

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL

BENCH, NEW DELHI

OA NO. 92 OF 2020

IN THE MATTER OF:

ROYAL AVENUE

RESIDENT WELFARE ASSOCIATION

...APPLICANT

VERSUS

DDA& ORS.

...RESPONDENTS

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NDOH: 26.2.201

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Dhruv

PLACE: NEW DELHI
DATED: 15. 12.2020

(DHRUV TAMTA)
ADVOCATE
CHAMBER NO.331,
NEW LAWYER CHAMBERS,
M.C. SHETALWAD BUILDING,
SUPREME COURT OF INDIA
NEW DELHI -110001
+91-9899989917

Respondent for
D.D.A.

THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW
DELHI

OA NO. 92 OF 2020

IN THE MATTER OF:

ROYAL AVENUE

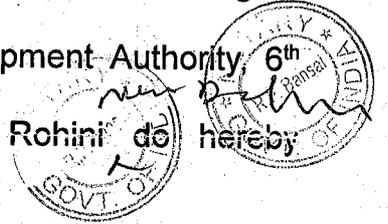
RESIDENT WELFARE ASSOCIATION ...APPLICANT

VERSUS

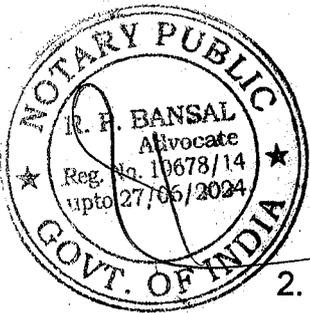
DDA & ORS. ...RESPONDENTS

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.2 – DELHI
DEVELOPMENT AUTHORITY

I, Manohar, S/o Doongar Ram, aged about 29 years working as
Executive Engineer (RMD-VI), Delhi Development Authority, 6th
Floor DDA Building, Madhuban Chowk, Rohini do hereby
solemnly affirm and declare as under:



1. That I am working as Executive Engineer (RMD-VI) of the Respondent No.1, in the above noted matter and as such, am well conversant with the facts and records of the case and hence competent to swear this affidavit on behalf of the Respondent No.1.



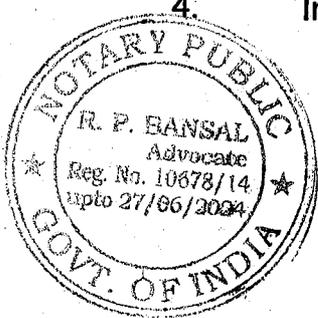
2. At the outset the deponent denies the contents of the application as false and frivolous except what is admitted herein. The present petition is nothing but an abuse process of law.

PARA-WISE REPLY

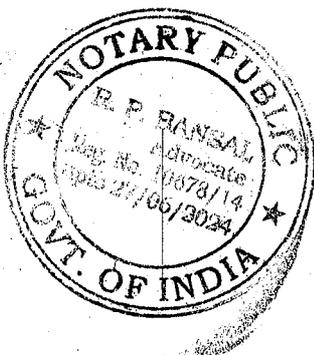
1-2. In reply to para 1-2, it is submitted that it needs no reply.

3. In reply to para 3, it is submitted the said outfall drain from the junction of Sectors 31, 32, 26 & 24 is being constructed to cater the discharge of peripheral drains of various sectors of Phase-IV & V i.e. Sector 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37 & 38 to existing supplementary drain running along Sector-24, Rohini. The supplementary drain is maintained by Irrigation and Flood Control Department, Govt of NCT, Delhi. The outfall drain is being constructed according to the drainage Scheme duly approved by North DMC vide letter no. F1.(12)2018/EE(P)-I/D-57 dt.12.10.2018. It is submitted that ultimately this drain has to be handed over to North DMC for further maintenance. The built up houses in adjacent pockets are quite far from the area in which the work has been taken up at present, therefore, there will be no disturbance on account of execution of work in night hours. The DCP (Traffic) has also given permission for working in night hours only at present. However, a request has been made seeking permission for working round the clock to accommodate such problems of residents.

