

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

OA 444/2025

In the matter of:

PREM CHAUHAN

...APPLICANT

Vs

COMMISSIONER OF MCD & ORS.

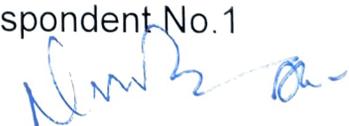
...RESPONDENTS

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New Delhi
Dated: 21/01/2026

Respondent No.1
Through


 Narender Pal Singh
 Standing Counsel, MCD
 K-18, Level 1, Green Park Main,
 New Delhi-110016
 Mob:9311010090
 Email: danubeconsulting@gmail.com

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

OA 444/2025

In the matter of:

PREM CHAUHAN

...APPLICANT

Vs

COMMISSIONER OF MCD & ORS.

...RESPONDENTS

Affidavit on behalf of Respondent / MCD

I, Sanjay Hingorani S/O Late Sh. Hira Lal Hingorani, Aged 52 years, presently working as Executive Engineer, (EMS) South Zone, MCD, Green Park, New Delhi, do hereby solemnly affirm and declare as under:

1. That the deponent is presently working as Executive Engineer, (EMS) South Zone, MCD, Green Park, New Delhi, in the present case and well conversant with the facts of the case and competent to swear the present affidavit.
2. That the deponent herein is filing a short affidavit, however the deponent seeks liberty of this Hon'ble Tribunal, to file a detailed affidavit, if so desired by the Hon'ble Tribunal.



(2)

3. That the property/area in question situated at Khasra No. 134, Near Chauhan sweets, Sangam Vihar, Ward 163, South Zone, New Delhi has been handed over by DDA to MCD for construction Waste Management Facility.
4. That the said land measuring 16765.07 SQ MTRS has been given by DDA to MCD @ Rs. 1/- per annum. Copy of the letter is annexed herewith as Annexure 'A'.
5. That the said land was handed over to the officials of MCD on 24/10/2024 vide Handing/Taking Over Note. Copy of the Note and supporting correspondence along with the site photo are annexed herewith as Annexure 'B' (colly). It is respectfully submitted that on the date of possession, at the time of handing over, no evidence of existence of any 'KHAL' was observed. The photograph taken on 24/10/2024 clearly shows a barren plain patch of land.
6. That after taking over the physical possession of the land the MCD awarded the work to M/S Sanjeev Associates for construction of Waste Management Facility. Copy of the work order and the current site photo are annexed as Annexure 'C' (colly).

7. That as the said land has been handed over by DDA and DDA being the land owning agency, therefore, DDA would be in a better position to explain the actual situation of the land in question.

[Signature]
I, the undersigned, the Deponent who has signed in my presence

[Signature]
DEPONENT

Executive Engineer
EMS/South Zone
MCD

VERIFICATION

21 JAN 2026

Verified at Delhi on this ___ day of January 2026 that the contents of the above said affidavit are true and correct to the best of my knowledge and derived from the official record, available and maintained in the office, no part of this affidavit is false and nothing material has been concealed there from.



[Signature]
DEPONENT

Executive Engineer
EMS/South Zone
MCD

CERTIFIED THAT THE DEPONENT
Shri/Smt./Km... *Sanjay Himgorani*
S/o/W/o/D/o... *Iti Redhal Himgorani*
R/o... *South Zone, Gurgaon Park, MCD*
Identified by Shri/Smt... *Narendra Pal Singh Adv.*
has solemnly affirmed before me at Delhi
On... *21 JAN 2026* ...that the
contents of the affidavit which have been
read & explained to him/her are true &
Correct to his/her/knowledge

[Signature]
Delhi

21 JAN 2026

DELHI DEVELOPMENT AUTHORITY
 INSTITUTIONAL LAND BRANCH
 Room No.216, A-Block, 2nd Floor, Vikas Sadan, INA New Delhi

(5)

LD/IL/0011/2023/GOVT/23-IL-I/1590
 E-3935

Dated: 21/06.2024

To

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

Sub:- Allotment 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 Solid Waste Management Facility.

