

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI

IN

E.A. No. 39/2024

IN

O.A. No. 58/2013

IN THE MATTER OF:

SONYA GHOSH

...APPLICANT

Vs.

GNCTD & ORS.

...RESPONDENT

INDEX

| S.No. | Document | Page No. |
|--------------|--|-----------------|
| 1. | Additional affidavit on behalf of Respondent No. 2 | 1-5 |

RESPONDENT:**Through**

Siddhant Buxy

Advocate for Respondent No.2

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Email: siddhant@vnbchambers.com

Date:05.04.2025

Place: New Delhi

IN THE NATIONAL GREEN TRIBUNAL, NEW DELHI

IN

E.A. No. 39/2024

IN

O.A. No. 58/2013

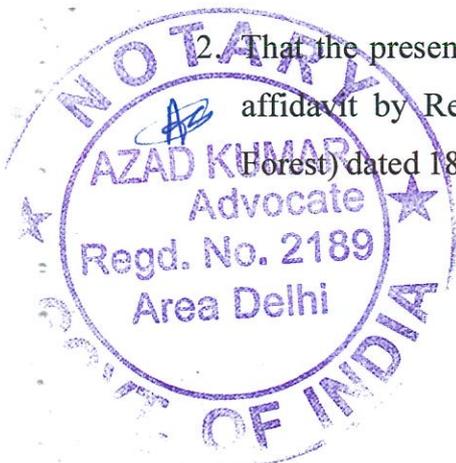
IN THE MATTER OF:

SONYA GHOSH**...APPLICANT****Vs.****GNCTD & ORS.****...RESPONDENT****ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO.2****MOST RESPECTFULLY SHOWETH:**

I, Shyam Sundar Kandpal, S/o Late Sh. Jai Krishan Kandpal, aged about 57 years, currently posted as Additional Principal Chief Conservator of Forests – cum – Head of Department (HoD), Department of Forests and Wildlife, Govt. of National Capital Territory of Delhi i.e. Respondent No. 2, being well conversant with the facts of the case and such duly authorized in my official capacity do hereby solemnly affirm as under:

1. At the outset, it is most respectfully and humbly stated that the deponent of the affidavit has the utmost regard and respect for the majesty of the Hon'ble Court and has in the past, as also the present instance done and will continue to do everything in its power to ensure compliance of the directions issued by this Hon'ble Court.

2. That the present affidavit is being filed in addition to the previously filed affidavit by Respondent No. 1 i.e. Principal Secretary (Environment & Forest) dated 18.03.2025 in compliance of the order dated 17.02.2025 of this



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Hon'ble Tribunal in the present matter giving the status of section 20, Indian Forest Act, 1927 . The relevant part of the order is reproduced below:

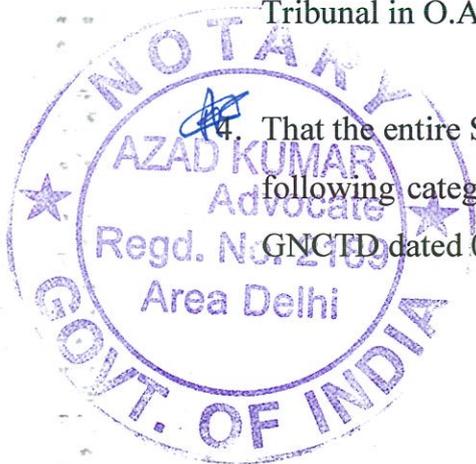
“7. It is not in dispute that the order dated 15.01.2021 of the Tribunal to finalise the notification under Section 20 of the Forest Act, 1927 in respect of the undisputed portion of the ridge has not been complied with. The order was passed by the Tribunal more than four years back, and the ridge in question acts as the green lungs of Delhi and has an active role in maintaining the air quality in Delhi. Thus, compliance with the order within time would have contributed to improvement of air quality in Delhi, yet the order has not been complied with and no clear reasons are given by GNCTD in its affidavit for non-compliance of the order. Counsel appearing for the GNCTD also submits that she has no instruction in this regard.

8. NGT Act 2010 provides for requisite action that may be taken to ensure compliance with the order of the Tribunal. Relevant provisions of the Act in this regard are quoted below:-

9. Thus, we give two weeks to respondent no. 1 to file a fresh affidavit and explain why action be not initiated against concerned authorities/officers of respondent no. 1 in terms of the provisions of NGT Act, 2010.”

3. It is to submit that only Southern Ridge which has been demarcated on ground and has been handed over to the Forest Department after on ‘as is where is’ basis in 2019 in compliance of the directions of this Hon’ble Tribunal in O.A. No. 58/2013.

