

**BEFORE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH NEW
DELHI**

In the matter of :-

Nakul Kapoor

.....Petitioner

Versus

Delhi pollution control committee and others

.....Respondents

Status report

Hon'ble Sir,

Parawise comments/reply:-

1. No comments as this the introduction of the petitioner.
- 2.

(a) In this regards it stated that a complaint was received in PS Civil Lines vide DD no. 51 Dated 05/12/22 which was marked to SI Tarun Kumar PS Civil Lines, for enquiry and report. The I.O. SI Tarun Kumar enquired into the matter which reveals as the I.O. requested the petitioner several time to join the enquiry but the petitioner never tuned up nor provided the screenshot/video to establish the real facts, to the enquiry officer SI Tarun Kumar of PS Civil Lines, Delhi. However, a closed borewell was found at 2 B, Goela Lane, Civil Lines, Delhi for which a letter was sent to the area SDM for site inspection on dated 19.05.23. Finally after the long wait I.O. submitted his enquiry report and recommended to file the complaint as the matter is of civil in nature in lack of evidences not provided by the petitioner and no offence was made out. The complaint was filed accordingly. The same is annexed herewith as annexure P.

Later, SDM lodged a complaint at PS Civil Lines on dated 17.05.24 against the occupier alleging that on dated 02.11.23, SDM had sealed the borewell working at 2 B, Goela Lane, Civil Lines, Delhi. However on dated 12.04.24 during inspection SDM found that seal has been tampered by owner/occupier. Therefore, SDM gave a complaint against the occupier/owner who tampered the seal. Regarding this a case FIR No. 374/24 u/s 188 IPC dated 01.08.24 has been registered and case is pending investigation. Copy of FIR has been attached as annexure R.

- (b) No comments for want of knowledge.
- (c) No comments
- (d) No comments in view of (a) above
- (e) No comments
- (f) No comments
- (g) No comments in view of (a) above
- (h) No comments
- (i) No comments
- (j) No comments
- (k) No comments as it is not the part of original complaint given in the PS Civil Lines by the petitioner.

Submitted Please.

02/08/24
Insp Randheer Kumar Ravi
SHO/PS Civil Lines, Delhi

forwarded please

11/08/24

AKM
AcP/cc
02.08.24

FIRST INFORMATION REPORT

(Under Section 173 B.N.S.S.)

(प्रथम सूचना रिपोर्ट)

(धारा 173 बी. एन. एस. के अन्तर्गत)

1. District (ज़िला): NORTH (DELHI) Year(वर्ष): 2024 P.S.(थाना): CIVIL LINES
FIR No(प्र.सू.रि.सं.): 0374 Date & Time of FIR (व दिनांक की प्रसूप्): 01/08/2024
2. Act(s)(अधिनियम): Section(s)(धारा(एँ)):
- IPC 1860 188
3. Occurrence of Offence (अपराध की घटना):
(a Day(दिन): FRIDAY Date From(दिनांक से): 12/04/2024 Date To(दिनांक तक): 12/04/2024
Time Period (समय) Time From (समय से): 00:01 hrs Time To (समय तक): 23:59 hrs
(b Information received at P.S.(थाना जहाँ सूचना प्राप्त हुई) Date(दिनांक): 01/08/2024 Time 23:20 hrs
(c)General Diary Reference (रोजानामचा) Entry No.(प्रविष्टि) 100A Date/Time 01/08/2024 23:35
4. Type of Information (सूचना का) Written
5. Place of Occurrence (घटनास्थल):
(a) Direction and Distance from P.S (थाना से दूरी और) N/A , 2.5 Km(s) Beat No(बीट सं.) : 08
(b) Address(पता): ,H.NO. 2B GOELA LANE ,UNDER HILL ROAD, CIVIL LINES DELHI
(c) In case, Outside the limit of the Police Station (यदि थाना सीमा के बाहर हैं):
Name of P.S(थाना का नाम): District(ज़िला):
6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):
(a Name(नाम): MANI BHUSHN MALHOTRA (C/O) SDM CIVIL LINES
(b Date/Year of Birth (जन्म तिथि) 1965 Nationality (राष्ट्रीयता): INDIA
(c)Passport No.(पासपोर्ट सं.): Date of Issue (जारी करने की तिथि) Place of Issue (जारी करने का)
(d Occupation GOVT. OFFICIAL GAZETTED
(e Address(पता): CIVIL LINES ,DELHI, CIVIL LINES, NORTH, DELHI, INDIA, 9718971739,
7. Details of Known/Suspect/Unknown accused with full particulars(attach separate sheet if necessary)(जात/ संदिग्ध /अजात का पुरे विवरण सहित वर्णन
8. Reason for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):
NO DELAY
9. Particulars of the properties stolen/involved (attach separate sheet if necessary):
Sl.No. (क्र.सं.) Property Type(Description) Est. Value(Rs.)(मूल्य (रु में))
- 10 Total value of property stolen (चोरी हुई सम्पत्ति का कुल
11 Inquest Report / U.D. Case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण न., यदि कोई

