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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. Tushar Sanu, ASC, NDMC.
Mr. Ripu Daman Bharadwaj(CGSC)
& Mr. Kushagra Kumar, Advs.
Ms. Prabhsahay Kaur, SC, Ms.
Deeksha L. Kakar, Mr. Bir Inder &
Mr. Rashneet Singh, Advs.
Ms. Pooja S. Kalra, Adv. with Mr.
B.K. Sahu, Ex. Engineer, Mr. K.P.
Yadav, AE for MCD
Mr. Hilal Haider & Mr. Butul Khan,
Advs. with Mr Deepak Kumar, Ex.
Eng.

2 AND

+ **W.P.(C) 8489/2024 & CM APPLs.34941/2024 and 63347/2024**

KRISHAN KUMAR & ORS.

..... Petitioners

Through:

Mr. Anand Varma, Advocate with Mr.
Apoorva Pandey, Advocate

versus

DELHI JAL BOARD & ORS.

..... Respondents

Through:

Ms. Aditi Saraswat, Adv. for Mr.
Jawahar Raja, ASC (Civil) GNCTD
for R-2 to 4.
Mr. Bichittar Singh, Ex. Engineer &
Mr. Anurag Jain, EE for I&FCD.



CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **21.01.2025**

1. This hearing has been done through hybrid mode.

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2. The present writ petition relates to flooding, water logging and drainage issues in the Mundka village area on account of torrential rains.

3. On 24th December, 2024, Mr. Aggarwal, Id. Counsel submitted that the successful tenderer is in the process of being finalised. The Court then directed the Id. Counsel to place on record the successful tenderer and the tender awarded as also the timelines. The successful tenderer was also asked to be present in Court.

4. Today, the Court has perused the status report signed by the Executive Engineer-Bichittar Singh in respect of the construction of the Mundka drain across Rohtak Road (NH-10) in order to ensure that water logging does not take place in the Mundka area. As per the status report, the tender has been called for construction of the drain which has been awarded to M/s. Kaluwala Construction Pvt. Ltd. The timeline for the said completion of work is 3rd April, 2026.

5. The successful tenderer is represented before the Court by Mr. Kuldeep Kumar Singh, who states that he is the Project In-charge. On being queried as to what steps should be taken for construction of the drain and for ensuring that the deadline is duly met, he submits that the pipes and various other



services of service providers such as BSES, DJB, IGL, TPDDL, DTL, MTNL and DMRC have not yet been shifted. The clear site has not yet been made available to the tenderer and therefore, as soon as the clear site is made available, the first part of the construction would be carried out prior to the monsoon in the Mundka area itself so that when the monsoon arrives, there will not be any water logging. He has confirmed to the Court that once the drain is constructed, there would not be any water logging in the Mundka area.

6. On being further queried as to when the services have to be shifted in consultation with the service providers it is submitted that yesterday a meeting was held in the office of the Superintendent Engineer, Mr. Navin Anand and the diagrams for the shifting are being given by the service providers to the PWD which would then have to call for a tender.

7. Mr. Bichittar Singh, Executive Engineer, West Road-2, PWD is present and submits that the said service providers will give their diagram within a week. The Court has then queried the Executive Engineer as also the successful tenderer that if the permissions are given then shifting has to be undertaken by M/s. Kaluwala Construction Pvt. Ltd. itself. However, at this stage it is submitted by Mr. Bichittar Singh that Part B of the tender has not at all been awarded till date.

8. It is quite anomalous that the main tender for construction of the drain has been awarded without giving the clear site to the successful tenderer and the permissions are yet to be obtained for shifting of the cables and other services. Upon being queried, the Executive Engineer submits that the Chief Engineer who is overseeing this project is Mr. Mukesh Meena. It is clear that the timelines in the construction of drain could be frustrated if the clean site is not given to the successful tenderer. Clearly, there is a mismatch in the



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manner in which the tenders are being awarded.

9. Let a meeting be held with all these agencies by Mr. Mukesh Meena and a proper timeline be given in respect of shifting of cables of service providers and the timeline for completing the Mundka part of the drain, prior to the monsoon.

10. Mr. Mukesh Meena, Chief Engineer shall remain present along with Mr. Navin Anand, Superintendent Engineer, Mr. Bichittar Singh, Executive Engineer and Mr. Kuldeep Kumar Singh, the Project In-charge on the next date.

