

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

Original Application No. 06 of 2012

And

**M.A. No. 641 of 2015, M.A. No. 1014 of 2016, M.A. No. 1016 of 2016, M.A.
No. 1243 of 2016, M.A. No. 564 of 2017, M.A. No. 1148 of 2017 & M.A. No.
1237 of 2017)**

In

Original Application No. 06 of 2012

And

**(M.A. No.199 of 2015, M.A. No.238 of 2015, M.A. No.344 of 2015,
M.A. No. 512 of 2015, M.A. No. 513 of 2015, M.A. No.692 of 2015,
M.A. No. 310 of 2016 & M.A. No. 508 of 2016)**

In

Original Application No.300 of 2013

And

Original Application No. 164 of 2015

IN THE MATTER OF:

Manoj Mishra Vs. Union of India & Ors.

And

Manoj Kumar Misra & Anr. Vs. Union of India & Ors.

And

Rajeev Suri Vs. Vice Chairman, DDA & Ors.

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Present

**Mr. Rahul Choudhary, Ms. Meera Gopal and Mr.
Utkarsh Jain, Advs
Mr. B.V. Niren, and Mr. Vinayak Gupta, Advs.
for CGSC and Ministry of Water Resources
Mr. Sumeet Pushkarma and Mr. Devanshu
Lahiry, Advs. with Mr. R.S. Negi, Member
(Drainage), Mr. V.K. Gupta, Chief Engineer and
Mr. Mukul Bhandda, SE for Delhi Jal Board
Mr. Mukul Singh, Adv. for Ministry of
Environment, Forest and Climate Change
Ms. Neelam Rathore, Adv.
Mr. Mukesh Kumar Verma, Adv. for U.P.C.B
Mr. Ardhendumauli Kr. Prasad and Mr.
Shashank Saxena, Advs. for MoUD
Mr. Pradeep Misra & Mr. Daleep Kr.Dhyani,
Advs. for UPPCB.
Ms. Puja Kalra, Adv. for North and South MCD
Ms. Sakshi Popli NDMC and Delhi Jal Board
Ms. Aditi Singh Adv for Mr. Narender Pal Singh,
Adv., Alongwith Mr. Dinesh Jindel LO
Mr. Mukul Singh, Adv. for Ministry of
Environment, Forest and Climate Change
Mr. Vivek Chib, Amicus and Mr. Vikramaditya,
Adv
Mr. Anchit Sharma, Ms. Satamita Ghosh and
Mr. Dipankar Wadhwa, Advs.
Mr. Sanjeev Ralli and Mr. Mohit Chugh,
Adv.with Mr. Dinesh Jindel Lo, DPCC
Mr. Varun Thakur, Mr. Kumar Ajitabh advs adn
DR. Sandeep Director and Mr. Praveen Kumar
Director , for National Mission for Clean Ganga
Mr. Tarunveer Singh Khehar, Ms. Gunet
Khehar and Mr. Sandeep Mishra Adv.**

Mr. Manoj Kumar, Adv. for Moni Cinmoy, Adv. for DSIIDC
Mr. Ishwer Singh Adv. with Dr. Praveen Kumar, Mr. Sundeep, Director, NMCG
Mr. Varun Thakur, Adv
Mr. Tarunvir Singh Khehar, Ms Guneet Khehar, Mr. Sandeep Mishra dvs.
Mr. I.K. Kapila, Adv. for Uttar Pradesh Jal Nigam
Mr. D.K. Thakur, AAG, Ms Sema Sharma, Dy AG. State of Himachal Pradesh
Mr. Anil Grover, AAG, State of Haryana alongwith Mr. Rahul Khurana, Adv.
Mr. Vivek Kumar Tandon, Adv.
Mr. Rajkumar, Adv. and Mr. Bhupendra, LA, CPCB
Mr. Sanjay Upadhyay and Ms. Upama Bhattacharjee, Adv and Mr. Saumitra Jaiswal, Adv
Mrs. D. Bharathi Reddy and Ms. Vidyothma, Adv.
Ms. Richa Oberoi adv and Mr. Ankit Banati Adv for Applicant in M.A. 641 OF 2015
Dr. Sandeep Singh, Adv. for State of Uttar Pradesh
Mr. Avneesh Arputham adv and Mr. Anuradha Arputham Ms. Aruna Mathur and Ms. Simran Jeet Adv. for Applicant in M.A. No. 513/2015
Mr. Ajay Marwah, Adv for HPPCB
Mr. Rajiv Bansal, Sr. Adv with Mr. Kush Sharma and Mr. Lalit Mohan, Adv for DDA.
Mr. Balendu Shekhar and Mr. Rajkumar and Mr. Sriansh Prakaish and Mr. Ravi Gopal Adv