13 Action Taken Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2:

(की गयी कार्यवाही: चूंकि उपरोक्त जानकारी से पता चलता है कि किया गया अपराध मद सं.2.में उल्लेख धारा के तहत है):

(i) Registered the case and took up the

OR (या)

(प्रकरण दर्ज किया गया और जांच के लिए लिया

(ii) Directed (Name of the I.O.)(जांच अधिकारी का नाम TARUN KUMAR

Rank (पद):
SI (SUB-INSPECTOR)

No(सं.): 16190271

to take up the investigation (को जांच आपने पास में लेने के लिए निर्देश दिया गया) OR

(iii) Refused investigation due to(जांच के

OR (के कारण इंकार किया या)

(iv) Transferred to P.S(name)(थाना):

District(ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित)

F.I.R read over to the complainant/informant, admitted to be correctly recorded and a copy given to the free of cost : (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी) :

R.O.A.C.(आर.ओ.ए.सी.):

14 Signature / Thumb Impression of the Complainant / Informant:

(शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे का निशान):

Signature of Officer

Name(नाम): JASWANT SINGH

Rank (पद): ASST. SI (ASSISTANT SUB-INSPECTOR)

No.(सं.): 28893005

15 Date and Time of despatch to the court:

(अदालत में प्रेषण की दिनांक और समय):

2033
17/5/24

GOVT. OF NCT DELHI,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE (CIVIL LINES)
KHASRA NO-549, OLD NDPL BUILDING
BURARI, DELHI-110084

F.NO/SDM/CL/NGT/15/2024/1104

DATE: 03/05/2024

Sub: Regarding sealing of borewells at 2B, Goela Lane, Under Hill Road, Civil Lines, Delhi-110054.

Whereas in pursuance of Hon'ble National Green Tribunal, New Delhi order dated 06.10.2023, 01.11.2023 and 22.12.2023 in the matter of Nakul Kapoor Vs DPCC & Ors. in OA No. 297/2023 the property No. 2B, Goela Lane, Under Hill Road, Civil Lines, was inspected by the then SDM Ms. Meena Tyagi and 02 illegal borewells were found running which were sealed on 02.11.2023.

Whereas a joint inspection was again carried out by Sh. Sunny Dalal, ASO, O/o SDM Civil Lines and Sh. Pankaj Panday, JE, Delhi Jal Board at 2B, Goela Lane, Under Hill Road, Civil Lines, Delhi-110054 on 12.04.2024 and it was found that 01 borewell was dismantled by the owner/occupier and rest of 02 Nos of borewell were in working condition which were sealed on 12.04.2024.

A show cause notice dated 20.04.2024 to Sh. Nagender S/o Late Sh. Musafir Mahto (owner/occupier 2B, Goela Lane, Under Hill Road Civil Lines) Resident of H.NO. 6B/1, Under Hill Road, Civil Lines Delhi was issued with the direction to show cause why the borewells already sealed on 02.11.2023 has been tempered with seal and again put to the working condition. However, reply from Sh. Jitender Sharma R/o 34/24, Gali No-14, Bhajanpura has been received (copy enclosed) which is not found satisfactory.

Therefore, the borewells already sealed on 02.11.2023 has been tempered with seal and again put to the working condition. A legal action may be taken against the owner/occupier in the matter.



M. B. Malhotra
MANI BHUSHN MALHOTRA
SDM (CIVIL LINES)

Enclosed:

1. Copy of sealing memo dated 02/11/2023.
2. Copy of joint inspection report dated 12.04.2024.
3. Copy of Clarification dated 19.04.2024 by Sh. Pankaj Panday, JE, DJB and Sh. Sunny, ASO, O/o SDM Civil Lines regarding joint inspection report dated 12.04.2024
4. Copy of show cause notice issued to Sh. Nagender S/o Late Sh. Musafir Mahto.
5. Copy of reply received in this office on 22.04.2024 from Sh. Jitender Sharma, R/o 32/24, gali no-14, Bhajanpura.

To

SHO, Civil Lines

SI Talm

Sno/CL

17/5/24

Reference attached:-

Subject:- Regarding complaint against the owner/builder of property bearing no. 2 B, Goela Lane, Under Hill Road, Civil Lines, Delhi 110054 against illegal draining the ground water for constructing the basement and damaging trees.

Gist of the complaint:- The complainant Sh. Nakul Kapoor presently residing at H.No. 5642, second floor, gali No. 2, New Chandrawal, Jawahar Nagar, Delhi 110007 alleged that the owner/builder of aforesaid property is constructing basement, illegally draining the ground water and flushing the same in the sewer line and also damaging the nearby trees.

