

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 678 / 2023**

IN THE MATTER OF:

Jangpura Extension Residents Forum RWA & Ors.APPLICANTS
Versus
Government of NCT of Delhi & Ors.RESPONDENTS

N.D.O.H- 18.03.2024

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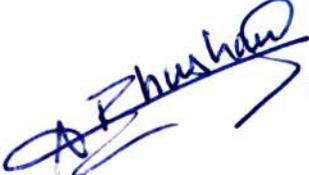
For JRF-Jangpura Extension Residents Forum RWA.

(Authorised Signatory)

Dated: 03.03.2024
Place: New Delhi

(Jangpura Extension Residents Forum RWA)
SPA HOLDER

THROUGH COUNSEL



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Enrolment No.-D/8131/2022

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AFFIDAVIT CUM OBJECTION TO THE REPORT DATED 12.01.2024 FILED BY R.NO. 2/MCD AND TO THE REPORT DATED 17.01.2024 FILED BY R.NO. 4/DPCC

I, Sharaf Sabri, aged about 65 years, S/o Sh. Imdad Sabri, R/o Jangpura Extension, Dist. South East, Delhi, do hereby solemnly declare and state as under:-

1. That I am the General Secretary of Applicant No. 1, i.e., '**Jangpura Extension Residents Forum RWA**' in the Original Application titled above and being well conversant with the facts and circumstances of the case, I am competent to swear this Affidavit cum Objection.
2. That further, **Applicants 2-9 have authorized me**, to carry out the proceedings on their behalf before this Hon'ble Tribunal in the instant Original Application. The authorization includes, *inter alia*, swearing this Affidavit cum Objection.

I further solemnly declare and state as under:

R.NO. 2/MCD'S REPORT IS DECEPTIVE AND FULL OF LIES FOR VERY OBVIOUS REASONS

A. It must be noted that R.No. 2/MCD has *shamelessly lied on record* by filing their Report dated 12.02.2024 to this Hon'ble Tribunal. The relevant portions where R.No. 2/MCD has brazenly lied are reproduced hereunder:



- “3. The all three dhalaos situated in Blocks-H, D and P/Q of Jangpura Extension New Delhi are being maintained neat & clean round the clock.....”
- “5. That the dhalaos are being maintained in good sanitary condition and every possible effort shall be made to maintain the same, till the closure of the dhalaos.”

It is quite clear from a combined reading of the preceding portions of R.No. 2/MCD's Report that it wants everyone to believe that the *dhalaos in question are being maintained in good condition at all times by the MCD*. This assertion of the MCD is only intended to *defraud this Hon'ble Tribunal and conceal the reality*. The Applicants have managed to collect more than enough *photographic (and even videographic) evidence that completely*

disproves the false assertions advanced by the MCD in the said Report. The said photographic evidence is annexed herewith as **Annexure 1 (colly)**. As for the videographic evidence (pertaining to the Block-H Dhalao), it shall be sent through registered post to the Hon'ble judges adjudicating this matter.

It should be noted that R.No. 2/MCD's Report is *obviously lacking in integrity and truth* because the Applicants in the instant Original Application have levelled serious allegations against the MCD about breaking numerous environment laws of the country and failing to fulfil its statutory/public duties. It is obvious that the MCD's Report is *coloured by bias, self-interest and a desire for self-preservation*.

THE MANNER OF INSPECTION CONDUCTED BY R.NO. 4/DPCC WAS TOTALLY INAPPROPRIATE AND COUNTERPRODUCTIVE

B. It goes without saying that when a statutory body like R.No.4/DPCC is entrusted with a vital task to carry out a spot inspection and make a status report thereon, **it must do so independently and especially independent of such a party who has every probable motive to manipulate the evidence and adversely affect the outcome of such an inspection.** It is evident from R.No. 4/DPCC's Report that it conducted its inspection jointly with R.No. 2/MCD and R.No.3/DDSIL who managed to *tip off their staff well in advance* and managed to *put up a facade*, thus *defeating the whole purpose of the inspection* to be conducted by R.No. 4/DPCC. The portion of the DPCC's Report where it has stated that it conducted the said inspection jointly with the MCD and R.No.3/DDSIL is reproduced hereunder:

“3. That inspection of Dhalaos at H Block, D Block and P/Q Block near Jangpura Extension, Delhi was conducted by a team of DPCC Officials in the presence of officials of MCD and DDSIL (Dakshin Dilli Swachh Initiatives Limited) on 05.01.2024.....”

