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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 24th December, 2024

+ **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. Manish Mohan, CGSC with Mr. Jatin Teotia, Mr. Samarth Talesara, Advocates for UOI.

Ms. Prabhsahay Kaur (Standing Counsel), Ms. Deeksha L. Kakar (Panel Lawyer), Mr. Mukesh Kumar, CE, Horticulture, DDA, Mr. Ashutosh Upadhyay, EE, DDA, Mr. Nipun Kumar, AE, DDA, Mr. Pankaj Gunawat, Deputy Director, Horticulture, DDA, Mr. Gaurav Meena, AE, Horticulture, DDA, Vishwajit Gehlot, AD Housing, DDA. Mr. Ajay Arora, Sr. Adv with Mr. Kapil Dutta and Mr. Nitish Dubey, Mr. Tushar Sannu, Mr. Karan Chaudhary, Advocates for Respondent MCD along with Me. Dinesh Yadav, (Chief Engineer), Mr. SC Yadav (Superintendent Engineer), Mr. BB Aggarwal (Superintendent Engineer), BK Sah (Executive Engineer), Mr. Sanjeev Mudgal (Executive Engineer), Mr. AK Mittal (Assistant Engineer),



Mr. Shubham Bansal (Assistant Engineer)

Mr. Ali Qambar Zaidi, Mr. Manik Gupta, Advs. in **CM No.42189/2024**

Ms. Monika Arora, Mr. Subhrodeep Saha, Ms. Radhika, Advs. for MCD

Ms. Puja S Kalra with Mr. Virendra Singh, Advocates with Mr. S. C. Yadav, S.E., B.K. Sah, E.E. & Sanjiv Mudgal, E.E. MCD

Ms. Preeti Sirohi & Mr. Sudhanshu Tiwari, Advs. in **CM APPL.62545/2024**

Ms. Priyam Mehta, Advocate in **CM No.47142/2024.**

Mr. Yogesh Mahajan, Applicant in person in **CM APPL. 48597/2024**

Mr. Anuj Aggarwal, ASC, GNCTD with Mr. Siddhant Dutt and Ms Ishita Pandey, Advocates for GNCTD with Mr. Navin Kumar Chawdhary, Add. Chief Secy, Mr. K.S. Jayachandran, Special Secy, I&FC.

Mr. Sangeeta Bharti, SC(DJB) with Ms. Malvi Balyan, Ms. Manga Sharma Adv. for DJB.

Mr. Anuj Chaturvedi, Adv Mr. Harshita Maheshwari Mr. Pawan Karen, DEO.

Mr. Ripudaman Bhardwaj, CGSC with Kushagra Kumar, Mr. Abhinav Bhardwaj, Mr. Vishal Baliyan, Advs for UOI

Mr. Arti Bansal and Mr. Kamal Dignipaul, Advs. for DDA.

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AND

W.P.(C) 9617/2022

COURT ON ITS OWN MOTION

..... Petitioner



Through:

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD with Mr. Siddhant Dutt and Ms Ishita Pandey, Advocates for GNCTD.

Mr. Manish Mohan, CGSC with Mr. Jatin Teotia, Mr. Samarth Talesara, Advocates for UOI.

Ms. Prabhsahay Kaur (Standing Counsel), Ms. Deeksha L. Kakar (Panel Lawyer), Mr. Mukesh Kumar, CE, Horticulture, DDA, Mr. Ashutosh Upadhyay, EE, DDA, Mr. Nipun Kumar, AE, DDA, Mr. Pankaj Gunawat, Deputy Director, Horticulture, DDA, Mr. Gaurav Meena, AE, Horticulture, DDA, Vishwajit Gehlot, AD Housing, DDA.

Mr. Vikrant N. Goyal, Adv. for UOI.

Mr. Sangeeta Bharti, SC (DJB) with Mr. Sangeeta Bharti, SC(DJB) with Ms. Malvi Balyan, Ms. Manga Sharma Adv. for DJB.

Mr. Anuj Chaturvedi, Adv Mr. Harshita Maheshwari Mr. Pawan Karen, DEO.

Mr. Ripudaman Bhardwaj, CGSC with Kushagra Kumar, Mr. Abhinav Bhardwaj, Mr. Vishal Baliyan, Advs for UOI

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W.P.(C) 10480/2024 & CM APPL. 43099/2024

AMITA SACHDEVA & ANR.

