



\$~1(SDB) to 8(SDB)

* **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, 12262/2025**

COURT ON ITS OWN MOTION

..... Petitioner

Through: Ms. Preeti Sirohi, Mr. Sudhanshu Tiwari, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Manish Mohan, CGSC with Mr. Jatin Teotia, Adv and Ms. Aishani Mohan, Adv and Mr varenym Singh, Adv for UOI. (M:9999410115)
Mr.Tushar Sannu (ASC NDMC) with Ms. Bandita, Adv.

Mr.Ali Qambar Zaidi, Intervenor
Mr. Rao, Sr. Adv., Ms. Sangeeta Bharti, Standing Counsel, Mr. Ashish Kumar & Ms. Manya Sharma, Adv for DJB.

Ms. Puja S. Kalra, standing counsel MCD along with Mr. Virendra Singh, Adv. with Mr. B. K. Sah, Executive Engineer, Mr. K.P. Yadav, A.E. (M:9312839323)

Mr. Ripudaman Bhardwaj CGSC with Amit Kumar Rana, Adv. for UOI.

Ms. Prabhsahay Kaur (Standing Counsel DDA), Ms. Deeksha L. Kakar, Mr. Aditya Verma, Ms. Kavya Shukla, Mr. Rashneet Singh, Adv. with Officers Present: Vishwajeet Gahlot (AD PMUDAY), Ashutosh (Executive Engineer), Gaurav Meena (AE), Nipun (AE). (M:8858999883)

Mr. Dhruv Rohatgi, Mrs. Chandrika



Sachdev & Mr. Dhruv Kumar Adv.
for R-2 & 3. (M:9711666455))

2(SDB)
+

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

..... Petitioners

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Dhruv Rohatgi, Mrs. Chandrika
Sachdev & Mr. Dhruv Kumar Adv.
for R-1, 6 to 8.

Mr. Ripudaman Bhardwaj CGSC with
Amit Kumar Rana, Adv. for UOI.

Mr. Vikrant N Goyal, Mr. Nishu, Mr.
Aditya Shukla, Adv. for R-7.
(M:99532 28888)

Mr. Manish Mohan, CGSC with Mr.
Jatin Teotia, Adv and Ms. Aishani
Mohan, Adv and Mr varenyum Singh,
Adv for UOI.

Ms. Prabhsahay Kaur (Standing
Counsel DDA), Ms. Deeksha L.
Kakar, Mr. Aditya Verma, Ms. Kavya
Shukla, Mr. Rashneet Singh, Adv.
with Officers Present: Vishwajeet
Gahlot (AD PMUDAY), Ashutosh
(Executive Engineer), Gaurav Meena
(AE), Nipun (AE).

3(SDB)
+

WITH
W.P.(C) 10480/2024 & CM APPL. 43099/2024
AMITA SACHDEVA & ANR.
Through:
versus

..... Petitioners

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Ms Latika Malhotra, Adv. for DDA.
(M:9811895162)



4(SDB)

WITH

+

W.P.(C) 13190/2024

MAHARANI BAGH CO-OPERATIVE HOUSE BUILDING AND WELFARE SOCIETY LTD., & ANR. Petitioners

Through: Mr. A. N. Haksar, Senior Adv., Mr. Udayan Jain, Mr. Ranjan Mishra, Advs.

versus

UNION OF INDIA& ORS.

..... Respondents

Through: Mr. Ajjay Aroraa, Sr. Adv with Adv. Tushar Sannu and Adv Vansh Luthra, Adv for MCD. (M:9582997768)

Ms. Prabhsahay Kaur (Standing Counsel DDA), Ms. Deeksha L. Kakar, Mr. Aditya Verma, Ms. Kavya Shukla, Mr. Rashneet Singh, Adv. with Officers Present: Vishwajeet Gahlot (AD PMUDAY), Ashutosh (Executive Engineer), Gaurav Meena (AE), Nipun (AE).

Mr. Dhruv Rohatgi, Mrs. Chandrika Sachdev & Mr. Dhruv Kumar Adv. for R-2.