Sir,

With reference to letter No. 118/DC/SZ/2023/EMS/52 dated 29.09.2023 regarding above cited subject, I am directed to inform you that under the provision of DDA (Disposal of Developed Nazul land) Rules, 1981, it is proposed to allot a plot of land measuring 16765.07 Sqm. (on perpetual lease hold basis) to MCD i.e., whole Khasra no. 134 near Chauhan Sweets (on main Bandh Road), in Sangam Vihar-A, Ward No. 163 in South Zone, Delhi for the construction of Solid Waste Management Facility on the usual terms/conditions as given in the approved format of perpetual lease deed and the following conditions: -

1. That the allottee MCD will be required to pay provisional premium of land measuring 16765.07 Sqm @ Re. 1/- per annum (Provisional) as per the authority approved rates for the F.Y. 2022-24. Since the revision of Institutional Land rates of land for FY 2024-26 is under consideration, this premium and annual ground rent will be treated as provisional and will be subject to revision. The allottee shall thus have to pay the balance premium and ground rent for the aforesaid area of land from the date of allotment as per rates determined by the Central Government under Rule-5 of DDA (Disposal of Developed Nazul land) Rule 1981, and within the time as and when demanded by DDA. The rates of land, determined by Central Government, shall be binding upon the allottee and shall not be called in question by it in any proceeding..
- i. The area of the land/ plot is also subject to variation in size, as per requirement of layout plan and actual demarcation of the plot at site etc.
- ii. The allotted land shall be used for the purpose of construction of Solid Waste Management Facility only and no other purpose whatsoever.
- iii. The building plans should be got approved from the Lessor/DDA/Local body, before getting the same sanctioned for the construction on allotted land and construction as per sanctioned plan shall be completed thereon within a period of 2 years from the date of taking over physical possession of the plot allotted.

The allottee shall not sell, transfer, assign or otherwise part with possession of the whole or any part of the said land or any building thereon except with the previous consent in writing of the Lessor which he shall be entitled to refuse in his absolute discretion.

- a. PROVIDED that, in the event of the consent being given, the Lessor may impose such conditions as he thinks fit and the LESSOR shall be entitled to claim and recover the whole or a portion (as the Lessor may in his absolute discretion determine) of the un-earned increase in the value (i.e. the difference between the premium paid and market value) of the said land at the time of sale, transfer assignment, or parting with the possession and the decision of Lessor in the respect of the market value shall be final & binding.
 - b. Notwithstanding anything contained in sub-clause (a) above, the lessee may with the previous consent in writing of the Lt. Governor of Delhi (here in after called The L.G.) mortgage or charge, the said land to such person as may be approved by the Lt. Governor in his absolute discretion.
 - v. The lease deed shall be executed and got registered by the allottee at its own cost as and when called upon to do so, by the Lessor (PRESIDENT OF INDIA)/DDA.
 - vi. The trees if any standing on the plot in question shall remain as DDA property and shall not be removed or disposed of without the prior approval of the Lessor in writing. If the trees required to be removed off, then the permission for cutting of trees may be obtained from Forest Department/Horticulture Department. The tree will be verified by Horticulture Department, DDA.
 - vii. That all other conditions, as contained in the perpetual lease deed to be executed in this behalf and any other terms/condition imposed from time to time by the Central Government/Lt. Governor shall be binding upon the allottee. The form of Lease Deed can be purchased from the office of DDA.
 - viii. If the allottee violates any terms and conditions as mentioned above and in the perpetual lease-deed, the allotment shall be cancelled and possession of the land/plot with superstructure standing thereon if any, will be taken over by the Lessor (PRESIDENT OF INDIA)/DDA, without any compensation to the allottee.
 - ix. If the allotment is cancelled for breaches of any terms/ conditions of the allotment, the possession of the plot/land with building, if any will be handed over to DDA by the allottee on the date and time given in the cancellation notice.
2. That it is the whole responsibility of the allottee to keep proper watch and ward of the land and property against any encroachment.
 3. The offer of allotment of land herein made is on "AS IS WHERE IS BASIS". The allottee is advised to get himself acquainted with the conditions herein mentioned and also the site conditions before acceptance of the offer of allotment. It may be noted that the DDA shall not entertain any claim/exemption from the payment of ground rent, License Fee, composition fee etc. once the offer of allotment is accepted and possession is-taken over.