..... Petitioners

Through: Ms. Amita Sachdeva, P-1 (through VC)



Ms. Mallika Parmar, Adv. for P-2.

versus

GOVT. OF NCT OF DELHI & ORS. Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD
with Mr. Siddhant Dutt and Ms Ishita
Pandey, Advocates for GNCTD

Mr. Sangeeta Bharti, SC(DJB) with
Ms. Malvi Balyan, Ms. Manga Sharma
Adv. for DJB.

Ms. Hetu Arora Sethi, ASC for
GNCTD with Mr. Arjun Basra, Adv.

Mr. Haruddin Khan, AE/MCD.

Ms. Latika Malhotra, Adv. for DDA

Mr. Anuj Chaturvedi, Adv Mr.
Harshita Maheshwari Mr. Pawan
Karen, DEO.

Mr. Siddhant Nath(Standing Counsel
for McD) along with Mr. Bhavishya
Makhija

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W.P.(C) 12626/2024 & CM APPL. 57104/2024

DR. ARPANA CAUR Petitioner

Through: Mr. Sanjeev Anand, Sr. Adv. with Mr.
Sameer Sood, & Mr. Jatin
Mandovaria, Advs. (M: 9999345900)

versus

GOVT. OF NCT, DELHI THROUGH
CHIEF SECRETARY & ORS. Respondents

Through: Mr. Manu Chaturvedi, Standing
Counsel with Mr. Khwaja Umair, Adv.
for MCD

Mr. Shivendra Singh, Adv. with Ms.
Prakriti Rastogi, Adv. for R-4

Ms. Hetu Arora Sethi, ASC for
GNCTD

Mr. Anuj Aggarwal, ASC, GNCTD
with Mr. Siddhant Dutt and Ms Ishita
Pandey, Advocates for GNCTD



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W.P.(C) 8035/2024, REVIEW PET.373/2024, CM APPLs.52659-52660/2024, 52780/2024, 52897/2024, 59162-59163/2024, 59345-59346/2024 and 61322/2024

SHABNAM BURNEY

.....Petitioner

Through: Mr. Sumit Kumar, Advocate.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms. Prabhsahay Kaur (Standing Counsel), Ms. Deeksha L. Kakar (Panel Lawyer), Mr. Mukesh Kumar, CE, Horticulture, DDA, Mr. Ashutosh Upadhyay, EE, DDA, Mr. Nipun Kumar, AE, DDA, Mr. Pankaj Gunawat, Deputy Director, Horticulture, DDA, Mr. Gaurav Meena, AE, Horticulture, DDA, Vishwajit Gehlot, AD Housing, DDA Mr. Ajay Arora, Sr. Adv. Mr. Kapil Dutta and Mr. Nitish Dubey, Advocates

Mr. Yash S Vijay, Advocate for Review Petitioner

Mr. Avishkar Singhvi (ASC) with Mr. Vivek Kr. Singh, Mr Naved Ahmed and Mr Shubham Kumar, Advs. for GNCTD (M: 8527586706)

Mr. Parvinder Chauhan, Ms. Aakriti Garg, Advs. for DUSIB with Mr. P.K. Jha (Pr. Director) with Mr. Pranav Siroha, LA

Ms. Vrinda Grover, Mr. Prasanna S, Ms. Devika Tulsiani, Mr. Soutik Banerjee and Ms. Rupali Samuel, Advocates in **CM Nos.52780/2024, 52897/2024, 59163/2024.**



Mr. Anuj Chaturvedi, Adv Mr. Harshita Maheshwari Mr. Pawan Karen, DEO.

Mr. Anuj Aggarwal, ASC, GNCTD with Mr. Siddhant Dutt and Ms Ishita Pandey, Advocates for GNCTD

Mr. Kapil Dutta, Adv for MCD

Mr Amit Tiwari, Mr. Aakash Pathak & Ayush Tanwar, Advs for UOI

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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: Mr. Hilal Haider, Advocate with Ms. Amreen Rizvi, Advocate for R-1. Ms. Aditi Saraswat, Adv for Mr. Jawahar Raja, ASC (Civil) for R-2 to 4.

Mr. Anuj Chaturvedi, Adv Mr. Harshita Maheshwari Mr. Pawan Karen, DEO.

