

**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- 18.09.2024

INDEX

S.NO	PARTICULARS	PAGE NO.
1.	Affidavit-cum-Reply on behalf of Applicant Nos. 1-9 to place on record the new evidence showing brazen disregard of environmental norms by R.No.2/ MCD, constituting disobedience of this Hon'ble Tribunal's implied directions and to contradict the false undertakings made by the MCD in its I.A. No.250/2024 and its Report dated 12.01.2024 to mislead this Hon'ble Tribunal	1-4
2.	Annexure 1(colly): Photos that completely contradict R.No. 2/MCD's misleading IA dated 21.05.2024 and Report dated 12.01.2024	5-14
3.	Annexure 2: Videographic proof showing the Block-H Dhalao's own employees and rag pickers employed by R.No.2/ MCD, making serious accusations against the MCD regarding its failure to send the MTS for collection of massive amount of waste from the Block-H Dhalao for many days during rainy season when the problems associated with garbage and its smell worsen and when these problems immensely affect the Right to life of the public and residents of Jangpura Extension	TO BE GIVEN IN PENDRIVE

For JRF-Jangpura Extension Residents Forum RWA


(Authorised Signatory)

Dated: 11.09.2024
Place: New Delhi

(Jangpura Extension Residents Forum RWA)
SPA HOLDER

THROUGH COUNSEL

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(Vasu Bhushan)

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Enrolment No.-D/8131/2022

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AFFIDAVIT-CUM-REPLY ON BEHALF OF APPLICANT NOS. 1-9 TO PLACE ON RECORD NEW EVIDENCE SHOWING BRAZEN DISREGARD OF ENVIRONMENTAL NORMS BY R.NO.2/ MCD, CONSTITUTING DISOBEDIENCE OF THIS HON'BLE TRIBUNAL'S IMPLIED DIRECTION AND TO CONTRADICT THE FALSE UNDERTAKINGS MADE BY THE MCD IN ITS I.A. NO. 250/2024 AND ITS REPORT DATED 12.01.2024

I, Sharaf Sabri, aged about 66 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-Reply.
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-Reply.

I further solemnly declare and state as under:

R.NO. 2/MCD IS BRAZENLY VIOLATING ENVIRONMENTAL NORMS AND BREACHING ITS OWN UNDERTAKINGS MADE BEFORE THIS TRIBUNAL IN ITS I.A. NO. 250/2024 AND ITS REPORT DATED 12.01.2024

- A. That R.No. 2/MCD has *wilfully/contemptuously lied on record* in its I.A. NO. 250/2024 (hereinafter referred to as '**the said I.A.**') and its **Report dated 12.02.2024** (hereinafter referred to as '**the said Report**'), filed before this Hon'ble Tribunal, as **indisputably evidenced** by the photos annexed herewith as **Annexure 1 (colly)** which show the floors of the Block-H and Block-D dhalaos buried under piles of waste and by the video marked as **Annexure 2** wherein the MCD's own employees and private waste-collectors hired by it can be seen accusing the MCD of not sending any **Secondary Vehicles (Mobile Transfer Stations etc.)** to the said dhalaos to collect the waste therefrom. The said Annexure 2 will be given to the Hon'ble Tribunal before/on/after the N.D.O.H in a pendrive. The relevant portions of the said I.A. where R.No.2/MCD has brazenly lied are reproduced hereunder:

"F. Increase in the number of trips of secondary vehicles

*To avoid accumulation of garbage and stacking of backlog garbage at H
D Block dhalaos, the trips frequency of the secondary vehicles collecting*



garbage from these points has been increased to maintain continuous lifting of garbage from H & D block dhalao.”

“L. Spraying of disinfectant at the dhalao sites

To maintain better sanitation at the dhalao sites, disinfectant is being sprayed on daily basis. Above detailed sustainable measures shall be taken up by the Department till the installation of FCTS to maintain better sanitation condition along with the assurance that MCD shall take all the required necessary steps to comply with the Orders of the Hon’ble NGT in true letter and spirit.”

