2\textsuperscript{nd} Supplementary Report to the Interim Report of Yamuna Monitoring Committee set up by Hon’ble NGT

Appointed by the Hon’ble National Green Tribunal Vide order Dated 26\textsuperscript{th} July 2018

Shailaja Chandra
B.S. Sajwan

Dated 02\textsuperscript{nd} July, 2019.
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Zone wise KNO who availed 20 KL relate in Round 2019-01 (April – May 2019)
Subject: 2nd Supplementary Report to Interim Report of Yamuna Monitoring Committee set up by Hon’ble NGT.

ISSUE NO 1

Inexplicable Delay in Implementing Polluter Pay Principle.

In the second Interim Report of the Monitoring Committee (MC) dated 27.05.19 the MC had requested for directions from NGT on 8 matters. In particular, at S.No. 3 of page 93 of the 2nd Interim Report, the MC had recounted that the Department of Urban Development GNCT had even issued orders levying environmental compensation to be collected from all households generating sewage @Rs. 100, Rs. 300 & Rs. 500 depending on the size of the plot / area in 2015 in compliance with NGT’s directions of 08.05.15 but this has not been acted upon thereafter. The subject having been specifically directed by NGT to be monitored was raised by MC in several meetings with the CEO DJB right from the time the first interim report was filed in January 2019 for the last several months. This was brought up in detail at a review held in DJB Headquarters on 16.4.19 when again assurances were given. The need to implement the Polluter Pays order for sewered as well as non-sewered areas had been highlighted to the Chief Secretary on 8.2.19 and he had also directed compliance of NGT’s order. Subsequently the MC followed up with Principal Secretary UD on 13.6.19 as the incumbent is Director Urban Local Bodies and heads the Department in charge of DJB matters. The new CEO DJB was also given the background of the matter and directed to take effective measures in the meeting held 20.6.19 (Minutes of meeting at Annexure I).

This therefore necessitates a direction from NGT for the reasons explained below:

1. When consumption of water below 20 kiloliters was made exempt from payment of water charges in 2015, the billing for sewage, which constitutes 60% of the water
The table at Annexure II explains this colony by colony. Since DJB gets compensated by the Government for the free water supplied (upto 20 KL/month) the DJB as a Board is unconcerned about non-realization of payment whether for water treatment and supply or for sewage collection and treatment.

The MC had drawn attention to the fact that exemption from paying for polluting the environment could not have been the intention of the Government subsidy. 61% of the domestic consumers in Delhi avail 20 KL benefit and make no payment for sewage. This is happening even in the case of high-end organized colonies and Group Housing Societies like Greater Kailash, Lajpatnagar, Vasant Kunj, Dwarka and Rohini. Subsidizing the consumer for discharging sewage and recuperating nothing by way of collection/conveyance and treatment costs could never have been the intention of the policy.

There are two broad categories which are covered by the Polluter Pays Principle.

**Unorganized (unauthorized colonies)**

Out of 1797 unauthorized colonies, water connections have been provided only in 1374 colonies and sewer network provided only in 384 colonies so far. Thus 990(1374-384) colonies which have been provided with water connections but no sewer connections, pay no sewage charges even if consumption is in excess of 20KL. Besides, 433(1797-1374) colonies which have no piped water supply and no sewerage network, where water is supplied through tankers, pay neither for water nor for sewage. Even within 384 unauthorized colonies which have sewer coverage, only 51% of the consumer pay sewage charges.

Since only 384 out of 1797 unauthorized colonies have sewer network, the 1413(1797-384) colonies having no sewer network are either having their Septage collected through privately operated tractor-trolleys or discharging it into the storm water drains which adds to pollution and is expressly forbidden under the WaterBoard Act 1998. Even the 49% of those living in 384 unauthorized colonies with sewer network continue to dispose of their Septage in the same manner as the those in colonies which are not sewered.
NGT had ordered that the “polluter pays principle” should be invoked in the case of such consumers.