4. That the entire Southern ridge land was categorized after demarcation in the following categories, as per the affidavit of the Divisional Commissioner, GNCTD, dated 05.04.2019 submitted before this Hon’ble Tribunal:



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- Encroachment free area
- Land where tattima is not available
- Encroachment on forest land
- Forest land allotted to other departments

5. That keeping in view of the land categorization and in compliance of judgment dated 15.01.2021 of this Hon'ble Tribunal, the final notification under section 20, IFA, 1927 has been divided in the following three phases in respect of Southern Ridge:

Phase-I: The following khasra will be taken up in Phase I:

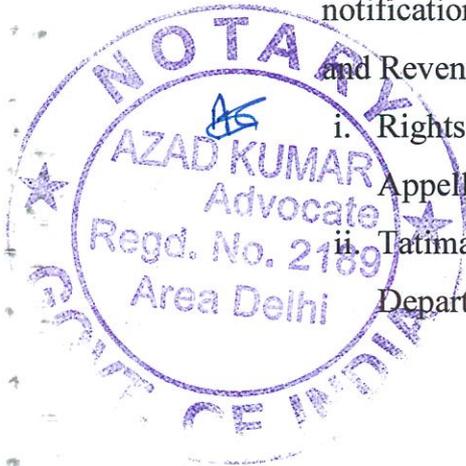
- i. All the khasra which are free from encroachment,
- ii. All the khasra with no pending Tatima proceedings,
- iii. All the khasra in whose respect, no pending litigation before Courts, Forest Settlement Officer (FSO), or Appellate Authority.

Phase-II: The following khasra will be taken up in Phase II:

- i. Where there is encroachment, but no litigations are pending before FSO and Appellate Authority and where Tatima proceedings are not required/pending.
- ii. Which were left during Phase I due to certain reasons.

Phase-III: All the following khasra will be taken up for notification after the completion of required actions by FSO and Revenue Department:

- i. Rights and concessions are yet to be settled by FSO and Appellate Authority.
- ii. Tatima proceedings are yet to be completed by the Revenue Department.



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6. That in compliance with the judgment dated 15.01.2021, draft Phase – I notification in respect of each village of Southern Ridge (i.e., 3630.04 Ha) for final notification under Section 20 of the Indian Forest Act, 1927, were prepared in February 2021 and was submitted for vetting of Department of Law, Justice & Legislative Affairs, GNCTD and concurrence of the Revenue Department.
7. That, out of the above proposed 3630.04 Ha., of area for Phase-I for final notification under Section 20, draft notification in respect of **Chattarpur** and **Rangpuri** having a total area of **96.16 Ha** were approved for issuance of the final notification under section 20 of IFA, 1927 and the final notifications in respect of these two villages were issued after the approval in January, 2022.
8. That in respect of 3526.98 Ha out of 3630.04 Ha. of land proposed for Phase- I, the draft notification in respect of Phase-1 notification of Southern Ridge for final notification under Section 20 of the Indian Forest Act, 1927 was again submitted for vetting of the Department of Law, Justice & Legislative Affairs, GNCTD after incorporating the comments of the Revenue Department (i.e. DM (South), DM (South West) and DM (New Delhi)).
9. That the modified Draft notification was vetted by Law Department on **14.12.2023** was onward submitted for approval of the GNCTD. However, the file was returned to the Forest Department in reference to remarks of Revenue Department for obtaining comments of DDA due to urbanization of villages being part of Southern Ridge, for which the Phase 1 draft notification is being proposed, a shadow file was submitted to the DDA on 09.09.2024 and their comments are still awaited. However, Urbanization



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does not change the status of land designated as Reserved Forests.

10. Further the modified draft phase- I notification under Section 20 of Indian Forest Act, 1927 for 3287.076 hectares area in Southern Ridge Reserve Forest has been again submitted through proper channel for kind approval of the Govt. of NCT of Delhi on 03.04.2025.

11. That the Deponent sincerely believes that the facts and submissions presented in this Affidavit will address the queries directed to be replied by this Hon'ble Tribunal. The Deponent has always endeavored to adhere, diligently and conscientiously to all the statutory and legal obligations, ensuring that all legal mechanisms are scrupulously followed and all directions of passed by this Hon'ble Tribunal are fully complied with. In discharge of his official duties, if any inadvertent error has occurred, the Deponent humbly seeks the forgiveness of this Hon'ble Tribunal. The Deponent once again extends his gratitude for giving him an opportunity to present the true and accurate facts that have transpired in the present matter and affirms his unwavering commitment to comply with any further directions which may be issued by this Hon'ble Tribunal.

[Signature]

DEPONENT
Addl. Chief Conservator of Forest/HoD
& Chief Wildlife Warden
Department of Forest & Wildlife
Govt. of NCT of Delhi
A-Block, 2nd Floor, Vikas Bhawan
IP Estate, New Delhi-110002

VERIFICATION

Verified at Delhi on this the 4 APR 2025 day of April, 2025 that the facts stated

herein above are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed

therefrom

NOTARY PUBLIC
AZAD KUMAR
Advocate
Regd. No. 2189
Area Delhi
GOVT. OF INDIA

ATTESTED
[Signature]

BY NOTARY PUBLIC
NEW DELHI (INDIA)
AZAD KUMAR-Adv.

[Signature]

DEPONENT
Addl. Chief Conservator of Forest/HoD
& Chief Wildlife Warden
Department of Forest & Wildlife
Govt. of NCT of Delhi
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4 APR 2025