4. In reply to para 4, it is submitted that it needs no reply.



5. In reply to para 5, it is submitted that the stated green belt has already been surveyed and keeping in view Grievances of the people the drain is re-routed through Service Road of 60 m R/W road.
6. In reply to para 6, it is submitted that it needs no reply.
7. In reply to para 7, it is submitted that the outfall drain is being constructed to cater the discharge of peripheral drains of various sectors of Rohini Phase IV & V, i.e. 27, 28, 29, 30, 31, 32, 34, 35, 36, 37 & 38 to existing supplementary drain running along Sector -24 Rohini. It is further submitted that the Hon'ble Supreme Court of India has been apprised about the construction of this drain.
8. In reply to para 8, it is submitted that the supplementary drain is running along the Sectors 24 & 25 of Rohini and the discharge of all the peripheral drains of various sectors of Phase IV and V Rohini has been brought at the junction of Sectors 31, 32, 26 & 24. According to the drainage scheme approved by North DMC/ MCD which further has to be catered to the existing supplementary drain. The only possibility to cater this discharge of peripheral drains to supplementary drain was either from sector-24 or 26 & 25. These peripheral drains have already been constructed. It is submitted that although, the location of outfall drain has been shown in sector-26 zonal plan but some pieces of land in this sector could not be acquired and some litigation has also come up on some pieces of land under section 24 (2). In this duration, the private builders have constructed pucca structures on this land. The width of outfall drain as

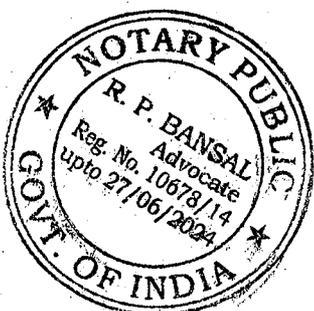


designed capacity comes to 19.50 m wide and due to scarcity of space to construct the said drain at one location in Sector-26 it was decided to construct it in two parts i.e. Part-A & Part-B. Since, some litigation is going on in Part - B drain in Sector-26 and looking into the necessity of disposal of rain water to supplementary drain to avoid flooding of area of Phase IV and V, it was decided to construct Part-A drain passing through Sector-24.

Since, the said drain is being constructed through existing green belt and within the right of way of 28M R/W road in Sector-24 and it has been ensured that there will not be any change in the existing position of green belt / road, the top level of drain passing through green belt will be kept about 2m below existing ground level so that the plantation can be done in complete green belt. Moreover, the road will be restored once the drain work is completed, provision for which has been taken in this agreement.

The proposed drain is storm water drain but it will finally dispose of The discharge of various Peripheral drains to supplementary drain as such named as Outfall Drain.

9. In reply to para 9, it is submitted that there will be no environmental damage on account of construction of this outfall drain since it is being constructed to cater the discharge of rain water only. It is further submitted that the sewer lines in the area had already been laid in the area for disposal of sewerage. The work is being taken up in part



only which has been duly barricaded and also other precautionary measures have been taken.

10. In reply to para 10, it is submitted that the stated green belt has already been surveyed and keeping in view Grievances of the people the drain is re-routed through Service Road of 60 m R/W road.

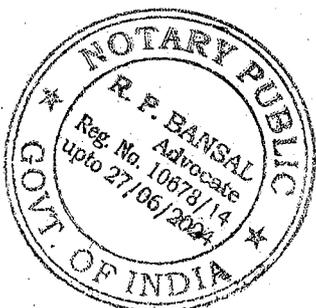
11. In reply to para 11, it is submitted that the work has to be completed in stipulated time therefore sometimes it also requires to work in night hours also.

12. In reply to para 12 grounds, it is submitted that:

a-b. The drainage scheme of the said out fall drain was approved by North DMC vide letter dated 12/10/2018 and accordingly the tenders were called by this office for construction of this drain. Since, the development works of phase IV & V Rohini were almost completed and Hon'ble Supreme Court was apprised that the work of outfall drain for disposal of rainy water shall commence very soon vide the affidavit filed by DDA dated 31.07.2019.

c-d. The viability of rain water harvesting to enhance ground water recharging in the parks, green area and wherever possible are being assessed separately.

e-f. The Outfall drain is being constructed to cater the discharge of various peripheral storm water drains already constructed in Phase IV & V Rohini to supplementary drain. These drains carry the discharge of rain water only and no sewer

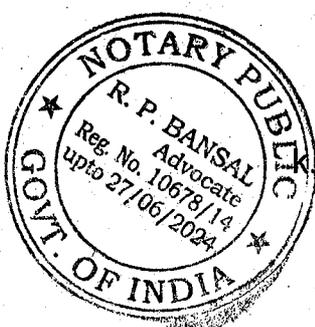


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connected to these drains. The sewer line has already been laid in these sectors.

