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

+ **W.P.(C) 7594/2018 & CM APPLs. 30022/2018, 41886/2024, 42188-42189/2024, 47142/2024, 48597/2024, 57187/2024, 62545/2024, 69901/2024**

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

UNION OF INDIA & ORS.

..... Respondents

Through:

Mr. Ripu Daman Bharadwaj, (CGSC) with Mr. Kushagra Kumar, & Mr. Amit Kumar Rana, Advs. for UOI. (M: 9818030700)

Mr. Shailendra Bhatnagar in person. (M: 9811101476)

Ms. Puja S. Kalra, Standing Counsel for MCD with Mr. Virendra Singh, Adv. along with Mr. B.K. Sah, EE, MCD. (M: 9312839323)

Ms. Priyam Mehta, Adv. for Applicant. (M: 9953032272) in C.M APPLNo.47142/2024.

Ms. Preeti Sirohi & Mr. Sudhanshu Tiwari, Advs. for Applicant in CM.APPL. 62545/2024. (M: 7838889995)

Ms. Sangeeta Bharti, Standing Counsel with Ms. Manya Sharma, Adv. for with Delhi Jal board. (M: 9953092027)

Mr. Anuj Chaturvedi, Adv. with Mr. PK Jha, Principal Director, Mr. Pranav Siroha, LA for DUSIB. (M: 9810473166)

Mr. Tushar Sannu, (SC) with Mr. Shivraj Singh Tomar, Adv. for NDMC.



Ms. Prabhsahay Kaur, Standing Counsel for DDA with Ms. Deeksha L. Kakar, (Panel Lawyer, DDA), Mr. Bir Inder Singh Gurm, Ms. Kavya Shukla, Mr. Rashneet Singh, Advs. with Officers namely Mr. Vishwajeet Gahlot (AD PMUDAY), Mr. Pankaj Gunawat (DD Horticulture), Mr. Vikash (AD Horticulture), Mr. Ashutosh (Executive Engineer), Mr. Mukesh (Chief Engineer), Mr. Gaurav Meena (AE), Nipun (AE). (M: 8858999883)

Mr. Udit Malik, ASC, with Ms. Palak Sharma and Ms. Rima Rao, Advs. for GNCTD. (M: 9839099599)

Mr. Ajjay Aroraa, Senior Advocate with Mr. Tushar Sannu Dahiya and Mr. Vansh Luthra, Advs. for MCD. (M: 9582997768)

Mr. Anuj Aggarwal, Adv. for R-2 & 3. (M: 75818 07399)

Ms. Beenashaw N Soni, SC, MCD with Ms. Ann Joseph & Ms. Mansi Jain, Advs.

Mr. Krishna Kumar, Superintendent Engineer

Mr. Dinesh Kumar, General Manager

Mr. Afsad, Project Engineer.

Mr. Bhupesh Kumar, Chief Engineer, SPW, Jal Board.

Mr. Manish Mohan, CGSC with Mr. Jatin Teotia, Adv, Ms. Aishani Mohan, Adv and Mr. Varenym Singh, Adv.

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WITH
W.P.(C) 9617/2022
COURT ON ITS OWN MOTION
Through:

..... Petitioners



versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Anuj Chaturvedi, Adv. with Mr. PK Jha, Principal Director, Mr. Pranav Siroha, LA for DUSIB.

Ms. Sangeeta Bharti, Standing Counsel with Ms. Manya Sharma, Adv. for with Delhi Jal board.

Mr. Ripu Daman Bharadwaj, (CGSC) with Mr. Kushagra Kumar, & Mr. Amit Kumar Rana, Adv. for UOI.

Mr. Vikrant N Goyal with Mr. Aditya Shukla , Ms. Shivank Yadav , Mr. Nishu Dagar, Adv. For UOI.

Ms. Prabhsahay Kaur, Standing Counsel for DDA with Ms. Deeksha L. Kakar, (Panel Lawyer, DDA), Mr. Bir Inder Singh Gurm, Ms. Kavya Shukla, Mr. Rashneet Singh, Adv. with Officers namely Mr. Vishwajeet Gahlot (AD PMUDAY), Mr. Pankaj Gunawat (DD Horticulture), Mr. Vikash (AD Horticulture), Mr. Ashutosh (Executive Engineer), Mr. Mukesh (Chief Engineer), Mr. Gaurav Meena (AE), Nipun (AE).

