

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**M.A. No. 877 of 2013  
In  
Original Application No. 300 of 2013**

**Manoj Kumar Misra & Anr. Vs. Union of India & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER  
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

**Present:**

<b>Applicant:</b>	<b>Mr. Rahul Choudhary, Advocate</b>
<b>Respondent No. 1:</b>	<b>Mr. Vikas Malhotra, Advocate</b>
<b>Respondent No. 2:</b>	<b>Mr. Ravi P. Malhotra, Advocate</b>
<b>Respondent No. 3:</b>	<b>Mr. Vivek Kumar Tandon, Advocate</b>
<b>Respondent No. 4&amp;7:</b>	<b>Mr. Sangram Patnaik and Mr. Swayam Sidha, Advocates</b>
<b>Respondent No. 5:</b>	<b>Mr. Balendu Shekhar, Adv.</b>
<b>Respondent No. 6:</b>	<b>Mr. S.B. Upadhyay, Sr. Advocate, Mr. Pawan Upadhyay with Ms. Anisha Upadhyay, Advocates</b>
<b>Respondent No. 8:</b>	<b>Mr. Vivek Kr, Tondon and Mr. Arvind Ray.</b>
<b>Respondent No. 9:</b>	<b>Mr. Robin R. David with Mr. Febin.M. Varghese</b>
<b>Respondent No. 10&amp;11:</b>	<b>Mr. N.P. Singh, Advocate &amp; Mr. Dinesh Jindal, Law Officer, DPCC Mr. M. Dutta, Advocate for CPWD.</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 5 October 28, 2013</b>	<p>The Leaned Sr. Counsel appearing for the South Delhi Municipal Corporation has submitted that the Applicant has not correctly represented the facts before this Tribunal in as much as storm water drain does not exist as of today and infact is primarily sewage discharge drain which of course also carries the drained storm water. However, the Learned Counsel appearing for the Applicant submits that under the Master plan 2021, the Corporation was expected to carry out the Environmental study before it started covering the drains. Secondly, under the provisions of Delhi Municipal Corporation Act, the Corporation is required to take approval of the competent Authority before it covers the open drains particularly which are storm drains. Another aspect which requires serious consideration of all the concerned is whether there should be a STP plant at the Barapulla drain before it discharges all sewage and other waste into river Yamuna or not. This must be considered by the Authorities before we permit any progress in this Project. We also direct the Delhi Pollution Control Committee, the South Delhi Municipal Corporation and the NCT Delhi to</p>

*inter alia* examine and file a comprehensive report dealing with peak storm drainage, modified catchment area, percentage of open area and land use, and channel design parameters and treatment, if any, being provided to the discharge made from these drains into river Yamuna. It is noticeable that mere covering of the drains, even if other factors are taken in favour of the South Delhi Municipal Corporation, would still remain a disaster inasmuch as the heavy sewage discharge from these drains through Barapulla would continue to heavily pollute river Yamuna, which is the primary and the main consideration from the point of view of environment. Thus, it was expected of all these Authorities to examine whether each drain before it discharges its sewage trade effluent or other waste into the river Yamuna is treated so as to conform to prescribed standards. We also direct the South Delhi Municipal Corporation to examine the kind of municipal waste, that, is being thrown into the drain as seen in the photographs produced by the Learned Counsel.

At the oral request of the Learned Counsel appearing for the parties, the Delhi Jal Board is ordered to be impleaded as Respondent in the main Application. Let Notice be issued to the newly added Respondent by registered post/acknowledgement due and Dasti as well.

List on 19<sup>th</sup> November, 2013.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(B.S. Sajwan)

.....,EM  
(Dr. R.C. Trivedi)