

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

Original Application No. 1287/2024

News Item titled "how this, river, of filth claimed teen's life" appearing in the Times of India dated 09.11.2024

Date of hearing: 13.01.2025

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

Respondent: Ms. Jyoti Mendiratta & Ms. Ananya Basudha, Advs. for R - 3
Mr. Srinivas Vishven, Adv. for CPCB
Mr. Kush Sharma, Adv. for DPCC (Through VC)

ORDER

1. In this original application, registered *suo motu*, the Tribunal is considering the issue of the death of a 13-year-old boy drowning in an open drain filled with garbage and filth in the Rajendra Nagar Extension area of Delhi. One of the issues involved in the OA concerns the award of compensation to the family members of the victim.

2. By order dated 12.01.2024, as many as five respondents were impleaded and notices were issued to them.

3. The replies on behalf of Respondent No. 1, DPCC, Respondent No. 2, CPCB and Respondent No. 3, Irrigation and Flood Control Department, Delhi have been filed.

4. The reply filed by the Irrigation and Flood Control Department, Delhi reveals as under:

“xxxxxx.....xxx

6. *The layer of silt and muck mentioned in the news article is the bank of the drain which has to be maintained at slightly higher*

level than the top of the drain to prevent any flow towards to the residential areas from the drain during monsoon season as the drain is catering to a discharge much higher than the design capacity in the drain. Further, garbage is present due to absence of proper door to door collection system of waste by civic agency thereby leading to dumping of garbage by residents of adjoining colonies outside their premises in a haphazard manner. Further, the limited space available at Land Fill Site also affects the process of disposal of silt. Time and again requests have been made to the landfill site operator for accepting the silt but no improvement/response received. Copies of the various communications addressed to the landfill operator are annexed hereto as **Annexure R-3/3 (Colly)**.

7. That the I&FC Department has also time and again referred the matter to MCD, copies of letters/correspondence annexed hereto as **Annexure R-3/4 (Colly)** for stoppage of illegal dumping of garbage/malba and solid waste into the drain at appropriate level but no response received from the civic agency. Further, the MCD dhalaos/compactors do not accept the garbage/floating material from any source other than MCD and request to this effect, copies whereof annexed hereto as **Annexure R-3/5 (Colly)**, for allowing I&FC Department to dispose off the floating materials removed from KSN Drain/Irrigation Channels into the nearby dhalaos/compactors near Nangloi Najafgarh road/Sayed Nangloi area have been made to MCD but no response received. Temporary arrangements in the form of bamboo chick enclosures/dustbin were also placed at various location along the drain to encourage residents to dispose off garbage in these dustbins (photographs annexed hereto as **Annexure R-3/6**). Display/Sign boards requesting general public to avoid dumping of garbage/malba into the drain and to maintain cleanliness along the drain were also installed at various hotspot along the drain (photographs annexed hereto as **Annexure R-3/7**).
8. That I&FC Department has taken up the work of removal of obstructions from KSN Drain and its maintenance through tender involving the provision of initial desilting of drain before the onset of monsoon season and maintenance of drain thereafter to ensure smooth flow in the drain throughout the year. The cleaning of drain and removing of floating material is carried out regularly (Geo tagged time date and stamped photographs annexed hereto as **Annexure R-3/8**) all along the drain and the allegation in the news article that the drain hadn't been cleaned for months is not true.
9. Further, time to time, violation of Environment Protection Act 1986 regarding illegal dumping of Municipal waste/garbage were also reported to MCD for taking action against the violators under relevant section of EP Act 1986, DMC Act 1957 and other relevant Acts. Copies of the said communications are annexed hereto as **Annexure R-3/9 (Colly)**.
10. Further, as a part of the proposed comprehensive measures to ease out the drainage and water logging issues in Kirari Assembly Constituency, remodeling of Kirari Suleman Nagar

*Drain has been proposed and the scheme amounting to Rs. 58.38 Crores has been approved in the 43rd meeting of the Technical Advisory Committee of the Irrigation and Flood Control Department. The Scheme envisages remodeling of the existing section of the drain so as to increase the carrying capacity, reconstruction of all existing culverts to mitigate any water logging issues. The Principal Committee constituted in OA No. 6 of 2012 by this Hon'ble Tribunal had recommended that I&FC can carry remodeling of the drain with certain suggestion during its 14th meeting held on 18.07.2024. Copy of the minutes of the said meeting annexed hereto as **Annexure R-3/10.**"*

5. In spite of service of notice, no one is present on behalf of Respondent No. 4, Municipal Corporation of Delhi and Respondent No. 5, District Magistrate, West Delhi.

6. Learned Counsel appearing for Respondent No. 3 submits that though the communications have been sent to Respondent No. 4, MCD to prevent throwing of muck in the drain, but no action has been taken. She has also submitted that the power to levy fines and penalties for violation in this regard lies with Respondent No. 4, MCD.

7. In the aforesaid circumstances, we direct the Commissioner, MCD and the District Magistrate, West Delhi to appear virtually on the next date of hearing and appraise the Tribunal.

8. List on 25.04.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

January 13, 2025
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