Mr. Anuj Aggarwal, ASC, GNCTD with Mr. Siddhant Dutt and Ms Ishita Pandey, Advocates for GNCTD

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W.P.(C) 13190/2024

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

Through: Mr. Udayan Jain, Mr. Raj Surana and Mr. Ranjan Mishra, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD,



Mr. Siddhant Dutt, Ms Ishita Pandey, Advs with Mr. Navin Kumar Chawdhary, Add. Chief Secy, Mr. K.S. Jayachandran, Special Secy, I&FC.

Mr. Sangeeta Bharti, SC(DJB) with Ms. Malvi Balyan, Ms. Manga Sharma Adv. for DJB.

Mr. Amit Gupta, SPC with Mr. Vidur Dwivedi, GP for R-1/UOI.

Mr. Ajay Arora, Sr. Adv with Mr. Kapil Dutta and Mr. Nitish Dubey, Mr. Tushar Sannu, Mr. Karan Chaudhary, Advocates for Respondent MCD along with Me. Dinesh Yadav, (Chief Engineer), Mr. SC Yadav (Superintendent Engineer), Mr. BB Aggarwal (Superintendent Engineer), BK Sah (Executive Engineer), Mr. Sanjeev Mudgal (Executive Engineer), Mr. AK Mittal (Assistant Engineer), Mr. Shubham Bansal (Assistant Engineer)

Mr. Ajjay Aroraa, Senior Advocate with Mr. Tushar Sannu, Standing Counsel, with Mr. Manoviraj Singh, Adv. for MCD.

Ms. Prabhsahay Kaur (Standing Counsel), Ms. Deeksha L. Kakar (Panel Lawyer), Mr. Mukesh Kumar, CE, Horticulture, DDA,. Mr. Ashutosh Upadhyay, EE, DDA, Mr. Nipun Kumar, AE, DDA, Mr. Pankaj Gunawat, Deputy Director, Horticulture, DDA, Mr. Gaurav Meena, AE, Horticulture, DDA, Vishwajit Gehlot, AD Housing, DDA



Ms. Hetu Arora Sethi, ASC for
GNCTD

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W.P.(C) 15399/2024

SHAILENDRA BHATNAGAR

..... Petitioner

Through: Petitioner in person.

versus

GOVT. OF NCT, DELHI & ORS.

..... Respondents

Through: Mr. Tushar Sannu, Adv. for GNCTD
Ms. Beenashaw N. Soni, SC for MCD
with Ms. Mansi Jain, Adv. for MCD
Mr. Sangeeta Bharti, SC(DJB) with
Mr. Sangeeta Bharti, SC(DJB) with
Ms. Malvi Balyan, Ms. Manga Sharma
Adv. for DJB.

Mr. Ajay Arora, Sr. Adv with Mr.
Kapil Dutta and Mr. Nitish Dubey, Mr.
Tushar Sannu, Mr. Karan Chaudhary,
Advocates for Respondent MCD along
with Me. Dinesh Yadav, (Chief
Engineer), Mr. SC Yadav
(Superintendent Engineer), Mr. BB
Aggarwal (Superintendent Engineer),
BK Sah (Executive Engineer), Mr.
Sanjeev Mudgal (Executive Engineer),
Mr. AK Mittal (Assistant Engineer),
Mr. Shubham Bansal (Assistant
Engineer)

Mr. Shivendra Singh, Advocate with
Ms. Prakriti Rastogi, Adv. for R-4.

Mr. Amit Gupta, Adv. (SPC), Mr.
Vidur Dwivedi, Adv. (GP)

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W.P.(C) 17064/2024

RAVINDER YADAV

..... Petitioner

Through:

versus



GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Anuj Aggarwal, ASC, GNCTD,
Mr. Siddhant Dutt, Ms Ishita Pandey,
Advs with Mr. Navin Kumar
Chawdhary, Add. Chief Secy, Mr.
K.S. Jayachandran, Special Secy,
I&FC.
Mr. Dinesh Yadav, Mr. BB Agrawal,
Mr. Rajesh, Mr. Pankaj Atray, Mr.
Adarsh Kumar, Mr. Sanjay Kumar,
Mr. Ashutosh Upadhyay, Mr. Pankaj
Gunawat, Mr. Vikash, Mr. Saurabh
Kutiyal, Mr. Dhanu Prasad, Mr. Anil
Kumar, Mr. Jitendra Kumar, Mr.
Vivek Chauhan, Engineers for MCD,
DJB, DDA, I&FC.
Mr. Manu Chaturvedi, Standing
Counsel with Mr. Khwaja Umair, Adv.
for MCD

