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

CM No.30022/2018 in
+ W.P.(C) 7594/2018

COURT ON ITS OWN MOTION Petitioner

Through : Court on its own motion.

versus

UNION OF INDIA & ORS Respondents

Through : Mr. Ripu Daman Bhardwaj,
Adv. for R-1.

Mr. Anuj Aggarwal, ASC,
GNCTD with Mr. Gautam
Narayan, ASC for R-2.

Ms. Puja Kalra, Adv. for R-
4/SDMC.

Ms. Monika Arora and Mr.
Kushal Kumar, Advs. for R-
5/North MCD.

Ms. Mini Pushkarna, St.
Counsel for EDMC with Ms.
Swagata Bhuyan and Ms.
Shiva Pandey, Advs. for R-
6.

Mr. Anchit Sharma, Mr.
Rahul Singhal and Mr.
Ankur Mishra, Advs. for R-
8/Delhi Cantonment Board.

Mr. Sumeet Pushkarna, St.
Counsel for Delhi Jal Board
with Mr. Shiv Bhardwaj,
Chief Engineer.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

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2023-04-06 15:41 DB

ORDER

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30.07.2018

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1. Ms. Puja Kalra, Advocate accepts notice on behalf of respondent no.4/SDMC. Ms. Monika Arora, Advocate accepts notice on behalf of respondent no.5/North MCD and Mr. Sumeet Pushkarna, Advocate accepts notice on behalf of Delhi Jal Board, who was impleaded as respondent no.9 in the present matter. The Registry is directed to place amended memo of parties on record.
2. Ld. counsels appearing for the respondents seek time to take instructions and to file status reports. Let the same be so done before the next date of hearing.
3. In our order dated 16th July, 2018, we had noted the issue relating to storm water drains in Delhi and required the respondents to place a report before us regarding a meeting to be convened regarding the mapping of the storm water drains.
4. Subsequent reports relating to the impact of further rains in Delhi are abounding in the newspapers. It appears that emergency efforts are required to be made to ensure that rain water drains as well as all drains in Delhi are regularly cleaned and maintained so that there is no obstruction in the flow of water so that same is able to reach the ultimate end point, which is the river Yamuna.
5. Given the multiplicity of the authorities, who are concerned with this issue as well as the inability of the respondents to

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undertake even this minimalistic task, it is essential for this court to monitor the same so that woes of the residents of Delhi come to an end.

6. It needs no elaboration that storm water and sewage has to be dealt with separately and there can be no mixing of these issues. Action plans with regard to the drainage of sewage and drainage of storm water have to be carefully drawn up and implemented.

7. It is essential to ensure scrutiny by the senior officers with adequate experience in matters relating to sewage and water drainage in city as well as of the action taken on this matter by those enjoined with task.

In this context, our attention has been drawn to the wide experience of Mr. P.K. Tripathi, IAS (Retd.) (MB : 9910344448), former Chief Secretary, GNCT of Delhi and CEO of the Delhi Jal Board, who has provided services to the city of Delhi in both capacities. He would have not only the necessary knowledge but also extensive experience in these areas.

8. On the 16th of July, 2018, we had directed that a meeting be convened of all the stakeholders under the chairmanship of the Chief Secretary. The report in this regard is awaited.

9. In view of the above, we direct as follows:-

(i) A Committee is hereby constituted to examine all difficulties relating to drainage of storm water in Delhi, which shall be chaired by Mr. P.K. Tripathi, IAS (Retd.) and the nine respondent



organizations before us are nominated to be members of the Committee.

(ii) The respondents shall be represented by officers not below the rank of the level of Chief Engineer or equivalent thereto in the Committee. It shall be the responsibility of the head of the respondent organizations to ensure that complete information regarding the nomination is made available forthwith to Mr. P.K. Tripathi within three days from today.

(iii) The plan prepared regarding the storm drains pursuant to our order dated 16th July, 2018 shall be forwarded by the Chief Secretary, Government of NCT of Dehi to Mr. P.K. Tripathi forthwith as also the drainage plans of the city by the Government of NCT of Delhi.

(iv) The committee shall examine all issues relating to water drainage and make recommendations for (a) improvement of the drainage (b) provision for drainage in areas where none provided (c) maintenance and improvement of the systems (d) timelines within which the recommended steps will be undertaken.

(v). It shall be open for the committee to also examine any overlapping issue relating to sewage and make recommendation with regard to the same.

(vi). The committee shall look at all aspects regarding the existing drains; make recommendations regarding the maintenance, preservation and construction, as well as steps (*including interim measures*) which are required in colonies where drains do not exist.



(vii) If deemed necessary, the Committee shall be at liberty to cause any other kind of inspection(s) to be undertaken. It shall be open to the Committee to get videography and/or photographs of its spot inspections.

(viii) The Commissioners of the Municipal Corporations shall provide suitable office space in the Headquarters at Civic Centre, Minto Road, Delhi and secretarial assistance and ensure the service of notice(s), as may be deemed necessary by the Committee, upon any party.

(ix) It shall be open for the Chairperson of the Committee to request the parties for any further assistance, including assistance for creating a website of the committee for inviting public participation for the deliberations of the committee in order to enable it to undertake a holistic consideration.

(x) The Chairperson shall inform the members regarding any notification made by him including the date and time of meeting by e-mail or using WhatsApp or sms facility.

(xi) Mr. P.K. Tripathi shall be paid a sum of Rs.10,000/- per respondent per month. For convenience, the total amount shall be forwarded by the Chief Secretary of the Government of NCT of Delhi to the Chairman of the Committee on or before the 7th day of each calendar month commencing from 1st August, 2018. Each of the respondent shall forward their share thereof to the Government of NCT of Delhi within the same period.



(xii) Mr. P.K. Tripathi, the Chairperson of the Committee shall be paid travelling allowance @ Rs.2,000/- for each for the day of the Committee sitting by Government of NCT of Delhi, which shall be reimbursed by the respondents in the same manner as above. It would be the responsibility of Government of NCT of Delhi to ensure provisions of either conveyance charges or conveyance to the Chairperson on the dates appointed for making sittings/inspection.

(xiii) The actual expenses incurred by the Committee in execution of this Commission shall also be paid to Chairperson on raising bills.

(xiv) Liberty is given to the Committee to call for information from any authority or person, as also to take assistance of any experts as may be deemed necessary.

(xv) In case the nominee of the organization is unable to attend the meeting for any reason, he shall ensure that organization is represented by an officer of the rank, not less than one step below.

(xvi) The exercise shall be undertaken and report be placed by the Committee before us within a period of eight weeks from today.

(xvii) A direction is issued to the Commissioner of Police to ensure provision of adequate security to the Committee on the date and time of their inspection.

(xviii) An action taken report shall be filed before this court by the Committee through the Chief Secretary, GNCT of Delhi.



(xix) It is made clear that failure to execute the action plan or comply with the timeline fixed by the Committee will render the authorities concerned liable for contempt of court. It shall be the responsibility of the Head of the organization and the nominee on the committee to ensure that the same is strictly complied with and adhered too.

(xx) The Chairperson of the Committee would be at liberty to arrange its own secretarial assistance and submit bills of actual expenses in the same manner as the other expenses set out above which shall also be so paid.

(xxi) The first meeting of the committee shall be held on 3rd August, 2018 at 12:00 noon in the Civic Centre.

10. List on 17th August, 2018, the date already fixed.

11. *Dasti* under signature of Court Master.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JULY 30, 2018

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