

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI**

ORIGINAL APPLICATION NO. 651 of 2019

IN THE MATTER OF:

Residents of Delhi, Through Shobha Agarwal

... Applicant

Versus

Delhi Metro Rail Corporation & Ors.

... Respondents

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Amber Sachdeva

A.D.N. RAO & Amber Sachdeva
 Advocate for the Respondent
 Chamber No.116, Post Office Block
 Supreme Court Compound, Tilak Marg
 New Delhi - 110 001
 Phone: 23381057/6042

Date: 18.09.2019

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 651/2019

IN THE MATTER OF:

Residents of Delhi, Through Shobha Agarwal ...Appellant

Vs.

Delhi Metro Rail Corporation &Ors. ...Respondents

REPLY ON BEHALF OF DELHI METRO RAIL CORPORATION

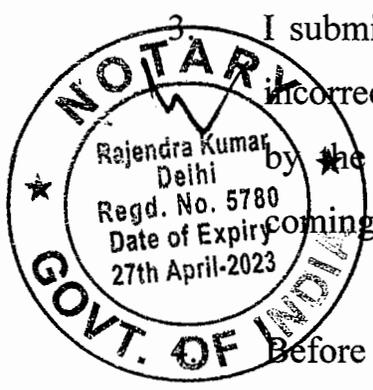
(RESPONDENT NO. 1 HEREIN)

I Sanjay V. Kute S/o Late Sh. V.M. Kute aged about 55 years, working at Delhi Metro Rail Corporation Ltd., Metro Bhawan, Fire Brigade Lane, Barakhamba Road, do hereby solemnly sincerely affirm and state as under.

1. That I am presently working a General Manager/Legal with Respondent No. 1 herein and as such I am well conversant with the facts of the case from the records maintained in the office. I am competent and authorised to swear in this Affidavit on behalf of the Chairman, Delhi Metro Rail Corporation Respondent No. 1 herein.
2. That I have gone through the copy of the Original Application No. 651/2019 and in Reply thereto, I submit that averments made therein and the contentions raised are factually incorrect, the averments or the contentions unless specifically admitted or adverted to herein after are denied and the Applicant is put to strict proof of the same.

I submit that the Applicant herein by placing a distorted, exaggerated and incorrect version has challenged the construction of a commercial complex by the Respondent No.1 by making a false allegation that the same is coming up in a District park which ought to have been restored.

Before adverting to Para wise reply I, Crave leave of this Tribunal to briefly indicate the true Facts



5. I, submit that vide Communication No. DMRC/Land/15/MOUD/MKP-YV/1343/82 dated 06.02.2012 the Delhi Metro Rail Corporation has sent a requisition to the Land & Development Officer (L&DO), Ministry of Urban Development, Government of India for requirement of five Pockets of NDMC land at Bhikaji Cama Place on permanent/temporary basis for construction of Mukund Pur-Yamuna Vihar Corridor (Line-7) of Delhi MRTS Project, Phase-III for construction of an underground Metro Station. The requisition made was as under:-

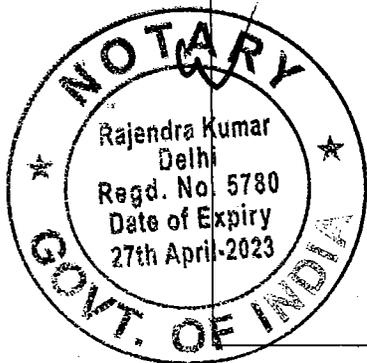
Present requirement		Purpose
Permanent basis (in Sqm)	Temporary basis for 4 years (in sqm)	
B1-4816.00		Ventilation Shaft, Entry, Lift Station
B2-6124.00		
	1002.00	Construction / Barricading
10940.00	1002.00	

6. The Plan which was appended to the Communication dated 06.02.2012 clearly showed that the area admeasuring B1 4816 Sqm and B2 6124 sqm are required for Vent Shaft, Entry & Lift of the Station along with proposed Property Development.

A true copy of the Communication No. DMRC/Land/15/MOUD/MKP-YV/1343/82 dated 06.02.2012 is being filed herewith marked as Annexure R1/1.

7. That vide Communication dated 21.06.2012 the Ministry of Urban Development, Land & Development Office gave working permission to the Delhi Metro Rail Corporation in respect of Bhikaji Cama Place as under:-

Bhikaji Cama Place	Temporary (revised) Pocket 1 1002	The entire proposal temporary as well as permanent is on existing District Park. Hence change of land use is required. Certain portion of the land is heavily wooded. Therefore, equivalent
	Total 1002	
	Permanent (revised)	



Pocket B1	4816	area for District Park as compensation within Zone 'D' may be required to be identified. Three petrol pumps required to be shifted from 'D' zone for which alternative sites have already been identified and requires comments of DDA.
Pocket B2	6124	
Total:	10940	

A true copy of the Communication No.LIIA-I(1836)/2011-PC/78 dated 21.06.2012 of the Ministry of Urban Development Land & Development Office is being filed herewith marked as Annexure R1/2.

8. An area admeasuring 10,940 sqm comprising of Pocket B1 (4816 sqm) and Pocket B2 (6124 sqm) was handed over to Delhi Metro Rail Corporation.

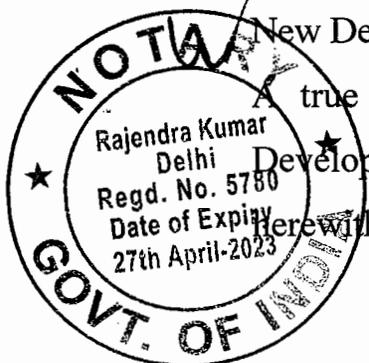
A true copy of the handing over and taking over Certificate dated 11.07.2012 is being filed herewith marked as Annexure R1/3.

9. That on 11.10.2012 land admeasuring 3658 sqm on permanent basis at Bhikaji Cama Place was handed over for construction of Entry, Lift and Plant Room.

A true copy of the handing over and taking over of land admeasuring 3658 sqm is being filed herewith marked as Annexure R1/4.

10. That vide Communication dated 16.04.2019 the Land & Development Officer, Ministry of Housing and Urban Affairs conveyed the sanction of the President of India for allotment of land admeasuring 13,332 sqm comprising of 4816 sqm at NDMC Park for Ancillary Building and water boosting station and Vent Shaft, 6109 sqm at NDMC Park for Vent Shaft and proposed Property Development and 2407 Sqm for Entry and Vent Shaft and Lift as per LDO Plan No 4202 on permanent basis at Bhikaji Cama Place, New Delhi subject to the change of land use by the allottee itself.

A true copy of the Communication dated 16.04.2019 of the Land & Development Officer, Ministry of Housing and Urban Affairs is being filed herewith marked as Annexure R1/5.



11. That on 23.07.2019 in terms of the Communication dated 16.04.2019 an area admeasuring 13,332 sqm was handed over to the Delhi Metro Rail Corporation.

A true copy of the Site Plan indicating the handing and taking over of the possession of 13,332 sqm on 23.07.2019 is being filed herewith marked as

Annexure R1/6.

