

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

O.A. 17 OF 2022

IN THE MATTER OF:

D S KATARA & ANR.

... APPLICANTS

VS.

GOVT OF NCT OF DELHI & ORS.

... RESPONDENTS

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THROUGH

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Place: New Delhi

Dated: 04.03.2025

BEFORE THE NATIONAL GREEN TRIBUNAL,
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COMPLIANCE AFFIDAVIT ON BEHALF OF
RESPONDENT/DDA PURSUANT TO ORDER DATED 15.01.2025

MOST RESPECTFULLY SHOWETH:

I, Sandeep aged 37 years, S/o Kamal Singh designated as SE/SCC-2/SZ of DDA, Office of Superintending Engineer, South Civil Circle – 2, D-3 & D-4, DDA Flats, Vasant Kunj do hereby solemnly affirm and state on oath as under:

1. That I am presently working as SE/SCC-2 of Respondent/DDA and as such am duly authorized and competent to affirm the present Affidavit on behalf of Delhi Development Authority (DDA).



That the present Affidavit has been drafted under my instructions and I say that the facts therein are based upon case records which I believe to be accurate to the best of my knowledge and belief.

3. It is submitted that the Delhi Development Authority (hereinafter referred to as “DDA”) has been consistently complying with the directions issued by this Hon’ble Tribunal. All requisite steps have been undertaken in coordination with relevant authorities to address the issues.
4. This original application bearing OA No. 17/ 2022 was registered *suo motu* on the basis of a letter dated 18.06.2021 from the Residents Welfare Association (RWA), Sector E-2, Vasant Kunj, alleging as under:
- a. Encroachments and garbage dumping by residents of an unauthorized colony choking the drain near the society boundary;
 - b. Stagnation and seepage of waste water into the society premises;
 - c. Effluents released into the drain by nearby factories;
 - d. Unhygienic conditions and associated health hazards.
5. It is pertinent to state here that Respondent, DDA has filed detailed compliance affidavit dated 11.05.2024 and a comprehensive affidavit dated 06.12.2024. Respondent (DDA) crave the leave of this Hon’ble Tribunal to refer and rely upon earlier affidavits filed by Respondent DDA and not repeated herein for sake of brevity.
6. It is pertinent to state here that this Hon’ble Tribunal vide its order dated 20.12.2024 raised two issues and it is asked by this Hon’ble Tribunal to file comprehensive affidavit for the issues mentioned in Paragraph 10 of the order.
- It is stated in respect to first issue which concerns about the health hazard created due to stagnant waste water in open drain on northern



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side of DDA legal Housing Complex Society wall in Sector E-2 Vasant Kunj New Delhi. At outset it is stated that the issue was already dealt in minutes of meeting dated 05.05.2024 which comprises of officers of DDA, DJB, DPCC and MCD. It is stated that Irrigation and Flood Control Department, Delhi and DSIIDC are the agencies for the unauthorized colony to develop roads and manage the sewage discharge from unauthorized colonies.

8. It is pertinent to state here that in regard to the status of the unauthorized colonies as submitted by the Deputy Director (Land Management), New Delhi Zone, Delhi Development Authority (DD/LM/NDZ/DDA), is respectfully submitted as follows:

- a. As per land records available with LM/NDZ/DDA, the khasra no 770 (2-10), 771/1 (1-0), 771/2 (3-02), 786 (6-0), 787/1 (2-5), 821 (1-18), 822 (6-6) were notified under Section 4 of the Land Acquisition Act, 1894, vide Notification No. F4(98)64-L+H dated 23.01.1965, and under Section 6 vide Notification No. F4(98)64-L+H dated 26.12.1968. However, these parcels of land were not acquired for the DDA.
- b. The Khasra No. 787/2 (1-8) stands acquired vide award no. 30/86-87 and possession was handed over to DDA by LAC/L&B, GNCTD on 23.09.1986. The aforesaid land was subsequently transferred to AE, QRT/SWD-2 (now SPD-1) division and remains free from any encroachment as of date.



The Khasra Nos 823 (5-0), 828/1 (2-9), 828/2 (0-11), 829 (5-5), 833/1 (1-4) and 833/2 (1-4) stands acquired vide award No. 30/86-87 but physical possession was not handed over to DDA by LAC/L&B, GNCTD due to a stay order issued by the

Hon'ble High Court, as recorded in the possession proceedings dated 23.09.1986.

