

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

O.A. No. 521 of 2024

IN THE MATTER OF:

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

Versus

Delhi Pollution Control Committee and Others

...Respondents

INDEX

S.NO	PARTICULARS	PG NO.
1.	Short Affidavit on behalf of Respondent No.4/ Delhi Development Authority in compliance of order dated 29.08.2024	1-4
2.	<u>Annexure A-1</u> Copy of letter dated 06.08.2024 issued by Institutional Land Branch, Delhi Development Authority	5
3.	<u>Annexure A-2</u> Copy of letter dated 19.09.2024 issued by Deputy Commissioner, South Zone, MCD	6
4.	<u>Annexure A-3</u> Copy of letter dated 08.10.2024 issued by Assistant Engineer-I, SMD-5, Delhi Development Authority	7
5.	<u>Annexure A-4</u> Copy of letter dated 25.10.2024 2024 issued by Executive Engineer, SMD-5, Delhi Development Authority	8-9

THROUGH



PRABHSAHAY KAUR

STANDING COUNSEL FOR DDA

L-24, 2 nd Floor, Hauz Khas Enclave,

New Delhi-110016

Ph: 9810158581

Email: sahayk@gmail.com

New Delhi

Dated: 10.12.2024

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

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IN THE MATTER OF:

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

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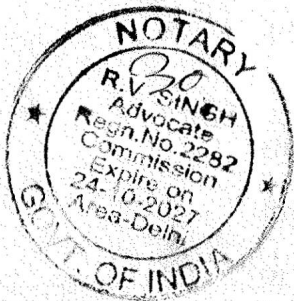
...Respondents

**SHORT AFFIDAVIT ON BEHALF OF RESPONDENT
NO.4/ DELHI DEVELOPMENT AUTHORITY**

MOST RESPECTFULLY SHOWETH:

I, Sachin Kumar, S/o Shri Netrapal Singh, Aged about 36 years, currently posted as Executive Engineer, SMD-5, DDA, Vikas Sadan, INA, New Delhi, do hereby solemnly affirm and declare as under:

1. The Deponent is well conversant with the facts and circumstances of the case, as per the records maintained by the Department, and as such competent to swear and depose the present Affidavit. The present Affidavit is being filed in terms of Order dated 29.08.2024 passed by this Hon'ble Tribunal in the captioned Application, O.A. No. 521 of 2024.
2. It is respectfully submitted that the present matter was registered *suo moto* on the basis of News item titled "A

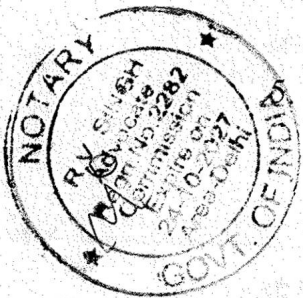



[Signature]
Executive Engineer
SMD-5, DDA, PVC
Asiad Village, N.D.-49,

Sangam of filth and apathy this wasteland actually exists in Delhi" appearing in The Times of India dated 07.03.2024. The Hon'ble Tribunal in the present matter is examining the issue of poor condition of the sewage and management of the solid waste in the light in Sangam Vihar, Delhi emitting foul smell and creating health hazard.

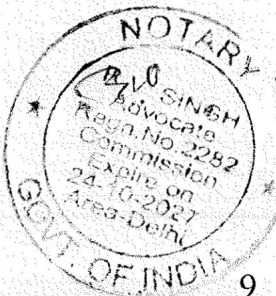
3. It is submitted that on 29.08.2024, it was apprised to the Hon'ble Tribunal by MCD that a request has been made to the Answering Respondent/DDA for providing space/land for the purpose of setting up the FCTS in the concerned ward. Thereafter, this Hon'ble Tribunal directed to implead Delhi Development Authority as a Respondent and directed the Answering Respondent to file its response.
4. It is respectfully submitted that the Institutional Land Branch allotted a land at Sangam Vihar – A, Ward No. 163 in South Zone, Delhi for construction of Waste Management Facility. Vide letter dated 06.08.2024, the Institutional Branch intimated the Engineering Department of the Answering Respondent/DDA to hand over the entire land bearing Khasra No. 134 (near chauhan sweets on the main Bandh Road) to MCD for construction of waste management facility. True Copy of letter dated 06.08.2024 issued by Institutional Land Branch, Delhi Development Authority is annexed herewith and marked as "Annexure A-1".