Mr. Gautam Dhamija, Adv. for Delhi Jal Board. (M:98998 09187)

5(SDB)

WITH

+

W.P.(C) 15399/2024 & CM APPL. 4918/2025, CM APPL. 8786/2025

SHAILENDRA BHATNAGAR

..... Petitioners

Through:

versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr Tushar Sannu with Ms Bandita, Adv for GNCTD.

Ms. Beenashaw N Soni, SC MCD with Ms. Ann Joseph (Advocates for MCD)



Mr. Srinivasan Ramaswamy, Adv. for
R-4. (M:8750541571)

6(SDB)
+

WITH
W.P.(C) 17064/2024

RAVINDER YADAV

..... Petitioners

Through: Ms. Vrinda Grover, Mr. Prasanna, J.,
Mr. Soutik Banerjee, Ms. Devika
Tulsiani and Ms. Rupali Samuel,
Advs.

versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Manu Chaturvedi, Standing
Counsel for MCD.
Mr. Dhruv Rohatgi, Mrs. Chandrika
Sachdev & Mr. Dhruv Kumar Advs.
for R-1 &6.

7(SDB)

WITH

+ **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:

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr Tushar Sannu, Ms. Bandita, Advs.
for GNCTD
Mr. Anuj Chaturvedi, Ms. Richa
Dhawan, Ms. Harshita Maheshwari,
Ms. Pawan Karan Deo, Advs. for
DUSIB and DSIIDC along with Mr.
Rathlawath Suman, EE, DSIIDC.
Mr. Sumit K Batra, Adv. for R-5.
(M:9899751415)
Ms. Prabhsahay Kaur (Standing
Counsel DDA), Ms. Deeksha L.
Kakar, Mr. Aditya Verma, Ms. Kavya



Shukla, Mr. Rashneet Singh, Advs.
with Officers Present: Vishwajeet
Gahlot (AD PMUDAY), Ashutosh
(Executive Engineer), Gaurav Meena
(AE), Nipun (AE).
Mr. Yash S. Vijay, Adv. in Rev. Pet.
373/2024. (M:9953300973)
Mr Talha Abdul, Ms. Rupali Samuel &
Mr Rafid Akhter, Advs.
(M:7869375111)

8(SDB) AND
+ **W.P.(C) 8489/2024 & CMAPPLs.34941/2024 and 63347/2024,**
12263/2025
KRISHAN KUMAR & ORS. Petitioners
Through: Mr. Anand Varma, Adv. Ms. Apoorva
Pandey, Adv. (M:9717252603)
versus

DELHI JAL BOARD & ORS. Respondents
Through: Mr. Raghvendra Upadhyay - Panel
Counsel GNCTD alongwith Ms.
Purnima Jain, Adv. with Mr. Mukul
Meena- Chief Engineering PWD;
Navin SE- PWD; Bichittar Singh EE-
PWD; Anurag Jain EE CD12; Hemant
Yadav AE CD12 for R-2 to 4.
(M:9818720615)
Mr. Kuldeep Kumar Singh, Adv.
Mr Hilal Haider with Ms Butul khan,
Advs. for DJB. (M:8750647440)

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

ORDER
% **28.02.2025**

1. This hearing has been done through hybrid mode.



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

Taimoor Nagar Drain

2. This writ petition *i.e.*, **W.P.(C) 7594/2018** *inter alia* relates to flooding, water logging and drainage issues in the Mundka village area on account of torrential rain. The petition- **W.P.(C) 13190/2024**, is filed by the Maharani Bagh Co-Operative Housing Building and Welfare Society Ltd. & Anr. seeking 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. The petition is further seeking implementation of Drainage Master Plan for NCT of Delhi, 2018 and Master Plan of Delhi, 2021 along with other reliefs.

3. The Court on the last date of hearing *i.e.*, 28th January, 2025, directed that the desilting work at the Taimoor Nagar drain shall continue and the survey shall be conducted of the Taimoor Nagar drain along with all the residents. The Court further directed that 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 also be filed.

4. Mr. Dhruv Rohatgi, Id. Standing Counsel for the GNCTD has handed over in Court an Action Taken Report dated 27th February, 2025. As per the said report, the desilting work has continued and 6,000 cubic meters of silt has been removed and 1,055 cubic meters has been disposed of. The above stated ATR is taken on record.

