

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A. No. 287/2022

IN THE MATTER OF:

AMIT KISHORE

.... APPLICANTS

VERSUS

U.P.S.P.C.B.

... RESPONDENTS

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DEFENDANT

Through Counsel

(VIBHAV MISHRA)

Ch: 221, C.K. Daphtary Block,
Tilak Lane, Supreme Court of India,
New Delhi-110001

Place: New Delhi

Dated:

(M) - 9473 56566

(E) - vibhavamishra@outlook.in

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

O.A. No. 287 of 2022

IN THE MATTER OF:

Amit Kishore & Ors. ... Applicants

Versus

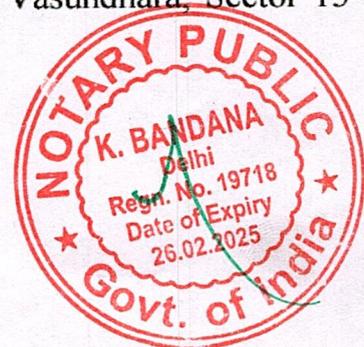
U.P. S.P.C.B. & Ors ... Respondents

**AFFIDAVIT OF RESPONDENT NO. 2 MUNICIPAL
COMMISSIONER, GHAZIABAD**

I, Dr. Nitin Gaur, Municipal Commissioner of the Ghaziabad Nagar Nigam, Office at Nagar Nigam Ghaziabad, Navyug Market, Opposite Old Bus Stand, Ghaziabad-201001, do solemnly affirm and depose on oath as under:-

PRESENTLY AT DELHI

1. That I am the Municipal Commissioner of the Ghaziabad Nagar Nigam and as such well conversant with the facts and circumstances of the present case.
2. That this Hon'ble Tribunal vide order dated 27.09.2022 has ordered to file a fresh affidavit in the terms of the order dated 29.04.2022 inter-alia highlighting the status of the green belts, encroachment on the green belts, if any, and the modus and status of the 63 iron made shops placed in the Vasundhara, Sector 15 area of Municipality of Ghaziabad.



3. That vide affidavit dated 26.07.2022 by the predecessor Municipal Commissioner Shri Mahendra Singh Tanwar, it was appraised to the Hon'ble Tribunal that vide meeting of the District Urban Development Authority (DUDA) dated 18.02.2021, four vending zones were identified namely as under:-
- a) 60 kiosk against 61 street vendor on Kanya Vedic Girls Inter College.
 - b) 43 kiosk against 131 street vendor opposite computer market in Navyug Market.
 - c) 25 kiosk against 60 street vendor under new Ghaiziabad Railway Station Flyover.
 - d) 65 kiosk against 89 street vendor in Vasundhara, Sector 15 & 17.
4. That, against the above said proposal, (d) as above, was executed and 63 iron made shops were installed in the vending zone.
5. That, Awas Vikas Parishad has deposed in their reply dated 05.09.2022 that the place (d) as above was green belt and therefore the proposal of installing make-shift shops was contrary to the green ethos.
6. That, vide order dated 01.11.2022, the deponent has issued D.O. to Shri Arun Kumar Yadav, Additional Municipal Commissioner, the Zonal Officer and I/C Udyaan Vibhag inter-alia asking them to



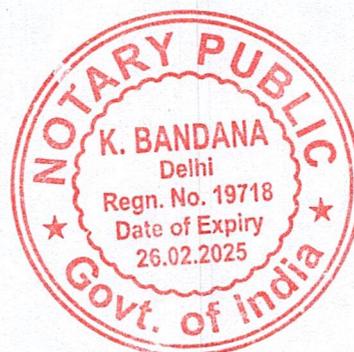
place correct position as to the nature of dispute and land in question.