- d. In view of the aforementioned facts, it is respectfully submitted that the land adjoining E-2, Vasant Kunj, where the unauthorized colony has developed, either remains unacquired by the DDA or has not been physically possessed by the DDA due to the stay order issued by the Hon'ble High Court. The only parcel of land acquired and possessed by the DDA, i.e., Khasra No. 787/2 (1-8), is confirmed to be free from any encroachment.

A copy of the status report/Note 1 of internal file is annexed herewith as Annexure A-1.

A copy of Map delineating the placement of unauthorized colonies adjoining to the E-2 Vasant Kunj is enclosed herewith and marked as Annexure A-2.

9. In regard to the issue of the treatment of Sewage and Water Supply in E-1 and E-2 Pockets, Vasant Kunj. That the DDA constructed a Sewage Treatment Plant (STP) at E-1, Vasant Kunj before handing over possession of flats in 2019. The treated water from the STP is effectively utilized for flushing purposes in the flats and for maintaining the green areas of the society.
10. It is pertinent to state here that in regard to cleaning of the pond, Respondent DDA has earlier floated a tender for cleaning the subject pond but such a task was tedious and expensive and was not pragmatic in the longer run as observed by this Hon'ble Tribunal. Therefore, it fell from this Tribunal that a permanent solution for cleaning of pond deserves attention of the parties that



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resulted in initiation of the process of construction of a permanent STP by the Delhi Jal Board for which a parcel of land was already transferred by the DDA in favour of DJB. However, on the last date i.e., on 15.01.2025 Hon'ble Tribunal yet again directed periodic cleaning of the pond by DDA on request been made by the Applicant, due to which DDA has yet again started the process of cleaning in compliance thereof, by putting up an estimate for cleaning of water-logged area periodically and the same is under process. The office of DDA has also submitted an estimate of expense to District Magistrate, New Delhi for approval to lay a DI pipeline (in Gramodaya budget) to divert the treated sewage water from the STP to a water body at Rangpuri Village for development and maintenance of green area.

11. That in light of the aforesaid, it is respectfully submitted that the Respondent /DDA has complied with the directions of this Hon'ble Tribunal in the present matter, bearing O.A No. 17/2022.



VERIFICATION:

5 MAR 2025

Verified at New Delhi on _____ day of March, 2025

DEPONENT
 Superintending Engineer
 Southern Civil Circle-2
 Delhi Development Authority
 D-3 & 4, Vasant Kunj, New Delhi

That the contents of the above affidavit are true and correct and nothing material has been concealed therefrom.

I Identified the deponent who has signed in my presence

CERTIFIED THAT THE DEPONENT
 Shri/Smt./Km..... Sarab 37
 S/o, S/ro, D/o.....
 R/o.....
 Identified by S.....
 Has solemnly
 on.....
 That the contents
 been read & explained to him and true and
 correct to his knowledge

Oath Commissioner
 New Delhi

DEPONENT
 Superintending Engineer
 Southern Civil Circle-2
 Delhi Development Authority
 D-3 & 4, Vasant Kunj, New Delhi

Note # 1**ANNEXURE A-1**Status ReportReference:

E-mail Dated 25.01.2025 sent by eespd1dda@dda.org.in in the case titled DS Kataria & Anr. Vs GNCTD and Ors. (OA No. 17/2022)

In reference to the aforementioned E-mail Dated 25.01.2025, regarding the case titled as DS Kataria & Anr. Vs GNCTD and Ors. (OA No. 17/2022), the Hon'ble NGT directed to file detailed response w.r.t the information asked in para 10 of the order dated 20.12.2024 as mentioned in the E-mail.

Vide para 10 of the order dated 20.12.2024 , the observations/directions contained is as under :

1. *Issue initially raised was regarding health hazards created due to stagnant waste water in open drain on the Northern side of DDA Legal Housing Complex Society wall in Sector E-2 Vasant Kunj, New Delhi.*
2. *There is unauthorized colony and the sewage generated therefrom accumulates in the above said land. To whom the land belongs, when the unauthorized colony was constructed, who was required to take action against such unauthorized construction.*

In this regard, it is submitted that on the Northern side of DDA Housing Society is situated unauthorized colony namely Mahipalpur Extn K-2 Block. This unauthorized colony is spreading over large area of land situated in the revenue village of Mahipalpur, New Delhi. However, the boundary of the unauthorized colony is not definable by this office as the same is dealt by PM-UDAY Branch.

