

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

**O.A. NO.190 OF 2024**

**IN THE MATTER OF: -**

**News Item titled “161 illegal colonies on O zone making river water toxic” appearing in The Times of India dated 25.01.2024**

**Versus**

**Delhi Pollution Control Committee and Others**

**..Respondents**

**NDOH: 30.08.2024**

**I N D E X**

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RESPONDENT No.6/DDA

THROUGH



**DEEKSHA L. KAKAR**  
**COUNSEL FOR DDA**

B-6/58, LGF, SAFDARJUNG ENCLAVE  
NEW DELHI – 110029.

Ph. 9313119255 | [deeksha.kakar@scladi.com](mailto:deeksha.kakar@scladi.com)

Enrol.No.D/1154/2008

Place: New Delhi  
Dated:28.08.2024

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

O.A. NO.190 OF 2024

**IN THE MATTER OF: -**

News Item titled "161 illegal colonies on O zone making river water toxic" appearing in The Times of India dated 25.01.2024

Versus

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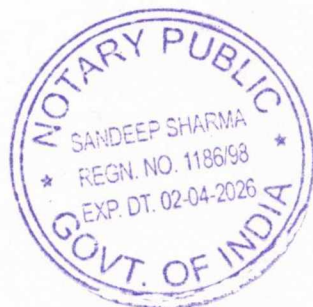
..Respondents

**AFFIDAVIT ON BEHALF OF RESPONDENT NO.6,  
THE DELHI DEVELOPMENT AUTHORITY, TO  
PLACE ON RECORD THE STATUS REPORT/  
ACTION TAKEN REPORT.**

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I, Ankit Singh, S/o Sh. Bhagwat Singh, aged about 36 years, currently posted as Dy. Director (PM-UDAY)/HQ of the Delhi Development Authority, having office at Vikas Sadan, INA 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 on behalf of the Delhi Development Authority ("DDA"), to place on record the status/action taken report in respect of the



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unauthorized colonies falling under Zone “O” in Delhi.

2. It is submitted that the PM-UDAY Cell, DDA, is implementing the Scheme of PM-UDAY as per the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies), Regulations, 2019.
3. Regulation No.7 under the said NCT Regulations of 2019 provides for exclusions to the recognitions provided for under the Regulations.

*“7. **Exclusion.** – Under these regulations, no rights shall be conferred or recognised- over prohibited land, that is, land falling in reserved or notified forests, land identified as protected or prohibited area by the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), land falling in Zone-O, Yamuna Flood Plain, land falling in right of way of existing roads and Master Plan Roads, land under right of way of high tension lines, land falling in ridge area of Delhi and land reserved or protected under any other law for the time being in force”*

A copy of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies), Regulations, 2019, is annexed hereto as Annexure “A-1”.

4. It is stated that there are 90 such unauthorized colonies falling under Zone-O and in terms of the exclusion



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provided, no rights have been conferred upon any such colonies.

5. With respect to the issuance of No-Objection (“NOC”) by the DDA to the Delhi Jal Board (“DJB”), for extending of sewerage network to four (4) unauthorized colonies falling in Zone-O, it is submitted that by the letter dated 13.12.2023 addressed by the DJB, the said NOC was sought in respect of the four colonies, namely
- (i) New Aruna Nagar Colony (Majnu ka Tila), Delhi – 110 054;
  - (ii) Bhagat Singh Park Extn., Siraspur Village, Delhi – 110 042
  - (iii) Village Garhi, Mandu, Delhi – 110 053;
  - (iv) Old Village Usmanpur, 3<sup>rd</sup> Pushta, Dhalan Road, Delhi.

A copy of the said letter dated 13.12.2023 is annexed hereto as Annexure “A-2”.