7. That, one more report dated 27.09.2022 was also place on record before this Hon'ble Tribunal wherein the details of 202 parks were provided to the Hon'ble Tribunal as against 123 parks and 80 open space mentioned in the application filed by the Petitioner.
8. That, the total number of parks and open space in the Municipal limits of Ghaziabad, as currently maintained are 202. The nature of one park is subject to the outcome of Civil Appeal No. 5921/2022 titled Narendra Bhardwaj v. M/s 108 Super Complex RWA & Others pending before the Hon'ble Supreme Court which is why the detail of the above park has not been included in the list of 202 parks.
9. That, the Ghaziabad Nagar Nigam on 03.11.2022 has removed all make shift structures, the photograph of which is annexed herewith and marked as **Annexure-R-1**.
10. That, as on date the entire area as prayed by the Applicant has been restored to its original position as was at the time when the place was handed over to the Ghaziabad Nagar Nigam by the U.P. Awas Vikas Parishad.
11. That, in compliance with the order dated 27.09.2022, the google images of site in question claimed by the Applicant to the green



belts before and after execution of the vending zone project in Sector 15 is annexed herewith and marked as **Annexure-R-2**.

12. That, in compliance of the order dated 27.09.2022, it is submitted before the Hon'ble Tribunal that the project of vending zone was proposed by DUDA in its meeting dated 18.02.2021 and the shops were installed in September 2021.
13. That for the identification of the vendor, list was prepared by the members of the TVC and concerned zonal officer collectively through lottery/draw.
14. That, the list of the allottees who got their Kiosk made through Baldev Fabricators on the vending zones of Sector 15, Ghaziabad is annexed herewith and marked as **Annexure-R-3**.
15. That, for the above said project, the site was in front of CWR Overhead tank.
16. That, the entire width of the constructed road is 25.5 meter (including median). The width of the median is 11.00 meters. On the left side and right side towards Delhi, the buffer area for road expansion is 8.00 meter and 7.15 meter respectively. After buffer area, there is sewage drain width 1.65 meter and 1.35 meter respectively. After sewage drain there is a CWR overhead tank on the left side of the road towards Delhi. The measurement map is annexed herewith as **ANNEXURE R-4**.



- 17. That, the total expenditure incurred to the Ghaziabad Nagar Nigam for the installation of kiosk is zero. After lottery / draw the street vendor paid money to the fabricator. No amount was collected by the Ghaziabad Nagar Nigam either for the installation or against license fee. The project was solely meant for the beautification of city and upgradation of street vendors.
- 18. That, as on date, the status of impugned area has been restored to the original state as was when handed-over to the Ghaziabad Nagar Nigam by the U.P. Awas Vikas Parishad.
- 19. That, there is no encroachment on any green belt in the green spaces maintained by the Ghaziabad Nagar Nigam.
- 20. That, all information as above has been deposed from the material available on record and nothing material has been concealed herefrom.

NAC

DEPONENT

VERIFICATION

Verified at Delhi on 19th day of November, 2022 that the above contents of present affidavit are true and best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