A part of this unauthorized colony forms part of land bearing various Khasra Nos. 770 (2-10), 771/1 (1-0), 771/2 (3-02), 786 (6-0), 787/1 (2-5), 787/2 (1-8), 815 (4-14), 816 (4-16), 817 (4-16), 818 (4-16), 819 (4-16), 820 (4-16), 821 (1-18), 822 (6-6), 823 (5-0), 824/1 (2-8), 824/2 (2-8), 825 (4-16), 826/1 (3-11), 826/2 (1-5), 827/1 (2-8), 827/2 (2-8), 828/1 (2-9), 828/2 (0-11), 829 (5-15), 830 (4-16), 831 (4-16), 832 (4-16), 833/1 (1-4), 833/2 (1-4) situated in the revenue village of Mahipalpur, New Delhi.

As per land records DDA, the status of above mentioned Khasra Nos is as under:

1. The Khasra Nos. 770 (2-10), 771/1 (1-0), 771/2 (3-02), 786 (6-0), 787/1 (2-5), 816 (4-16), 819 (4-16), 820 (4-16), 821(1-18), 822 (6-6) are notified u/s 4 vide F4(98)64-L+H dated 23.01.65 and u/s 6 vide F4 (98)64- L+H dated 26.12.68 of LA Act but not acquired for DDA.
2. The Khasra No. 787/2 (1-8) and 826/2 (1-5) stands acquired vide award No. 30/86-87 and physical possession was handed over to DDA by LAC/L&B, GNCTD on 23.09.86 and khasra No. 787/2 (1-8) is further transferred to AE, QRT/SWD-2,DDA on 13.08.2020.
3. The Khasra Nos. 815 (4-14), 817 (4-16), 818 (4-16), 823 (5-0) , 824/1 (2-8), 824/2 (2-8), 825 (4-16), 826/1(3-11), 827/1 (2-8), 827/2 (2-8), 828/1 (2-9), 828/2 (0-11), 829 (5-15), 830 (4-16), 831 (4-16), 832 (4-16), 833/1 (1-4) and 833/2 (1-4) stands acquired vide award No. 30/86-87 but physical possession was not handed over to DDA by LAC/L&B, GNCTD due to stay of High Court as recorded in possession proceedings dated 23.09.86 .

The above mentioned status report be submitted for perusal and onwards submission to Engineering Division. It is also submitted that the views regarding the unauthorized colony may

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also be taken from the PM-UDAY Branch.