Although the UD Department notified an exhaustive regulation in November 2018 for transportation and disposal of faecal waste from septic tanks in the national capital and completely eliminate the practice of manual cleaning of sewer lines and ensure proper disposal of Septage, the registration of vendors and GPS being fitted on the Septage collector’s vehicles the progress is extremely poor. The notification required collecting more and more Septage incrementally and having it deposited at designated locations but instead extensions of time for registration are being given, although not envisaged in the Regulations. Further DJB officers and Engineers blame the District Magistrates who are empowered to act against unauthorized Septage collectors and discharging sewage into storm water drains.

This has once again been taken up by MC with the new CEO and with the Divisional Commissioner / Deputy Commissioners but there is a need for a direction from NGT to implement the Regulations so that unregistered vendors stop operating. There are oral reports that even the registered vendors have begun by-passing the requirements and DJB, although having a direct responsibility under the Water Board Act and being able to exercise penalty powers, is approaching the subject with kid gloves. No amount of interception and sewage treatment can clean a river which is exposed to rampant discharge of sewage despite the prevalence of Regulations to stop it. NGT is requested to give directions to implement the Regulations which are being openly flouted. The low collection of Septage in the preceding months shows the absence of concern for the environment.

I. Organised Colonies

There are two types of organised colonies – colonies with houses built on individual plots like Lajpat Nagar, Greater Kailash, and all the Vikas Marg colonies like Preet Vihar and Group Housing Colonies like Dwarka, Rohini etc. Among these some 40% - 50% of the households in colonies like Greater Kailash and Lajpat Nagar and 50-60% in colonies like Rohini, Dwarka, RK Puram have been paying “NIL” bills for water and in effect “NIL” fees for sewage collection and treatment despite causing daily pollution. This works against the “polluter pays principle”. The percentage of organised colonies whether on individual plots or in Group Housing Societies having less than 20 KL consumption is very high and it is not
clear whether the increase in numbers is purely due to water conservation or there are other reasons.

It has come to notice that in some of the Group Housing Societies the per household consumption works out to an incredibly low consumption which raises the question of whether such meager consumption points to other malpractices like using bore well water unauthorizedly. The possibility of DJB having sanctioned more than 1 connection to a dwelling unit or overlooked the operation of unauthorized bore-wells also arises. The number of household water meters has increased from 17 lakhs to 23.70 lakhs (40% increase) in around 4 years after the launch of 20 KL free policy and the possibility of different ploys being used and people installing multiple connections within the same premises to avail of 20 KL free water cannot be ruled out.

From a pollution point of view keeping water bills low may be leading to careful use of water but it is giving amnesty against having to pay for water and for sewage treatment as environmental compensation.

A strong direction is needed to be given to make everyone pay a flat rate for sewage collection and treatment whether using below or upto 20 KL, as those using more than 20KL in any case are paying for sewage treatment. The DJB charges Rs 11.93 per KL for the sewage it treats on behalf of NDMC and the Cantonment Board. A specialised institution like the National Institute of Financial Policy & Planning or the C& AG may be directed to examine the costs involved and revenue generated as it is leading to mindless pollution of the environment and depletion of ground water.

ISSUE NO 2
Use of Treated Water

A report on this has been given in the MC’s Second Interim Report. Just 89 MGD (less than 20%) out of 459 MGD of treated waste water generated by the DJB is being used. Even the CETPs of DSIIDC utilize less than 10% treated effluent. The MC has held meetings with DJB and other stakeholders and reported thereon. The new CEO of DJB has been directed as follows to effectively use treated waste water:

“During MC’s visit to the Okhla STP it was found that excellent quality of treated effluent at Okhla (BOD of 5-6 mg/L) was being discharged into Agra Canal which could be
used effectively for other purposes. It had been repeatedly stated by MC that all potential users of treated effluent need to be identified in a 05 KM radius around each STP and DJB should regulate ground water/bore well connections in the public parks and departmentally owned green spaces and enforce the use of STP treated water. DJB in collaboration with DMs have already been enjoined through a 2010 notification of the LG Delhi to seal bore wells which are dug without approval. This can be extended to public and colony parks within 5 KM radius of the STPs.