Pursuant thereto a joint visit was conducted by concerned site staff along with concerned councillor, BDO staff of Delhi Govt. And MCD officials on 28.08.2024. It was decided to hand over the said land to MCD on "as is where is" basis on 10.09.2024.




Executive Engineer
SMI AGVC
Asiad village, N.D.-49,

6. On 10.09.2024, the handing over of the subject land could not take place due to absence of proper physical demarcation and boundary markings. A letter dated 19.09.2024 was written by the Deputy Commissioner, South Zone, MCD to the Commissioner (LD), DDA requesting for conducting Total Station Survey and providing physical demarcation of the subject land along with survey to ascertain of extent of encroachment. It was further requested to reschedule the handing over of the subject land pursuant to completion of the aforesaid formalities. Letter dated 19.09.2024 issued by Deputy Commissioner, South Zone, MCD is annexed herewith and marked as **'Annexure A-2'**.
7. Vide letter dated 08.10.2024, the Answering Respondent/DDA informed the Station House Officer of Neb Sarai Police Station, New Delhi that survey and demarcation work of the subject land will be conducted from 15.10.2024 to 18.10.2024. It was requested to the SHO to provide requisite police assistance for the said purpose. Letter dated 08.10.2024 issued by Assistant Engineer-I, SMD-5, Delhi Development Authority is annexed herewith and marked as **'Annexure A-3'**.
8. It is submitted that pursuant to the demarcation of the subject land, the handing over of the land admeasuring 16765.07 sq meter, i.e. entire Khasra No. 134, near Chauhan Sweets on the Main Bandh Road to MCD officials for construction of Waste Management Facility was completed on 24.10.2024. Letter dated 25.10.2024 issued by Executive Engineer, SMD-5, Delhi Development Authority is annexed herewith and marked as **'Annexure A-4'**.
9. It is therefore submitted that the Answering Respondent has duly handed over the subject land to the MCD on 25.10.2024




 Executive Engineer
 SMD-5, DDA, GVC
 Asiad Village, N.D.-49,

DELHI DEVELOPMENT AUTHORITY
INSTITUTIONAL LAND BRANCH
A-216, Vikas Sadan, INA, New Delhi-110023

No. F. LD/IL/0011/2023/GOVT/23-INSTITUTIONAL LAND-I/1703
 (E-63935)

Dated: -06/08/2024

To,

The Dy. Commissioner,
 South Zone, MCD,
 Aurobindo Marg, Green Park,
 New Delhi-110016.


Sub: **Handing over / taking over of land measuring 16765.07 Sqm. to MCD (whole Khasra no. 134) near Chauhan Sweets (on main Bandh Road), in Sangam Vihar-a Ward No. 163 in south Zone, Delhi for construction of Waste Management facility.**

Sir,

This is with reference to your letter No. EE (EMS)/SZ/2024/D-146 dated 24.06.2024 and this office allotment letter No- 1590 dated 21.06.2024.


In this regard, it is informed that for taking over physical possession of the land measuring 16765.07 Sqm. (whole Khasra no. 134) near Chauhan Sweets (on main Bandh Road), in Sangam Vihar-A Ward No. 163 in South Zone, Delhi for construction of Waste Management facility, you are requested to depute your authorized representative to contact **Executive Engineer (SMD-V), DDA Sarita Vihar New Delhi -110076** to fix up the date and time for handing/taking over the physical possession of the above mentioned land within 15 days from the date of issue of this letter.

Encl: TSS Plan.