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

W.P. (C) No. 13190/2024

Taimoor Nagar Drain

2. The present petition has been 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 Khizarabad drains



and 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. On the last date *i.e.*, 20th December, 2024, Mr. Aggarwal, Id. ASC showed the constitution of a Special Task Force (STF) under the Chairmanship of Chief Engineer, I&FCD consisting of officials from DDA, Delhi Jal Board and MCD. The said STF is stated to have also conducted inspections and the inspection report dated 17th December, 2024 is on record. The STF as informed on the last date, was recorded with the following members:

1. Mr. Anil Kumar, Chief Engineer, I&FC
2. Mr. Dinesh Yadav, Chief Engineer, MCD
3. Mr. Pankaj Atray, Chief Engineer, DJB
4. Mr. Ashutosh Upadhyay, EE, DDA
5. Mr. Pankaj Gunawat, Dy. Director, DDA)

4. However, it is submitted today by Id. Counsel for the DDA that the two officials of the DDA mentioned above are not part of the STF. In fact they had merely attended the meeting. The official who is part of the STF is Mr. Mukesh Kumar, Chief Engineer (Horticulture) DDA in terms of the order of the Integrated Drain Management Cell dated 23rd December, 2024, bearing no. ***F.25(21)/UD/IDMC/Court Case matters/2024/411-24***. Accordingly, the STF consists of the following members:

1. Mr. Anil Kumar, Chief Engineer, I&FC
2. Mr. Dinesh Yadav, Chief Engineer, MCD
3. Mr. Pankaj Atray, Chief Engineer, DJB



4. Mr. Mukesh Kumar, Chief Engineer (Horticulture), DDA.
5. The Court on the above stated date *i.e.*, 20th December, 2024 further passed the following directions:

“Since the STF has now been constituted by the Chief Secretary, this Court passes the following directions:

- i) Mr. Anil Kumar, Chairman of the STF shall now be in-charge of ensuring the cleanliness, desilting, de-clogging and maintenance of the Taimoor Nagar drain. The four officials who have been appointed as part of the STF shall report to him and carry out all the directions which are given by him;*
- ii) The said directions would include demolition, removal of encroachment, garbage collection and removal related directions, etc. so as to ensure free flowing of the drain and de-clogging of the drain for the entire stretch of the drain;*
- iii) If any civil work is to be undertaken, the responsibility of the same shall also be of the STF. The persons who are part of the STF shall not be changed without the permission of this Court;*
- iv) From 1st January, 2025 onwards, the task shall be undertaken.*

20. Some of the work is already stated to be handed over to a private contractor. The said private contractor shall appear before the Court on the next date of hearing”

6. Further to the previous order, the following officials are present today before the Court:

1. Mr. Anil Kumar, Chief Engineer, I&FC as Chairman
2. Mr. Dinesh Yadav, Chief Engineer, MCD
3. Mr. Pankaj Atray, Chief Engineer, DJB



4. Mr. Ashutosh Upadhyay, EE, DDA
5. Mr. Mukesh Kumar, Chief Engineer, DDA
7. All the members of the Special Task Force (STF) except Mr. Pankaj Gunawat, Dy. Director, DDA are present before the Court.
8. Mr. Udayan Jain, Id. Counsel appearing for the Maharani Bagh Co-operative House Building and Welfare Society Ltd., & ANR. has made some submissions in respect of the fencing and the manner in which equipment, cranes, JCB, *etc.*, are being used for breaking walls and creating crates in the land etc. This, according to him results in enormous disturbance to the residents of the area. He has also submitted that a peripheral drain ought to be explored around the Maharani Bagh area considering it is a very low lying area and there is flooding in the colony from the ring road etc.
9. In compliance of the order dated 20th December, 2024, the contractor- Mr. Manoj Chauhan is also present in Court. He has been shown all the pictures of the drain dated 16th December, 2024 and he submits that he is the proprietor of the firm Manoj Constructions/ Contractors which has been awarded the tender for desilting the drain and maintaining cleanliness of the drain for the next one year in 2025. He submits that he would be commencing his work of desilting and cleaning of the drain with effect from 1st January, 2025 subject to lifting of GRAP measures. The contractor has been impressed upon to ensure that the desilting and cleaning is conducted in such a manner that it does not involve breaking of any boundary walls or dirtying the parts or the green areas in the locality. In addition, Mr. Chauhan is also directed to coordinate with one person *i.e.*, Mr. Shiv Sharan Mehra, the President RWA if he needs any cooperation from the said RWA.
10. The Chairman of the STF Mr. Anil Kumar has placed before the Court,



the minutes of the meeting which was held by the Special Task Force yesterday *i.e.*, 23rd December, 2024. In the said meeting the following issues are stated to have been deliberated and agreed upon by the STF.

