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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 292/2018 & CM APPL. 1216/2018, CM APPL. 44584/2022,
CM APPL. 51728/2023**

MRS. SUSHMA SHARMA

.....Petitioner

Through:

Mr. Vinayak Batta, Advocate

Mob: 9873980084

Email: vinayak.batta91@gmail.com

versus

DELHI CANTONMENT BOARD AND ANR.Respondents

Through:

Mr. Ankur Mishra, Advocate for R-1.
(through VC)

Mr. Rohan Yadav and Mr. Aditya
Khanna, Advocates for IOCL.

Mr. Ripudaman Bhardwaj, CGSC
with Mr. Kushagra Kumar, Mr.
Abhinav Bhardwaj and Mr. Amit
Kumar Rana, Advocates for UOI.

Mob: 9818030700

Email: cgsc.ripudaman@gmail.com

Ms. Astha Gupta, Advocate for PWD

Mob: 8826074954

Email: astha@chopralawoffices.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

22.04.2025

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1. The present writ petition has been filed with a prayer to relocate the garbage dump located in front of *M/s Geo Filling Station, Indian Oil Corporation Limited ("IOCL") Retail Outlet, under Ring Road flyover Naraina.*



2. Attention of this Court has been drawn to the order dated 11th September, 2019, wherein, this Court had directed as follows:

“xxx xxx xxx

2. *Though there is no doubt that the area outside the petrol pump was being used to dump garbage, over the years, after the petrol pump's establishment, the garbage dump has grown in size. Ld. counsel appearing for the Board admits that pursuant to the orders of the National Green Tribunal and the Supreme Court, the garbage dump was upgraded in order to enable the segregation of waste at the garbage dump, prior to being sent to the landfill.*

3. **Considering that both the petrol pump and the garbage dump are public amenities which are essential for the residents of the area, it is considered appropriate to direct the Chief Executive Officer of the Board to, in association with the Petitioner and IOCL, identify an alternate place for the garbage dump. Considering the nature of the issue involved, the Petitioner and IOCL would be required to bear the expenses for construction of the garbage dump at any alternate site which is less risky for the residents of the area.**

4. *Let a meeting be held in the office of the Chief Executive Officer of the Board on 25th September, 2019 at 11.00 am. A representative of the Petitioner and a representative of IOCL, who would be competent to take a decision, shall attend the said meeting in order to identify a site for the garbage dump and to decide the reasonable expenses that have to be borne for the same. The parties are permitted to inspect the surrounding area in order to identify an alternate place for the garbage dump, not very far from the current location.*

xxx xxx xxx”

(Emphasis Supplied)

3. It is pointed out that on the basis of meeting, in terms of the directions passed by this Court, as aforesaid, a decision has already been taken for the shifting of the said garbage dump, to some other place.

4. This Court notes that *vide* order dated 5th December, 2024, this Court had noted that the modalities for shifting of the waste transfer point to a location near the subway Naraina, has been worked out.

5. Further, in the said order dated 5th December, 2024, it is recorded that



the petitioner is also willing to contribute some amount, towards the cost of construction of the new waste transfer point.

6. This Court also notes that in the order dated 5th December, 2024, it is recorded that the Indian Oil Corporation Limited (“IOCL”) was also willing to bear the expenses subject to adjustments against certain dues to the Delhi Cantonment Board (“DCB”).

7. The order dated 5th December, 2024, reads as under:

“xxx xxx xxx

1. Further to the order dated 16.10.2024, Government of National Capital Territory of Delhi [“GNCTD”] has placed on record minutes of a meeting held on 14.11.2024 with the officers of the Public Works Department [“PWD”] under the Chairmanship of Special Secretary (Health), which reads as follows:

“In the matter regarding shifting of waste transfer point, presently located outside a petrol pump, to an existing garbage dump point near Sub-Way Naraina, which is next to Mohalla Clinic, Hon'ble High Court of Delhi vide Order on 16.10.2024 has directed that the Secretary (PWD), GNCTD, should coordinate with the Secretary (Health), GNCTD, so that the matter is resolved within the next four weeks and waste transfer point can be shifted to the proposed location. The Hon'ble Court also directed that the petitioner and the Indian Oil Corporation Ltd, which operates the petrol pump, may also be involved in the process, if required.

*During the meeting, it was brought to the notice of the Chair that a garbage dump point near Sub-Way Naraina, which is next to a **Mohalla Clinic, is already existing and only the size of the existing garbage dump point will have to be Increased to accommodate the garbage of the waste transfer point outside the petrol pump.** Since, there could not be found any other viable location, **it was decided that the waste transfer point may be shifted to the proposed existing garbage dump point near Subway Naraina.** Further, the issue of probable Health Hazard to the patients visiting in Mohalla Clinic, if the waste transfer point is shifted to the proposed location, was also discussed during the meeting and It was **decided that the proposed waste point should be fully covered and should also be separated***



through a wall, to be constructed around the garbage dump point, for its separation from the Mohalla Clinic. Moreover, the Entry/exit of the Mohalla Clinic will be towards Brar Square side.

It was also decided that since both the existing waste transfer points outside the petrol pump and near the subway Naraina-belong to the Delhi Cantonment Board, the PWD may carry-out the proposed work of construction of fully covered waste point and separation of wall as a “Deposit Work” i.e. the expenditure on the proposed work shall be borne by the land owner le Delhi Cantonment Board.”

[Emphasis supplied.]

2. It appears from the above, that the modalities for shifting the Waste Transfer Point to a location near the Subway Naraina has been worked out. However, the timelines have not been stated in the minutes.