It is truly regrettable that a statutory body like the DPCC, constituted for enforcement of environmental laws, does not know how to conduct an inspection for a matter as sensitive as the present one. ***The DPCC should have kept a respectable distance from R.No. 2/MCD and R.No. 3/DDSIL and should have conducted the inspection unannounced and in absence of the MCD and the DDSIL.***

PROPOSAL TO REPLACE DHALAOs IN QUESTION WITH FIXED COMPACTER TRANSFER STATIONS (FCTS) WILL PERPETUATE SUFFERING OF THE APPLICANTS AND THE GENERAL PUBLIC

C. It must be noted that this very Hon'ble Tribunal in its judgment in *Neel Mani V. Municipal Corporation of Delhi & Anr. (O.A. No. 92/2023)*, rendered by Hon'ble Justice Arun Kumar Tyagi and Justice Afroz Ahmad, firmly held that the *proposed replacement of the dhalao (in question in that matter) with an MRF (Material recovery Facility) would be*



inappropriate would *inevitably lead to perpetuation of the same state of affairs* which were sought to be remediated in the first place by a prayer of closure of that dhalao. Such an observation was made despite the fact that *just one family* was suffering by the illegal mismanagement of the dhalao in question in that matter. The Hon'ble Tribunal even went so far as to direct that *upon the closure of the dhalao* in question, *the MCD should open any of a number of public amenities mentioned in the said judgment.* The relevant portion of the said judgment is reproduced hereunder:

“8. We find that MCD has proposed alternative use of dhalao as mentioned in the Status Report, However, we consider that use of dhalao for MRF, Decentralized composting Pits and attendance of safai- karamcharis will not be appropriate and is likely to perpetuate the very same state of affairs which closing of dhalao is meant to remediate. Therefore, it will be appropriate that on closure such dhalao are alternatively used as Milk Booth, EV Infrastructure (IGL), Library, Reading Room, Training Centre for less privileged women and children or Senior Citizen Recreation Centre.”

On the other hand, in the facts and circumstances of the present case, the *Block-H Dhalao* is directly *causing undue suffering* and *violating the fundamental right to right* of:

- *at least 40-50 families;*
- *at least 2000 school students of the two schools situated just metres away from the said dhalao;*
- *countless worshippers visiting the mandir and the langar hall situated just 30-40 meters away; and*
- *countless members of the general public who walk past this infectious dhalao to get to their places of work etc.*

Also, the *Block-D Dhalao* is directly *causing undue suffering* and *violating the fundamental right to right* of:

- *Also, at least 15-20 families; and*
- *countless worshippers visiting the two huge mandirs situated near the said dhalao.*

Thus, it logically follows that it would be *appropriate for this Hon'ble Tribunal to extend the very same treatment to the Applicants and the countless residents of Jangpura Extension that it extended to the Applicant* in the case of *Neel Mani Vs. Municipal Corporation of Delhi & Anr.* cited above.

Additionally, the *proposed installation of FCTS* at the locations of the dhalaos in question *will perpetuate the existing suffering of the Applicants and of the other residents living near the said dhalaos* as R.No. 2/MCD's agreement with R.No. 3/DDSIL makes it *mandatory for such an FCTS to have a provision that enables residents to dump their waste which will only serve to perpetuate the issue of illegal dumping of waste at the said locations.* The relevant portion of the said agreement is annexed herewith as **Annexure 2.**



ILLEGAL DUMPING OF WASTE AT THE DHALAOs
ADMITTED BY R.NO. 4/DPCC

D. It is now settled that *random people dump waste* at the said dhalaos. This situation has been *admitted by R.No. 4/DPCC* in its aforementioned Report at various places. The relevant portions containing such admission are reproduced hereunder:

“3. (a)(vi)..... *Some Municipal Solid Waste is also being dumped by the local people at the Dhalao.*”

“3. (b)(v)..... *Some Municipal Solid Waste is also being dumped by the local people at the Dhalao.*”

“3. (c)(vi)..... *Some Municipal Solid Waste is also being dumped by the local people at the Dhalao.*”

This admission completely proves that there *exist unsanitary and unsafe conditions at the dhalaos* which carry the potential for *exposing the residents* living nearby and even the general public to *dangerous diseases*. Thus, as explained in the preceding point the *proposed installation of FCTS* at the locations of the dhalaos in question *will only perpetuate the suffering being already caused to the Applicants and will potentially spread diseases to the Applicants and the general public living near the said dhalaos.*