12. I submit that for the construction of the underground Metro Station at Bhikaji Cama Place, Department of Environment, Forests & Wildlife, Government of National Capital Territory of Delhi had granted tree cutting permission vide Communication No. R895/TO-(S)/TC-Felling/11-12/4609/467 dated 21.01.2013 for the Bhikhaji to Hazrat Nizammudin of Yamuna Vihar- Mukundpur corridor.

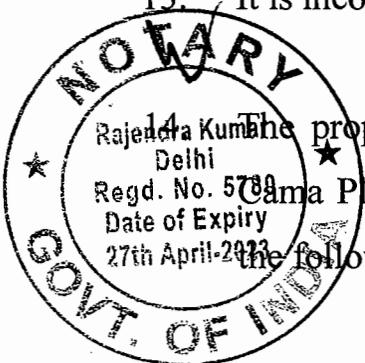
The permission for felling of 1290 trees was subject to condition that 12900 native type tree species shall be compensatory planted and DMRC shall make advance deposit of Rs. 3,97,32,000/- for creation and maintenance of compensatory plantation for a period of five years as per notification No. R-895/TO(S)/TC-Felling/11-12/6680-90 dated 11.01.2013. The payment for the same was made by DMRC to The Dy. Conservator of Forests vide letter no. DMRC/Land/15/MKP_YV/1340/24 dated 16.01.2013.

It is also pertinent to mention herein that tree felling permission stipulated a condition that Wood obtained from removal of trees shall be handed over by DMRC to the Officials of the concerned MCD for its use on Public Crematoria in Delhi.

A true copy of the Communication No. R895/TO-(S)/TC-Felling/11-12/4609/467 dated 21.01.2013, notification No. R-895/TO(S)/TC-Felling/11-12/6680-90 dated 11.01.2013 and letter no. DMRC/Land/15/MKP_YV/1340/24 dated 16.01.2013 are being filed herewith marked as Annexure R1/7, Annexure R1/8 and Annexure R1/9.

13. It is incorrect to state that the construction of the building is an afterthought.

The proposed construction of the commercial complex above the Bhikaji Cama Place Metro Station was conceptualised as early as 2012 because of the following:-

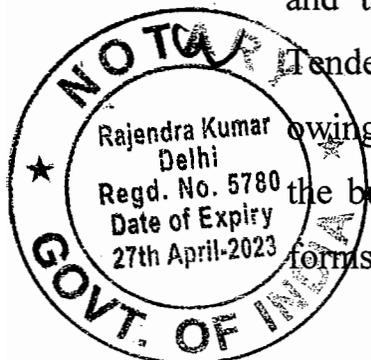


- a. *Property Development by DMRC is in line with global examples as metros are highly capital intensive projects. The commercial activities apart from enhancing the appearance and ambience of the stations will also add to non-fare box revenue to DMRC. Further, it will attract more commuters to the metro system thereby improving ridership and assisting in traffic integration.*
- b. *The Bhikaji Cama Place Station is strategically designed on intersection of Ring Road and Africa Avenue Road at Bhikaji Cama Place so that significant motorized traffic can take off the road.*
- c. *Development control norms for metro stations and railway stations/ terminals in the Master Plan of Delhi – 2021, Chapter-12 stipulate that “metro stations along with Property Development (composite development) upto a maximum area of 3.0 ha shall be permitted in all Use zones, except in recreational and Regional Park/Ridge Zone, Lutyens’ Bungalow Zone and Heritage Zones.”*
- d. *13,332 sqm of land has been allotted by L&DO to DMRC on permanent basis for the metro station ancillary structures and proposed Property Development vide allotment letter dated 16.04.2019 against payment of Rs.15.65 Cr.”*

15. I submit that Development Control Norms for metro stations and Railway Stations / terminals in the Master Plan of Delhi – 2021 stipulate that “metro stations along with Property Development (composite developments) upto a maximum area of 3.0 ha shall be permitted in all Use zones, except in Recreational and Regional Park / Ridge Zone, Lutyen’s Bungalow Zone and Heritage Zones.

16. I submit that the Proposal for construction of 4 floors above ground floor of the underground metro station at Bhikaji Cama Place with 12038 sqm PD area (i.e., 3077 sqm on each floor) was initiated by DMRC on 16.09.2014 and the process of appointment of DDC was finalised on 12.05.2015.

Tenders for allotment of built-up spaces was floated in 2016, however, owing to the intrinsic location advantage of the station, mode of allotment of the built-up floors was envisaged through draw of lots of the Application forms. However, the project was put on hold till land allotment letter was

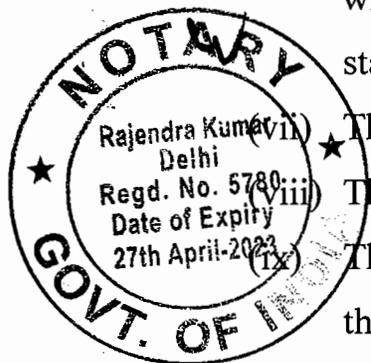


issued by L&DO.

17. That in terms of the Communication dated 16.04.2019 wherein the L&DO has intimated that the permissions are subject to the change of land use by the allottee itself. The land was handed over on 23.07.2019 and the DMRC has vide Communication No. DMRC/Land/15/NSIC/1869/2074 dated 14.08.2019 applied for change of land use of subject land from recreational/district part for transportation.

18. **PARAWISE REPLY**

- (i) The contents of Para 1 are matters of record.
- (ii) The contents of Para 2 are to the exclusive knowledge of the Applicant and does not call for any Reply from the Answering Respondent.
- (iii) The contents of Para 3 are matters of record. However, in terms of the letter of allotment dated 16.04.2019, the land was handed over on 23.07.2019 and the Applicant herein has on 14.08.2019 applied for change of land use.
- (iv) In reply to the contents of Para 4 it is submitted that the averments made are general and not specific to the Project in question. Para 4.3.2 of the EIA report also state that "Like most other rail based mass urban transport systems, this system, now in its third phase of construction, also needs to undertake property development to make it financially viable and economically attractive."
- (v) The contents of Para 5 are matters of record. It is denied that land in question was allotted on temporary basis.
- (vi) The contents of Para 6 are incorrect and denied. The Answering Respondent having agreed to comply with the conditions of compensatory afforestation and having paid the huge amount has not assured anybody that the land would be re-developed or more trees will be planted once construction work of the underground metro station is completed.



(vii) The contents of Para 7 are matters of record.

(viii) The contents of Para 8 are matters of record.

(ix) The contents of Para 9 are incorrect and denied. As per the Order of the Ministry of Urban Development dated 30.03.2009 the DMRC has

to raise 6% of the Project cost through Property Development in Phase-1, 5% of project cost in Phase-II and 4.5% of Project cost in Phase-III.