IDENTIFIED
CA-8236-2016

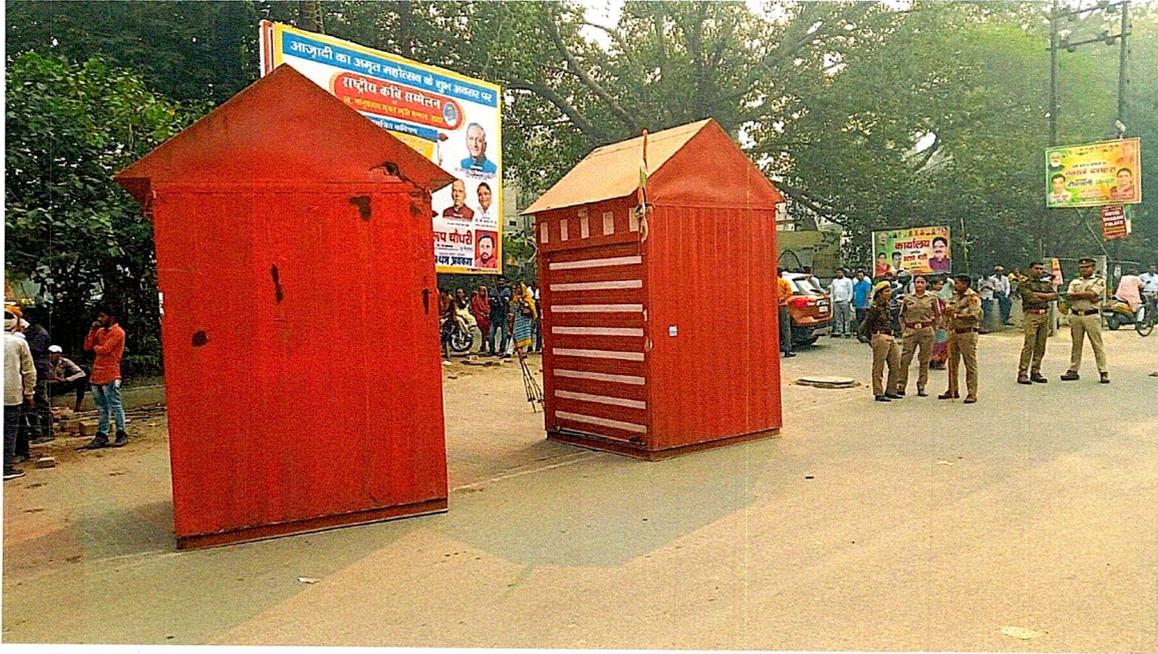
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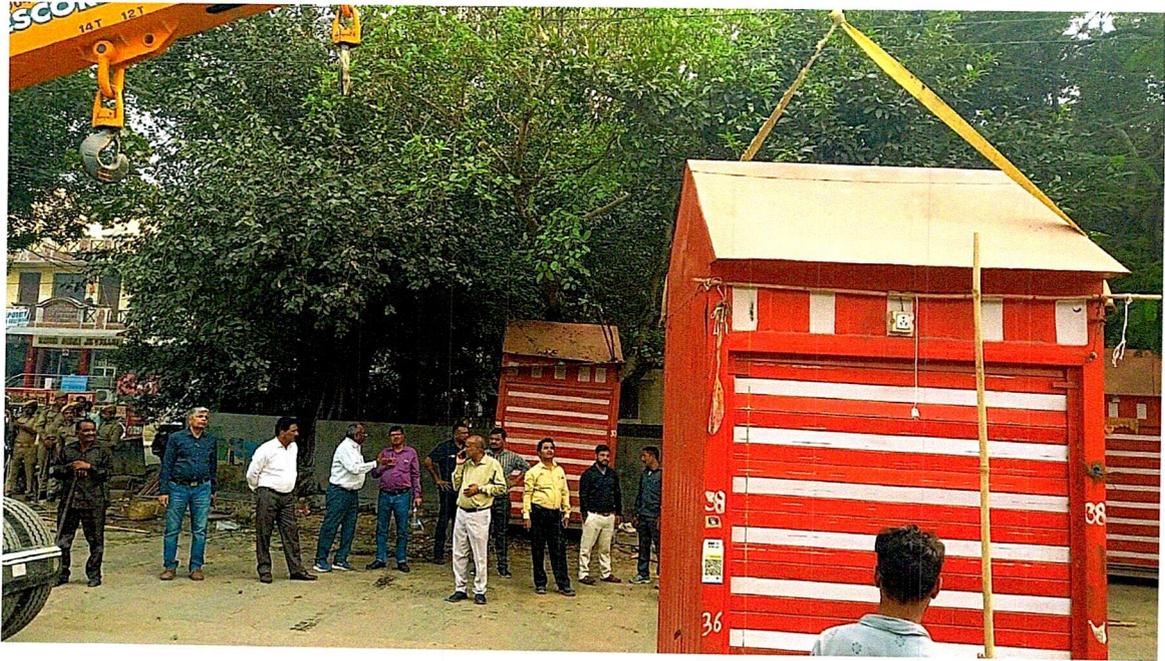
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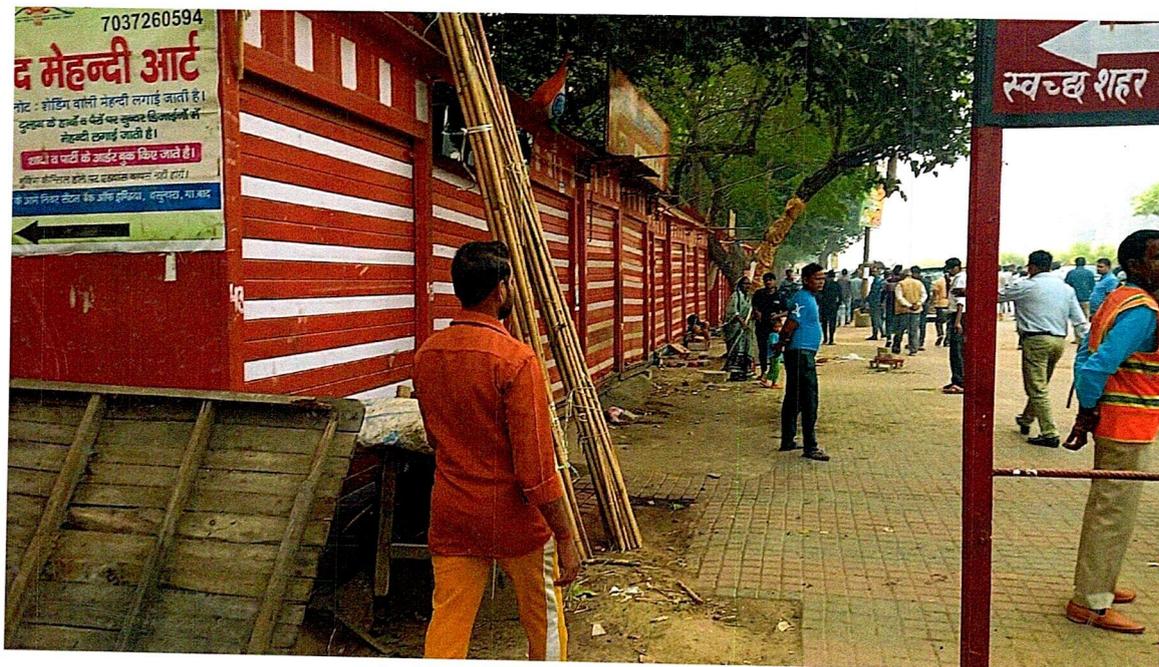