CEO DJB had undertaken to give directions as needed in view of the colossal depletion of ground water and highly wasteful use of treated waste water.”

It has becomes chicken-and-egg situation. DJB as the organisation responsible for treating water and ensuring that it is used effectively to replace maximum use of drinking water for non-potable uses has been holding meetings but most departments and agencies complain of there being no piping arrangement to transport the water. DJB says digging and laying so many pipelines will take a long time and cost money.

The only way to compel huge organisations like DDA, Railways, Malls and Farm Houses to stop using borewell water (reported to be tapped unauthorizedly quite often) is if they are forced to close the borewells and switch over to use of treated waste water available at several STPs to be collected by tanker for non potable purposes. NGT may consider issuing suitable directions on this.
OFFICE OF THE YAMUNA POLLUTION MONITORING COMMITTEE
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No. YPMC/2019/ 24-2

Date: 02/07/19

Subject: Minutes of the Meeting held in the office of Yamuna Monitoring Committee on 20.06.2019 to Review Progress of Trapping Drains Carrying Sewage joining River Yamuna and Related Matters.

A meeting was held with CEO, DJB and other officials of Delhi Jal Board to review the status of trapping of drains and other related matters. The list of those who attended the meeting is attached. At the outset the MC reminded the DJB that one of the major planks of DJB’s strategy to prevent pollution in river Yamuna is to trap all the drains joining the river and ensure that the sewage is conveyed to the STPs. Specific issues discussed and directions issued are itemized below:

1. **Trapping of 23 Drains:**

   A list of 23 drains received from CPCB had been forwarded in advance to DJB as a part of the Agenda for meeting.

   In response DJB informed the MC that out of 23 identified drains, 11 drains had already been trapped and action was being taken to trap 6 remaining drains. However DJB had not informed the MC by the time the meeting was held about the action they had taken/proposed to take in respect of the following drains which had been identified and a status report sought before the meeting:

   i. Abu Fazal Drain,
   ii. Sarita Vihar Drain,
   iii. Shastri Park Drain,
   iv. Sonia Vihar Drain,
   v. Old Agra Canal at Kalandi Kunj,
   vi. Old Agra Canal at Okhla

   Since there was no clarity on the amount of sewage flowing in these drains and whether these drains have been/are proposed to be trapped, the MC directed that a joint
inspection team of CPCB, DJB and Expert member, Mr RS Tyagis should visit each of these drains and submit a status report. The MC had received the report of the joint inspection team and the salient points which emerge are as under:

i. For Sonia Vihar drain which receives sewage from unauthorised Sonia Vihar colony, the DJB has a DPR prepared which is pending approval of the Board. MC asked CEO DJB to get orders on priority and convey the decision taken to MC.

ii. Sarita Vihar drain has been completely plugged and its sewage is being conveyed to Okhla STP.

iii. The Old Agra Canals at Okhla and KalindiKunj are actually conveying water into Agra Canal which is supplied to the State of UP and therefore it does not impact pollution in Yamuna. With the improvement in the quality of water in river Yamuna through various measures underway, the quality of water released through these two canals will also improve.

iv. Other drains namely Abu Fazal Drain, Shastri Park Drain have flows of 35 and 4.3 mld respectively and the DJB was directed to prepare an action plan to trap the sewage and convey it to the STPs.

v. There are number of colonies namely, Shastri Park, Kailash Nagar and Dharam Pura that are sewered but individual household connections have not been taken. Consequently sewage, despite the area being sewered, continues to flow into drains and eventually into the Yamuna. The MC had asked for a list of such colonies by name and population of households several times which was not being furnished by DJB.

A copy of the report of the joint inspection team has since been sent to CEO DJB on 25.06.19 asking for an action plan for each drain.