R.NO. 2/MCD'S CLAIM THAT NO ALTERNATIVE SITE IS AVAILABLE IS BASELESS AND IS THE RESULT OF LACK OF INITIATIVE ON MCD'S PART

E. It should be noted that R.No.2/MCD's claim that *no alternative site is available* is exclusively *a result of lack of initiative* to actually look for an alternative place. The *Applicant No. 1 RWA knows for a fact that this claim is baseless* and it is willing to help the MCD look for an alternative places for the purpose of setting up dhalaos *upon public land away from the vicinity of residences of the residents of Jangpura Extension and schools, community halls, places of worship etc.* For this purpose, the MCD, must be directed to close the dhalaos in question and consult Applicant No. 1 RWA to look for alternative sites.

PRAYER

In the facts and circumstances mentioned above, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) Direct **R. No. 2/MCD** to immediately close the aforementioned dhalaos or shift them elsewhere, away from the vicinity of the residences of all the Applicants, the



school, the langar hall, the temple situated near the Block H Dhalao, and the temples situated near the Block D Dhalao.

- b) Direct R. No. 2/MCD not to replace the aforementioned Dhalaos with FCTS, MRS etc. but rather to replace them with any of the various public amenities like Amul Milk Booth, Reading room etc.
- c) Impose an exemplary fine of Rs. 1 crore on R. No. 3/DDSIL so as to strongly deter private concessionaires like it from ever repeating the violations perpetrated in this case.
- d) Award suitable compensation payable by R. No. 2/MCD and R. No. 3/DDSIL, each, to each of the Applicants herein for the grave nuisance, mental and physical suffering, and illness that they have caused to the Applicants and for seriously diminishing the quality of their lives by exposing them to grave health hazards on an everyday basis.

Or pass any other order or grant any other relief as may be deemed appropriate by this Hon'ble National Green Tribunal.

And for this act of kindness, the Applicants shall forever pray.

For JRF-Jangpura Extension Residents Forum RWA

[Signature]
DEPONENT (Authorised Signatory)

VERIFICATION

05 MAR 2024

I, the above named deponent, presently at New Delhi, do hereby verify that all what is contained in my foregoing affidavit is true and correct to the best of my knowledge and belief.

Verified and signed at New Delhi on this 5th day of March, 2024.

For JRF-Jangpura Extension Residents Forum RWA

[Signature]
DEPONENT (Authorised Signatory)

I Identify the Deponent who has signed in My Presence



VERIFIED THAT THE DEPONENT
 Mr./Smt./Km. Shaqof Sabti
 S/o, W/o, D/o, Sh. Jandae
 Res. Delhi
 Identified by Shri/Smt. Nirund (DAR)
 at Delhi 4/3/24
 has solemnly affirmed that the contents of the affidavit which have been read & explained to him are true and correct to his knowledge