**"Minutes of Meeting regarding Taimoor Nagar
Drain by Special Task Force**

In compliance to the decision of the Chief Secretary conveyed by MoM vide F.No.F25(19)/UD/IDMC/Court case matters/2024/332-46 dated 12.12.2024, the field inspection of the Taimoor Nagar Drain was undertaken by the STF on 16.12.2024 and the Inspection Note was issued on 17.12.2024. Meanwhile, formal order of the constitution of STF have been issued vide UD order F.No. F.25(21)/UD/IDMC/Court case matters/2024/411-24 dated 23.12.2024 to undertake actions toward compliance of Hon'ble High Court's directions in WP(C) 13190/2024 regarding unclogging of the Taimur Nagar Drain (copy enclosed). The constitution of STF is as under:

1. *Sh. Anil Kumar, Chief Engineer (I&FC) -
Chairman*
2. *Sh. Dinesh Yadav, Chief Engineer, Central
Zone, MCD-Member*
3. *Sh. Pankaj Attray, Chief Engineer Drainage,
Project-1, DJB -Member*
4. *Sh. Mukesh Kumar, Chief Engineer (Hort.),
DDA- Member*

Accordingly, a meeting of STF under the Chairmanship of Chief Engineer (I&FC) was held on 23.12.2024 at 4.00 PM attended by members for MCD, DJB, representatives of member DDA and other officers from DDA, MCD, DJB and NHAI as per enclosed attendance sheet. The following issues were deliberated in the meeting:-



1. MCD apprised that drain is shaped as basin adjacent to school boundary wall downstream to RD 400m. The remedial measures may be taken for the same.

(Action : I&FC)

2. While reviewing the action taken report on the points of inspection report dated 17.12.2024, the respective agencies submitted as under :

(i) That the said excavated silt material laying on bank of the Tamoor Nagar Drain shall be disposed of within 7 days after removal of GRAP restrictions.

(Action : MCD)

(ii) On the issue of reconstruction of two nos. of culverts, CE (MCD) informed that these temporary culverts are main source of MSW dumping in the drain and needs to be removed. However, the matter needs to be referred to District Administration so as to decide whether reconstruction of culverts at these location is necessary. Further, the members were of the view that if there is a requirement to reconstruct these culverts considering the HFL of drain, the executing agency shall be I&FC department as the open portion is handed over to I&FC.

(Action : for removal - MCD, for decision on the necessity of culverts - DM (South-East) the issue to be referred by MCD)

(iii) On repair of boundary wall Chief Engineer (MCD) informed that the same will be done within a week after lifting of GRAP restrictions.

(Action : MCD)

(iv) On the issue of dumping of MSW, which is the biggest problem in smooth flow of drain and suggested that MCD shall place dustbins at designated places to ensure



proper garbage collection points. MCD informed that designated space has already been at two sites for construction of Fixed Compact Transfer Station (FCTS) and a D.O. letter in this regard for issuance of NOC for installation of FCTS has already been sent to DDA vide letter dated 17.12.2024. DDA was directed for the needful at the earliest as per their Land Management Wing

(Action : MCD, DDA)

- (v) *Chief Engineer (I&FC) informed that as I&FC has only taken up the desilting in open portion only on as is where is basis and enquired MCD about their plans to desilt the upper portion from C.V. Raman Marg Bridge. In response Chief Engineer (MCD) informed that they have a plan to desilt Maharani Bagh Drain twice a year for smooth passage of discharge.*

(Action : MCD)

- (vi) *Representative from DDA informed that the desilted material laying on the banks shall be disposed of within 10 days after removal of GRAP restrictions.*

(Action : DDA)

- (vii) *On the issue of missing boundary wall in DDA portion, the representative of DDA informed that this area falls in O zone / Flood plain therefore construction activities are not allowed and further suggested that temporary measures may be taken to check encroachments.*

(Action : DDA)

- (viii) *Regarding existing cut on left bank, a pipe culvert bridge to be constructed by DDA for facilitating the movement of machinery for desilting operation, representative from*



DDA informed that the sanction process is underway. Chief Engineer (I&FC) suggested to complete the process expeditiously to award the work before Model Code of Conduct and complete the work within one month.