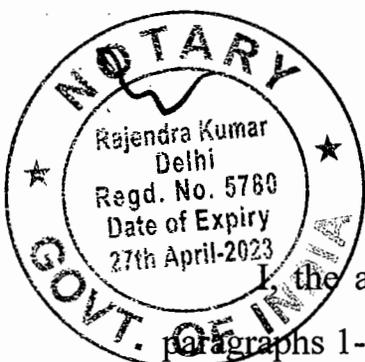
- (x) The contents of Para 10 are incorrect and denied. On the contrary the underground station would facilitate the commuters and the vehicles would be off roads resulting in reducing the air pollution.
- (xi) The contents of Para 11 to 15 are matters of record.
- (xii) The contents of Para 16 are incorrect and denied. The Answering Respondent have not violated any provision of law.
- (xiii) In Reply to the contents of Para 17 it is submitted that in view of what is stated herein above the grounds raised therein are devoid of any merit and does not call for any Reply.

19. I submit that in view of what is stated herein above Original Application No. 651/2019 is devoid of any merit, has been filed with an ulterior motive and as such does not call for any interference by this Hon'ble Tribunal. The same may be dismissed with cost.

20. I state that what is stated herein above is true and correct and that nothing material has been concealed there from.

[Handwritten signature]

D ISHNOANV KUTE
General Manager/Legal
Delhi Metro Rail Corpn. Ltd.
Metro Bhawan, Fire Brigade Lane
Barakhamba Road, New Delhi.



VERIFICATION

I the above named Deponent do hereby verify that the contents stated in paragraphs 1-20 above are true and correct to my knowledge and belief. No part of it is false nor has anything been concealed there from.

Verified at New Delhi on this the day of 17th September, 2019.

Date: 17 SEP 2019

RAJENDRA KUMAR, NOTARY, Regd. No. 5780
F No.-5(486)
EMPOWERED TO ADMINISTER THE OATH
SECTION 139 OF CPC 1908
SECTION 297 OF CRPC 1973
DELHI HIGH COURT RULES 1967
PART-6, CHAPTER XVIII-227
EVIDENCE BY AFFIDAVIT BEFORE NOTARY
SUPREME COURT RULES, 2013
ORDER IX-7

16340

ATTESTED
RAJENDRA KUMAR
NOTARY, DELHI-R-5780
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND, NEW DELHI
Register Pg./Sl. No.

9899446209

DEPONENT
SANJAY V. KUTE
General Manager/Legal
Delhi Metro Rail Corpn. Ltd.
Metro Bhawan, Fire Brigade Lane
Barakhamba Road, New Delhi.

IDENTIFIED

दिल्ली मेट्रो रेल कॉर्पोरेशन लि०

DELHI METRO RAIL CORPORATION LTD.

(भारत सरकार एवं दिल्ली सरकार का संयुक्त उपक्रम)
(A JOINT VENTURE OF GOVERNMENT OF INDIA AND GOVT. OF DELHI)

58

No. DMRC/Land/15/MOUD/MKP-YV/1343/ 82

06.02.2012

Land & Development Officer,
Ministry of Urban Development
Govt. of India,
Nirman Bhawan,
New Delhi.

Sub: Requirement of five pockets NDMC land at Bhikaiji Cama Place on permanent/temporary basis for construction of Mukund Pur-Yamuna Vihar corridor (Line-7) of Delhi MRTS Project, Phase-III.

Ref.: No. DMRC/Land/15/MOUD/MKP-YV/1343/499 dated 08.09.2011

Sir,

DMRC has taken up construction of Mukund Pur - Yamuna Vihar corridor of Delhi MRTS Project, Phase-III. With reference to the above letter, due to change in station location the land requirement has been modified. Accordingly, two pockets of land measuring 10940.00 sqm on permanent basis and one pocket of land measuring 1002.00 sqm on temporary basis are required as shown below :

Sl. No.	Location of land	Previous requirement		Present requirement		Purpose
		Permanent basis (in sqm)	Temporary basis for 4 years (in sqm)	Permanent basis (in sqm)	Temporary basis for 4 years (in sqm)	
	Bhikaiji Cama Place					
1	Pocket B	8291.00		B1 - 4816.00 B2 - 6124.00		Ventilation Shaft, Entry, Lift of Station
2	Pocket 3		449.00		-	Construction/Barricading
3	Pocket 4		982.00		-	do
4	Pocket 1		25.00		1002.00	do
5	Pocket 2		131.00		-	do
	Total	8291.00	1587.00	10940.00	1002.00	

Actual area available at site for transfer will be reconciled during verification by the officials of L&DO, NDMC and DMRC. Allotment can be made on the basis of area jointly measured at site.

You are therefore, requested to take necessary action for transfer of above land on permanent/temporary basis for Delhi MRTS Project and send demand note towards the premium of permanent land @ Rs.22 Lacs per acre and the lease charges of temporary land @5% of land cost per annum, as per the decision of Union Cabinet issued vide letter No. J-22011/4/95-LD dated 16/04/1999 of MOUD i.e. at inter-departmental transfer rates (copy enclosed).

Thanking you,

Encls: As above

Yours faithfully,

(P. S. Chauhan)
Chief Engineer/General

Copy for information and necessary action to:

1. Chairperson, NDMC, Palika Kendra, Parliament Street, New Delhi
2. Dy. Commissioner (MRTS), Transport Department, GNCTD, Delhi-110054.

(P. S. Chauhan)
Chief Engineer/General

(मेट्रो भवन, फायर ब्रिगेड लेन, बाराखम्बा रोड, नई दिल्ली-110001)