Mr. Anuj Aggarwal, Adv. for R-1, 6 to 8.

Mr. Manish Mohan, CGSC with Mr. Jatin Teotia, Adv with Ms. Aishani Mohan, Adv. And Mr. Varenym Singh, Adv.

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WITH

W.P.(C) 10480/2024 & CM APPL. 43099/2024

AMITA SACHDEVA & ANR.

..... Petitioners

Through:

versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents



Through: Mr. Anuj Chaturvedi, Adv. with Mr. PK Jha, Principal Director, Mr. Pranav Siroha, LA for DUSIB.
Ms. Sangeeta Bharti, Standing Counsel with Ms. Manya Sharma, Adv. for with Delhi Jal board.

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WITH
W.P.(C) 13190/2024
MAHARANI BAGH CO-OPERATIVE HOUSE BUILDING AND WELFARE SOCIETY LTD., & ANR. Petitioners

Through: Mr. A.N. Haksar, Sr. Advocate with Mr. Udayan Jain, Mr. Ranjan Mishra, Mr. Harsh Jaiswal, Mrs. Geetika Vyas, Advs. (M: 88589 74684)

versus
UNION OF INDIA& ORS. Respondents

Through: Mr. Amit Gupta, Adv. (SPC) , Mr. Vidur Dwivedi, Adv. (GP) for R-1.
Ms. Hetu Arora Sethi, ASC, GNCTD.
Mr. Anuj Chaturvedi, Adv. with Mr. PK Jha, Principal Director, Mr. Pranav Siroha, LA for DUSIB.
Ms. Sangeeta Bharti, Standing Counsel with Ms. Manya Sharma, Adv. for with Delhi Jal board.
Mr. Tushar Sannu, (SC) with Mr. Shivraj Singh Tomar, Adv. (M: 9179111905)
Ms. Prabhsahay Kaur, Standing Counsel for DDA with Ms. Deeksha L. Kakar, (Panel Lawyer, DDA), Mr. Bir Inder Singh Gurm, Ms. Kavya Shukla, Mr. Rashneet Singh, Advs. with Officers namely Mr. Vishwajeet Gahlot (AD PMUDAY), Mr. Pankaj Gunawat (DD Horticulture), Mr. Vikash (AD Horticulture), Mr. Ashutosh (Executive Engineer), Mr.



Mukesh (Chief Engineer), Mr. Gaurav Meena (AE), Nipun (AE).
Mr. Anuj Aggarwal, Adv. for R-2.
Mr. Ajjay Arora (Senior Advocate) with Mr. Tushar Sannu Dahiya, Vansh Luthra, Advs. For MCD

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WITH
W.P.(C) 15399/2024 & CM APPL. 4918/2025
SHAILENDRA BHATNAGAR Petitioners
Through: Mr. Shailendra Bhatnagar in person.
versus
GOVT. OF NCT OF DELHI AND ORS Respondents
Through: Mr. Anuj Chaturvedi, Adv. with Mr. PK Jha, Principal Director, Mr. Pranav Siroha, LA for DUSIB.
Ms. Sangeeta Bharti, Standing Counsel with Ms. Manya Sharma, Adv. for with Delhi Jal board.
Mr. Tushar Sannu, (SC) with Mr. Shivraj Singh Tomar, Adv. for NDMC.
Ms. Beenashaw N Soni, SC, MCD with Ms. Ann Joseph & Ms. Mansi Jain, Advs.

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WITH
W.P.(C) 17064/2024
RAVINDER YADAV Petitioners
Through:
versus
GOVT. OF NCT OF DELHI AND ORS Respondents
Through: Mr. Anuj Chaturvedi, Adv. with Mr. PK Jha, Principal Director, Mr. Pranav Siroha, LA for DUSIB.
Ms. Sangeeta Bharti, Standing Counsel with Ms. Manya Sharma, Adv. for with Delhi Jal board.
Mr. Anuj Aggarwal, Adv. for R-1&10.