The allottee shall abide by all the terms and conditions given in the allotment letter/lease deed and other conditions as may be imposed by the Competent Authority from time to time.

5. The allottee shall pay the cost of fencing/Boundary wall if any, as and when demanded by DDA.
6. No property development permitted on the allotted land.
7. Special Condition:
 - a. Solid Waste Management Facility may be considered as "Utility" which is permitted in all the landuse categories as per MPD-2021.
 - b. The flow of Nallah shall not be obstructed by the facility developed and shall be maintained by MCD keeping the vicinity clean and hygienic.
 - c. This allotment is subject to clearance of demarcation pending with Revenue department, GNCTD shall be pursued by MCD.
8. The payment and the acceptance letter with the required undertaking must be sent within 60 days from the date of issue of Demand-Cum-Allotment letter, failing which interest at the rate of 14% shall be chargeable for the delay period upto 180 days of issue of this letter. On completion of 180 days from the date of issue, the allotment shall be automatically cancelled. If the allottee has made partial payment, after 180 days of issue of this letter the allottee shall have to re-pay for allotment.
9. If the above terms and conditions are acceptable to you, the acceptance there of with an undertaking may be sent to the undersigned along with the demand draft for Rs. 144/- (Rupees One Hundred Forty Four Only) including documentation charges Rs. 45/- in favour of DDA within 60 days from the date of issue of demand-cum-allotment letter. The said amount can also be deposited in the bank counter situated in I.N.A. office complex and copy of the same may be sent to this office.

Details of Demand

1.	Premium of land measuring 16765.07 Sqm @ Re.1 per annum (Provisional) (For 99 years)	Rs.99/-
2.	Documentation Charge	Rs.45/-
	Total	Rs. 144/-

(Blaskar Tiwari)
Dy. Director (IL)

⑧

- 82/c

- The allottee shall abide by all the terms and conditions given in the allotment letter/lease deed and other conditions as may be imposed by the Competent Authority from time to time.
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 7. Special Condition:
 - a. Solid Waste Management Facility may be considered as "Utility" which is permitted in all the landuse categories as per MPD-2021.
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 9. If the above terms and conditions are acceptable to you, the acceptance there of with an undertaking may be sent to the undersigned along with the demand draft for Rs. 144/- (**Rupees One Hundred Forty Four Only**) including documentation charges Rs. 45/- in favour of DDA within 60 days from the date of issue of demand-cum-allotment letter. The said amount can also be deposited in the bank counter situated in I.N.A. office complex and copy of the same may be sent to this office.

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	Total	Rs. 144/-

(Blaskar Tiwari)
D, Director (IL)

HANDING / TAKING OVER NOTE

Amendment (B)

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/S2/2024/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


21.10.2024
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)



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



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)

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

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

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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)

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- 85/c -

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

(15)

No.: F1(Misc.)EE/SMD-5/DDA/2024-25/467

Date: 19/10/24

To
Deputy Commissioner of Police,
South District, Hauz Khas,
New Delhi- 110017.

Sub: Providing the police Assistance to DDA staff during physical demarcation operation of unauthorized encroachment on DDA land bearing Khasra No. 134 at Devli.

It has been decided to organize a demarcation program for physically marking the unauthorized encroachment/ construction on Govt. / DDA land bearing Khasra No. 134 at Devli. This operation will be held on 24.10.2024 & 25.10.2024. This demarcation program would be conducted jointly under the supervision of concerned Assistant Engineers of DDA and MCD.

You are, therefore, requested to kindly make available necessary police assistance to the staff of DDA & MCD to maintain law and order as local public may cause hindrance and law & order situation may arise during the physical demarcation operation.

