

**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**


**N.D.O.H.: 03.11.2025**

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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: 31.10.2025

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

**AFFIDAVIT ON BEHALF OF RESPONDENT NO.6,  
THE DELHI DEVELOPMENT AUTHORITY, IN  
TERMS OF THE DIRECTIONS ISSUED UNDER THE  
ORDER DATED 07.04.2025.**

I, PRATEEK RAY S/o RAMNIWAS, aged about 39 years,  
YADAV, currently posted as YADAV  
By Director LMC of the Delhi  
Development Authority, having office at  
VIKAS SADAN 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 and action taken towards compliance of the



directions of this Hon'ble Tribunal under the Order dated 07.04.2025.

2. It is submitted that in view of the exclusion under Regulation No.7 of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies), Regulations, 2019 [hereinafter referred to as "**NCT Regulations, 2019**"], no rights have been *conferred* upon the 90 unauthorized colonies falling under Zone-O.
3. It is submitted, however, that the said colonies are part of the list of 1731 unauthorised colonies identified by the Government of NCT, Delhi ("**GNCTD**"), under the NCT Regulations, 2019.
4. Section 3(2)(ii) of the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 [hereinafter referred to as the "**Special Provisions Act**"], provides for maintaining of status quo in respect of unauthorized colonies identified under the NCT Regulations, 2019, existing as on 31.03.2002, and where construction took place up to 01.06.2014.
5. Section 4 of the Special Provisions Act further does not provide for any exception to the provisions of Section 3(2)(ii), in respect of colonies falling under the Zone O. In fact, there appears to be no explicit inclusion or exclusion of colonies falling in the O-Zone under the Special Provisions Act.
6. Relevant provisions of the Special Provisions Act are as below:



**“Section 3. Enforcement to be kept in abeyance.**

(1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall before the expiry of this Act, take all possible measures to finalise norms, policy guidelines, feasible strategies and make orderly arrangements to deal with the problem of encroachment or unauthorised development in the form of encroachment by slum dwellers and Jhuggi-Jhompri clusters,<sup>1\*\*\*</sup> unauthorised colonies, village abadi area (including urban villages), and their extensions, existing farm houses involving construction beyond permissible building limits and schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, as mentioned below:--

(a) orderly arrangements for relocation and rehabilitation of slum dwellers and Jhuggi-Jhompri clusters in Delhi in accordance with the provisions of the Delhi Urban Shelter Improvement Board Act, 2010 (Delhi Act 7 of 2010) and<sup>2</sup>[the Master Plan] to ensure its development in a sustainable, planned and humane manner;

3\* \* \* \* \*

<sup>4</sup>[(c) orderly arrangements in accordance with the provisions of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019 (45 of 2019), the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 and the regulations for village abadi area (including urban villages) and their extensions as per the following cut-off dates:--

- (i) for unauthorised colonies as provided in the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019;
- (ii) for village abadi area (including urban villages) and their extensions as existed on the 31st day of March, 2002 and where construction took place even beyond that date



and up to 1st day of June, 2014;]

(d) policy regarding existing farm houses involving construction beyond permissible building limits;

(e) policy or plan for orderly arrangement regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land and guidelines for redevelopment of existing godown clusters (including those for a storage of non-agricultural goods) required to cater to the needs of the people of the National Capital Territory of Delhi;

(f) orderly arrangements in respect of special areas in accordance with the Building Regulations for Special Area, Unauthorised Regularised Colonies and Village Abadis, 2010 within overall ambit of Master Plan in force; and

(g) policy or plan for orderly arrangements in all other areas of the National Capital Territory of Delhi in consonance with the Master Plan on its review.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, status quo--

(i) as on the 1st day of January, 2006 in respect of encroachment or unauthorised development;

<sup>5</sup>[(ii) in respect of unauthorised colonies identified under the National Capital Territory of Delhi (Recognition of Property Rights of Residents in unauthorised Colonies) Regulations, 2019, in respect of village abadi area (including urban villages) and their extensions, which existed on the 31st day of March, 2002, and in aforesaid categories, where construction took place up to 1st day of June, 2014, as mentioned in sub-section (1);]

(iii) in respect of special areas as per the Building Regulations for Special Area, Unauthorised Regularised Colonies and Village Abadis, 2010; and

(iv) in respect of all other areas within the National Capital Territory of Delhi as on the 8th day of February, 2007, shall be maintained.