- g. There is no damage to the environment and human health by constructing the RCC Box drain in the area since it will carry the discharge of rain water only.
- h. The viability of rain water harvesting to enhance ground water recharging in the parks, green area and wherever possible are being assessed separately. The discharge capacity of the supplementary drain is sufficient to carry the discharge of phase IV & V, Rohini area and there is no chance of overflowing of drain.
- i. There is no proposal of removing the green belt adjoining pocket-27 and it is submitted that the stated green belt has already been surveyed and keeping in view Grievances of the people the drain is re-routed through Service Road of 60 m R/W road adjacent to the green belt.
- j. Although the drain was earmarked through sector-26 Rohini but due to non-availability of land and raising of some court cases under section 24(2) it was not feasible to construct the 19.5m wide out fall drain in sector 26 only. Hence forth, it was decided to construct the drain in two parts i.e. part A and part B Part A 9.5m wide and passing through sector-24 and part B is 10m wide will pass through sector-26 Rohini. The part A of the drain through sector-24 has been taken first to protect the project from any litigation.

All the precautionary measures are being taken during execution of the work.



13-14. In reply to para 13-14, it is submitted that it needs no reply.

In reply to the prayer clause it is submitted that in view of the submissions made by the Respondent, this Hon'ble Court may graciously be pleased to dismiss the application being devoid of any merits.

[Handwritten Signature]
DEPONENT

VERIFICATION:

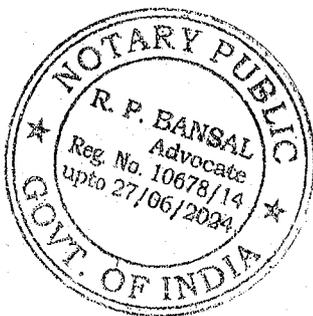
I hereby verify that the contents of my above affidavit are true and correct to my knowledge, belief and information derived from the records of this case. No part of it is false and nothing relevant has been concealed therein.

14 DEC 2020

Verified at New Delhi on this 14 of December, 2020.

[Handwritten Signature]
Identified by

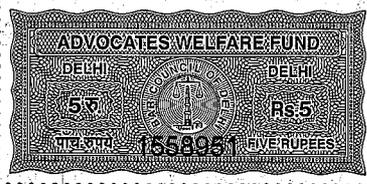
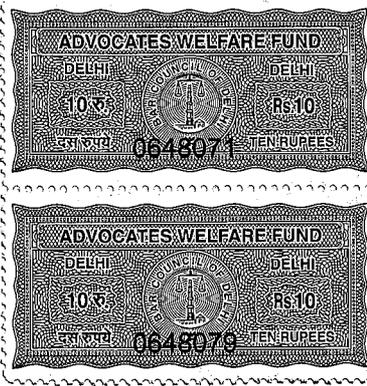
[Handwritten Signature]
DEPONENT



ATTESTED
Notary Public, Delhi
(As Presented)
14 DEC 2020

DELHI DEVELOPMENT AUTHORITY

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IN THIS COURT OF.....

No..... of 20.....

In re :-
Royal AVENUE Resident Welfare Association
 Piff/App./Petitioner/Complainant

VERSUS

DDA & ORS. Defdt. of Resdt.

KNOW ALL to Whom these presents shall come that I/We..... **MANOHAR, EE/RMD-VI**

Delhi Development Authority on behalf of Delhi Development Authority the above named..... **RESPONDENT**..... do hereby appoint.

DHRUV TAMTA..... hereinafter called the Advocate(s) to be my/our Advocate(s) in the above noted case and authorise him/them :-

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 Courts.

To sign, file, verify and present pleading, replications, appeals cross-objections, or petitions for executions, revision restoration, withdrawal, compromise or other petitions, replies, objections written statements, affidavits or other documents as may be deemed necessary or proper for the prosecution of the case in all its stages.

To file and take back documents and also withdraw unspent diet money or printing charges that may arise touching or in any manner relating to the said case.

To take out execution proceedings.

To deposit draw and receive : money cheques, and grant receipts therefor 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 Powers and authorities hereby conferred unto the Advocates whenever they think fit to do so and to sign the power of attorney on my/our behalf.

And I/we the undersigned do hereby agreed to ratify and confirm to acts done by the Advocates of their substitutes in the matter as my/our own acts, as if done me/us to all intents and purposes.

And I/we undertake that I/we or my duly authorised agent would appear in the court on all hearings and will inform the Advocates for appearance, when the case is called.

And I/we undersigned to hereby agree to hold the Advocate or their substitutes responsible for the result of the said case in consequence of their absence from the Court when the said case is called up for hearing, or for any negligence of the said Advocates or their substitutes.

And I/we the undersigned do hereby agree that in the event of the whole or any 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.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these present the contents of which have been understood by me/us this..... **25th**..... day of..... **NOV**..... 20**20**

Accepted,
 Advocate(s)
9899969917

DELHI DEVELOPMENT AUTHORITY
 Vikas Sadan, New Delhi-23

for DELHI DEVELOPMENT AUTHORITY

Proof of service to Petitioner

