

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

Original Application No. 521/2024

News Item titled "A Sangam of filth and apathy this wasteland actually exists in Delhi" appearing in The Times of India dated 07.03.2024

Date of hearing: 29.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Ms. Puja Kalra & Mr. Virendra Singh, Advs. with Mr. Vinod Khati, JE,
MCD
Mr. Narender Pal Singh, Ms. Anjali & Mr. Divyesh Pant, Advs. for DPCC
Ms. Jyoti Mendiratta & Ms. Ananya Basudha, Advs. for DM (South),
GNCTD (Through VC)

ORDER

1. In this original application, registered *suo motu*, the Tribunal is examining the issue of poor condition of the sewage and management of the solid waste in the light of the allegation that the garbage is scattered in Sangam Vihar, Delhi emitting foul smell and creating health hazard.

2. In terms of the direction of the Tribunal, the status report on behalf of Respondent No. 2, Municipal Corporation, Delhi (MCD) has been filed disclosing that the MSW generation in Sangam Vihar, Delhi is about 35 – 40 MTD and that there is no dhalao/FCTS/secondary collection point in wards 168 and 169 due to space crunch. The categorical stand of the MCD in paragraph 6 is that “lifting and disposal of MSW poses a great threat to MCD”. A plea has been taken that to transport the garbage to the nearby FCTS located near Jamia Humdard University, MB Road falling in ward no. 170, the auto tippers are used. It is the further plea that there are narrow lanes and by lanes, hence, garbage is collected through auto tippers and through manual rickshaw of private rag

pickers/garbage collectors. The report does not mention from where the garbage is collected because admittedly there is no dhalao/FCTS/secondary collection point. This in a way supports the allegation that the garbage lies scattered in the wards of Sangam Vihar concerned as the residents have no designated place to throw the garbage.

3. Learned Counsel appearing for the MCD has submitted that a request has been made to the Delhi Development Authority (DDA) to provide space/land for the purpose of setting up the FCTS in the wards concerned. She has submitted that though the communications were sent to the DDA but no response has been received till now.

4. The newspaper report on the basis of which *suo motu* cognizance was taken, contains the photographs showing huge heap of garbage and there is no response in the report of the MCD to the pathetic condition reflected in the photograph.

5. Learned Counsel for the MCD has sought time to place on record the current photographs.

6. The Delhi Pollution Control Committee (DPCC) has filed the report dated 16.08.2024 disclosing that the inspection was carried out by the DPCC officials on 08.08.2024 and following condition at the ground level was found by them:

“3. That, to know the ground reality, an inspection of the area was carried out on 08.08.2024 by the DPCC officials. During the inspection, it was observed:

- *Sewer over flow at some locations.*
- *Some internal streets found broken and damaged.*
- *Street drains were found overflowing and choked with Municipal Solid Waste at some locations.”*

7. The photographs enclosed with the report of the DPCC also reveal the extremely bad condition of the sewer management in the area concerned.

8. So far as the issue of improper management of sewage is concerned, the stand of the MCD is that the responsibility lies with the DJB.

9. Counsel for Respondent No. 3, District Magistrate, South Delhi appearing virtually has submitted that the responsibility lies with the MCD and DJB and Respondent No. 3 has no role to play in the issue involved in the matter. She is directed to examine the role of Respondent No. 3 in the light of SWM Rules, 2016.

10. Having regard to the aforesaid, we also implead the following as respondents in the matter:

Respondent No. 4: Delhi Development Authority through the Vice Chairman.

Respondent No. 5: Delhi Jal Board through the CEO.

Respondent No. 6: District Magistrate, South East Delhi.

Respondent No. 7: Irrigation and Flood Control Department, NCT Delhi through the Chief Engineer.

11. Let notice be issued to the above newly added respondents for filing response by way of affidavit before the Tribunal at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate, then the said respondent will remain virtually present to assist the Tribunal.

12. List on 11.12.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. Afroz Ahamd, EM

August 29, 2024
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