Date and Remarks	Orders of the Tribunal
<p> Item Nos. 16 to 18 December 18, 2017 </p>	<p> Now we are concerned with Phase-II of “Maily Se Nirmal Yamuna Revitalization Project, 2017” dated 13-01-2015. The Project is being executed by the Delhi Jal Board under the supervision of National Mission for Clean Ganga. The projects have already been approved and major part of the work under Phase-II is covered under JICA projects. The grievances of the National Mission for Clean Ganga is that Delhi Jal Board is not taking effective steps to complete the work already approved and for which even partial funding have been provided by the National Mission for Clean Ganga. </p> <p> Learned Counsel appearing for the Delhi Jal Board submits that time was taken because of the departmental procedures and the approval by different agencies </p>

	<p>Item Nos. 16 to 18</p> <p>December 18, 2017</p>	<p>including the National Mission for Clean Ganga and JICA.</p> <p>This course is not admitted by the concerned respondents but other aspect is that there are following 11 drains which have been trapped and/or even intercepted by Delhi Jal Board:</p> <ol style="list-style-type: none"> 1. Magazine Road Drain 2. Sweepers Colony Drain 3. Khyber Pass Drain 4. Metcalf House Drain 5. Tonga Stand Drain 6. Moat Drain (Vijay Ghat) 7. Cvil Mill Drain 8. Delhi Gate Drain 9. Sen N.H. Nallah 10. Drain No. 14 11. Tuglakabad Drain <p>Delhi Jal Board has taken these drains directly or by putting the effluents into another drain ultimately to three STPs. The first STP to which 8 out of the above 11 drains have been diverted to OKHLA STP. One drain has been diverted to Delhi Gate STP and another drain has been trapped taken to STP near Sen Nursing Home. One main drain. i.e. Moat drain is at Vijay Ghat is totally a dry and only carries storm water. According to the Delhi Jal Board there is no discharge from the 11 drains into the river Yamuna. However, according to the National Mission for Clean Ganga there is leakage at some of the drains of trapping or interception pumps are not functioning properly and efficiently.</p>
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It is not necessary for us to go into the question to who is responsible for causing inordinate delay in execution of JICA projects or directions relation to Phase II under the judgment of the Tribunal dated 13-01-2015.

Suffice it to note that all the authorities/ departments are expected to rise above such petty issues and work in a concerted and cooperative manner for a better object of cleaning of river Yamuna as a joint venture of all stakeholders.

We do express a pious hope that henceforth all the departments and stakeholders particularly the NCT of Delhi, Delhi Jal Board and National Mission for Clean Ganga would act together and ensure that there is no further delay in executing of the work under Phase-II and more particularly in relation to JICA projects as they have already been financed by a foreign agency and that agency would expect timely performance of the project with efficiency and stringent norms. Also the National Mission for Clean Ganga Government of India is paying interest of loan provided by JICA

In light of the above we pass the following directions:

1. The Delhi Jal Board shall with utmost priority start execution of all the JICA project particularly which fall under Phase -II of the judgment of the Tribunal dated 13-01-2015. In the event now there is default in compliance of the directions of the Tribunal and execution of the work, the defaulting officers/officials shall be liable to be proceeded against in accordance with law for violating the order of the Tribunal.

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2. The Delhi Jal Board shall ensure that all the 10 drains that have been trapped/intercepted should be totally sealed by taking appropriate measures to ensure that there is no leakage from the point of interception /tapping to river Yamuna in any case.

The Delhi Jal Board shall also ensure that all the pumps which have been installed for the purpose of lifting the sewage/effluents from these 10 drains are functional 24x7 and are provided with continuous source of power. They should not at any point of time be non-functional or not performing to their optimum capacity. Delhi Jal Board will ensure that pumps are maintained and operated without default. In the event of any default Delhi Jal Board and the concerned officer shall be liable to pay environmental compensation of Rs. 25,000/- for each default.

3. The OKHLA STP has a capacity of 170 MGD as of today but presently operating upto 140 MGD. This plant requires rehabilitation and upgradation, particularly, in terms of the sanctioned JICA project.