B. That through a conjoint reading of ‘para F’ and ‘para L’ reproduced above, it is clear that R.No.2/MCD has made a **categorical undertaking** to the effect that the Block-H and Block-D dhalaos (hereinafter referred to as ‘**the said dhalaos**’) would be visited more often (impliedly, more often than before the institution of these proceedings). However, as **clearly evidenced** by Annexure 1 (colly) (supra), the said dhalaos stay **chock-full of huge quantities of waste for numerous hours every single day**, during which time, the said waste emanates **extremely foul odour** which has destroyed any semblance of cleanliness in the lives of the residents of Jangpura Extension. **Thus, the MCD has been wilfully/ deliberately Violating the environmental norms** laid down under the relevant provisions of the **Solid Waste Management Rules, 2016** and the **South Delhi Municipal Corporation Solid Waste Management Bye-Laws, 2017** which have been explained in great detail in the present O.A. **Additionally, The MCD is also breaching its own undertakings and the ‘Implied directions’** issued to it by this Hon’ble Tribunal which are inferable from all the Orders which have been made in this O.A. so far.

C. That the relevant portions of the said Report where R.No.2/MCD has brazenly lied again 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***. Annexure 1 (colly) (supra) and Annexure 2 (supra) ***completely and irrefutably disprove*** the aforementioned false assertions advanced by the MCD in the said Report.



It should be noted that R.No. 2/MCD's Report is *obviously lacking in integrity and credibility*, because, despite the fact that the Applicants in the instant Original Application have levelled serious allegations against the MCD about breaking countless environment norms of the country and adduced supporting evidence to back up those allegations, **R.No.2/MCD continues to lie on record and violate the said environmental norms without a shred of fear or compunction.**

OFFICIALS OF R.NO.2/MCD, RESPONSIBLE FOR DISOBEDIENCE OF TRIBUNAL'S IMPLIED DIRECTIONS ARE LIABLE TO THE SEVEREST PUNISHMENT UNDER SECTION 26 OF THE NGT ACT, 2010

D. That It goes without saying—especially in light of the photographic and videographic evidence annexed to this Affidavit-cum-Reply—that the concerned officials of R.No.2/MCD who have deliberately/negligently caused long delays in the delivery of justice to the aggrieved resident families of Jangpura extension (such as one, **Mr. P.K. Rastogi** (EE of Central Zone, MCD) whom this Hon'ble Tribunal has in fact found to be guilty for making of false and misleading statements/undertakings before itself, vide its Order dated 02.07.2024), shall immediately be punished to the severest extent as provided for under **Section 26 of the National Green Tribunal Act, 2010**. The aforesaid Mr. P.K. Rastogi induced the counsel for the MCD to make 'misleading statements' which resulted in the wastage of close to **100 days of this Tribunal's valuable time**, not to mention, these misleading statements caused (and continue to cause) the prolongation of the **unspeakable suffering** being endured by the said resident families of Jangpura Extension who are forced to live in filth and smell.

THE EXCUSE PREVIOUSLY PLEADED BY R.NO.2/MCD FOR ITS INABILITY TO EXECUTE ITS PLAN FOR RELOCATION OF THE DHALAOs IN QUESTION CEASES TO EXIST AND THE MCD MUST HONOUR ITS UNDERTAKING

E. That it is quite imperative to note that R.No.2/MCD's primary excuse—as elaborately explained by the it in its said I.A. No. 250/2024—was that the Standing Committee of the MCD (which is the highest decision-making executive body of the MCD) has not been constituted. However, it shall be noted that the **MCD has made a public announcement that September 26th, 2024 has been assigned for the said Standing Committee elections, shortly after which, the said Standing Committee will be deemed to have been constituted**. Hence, the fundamental excuse, as pleaded by the MCD itself in the said I.A. for its inability to implement its plans to relocate the dhalaos in question, **now ceases to exist**. Thus, this Hon'ble Tribunal **may kindly hold R.No.2/MCD to its word and ensure that the MCD honours its undertaking of getting the dhalaos in question relocated shortly after the constitution of the MCD's Standing Committee in the manner as explained by the MCD itself in its I.A. No. 250/2024. In doing so, this**



Hon'ble Tribunal may kindly impose a strict timeline upon the MCD, in line with its own plan as explained by it in the said I.A.