2. **Status of Trapping of 11 drains within 23 Drains:**

In respect of 11 drains which had been trapped as reported by DJB, an independent verification was got done through the Delhi Technical University which found 3 drains namely- Tonga Stand Drains, Civil Military Drain & Dr. Sen Nursing Home Drains still carrying sewage and a fourth drain, namely, Moat Drain carrying fresh water downstream of the trapping point. The action being taken with respect to these drains was submitted by DJB is as follows:

i. **Tonga Stand Drain:**
Some discharge in the Tonga Stand Drain, downstream of the trapping point, is coming from an area between Ring Road and the River. Also, there are JJ Clusters just on the bank of the river. A detailed exercise needed to be carried out for the area excluding the JJ Cluster to enable diversion of the sewage to Nigam Bodh SPS. For the JJ Cluster, action is to be taken by DUSIB. However, feasibility is also being explored for construction of a wet land based STP at the outfall point for which the land is to be provided by DDA.

ii. Civil Military Drain :-

It was informed by DJB that the drain has been fully trapped. However, there was an issue of a connecting pipe which has now been rectified and there is no sewage in the drain at the downstream of trapping.

iii. Dr. Nen Nursing Home Nallah:-

This drain has been trapped and waste water to the extent of 2.2 MGD is being drawn from this drain for Sen Nursing Home STP. However, some surplus waste water is leaking downstream of the drain. Presently DJB has created a temporary weir using sand bags but the same has not proved to be effective and therefore a proper RCC weir is proposed to be constructed and completed by 31.12.19.

3. **Mapping of Unauthorised Colonies which are covered by ISP and remain excluded.**

With regard to trapping of 108 drains under Interceptor Sewer, MC repeated adirection that had not been responded to for over 9 months. Information had been sought about the precise number of colonies and households that the ISP will cover and the population in these colonies. DJB was directed to prepare a drain by drainlist of drains joining the river Yamuna and indicating how many colonies' sewage would be trapped through the ISP.

The colonies left out of the ISP coverage, their names and number of households/population should also be given to show what remained to be trapped among the 1797 unauthorised colonies. Information should also be provided as to which drain's sewage before or after trapping would be conveyed to which designated STP for treatment. Unless the link between the colony, the conveyance system and the designated STP is planned and shared vis-à-vis all unauthorised colonies on a district wise basis, there would remain an absence of clarity on how the sewage from these colonies is proposed to be trapped whether through the ISP or other drain trapping plans. This information has not been furnished even after nearly 10 months although Member Drainage had promised its
compilation and presentation several times. The new CEO was asked to have it sent to MC in an easily comprehensible form by 15th July failing which it would be communicated to NGT as it shows a pre-occupation with pursuing engineering projects to the exclusion of the impact on human lives. If there is failure to give this essential data it will be reported to NGT.

4. **Status of 204 Drains identified by EIL:**

The EIL study had identified additional 204 drains in the Najafgarh and Shahdara basins which are not intercepted under the ISP. In the meeting held with DJB on 16.04.19 the MC asked for an action plan to deal with the sewage flowing into the Najafgarh and Shahdara drains from these 204 drains. The MC has not yet received any action plan. This too should be done by 15th July projecting realistic timelines for trapping the sewage.

5. **Barapulla Drain:**

With regard to Barapulla Drain, it was informed by DJB that it is proposed to construct an STP at the outfall of the drain into the river Yamuna. The land for the STP is under allocation by DDA. Expert member Sh. R.S. Tyagi mentioned that efforts can also be made to reduce flow in the Barapullah drain by stopping the flow from NDMC area as a portion of this drain also flows through the NDMC areas. The officers of NDMC present in the meeting vehemently denied that NDMC areas release sewage in Barapulla drains as the entire NDMC is a sewered area. To resolve this issue, MC directed that inspection of the Barapullah drain be carried out jointly by NDMC, DJB representatives with the independent technical team from DTU and the Expert member, Mr Tyagi.