6. Pursuant thereto, by the letter dated 12.02.2024, issued by the Institutional Land (IL) Branch, DDA, to the Chief Engineer, *in principle* NOC for extending sewage network to the said four colonies was granted by the DDA on the conditions specifically mentioned therein. A copy of the said letter dated 12.02.2024 is also annexed hereto as Annexure “A-3”.



A handwritten signature in blue ink, consisting of stylized initials and a long horizontal stroke extending to the right.

7. The above information, documents and present Affidavit are submitted accordingly.

  
DEPONENT

अंकित सिंह / ANKIT SINGH  
उप निदेशक (पीएम-उदय) मुख्यालय / Dy. Director (PM-UDAY)-HQ  
दिल्ली विकास प्राधिकरण / Delhi Development Authority  
विकास सदन, आई.एन.ए. / Vikas Sadan, INA  
नई दिल्ली-110023 / New Delhi-110023

**VERIFICATION: -**

Verified at New Delhi on this 28<sup>th</sup> day of August, 2024 that the contents of the above affidavit are true and correct to my knowledge based on the records of the Delhi Development Authority. No part of it is false and nothing material has been concealed therefrom.

  
DEPONENT

अंकित सिंह / ANKIT SINGH  
उप निदेशक (पीएम-उदय) मुख्यालय / Dy. Director (PM-UDAY)-HQ  
दिल्ली विकास प्राधिकरण / Delhi Development Authority  
विकास सदन, आई.एन.ए. / Vikas Sadan, INA  
नई दिल्ली-110023 / New Delhi-110023

  
IDENTIFIED BY



ATTESTED  
  
NOTARY PUBLIC,  
DELHI (INDIA)

28 AUG 2024



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 638]

नई दिल्ली, मंगलवार, अक्टूबर 29, 2019/कार्तिक 7, 1941

No. 638]

NEW DELHI, TUESDAY, OCTOBER 29, 2019/KARTIKA 7, 1941

## आवासन और शहरी कार्य मंत्रालय अधिसूचना

नई दिल्ली, 29 अक्टूबर, 2019

**सा.का.नि. 814(अ).**—दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 57 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और अधिसूचना संख्या का.आ. 683(अ) दिनांक 24 मार्च, 2008 द्वारा प्रकाशित दिल्ली में अनधिकृत कॉलोनियों के नियमितीकरण हेतु विनियमों के अधिक्रमण में ऐसे अधिक्रमण से पहले किए गए कार्यों और करने से छोड़े गए कार्यों के अलावा दिल्ली विकास प्राधिकरण केन्द्र सरकार की पूर्व अनुमति से एतद्वारा निम्नलिखित विनियम बनाता है :-

1. **लघु शीर्षक और आरंभ-** इन विनियमों को राष्ट्रीय राजधानी क्षेत्र दिल्ली (अनधिकृत कॉलोनियों में निवासियों के संपत्ति के अधिकारों की मान्यता) विनियम, 2019 कहा जाएगा।

(2) ये राजपत्र में इनके प्रकाशन की तिथि से लागू होंगे।

**2. परिभाषाएँ-** इन विनियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो, -

(क) "समृद्ध अनधिकृत कॉलोनी" का अर्थ ऐसी कॉलोनियों से है जैसा कि **अनुलग्नक-1 (69 कॉलोनियां)** में विनिर्दिष्ट है और जिनमें वे अन्य कॉलोनियां भी शामिल हैं जिनकी पहचान इन विनियमों के अंतर्गत दिल्ली विकास प्राधिकरण द्वारा की गई है।

(ख) "अनुलग्नक" का अर्थ है अनुलग्नक, जो इन विनियमों के साथ संलग्न है:

## MINISTRY OF HOUSING AND URBAN AFFAIRS

## NOTIFICATION

New Delhi, the 29th October, 2019

**G.S.R. 814(E).**—In exercise of the powers conferred by Section 57 of the Delhi Development Act, 1957 (61 of 1957) and in supersession of the Regulations for Regularisation of Unauthorised Colonies in Delhi published *vide* notification number S.O 683(E), dated the 24th March, 2008, except as respects things done or omitted to be done before such supersession, the Delhi Development Authority, with the previous permission of the Central Government, hereby makes the following Regulations, namely:-