05 MAR 2024

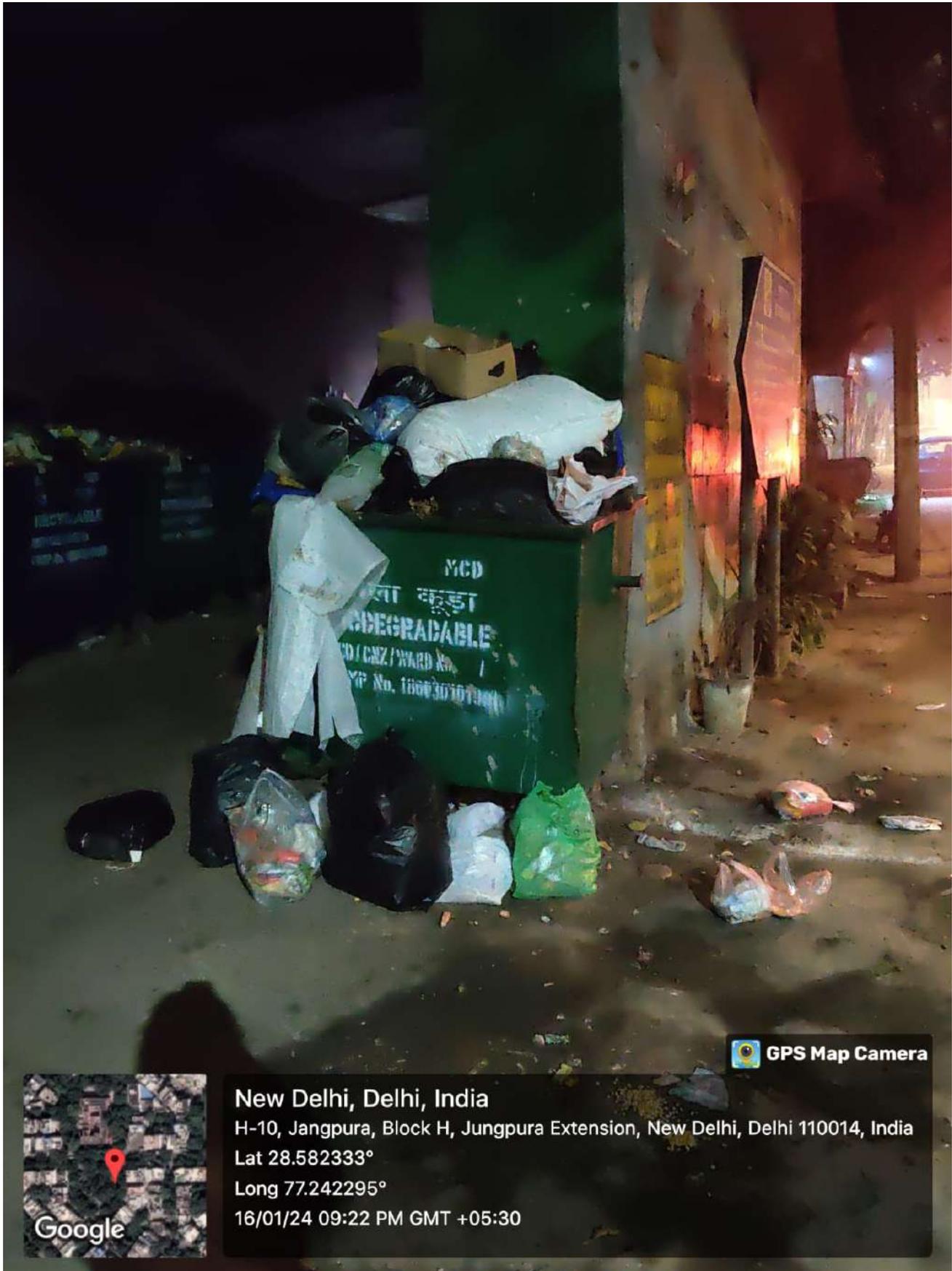
Oath Commissioner New Delhi

05 MAR 2024

ANNEXURE 1 (COLLY) 7

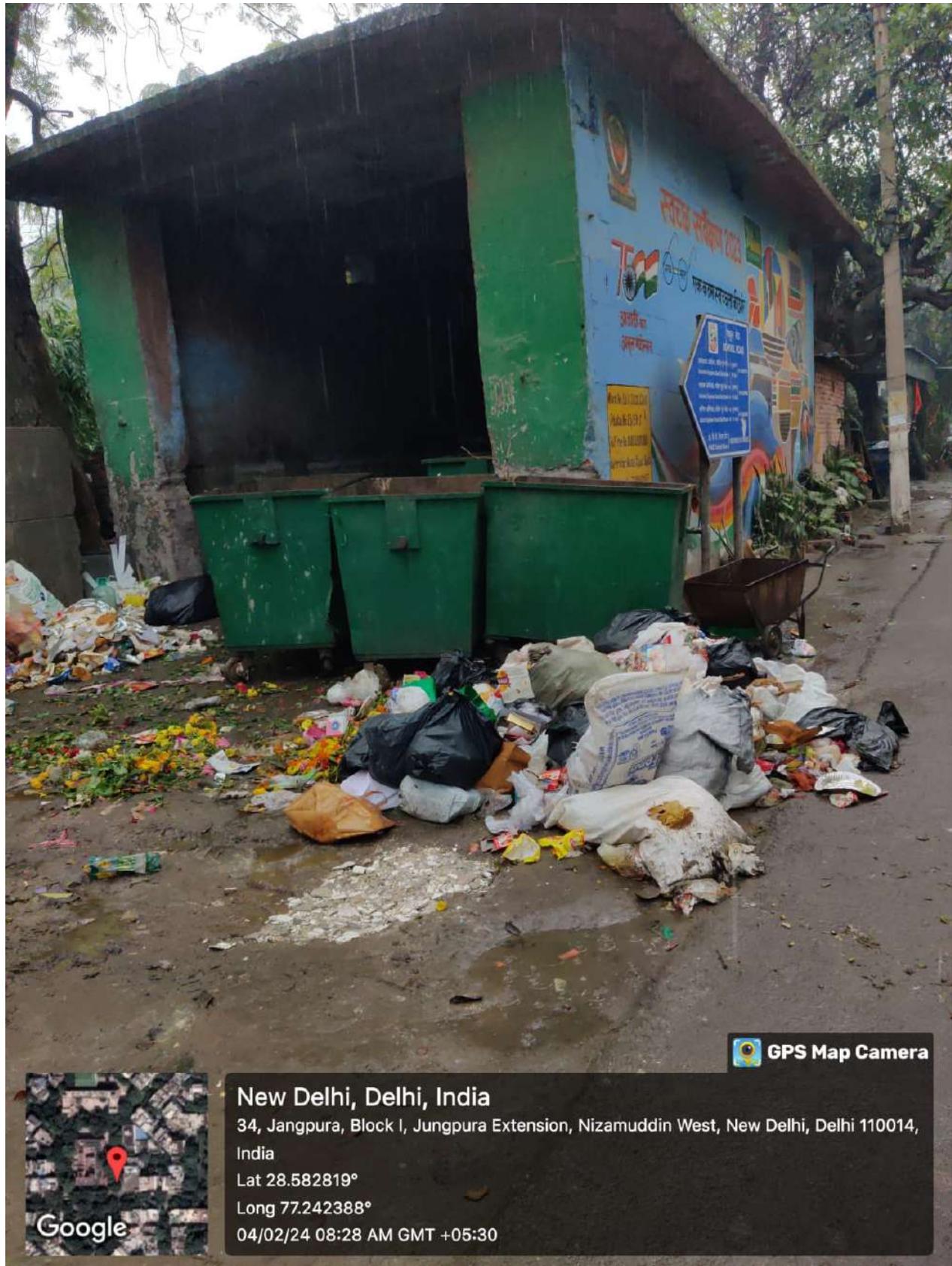