*Explanation.-- For the purposes of this sub-section, it is hereby clarified that any development approved by the competent authority or the local authority under the relevant laws and the rules or regulations made thereunder, including repairs permissible under the building bye-laws in force, shall continue to remain permitted.*

*(3) All notices issued by any local authority for initiating action against encroachment or unauthorised development in respect of areas referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken <sup>6</sup>[till the 31st day of December, <sup>7</sup>[2026] ], if-*

*(a) it is constructed prior to the dates specified for different areas as enumerated in sub-section (2);*

*(b) it conforms to the safety standards as in force or such other safety requirements as may be notified by the Central Government; and*

*(c) it complies with the directions with respect to safety, if any, issued by the Central Government:*

*Provided that in case punitive action is required to be taken by any local authority, prior approval of the Administrator of the National Capital Territory of Delhi or the officer authorised by him in this behalf, shall be obtained by the authority or officer concerned.*

*(4) Notwithstanding any other provision contained in this Act, the Central Government may, <sup>8</sup>[at any time before the 31st day of December, <sup>7</sup>[2026] ], withdraw the exemption by notification in respect of encroachment or unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.*

**Section 4. Provisions of this Act not to apply in certain cases.**

*During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorised development, namely:-*



(a) encroachment on public land except in those cases which are covered under clauses <sup>1</sup> [(a) and (c)] of sub-section (1) of section 3;

(b) removal of slums and Jhuggi-Jhompri dwellers, <sup>2</sup> \*\*\* unauthorised colonies or part thereof, village abadi area (including urban villages) and their extensions in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

**Section 5. Power of Central Government to give directions.**

*The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions."*

A copy of the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011 is annexed hereto as **Annexure-1.**

7. For clarity on the aspect of the action to be taken, meetings were held amongst various departments of the DDA. Opinion of the legal department was also taken. In view of the apparent contradiction under Regulation 7 of the NCT Regulations, 2019 and Section 3 of the Special Provisions Act, it was decided by the Competent Authority, that the matter at hand be referred to the Ministry of Housing and Urban Affairs, Government of India (**MoHUA**), under Section 5 of the Special Provisions Act, for seeking a clarification/opinion as to whether action for removal of such unauthorized colonies under the Zone O, having an estimated population of 20–25 lakhs (approx.), would be permissible, as also for clarity on





the criteria and provisions applicable for the relocation and rehabilitation of such persons. A copy of the communication dated 30.10.2025 addressed by Director (LM)-II to Dy. Secretary, Delhi Division-V, MoHUA is annexed hereto as Annexure-2.

- 8. In the circumstances abovementioned, it is respectfully submitted that for the compliance to the extent of providing timelines for the removal of the colonies from Zone O and Yamuna flood plain, as directed under the Order dated 07.04.2025, the above ambiguities require clarification. This Hon'ble Tribunal may permit the DDA some time, to clarify the issues at hand, and apprise this Hon'ble Tribunal of the further course of action.
- 9. The above information, documents and present Affidavit are submitted accordingly. The Respondent/DDA has utmost respect for the Orders of this Hon'ble Tribunal, and ensures compliance thereof, as permissible under law.

*Handwritten signature*

Identified the deponent/executant who has signed in my presence.

**VERIFICATION: -**

Verified at New Delhi on this 31<sup>st</sup> day of October, 2025 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.  
Identified by Shri/Smt  
was solemnly affirmed before me at Delhi  
on 31-10-2025 at SI Nos 126/  
that the contents of the affidavit which have been  
read over & explained to him/her are true & correct  
to his/me knowledge.

31 OCT 2025

*Handwritten signature*  
**DEPONENT**  
 (प्रतीक राज यादव / Prateek Raj Yadav)  
 उपनिदेशक भूमि-प्रबंधन (समन्वय) / Dy. Director (LMC)  
 दिल्ली विकास प्राधिकरण / Delhi Development Authority  
 विकास सदन, आई.एन.ए., नई दिल्ली-110023  
 Vikas Sadan, INA, New Delhi-110023

*Handwritten signature*  
**DEPONENT**  
 (प्रतीक राज यादव / Prateek Raj Yadav)  
 उपनिदेशक भूमि-प्रबंधन (समन्वय) / Dy. Director (LMC)  
 दिल्ली विकास प्राधिकरण / Delhi Development Authority  
 विकास सदन, आई.एन.ए., नई दिल्ली-110023  
 Vikas Sadan, INA, New Delhi-110023