01/02/2025 03:13 PM

**MANOJ TOMER
PATWARI**

Note # 2

01/02/2025 03:17 PM

**Mayateet Kumar
NAIB TEHSILDAR**

Note # 3

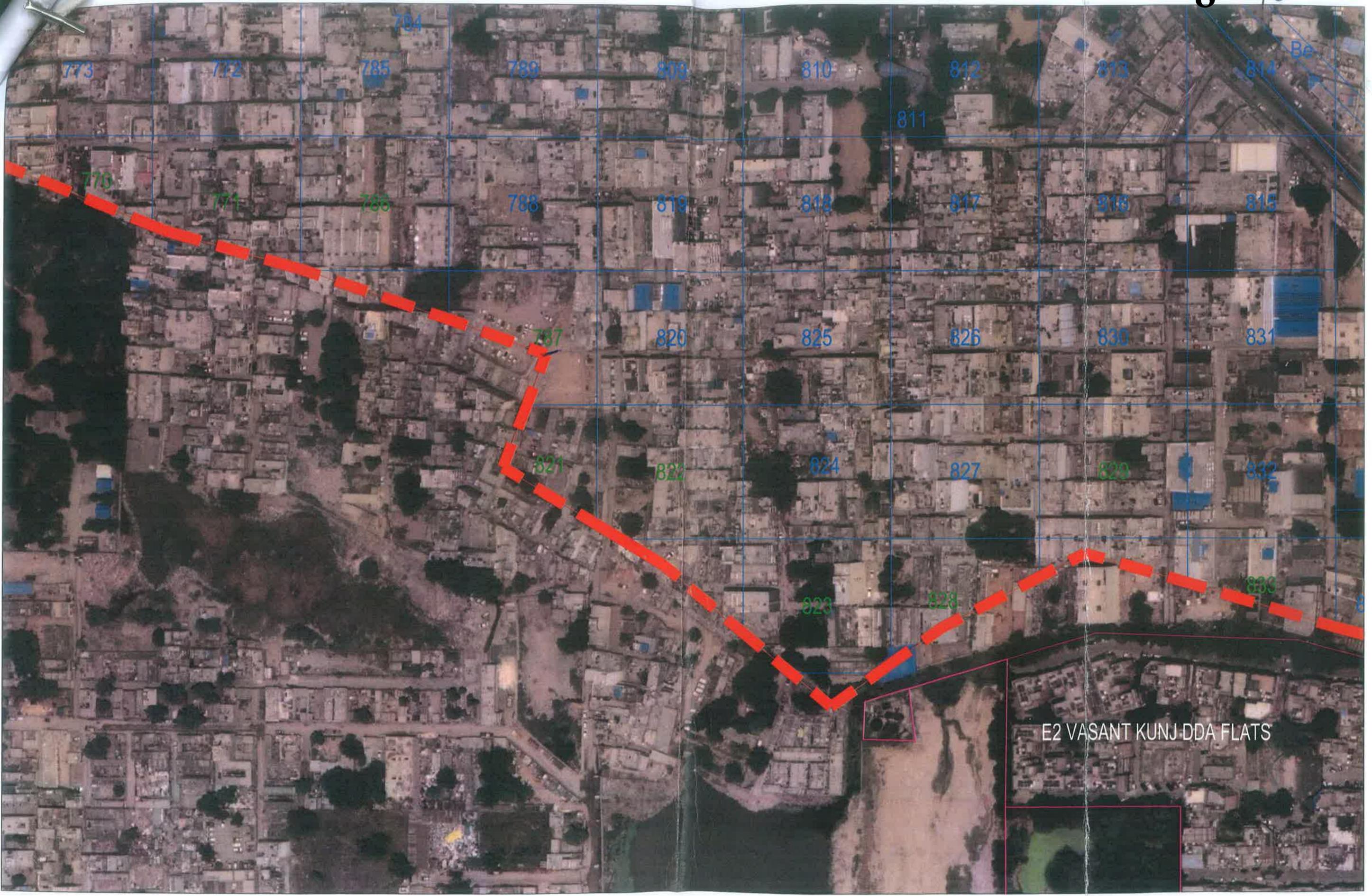
03/02/2025 11:49 AM

**Prabhakar Singh
DEPUTY DIRECTOR**

Note # 4

07/02/2025 06:04 PM

**PRAMOD MEENA
EXECUTIVE ENGINEER**





PROOF OF SERVICE

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Brahm Kishore <brahm3110@gmail.com>

Fwd: Compliance Affidavit on behalf of Respondent/DDA in D.S Katara Vs GNCTD and Ors OA no 17/2022

1 message

Brahm Kishore <brahm3110@gmail.com>

Tue, Apr 1, 2025 at 3:59 PM

To: msdpcc@nic.in, ceodelhi.djb@nic.in, secy.djb@nic.in

Cc: shashwat@nddchambers.co.in

Bcc: ndeka@nddchambers.co.in

Sir/Madam,

Please find attached by way of service, the following Compliance Affidavit on behalf of Respondent/DDA in D.S Katara Vs GNCTD and Ors OA no 17/2022 along-with documents in the captioned OA.

Request you to kindly acknowledge receipt of the same.

Thanking you & Regards

On behalf of Ms. Nandadevi Deka

Advocate ,Supreme Court of India

Office:B-20, Nizamuddin East, New Delhi-110013

Res : Godavari Villa, G-161, Palam Villa, Gurgaon-122017, Haryana

Mobile:+91 8130788166, E-mail-nandadevideka@gmail.com**D.S KATARA Affidavit 05.03.25 .pdf**

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