4. All the necessary data should be collected and studies completed within two weeks from today in regard to the above project. The tender should be invited for execution of the work within four weeks thereafter.

We constitute a team of CEO of Delhi Jal Board, Chief Engineer of Delhi Jal Board and Senior nominee of National Mission for Clean Ganga to

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ensure that execution of the directions expeditiously and without default. If the permission of JICA is required to be taken for issuance of tender in relation to OKHLA STP the same should be taken with utmost priority and work awarded at the earliest.

5. It is conceded before us that the STP on Delhi Gate drain had been constructed very recently under the directions of the Tribunal. It is also stated that the STP is working efficiently and there are no problems with regard to its operation and maintenance. No further directions are needed on this drain but Delhi Jal Board would ensure that the STP is maintained and operated with no deficiencies.

The Moat drain which is stated to be dry drain and carry only the storm water during the rainy season. There shall be a net filter fixed at end of the drain to ensure that even during the rainy season, the waste does not enter into the river through this drain. This drain shall be dredged clean every three months by Delhi Jal Board or any shorter period when it so required.

The Department of Irrigation and Flood, NCT of Delhi along with Delhi Jal Board shall also be responsible and will provide all due cooperation and do all such other acts and deeds as are necessary for compliance of the directions issued in the judgement.

It has been commonly stated by all the stakeholders before us that the STP at Delhi Gate is

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functioning properly and is discharging the effluents/ treated sewage water which is complying with the prescribed standards. Similarly, STP at near Sen N. H. Nallah is also performing efficiently and is meeting prescribed norms. Thus, no direction needs to be passed in that behalf.

Even on the trapped drain beyond the point of trapping /intercepting preferably towards end of the pipe towards the river, net should be fixed in all the drains to ensure that no waste of any kind enter the river.

SHAHDARA DRAIN

As of today, it is partially trapped. This drain also called Drain no.1, starts from Loni and meet river Yamuna in NOIDA. It has a huge flow to the extent of nearly 69 MGD. The proposal is to intercept the following drains and take them to the respective STPs.

Now the 6 drains namely:

1. Shahdara Outfall Drain
2. Quadsia Bagh + Mori Gate Drain
3. Barapulla Drain
4. Maharani Bagh Drain
5. Kalkaji Drain
6. Tekhand Drain

As far as drain at Quadsia Bagh at Mori Gate is concerned they are untapped. It is stated that the Delhi Jal Board is planning to set up an STP at Mori Gate.

With regard to all these six drains, nobody is clear as to how the project submitted by the Delhi Jal Board

<p>Item Nos. 16 to 18</p> <p>December 18, 2017</p>	<p>itself is to be implemented.</p> <p>It is a sad state of affairs. The very planning seems to be not in consonance with implementable technology, available land and infrastructure. With regard to establishment of STP and laying drains we direct that Delhi Jal Board shall within two weeks from today place before the Principal Committee its complete plan while ensuring that no untreated sewage/effluents enter river Yamuna through these drains.</p> <p>The Principal Committee shall hold its meeting on 08th January, 2018 at 11:00 AM of the senior officer of the Delhi Jal Board, NCT of Delhi and National Mission for Clean Ganga and all other concerned stakeholders would be present before the Principal Committee. The officer from the Delhi Development Authority shall also be present, as some land is sought to be acquired and needed for establishment of one of the STP at Mori Gate. This proposal shall also be considered by the Principal Committee.</p> <p>Once the action plan submitted by Delhi Jal Board is deliberated upon and considered by the Principal Committee then it shall be implemented without any further delay and with such amendments as the Committee may consider appropriate.</p> <p>The Principal Committee shall also deal with the funding needed for treatment of the six drains. Further it is stated that these drains are covered under the Amrut Scheme of Govt. of India.</p> <p>The Principal Committee shall submit its final report within two months from today before the Tribunal</p>
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	<p>Item Nos. 16 to 18</p> <p>December 18, 2017</p>	<p>for issuance of appropriate directions and orders.</p> <p>In this manner the entire project at Phase-II shall be taken care of and would bring the “Maily Se Nirmal Yamuna Revitalization Project, 2017” to its finality.</p> <p>We direct the Principal Committee shall provide time bound programme for laying of sewer lines as well as STPs under the project.</p> <p>List the matter on 12th February, 2018.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (U.D. Salvi)</p> <p>.....,EM (Dr. Nagin Nanda)</p>
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