## Annexure -1

रजिस्ट्री सं० डी० एल०—(एन)०४/०००७/२००३—११

REGISTERED NO. DL—(N)04/0007/2003—11



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 30] नई दिल्ली, सोमवार, दिसम्बर 26, 2011/ पौष 5, 1933 (शक)  
No. 30] NEW DELHI, MONDAY, DECEMBER 26, 2011/PAUSHA 5, 1933 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(LEGISLATIVE DEPARTMENT)

*New Delhi, the 26th December, 2011/Pausha 5, 1933 (Saka)*

The following Act of Parliament received the assent of the President on the 23rd December, 2011, and is hereby published for general information:—

## THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS (SPECIAL PROVISIONS) SECOND ACT, 2011

No. 20 OF 2011

[23rd December, 2011.]

An Act to make special provisions for the National Capital Territory of Delhi for a further period up to the 31st day of December, 2014 and for matters connected therewith or incidental thereto.

WHEREAS there has been phenomenal increase in the population of the National Capital Territory of Delhi owing to migration and other factors resulting in tremendous pressure on land and infrastructure leading to encroachment or unauthorised developments which are not in consonance with the concept of planned development as provided in the Master Plan for Delhi, 2001 and the relevant Acts and building bye-laws made thereunder;

AND WHEREAS the Master Plan for Delhi, 2001 was extensively modified and notified by the Central Government on the 7th day of February, 2007 with the perspective for the year 2021 keeping in view the emerging new dimensions in urban development *vis-a-vis* the social, financial and other ground realities;

AND WHEREAS the Master Plan for Delhi with the perspective for the year 2021 specifically provides for strategies for housing for urban poor as well as to deal with the informal sector;

AND WHEREAS a strategy and a scheme has been prepared by the local authorities in the National Capital Territory of Delhi for regulation of urban street vendors in accordance with the National Policy for Urban Street Vendors and the Master Plan for Delhi, 2021, and is being implemented;

AND WHEREAS based on the policy finalised by the Central Government regarding regularisation of unauthorised colonies, village *abadi* area and their extension, the guidelines and regulations for this purpose have been issued;

AND WHEREAS based on the policy finalised by the Central Government regarding regularisation of unauthorised colonies, village *abadi* area and their extensions, the Building Regulations for Special Area, Unauthorised Regularised Colonies and Village *Abadis*, have been made by the Delhi Development Authority under sub-section (1) of section 57 of the Delhi Development Act, 1957 notified in the Gazette of India *vide* S.O. 97(E), dated the 17th January, 2011;

61 of 1957.

AND WHEREAS in pursuance of the guidelines and regulations necessary steps are being taken for the regularisation of unauthorised colonies which, *inter alia*, involve scrutiny of layout plans, assessment of built-up percentage existed as on the 31st day of March, 2002, identification of mixed use of streets, approval of layout plans, fixation of boundaries, change in land use and identification of colonies not eligible for regularisation;

AND WHEREAS the Government of National Capital Territory of Delhi has received one hundred forty redrafted layout plans and is in process of fixing the boundary on these layout plans and the complete process of redrafting or finalisation of layout plans is likely to take considerable time to regularise all the unauthorised colonies;

AND WHEREAS more time is required for proper implementation of the scheme regarding hawkers and urban street vendors and for the regularisation of unauthorised colonies, village *abadi* area and their extensions and special areas;

AND WHEREAS the Government of National Capital Territory of Delhi is actively considering enactment of law with regard to hawkers and urban street vendors, which is likely to take considerable time due to the legal procedure to be followed in this regard;

AND WHEREAS the revised policy for proper arrangements for relocation and rehabilitation of slum dwellers and *jhuggi-jhompri* clusters in the National Capital Territory of Delhi has been formulated and accordingly, the Delhi Urban Shelter Improvement Board Act, 2010 has been enacted by the Legislature of the National Capital Territory of Delhi and notified with effect from the 1st July, 2010 to provide for implementation of schemes for improvement of slums and *jhuggi-jhompri* clusters with a view to bring improvement in environment and living conditions, and to prepare housing scheme for such persons;

Delhi Act  
7 of 2010.