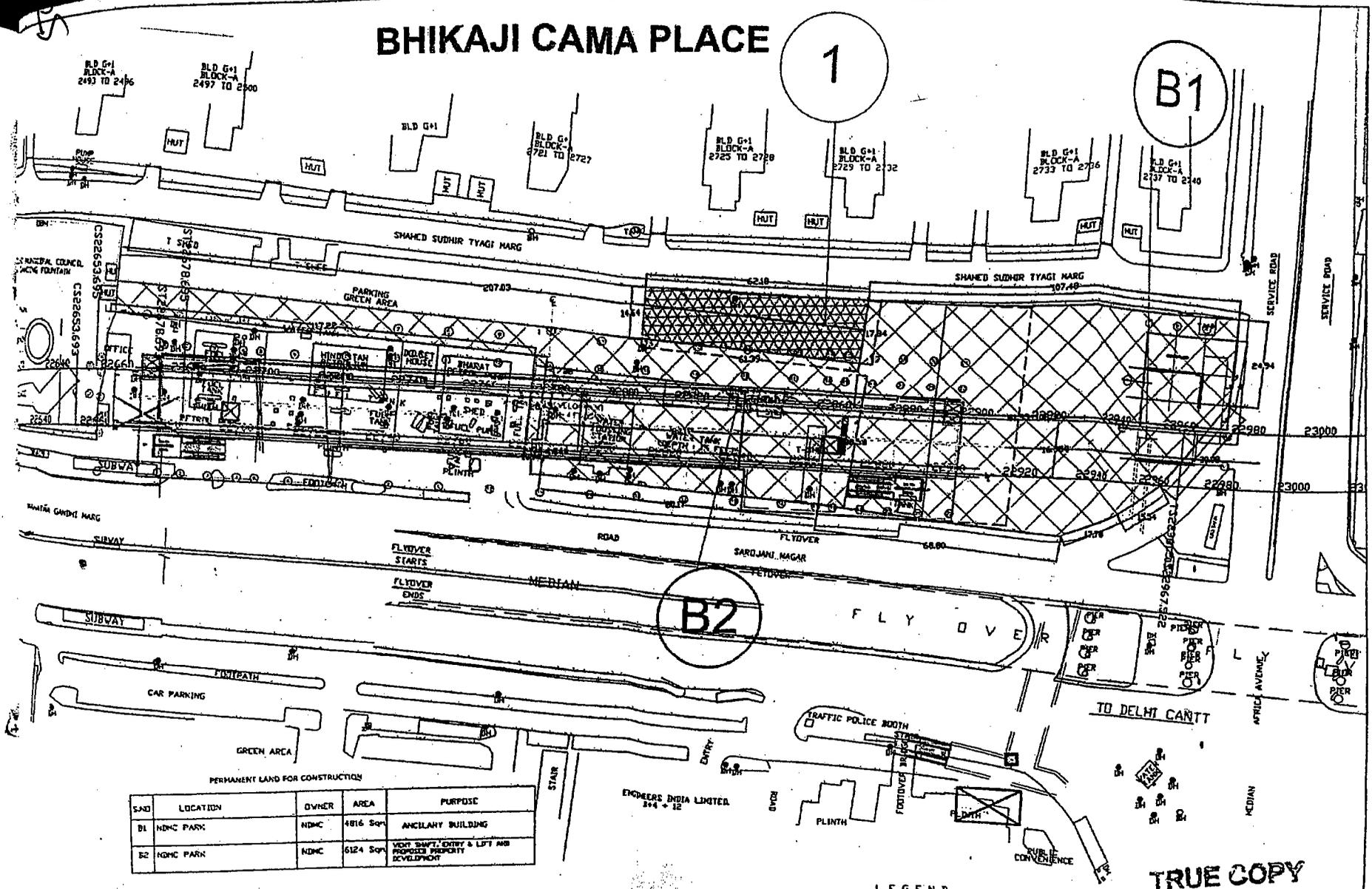
(Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi-110001)

BHIKAJI CAMA PLACE

1

B1

B2



PERMANENT LAND FOR CONSTRUCTION

S.NO.	LOCATION	OWNER	AREA	PURPOSE
B1	NDC PARK	NDC	4816 Sqm	ANCILARY BUILDING
B2	NDC PARK	NDC	6124 Sqm	MAIN SHUTTLE ENTRY & LIFT AND PROPOSED PROPERTY DEVELOPMENT

TEMPORARY LAND FOR CONSTRUCTION

S.NO.	LOCATION	OWNER	AREA	PURPOSE
1	NDC PARK	NDC	10025 Sqm	FOR CONSTRUCTION & BARRICADING

LEGEND

-  TEMPORARY LAND
-  ANSAL CHAMBER G+0
-  PERMANENT LAND

TRUE COPY

DELHI METRO RAIL CORPORATION LTD.

LAND PLAN BHIKAJI CAMA STATION
BHIKAJI CAMA TO HAZRATNAGAR

DATE: 23/01/12

SCALE: M.T.S.

PROJECT NO: 19/05/1

Scanned by CamScanner

Nirman Bhawan, New Delhi
dated the 21 June, 2012

60

To

The Chief Engineer (General)
Delhi Metro Rail Corporation Ltd.,
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road, New Delhi -110001.

Subject: Working permission to DMRC in respect of various sites in respect of phase-III projects.

Sir,

I am directed to refer to DMRC's letter No. DMRC/land/15/MOUD/1343 dated 14.3.2012 on the above mentioned subject and to convey the approval of the Competent authority for working permission to the DMRC in respect of the sites detailed below subject to the General conditions and conditions mentioned against each proposal:

1. To obtain NOC from the respective allottee and other organizations like DUAC, DDA, Municipal Corporation, NDMC, Delhi Fire Service etc.
2. To restore the area after expiry of the temporary allotment
3. Development of additional Green areas and compensatory green areas as per the instruction of the Forest Department/other organisations
4. Conditions suggested by the CPWD in their comments etc.

S. No.	Location	Area in sq. mtrs. on temporary or permanent basis	Comments/Conditions of Tech. Section and CA.CPWD
1.	Engineers Bhawan	407.98 (Temporary) 144.00 (Permanent)	NOC already obtained by DMRC. No Conditions
2.	Andhra Education Society	243.54 (Temporary) 156.49 (Permanent)	
3.	Sarojini Nagar	Temporary Pocket 5 1355 Pocket 6 314 Pocket 7 1537 Pocket 7A 377 Pocket E 2284 Total 4837	(i) Except the entry/exit structure, land over the underground station should be restored to green/road to its existing conditions. (ii) During construction DMRC must take all precautionary measures for safe existence of all existing adjoining structures

		Permanent Pocket C 291 Pocket D 676 Pocket E Convert- ed to temp. Pocket F 776 Total: 1743	(iii) From traffic point of view, the area is very congested. Therefore, DMRC should submit the traffic circular plan proposed to be adopted during construction.
4.	Bhikaji Cama Place	Temporary (revised) Pocket 1 1002 Total 1002 Permanent (revised) Pocket B1 4816 Pocket B2 6124 Total: 10940	The entire proposal temporary as well as permanent is on existing District Park. Hence change of land use is required. Certain portion of the land is heavily wooded. Therefore, equivalent area for District park as compensation within Zone 'D' may be required to be identified. Three petrol pumps required to be shifted from 'D' zone for which alternative sites have already been identified and requires comments of DDA.
5.	CAG Bahadursah Zafar Marg	Temporary (revised) Pocket ITO 02T 1070.34 Permanent (revised) Pocket ITO 06AP 1498.25	The area required for temporary as well on permanent basis is within the park area allotted to CAG. The land use of the area is District Park and a mosque, madrasa and old structure and a temple exist in this area. The park has a large number of mature trees. If any trees are required to be cut, permission and compensatory tree plantation as per Forest Deptt has to be ensured. Land use under 'District Park' landuse may also need to be compensated for which DDA's views may be obtained by the DMRC and conditions so imposed by DDA shall be complied with.
6.	Delhi Gate	Temporary Pocket No. DG 03T 254.45 Permanent Pocket No. DG 06P 246.20	Land under this office and land use is Play Ground. It may be ensured that land is not reserved/earmarked for any specific purpose.. No condition
7.	Ashram	Temporary Pocket 22 9513	To take suitable measure to retain Right of way between pocket 22 and 23 in connection with the widening the road between them to 24 mtrs. in view of the redevelopment Sreenivaspur.