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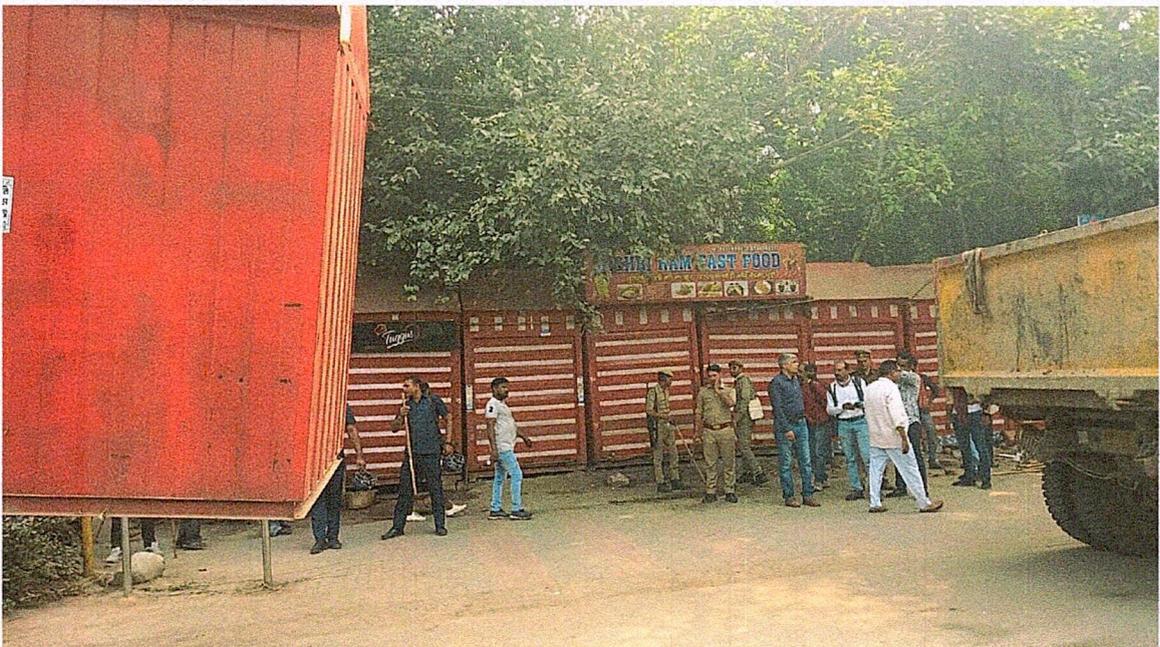
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GOVT. OF INDIA
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Vasundhara Sec.15 Oct 2020