AND WHEREAS the Delhi Urban Shelter Improvement Board has identified about six hundred and eighty-five *jhuggi-jhompri* clusters in the National Capital Territory of Delhi and relocation thereof is likely to take considerable time;

AND WHEREAS the draft policy regarding farm houses is being prepared by the Delhi Development Authority and its finalisation is likely to take about two years;

AND WHEREAS pursuant to the Master Plan for Delhi, 2021, the Zonal Development Plans in respect of various Zones have been notified which provides for regularisation of schools, dispensaries, religious institutions and cultural institutions established on or before the 1st January, 2006 in non-conforming areas;

AND WHEREAS the policy with respect to storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land and guidelines for redevelopment of existing godown clusters in non-conforming areas (including those for a storage of non-agricultural goods) required to cater to the needs of the people of the National Capital Territory of Delhi are under consideration of the Central Government in consultation with the Delhi Development Authority;

AND WHEREAS with respect to special areas (being the areas consisting of walled city, walled city extension and area known as Karol Bagh and as such other areas as may be designated as special area) referred to in clause (vi) of regulation 2 of the Building Regulations for Special Area, Unauthorised Regularised Colonies and Village *Abadis*, 2010 notified in the Gazette of India *vide* S.O. 97(E), dated the 17th January, 2011, is being taken for formulation of redevelopment plan and schemes by concerned local authority which is likely to take considerable time;

AND WHEREAS rule 12 of the Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959 provides for amendment of whole or any part of the Master Plan, if necessary, at the expiry of every five years and accordingly in pursuance of the aforesaid rule 12, the process of quinquennial revision of the provisions of the Master Plan notified on the 7th February, 2007, is being undertaken for such modifications and updating that have emerged based on ground realities which is likely to take some time for finalisation;

AND WHEREAS in view of the foregoing paragraphs, it is expedient and in public interest that no hardship be caused (whether by way of sealing or demolition of the structures or otherwise), to the public until the revision of Master Plan as stated in the preceding paragraph is undertaken to facilitate the smooth review of the Master Plan;

43 of 2007. AND WHEREAS the National Capital Territory of Delhi Laws (Special Provisions) Act, 2007 was enacted on the 5th day of December, 2007 to make special provisions for the areas of National Capital Territory of Delhi for a period of up to the 31st day of December, 2008 which ceased to operate after the 31st December, 2008;

24 of 2009. AND WHEREAS the National Capital Territory of Delhi Laws (Special Provisions) Act, 2009 was enacted in continuation of the aforesaid Act for a period up to the 31st day of December, 2009 to make special provisions for the areas of the National Capital Territory of Delhi and that Act ceased to operate after the 31st day of December, 2009;

40 of 2009. AND WHEREAS the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2009 was enacted in continuation of the aforesaid Act for a period up to the 31st day of December, 2010 to make special provisions for the areas of National Capital Territory of Delhi and that Act ceased to operate after the 31st day of December, 2010;

5 of 2011. AND WHEREAS the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011 has been enacted to give continued effect to provisions of the enactment specified in the preceding paragraph for a period up to the 31st day of December, 2011 and to make special provisions for the areas of the National Capital Territory of Delhi and that Act, shall cease to operate after the 31st day of December, 2011;

AND WHEREAS it is expedient to have a law in terms of the Master Plan for Delhi, 2021, in continuation of the said Acts for a period up to the 31st day of December, 2014 to provide for relief and to minimise avoidable hardships and irreparable loss to the people of the National Capital Territory of Delhi against any punitive action by any agency in respect of the persons covered by the policies referred to above.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011.

Short title,  
extent,  
commencement  
and duration.

(2) It extends to the National Capital Territory of Delhi.

(3) It shall come into force on the 1st day of January, 2012.

(4) It shall cease to have effect on the 31st day of December, 2014, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act had then been repealed by a Central Act.

## Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “building bye-laws” means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under section 188, sub-section (3) of section 189 and sub-section (1) of section 190 of the Punjab Municipal Act, 1911, as in force in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act, 1957, relating to buildings; 66 of 1957. Punjab Act 3 of 1911. 61 of 1957.

(b) “Delhi” means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957; 66 of 1957.

(c) “encroachment” means unauthorised occupation of Government land or public land other than streets, lanes, footpath and parks, by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(d) “local authority” means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 or the Delhi Development Authority established under the Delhi Development Act, 1957, legally entitled to exercise control in respect of the areas under their respective jurisdiction; 66 of 1957. 44 of 1994. 61 of 1957.

(e) “Master Plan” means the Master Plan for Delhi with the perspective for the year 2021, notified *vide* notification number S.O. 141(E), dated the 7th day of February, 2007 under the Delhi Development Act, 1957; 61 of 1957.