should circular

8.	Moti Bagh	Permanent Pocket A 1250.50 Pocket A' 3805.80 Pocket B 1960.50 Pocket B' 2190.00 Total : 9206.80	Some parts of the land pockets are on existing footpaths, service road etc. Parts of the service road and footpaths that come under the viaduct and station building may be restored on completion.
9.	Munirka	Temporary Pocket No. TMUN-1 6900 Permanent Pocket No. MUN-1 5736 Pocket No. MUN-2 580 Pocket No. MUN-4 785 TOTAL: 7101	The entire pocket of land has to be properly documented, in terms of its present status including the number, type, age and other particulars of existing trees and recorded. On completion of the duration of the temporary allotment, DMRC should restore the land pocket to its original status. The structures overground should be positioned retaining about half the existing foot-paths/parks in front of the existing buildings.
10	R.K.Puram	Permanent Pocket No. RSS-I 8000	Site comes in the District Park. DMRC may comply with the conditions that may be imposed by the DDA.
11.	INA	Permanent Pocket I 1200 Pocket J 577 Pocket K 630 TOTAL: 2407	Land use of pocket I is 'Residential' and of pockets 'J' and 'K' are either green or nallah. Hence the natural flow of the nallah should not be obstructed. DMRC should ensure no proposed structure hinders the ROW of Aurobindo Marg. Further in respect of green area, the existing trees should be retained or permission for tree cutting may be obtained from the Forest Department. The DMRC may take regarding change of land use in this matter

2. You are, therefore, requested to depute an official who will liaise with the Engineer Officer, L&DO for handing over and taking over on mutually agreed date and time.

Yours faithfully,

(R.A.S. Vani)

Dy Land & Development Officer

Copy for information and necessary action to

- (i) OSD L & D
- (ii) S.E. & D.O.

ANNEXURE R-1/4

Handing/Taking Over Proceeding

64

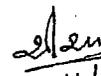
Handed/Taken Over Possession of land measuring 3658 sqm. on permanent basis at Bhikaiji Cama Place (Pocket No. A) for construction of Entry, Lift & Plant Room in connection with Mukundpur to Yamuna Vihar corridor of Line-7 of Delhi MRTS Project, Phase-III, with reference of L&DO (MOUD) letter No. L-II-A-1(1836)/2011/PC dated: 31.08.2012. The is handed/taken over as per enclosed plan, shown in red hatches as and where basis. As on date three petrol pumps exist on the said land & are operational.

Handed Over


11/10/12

JE/L & DO

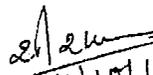
Taken Over


11/10/12

(Shish Ram)

XEN/DMRC

Further Handed Over By


11/10/12

(Shish Ram)

XEN/DMRC

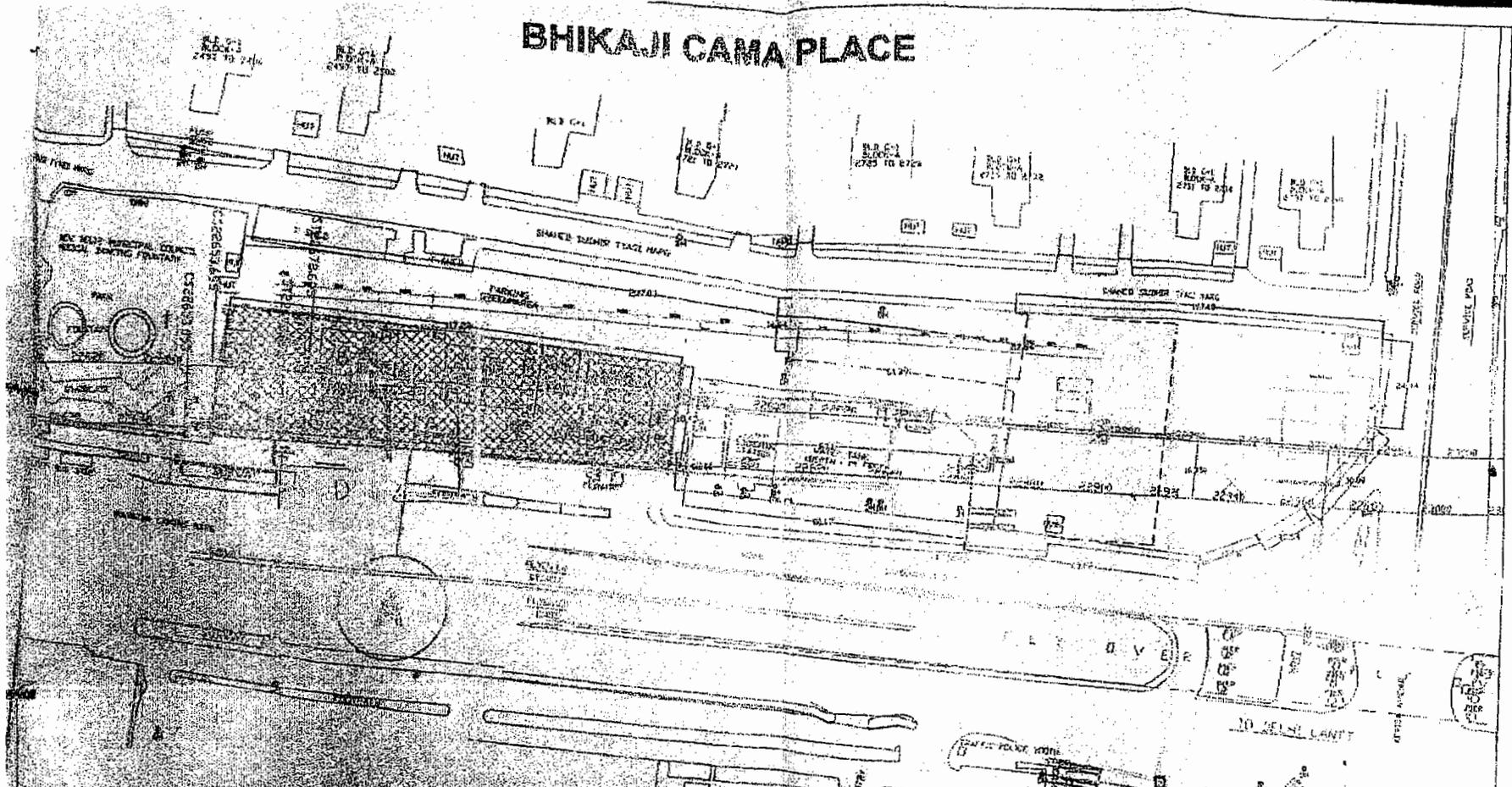
Taken Over


11.10.12

(Paras Agrawal)

AE/DMRC

BHIKAJI CAMA PLACE



Handed Over by

 J.S. DO

Taken Over by

 (Subin Ram)
 KEN/1, DMRC

Further handed over by

 (Subin Ram)
 KEN/1, DMRC

Taken over by

 (Subin Ram)
 KEN/1, DMRC

PERMANENT LAND FOR CONSTRUCTION

S.NO.	LOCATION	DMRC	AREA	REMARKS
01	DRINKING WATER	DMRC	3850 SQ	ENTR. & LIFT PLANT EQUIPMENT

Further handed over by

 12/10/12
 KEN/1, DMRC

Taken over by

 12/10/12
 KEN/1, DMRC

DELHI METRO RAIL CORPORATION LTD.