Subsequent to the meeting, a joint inspection was organised with representatives of NDMC, DJB, the experts from DTU and Sh. R.S. Tyagi. They visited the catchment area of Barapullah drain and submitted a report and MC has forwarded a copy to NDMC, Railways and the DJB for immediate action to identify the sources from where sewage is flowing into the Sunehari Bagh drain (which eventually joins Barapulla drain) and Dr. Sen Nursing Home drain. Both Sunehari Bagh and Dr. Sen Nursing Home drains largely pass through NDMC area as well as some Railway colonies. **Further progress in the matter will be monitored by the MC in its next meeting with the DJB.** A copy of the communication and the Inspection Report is attached so that the context is clear.
6. Septage Management:

The MC expressed its deep concern over the absence of proper enforcement of the Septage Regulations notified in November 2018 and several discussions having been held thereafter with the former CEO DJB, the Member Drainage and Chief Engineers. It was informed by CEO DJB that as per the Regulation, the responsibility for enforcement was vested with the respective DMs. It was reported that a workshop with the Divisional Commissioner had been held to sensitize all the DMs and SDMs concerned to undertake effective enforcement.

The Monitoring Committee asked CEO, DJB to follow up with Divisional Commissioner to ensure effective enforcement of septage regulations and arrange for training, mapping of areas, provision of technical support where needed, and help in strategizing how the registered operators had to be supervised through GPS and those without registration dealt with under provisions of several legal provisions for causing pollution.

Steps to impound vehicles and cancel registration of those who fail to get registered and apprehend and fine those that continue to discharge sewage into the drains has to be put in place. Unless septage collectors who were defiling the drains after issue of Septage Management Regulations and so many months' time having been given already, face cancellation of registration and impounding of their vehicles there will be no deterrence and pollution which has been defined under several Acts including the Water Act will continue. DJB is the prime mover in regard to management of sewage and has to see that enforcement is activated, monitored and reported to the agencies concerned.

A system of oversight and cancellation of registration has to be put in place without further delay as already 7 months have gone since the notification of the Regulations. DDA has begun to do it and vehicle details have been relayed to Transport authorities in Delhi, UP and Haryana and the movement to impound vehicles found throwing malba has begun. It can be done.

7. DJB’s Overall Responsibility for Management of Sewage:

DJB is responsible for management of sewage. Its mandate under the Water Act is not restricted only to engineering projects. The present state of helplessness has to be overcome as only a fraction of the sewage from unauthorized colonies is being channelized to SPS’ and STPs.
DJB should also be concerned about poor utilisation of unused sewage treatment capacity and sewage into the drains particularly when it has both responsibility and powers under the Water Act to stop defilement of public drains.

Despite a half day meeting in DJB Headquarters on 16.4.19 and assurances given nothing of note has happened. CEO DJB was asked to review this thoroughly with the help of CSE if needed or a state Government which has managed the system of collection effectively. Details should be obtained from the Ministry of UD which had issued the Septage Management Policy for the country.

8. Enforcement is a Joint Responsibility:

DJB, Divisional Commissioner and MCDs are expected to confront a public hazard and find ways to deal with it jointly. Modern technology like use of CCTV’s, drones and if advisable collecting information through paid informers has to be put in place. The possibility of outsourcing the enforcement by setting up or engaging a Drain Security Watch & Ward Agency has to be considered for specific areas where discharge of sewage into the drains is rampant. Presently the enforcement has become “no man’s land” and there is reluctance to accept ownership for containing what is large scale pollution.

CEO DJB should draw up an actionable plan in co-ordination with the Divisional Commissioner and DMCs and send it to MC by 28th July. More than 6 weeks is available and lost time from 16.4.19 when assurances had been given has to be made up. MC is bringing this to the notice of the Chief Secretary also as issues of co-ordination have surfaced.