**1. Short title and commencement.** – (1) These Regulations may be called the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.** – In these regulations, unless the context otherwise requires, –

- (a) "Affluent unauthorised colonies", means colonies as specified in **Annexure I (69 colonies)** and includes any other affluent identified by the Delhi Development Authority under these regulations;
- (b) "Annexure" means the Annexure appended to these regulations;
- (c) "carpet area" shall have the same meaning as assigned to it in clause (k) of Section 2 of the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);
- (d) "locality" means classification of colonies as A / B / C / D / E / F / G / H determined as per the circle rate notified under section 27 of the Indian Stamps Act, 1899 (2 of 1899) as applicable to the National Capital Territory of Delhi;
- (e) "local authorities" means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957 (66 of 1957) or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 (44 of 1994) or the Delhi Development Authority established under the Delhi Development Act, 1957 (61 of 1957), Delhi Cantonment Board established under the

Cantonments Act, 2006 (4 of 2006) and entitled to exercise control in respect of the areas under their respective jurisdiction;

- (f) "resident" means a person having physical possession on the basis of a registered sale deed or latest set of Power of Attorney, Agreement to Sale, Will, Possession letter and other documents including documents evidencing payment of consideration in respect of a property in unauthorised colonies and includes their legal heirs but does not include tenant, licensee or permissive user;
- (g) "unauthorised colony" means a colony or development comprising of a contiguous area, where no permission has been obtained for approval of layout plan or building plans and has been identified for regularisation of such colony in pursuance to the notification number S.O. 683(E) dated the 24<sup>th</sup> March, 2008 and includes colonies as identified by the Delhi Development Authority under these regulations as specified in **Annexure II (1797 colonies)**.

**3. Classification of land.** – The categories of land that are to be considered for conferring or recognising ownership or transfer or mortgage rights shall be as under—

- (a) Category- 1 of land shall include the following, namely:
  - (i) Original Gaon Sabha land at the time of commencement of the Delhi Land Reform Act, 1954 (8 of 1954);
  - (ii) land acquired by the Government for which compensation has been paid or deposited by the acquiring agency; and
  - (iii) agricultural land under section 81 of the Delhi Land Reforms Act, 1954 (8 of 1954) with or without possession.
- (b) Category -2 of land shall include the following, namely: -
  - (i) private land; and
  - (ii) land that has been acquired by any acquiring agency but compensation has not been deposited by the acquiring agency.

4. **Assessment of charges.** – (1) The assessment of charge from a resident shall be calculated on carpet area basis for each unit.

(2) For a resident holding multiple properties, the rate of charges shall be determined by clubbing carpet areas of all properties of the resident in all unauthorised colonies.

(3) If a resident does not apply for conferment of rights on all his properties simultaneously, and it is discovered that he has paid charges at a lower rate on account of non-disclosure of all his properties, the charges at applicable rates shall be payable on all the properties including the properties where the rights have already been conferred.

(4) For the purpose of determination of the charges, the circle rate of the highest locality of the surrounding residential area shall be taken as basis.

(5) The Charges for built up area to be recovered from category-1, as referred to in clause (a) of regulation 3, land shall be as follows: -

| Sl. No. | Where cumulative carpet area charges of a resident in all the properties in all unauthorised colonies is | Charges  |
|---------|--|--|
| (1)     | (2)  | (3)  |
| 1.      | Less than 100 sqm  | Carpet area x $\frac{1}{4}$ x 0.5% of circle rate of locality in terms of sub-regulation 4 of regulation 4 |
| 2.      | More than (or equal to) 100 sqm but less than 250 sqm  | Carpet area x $\frac{1}{4}$ x 1 % of circle rate of locality in terms of sub-regulation 4 of regulation 4  |
| 3.      | Greater than or equal to 250 sqm   | Carpet area x $\frac{1}{4}$ x 2.5% of circle rate of locality in terms of sub-regulation 4 of regulation 4 |