VERIFICATION

I, the above-named deponent, presently at NEW DELHI, do hereby verify that the foregoing Affidavit-cum-Reply has been prepared by my counsel at my behest and all which is contained in my foregoing affidavit-cum-Reply is true and correct to the best of my knowledge and belief.

17 6 SEP 2024

Verified and signed at NEW DELHI on this 16th day of SEPTEMBER, 2024.

For JRF-Jangpura Extension Residents Forum RWA

[Signature]
(Authorised Signatory)

DEPONENT

[Signature]
I identified the deponent who has signed in my presence
D/8/3/2022



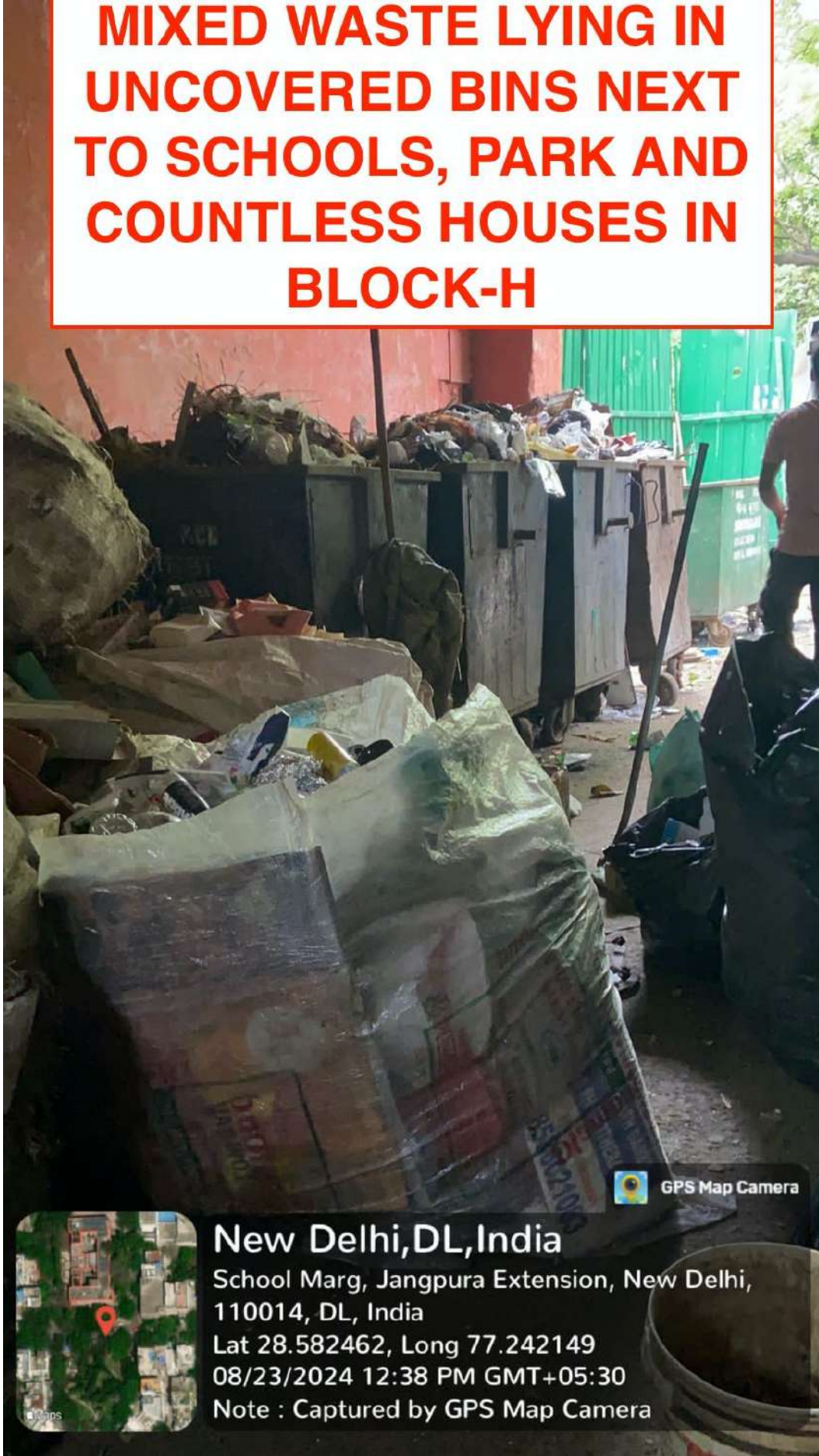
[Signature]
ATTESTED
NOTARY PUBLIC
(INDIA)