11. Another grievance raised by the residents of Mundka is that the roads are being elevated to such a height that the homes and the floors of the homes are substantially below the roads. This manner of construction leads to more flooding.

12. The concerned Chief Engineer from the Irrigation and Flood Control Department (I&FCD) shall hold an interaction with the local residents and arrive at a conclusion as to whether the roads ought to be constructed and if so, in what manner and whether the ongoing construction should be continued or stopped. For this purpose, the meeting shall be held at the Bhagat Singh Community Hall in Mundka Village on 30th January, 2025. The local Resident Welfare Association shall be represented by 10 persons only and not more. The concerned Engineer shall also be accompanied by any other members of his team as may be required to inspect the area as well.

13. It is expected that by the next date of hearing, the timeline for clearing of the sites for the building of the drain and the appointment of the agency for clearing of all the pipes and the other service providers would show some progress.



14. List on 13th February, 2025.

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15. The present matter *inter alia* relates to the repair of manholes at the Defence Colony which has not been carried out. On the last date of hearing, i.e., 24th December, 2024, Ms. Sangeeta Bharti, Id. Standing Counsel for the DJB submitted that the DJB along with the MCD is already looking into the matter and the two agencies between themselves will complete the repair of all the manholes by 20th January, 2025. The Court then directed the concerned officials of the DJB and the MCD to remain present in Court on the next date of hearing.

16. The Delhi Jal Board has filed a status report dated 13th January, 2025, signed by the Executive Engineer D-101, DJB wherein the status has been given in respect of man holes and the other jobs that were to be undertaken with respect to the said 10 properties as under:

S. No.	Complaint	Action Taken
1.	Loose Manhole and Sewage overflow behind C-345.	Manhole cover has been replaced and there is no overflow now.
2.	Broken area around C-348.	In the photograph, there are two manholes which are visible. However, only one manhole exists at site and the other is only a manhole cover which has been removed from the site.



3.	Broken manhole behind C-342.	Sewer cover has been replaced and manhole repaired.
4.	Manhole cover can sink with the weight of the vehicle at C-115.	Sewer cover has been replaced and manhole repaired.
5.	Sewage cover is larger than chamber at C-71.	Sewer cover has been replaced and manhole repaired.
6.	Sewer water is flowing into the back lane- D-328.	This is an individual sewer connection overflow due to damage of service pipe. The owner of the premises needs to have it repaired.
7.	Mosquitoes breeding jungle behind C-344/C-345.	This is an individual sewer connection overflow due to damage of service pipe. The owner of the premises needs to have it repaired.
8.	Back lanes of C-1/C-15. New construction disturbs the pipeline	There is <i>malba</i> in the back lanes from the buildings which are under construction. This needs to be removed by the owners/developers.
9.	Kushak Nala. Overflow and spill	This does not pertain to DJB
10.	Residents on both side of the Nala suffer from continuous stench	This does not pertain to DJB



17. Insofar as item nos. 1 to 5 are concerned, the manholes and the sewers are stated to have been repaired/replaced. Insofar as, item nos. 6 and 7 are concerned, there are two buildings, in which there is an overflow of sewage in the concerned properties itself, and there are certain repairs which the owners would have to undertake at the respective sites.

18. A notice be addressed by the MCD to the concerned occupants in these buildings *i.e.*, D-328, C-344 and C-345 to get the repairs done within a week and a status report be placed on record by the next date of hearing.

19. Insofar as item no. 8 is concerned, certain construction is going on in some properties and the *malba* has been put in the back lanes. The concerned developer/owner be given notices for removal of the *malba* within three days and a status report be placed on record by the next date of hearing.

20. In respect of item nos. 9 and 10, this issue shall be considered on 27th January, 2025 when the issue of sewage treatment plan is being considered by the Court.

21. The Delhi Jal Board's officials are exempted for the time being from appearing in Court.

22. The concerned MCD officials who are to undertake the above directions shall appear before the Court with a fresh status report.

23. List on 27th January, 2025.

PRATHIBA M. SINGH, J.

MANMEET PRITAM SINGH ARORA, J.

JANUARY 21, 2025 *gs/Rahul/ks*