ANNEXURE
Legend

R-2

236

- Dr Pankaj Garg
- Feature 1
- Feature 2
- Kamal Dhaba
- RAHUL DAIRY
- RAHUL DAIRY
- Sector 15 Park
- TAMARA
- Vasundhara Sub Post Office



Google Earth

Image © 2022 Maxar Technologies

90 m

Vasundhara Sec.15 March 2022

237

Legend

-  Dr Pankaj Garg
-  Feature 1
-  Feature 2
-  Kamal Dhaba
-  RAHUL DAIRY
-  RAHUL DAIRY
-  Sector 15 Park
-  TAMARA
-  Vasundhara Sub Post Office



Google Earth

Image © 2022, Maxar Technologies

SHIKHAR ENCLAVE 90 m

VASUNDHRA SEC-13-16

(97)
ANNEXURE R-3

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No	NAME	ADVANCE	BALANCE		TOTAL
1.	Subhash Chandra	35,000	94,800		129800
2.	Sachin Gupta	35000	94800		129800
3.	Rakesh	34000	958000		129800
4.	Satees Sharma	34000	958000		129800
5.	Hari Shankar	34000	69000	26800	129800
6.	Jamuna Kumar	35000	94900		129800
7.	Babita	35000	94800		129800
8.	Banti	35000	50000	45000	130000
9.	Mustafa	30000	50000		
10.	Muzafar Khan	33995	50000		
11.	Neera	35000	50000	30000	
12.	Anjali	35000	40000	54800	129800
13.	Jitendra	35000	50000	44800	129800
14.	Sarfaraj	35000	94800		129800
15.	Chandan	35000	94800		129800
16.	Raju	35000	94000		129000
17.	Satesh	35000			
18.	Vikram	30000	49000		
19.	Rampal	33000	96800		129800
20.	Sunil Kumar	35000	94800		129800
21.	Naresh Prasad	35000	94800	44800	129800
22.	Kamaludeen	94800	35000		129800
23.	Sunil Gupta	129800			129800
24.	Usha	30000	50000		
25.	Sunil Sharma	50000	79800		129800
26.	Amit Juneja	50000	79800		129800
27.	Ravi(Naveen)	100000	29800		129800
28.	Chetan	100000			
29.	Suresh Kumar	129800			129800
30.	Krishna	130000			130000
31.	Sanjay Gola	129800			129800
32.	Avinash	79800	50000		129800
33.	Trilok	65000			129800

For BALDEV FABRICATION

[Signature]

(96)