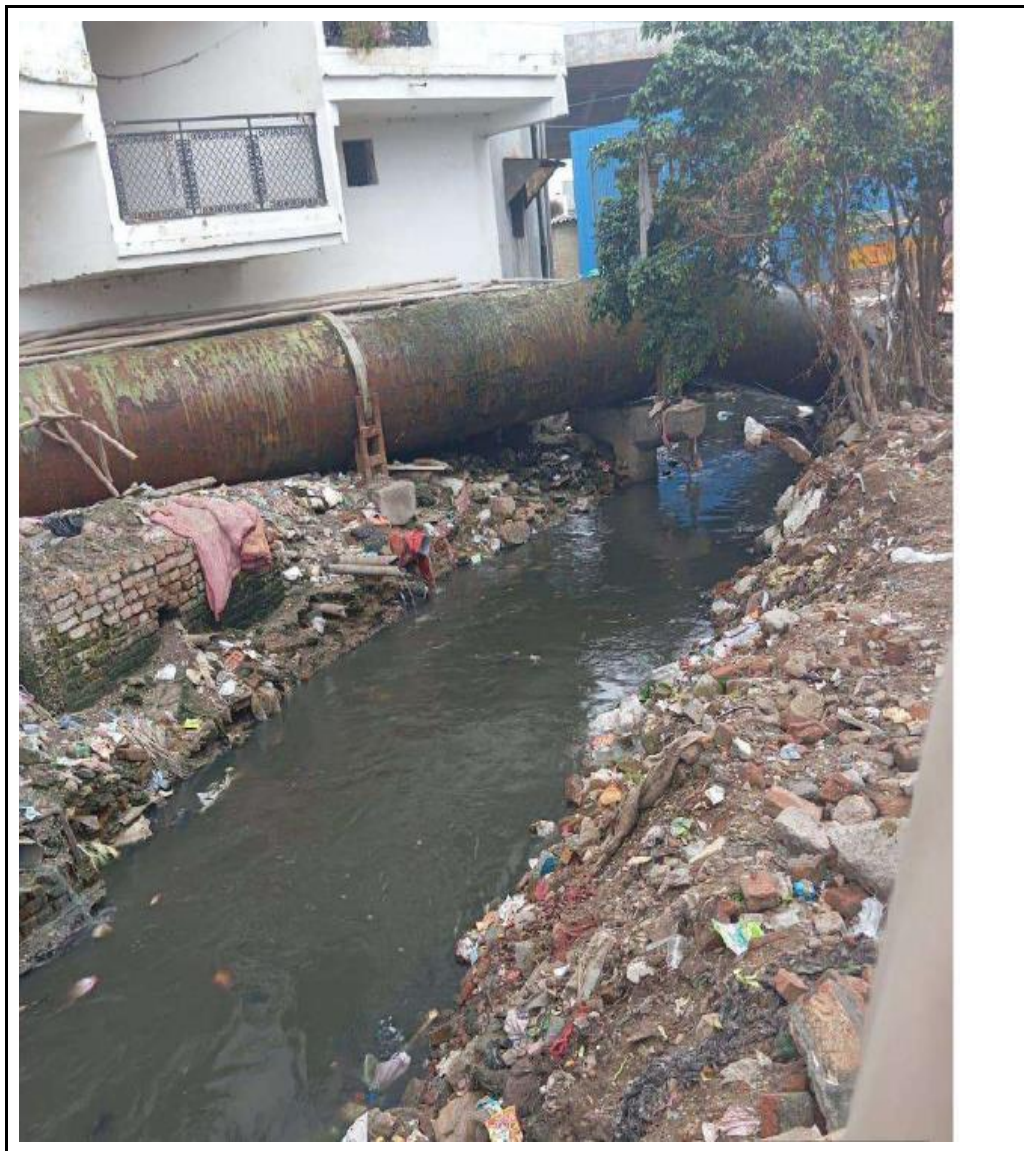
5. The contractor is also present today. It is submitted that there was some breakdown of the machinery, which led to the delay. Mr. Chauhan, the Contractor assures the Court that the entire desilting of this drain shall be