Enquiry conducted:-

On the receipt of complaint, the enquiry got conducted and the complainant got contacted several times on his given mobile phone to establish the real facts of the complaint but the complainant never responded and adopted delay tactics with one pretext to others and never joined enquiry and never provided the screenshot of the video and images which he claimed to have despite of repeated requests. DD entry in this regard is enclosed herewith as **annexure A**.

After that, address given by the complainant was also visited by the undersigned but complainant was not found present there. Caretaker/owner of the property stated that Nakul was living on the above said address as tenant and lived there for 3-4 months and left from there in march 2023. He does not know new address of the Nakul. Self-written statement of caretaker/owner Mayank Nagar has been attached herewith as **annexure B**.

On local spot enquiry, it revealed that there has some construction for the past 5-6 months at property in question for which the beat staff of area has sent information letter to MCD authority vide no. 1900-1906/R-SHO/CL PS Civil Lines, Delhi dated 11/10/22 and the same is annexed herewith as **annexure C**. Further owner of above said property Sh. Lokesh Gupta joined the enquiry who stated that all the allegation are false and baseless. He is constructing his property as per MCD norms. Statement of alleged builder/owner Sh. Lokesh

Gupta was recorded which is annexed herewith as annexure D. As for draining water, a closed borewell was found there, for which a request letter has sent to the area SDM for site inspection and the response thereof is awaited till date. Received copy of the letter has been annexed herewith as annexure E. Moreover, no any damage to nearby trees was noticed.

Conclusion :- Keeping in the view of above said facts stated above, the allegation found not to be substantiated and matter is of civil in nature and no criminal offence is made out. As approve, the complaint may be filed please.

Tarun Kumar
19/05/23

SI Tarun Kumar

PS Civil Lines, Delhi

Forwarded please

Rajeev
19/05/23

SHO/CL

R

GENERAL DIARY

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Annexure - A

Station: NORTH (DELHI)

P.S./Section: CIVIL LINES

GD No. 0118A

Date: 18/05/2023

Time: 23:46:00

Entry Made For :

Rank / Name / PIS No. of Police

Officer :

SUB INSPECTOR / TARUN KUMAR/16190271

GD Type(s) : Information

GD Subject: information

GD Brief :

It is now lodged that during the course of enquiry of complaint no. I.C 834 Dated 06/12/22 complainant Nakul Kumar never came to police station civil Lines to join enquiry. However, many times complainant Nakul Kumar and his advocate were contacted through telephonically on number 9873088126, 9013502888 and asked to join enquiry and to provide other information etc. but sometimes they did not pick the phone or sometimes they just made excuses. All the facts have been told to SHO sir. Written by self.

NOTE: COMPUTER COPY

Signature

SUB INSPECTOR / BALDEV SINGH/28882010

श्री श्री,
S.H.O. साहब,
P.S. Civil line,
Delhi -

महोदया जी,


निवेदन इस प्रकार है कि मैं मयंक
नागर S/o श. राजेश नागर R/o 5721/3,
न्यू चन्द्रावल, कमला नगर, दिल्ली - 110007, Age-24
म. नं. - 9999589956 / पता उपरोक्त पर रहता
हूँ व L.L.B का student हूँ। Property No. 5642/2
New Chandrawal, Kamla Nagar मेरी माताजी
अषा नागर के नाम पर दर्ज है जो करीब
1½ साल पहले ली थी। इस Property को
देख-रेख में ही करता हूँ। 5-6 महीने
पहले 2nd floor को मैंने Nakul नाम के
शख्स को किराए पर दिया था। जिसके
बारे में मुझे कुछ ज्यादा नहीं पता है। जो
March में छोड़कर चला गया था। जिसके
मेरे पास कोई Documents नहीं है। वह
क्या काम करता था उसके बारे में मुझे
नहीं पता है। आगे कुछ जरूरत पड़ेगी तो
मैं आपकी मदद कर दूंगा।

धन्यवाद

attested
SI Tarun Kumar
No DG405
P.C. Civil line

Statement of Lokesh Gupta S/o R. K. Gupta R/o
6C, Regquet Court Road, Civil Lines, Delhi
Age - 46 years Mob No - 9999996489

कथन करता हूँ कि मैं पता उपरोक्त पर सहायक
रहता हूँ व Shri Vinayak Infraland Pvt Ltd
का director हूँ। Property No. 2B Hoela land
श्री Vinayak Infraland Pvt Ltd के नाम पर ही registered है।
जो यह Plot हमारा 120 साल लम्बा पुराना है
जो यहाँ पर 40-45 साल से Boring लगी है।
जो मैं अभी कोई new borewell नहीं लगाया है।
Construction के दौरान कोई भी पैड नहीं करा
है। Construction के दौरान हमारे Tanker से
पानी मंगाया है शिकायतों को मैं नहीं जानता
हूँ ना ही कभी मिला है। अपने बाढ़ प्रवृत्तियों
के कारण कथन दर्ज किया जो मैं यह व समझ
लिया ठीक है।