 (Bhaskar Tiwari)
 Dy. Director (IL)

Copy to: -

1. Commissioner (Plg.) DDA, Vikas Minar, New Delhi-110002.
2. Commissioner (LM), DDA, Vikas Sadan, New Delhi-110023.
3. Additional Commissioner (Landscape), DDA, Vikas Minar, New Delhi-110002.
4. Chief Engineer (SZ), DDA, Vikas Minar, New Delhi-110002.
5. Executive Engineer (SMD-V), Sarita Vihar New Delhi -110076 with the request to direct concerned official to hand over the physical possession to authorized representative of MCD land measuring **16765.07 Sqm.** (whole Khasra no. 134) near Chauhan Sweets (on main Bandh Road), in Sangam Vihar-A Ward No. 163 in South Zone, Delhi and intimate to this office for our record along with copy of possession plan.
6. Dy. Director (Survey) LD, DDA, Vikas Sadan, New Delhi.


 Dy. Director (IL)



MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE DEPUTY COMMISSIONER
(AUROBINDO MARG, GREEN PARK, NEW DELHI 110016)

6

No. EE/EMS/SZ/2024/D-243

Dated 19/09/2024

To,

The Commissioner (LD),
Delhi Development Authority,
Institutional Land Branch,
A-block, 2nd Floor, Vikas Sadan,
INA, New Delhi.

Subject: - Request for Identification/Demarcation/Surveying of Land Allotted by DDA to MCD measuring 16765.07 sqm (whole khasra no. 134) near Chauhan Sweets (on main Bandh Road), in Sangam Vihar-A, Ward No.163 in South Zone.

- Ref:
1. DDA Letter No. LD/IL/0011/2023/GOVT/23-IL-1/1590 dated 21/06/2024
 2. MCD letter No. EE(EMS)/SZ/2024/D-162 dated 04.07.2024
 3. DDA Letter No. F.LD/IL/0011/2023/GOVT/23-INSTITUTIONAL LAND- 1/1703 dated 06.08.2024
 4. DDA Letter No. Pl(Misc)EE/SMDJ/Dms/2024-25/328 dated 04.09.2024.

This refers to DDA letter dated 04.09.2024 vide which handing over of the subject land to MCD for construction of Waste Management Facility was scheduled for 10.09.2024.

2. In response to DDA's letter (Ref. 4) scheduling the handing over of this land on 10/09/2024, the EMS team from the Municipal Corporation of Delhi (MCD) arrived at the site as per the given timeline. However, the handing over/taking over could not be completed due to the absence of proper physical demarcation and boundary markings. DDA officials were prepared to hand over the land based solely on the Khasra number and on an "as is where is" basis, without providing a clear map or conducting a physical demarcation of the boundaries.
3. For the handing over/taking over to proceed smoothly and without future complications, it is crucial that the land is demarcated properly, with clear boundary markings both on the site and on the map. This will help prevent any potential boundary disputes and ensure that the exact limits of the land are known.
4. In light of the above, it is kindly requested that prior to handing over, DDA should conduct a Total Station Survey (TSS) and provide a physical demarcation of the land along with the extent of encroachment. Thereafter, handing over/taking over process can be rescheduled accordingly. Further, it is also informed that the expenditure on TSS will be incurred by MCD.

Badal Kumar
(Badal Kumar)

Deputy Commissioner
South Zone, MCD

Copy to:

1. Addl. Commissioner (DEMS), MCD
2. Chief Engineer (DEMS)-II
3. SE(DEMS)/SZ
4. Dy. Director (IL), DDA
5. EE(EMS)/SZ

Deputy Commissioner
South Zone, MCD

**DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE ASSISTANT ENGINEER-I
SOUTHERN MAINTENANCE DIVISION-5
A.G.V.C., NEW DELHI-110049**

No. :- F 1(Misc.)AE-I/SMD-5/DDA/2024-25/34

Date :- 08/10/2024

To,

SHO (Station House Officer),
Neb Sarai Police Station,
New Delhi.

Sub: Providing the police Assistance to avoid any hinderance from local public for survey work in Khasra No. 134 at Gram Sabha Land Devli.

It has been decided to carry out **survey and demarcation work** in Khasra No. 134 at gram sabha land, Devli. This operation would be held from **15.10.2024 to 18.10.2024**. The said survey program will be conducted under the supervision of the officers of DDA & MCD with necessary police assistance to avoid any hinderance from local public.