(Sachin Kumar)
Executive Engineer
SMD-5, DDA

Copy forwarded for kind information and necessary action. :-

1. CE(SZ), DDA for kind information.
2. SE/SCC-2, DDA Vasant Kunj, New Delhi for information with the request that he may also kindly take up the matter with DCP(South) to provide police assistance on the above-mentioned date and time.
3. DCP (Control room), IIIrd floor, Police Head Quarter, New Delhi-110002.
4. Dy. Director (LM), DDA with the request to depute concerned officer to confirm the court order, stay etc. if any & demarcate the site and to attend.
5. **Sh. Rajeev Ranjan Jha, Executive Engineer, DEMS South, MCD Office, Green Park, New Delhi**, with a request for handing/ taking over of said land on 24.10.2024/ 25.10.2024 after demarcation w.r.t. letter No. F.LD/IL/0011/2023/GOVT/23-INSTITUTIONAL LAND-I/1703 dated 06.08.2024.
6. SHO Police station, Neb Sarai, New Delhi is requested to provide sufficient outer police force and to coordinate with the DCP office for the same.
7. AE(QRT) HQ South Zone to co-ordinate with AE-I/SMD-5 and attend.
8. AE-I/SMD-5, DDA to attend and supervise the demarcation program.
9. Agency M/s Mohtaram Ali Johar with the request to provide 10 labours.
10. Concerned file
11. Gurad file copy.


Executive Engineer
SMD-5, DDA



GPS Map Camera

New Delhi, Delhi, India
1-27/1493, Block L 2, South Sainik Farm, Area, New Delhi, Delhi
110080, India
Lat 28.498386° Long 77.22961°
24/10/24 09:29 PM GMT +05:30





43
MUNICIPAL CORPORATION OF DELHI OFFICE
OF EXECUTIVE ENGINEER
EE(EMS) South Zone

Annexure 'C'

W/C No.: EE(EMS) South Zone/SYS/2025-2026/3

Dated : 02-05-2025

Agency M/s Sanjeev Associates
G2 Bandhu Vihar Aptt. Plot No.11 Sec 10 Dwarka New
Delhi 110075

MB No.: 5707

(19)

Name Of Work: Providing civil structure for fixed compactor transfer station (FCTS) at DDA land (Khasra No. 134) allotted to MCD near Chouhan Sweet on main Bandh Road) in Sangam Vihar Ward No. 163, South Zone, MCD

FTC No. :25/66/XL-V-A-II/02-19/PRO08/03/163/04

Tender Amount : 19707948

Percentage Rate : 22.50% Below

Contractual Amount :15628107 /--RESTRICTED

Time Of Completion: 6 Months

Head Of Account : XL-V-A-II

Earnest Money : 0

Tender No.: 2024 MCD 222203 1

NIT NO: 04/01dt. 31.12.2024

Remark: Part-B Electrical work (Item Rate).Contractor shall submit the design of FCTS structure and shall execute accordingly. Being an ALR work 100 percent test check by AE and 50 percent test check by EE concern. PG deposited Rs.782000/-,FDR No.478314 dt. 28.04.25.

Dear

1. Your tender for the work as mentioned above has been accepted of behalf on the commissioner MCD as detail above along with terms and condition of the tender.

2. You are further directed to attend this office to complete the formal agreement with in seven days of the receipt of this letter or Communication received in this regard by any means like phone, fax, mail etc. whichever is earlier.

3. You are also directed to start the work at once. Please note that time allowed to carryout the work as entered in the tender shall be reckoned from the DOS.

4. It should be noted-- (a) That as and when orders are given for the execution of any extra/substitute item prior orders from the Competent Authority be obtained before execution of the same to avoid any further complications.(b) That contractor has to submit his RA/Final bill with measurement otherwise nothing will be consider due on account of work execution.

5. It shall be your responsibility to provide deep hand pump/Tube well/Municipal water at the site of the work and same shall be fit for construction purposes and provide safe drinking water free from contamination to the labour engaged.

6. You shall be responsible for correctness/genuineness of all the documents what so ever submitted by the you.

7. All the circular issued by MCD applicable to the instant nature of work will have to be complained by the contractor. Total Quantity of Cement -