(6) For vacant plots, the ownership or transfer rights shall be granted based on the area of plot and the nominal rate of 0.5 per cent, 1 per cent and 2.5 per cent depending upon the size of plots less than 100 sqm, 100 to 250 sqm and greater than 250 sqm in the Government land and half of these amount if the plot is situated on the private land.

(7) The charges to be recovered for vacant plot situated in Category-1 as referred to in clause (a) of regulation 3 shall be as follows: -

| Sl. No. | Where cumulative vacant plot area charges of a resident in all the properties in all unauthorised colonies is | Charges  |
|---------|---|--|
| (1)     | (2)   | (3)  |
| 1.      | less than 100 sqm   | Land area x 0.5% of circle rate of locality in terms of sub-regulation 4 of regulation 4 |
| 2.      | More than (or equal to) 100 sqm but less than 250 sqm   | Land area x 1 % of circle rate of locality in terms of sub-regulation 4 of regulation 4  |
| 3.      | Greater than or equal to 250 sqm  | Land area x 2.5% of circle rate of locality in terms of sub-regulation 4 of regulation 4 |

(8) The charge for the classification of land in Category-2 as referred to in clause (b) of regulation 3 shall be fifty per cent of charges applicable to land in Category-1.

(9) Depending upon the category and locality of land, the charge, based on the applicable circle rates and calculated on the basis of charges specified in sub-regulation 5 as on date, are illustrated at Table-1 and Table-2 under **Annexure III**.

(10) The charges shall be valid for a period of one year from the date of notification of these regulations and thereafter, eight per cent. per annum simple interest shall be recovered on late payment of charges beyond one year.

(11) The amount levied shall be rounded off to nearest hundred rupees after calculating the amount for the entire property or unit.

(12) The residents shall have option to pay the charge in three equal installments.

(13) The residents who are paying the entire charges in one installment shall immediately be granted the ownership or mortgage or transfer rights in the property, as the case may be.

(14) The residents who opt to deposit the charge in installments shall be conferred provisional ownership or mortgage or transfer rights after depositing two-third of the total payable charge, which shall be converted into permanent rights after full and final payment of entire amount due on account of charges.

5. **Conferment of rights.**– (1) The conferment of rights on land under the footprint of the building shall be

in proportion to the carpet area of the floor held by the resident.

(2) In cases where the total carpet area of a floor in a building exceeds the plot area, (i.e. having projections beyond plot area), rights shall be restricted only in respect of the plot area.

(3) In cases where the total carpet area of ground floor in a building is less than the plot area (i.e. ground coverage is less than hundred per cent.), rights shall be conferred only in respect of the land under the building footprint.

(4) The procedure for submission of application for conferment of rights and the examination thereof including issuance of conveyance deed or authorisation slip, as the case may be, shall be such as specified in **Annexure IV**.

(5) The Delhi Development Authority shall ensure that in cases of unauthorised colony falling on acquired land, the residents of which has been allowed for property rights under these regulations, no compensation is released, and no resident or his predecessors in interest shall claim such compensation even in cases where the amount of compensation has been deposited with the Courts or Land Acquisition Collector or other agencies.

(6) The payment of charges, and interest on late payment, if any, for all category of land, shall be collected by the Delhi Development Authority and kept in the 'Special Development Fund'.

(7) The boundaries of unauthorised colonies or clusters of unauthorised colonies shall be delineated by the Delhi Development Authority.

(8) The Delhi Development Authority shall prepare Local Area Plan and Development Control Norms for all unauthorised colonies or clusters of unauthorised colonies and make necessary amendments in the Master Plan for Delhi (MPD)-2021 and Urban Building Bye Laws for Delhi (UBBL)-2016 to pave the way for planned redevelopment of the existing units on "as is where is" basis.