17 6 SEP 2024

**NUMEROUS PHOTOS SHOWING THE FLOORS OF
BLOCK-H AND BLOCK-D DHALAO PERPETUALLY
COVERED WITH PILES OF ROTTING WASTE**

STATE OF BLOCK- H DHALAO ON 23th AUGUST, 2024

**MIXED WASTE LYING IN
UNCOVERED BINS NEXT
TO SCHOOLS, PARK AND
COUNTLESS HOUSES IN
BLOCK-H**



GPS Map Camera



New Delhi, DL, India

School Marg, Jangpura Extension, New Delhi,
110014, DL, India

Lat 28.582462, Long 77.242149

08/23/2024 12:38 PM GMT+05:30

Note : Captured by GPS Map Camera

STATE OF BLOCK- H DHALAO ON 23th AUGUST, 2024

**ROTTING MIXED WASTE
ON DHALAO FLOOR IN
BLOCK-H**



GPS Map Camera



New Delhi, DL, India

School Marg, Jangpura Extension, New Delhi,
110014, DL, India

Lat 28.582414, Long 77.242182

08/23/2024 11:51 PM GMT+05:30

Note : Captured by GPS Map Camera

STATE OF BLOCK- H DHALAO ON 23th AUGUST, 2024

**ROTTING MIXED WASTE
ON DHALAO FLOOR IN
BLOCK-H**



GPS Map Camera



New Delhi, DL, India

School Marg, Jangpura Extension, New Delhi,
110014, DL, India

Lat 28.582378, Long 77.242181

08/23/2024 11:50 PM GMT+05:30

Note : Captured by GPS Map Camera

STATE OF BLOCK- H DHALAO ON 23th AUGUST, 2024

**ROTTING MIXED WASTE
ON DHALAO FLOOR IN
BLOCK-H**



GPS Map Camera

New Delhi, DL, India
School Marg, Jangpura Extension, New Delhi,
110014, DL, India
Lat 28.582390, Long 77.241980
08/23/2024 09:58 PM GMT+05:30
Note : Captured by GPS Map Camera