(f) “notification” means a notification published in the Official Gazette;

(g) “punitive action” means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of court orders or otherwise;

(h) “relevant law” means in case of—

(i) the Delhi Development Authority, the Delhi Development Act, 1957; 61 of 1957.

(ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and 66 of 1957.

(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994; 44 of 1994.

(i) “special area”, shall have the meaning assigned to it in clause (vi) of regulation 2 of the Building Regulations for Special Area, Unauthorised Regularised Colonies and Village *Abadis*, 2010 notified in the Gazette of India *vide* S.O. 97(E), dated the 17th January, 2011;

(j) “unauthorised development” means use of land or use of building or construction of building or development of colonies carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes any encroachment.

(2) The words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994. 61 of 1957. 66 of 1957. 44 of 1994.

## Enforcement to be kept in abeyance.

3. (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall before the expiry of this Act, take all possible measures to finalise norms, policy guidelines, feasible strategies and make orderly arrangements to deal with the problem of encroachment or unauthorised development in the

form of encroachment by slum dwellers and *Jhuggi-Jhompri* clusters, hawkers and urban street vendors, unauthorised colonies, village *abadi* area (including urban villages), and their extensions, existing farm houses involving construction beyond permissible building limits and schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, as mentioned below:—

Delhi Act 7  
of 2010.

(a) orderly arrangements for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhompri* clusters in Delhi in accordance with the provisions of the Delhi Urban Shelter Improvement Board Act, 2010 and the Master Plan for Delhi, 2021 to ensure its development in a sustainable, planned and humane manner;

(b) scheme and orderly arrangements for regulation of urban street vendors in consonance with the national policy for urban street vendors and hawkers as provided in the Master Plan for Delhi, 2021;

(c) orderly arrangements pursuant to guidelines and regulations for regularisation of unauthorised colonies, village *abadi* area (including urban villages) and their extensions, as existed on the 31st day of March, 2002, and where construction took place even beyond that date and up to the 8th day of February, 2007;

(d) policy regarding existing farm houses involving construction beyond permissible building limits;

(e) policy or plan for orderly arrangement regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land and guidelines for redevelopment of existing godown clusters (including those for a storage of non-agricultural goods) required to cater to the needs of the people of the National Capital Territory of Delhi;

(f) orderly arrangements in respect of special areas in accordance with the Building Regulations for Special Area, Unauthorised Regularised Colonies and Village *Abadis*, 2010 within overall ambit of Master Plan in force; and

(g) policy or plan for orderly arrangements in all other areas of the National Capital Territory of Delhi in consonance with the Master Plan on its review.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, *status quo*—

(i) as on the 1st day of January, 2006 in respect of encroachment or unauthorised development;

(ii) in respect of unauthorised colonies, village *abadi* area (including urban villages) and their extensions, which existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to the 8th day of February, 2007, mentioned in sub-section (1);

(iii) in respect of special areas as per the Building Regulations for Special Area, Unauthorised Regularised Colonies and Village *Abadis*, 2010; and

(iv) in respect of all other areas within the National Capital Territory of Delhi as on the 8th day of February, 2007,

shall be maintained.

*Explanation.*— For the purposes of this sub-section, it is hereby clarified that any development approved by the competent authority or the local authority under the relevant laws and the rules or regulations made thereunder, including repairs permissible under the building bye-laws in force, shall continue to remain permitted.

(3) All notices issued by any local authority for initiating action against encroachment or unauthorised development in respect of areas referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of December, 2014, if—

(a) it is constructed prior to the dates specified for different areas as enumerated in sub-section (2);

(b) it conforms to the safety standards as in force or such other safety requirements as may be notified by the Central Government; and

(c) it complies with the directions with respect to safety, if any, issued by the Central Government:

Provided that in case punitive action is required to be taken by any local authority, prior approval of the Administrator of the National Capital Territory of Delhi or the officer authorised by him in this behalf, shall be obtained by the authority or officer concerned.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the 31st day of December, 2014, withdraw the exemption by notification in respect of encroachment or unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

Provisions of this Act not to apply in certain cases.

4. During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorised development, namely:—

(a) encroachment on public land except in those cases which are covered under clauses (a), (b) and (c) of sub-section (1) of section 3;

(b) removal of slums and *Jhuggi-Jhopri* dwellers, hawkers and urban street vendors, unauthorised colonies or part thereof, village *abadi* area (including urban villages) and their extensions in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

Power of Central Government to give directions.

5. The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions.

Validation of acts done or omitted to be done, etc., during 1st January, 2012 up to the date of enactment of this Act.