Note. Expenditure will not exceed to Rs 15628107/

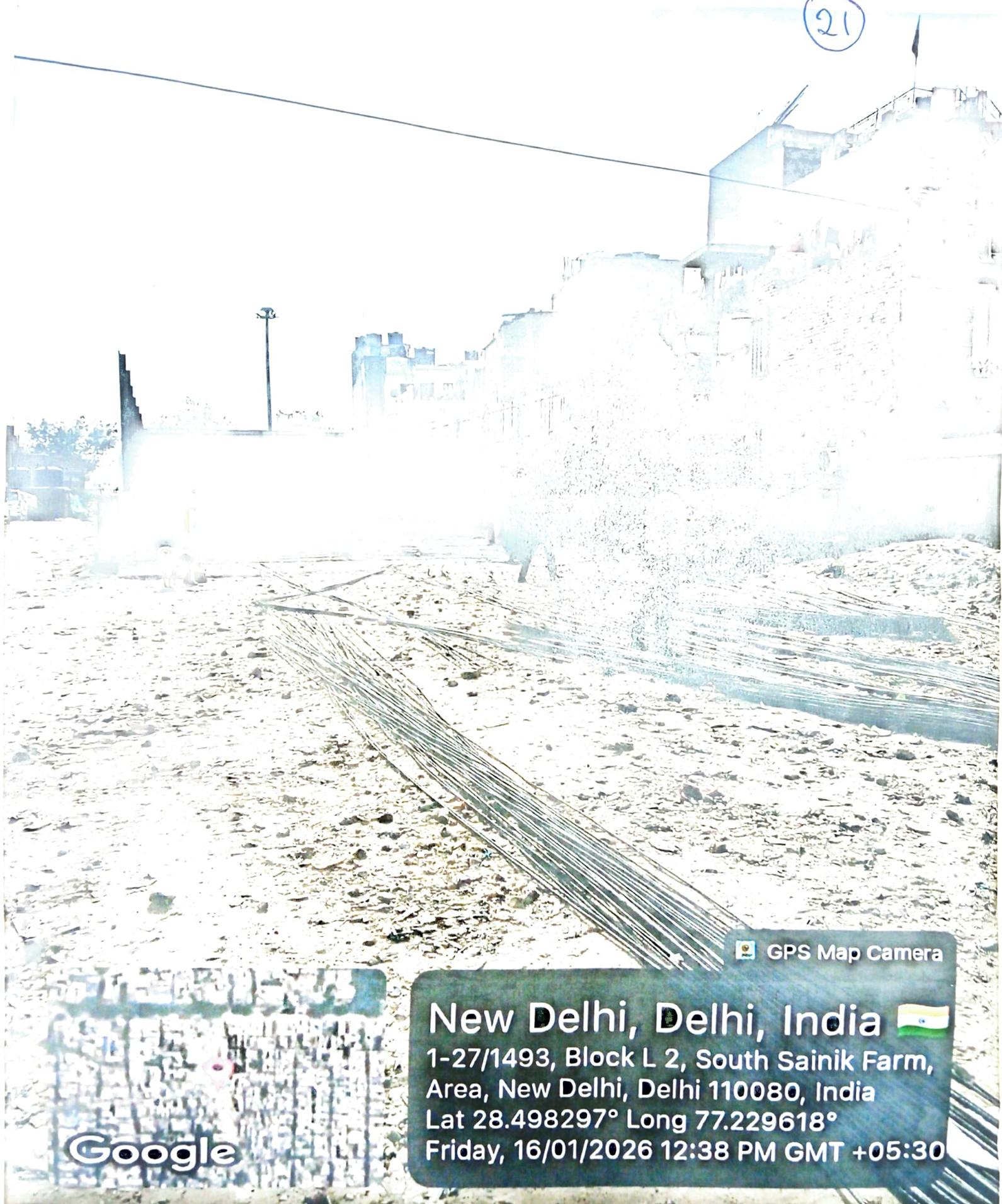
Copy To.

1. S.E (QC) for Information alongwith copy of Schedule & Justification
2. SE () for kind Information Please
3. A.E Concerned for information and necessary action
4. Actt () with account file
5. Copy to Mpl. Councilor Ward
6. D.C.A ()
7. Office Copy

(Rajeev Ranjan Jha)

EE(EMS) South Zone

21



GPS Map Camera

New Delhi, Delhi, India 

1-27/1493, Block L 2, South Sainik Farm,
Area, New Delhi, Delhi 110080, India

Lat 28.498297° Long 77.229618°

Friday, 16/01/2026 12:38 PM GMT +05:30

Google

23



GPS Map Camera



New Delhi, Delhi, India 
1-14/794, Block L 2, South Sainik Farm,
Area, New Delhi, Delhi 110080, India
Lat 28.497995° Long 77.229591°
Friday, 16/01/2026 12:41 PM GMT +05:30