(9) The Delhi Development Authority shall ensure correct identification of resident applicants.

(10) The conveyance deed or authorisation slip, as the case may be, shall be issued for residential purpose only irrespective of current use of the property.

(11) No Penalty and External Development Charge shall be levied from residents for recognising ownership or mortgage or transfer rights.

(12) In case any dispute arises in respect of conferment of rights under these regulations, the aggrieved person may make a representation to the Delhi Development Authority, and upon receiving such representation, the Delhi Development Authority may, within a period of ninety days from the receipt of such representation and after hearing the parties, pass such order as it deems fit.

6. **Identification of colony** – Identification of other eligible new colonies as per the revised eligibility criteria notified on 01.01.2015, i.e., existence of colony as on 01.06.2014 and 50% development of the colony as on 01.01.2015 as cut off dates, for conferment/recognition of ownership/mortgage rights to residents in these areas to be completed in the next two years by DDA from the date of notification of these Regulations in the Official Gazette.

7. **Exclusion.** – Under these regulations, no rights shall be conferred or recognised-

- (a) over prohibited land, that is, land falling in reserved or notified forests, land identified as protected or prohibited area by the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), land falling in Zone-O, Yamuna Flood Plain, land falling in right of way of existing roads and Master Plan Roads, land under right of way of high tension lines, land falling in ridge area of Delhi and land reserved or protected under any other law for the time being in force;
- (b) affluent unauthorised colonies.

[F. No. F.1 (1) CUCC/CLM/DDA/19/Pt.-I]

D. SARKAR, Commissioner-cum-Secy., DDA

# ANNEXURE "A-2"

9

DELHI JAL BOARD. GOVT. OF NCT OF DELHI  
OFFICE OF THE CHIEF ENGINEER (DR) PROJECT-I  
VARUNALAYA PHASE II : KAROL BAGH  
NEW DELHI-110005.  
PH NO. - 011-23620235

No. F-2(1)/DJB/CE(Dr)Pr-I/2023/879 to 890

Dated: 13.12.2023

To,

Pr. Commissioner (Land), DDA  
First Floor, Vikas Sadan,  
INA, New Delhi-110023

**Subject:** Regarding issuance of NOC for extending sewerage network to 4 unauthorized colonies falls in O zone under DDA.

**Reference:** Review meeting held by Pr. Secretary (Forest & Environment) on 13.12.23.

The High Level Committee for rejuvenation of River Yamuna has directed all the concerned departments to provide NOC in respect of 161 unauthorized colonies for extending sewerage network. Out of these 161 colonies, 4 nos. of colonies fall in O zone under the control of DDA. In this regard, a meeting was held before Pr. Secretary (Forest & Environment) on 13.12.23 and the issue regarding providing NOC by DDA was discussed in detail. During meeting it was mentioned by the concerned DDA officer that the matter is under consideration for required action regarding NOC.

In view of the above, DDA is requested to provide NOC for these 4 nos. of colonies falling in O zone as mentioned below so that necessary action be initiated for extending the sewerage network by DJB:-

| S. No. | Name of Unauthorized colony                                      | Registration No. | AC Name       |
|--------|--|------------------|---------------|
| 1      | New Aruna Nagar Colony (Majnu Ka Tila), Delhi - 54               | 111              | Chandni Chowk |
| 2      | Bhagat Singh Park Extn., Siraspur Village, Delhi - 42            | 1225             | Badli         |
| 3      | Village Garhi, Mandu, Delhi - 53                                 | 1371             | Ghonda        |
| 4      | Old Village Usmanpur, 3 <sup>rd</sup> Pushta, Dhalan Road, Delhi | 4 (LOP)          | Ghonda        |