You are, therefore, requested to kindly make available necessary police assistance to the staff of DDA & MCD in order to maintain law and order during the said survey program.

**Assistant Engineer-I
SMD-5, DDA**

Copy to. :-

1. EE/SMD-5/DDA for kind information and necessary action please.
2. Guard file.
3. Concerned file


**Assistant Engineer-I
SMD-5, DDA**

DELHI DEVELOPMENT AUTHORITY
OFFICE OF THE EXECUTIVE ENGINEER
SOUTHERN MAINTENANCE DIVISION-5
A.G.V.C., NEW DELHI, 110049

No. : F1 (Misc) E/0011/2023/GOVT/23-INST/1703/1703 dated 09.08.2024

Date : 25/10/24

To,

The Deputy Director,
LM (South) - II,
A- Block, Vikas Sadan DDA,
INA, New Delhi, 110023

Sub: Handing over of land measuring 16765.07 Sqm to MCD (whole Khasra no. 134) near Chauhan Sweets (on main Bandh Road), in Sangam Vihar-a Ward No. 163 in South Zone, Delhi for construction of Waste Management Facility.

- Ref: 1. Letter No. F.LD/IL/0011/2023/GOVT/23-INSTITUTIONAL LAND-1/1703 dated 09.08.2024
2. Letter No. SZ9162023/DD/LM/SZ/DDA/ 1703 dated 09.08.2024

Please refer to the above cited subject matter. In this regard, it is intimated that the said land is **handed over to MCD officials on 24.10.2024** by concerned JE(C) and AE of this division after demarcation. The copy of handing/ taking over note is enclosed herewith for your ready reference.


It is hereby intimated to your good self for information.

(Sachin Kumar)
Executive Engineer
SMD-5/DDA

Enc: As above.

Copy to:

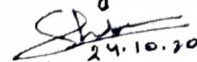
1. CE(SZ) for information please.
2. SE/SCC-2 for information please.
3. DD(IL) A-216 Vikas Sadan INA for information w.r.t. your letter Dated 09.08.2024
4. Sh. Rajeev Ranjan Jha, DEMS south, green park for information.
5. AE-I/ SMD-5 w.r.t. your report.
6. Guard file.



25/10/24
EE/SMD-5

HANDING / TAKING OVER NOTE


With the approval of the competent authority, it was decided to hand over the physical possession of land measuring 16,765.07 sqm bearing Khasra No 134 (whole khasra) near Chauhan Sweets (on main Bandh Road), in Sangam Vihar - a Ward No. 163 in South zone, Delhi to authorised representative of MCD vide letter No. F.LD/IL/0011/2023/GOVT/23-INSTITUTIONAL LAND-1/1703 dated 06.08.2024 issued by Dy. Director (IL)/DDA. In this regard, a letter was issued by Deputy Commissioner (South zone)/MCD vide No. EE/EMS/57/2024/D-243 dated 19.09.2024 requesting for TSS and physical demarcation before handing / taking over of the said land. Complying the same, TSS has been conducted on 15.10.2024 in presence of MCD & DDA officials with police assistance. Subsequently, demarcation of the said land has been planned on 24.10.2024. In this connection, a letter to DCP (South District) has been written by EE/SMD-5/DDA to request police assistance to demarcate the said land on 24.10.2024. Consequently, demarcation has been done physically in presence of concerned JE/DDA, AE/DDA, JE/MCD & AE/MCD today i.e. 24.10.2024 with proper police assistance. After demarcation, the said land is therefore handed over to MCD officials by DDA officials today i.e. 24.10.2024 on 'as is where is basis'.

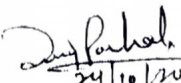
Handing over


24.10.2024
(Shubham Srivastava)
AE-I/SMD-5/DDA


24.10.2024
Rahul Kumar
JE(C)/SMD-5/DDA

Taking over


24/10/24
(RAMRAJ MEENA)
AE/EMS/S2


24/10/2024
(Anuj Kumar)
JE/EMS/S2 (MCD)