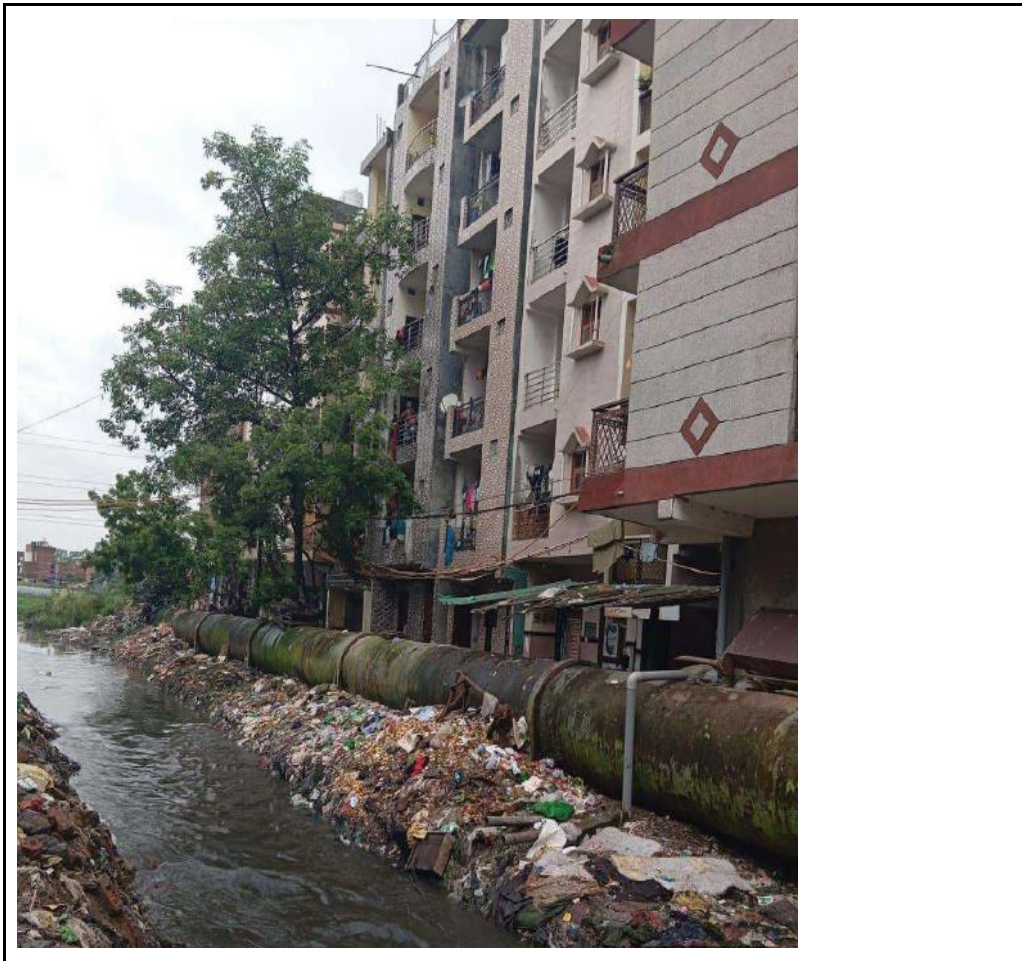


completed within one month. Let the desilting work be continued by the Contractor with diligence and it shall be ensured that the work is done on a day to day basis so that the desilting work can be completed and silt is also disposed of within the time stipulated by the Court.

6. Insofar as the design for the alignment of the drain is concerned, M/s Green Design has handed over a report. This report is now to be considered by the GNCTD and the tender is to be called for the same as per Id. Counsel. Let the alignment of the drain be finalized in the presence of the STF. The said report is also taken on record.

7. Mr. A.N. Haksar, Id. Senior Counsel has pointed out that at the end of the drain where the water has to enter the flood plains, a five storey building has come up, which has made the flow of the drain extremely narrow and could be the cause of severe water logging during rains. Mr. Haksar also submits that the exit points of the Taimoor Nagar Drain have to be without any obstructions whatsoever so that even the Highway which is across the drain namely Delhi-Mumbai Highway, is also not water logged and traffic movement is not hampered on the said Highway. The images of the said building are set out below:









8. It is clear from the photographs above that the drain is being severely blocked by this construction. Ld. counsel appearing for the MCD submits, under instructions from Mr. Sanjeev Mudgal, Executive Engineer that there is no plan sanctioned for this building and this land belongs to the DDA. Ms. Prabhsahay Kaur, Id. Counsel appearing for the DDA, under instructions from Mr. Ashutosh Upadhyay, Civil Engineer submits that this is DDA land and that the entire building is unauthorized.