  
(VIKRAM SINGH)  
CE(DR)Project-I

ole

Copy to: -

1. VC, DDA – for kind information please
2. Pr. Secretary (Forest & Environment) – for kind information please.
3. CEO, DJB – for kind information please.
4. Member (Dr) – for kind information please.
5. Chief Engineer (HQ), DDA, Vikas Sadan, INA, New Delhi-110023.
6. Director (IL), First Floor, Vikas Sadan, INA, New Delhi-110023.
7. ACE(M)-2, ACE(M)-3, ACE(M)-5 – to initiate the action of laying sewer lines accordingly.
8. Addl. CE(Dr)Project-I – to pursue.
9. EE(C)Dr-II



CE(DR)Project-I

# ANNEXURE "A-3"

दिल्ली विकास प्राधिकरण/ DELHI DEVELOPMENT AUTHORITY  
संस्थानिक भूमि शाखा/ INSTITUTIONAL LAND BRANCH  
कमरा न.-216, ए-ब्लॉक, द्वितीय तल, विकास सदन, आई. एन. ए, नई  
दिल्ली 110023  
Room No-216, A-Block, Second Floor, Vikas Sadan, INA New Delhi-  
110023

11

E-74020

F. LD/IL/0023/2023/GOVT/22A-INSTITUTIONAL LAND V/1300 दिनांक: 12/02/2024

To

The Chief Engineer (DR) Project-I,  
Varunalaya Phase- II, Karol Bagh,  
New Delhi-110005.

**Sub: Regarding issuance of NOC for extending sewerage network to 4 unauthorized colonies falls in O Zone under DDA.**

Sir,

This is with reference to your letter No. F-2(1)/DJB/CE(Dr)Pr-I/2023/879 to 890 dated 13.12.2023 wherein DDA is requested to provide NOC for 4 nos. of colonies falling in O -zone as mentioned below so that necessary action be initiated for extending the sewerage network by DJB: -

| Sr. | No | Name of Unauthorized Colony                          | Registration No. | AC Name      |
|-----|----|--|------------------|--------------|
| 1.  |    | New Aruna Nagar Colony (MajnuKaTila), Delhi -54      | 111              | ChandniChowk |
| 2.  |    | Bhagat Singh Park Extn., Siraspur Village, Delhi-42  | 1225             | Badli        |
| 3.  |    | Village GarhiMandu, Delhi- 53                        | 1371             | Ghonda       |
| 4.  |    | Old Village Usmanpur, 3rd Pushta, Dhalan Road, Delhi | 4 (LOP)          | Ghonda       |

2. With regard to the above referred request In-Principle NOC is granted to DJB for extending sewage network in the abovementioned 4 unauthorised colonies subject to following conditions: -

- In-principle NOC granted for extending sewage network does not confer any rights nor would it be a basis for any claim for conferment of such rights for regularization later on and that the ownership of land remains with DDA, wherever applicable.
- DJB shall obtain all requisite permissions including from the Principal Committee of Hon'ble NGT and thereafter shall submit these permissions along with project report including the alignment of network to DDA for issuance of final NOC.

iii. DJB should design the network in such a manner which should be environment friendly, non-polluting the floodplain/river and should not obstruct the free flow of water during high flood flow.

This is issued with the approval of VC, DDA.

(भास्कर तिवारी)  
उपनिदेशक (संस्थानिक भूमि)

**प्रतिलिपि:**

1. Pr. Secretary (Forest and Environment)- for kind information please.
2. Pr. Commissioner (Horticulture), DDA, Vikas Sadan - for kind information please.
3. CEO, DJB- for kind information please.
4. Member (Dr)-for kind information please.
5. Commissioner (Planning), Vikas Minar, DDA. - for kind information please.
6. Chief Engineer (HQ), DDA, Vikas Sadan - for kind information please.
7. Director (IL)- for kind information please.

उपनिदेशक (संस्थानिक भूमि)