(Action : DDA)

- (ix) *On the issue of interceptor structure constructed by Delhi Jal Board falls in the proposed alignment of drain, the Chief Engineer (DJB) informed that further a joint field visit of stakeholder department is required before finalization of drain alignment so that it may be ascertain that the present interceptor structure will serve to accommodate the drain water or some changes are required. Accordingly a site inspection to be conducted at SEs level within two days.*

(Action : DJB)

- (x) *Chief Engineer (I&FC) informed that several pipelines of Delhi Jal Board are crossing the drain and the Sonia Vihar main Pipeline upstream to third culvert near outfall is majorly causing obstruction being crossing through drain bed. Chief Engineer (DJB) informed that Sonia Vihar pipeline is main source of water supply for South-East/South Delhi. DJB informed that after finalization of alignment minimum three months is required for shifting of Sonia Vihar Main pipeline. Chief Engineer (I&FC) further directed that levels of Delhi Jal Board lines crossing the drains shall be corrected in a time bound manner and remedial action whether raising or downing shall be initiated on urgent basis. DJB agreed to the same.*



(Action : DJB)

- (xi) Chief Engineer (I&FC) has shown his displeasure over the absence of responsible officer from NHAI, as a concessionaire on behalf of NHAI was present in the meeting. The Chief Engineer (I&FC) directed to remove pipelines to provide clear water way of drain of 15 mtr. the NHAI representative assured for providing the same within a week time.

(Action : NHAI)

- (xii) There was no representative of BSES in the meeting. The Chief Engineer (I&FC) desired to convey the issue of hanging electric wires over the drain and to be represent in next meeting with ATR.

(Action : BSES)

- (xiii) Regarding finalization of alignment, the hard copy of the proposed alignment was provided to the members alongwith presentation of the same on the screen and the same was deliberated at length and agreed to upto RD 600m from culvert of the C.V. Raman Marg. However due to observation of DJB the portion beyond 600m needs to be revisited after the proposed field inspection at point no. (ix), if necessary.

(Action : for removal of encroachments as per proposed alignment upto RD 600m - DDA)

- (xiv) As there is no feasibility of movement of machinery in a reach about 50m from RD 365m to RD 415m. The desilting will be carried out by I&FC Department after removal of encroachment by DDA within 20 days.



*(Action: For removal of encroachment –
DDA,
for desilting – I&FC)*

- (xv) *The Member (MCD) suggested cleaning of drain is also required in Yamuna Flood Plain downstream to Bombay-Baroda Highway flyover. The representative of DDA took responsibility for the same and assured cleaning within 7 days after lifting of GRAP restrictions and maintain the same.*

(Action: DDA)

(ANIL KUMAR)

CHIEF ENGINEER (I&FC)

No.PA/CE/Zone-I/2024-25/

Dated:-

11. The Court has perused all the issues discussed and the action to be taken. The STF is directed to proceed ahead in the manner as recorded in the Minutes and agreed between the various departments including I&FC, MCD, DJB, DDA. In addition, in respect of points 1, 2(i) to 2(xv) the following directions are issued:

- i. For construction of the wall of the drain which is broken at most places, since there is a dispute between the MCD and the DDA as to which stretch of the drain is to be maintained by which agency, this Court directs that Mr. Anil Kumar under the I&FC shall float a tender for the construction and repair of the wall of the drain. The specifications shall be prepared after consulting the MCD and DDA by the task force. The tender shall be awarded by the STF itself and the cost shall be borne 50:50 by the MCD and the DDA;



ii. Insofar as construction of Fixed Compact Transfer Station (FCTS) (point no. iv) is concerned, the space is stated to have been identified in coordination with the DDA. Accordingly DDA shall issue all the necessary NOCs and approvals for construction of the (FCTS) at the identified space. Mr. Mukesh Kumar submits that the needful shall be done. The Chief Engineer of the DDA's Land Management Wing shall do the needful by 05th January, 2025 and allot the space;

iii. Insofar as the garbage which is being thrown into the drain is concerned, the same is actually causing everyday damage to the flow of the drain. Accordingly, it is proposed by all the officials present including the Counsel for Maharani Bagh RWA that a wall could be constructed on the boundary wall of the drain itself to ensure that the drain is not accessible for passers-by or residents in the area to throw garbage in the same. For the said purpose, let a sketch be prepared by the STF by taking on board architects from any of the Departments including the PWD if required for construction of the wall and the same shall be placed before the Court on the next date of hearing.