LAND PLAN BHIKAJI CAMA STATION
 BHIKAJI CAMA TO HAZRATPUR

DATE: _____

SCALE: _____

PROJECT: _____

NO. OF SHEETS: _____

SHEET NO.: _____

DATE OF ISSUE: _____

ISSUED BY: _____

CHECKED BY: _____

APPROVED BY: _____

RECEIVED
Delhi Metro Rail Corporation Ltd.
23/4/19

RECEIVED
Office of PM-3A
Delhi Metro Rail Corporation Ltd.
Date: 23/4/19
Time: 11:15 AM

ENTER
19/4/19
19/4/19
19/4/19
19/4/19
19/4/19
19/4/19
19/4/19

Sl. No.	Date

66

4628
18/4

No. L-II-A-1(1030)Bhikaji/2018-PC/164

Government of India
Ministry of Housing & Urban Affairs (MoHUA)
Land & Development Office (L&DO)

Allotment
Letter

Nirman Bhawan, New Delhi-110011

Dated: 16th April, 2019

To

The Chief Engineer (General),
Delhi Metro Rail Corporation Ltd.,
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road,
New Delhi-110 001.

Subject: Allotment of land measuring 13,332 Sqm. to the Delhi Metro Rail Corporation Ltd. on permanent basis (4816 Sqm. for Ancillary building and water boosting station, and Vent Shaft, 6109 Sqm. for Vent Shaft and proposed Property Development, and 2407 Sqm. for Entry and Vent Shaft and lift) at Bhikaji Cama Place, New Delhi

Sir,

I am directed to convey the sanction of the President of India for allotment of land measuring 13,332 Sqm. (4816 Sqm. at NDMC Park for Ancillary building and water boosting station and Vent Shaft, 6109 Sqm. at NDMC Park for Vent Shaft and proposed Property Development, and 2407 Sqm. at Petrol Pump for Entry and Vent Shaft and lift) to the Delhi Metro Rail Corporation Ltd. (DMRC), as per LDO Plan No.4202, on permanent basis at Bhikaji Cama Place, New Delhi, subject to the change of land use by the allottee itself.

Kew/BKCP
24/4/19

2. The allotment will be subject to the usual terms and conditions to be given in the Memorandum of Agreement and Lease Deed which shall inter-alia also include the following:-

i. The allottee will pay the land cost @ Rs.475.32 lakh per acre and Re.1/- per annum as ground rent. This rate was valid upto 31.03.2016. The latest rates are under revision and the DMRC shall also be required to pay the difference of premium in case the same are revised upward, with retrospective effect.

ii. The date of allotment will be the date of issue of this letter.

Forwarded to
CPM-3 for
information
18/4/19
CPM-3
18/4/19

For further necessary action and
information H. [Signature]

- 67
- iii. The allottee will use the land for the purpose for which it has been allotted and is also authorized to lease/sub-lease/license/concession the land for raising revenue from the property development.
 - iv. The allottee shall ensure that property development is undertaken only on lease/sub-lease/license/on concession basis and not on freehold basis. While undertaking property development, the allottee shall ensure that only those property development which will fetch maximum revenue on a sustainable basis is undertaken. Land may normally not be leased/sub-leased/licensed/given on concession basis for residential development. The allottee will also put in place an efficient lease management mechanism to regulate such lease/sub-lease/license/concession.
 - v. While undertaking property development by the allottee, the terms and conditions of lease/sub-lease/license/concession shall be suitably drafted by the allottee with the consultation of L&DO to ensure that the land with assets pertaining thereto shall revert to Government/allottee after the expiry of the term or period thereof.
 - vi. The allottee will have no power of sale/transfer/mortgage/alienation in any manner to third party.
 - vi. Environmental clearances, where required, shall be obtained by the allottee or by the developers with whom the allottee enters into lease/sub-lease/license/concession agreement for property development.
 - vii. While developing properties at or adjacent to Metro Rail Stations, due attention shall be given to security related aspect and building the necessary design features in the project in consultation with police and security agencies in a time bound manner.
 - viii. The allottee while undertaking property development shall comply with the provisions contained in the Order No. K-14011/8/2000-MRTS dated 30.03.2009 (MRTS Cell), Ministry of Urban Development, Government of India.
 - ix. The removal of the structures/encroachments, if any, on the allotted land will be the responsibility of the allottee.
 - x. The trees, if any, standing on the plot shall remain as Government property and shall not be removed or otherwise disposed of without obtaining the prior permission of this Office and the amount so realized by disposing the trees shall be remitted to this office. The tree cutting shall be subject to all required statutory clearances and compensatory forestation, etc.

- xi. The allottee will ensure that services lying under the requested land and nearby/close proximity should not be affected.
- xiv. The allottee shall execute the Memorandum of Agreement and Lease Deed at their own cost.
- xv. The allottee shall deposit Ground Rent on yearly basis in advance, whether it is demanded or not.
- xvi. In event of dissolution of the DMRC, the land allotted and the assets created thereon will be transferred to an institution having similar aims and objectives with prior approval of the Government on payment of such compensation that may be determined by the Lessor in its absolute discretion.
- xvii. The allottee shall be required to construct the said building in conforming with the architectural surroundings of the area.
- xviii. The President of India or his nominee may at any time inspect the site on cause to be inspected the site and the premises thereon with or without any prior notice to allottee. Refusal to allow inspection of the premises shall amount to violation of terms calling for suitable action including re-entry of the property.
- xix. Non-fulfillment, non-compliance and violation of any of the aforesaid terms and conditions and also the terms and conditions to be given in the Memorandum of Agreement and Lease Deed will amount to cancellation of the allotment of land.
- xx. The attention of Delhi Metro Rail Corporation Ltd. (DMRC) is invited to the various directives under Swachh Bharat Mission and to adhere to the same strictly. They are required to ensure through their agencies to keep the construction material properly sanitation/ hygiene arrangements for labourers residing/working at site ensuring that no open defecation is observed.
- xxi. The land will be initially given on license basis by signing a Memorandum of Agreement (MoA) and the money deposited at the rate mentioned at 2(i) above, will be treated as security for due performance of the agreement and when the terms of Memorandum of Agreement are successfully completed within the stipulated times, the land will be given on lease and the security will become the premium and the license fee shall become the ground rent.
- xxii. The allottee is required to pay the following amount on account of License Fee and Premium :-

ANNEXURE R-1/6

69

HANDING / TAKING OVER PROCEEDINGS

REF:- L&DO Letter no. L-II-A-1(1836)/BHIKAJI/2018-PC/169 dt: 16.04.20

Handed / Taken over possession of land measuring 13332 sqmtr is (including part area of I.O.C.L Global Petrol Pump) is handed over ~~on~~ ~~basis~~ at Bhikaji Cama Place (Pocket measuring 4816 sqm (B1) + B2(6109 sqm) + 2407 sqm (A)) for construction of Bhikaji Cama Place station in connection with Mukundpur-Yamuna Vihar corridor of Delhi MRTS Project, Phase-III with reference L&DO letter No. L-II-A-1(1836)/BHIKAJI/2018-PC/169 dt: 16.04.2019. The site is Handed / Taken over as per enclosed plan, shown in drawing as and where basis.