9. In view of this position, for finalization of the design of the Taimoor



Nagar Drain, let a joint meeting be held between the officials of STF, DDA, MCD including the officials, who are present today. The meeting shall be held on 6th March, 2025 in the office of Mr. Anil Kumar, the Chairman, STF at 11:30 A.M. Upon the design being finalized, let the tender be called for the renovation/re-construction of the Taimoor Nagar Drain. The STF is fully empowered to remove any obstructions, encroachments, including any construction which is unauthorized and which would hamper the renovation/re-construction of the drain.

10. The STF shall submit a report by the next date of hearing on all the aspects including removal of encroachment, demolition of unauthorized construction including the five storey building, which is set out above so as to ensure that the drain can be properly re-designed and the area is also properly maintained so that further dirtying of the drain can also be prevented.

11. The DJB official Mr. Pankaj Attray, who is part of the STF, shall ensure that all the sewage pipes, which are going to the drain, are intercepted and re-diverted into the sewage drain and not into the Taimoor Nagar Storm Water Drain.

CM APPL.12262/2025 in W.P.(C) 7594/2018

12. Mr. A.D.N. Rao, Id. Senior Counsel along with Ms. Sangeeta, Id. Counsel has moved this application being **CM APPL.12262/2025** on behalf of the DJB. The application prays for extension of time for installation of flow meters in the Sewage Treatment Plants (hereinafter 'STP').

13. Out of a total of 37 STPs, the flow meters were installed as stated in the last order, in only 22 STPs. For 11 STPs, there was a proposal to install the flow meters as submitted on the last date. Today, it is submitted by Mr. Rao that a total of 10 flow meters have been installed in out of 15 STPs and 5 more



STPs need to be upgraded with installation of flow meters. Extension of time is sought by the DJB. Accordingly, time for installation of the flow meters in the remaining STPs is extended till 16th March, 2025. Let the status report be filed by the next date of hearing.

14. The application is disposed of in the above terms.

CM APPL. 47142/2024 in W.P.(C) 7594/2018

15. This application has been filed by the local residence of Prakash Mohalla House Owners Association & Anr. seeking cleaning of the storm water drain and the sewage drain. Vide order dated 23rd October, 2024, the Court had directed as under:

*“4. The DJB is directed to also take note of the grievances highlighted by the applicant in CM APPL. No.47142/2024 with respect to specific areas in Village Garhi, falling in the Kalkaji constituency. An Action Taken Report (‘ATR’) with respect to the said areas be also filed three days prior to the next date of hearing.
5. Ms. Priyam Mehta, learned counsel for the applicant states that no desilting has been carried out in the areas enlisted in this application.”*

16. Ld. Counsel submits that insofar as DJB is concerned, they have carried out the desilting of the sewage pipes. However, desilting of storm water drains has not been carried out.

17. Let the MCD take note of the desilting work that needs to be done and carry out the same with diligence. Let the action taken report be filed.

18. Issue notice in the application to MCD. Ms. Beenashaw Soni, Id. Counsel accepts notice on behalf of the MCD.

Functioning of Common Effluent Treatment Plans in Delhi.

19. On the last date of hearing i.e., 28th January, 2025, Delhi State Industrial



& Infrastructure Development Corporation (hereinafter 'DSI IDC') has been impleaded as Respondent No.8 and was directed to be part of these proceedings. The Court on the said date further directed DSI IDC to file an affidavit 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 DSI IDC? 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 DSI IDC 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?