12. All the remaining actions as per the extracted minutes above shall be carried out by the task force within the time lines agreed upon. It is noticed that in some of the issues, cooperation of the NHAI, the BSES, the concerned District Magistrate, and other officials etc. would be required. It is made clear that any of the authorities who are approached by Mr. Anil Kumar, who is the Chairman of the Task Force shall render all necessary cooperation to him for carrying out the work which has been directed by this Court. The concerned authorities shall render everyday cooperation and attend any meetings as may be directed by Mr. Anil Kumar. The timelines stipulated in the above



extracted minutes shall be adhered to by all parties concerned in which stringent action would be liable to be taken.

13. Ms. Sangeeta Bharti, Id. Counsel appearing for Delhi Jal Board shall also file a status report in respect of the directions issued in paragraph 15 of the order dated 12th November, 2024 including the status of all the sewage treatment plants. The concerned officer shall also report on the same. Paragraph 15 of the said order has been extracted below for perusal:

“15. Consequently, this Court suggests that tamper proof meters must be installed to record STP operational timing and electricity consumption and this data must be loaded real time on website of CPCB, DJB and Chief Secretary’s office. Further, all STP must install sensors at the point of discharge i.e. the point where the STP drain releases the treated water into the Yamua river to record quality and quantity of treated water including details of (Biological O2 Demand) BOD, (Chemical O2 Demand) COD, (Total Suspended Solid) TSS, Fecal Coliform and Dissolved Phosphate. This must be transparently and prominently displayed on boards and a live feed of the same must go to servers of CPCB, DJB and Chief Secretary’s office.”

14. List before Court on 27th January, 2025.

W.P.(C) 7594/2018 & CM APPLs. 30022/2018, 41886/2024, 42188-42189/2024, 47142/2024, 48597/2024, 57187/2024, 62545/2024, 69901/2024

15. The present matter *inter alia* relates to the repair of manholes at the Defence Colony which has not been carried out. Ms. Sangeeta Bharti, Id. Standing Counsel for the DJB submits 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 concerned official of the DJB and the MCD shall remain present on the next date.

16. List on 21st January, 2025.

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

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

18. Vide order dated 6th December, 2024, the Court directed that the tender for reconstruction of storm water drain be finalized. The relevant portion of the direction has been extracted below:

“22. Insofar as the Mundka area is concerned, an Action Taken Report was to be filed and the official was to join proceedings in terms of the order dated 22nd November, 2024 in W.P.(C) 7594/2018. Mr. Jawahar Raja, Id. Counsel submits that the solution in the Mundka area would be that a proper drain is constructed on both sides of the Rohtak road. A bid has been floated in this regard and the bids have been submitted.

23. Let the tender for the reconstruction of storm water drain be finalized at earliest. The details of the successful tenderer be filed along with the copy of the tender by the next date of hearing by way of an affidavit. The successful tenderer shall also be present in Court on the next date of hearing.”

19. In respect of the Mundka Village area and the drain which was to be constructed there, Mr. Aggarwal, Id. counsel submits that the successful tenderer is in the process of being finalised. Let the details of the successful tenderer and the tender awarded as also the timelines be placed before the Court on the next date of hearing. The successful tenderer shall also remain present on the next date of hearing.



20. List on 21st January, 2025.

W.P.(C) 12626/2024 & CM APPL. 57104/2024

21. List this matter before Id. Single Bench as per Roster on 23rd January, 2025.

W.P.(C) 9617/2022

W.P.(C) 10480/2024 & CM APPL. 43099/2024

W.P.(C) 8035/2024, REVIEW PET.373/2024, CM APPLs.52659-52660/2024, 52780/2024, 52897/2024, 59162-59163/2024, 59345-59346/2024 and 61322/2024

W.P.(C) 15399/2024

W.P.(C) 17064/2024

22. List before this Court on 27th January, 2025.

**PRATHIBA M. SINGH
JUDGE**

**MANMEET PRITAM SINGH ARORA
JUDGE**

DECEMBER 24, 2024

dj/ /ks