HANDED OVER

J.B. Sharma

23/7/2019

JAI BHAGWAN

OVERSEER / L&DO

TAKEN OVER

M

M.K. Srivastava
M.K. SRIVASTAVA
23.7.19
AEN / LAND / DMRC

FURTHER

HANDED OVER

M

M.K. Srivastava

M.K. SRIVASTAVA
23.7.19

AEN / LAND / DMRC

TAKEN OVER

A.S.

23/7/19

AVINASH SAHU
XEN / CPM3 / DMRC

ANNEXURE R-1/7

Office of CPM-3
Delhi Metro Rail Corporation Ltd.
Diary No. 23/1
Date 23-1-13

71

Form "E"
(See Rule 6)
TREE OFFICER AND DEPUTY CONSERVATOR OF FORESTS
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF FOREST & WILDLIFE
SOUTH FOREST DIVISION, NEAR DR. KARHI SINGH SHOOTING RANGE, NEW DELHI - 44

Annexure-B

No. R.895 TO (S)/TC-Felling/17-12/4609/467

Dated: 22/1/13

Subject:- Permission to fell tree(s).

With reference to his/her application dated 20/1/13 for grant of permission to fell trees, Sh. Sahadeva Singh, Chief Project Manager - 3 DMRC Ltd, Tuglak Crescent Park, Tagore, New Delhi is hereby informed that he/she is granted permission to fell the trees (as per details indicated below) on the property situated at Blk B, Hazrat Nizamuddin Metro Station, Muzaffarabad Corridor subject to the satisfaction of the terms and conditions herein specified:

Details of trees			
S.No.	Species of trees	No. of trees	Remarks
1.	List of trees (Nos 1290) as attached	(Permitted to be cut-down)	Permission is granted for felling of affected trees

(Raja Gopal Prashant), IFS
Tree Officer and Deputy Conservator of
Forests (South Forest Division)

To,

Sh. Sahadeva Singh, Chief Project Manager - 3 DMRC Ltd
Tuglak Crescent Park, Tagore, Road, New Delhi 11

Terms & Conditions

1. The Range Forest Officer shall mark the tree, before cutting them.
2. The applicant shall deposit a sum of Rs. 3978200/- (Rupees Three Crore Ninety seven Lakh Thousand Only) as security deposit with the office of Tree Officer. Half of the security deposit is refundable on establishment of compensatory plantation of tree(s) required at Sl.No.9 below and the remaining half will be utilized by the Forest Department for raising compensatory plantation on Government land of equal number of trees as at Sl.No.9 below.
3. Permission to fell the trees is granted at the risk of the applicant and without prejudice to the claim(s) of any other person/s who may be having any right(s) over the land or the tree.
4. The applicant shall ensure that there is no pending litigation or stay order passed by any court of law/other authority before undertaking felling of trees.
5. Felling of trees shall be completed within 60 days.
6. Material produced from felled trees shall not be removed or disposed without permission of the Tree Officer.
7. The applicant shall send the forest produce arising out of felling and tops and branches arising out of pruning/topping/pollarding of trees being transplanted to the nearest public crematorium managed by MCD/NDMC under proper receipt and at his expense. He shall submit copy of the receipt obtained from such crematorium to this office.
8. Pruning/Lopping/Pollarding of trees to be transplanted and transportation of forest produce arising therefrom to the public crematorium shall be completed within 60 days.
9. The applicant shall raise compensatory plantation of tree(s) as mentioned below during the ensuing/next planting season at the site or near it, including in the nearest ridge area:

S.No.	Species	No.
1.	Native tree species such as Bargad, Pipal, Palkhan, Gular, Anjeer, Ronj, Dhak, Bistendu, Babul, Mahua, Ber, Amaltas etc.	1290 (Equal number will also be planted by Forest Department on Government land)

10. The applicant shall ensure that transplanting of trees, if any, is done by a qualified and experienced agency and all the necessary measures should be taken to ensure survival of trees transplanted. The land where transplanting is to be done should be got approved by the tree officer. To the extent possible, the trees shall be transplanted without damaging their crown structure.
11. In the event of failure on the part of the permission holder to plant the trees as indicated at serial number 9 above, the plantation will be got done by the Tree Officer and the cost of plantation shall be recovered from the applicant by way of adjustment against the security deposit made by the permit holder; and/or by way recovery as arrears of land revenue.
12. The stumps of the trees (1.2 metres from ground level) shall be transported/delivered by the applicant to FTO Nursery, T Junction Bhairon Marg, New Delhi at his own cost and shall obtain due acknowledgement/receipt from the Nursery In-Charge

Copy submitted for information to:-

1. The Secretary of Forests, Government of National Capital Territory of Delhi.
2. The Ranger Forest Officer.

Swi
21.1.13

S.No.	Species	No.	
1.	Native tree species such as Bargad, Pipal, Palkhan, Gular, Anjeer, Ronj, Dhak, Bistendu, Babul, Mahua, Ber, Amaltas etc.	1290	✓

(Raja Gopal Prashant), IFS
Tree Officer and Deputy Conservator of
Forests (South Forest Division)

[TO BE PUBLISHED IN PART IV OF THE DELHI GAZETTE - EXTRAORDINARY]

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF ENVIRONMENT, FORESTS & WILDLIFE
VI-LEVEL, C-WING, DELHI SECRETARIAT
I.P. ESTATE, NEW DELHI - 110 002.

F.No.R-895/TO(S)/TC-Felling/11-126680-90,

Dated: // January, 2013

NOTIFICATION

Whereas the Government of National Capital Territory of Delhi considers it necessary to do so in the public interest,

Now, therefore, in exercise of the powers conferred by Section 29 of the Delhi Preservation of Trees Act, 1994 (Delhi Act 11 of 1994), the Government of National Capital Territory of Delhi hereby exempts an area of 58.59 ha as detailed below for construction of Delhi MRTS Project, Phase-III from the provisions of Sub-section (3) of Section 9 of the said Act,

Sl no	location	Extent of area (ha)	No. of trees required to be removed	Compensatory plantation required (No. of trees)
1	Jama Masjid station of Central sectt -Kashmere Gate corridor	2.89	312	3120
2	Yamuna Bank to Yamuna Vihar of Yamuna Vihar-MukundPur Corridor	46.20	2037	20370
3	Bhikhaji to Hazrat Nizammudin of Yamuna Vihar -Mukundpur Corridor	9.50	1290	12900
	Total	58.59	3639	36390

The exemption is subject to fulfilment of the following conditions:

- a) The applicant shall make an advance deposit of an amount of Rs. 11,20,81200/- (Rupees Eleven Crore Twenty Lakh Eighty One Thousand Two Hundred Only) for creation and maintenance of compensatory plantation for a period of 5 (five) years as follows:

Project No.	No. of Saplings to be Planted	Total Amount including other Administrative expenses	To be Deposited with Forest Division
1	3120	96,09,600/-	DCF (South)
2	12900	3,97,32000/-	
3	20370	6,27,39600/-	DCF (North)
Total	36390	11,20,81200/-	

ANNEXURE R-1/9

दूरभाष Tel. 23417910/12
फैक्स Fax : 23417921



दिल्ली मेट्रो रेल कॉर्पोरेशन लि० DELHI METRO RAIL CORPORATION LTD.