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AND

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W.P.(C) 8035/2024 & CM APPL. 52659/2024, CM APPLs. 52660/2024, 52780/2024, 52897/2024, 59162/2024, 59163/2024, 59345/2024, 59346/2024, 61322/2024, REVIEW PET. 373/2024
SHABNAM BURNEY Petitioners

Through: Ms Vrinda Grover, Ms Devika Tulsiani, Ms Rupali Samuel & Mr Soutik Banerjee, Advs. (M: 9953585631)

versus

UNION OF INDIA & ORS. Respondents

Through: Mr Avishkar Singhvi, ASC with Mr Vivek Kumar Singh, Adv. for GNCTD/PWD. (M: 8527586706)
Mr Talha Abdul Rahman, Mr Rafid Akhter, Mr Shaz Khan & Mr. Faizan, Advs. for Applicants. (M: 7869375111)
Mr. Anuj Chaturvedi, Adv. with Mr. PK Jha, Principal Director, Mr. Pranav Siroha, LA for DUSIB.
Ms. Sangeeta Bharti, Standing Counsel with Ms. Manya Sharma, Adv. for with Delhi Jal board.
Mr. Tushar Sannu, (SC) with Mr. Shivraj Singh Tomar, Adv.
Ms. Prabhsahay Kaur, Standing Counsel for DDA with Ms. Deeksha L. Kakar, (Panel Lawyer, DDA), Mr. Bir Inder Singh Gurm, Ms. Kavya Shukla, Mr. Rashneet Singh, Advs. with Officers namely Mr. Vishwajeet Gahlot (AD PMUDAY), Mr. Pankaj Gunawat (DD Horticulture), Mr. Vikash (AD Horticulture), Mr. Ashutosh (Executive Engineer), Mr. Mukesh (Chief Engineer), Mr. Gaurav Meena (AE), Nipun (AE).



CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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28.01.2025

1. This hearing has been done through hybrid mode.

W.P.(C) 15399/2024 & CM APPL. 4918/2025

2. This is an application filed by the Petitioner-Shailendra Bhatnagar seeking impleadment of Delhi Metro Rail Corporation (hereinafter 'DMRC') as a Respondent in the present petition.

3. The Petitioner in the present case has an office premises in Green Park Extension, New Delhi. The grievance of the Petitioner is that the DMRC has constructed a 113 meter long drain under Aurobindo Marg while building its underground yellow line, which had to take the sewage discharge of all the surrounding areas such as SDA, Green Park, Hauz Khaz, etc., However, the cause for the recent flooding is that the said drain is not operational and has therefore led to flooding.

4. Considering the nature of allegations, the DMRC is impleaded as Respondent No. 4 in this matter. Mr. Tarun Johri, Id. Counsel accepts notice.

5. The application contains various averments relating to the DMRC drain. Let an affidavit be filed by the DMRC within ten days, responding to the allegations raised in the said application under Order I Rule 10. The affidavit and the allegations raised in the application shall be considered for appropriate directions on the next date of hearing.

6. Mr. Bhatnagar, Id. Counsel also submits that there is no outflow of sewage from Green Park Extension as there is a blockage near AIIMS and the connection to the Aurobindo Marg drain is not being permitted to be created.



7. Let the MCD take instructions and file a specific affidavit on this aspect as well, by the next date of hearing.

W.P.(C) 8035/2024 & CM APPL. 52659/2024, CM APPLs. 52660/2024, 52780/2024, 52897/2024, 59162/2024, 59163/2024, 59345/2024, 59346/2024, 61322/2024, REVIEW PET. 373/2024

8. The Court vide order dated 6th December, 2024, directed the department of PWD GNCTD to remit a sum of Rs.27.47 crores for relocation of the JJ Dwellers of the Madrasi Camp.

9. Mr. Aggarwal, Id. Counsel appearing for the PWD GNCTD submits that the amount of Rs. 27.47 crores has been remitted to the DDA.

10. Id. Standing Counsel for DDA, Ms. Prabhsahay Kaur confirms the receipt of the same.

11. Vide order dated 20th December, 2024, the Court directed the DDA to inform the Court as to whether any other EWS tenements are available in the vicinity which can be considered for the rehabilitation of residents of Madrasi Camp.

12. On behalf of the DDA, Ms. Kaur submits that in the South Delhi area where the Madrasi Camp Jangpura is located, there are no flats which are available. It is further submitted that the submission as to the availability of EWS flats in Kalkaji for rehabilitation of the residents of Madrasi Camp is incorrect as there is shortage of flats for the In Situ Rehabilitation Project. She has handed over an affidavit, signed by the Deputy Director PMAY, DDA stating that the closest flats which are available are in Narela and the same has been offered to the Petitioner for rehabilitation of the Madrasi Camp residents in Jangpura. Let the said affidavit be placed on record.