9. Effective Use of Treated Effluent:

During MC’s visit to the Okhla STP it was found that excellent quality of treated effluent at Okhla (BOD of 5-6 mg/L) was being discharged into Agra Canal which could be used effectively for other purposes. MC had held meetings with Chief Engineer, DJB on 21.02.2019 about using treated waste water. It had been repeatedly stated by MC that all potential users of treated effluent need to be identified in a 05 KM radius around each STP and DJB should regulate ground water/bore well connections in the public parks and departmentally owned green spaces and enforce the use of STP treated water. DJB in collaboration with DMs have already been enjoined through a 2010 notification of the LG Delhi to seal bore wells which are dug without approval. This can be extended to public and colony parks within 5 KM radius of the STPs. CEO DJB had undertaken to examine the
subject and give directions as needed in view of the colossal depletion of ground water and highly wasteful use of treated waste water.

10. **Sludge Management:**

Proper disposal of sludge generated at STPs was also discussed. It was informed by DJB that sludge management has already been implemented at Nilothi & Pappankalan STPs wherein the sludge will be converted to compost which can be marketed by the agency as fertilizer. The facility at Nilothi was already commissioned and the samples are being tested. Further, DJB informed that in their new 564 MLD STP at Okhla, provision of complete sludge management has been kept within the scope of the contractor’s responsibility. In this regard, the waste to energy plant at Okhla was also contacted so that the sludge can be used at the WTE Plant as fuel. They had informed that sludge can be used at their Okhla plant and at another plant at Faridabad, provided moisture content in sludge is not more than 50%. Keeping in this mind, in New Okhla STP, provision has been made that moisture contains should not be more than 35-45%.

It was also informed by DJB that a committee has been formed to look into all aspects of sludge management including various options available for utilization of sewage sludge. DJB should keep the MC informed about progress by appointing a single officer to provide a monthly progress report along with the membership and terms of reference of the Committee.

11. **Sewage Connections to Households:**

A large number of colonies despite having been sewered continue to release sewage into the drains as individual household connections have not been taken. There appears to be no policy to insist that residents compulsorily obtain household connections. Not only has the expenditure on providing a sewage conveyance system proved infructuous but it is causing serious environmental hazards and polluting the river. DJB had been directed several times to make an assessment of how many colonies in Delhi where sewer network has been provided and to prepare an inventory of colonies and number of households which had not taken household connections. Only then can enforcement action in terms of polluter pays principle as directed by the NGT be initiated.

In one of the meetings of the Municipal Commissioners, DC, EDMC had agreed to levy fines/ EC under the DMC Act on those who despite having a sewage network are releasing their sewage into the storm water drain in the sewered areas. However, in the absence of specific details of such households no action can be taken. Member Drainage
had only talked of starting a survey which only shows that DJB has not even made an attempt to define the size of the problem colony and number of household—wise.

CEO DJB was, therefore, asked to prepare a list of such households in selected colonies on a pilot basis which can be handed over to the East DMC (and other DMCs) for enforcement action under the DMC Act or the Environment Protection Act as the case may be.

In conclusion, the CEO was reminded that the IFCD has planned several initiatives to undertake in-situ treatment of waste water in major drains with a view to reducing the pollution load in these drains. Most of these drains are also covered under the ISP and there are STPs in place or planned during the next few years. Since he also holds the charge of Secretary IFCD, it was expected that he will take a holistic picture of the collective impact on pollution load in the river through the initiatives planned by the DJB and the IFCD. The goal has to be to achieve better quality of water in the river and not merely to ensure commissioning of projects of setting up STPs or the ISP. The CEO should therefore prepare a road map of achieving incremental changes in the quality of river Yamuna due to the activities/projects of DJB and IFCD over the next three years and submit it to the MC within the next one month.

Shailaja Chandra  
Member,  
Monitoring Committee for Yamuna

B.S. Bajwa  
Member,  
Monitoring Committee for Yamuna

To:  
1. CEO, DJB.  
2. Secretary, I&FC.  
3. Commissioner, EDMC.
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