3. Learned counsel for the GNCTD is not present when the matter is taken up for hearing.

4. There is also some confusion as to the responsibility for the expenses incurred. The order of this Court dated 11.09.2019 records that the expenses for shifting of the Waste Transfer Point would have to be borne by the petitioner and Indian Oil Corporation Limited [“IOCL”], whereas the minutes state that the expenditure would be borne by the land owner, i.e. Delhi Cantonment Board [“DCB”].

5. Mr. Rohan Yadav, learned counsel for IOCL, states that IOCL is willing to bear the expenses, subject to adjustments against certain dues to the DCB.

6. Mr. Ankit Jain, learned Senior Counsel for the petitioner, states that the petitioner is also willing to contribute some amount towards the cost of construction of the new Waste Transfer Point, but needs to know the likely expense involved before she can make a commitment.

7. PWD is directed to prepare an estimate of the likely expenses to be incurred within two weeks from today, and to hold a meeting with the representatives of the petitioner, IOCL and DCB to work out the question of expenses involved. The meeting may be held within the next three weeks, and further status report be placed on record by Secretary, PWD, GNCTD, at least one week prior to the next date of hearing.

xxx xxx xxx”



(Emphasis Supplied)

8. Further, this Court notes that in the order dated 11th September, 2019, it has been categorically stated by this Court that considering the nature of the issue involved, the petitioner and IOCL, would be required to bear the expenses for construction of the garbage dump at an alternate site.

9. Today, learned counsel appearing for the DCB submits that the DCB is willing to shift the waste transfer point in question, which is adjacent to the petrol pump run by the petitioner, provided the cost for the same is borne by the petitioner and the IOCL.

10. Learned counsel appearing for IOCL submits that since it is a Public Sector Undertaking (“PSU”), therefore, it cannot bear the cost.

11. However, learned counsel appearing for the petitioner submits that the cost should also be shared by IOCL.

12. This Court notes that a decision has already been taken by the authorities to shift the waste transfer point to another location, away from the petrol pump, which is owned by the IOCL.

13. This Court notes that the petitioner is only a dealer in the retail outlet of the IOCL.

14. It is to be noted that in the Minutes of the Meeting dated 20th February, 2025, the revised estimate of Rs. 6.49 lakh has been prepared by the concerned Engineering Wing of Public Works Department (“PWD”) for the purposes of construction of a waste transfer point to the new location, near the subway Naraina.

15. The Minutes of the Meeting dated 20th February, 2025, issued by the Government of NCT of Delhi, is reproduced as under:



Government of NCT of Delhi
PWD Secretariat: 3rd Floor, MSO Building,
IP Estate, New Delhi-110002
(CD No. 057791357)

F.No. 153-157

Dated: 20/02/2025

MINUTES OF THE MEETING

In compliance of the directions of Hon'ble High Court of Delhi in WP (C) No.292/2018, a meeting was held under the Chairpersonship of Special Secretary (PWD)-I on 17.02.2025 at 02:30 PM and subsequently on 19.02.2025 at 03:00 PM in the Conference Room at 3rd Floor, PWD Secretariat, MSO Building, I.P. Estate, New Delhi to resolve the issue of bearing of expenses towards the cost of construction of new Waste Transfer Point at a location jointly identified by the Delhi Cantonment Board and Public Works Department near subway Naraina.

The list of officers who attended the meeting is enclosed.

During the meeting, the estimate amounting to Rs.20,44,300/- prepared by PWD in consultation with the Delhi Containment Board for construction of a new West Transfer Point was submitted before all the stakeholders in the presence of the Chairperson.

The representatives of the petitioner and IOCL refused to accept the estimate stating the same to be exorbitantly high. They pointed out that ceramic glazed wall tiles, structural Steel work, providing and fixing stainless steel railing glass, mosaic tiles on finished plane wall, surface painting with synthetic caramel paint, etc. included in the estimate was of much higher specifications than what has been used in the existing Waste Transfer Point and, therefore, do not seem to be required. They requested the Chairperson that the concerned officers of PWD may be asked to prepare an estimate which should be exactly the same size and same specifications as of the existing waste transfer point lying at present.

The specifications proposed in the estimate for construction of new Waste Transfer Point was discussed with the concerned engineers of PWD and DCB Officers present in the meeting and the Chairperson directed the concerned Engineers to prepare the estimate for construction of similar sized Waste Transfer Point with similar specifications as per the existing structure in absence of any standard norms and specifications available with the PWD in respect of construction of Waste Transfer Point.

As per the directions of the Chairperson, a Revised Estimate of Rs.6.49 lakh was prepared by the concerned engineering wing of PWD, which was submitted before all the stakeholders in the presence of the Chairperson on 19.02.2024, which all the stakeholders willingly accepted.

It was, therefore, decided to submit the aforesaid estimate before Hon'ble Court during the next date of hearing fixed for 25.02.2025 as per directions of Hon'ble High Court of Delhi.

The meeting ended with a vote of thanks to the chair.

(M.K. Nikhil)
Dy. Secretary (PWD)

16. Considering the submissions made before this Court and the discussion hereinabove, it is directed that the expenses for shifting of the



waste transfer point, shall be borne equally by the petitioner, as well as by the IOCL.

17. Accordingly, the petitioner and the IOCL are directed to deposit the aforesaid amount of Rs. 6.49 lakh in total, to be shared in equal proportion with the PWD, within a period of two weeks, from today.

18. Upon deposit of the aforesaid amount, the PWD shall take expeditious steps for shifting of the waste transfer point to the new location.

19. Let the needful be done by the PWD expeditiously, preferably within a period of three months from the deposit of the requisite amount by the petitioner and the IOCL.

20. With the aforesaid directions, the present writ petition, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

APRIL 22, 2025

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