STATE OF BLOCK- D DHALAO ON 12th AUGUST, 2024

**EXTREMELY SMELLY
DISCHARGE FROM
ROTTING WASTE AT
BLOCK-D DHALAO**



GPS Map Camera



New Delhi, DL, India

Hakikat Rai Road, Jangpura Extension, New Delhi,
110014, DL, India

Lat 28.579530, Long 77.245294

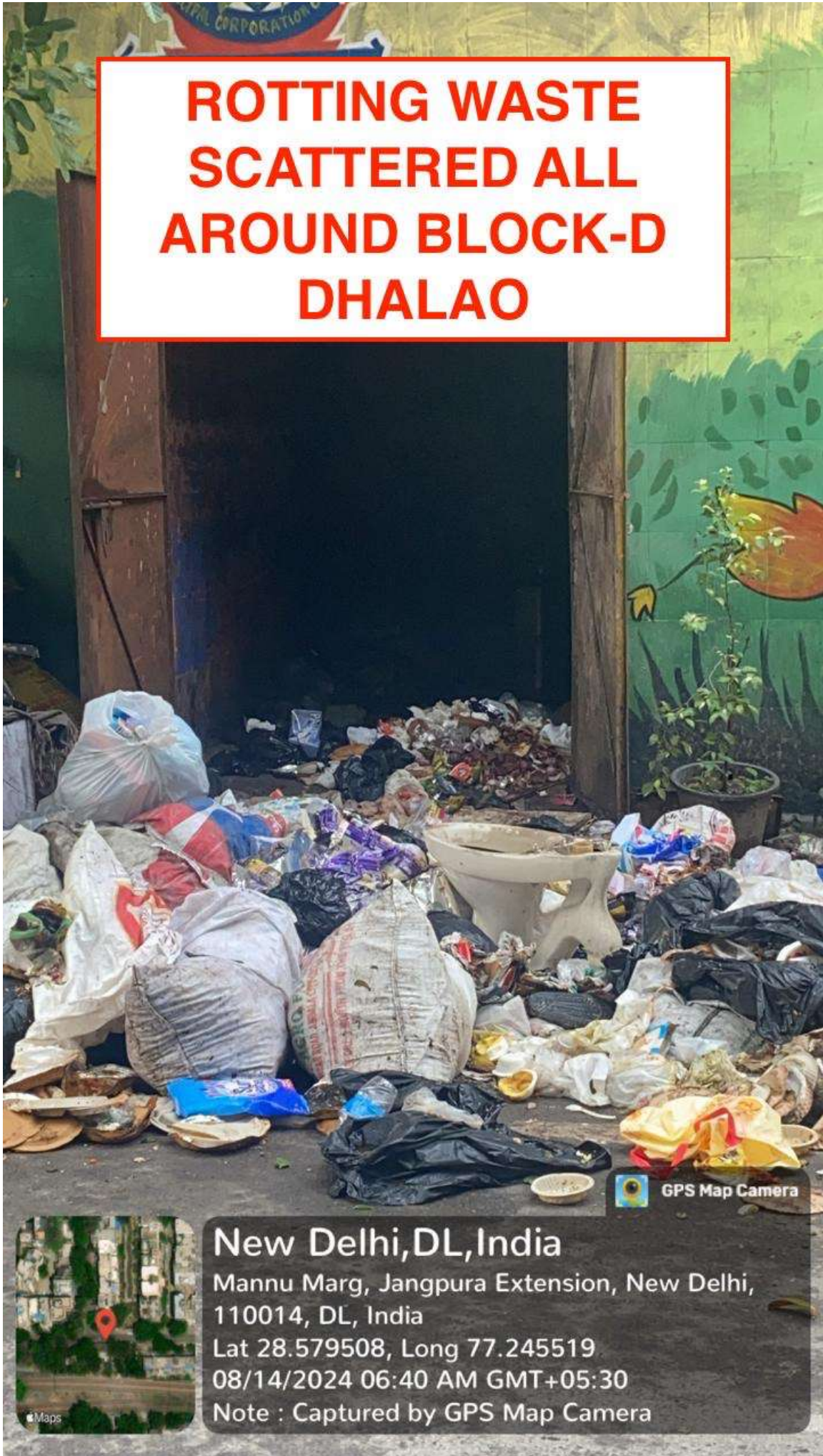
08/12/2024 11:12 AM GMT+05:30

Note : Captured by GPS Map Camera

STATE OF BLOCK- D DHALAO ON 13th AUGUST, 2024

STATE OF BLOCK- D DHALAO ON 14th AUGUST, 2024

**ROTTING WASTE
SCATTERED ALL
AROUND BLOCK-D
DHALAO**



New Delhi, DL, India
Mannu Marg, Jangpura Extension, New Delhi,
110014, DL, India
Lat 28.579508, Long 77.245519
08/14/2024 06:40 AM GMT+05:30
Note : Captured by GPS Map Camera