20. The DSI IDC has filed an affidavit signed and deposed by Mr. Rathlawath Suman, Executive Engineer at DSI IDC. The same reveals an extremely sorry state of affairs. There are a total of 33 industrial areas in Delhi. Out of the said industrial areas 24 industrial areas are stated to be transferred to the DSI IDC by the DDA. Out of these 24 industrial areas, 12 areas are fully with the DSI IDC. However, in respect of the other 12 industrial areas, the lease administration and the maintenance of the drains, roads, etc., still remain with the DDA. There is no revenue to the DSI IDC from these areas. The industrial areas which have not been handed over to the DSI IDC are as under:



List of 12 Industries Areas with DSIIDC

Sr. No.	Name of Industrial Areas
1	DSIIDC Sheds Nangloi
2	Badli Industrial Area
3	Narela Industrial Area
4	Bawana Industrial Area
5	Okhla Industrial Estate Ph- III
6	FIEE, S-Block, Okhla Industrial Area Ph- II
7	FIEE, A-Block, Okhla Industrial Area Ph- II
8	Patpargani, Industrial Area
9	FFC, Jhilmil Industrial Area
10	FFC, Jhandewalan, rani Jhansi Road
11	FFC, Okhla Industrial Area
12	Leather Complex Wazirpur Industrial Area

List of Industrial Areas who's Lease Administration are still with DDA

Sr. No.	Name of Industrial Areas
1	G.T. Karnal road Industrial Area
2	Rajasthan Udyog Nagar Industrial Area
3	Wazirpur Industrial Area
4	Lawrence Road Industrial Area
5	Udyog Nagar Industrial Area
6	Mangolpuri Industrial Area
7	Naraina Industrial Area, Ph - I & Ph- II
8	Mayapuri Industrial Area, Ph- I & Ph- II
9	Kirti Nagar Industrial Area
10	DLF Moti Nagar Industrial Area
11	Najafgarh Industrial Area
12	Jhilmil Industrial Area

List of Industrial Areas which are not handed over to DSIIDC

Sr. No.	Name of Industrial Areas	Lease Administration	Maintenance of Roads & Drains
1	S.M.A Industrial Area	DDA	Private Societies
2	S.S.I Industrial Area	DDA	Private Societies



3	Mohan Cooperative Industrial Area	DDA	Private Societies
4	Shahzada Bagh Industrial Area	DDA	MCD
5	Rani Jhansi road	DDA	MCD
6	(a) Okhla Industrial Area, Ph- I (b) Okhla Industrial Area, Ph- II	DDA	MCD
7	Tilak Nagar Industrial Area	DDA	MCD
8	Friends Colony Industrial Area, Shahdara	DDA	MCD
9	Shadara Industrial Area	DDA	MCD

21. Insofar as Common Effluent Treatment Plants (hereinafter ‘CETPS’) are concerned, the Supreme Court had directed in **MC Mehta v. Union of India (CWP No. 4677/85)** that CETPs ought to be installed in all industrial areas. A total of 13 CETPs are stated to have been installed. As per the DSIIDC, only the last 2 CETPs i.e., at Bawana & Narela are under the control of DSIIDC. The said 13 CETPs only cater to 17 industrial areas set out below:

List of 13 CETPs supervised and maintained by DSIIDC which cater to 17 Industrial Areas

Sr. No.	Name of Industrial Areas	Connected CETP
1	Naraina Ph-I & Ph-II	Naraina
2	Mayapuri	Mayapuri
3	Wazipur	Wazirpur
4	Badli	Badli
5	S.M.A.	S.M.A
6	S.S.I	
7	Rajasthan Udyog Nagar	
8	DSIIDC	Nangloi
9	Udyog Nagar	



10	Lawrence Road	Lawrence Road
11	Okhla Ph- I & Ph- II	Okhla
12	GT Karnal Road	GT Karnal Road
13	Jhilmil	Jhilmil
14	Friends Colony	
15	Mangolpuri Ph-I & Ph-II	Mangolpuri
16	Bawana	Bawana
17	Narela	Narela

22. **In effect, therefore, 16 industrial areas in Delhi do not have any CETPs as is clear from the affidavit of DSIIDC. This is a shocking revelation to say the least. In these 16 industrial areas, the effluents are freely flowing without any treatment being given. The condition is quite serious and abysmal which would, therefore, leave this Court to the question as to how the solution is to be arrived at to ensure that all the water that is flowing into the river is fully treated and does not cause pollution in the river.** The Court had asked the DSIIDC to inform as to what is the supervision that the DSIIDC does in respect of those CETPs which are under its supervisory control. In response thereto, the submission of DSIIDC is as under:

- “i. It is humbly and most respectfully stated that the two CETPs at Narela and Bawana, as mentioned earlier, are maintained and monitored by the Respondent No. 8 through a Concessionaire, PNC Narela & Bawana Infra Development Pvt Ltd., since July 2011, under the Public-Private Partnership (PPP) mode.*
- ii. Further, these CETPs are equipped with in-house laboratories and facilities for testing key effluent parameters, including TSS (Total Suspended Solids), COD (Chemical Oxygen Demand), BOD (Biological Oxygen Demand), and pH. Testing is carried out on a*



daily basis for both raw effluent and the treated water.
iii. Additionally, in cases where any variation is detected from the prescribed design limits of raw effluent, the necessary treatment protocols are promptly implemented to ensure the effluent meets the required treatment standards in line with the prescribed limits.
iv. Furthermore, joint sample collection is undertaken monthly by the DPCC and Respondent No. 8 (through its concessionaire), with the results of these samples being made available on the DPCC web portal for transparency and further monitoring.”

23. It is clear that insofar as the CETPs which are under the control of DSIIDC are concerned, there is regular supervision, monitoring and maintenance which is undertaken. Thus, in respect of the Narela & Bawana CETPs, the DSIIDC is taking the requisite steps of monitoring the effluents. The Total Suspended Solids testing is carried out on a daily basis and protocols are being followed for both raw effluents and treated water. The ideal situation would, therefore, be that such monitoring & supervision happens in all CETPs in all industrial areas. The imminent need, therefore, is as under:

- (i) That further CETPs are installed in all industrial areas in Delhi;
- (ii) The DSIIDC is handed over the remaining 12 Lease Administration Rights of industrial areas from the DDA;
- (iii) The CETPs, which are under private management i.e., 1 to 11 in table D, are regularly monitored by the DSIIDC by prescribing a protocol to the entities which are in control of the said CETPs;
- (iv) CETPs would have to be installed in 12 industrial areas which are to be handed over to the DSIIDC fully by the DDA.



24. In order to comprehensively take a decision in this regard, let the Commissioner of Industries hold a meeting with the DDA, MCD & DSIIDC on 6th March, 2025 at 3.00 PM. The Commissioner of Industries shall comprehensively analyse and assess the situation of CETPs in Delhi and put up a proper plan for installation, monitoring, supervision, maintenance of all CETPs. The Commissioner of Industries shall also put up a plan for bringing all CETPs under the control of one organisation may be the DSIIDC and the manner in which the DSIIDC would be given the mandate to carry out all the above tasks *qua* the CETPs. The Commissioner of Industries shall also file an affidavit, informing the Court of the following:

- (i) whether the CETPs in table D above (items 1 to 11) are being maintained by private management and if so what is the source of revenue for the said management. How the DSIIDC would supervise these CETPs?
- (ii) Who should carry out the installation of CETPs in the remaining 16 industrial areas?
- (iii) What would be the budget estimates for the same?
- (iv) What would be the sanction of funds for the same?
- (v) What model is to be followed? Whether the PPP model is to be followed for installation of the remaining CETPs, as also supervision, maintenance or monitoring, etc.

25. The Commissioner of Industries shall also remain present on the next date of hearing. The DSIIDC affidavit presented by Mr. Anuj Chaturvedi is stated to be taken on record. Ld. Counsel for DDA shall ensure that the affidavit of the DSIIDC & today's order is duly communicated to the respected division of the DDA so that the meeting which is to be held on 6th



March, 2025, is proper and effective. Officials from the DSIIDC and MCD shall also be present in that meeting.

26. Ld. Counsel for the DSIIDC is permitted to re-file the DSIIDC affidavit in ***W.P.(C) 7594/2018***.

Defence Colony

27. On 28th January, 2025, the Court had directed the MCD and DJB/PWD to conduct a joint inspection with the members of the RWA, to ensure that the manholes are properly functioning and are not blocked or clogged as there was a grievance raised with respect to severe water logging in Defence Colony.