PHOTOS THAT COMPLETELY CONTRADICT MCD'S MISLEADING REPORT DATED 12.01.2024

BLOCK- H DHALAO ON 16.01.2024



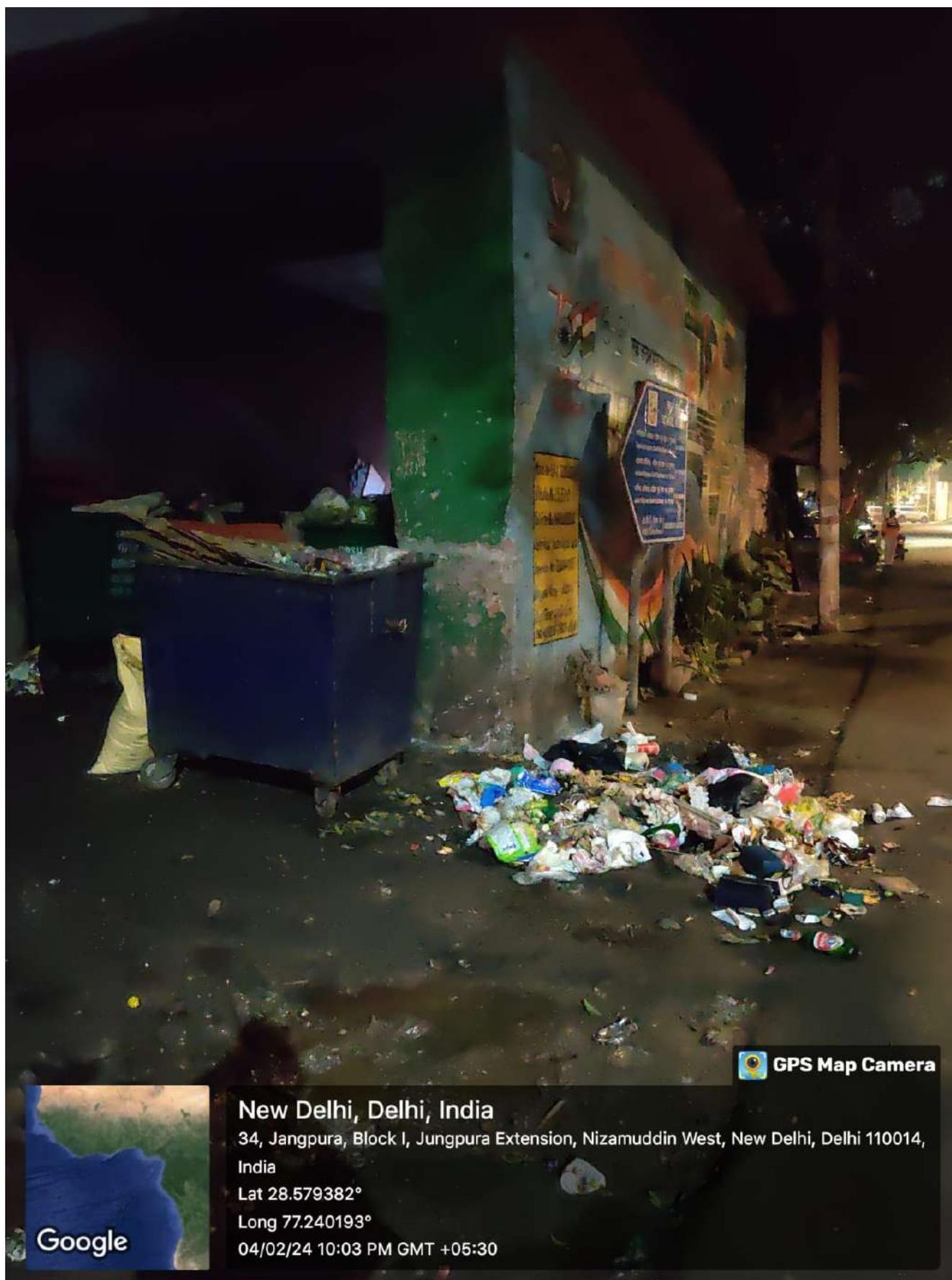
(Waste dumped / scattered by random people because the dhalao is unattended; unsanitary conditions present)