6. Notwithstanding any judgment, decree or order of any court, all things done, or, omitted to be done, and all action taken, or, not taken, during the period beginning on or after the 1st day of January, 2012 and ending immediately before the date of enactment of this Act, shall, in so far as they are in conformity with the provisions of this Act, be deemed to have been done, or, omitted to be done, or, taken, or, not taken, under these provisions as if such provisions were in force at the time such things were done or omitted to be done and action taken or not taken during the aforesaid period.

V.K. BHASIN,  
Secy. to the Govt. of India.



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दिल्ली विकास प्राधिकरण / Delhi Development Authority  
भूमि प्रबंधन समन्वय / Land Management Coordination  
ए -308, तृतीय तल, ए - ब्लॉक, विकास सदन/ A-308, Third Floor, A- Block, Vikas Sadan  
आई. एन. ए. , नई दिल्ली -110023 / INA, New Delhi- 110023

**Annexure -2 14**

File No. LAW/F7/0005/2025/-O/o SLO(LM-DC)/337  
Comp. No. 99279

Dated: 30.10.2025

To

Deputy Secretary,  
Delhi Division-V, Room No. 320/C,  
Nirman Bhawan, MoHUA,  
New Delhi-110011.

**Subject: Seeking advice of MoHUA under Section 5 of the NCTD Laws (Special Provisions) Second Act, 2011 regarding removal of encroachment from O-Zone colonies in compliance with directions of Hon'ble NGT in Application No. 190/2024.**

**Reference:** News item titled "161 illegal colonies on O-Zone making river water toxic" appearing in *The Times of India* dated 25.01.2024, linked to Original Application No. 190/2024 before the Hon'ble National Green Tribunal.

Sir,

This has reference to the subject cited above. The Hon'ble National Green Tribunal (NGT) has taken suo moto cognizance of the above-mentioned news item and registered O.A. No. 190/2024, concerning **161 unauthorized colonies located in O-Zone (Yamuna Flood Plain)** which are reportedly discharging untreated sewage into the Yamuna River.

2. The Hon'ble NGT, vide order dated 07.04.2025, has directed DDA to file an affidavit within four weeks indicating the **timeline for removal of illegal encroachments** from O-Zone and Yamuna Flood Plain areas.
3. In this connection, it is submitted that an affidavit on behalf of DDA was earlier filed on 28.08.2024, informing the Hon'ble Tribunal that **no property rights have been conferred** upon the colonies falling in Zone-O, in view of **Regulation 7 of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorized Colonies) Regulations, 2019**, which specifically provides that:

"No rights shall be conferred or recognized over land falling in Zone-O (Yamuna Flood Plain) and other restricted categories such as forest, ridge, or right of way of existing roads, etc."

4. Further, as per the records of PM-UDAY Cell, **90 unauthorized colonies** have been identified as falling in Zone-O, and no rights have been granted to them under the said Regulations.
5. The matter was referred to the Legal Department of DDA for opinion regarding the applicability of the **National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011** as amended from time to time till date, to such colonies. The Legal Department has opined that **Section 3(2)(ii)** of the said Act provides for **maintenance of status quo** in respect of unauthorized colonies identified under the 2019 Regulations, but does not explicitly exclude or include colonies falling in Zone-O.




6. Thus, there exists a **legal contradiction** between the provisions of the Special Provisions Act, 2011 (which protects unauthorized colonies through status quo) and Regulation 7 of the 2019 Regulations (which excludes Zone-O colonies from recognition).
7. In view of the above and considering the directions issued by the Hon'ble NGT to indicate timelines for removal of encroachments from O-Zone, **advice of MoHUA is sought under Section 5 of the Special Provisions Act** as to whether:
  - (i) Any action for removal of unauthorized colonies/structures in O-Zone is legally permissible during the subsistence of protection under the Special Provisions Act, 2011; and
  - (ii) Whether DDA may proceed to comply with Hon'ble NGT's directions in respect of such colonies having large population.
8. The above advice/ opinion is crucial to enable DDA to file a comprehensive affidavit before the Hon'ble NGT in compliance of its order dated 07.04.2025 and hence as such, may kindly be provided at the earliest.

This issues with the approval of the VC, DDA.

  
**Director (LM)-II**

**Copy for information to:**

1. OSD to VC/DDA.
2. PS to Pr. Commissioner (LM), DDA.
3. PS to Commissioner (LM), DDA.

  
**Director (LM)-II**