13. On this issue submissions shall be heard on the next date of hearing.



14. Copy of the affidavit be given to Ms. Vrinda Grover, Id. Counsel.

W.P.(C) 7594/2018 & W.P.(C) 13190/2024

15. The writ petition i.e., **W.P.(C) 7594/2018** relates to flooding, water logging and drainage issues in the Mundka village area on the account of torrential rain. The petition- **W.P.(C) 13190/2024**, filed by the Maharani Bagh Co-Operative Housing Building and Welfare Society Ltd. & Anr. seeks demolition of illegal constructions on both sides of Taimoor Nagar and Khizarbad drains as also removal of all the silt and garbage up to Yamuna Flood plains.

16. Today, Mr. Anil Kumar, Chairman of the Special Task Force is present. Mr. Anuj Aggarwal, Id. Standing Counsel for GNCTD has placed on record Minutes of Meeting dated 24th January, 2025, which reviewed the action taken by various departments and the works which have been undertaken. Mr. Anil Kumar submits that he is supervising all the works personally in respect of the Taimoor Nagar drain.

17. It has been pointed out by Mr. A.N. Haksar, Id. Counsel for the Petitioner in **W.P.(C) 13190/2024** that the condition on ground has not changed much, though some work has been carried out. Photographs of the Maharani Bagh drain at Taimoor Nagar are relied upon by Mr. Haksar & Mr. Udayan Jain, Id. Counsels which are placed on record.

18. On the other hand, on behalf of the STF it is submitted that out of 10,747 cubic meters, 4000 cubic meters desilting has already been done. However, the pace of the work is not as expected in view of the non-accessibility of some of the areas for movement of the equipment. Let the desilting work continue at a brisk pace and whatever steps are required to be taken, shall be taken including for cleaning of the desilting areas under the



culverts, bridges and any covered drains. The MCD may have to carry out certain punctures/ partial removal of the drains that are covered, for desilting purposes and cleaning of the drains. The same is permitted. The Resident Welfare Association shall not object and shall render cooperation. However, immediately after the cleaning of the said area, the drain shall be covered by the MCD.

19. The residents in the concerned areas shall cooperate in the desilting work. In view of the fact that the residents wish to give some input to the STF, Mr. Anil Kumar with other members of the STF may hold a joint survey with the residents of the area, including, Mr. Haksar & Mr. Jain who can then give them their inputs as to the work that needs to be undertaken in the area around the Taimoor Nagar drain.

20. Insofar as the reconstruction of the Taimoor Nagar drain is concerned, in the minutes of meeting it has been pointed out that the PWD along with Green Design has not given the amended cross-section design for the Taimoor Nagar drain. The Minutes reveal an alarming position where no representative from the PWD attended the meeting of the Special Task Force. The relevant portion of the Minutes are set out below:

“8. Finalization of Drain Alignment

• No representative from PWD attended the meeting.
The STF Chairman shown displeasure for absence of representative from PWD. The Executive Engineer, CDV, I&FC has informed the committee that he is continuously perusing the matter with PWD and has requested the PWD through various letter No. EE/CD-V/2024-25/9208 dated 27.12.2024, 13.01.2025 and 20.01.2025 for providing of Hydraulic data/cross section of Taimoor Nagar Drain for finalizing the



alignment. In response of the same, M/s Green Design, the PWD consultant for preparation of Master Plan for Barapulla drainage basin, vide letter No. Green.des/2024-25/PWD/DEL/493 dated 21.01.2025 informed that survey of the whole basin is in progress and without completion of survey, it will not possible to submit the amended cross section/design for the Taimoor Nagar Drain. No timeline has been given by PWD or M/s Green Design, the PWD consultant. But nothing has been received so far in this regard from PWD. Due to non finalization of alignment in absence of requisite section of the drain, action on various related issues is pending for improvement of drain such as removal of encroachment, shifting of DJB pipelines, chamber work of DJB for intercepting the discharge of the drain, widening of drain in encroached portion, construction of culvert and boundary wall etc.

•The PWD shall ensure representation in next meeting with requisite details and expedite the submission of the design section of the drain through already assigned consultant. The STF directed PWD to ensure their presence along with the consultant representative M/s Green Design during the next hearing of the matter in Delhi High Court, on 27.01.2025 to provide timelines for the needful as above.”

