original Application No. 300 of 2013**

Manoj Kumar Misra & Anr. Vs. Union of India & 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 MR. B.S. SAJWAN, EXPERT MEMBER
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER**

Present:

Applicant:	Mr. Rahul Choudhary along with Ms. Richa Rehlan, Advocates
Respondent No. 1:	Mr. Vikas Malhotra and Mr. M.P. Sahay, Advocates
Respondent No. 2&4:	Mr. Ravi P. Malhotra, Advocate
Respondent No. 4&7:	Mr. Ravi P. Mehrotra, Advocate
Respondent No. 6:	Mr. S.B. Upadhyay, Sr. Advocate along with Mr. Pawan Upadhyay, Advocates
Respondent No. 10:	Mr. N.P. Singh, Advocate & Mr. Dinesh Jindal, Law Officer, DPCC Ms. Maninder Archarya, Sr. Advocate and Mr. Kapil Dutt, Advocate for SDMC

Date and Remarks	Orders of the Tribunal
Item No. 11 December 16, 2013	<p><u>M.A. No. 1035 of 2013</u></p> <p>The Learned Counsel appearing for the Corporation submits that they will give whatever documents are available with them. In view of the statement made this Application does not survive for consideration</p> <p>Accordingly, M.A. No. 1035 of 2013 stands disposed of.</p> <p><u>Original Application No. 300 of 2013</u></p> <p>The Learned Senior Counsel appearing for South Delhi Municipal Corporation very fairly submits that no environmental study had been carried out by this Corporation before directing lining or covering of drainage under their jurisdiction. She further states that the Corporation does not treat this litigation as adversarial and would like to serve greater public purpose while ensuring adherence to environmental standards. We may refer to our Orders dated 28th October, 2013 and 18th November, 2013. With these Orders the Tribunal had directed the Corporation to bring before the Tribunal studies that had been carried out before awarding the work of lining and covering of drainages. It is undisputed before us that all these drainages are no longer simplicitor</p>

rain water drainage but they are carrying sewage of the city. They are also contaminating the underground water. This issue needs to be resolved at the earliest.

Learned Counsel appearing for the Corporation further submits that the in Defence Colony Nallah, DDA or its agency is carrying on the work of construction lining/ covering of drainage. However, the Learned Counsel appearing for DDA submits that as per its Affidavit filed on the record of the Tribunal it is not correct.

The Learned Counsel appearing for the Applicant upon instructions from his client submits that the Irrigation and Flood Control Department of Government of Delhi has assigned to the IIT Delhi, the work of preparing a Master Plan dealing with the drainage both sewage and storm water , of NCT Delhi which work is likely to be completed shortly and till then it will be unfair to spend public money on the drains of Delhi as it may have to be ultimately altered and varied as per the Technical Report submitted by the IIT Delhi.

Keeping in view the above respective submissions made by the Learned Counsel appearing for the parties we direct as follows.

1. The South Delhi Municipal Corporation, DDA, Delhi Jal Board, Public Works Department and Prof. A. K. Gosain of IIT Delhi shall hold a meeting under the Chairmanship of Principal Secretaries of Environment and Irrigation & Flood Control, NCT Government of Delhi. In this meeting it shall be fully deliberated and suggested whether it will be appropriate to provide lining and coverage to the drains in Delhi particularly the drain in issue in the present Application.
2. If the answer be in affirmative, whether the work undertaken by the Project Proponent or the DDA or any other Public Authority is technically feasible and sound and non-injurious to the public health and environment.
3. It shall also be stated as to which is the most appropriate point where the STP should be set up before the sewage and other effluents including the

rain water collected in these drains is permitted to join Yamuna. We make it clear that the point of establishment of such an STP should be one whereafter there is no possibility of directly or indirectly putting in sewage, effluent or waste/storm water into the drain. This area could not be preferably closer to Sarai Kale Khan but to the river bank of Yamuna.

In the meanwhile, we direct that no Authority, Corporation, Agency or any person on behalf of the any Public Authority, other Authority or own itself would carry on any work of construction, sealing, lining and covering raised on and around the drains and particularly over Kushkak Nallah/Satpula Drain right from the Mehrauli to Sarai Kale Khan.

The Member Secretary of Delhi Pollution Control Committee and the Applicant is also granted liberty to address the Committee.

The first meeting of the Committee shall be held within 10 days of this Order and its Report be positively placed before the Tribunal on the next date of hearing.

The Chief Secretary, NCT of Delhi shall ensure that the Order is complied with.

The Learned Counsel appearing for the Interveners pray for time to file Application. Liberty is granted.

List this case on 29th January, 2014.

.....,CP
(Swatanter Kumar)

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

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

.....,EM
(B. S. Sajwan)

.....,EM
(R.C. Trivedi)