(भारत सरकार एवं दिल्ली सरकार का संयुक्त उपक्रम)
(A JOINT VENTURE OF GOVERNMENT OF INDIA AND GOVT. OF DELHI)

73

DMRC/Land/15/MKP_YV/1340/24

Date: 16.01.2013

The Dy. Conservator of Forests,
Cum Tree Officer (South)
South Forest Division,
Shooting Range, Tuglakabad,
Deihi.

Sub.: Cutting/transplanting of 1290 nos. tree affected due to construction of Bhikaji Kama to Hazrat Nizammudin stretch of Yamuna vihar- Mukundpur corridor of Delhi MRTS Project, Phase-III.

Ref- FNo. R-895/TO(S)/TC-Felling/11-12/6680-90 dtd 11.01.2013

Sir,

With reference to above notification & subject please find enclosed herewith the DD no 723787 dated 16.01.2013 of SBI payable to "DDO & DCF(South) amounting ₹ 3,97,32,000.00 (Rupees Three crore ninety seven lacs thirty two thousand only).

Further it is clarified that compensatory plantation of 12900 trees may be taken up by the forest department on behalf of the DMRC and the full security amount may be adjusted.

It is requested to grant the permission at the earliest.

Yours faithfully,

Encls: As above,


(A.K. Roy)
Dy. Chief Engineer/General

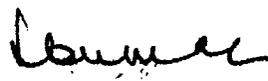


(मेट्रो भवन, फायर ब्रिगेड लेन, बाराखम्बा रोड, नई दिल्ली-110001)

Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi-110001

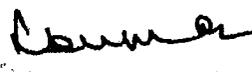
- 721
- b) The compensatory plantation will be raised and maintained for 5 (five) years at Tilpath valley land provided by the DDA.
- c) The wood obtained on removal of trees shall be handed over by the DMRC to the officials concerned of MCD for its use on public crematoria in Delhi in consultation with the territorial DCFs.

By order and in the name of the
Lt. Governor of the National Capital Territory of Delhi,


(Sanjiv Kumar)
Secretary (Env. & Forests)

Copy forwarded to:-

1. The Pr. Secretary to Lt. Governor, Govt. of NCT of Delhi, Raj Niwas, Delhi.
2. The Pr. Secretary to the Hon'ble Chief Minister Govt. of NCT of Delhi.
3. The Pr. Secretary (Law, Justice & L.A.), Govt. of NCT of Delhi Sectt., New Delhi.
4. The Addl. Principal Chief Conservator of Forests, Govt. of NCT of Delhi, New Delhi.
5. The Chief Project Manager-2, DMRC, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi with the request to ensure that the wood, after removal of trees, should find its way for use in Public Crematoria in Delhi.
6. The Chief Engineer/General, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi.
7. The Dy. Chief Engineer/ General, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi.
8. The Dy. Conservator of Forests (South), South Forest Division, Near Karni Shooting Range, Tughlaqabad Delhi, for information and necessary action.
9. The Dy. Conservator of Forests (North), North Forest Division, Kamla Nehru Ridge, Delhi-110007 for information and necessary action.
10. The Dy. Conservator of Forests (West), West Forest Division, Mandir Lane, Delhi for information and necessary action.
11. The Deputy Secretary (GAD), Govt. of NCT of Delhi Sectt., New Delhi with Hindi version (two copies each) for publication in the Delhi Gazette Part IV - Extraordinary and with the request to supply at least 10 copies of the Gazette to this Department for necessary action and record.
12. Guard file.


(Sanjiv Kumar)
Secretary (Env. & Forests)

IN THE COURT OF

National Green Tribunal, Principal Bench,
New Delhi

Suit No. _____

JURISDICTION of 20_____

In

Residents of Delhi, Through Shobha Aggarwal
Plaintiff / Petitioner / Complainant

75

VERSUS

Delhi Metro Rail Corporation Ltd. Defdt. / Respt.

KNOW ALL to whom these present shall come that I / We Delhi Metro Rail Corporation.

The above named Respondent No. 2 do hereby appoint

(herein after called by advocate/s) to be my/our Advocate in the above-noted case authorise him:-

To act, appear and plead in the above-noted case in this court or in any other Court in which the same may be tried or heard and also in the appellate court including High Court subject to payment of fees separately for each court by me/us.

To sign file, verify and present pleadings, appeals cross-objections or petitions for execution, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may deemed necessary or proper for the prosecution of the said case in all its stages subjects to payment of fees for each stage.

To file and take back documents, to admit and /or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

The deposit, draw and receive money, cheques, case and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

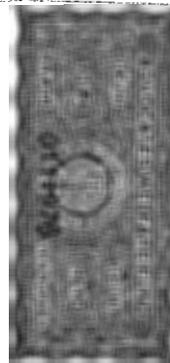
And I/We undersigned that I/We or my/our duly authorised agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 17 day September of 2019

Accepted subject to the terms of the fees



Advocate

SANJAY V. KUTE
General Manager/Legal
Delhi Metro Rail Corpn. Ltd
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road, New Delhi.

36

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

Case No.: DA No. 65/2019

IN THE MATTER OF:

Resident of Delhi, Through Shobha Agarwal

Versus

Delhi Metro Rail Corporation 2019

PROOF OF SERVICE

APPLICANT
RESPONDENT NO.1
RESPONDENT NO.2
RESPONDENT NO.3
RESPONDENT NO.4
RESPONDENT NO.5
RESPONDENT NO.6
RESPONDENT NO.7
RESPONDENT NO.8
RESPONDENT NO.9
RESPONDENT NO.10

Recd for Salik Shastri Adv. Jan 18 10:51/19

ED394001497 IN IVR:6968394001497
 SP SUPREME COURT SO <110001>
 Counter No:7.18/09/2019.11:14
 To:UNION OF INDI THROUGH SEC GOVT
 PIN:110003, Lodi Road HD
 From:A D N RAO, SUPREME COURT OF
 Wt:150gms
 Amt:29.50 (Cash) Tax:4.50
 <Track on www.indiapost.gov.in>
 <Dial 1800 266 6868>



ED394001495 IN IVR:6968394001495
 SP SUPREME COURT SO <110000>
 Counter No:7.18/09/2019.11:14
 To:MINISTRY OF U. NIRMAL BHAWAN
 PIN:110011, Nirman Bhawan SO
 From:A D N RAO, SUPREME COURT OF
 Wt:145gms
 Amt:29.50 (Cash) Tax:4.50
 <Track on www.indiapost.gov.in>
 <Dial 1800 266 6868>



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ED394001500 IN IVR:6968394001500
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 From:A D N RAO, SUPREME COURT OF
 Wt:145gms
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 <Track on www.indiapost.gov.in>
 <Dial 1800 266 6868>