21. As can be seen from the above, despite three communications, the PWD failed to participate in the meetings. Such conduct on behalf of the PWD cannot be condoned. This shall be the last and stern warning to the PWD to give complete cooperation to the STF, Mr. Krishna Kumar, Superintendent Engineer is present. The representatives of Green Design are also present in Court i.e., Mr. Dinesh Kumar, General Manager & Mr. Mr. Afsad, Project



Engineer. They have submitted that the entire plan for the storm water drain within Delhi is being prepared by them. They are conducting a survey over 300 Kms. Be that as it may they have now assured the Court that the design shall be submitted to Mr. Anil Kumar, the Chairman of the STF within a month *i.e.*, by 28th of February, 2025.

22. Let the desilting work at the Taimoor Nagar drain continue. The survey shall be conducted of the Taimoor Nagar drain along with the residents as directed above within one week. The meetings of the STF shall continue to be held and all the works in terms of the Minutes which have been agreed, shall also continue. A further status report of the desilting work done and any other works which have been undertaken shall be filed by the next date of hearing.

Sewage treatment plans

23. The order dated 12th November, 2024 was categorical and clear to the effect that all 37 STPs should have flow meters and sensors installed at the point of discharge. On this issue, Ms. Bharti has handed over a status report dated 23rd January, 2025.

24. However, Mr. Bhupesh Kumar, who is the Chief Engineer, SDW, Delhi Jal Board appearing virtually submits that insofar as flow meters are concerned, out of 37 STPs, flow meters have been installed only at the effluent outlets of 22 STPs and for the 4 additional STPs, installation is expected by March, 2025. For the remaining 11 STPs there is a proposal to install the flow meters.

25. Upon being queried as to why there is a delay in installing the remaining flow meters at 11 STPs, Mr. Bhupesh Kumar submits that the estimates are being prepared for the 11 STPs and then the tender would be called. Therefore, the meters would be installed by June 2025.



26. This clearly reveals an unsatisfactory position. The issue of STPs is being monitored and is being dealt with by this Court since April 2024. In any event since 12th November, 2024 no steps appear to have been taken by the DJB for installation of flow meters.

27. Upon being queried as to why tenders are being called in piecemeal, Mr. Bhupesh Kumar submits that *qua* the 22 STPs, the flow meters were installed as part of the construction project itself almost four to five years ago. This clearly gives an impression to the Court that the DJB has not taken the orders of this Court seriously and till date only estimates being prepared is the answer that Mr. Bhupesh Kumar has given to the Court. This position is completely not acceptable to the Court. The Court is refraining from taking any action against Mr. Bhupesh Kumar as he has now given an assurance that the estimate for the remaining 11 STPs would be ready and the flow meters shall be installed within a month. If the same are not installed, the Court is clear that it would not hesitate in taking strict and stern action in accordance with law, both under the Contempt of Courts Act as also any other law which may be applicable to ensure that the directions of the Court are properly complied with.

28. On being queried as to whether these 37 STPs take care of all the sewage which is being drained into the Yamuna river, the Court is informed that the 37 STPs only relate to sewage from domestic and residential areas - however, industrial effluents are under the jurisdiction of the DSIDC.

29. Mr. Anuj Chaturvedi, who is present in Court who is on the panel of the DSIDC is requested to accept notice on behalf of the DSIDC. The DSIDC shall now be part of these proceedings and is impleaded as Respondent No.8 in ***W.P.(C) 7594/2018***. The DSIDC shall file an affidavit of a competent



official giving the following information:

- (i) Whether all the industries and the effluents from the industries come within its jurisdiction?
- (ii) How many CETPs have been installed or are supervised by the DSIDC? Are there any more CETPs required to be installed to curb untreated water flowing into the river?
- (iii) Whether there is any monitoring or supervision of the CETPs which come under the DSIDC and if so in what manner?
- (iv) Whether the CETPs have sensors and flow meters which are installed to monitor the effluent discharge into the river?

30. The Executive Engineer, who is taking care of the CETPs in Delhi shall remain present in Court on the next date of hearing.

31. In Defence Colony there is a grievance that even in the recent light rains which took place there was severe water logging. Accordingly, the MCD and DJB/PWD shall conduct a joint inspection with the members of the RWA, to ensure that the manholes are properly functioning and are not blocked or clogged.

32. List on 13th February, 2025.

PRATHIBA M. SINGH, J.

MANMEET PRITAM SINGH ARORA, J.

JANUARY 28, 2025/gs/ks