

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

**M.A. No. 877 of 2013, M.A. No. 1074 of 2013, M.A. No. 49 of 2014  
And  
M.A. No. 88 of 2014 & M.A. No. 131 of 2014  
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 MR. 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 and Mr. M.P. Sahay, Advocates</b>
<b>Respondent No. 2&amp;4,7:</b>	<b>Mr. Ravi P. Malhotra and Mr. Abhinav Kumar Malik, Advocates</b>
<b>Respondent No. 3&amp;8:</b>	<b>Mr. Vivek Kr. Tondon and Mr. Sanjay Kumar, Secy. Env.</b>
<b>Respondent No. 5:</b>	<b>Ms. Maninder Acharya, Sr. Advocate and Mr. Ajay Arora, Engineer in Chief</b>
<b>Respondent No. 6:</b>	<b>Mr. S.B. Upadhyay, Sr. Advocate, Mr. Param Kr. Mishra and Ms. Anisha Upadhyay, Advocates</b>
<b>Respondent No. 9:</b>	<b>Mr. Febin M. Varghese, Adv.</b>
<b>Respondent Nos. 10&amp;11:</b>	<b>Mr. Narendra Pal Singh, Advocate, Mr. Dinesh Jindal, Law Officer, DPCC</b>
<b>Respondent Nos. 14 to 16:</b>	<b>Mr. A. Mariarputham, Sr. Advocate, Mr. Avneesh Arputham and Mr. Kabeer Shrivastava, Advocates Mr. Balendu Shekhar, Advocate for EDMC Mr. S. Venkatesh, Mr. Dhruv Chopra and Mr. Rohit Chopra, Advocates for DCWA Applicant. Ms. Sakshi Popli, Advocate along with CEO of DJB Prof. A.K. Gosain, IIT (Delhi)</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 9 March 18, 2014</b>	<p><b><u>M.A. No. 131 of 2014</u></b></p> <p>This is an Application filed on behalf of Indian National Trust for Art and Culture Heritage for impleadment.</p> <p>Learned counsel appearing for the respective parties submit that without admitting the facts stated in the Application they have no objection to the impleadment.</p> <p>Consequently, this Application is allowed subject to just exception and with a liberty to the Learned counsel appearing in the case to refute the allegations made in the Application, if they so desired.</p> <p>The Applicant - Indian National Trust for Art and Culture Heritage is directed to be impleaded as</p>

Respondent in the main Application.

Necessary amendments be made in the main Application accordingly. Service of Notice waived.

Accordingly, M. A. No. 131 of 2014 stands disposed of.

**M.A. No. 1074 of 2013**

This is an Application filed by the Applicant for impleadment.

Learned counsel appearing for the respective parties submits that without admitting the facts stated in the Application they have no objection to the impleadment.

Consequently, this Application is allowed subject to just exception and with a liberty to the Learned counsel appearing in the case to refute the allegations made in the Application, if they so desired.

The Applicant is directed to be impleaded as Respondent in the main Application.

Necessary amendments be made in the main Application accordingly. Service of Notice waived.

Accordingly, M. A. No. 1074 of 2013 stands disposed of.

**Original Application No. 300 of 2013**

In furtherance to our previous Order Engineer-in-Chief, South Municipal Corporation of Delhi, CEO of DJB and Prof. A.K. Gosain are present before the Tribunal. Upon hearing Learned counsel appearing for the various parties, the intervenors as well as the above persons, Officers and Prof. Gosain, we are of the considered view that unanimity of the expert opinion appears to be that drains in question which are storm water drains should not be covered and sewage should not be permitted to be mixed with storm water. Learned counsel appearing for the South MCD submits that they have executed work partially but because of interim Order passed by the Tribunal the work has been stopped. However, as a result of coming rainy season there may be flooding in Delhi and sewage being mixed with the drain water may cause

serious health hazards.

Various options have been discussed before the Tribunal today. We consider it most appropriate that the experts should suggest another possible mode by which the ecology and environment can be maintained, at the same time, methodology is provided for taking the sewage by a separate drain which may be through pipeline covered the drain or otherwise.

Thus, we direct Secretary, Deptt. Of Public Health, Secretary, Deptt. Of Environment, NCT of Delhi, Prof. Gosain, Engineer-in-Chief, South Municipal Corporation of Delhi, CEO of DJB and Vice Chairman of DDA to constitute a committee. This Committee shall submit a report within two weeks from today before the Tribunal *inter alia* but primarily on the following:-

1. Providing open drains and maintaining the natural storm water drains which existed in Delhi for hundreds of years.
2. Separately covered drains which may be part of the main drain itself to carry sewage
3. Beautification and conservation of all the sites of the drains
4. On the basis of "Polluter Pays" principle what money should be contributed by the public at large for maintaining the environment and ecology and collection and disposal of sewerage.

Besides, we direct all the Municipal Corporations of Delhi to ensure the cleaning of all the drains in every part of Delhi within three weeks from today.

These directions shall be carried out by all the Corporations as well as PWD or CPWD and by Government Authorities, as the case may be. The Senior most Officers of the Corporations and others would be responsible for execution of this Order personally.

List this case on 16<sup>th</sup> April, 2014

.....,CP  
(Swatanter Kumar)

	<p>.....,JM (U.D. Salvi)</p> <p>.....,EM (Dr. D.K. Agrawal)</p> <p>.....,EM (B.S. Sajwan)</p> <p>.....,EM (Dr. R.C. Trivedi)</p>
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