BLOCK- H DHALAO ON 04.02.2024 (DAY)



(Waste dumped / scattered by random people because the dhalao is unattended; unsanitary conditions present)

BLOCK- H DHALAO ON 04.02.2024 (NIGHT)



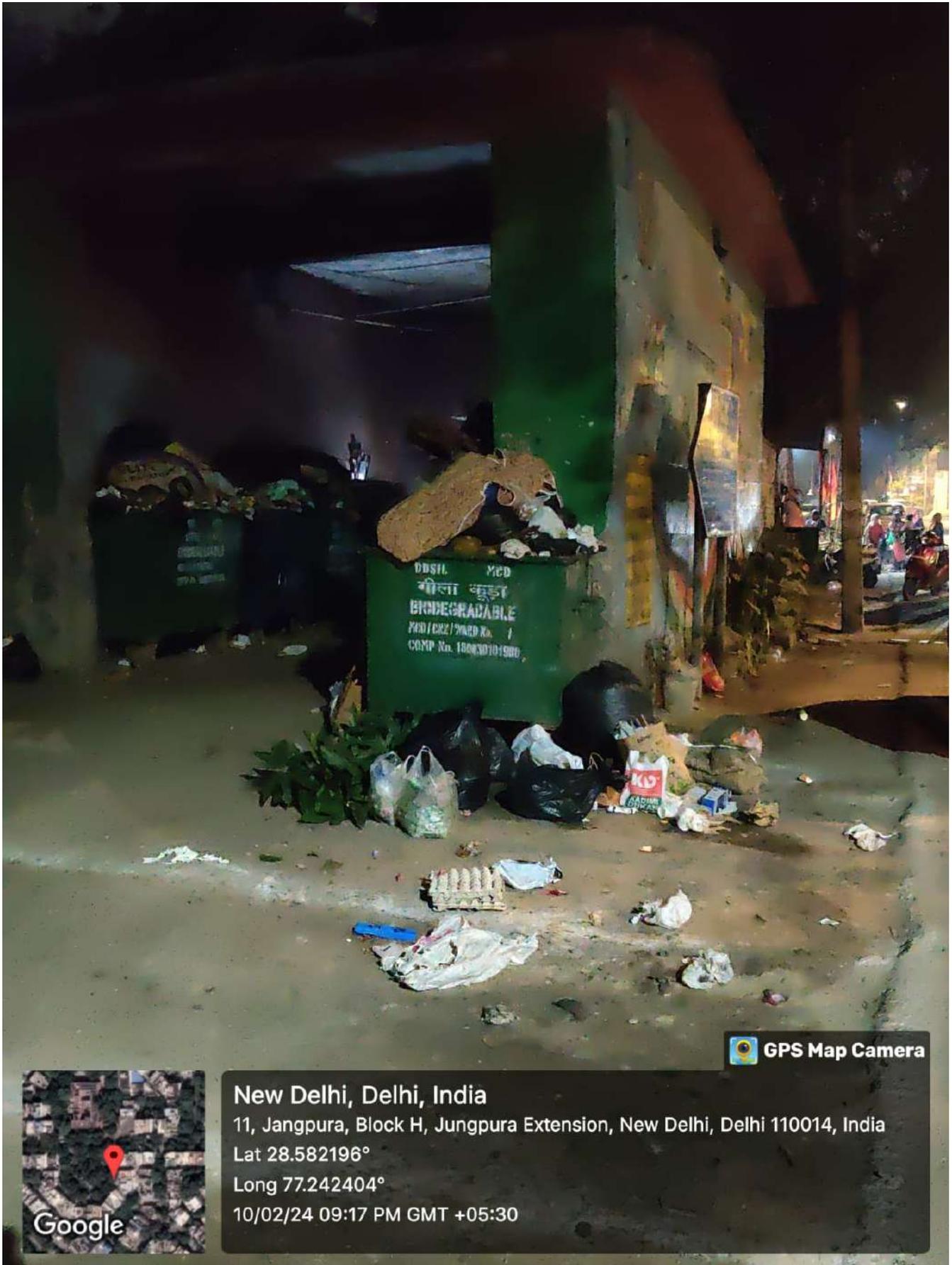
(Waste dumped / scattered by random people because the dhalao is unattended; unsanitary conditions present)