28. Insofar as Defence Colony is concerned, a report has been placed on record by the Executive Engineer, Central Zone, MCD which again reveals that there are some serious problems in the Defence Colony area. Firstly, the drain which is known as the Defence Colony drain (from ring road till it joins the Kushak drain) is stated to be 1600 meters long. The stretch around 1300 meters of this drain is covered, when it was handed over from the DDA to the MCD in the year 2020. The MCD has not figured out as to how to clean the covered part of the drain and whether to uncover the same. The MCD requires the assistance of a Design Consultant who is yet to be appointed.

29. Insofar as the sewage is concerned, the joint survey which was conducted reveals clearly that sewage pipes and storm water drains are corroded, broken and blocked which also enables sewage to backflow to homes and flooding of basements and homes. Clearly, the DJB and the MCD need to work together insofar as Defence Colony area is concerned to ensure that if there are any pipes which are broken the same are duly repaired and that at least there is free flowing of the sewage and the water into the



respective drains.

30. There is currently no audit that has taken place by the MCD or by the DJB in this regard.

31. Let the DJB and the MCD conduct a joint audit/inspection of the existing sewage network and the existing storm water drain network and submit a report as to what are the :

(i) possible immediate solutions to have the drain/pipes functioning;

(ii) any long term solutions that MCD and DJB wish to suggest.

32. This audit/inspection shall take place and be concluded by the **20th March, 2025**.

W.P.(C) 15399/2024

Green Park

33. 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.

34. Considering the nature of allegations, the DMRC was impleaded as Respondent No. 4 in this matter on the last date of hearing and was directed to file an affidavit responding to the said allegations.

35. Mr. Bhatnagar, on the last date had also submitted 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. The MCD was directed to take instructions and file a specific



affidavit on this aspect.

36. Insofar as Green Park and Green Park Extension is concerned, the confusion continues to persist as to who manages the storm water drain and the sewage drain in this area. The DMRC has filed an affidavit stating that the original brick barrel drain was maintained by various civic agencies and since the original drain was obstructing the construction in a small section of the existing drain for a length of 113 meters, a steel pipe drain has been constructed under Aurobindo Marg. The said drain is under the maintenance of the DMRC. However, Id. Counsel appearing for DMRC - Mr. Srinivasan Ramaswamy submits that the DMRC has repeatedly written to the PWD as also to the MCD asking them to take over this drain. PWD has responded stating that the drain would not come within its jurisdiction. However, there has been no response from the MCD.

37. In addition, Ms. Beenashaw Soni, Id. Standing Counsel MCD has filed an affidavit of the MCD in respect of Green Park Extension. The affidavit of MCD states that there is no storm water drain mixing with the sewer line in Green Park Extension. Though, the sewer line is old and needs replacement, the regular cleaning of both the drains is taking place in Green Park Extension.

38. Mr. Bhatnagar - the Petitioner on the contrary submits that there is only one drain and there are no separate drains for storm water and sewage in Green Park Extension. Clearly, there is a confusion as to the manner in which the storm water drain and the sewerage drain are being managed and whether there are two separate drains at all in Green Park and Green Park Extension. Mr. Bhatnagar also submits that if the drains are connected through AIIMS into a bigger drain, the water logging in the Green Park would be considerably addressed.



39. Let notice be issued to Director, AIIMS for appearing in this matter for placing their stand in this regard.

40. A joint inspection shall be carried out by the MCD, DJB, PWD, DMRC and AIIMS and a report shall be placed in respect of the following:

- i) Whether in Green Park and Green Park Extension, there are two separate drains for sewage and storm water or not?
- ii) Whether the same are inter-connected at any point, if so, how the same is to be resolved?
- iii) Which would be the agency which would take over the drain from the DMRC?
- iv) Whether the extension or connection between the drains through AIIMS to the bigger drain is feasible and if so, in what manner.

41. Let the joint inspection be conducted by 10th March, 2025. This report shall be placed on record by the next date.

42. List **W.P.(C) 8035/2024** and **W.P.(C) 8489/2024** on 28th March, 2025.

43. List **W.P.(C) 7594/2018**, **W.P.(C) 9617/2022**, **W.P.(C) 10480/2024**, **W.P.(C) 13190/2024**, **W.P.(C) 15399/2024**, **W.P.(C) 17064/2024** on 17th April, 2025.

PRATHIBA M. SINGH, J.

MANMEET PRITAM SINGH ARORA, J.

FEBRUARY 28, 2025/dk/rahul/gS/ks