

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

ORIGINAL APPLICATION NO. 3 OF 2020

IN THE MATTER OF

R.P. Singhal

...Applicant

Versus

Govt. of NCT of Delhi & Ors

...Respondents

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N-71, LOWER GROUND FLOOR

GREATER KAILASH-1

NEW DELHI-110048

NEW DELHI

DATE: 06.08.2020

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**BRIEF NOTE ON BEHALF OF THE APPLICANT ON THE COUNTER
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MOST RESPECTFULLY SHOWETH:

1. That the Applicant had approached this Hon'ble Tribunal by filing the above titled Application raising serious concerns regarding felling of trees, concretization of open spaces inside the park, garbage burning as well as discharge of sewage into the Sanjay Lake and Sanjay Lake park located in Mayur Vihar Phase-II East Delhi.
2. That this Hon'ble Tribunal was pleased to pass the following directions vide order dated 14.01.2020:-

"Grievance in this application is that Sanjay Lake and Sanjay Lake park near Mayur Vihar are being polluted. The Delhi Development Authority (DDA) and Delhi Tourism and Transport Development Corporation (DTTDC) have to take necessary steps. Concretization around the trees is taking place in violation of orders of this Tribunal. The applicant has made a representation for the purpose but the same has not been acted upon. The applicant has relied upon in article "Sanjay lake – dying silently" (Annexure A-4).

In view of the above, it appears to be necessary to require a joint factual and action taken report in the matter from the DDA and the DTTDC. The DDA will be the nodal agency for coordination and compliance. The report may be furnished by email within one month at judicial-ngt@gov.in."

3. That it is pertinent to note that till date no action has been taken by the Respondents in compliance of the order dated 14.01.2020. The Applicant has not received any action taken report in this regard till date. It is submitted that there is no action taken report available on the website of this Hon'ble Tribunal. In fact, the Counsel for the Applicant had even written to the Registry seeking information regarding the same vide email dated 6.08.2020.
4. That however, the Applicant received a counter affidavit from Respondent No. 3, i.e. Delhi Tourism and Transportation Development Corporation ("DTTDC") via email on 06.08.2020.
5. At the outset, the contents of the said counter affidavit are denied by the Applicant unless the same is specifically admitted or is matter of record. It is submitted that the DTTDC has completely failed to respond to the serious issues raised by the Applicant in the Original Application.
6. It may be noted that the DTTDC has denied that there has been any felling of trees. (Para 9 of the counter) However, the Applicant has put on record, photographs which clearly show tree felling within the park. (Annexure A-1 colly) The Applicant also had raised serious concerns due to concretising of base of trees. Thus, it is clear that the DTTDC is trying to mislead this Hon'ble Tribunal.
7. That serious issues relating to garbage burning as well as discharge of untreated sewage into the lake as well as the Park have simply been denied by the DTTDC and the responsibility has been passed on to the Delhi Development Authority which is the land-owning agency. It is requested that appropriate directions may be passed by this Hon'ble Tribunal to ensure that such a blatant violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 do not occur and direct DTTDC to take effective steps towards the restoration of the Lake and the Park.
8. That DTTDC has stated in the counter that they have entered into an agreement with DDA, whereby the DTTDC shall be permitted to use the Sanjay Lake for recreational boating and water sports purposes. (Refer Annexure 1 of the

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counter). However, the DTTDC has also admitted that they have developed an “adventure park”. The photographs annexed at Annexure II of the counter would clearly show permanent structures being built within the park. Thus, it is clear that the open space of the park has been used for construction purposes which ought to have been done. In fact, it is pertinent to note that as per the Terms and Conditions for boating at Sanjay Lake (Annexure I of the Counter), Para 6 clearly states that:

“That the Delhi Tourism and Transportation Development Corporation Ltd. would carry out no construction at the Lake, In case any construction is required to be carried out by the DTTDC then prior approval of the DDA would be obtained”

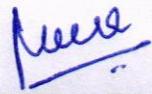
The DTTDC has not put on record any such prior approval from DDA on record for the construction activities carried out as shown in the photographs.

9. That this Hon’ble Tribunal may therefore pass strict orders against the DTTDC as well as DDA for not carrying out their statutory duties and for their inaction to prevent destruction of the lake as well as the trees within the park in question.

APPLICANT

THROUGH

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