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34.	Arvind Kumar	129800			129800
35.	Reena Singh	129800			129800
36.	Ajit-PhonePay	50000	50000+29800		129800
37.	Jyoti Arora	129800			129800
38.	Anshu Mittal RS & asso.	129800			129800
39.	Kartik Sharma LL asso.	129800			129800
40.	Navin Kumar	29800			
41.	Rubi Gupta	20000	15000+59000		
42.	Ritu	20000	20000	29000+60800	129800
43.	Seema	129800			129800
44.	Rakesh Pandey	129800			129800
45.	Daya Rani	129800			129800
46.	Yogesh Kumar	129800			129800
47.	K.K Chemist	129800			129800
48.	Savita	129800			129800
49.	Lav Kumar	129800	29800		159600
50.	Intizar	40000			
51.	Sumit Kumar	50000			
52.	Akbar Ali	30000			
	Avinash	50000			

S3- PRA SHANT KUMAR 1,30,000

S4- IMPS - 59000

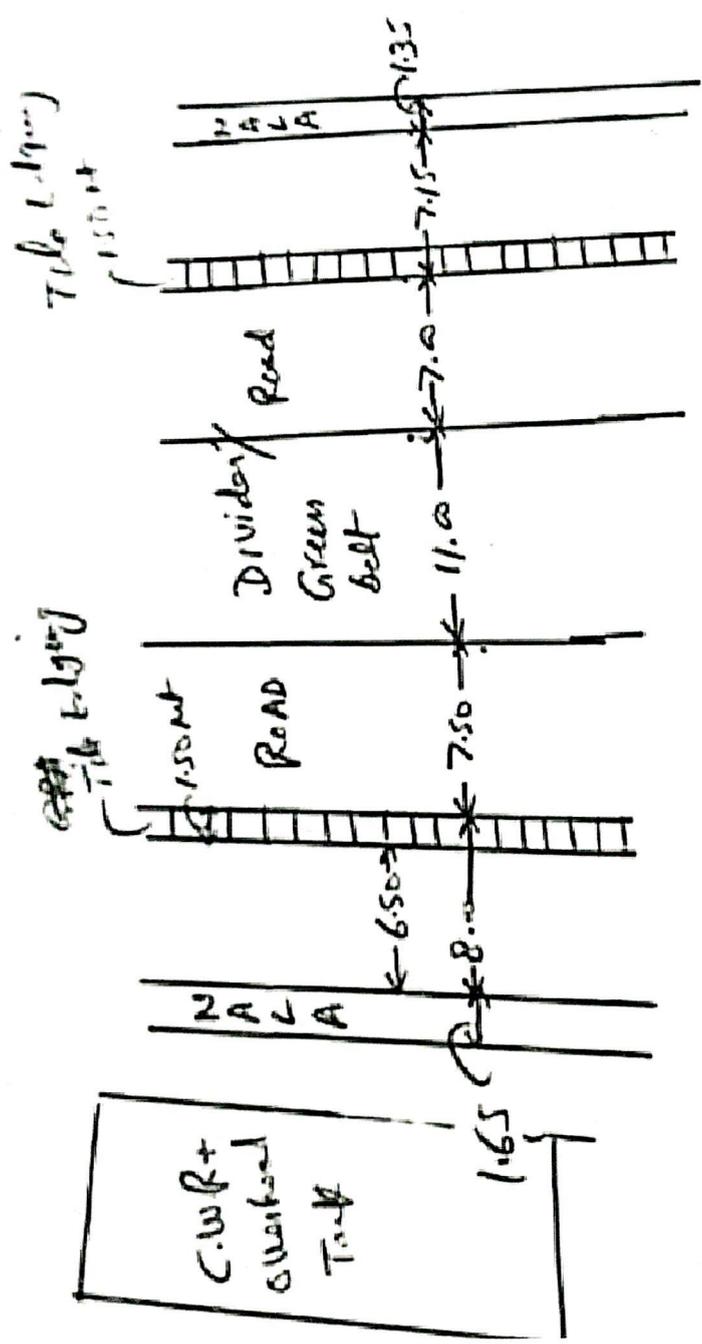
For BALDEV FABRICATION

Baldev

Partner

ANNEXURE R-4

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ALL DIMENSION IN METRE

Praveen Kumar
 JDE

Praveen Kumar
 JDE