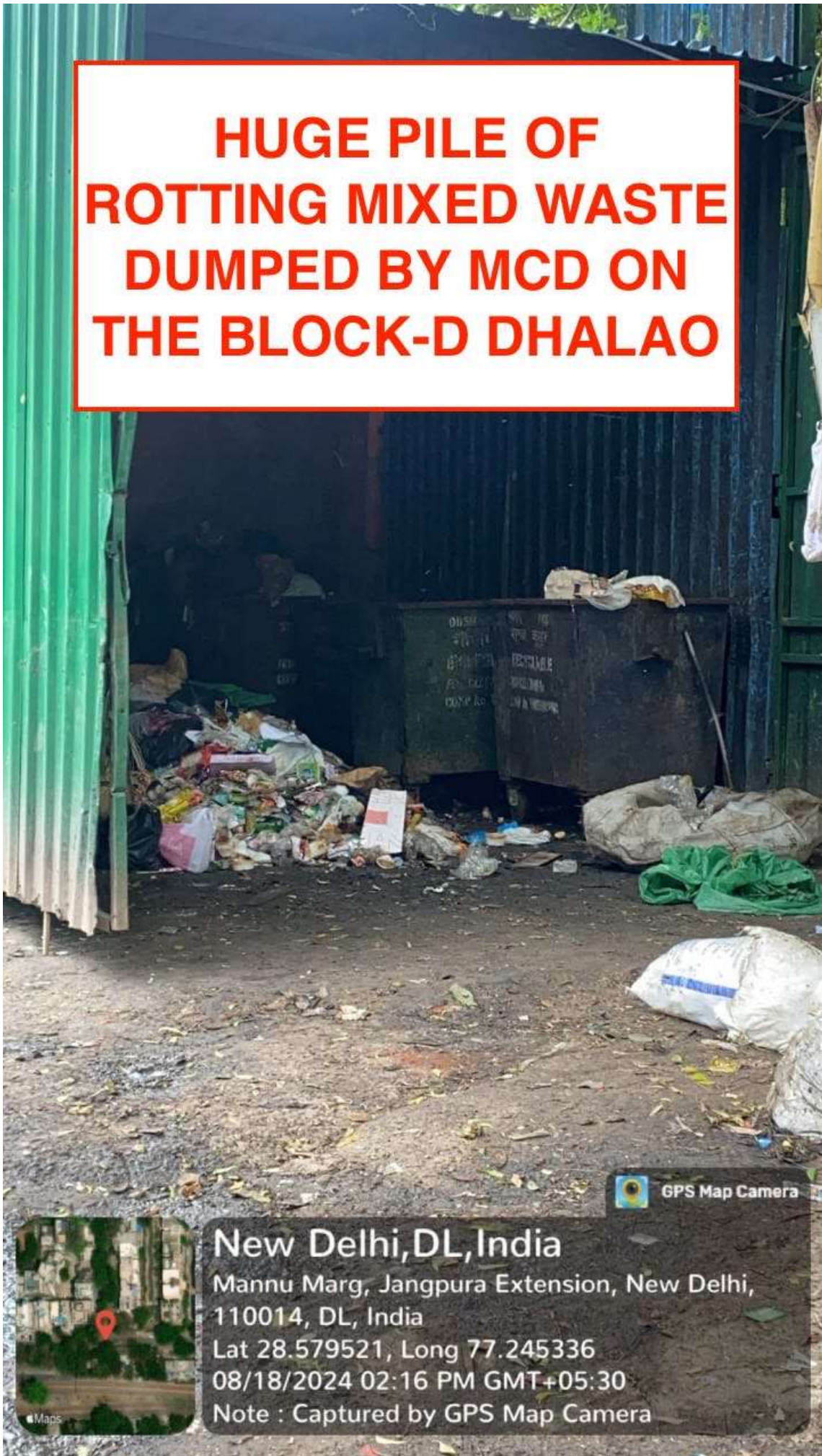
GPS Map Camera

STATE OF BLOCK- D DHALAO ON 16th AUGUST, 2024



STATE OF BLOCK- D DHALAO ON 18th AUGUST, 2024

**HUGE PILE OF
ROTTING MIXED WASTE
DUMPED BY MCD ON
THE BLOCK-D DHALAO**



STATE OF BLOCK- D DHALAO ON 21th AUGUST, 2024

