

Upon Mentioning

Court No. 1

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

(BY HBRID MODE)

Original Application No. 06/2012

Nizamuddin West Association

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 05.07.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Dr. K.S. Jayachandran, Member Secretary with Mr. Narender Pal Singh,
Advocate for DPCC
Mr. Raj Kumar, Advocate for CPCB
Ms. Jyoti Mendiratta, Advocate for GNCTD

ORDER

1. On mentioning by Mr. Narender Pal Singh, Advocate for DPCC, O.A. No. 06/2012 has been taken up to consider the report filed on behalf of Delhi Government in pursuance of order dated 16.02.2023.
2. By the above order, the Tribunal dealt with the issue of execution of earlier order dated 27.01.2021 issuing directions for taking remedial measures for rejuvenation of Yamuna in a time bound manner. Though the matter was earlier disposed of, the same was restored by the Hon'ble Supreme Court vide order dated 21.10.2022 in Civil Appeal No. 3465/2022, *Nizamuddin West Association vs. Union of India & Ors.*, for

monitoring of compliance of the directions by this Tribunal in the light of its order dated 27.01.2021.

3. On 09.01.2023, in view of consistent failure of authorities earlier as noted in the order dated 27.1.2021, the Tribunal constituted a High Level Committee (HLC) headed by Lieutenant Governor, Delhi with other concerned authorities as members in Delhi for monitoring and filing status report periodically. It was noted that pollution of Yamuna is highest in Delhi (about 75%), compared to other river basin States. CPCB was directed to monitor water quality at inter-state borders.

4. Vide order dated 16.02.2023, the Tribunal noted the CPCB report about water quality in Delhi as follows:-

“13.....xxx.....xxx.....xxx

5.0 MAJOR FINDINGS

From the analysis and observations of the water quality of river Yamuna at interstate locations, drains and status of compliance of STPs in Delhi, it is concluded that:

1. **Water quality of river Yamuna is meeting the criteria when it enters in Delhi at Palla from Haryana. However, *water quality deteriorates as it exits Delhi at Asgarpur. This indicates the contribution of pollution in river Yamuna in Delhi due to discharge of untreated/ partially treated domestic and industrial waste water through 24 drains.***
2. **Compliance status of STPs show that out of 35 STPs, 23 are non-complying consistently w.r.t the prescribed norms of DPCC for all parameters during April-December 2022 namely Coronation Pillar I & II, Ghitorni, Keshopur Phase-II, Keshopur Phase- III, Kondli Phase- I, Kondli Phase-II, Kondli Phase-IV, Mehrauli, Molarband, Najafgarh, Narela, Nilothi Phase-I, Okhla Phase-II, Okhla Phase-III, Okhla Phase- IV, Okhla Phase-V, Pappankalan Phase I, Rohini, Vasant Kunj Phase-I, Vasant Kunj- Phase II, Yamuna Vihar Phase- I, Yamuna Vihar Phase-II, Yamuna Vihar Phase- III.”**

5. The Tribunal accordingly observed:-

14. The above report is taken on record, **remedial action for which may now be considered by the Committee headed by LG Delhi. CPCB is directed to monitor performance of STPs in Delhi, Haryana and UP including the drains joining river Yamuna on quarterly basis. First report be filed as on 31.03.2023 by 30.04.2023. The Committee may now deal with all related issues of Yamuna cleaning and sewage management in Delhi.**

15to18.....xxx.....xxx.....xxx

19. **The Committee headed by the LG Delhi may continue further proceedings and progress indicated in the report to be filed by 30.04.2023.**

6. It is in pursuance of above that a status report has been filed today, 05.07.2023 by the Govt. of NCT of Delhi through Special Secretary (Environment). Water quality status at eight locations as per samples taken on 01.06.2023 is shown in tabular form as follows:-

S. No.	Locations	Latitude Longitude	pH	COD (mg/l)	BOD (mg/l)	DO (mg/l)	Fecal Coliform MPN/100ml
Water Quality Criteria ('C' Class)			6.5-8.5	-	3mg/l or less	5mg/l or more	500 (desirable) 2500 (max permissible)
1.	Palla	28.8138023, 77.2100181	7.29	26	1.5	8.8	5.5 x10 ²
2.	Wazirahad	28.7131310, 77.2319304	7.34	42	7.5	6.1	9.1x10 ²
3.	ISBT Bridge	28.6713533, 77.2338207	7.25	144	40	NIL	22x10³
4.	ITO Bridge	28.6284288, 77.2534977	7.38	101	34	0.6	14x10³
5.	Nizamudin Bridge	28.5915608, 77.2715342	7.27	152	42	NIL	26x10³
6.	Okhla Barrage	77°18'49" 28°32'40"	8.02	170	48	NIL	27x10⁴
7.	Agra Canal at Okhla Barrage	28.545414, 77.311075	7.72	165	46	NIL	34x10⁴
8.	River Yamina at Asgarpur (After confluence of Shahdara and Tuglakabad drains)	28.4657003, 77.33905231	7.36	181	50	NIL	43x10⁴

7. From above, it is seen that DO is nil at most locations. Fecal coliform is very high. Parameters of pH, COD and BOD are also exceeding except at Palla and Wazirabad upstream. Thus, the situation continues to be far from satisfactory as far as water quality is concerned.

8. Further, it is mentioned that one of the CETP out of 13, is not operational. 22 STPs are non-compliant. Thus, untreated/partially treated sewage and industrial waste is entering into river. There is no information about quantity of sewage diverted to STPs and prevented from entering into river out of total sewage. Coercive measures against such serious violations are not in sight. It is mentioned that some steps have been taken for restoration of flood plains and action plan prepared which is being monitored but the fact remains that overall situation is extremely disappointing till large scale pollution remains unchecked. Discharge of pollution in river and failure to implement repeated directions for coercive against violators, including officers responsible for failure to prevent pollution, is practically lack of governance with no remedy to the suffering citizens, inspite of guaranteed constitutional right. We now expect meaningful prompt penal action in a mission mode not only against violators but also those who are failing to check the violators.

9. As it is not clear whether the report has been shown to the HLC so far, DPCC may place it before the HLC who may take further action against violators and errant officers as per directions of the Tribunal in its order dated 27.1.2021 and subsequent orders. In future, any report, before being filed before the Tribunal, must be vetted by the High Level Committee with comments about coercive measures against violators/erring officers in terms of earlier orders of this Tribunal.

Let further progress report be filed in the matter by 30.09.2023 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 17.10.2023 along with other connected matters instead of scheduled date of 28.07.2023.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

July 05, 2023
Original Application No. 06/2013
SN