BLOCK- H DHALAO ON 09.02.2024

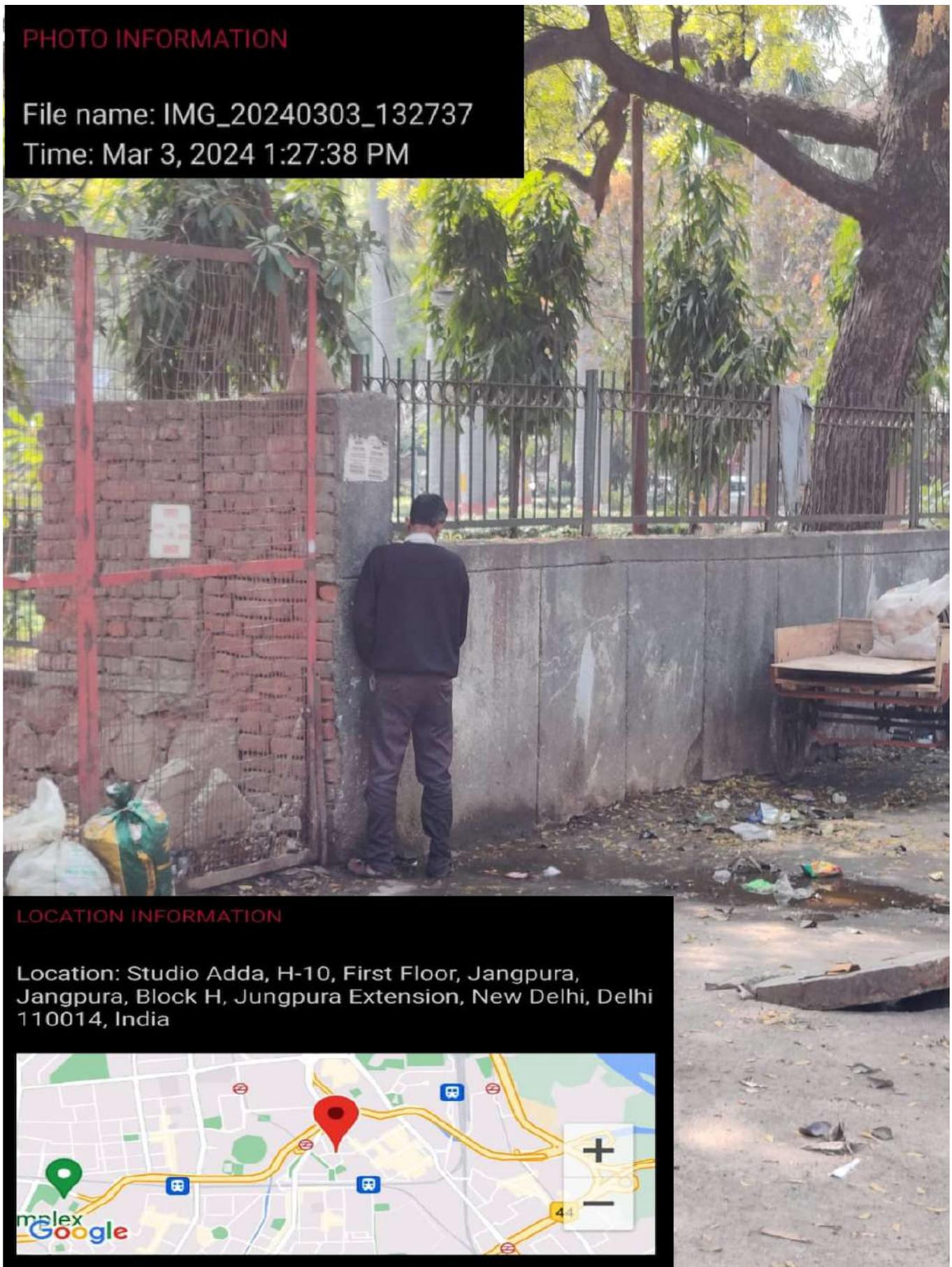


(Waste dumped / scattered by random people because the dhalao is unattended; unsanitary conditions present)

BLOCK- H DHALAO ON 10.02.2024



(Waste dumped / scattered by random people because the dhalao is unattended; unsanitary conditions present)

BLOCK- H DHALAO ON 03.03.2024

(Perpetually unsanitary conditions have made Block-H Dhalao the preferred location of uncivil people to urinate; just 10 meters away from Applicant No. 4's residence; pool of urine can be seen in this picture)

BLOCK-D DHALAO ON 09.02.2024

(Waste dumped / scattered by random people because the dhalao is unattended; unsanitary conditions present)

BLOCK-D DHALAO ON 04.03.2024

(Waste dumped / scattered by random people because the dhalao is unattended; unsanitary conditions present)

COPY OF THE RELEVANT PORTION OF R.NO. 2/MCD'S AGREEMENT WITH
R.NO. 3/DDSIL PROVING THAT THE ISSUE OF DUMPING WILL PERSIST



TENDER DOCUMENTS

For

'Collection and Transportation of Municipal Solid Waste, Street Sweeping Waste, Drain Silt, Green Waste and Construction and Demolition Waste in the South, Central, West and Najafgarh Zones'

Of

South Delhi Municipal Corporation, New Delhi, India

On

Public Private Partnership (PPP) Basis

Volume II

PROJECT INFORMATION MEMORANDUM (PIM)

Disclaimer: The document presents the overview of the project. The content of this document should not be construed as the final project description however the data presented here are on the best effort basis.

Bidders are strongly advised to take the independent technical advice about the veracity of the data presented here under

- d. Concessionaire shall be responsible to increase the frequency of collection as per the directions given by SDMC during the seasonal variation.
- e. SDMC may increase or decrease localities for the collection of green waste.
- f. Waste collected using this service shall not (in any condition) be unloaded in Secondary Collection Points or any other sites/ points and
- g. Green waste shall not be mixed with any other kind of waste.

2.8. Deployment of Mobile Transfer Stations or Refuse Collector cum Compactor Vehicle (MTS) and Fixed/Static Compactor Transfer Stations - (FCTS)

- a. Dedicated **MTS** shall be deployed at specified locations to receive waste from the Auto Tippers/3 Wheelers/Rickshaws engaged in street-level and door-to-door collection of MSW from households and commercial establishments as per the approved route plans.
- b. In addition dedicated **FCTS** shall be installed at specified Dhalaos to receive waste from manual rickshaws, Auto Tippers, 3 Wheelers as per approved route plans.
- c. Minimum numbers of MTS and FCTS (at least four per Zone) to be installed. Details are provided in the in clause 4 of this document.
- d. Design of MTS and FCTS shall allow unloading of waste from primary collection vehicles in smooth way without littering waste and consuming minimum time.
- e. Garbage spilled near the Mobile/Fixed Transfer Stations, while transferring the MSW, should be cleared by the concessionaire so that no spillage is left. Disinfectant should be used after the cleaning process at that location.
- f. **FCTS to also have a provision of dumping waste by residents from nearby areas.**
- g. Concessionaire shall also make provision for standby MTS to address breakdowns, maintenance or failure equivalent to 10% of total requirement for first year, 15% for second year and 20% for third year.
- h. Concessionaire shall maintain a reciprocal balance between the MTS and FCTS but should not go below minimum number (i. e, four FCTS) prescribed.
- i. **FCTS shall have following components:**
 - Hydraulic loading shovel bucket of 1.5 cu m capacity



Figure 13: Refuse Collector cum Compactor



Figure 14: Auto Tipper unloading the waste in to Compactor (MTS)



Figure 15: Fixed Compactor Transfer Station