 19/05/23

attested
Jadav
19/05/23

SI Tarun Kumar
PS Civil Lines Delhi

Complaint LC 834/22

Date 06/12/22

PS Civil Lines, Delhi

To

The Sub Divisional Magistrate
Civil Lines, Delhi

Sub:- Request to inspect the property no. 2B Goela Lane, Civil Lines, Delhi regarding borewell installed at the site

Sir,

It is submitted that a complaint vide no. LC-834/22 was received at police station Civil Lines, Delhi and the same was entrusted to undersigned for further necessary action. Complainant stated in his written complaint that complainant namely Nakul Kapoor presently residing at H.No. 5642, Second floor, Gali No. 2, New Chandrawal, Jawahar nagar, Delhi -110007 is a law abiding citizen and environmental & nature lover and he is filing the present complaint and requesting you all to take immediate legal and strict action against the owner and builder of property bearing no. 2 B, Goela Lane, Under Hill road, civil Lines, Delhi-110054. The photocopy of the complaint has been attached herewith.

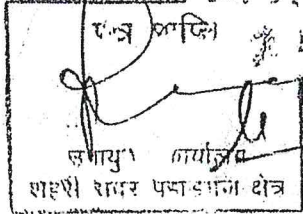
During the course of enquiry, sincere efforts were made to contact the complainant but he never came to police station nor joined the enquiry. Complainant did not provide the video & necessary information. His given address in the complaint was visited where owner stated that complainant was a tenant and left the room 2 months ago. His new place is not known. During the local enquiry, property i.e. 2 B, Goela Lane, Under Hill road, civil Lines, Delhi-110054 was visited where a borewell was found present at the site on which owner Lokesh Gupta stated that it was installed 40-45 years ago and now water was used from tanks. Statement of the owner was recorded i.e. attached herewith.

19/5/23
①

1900-1906

SHO/CC 11/12/22

11/7/22



Subject: ...

City-S P.Zone

Sub :- Information regarding construction at P. No. - 2 Woyla Lane Civil Lines
Delhi - 54

Sir,

I am to inform you that fresh construction is being carried out the above premises. You are requested to take necessary action at your end. Details of property/builder/owner given below:

S. No.	Place of construction	Area
1	Name of Land Lord	Lakesh Gupta
2	Name constructor	- self -
3	Type of Construction	
4	Area of construction	800/1000 Sqm approx.
5	Repair/New construction	New
6	Residential accommodation converted to commercial purpose	-
7	Construction is small/big and blatant.	Big.

He Jagpal 1783/A
PS Civil Lines

RECEIVED

No. 13/10/22

SHO/CC/City-SPZ
M.C.D.

Yours sincerely

SHO 11/7/22

Copy for information to :-

- 1 DC/CSPZ
- 2 DCP, North
- 3 DCP, STF, _____
- 4 Dir. Vigilance, NDMC
- 5 SDM, Civil Lines
- 6 Owner of Property

11

161

Therefore, you are requested to inspect the site i.e. 2 B, Goela Lane, Under Hill road, civil Lines, Delhi-110054 regarding the borewell installed at the site.

Submitted please.

Tarun Kumar
19/05/23
SI Tarun Kumar

PS Civil Lines, Delhi

forwarded please

Rajen
19/05/23
SHO/CL

LC 1624

6/12/22

51 D 5/12/22
Do
Sawabh
Reacht

To

DATED: 5/12/22

81660072300041

1/1/23

1. Commissioner
Municipal Corporation Of Delhi (MCD)
Civic Center, 4th Floor,
Jawaharlal Nehru Marg,
Darya ganj, Delhi-110002.
2. Member Secretary,
Delhi Pollution Control Committee (DPCC),
Kashmere Gate, Delhi
3. Commissioner of Police
Delhi Police,
Police Headquarter,
Jai Singh Road, New Delhi.
4. Chief Executive Officer,
Delhi Jal Board,
Govt. of NCT of Delhi,
Varunalaya-II, Karol Bagh,
New Delhi-110005
5. ✓ SHO
P.S. Civil Lines,
Civil Lines, Delhi

SUB: COMPLAINT AGAINST ILLEGALLY DRAINING THE GROUND WATER, FOR CONSTRUCTING BASEMENT, AND FLUSHING THE SAME IN THE SEWER LINE FROM MORE THAN 3 TO 4 MONTHS. AND ALSO DAMAGING 2-3 TREES FOR CONSTRUCTING BASEMENT. AND REQUIRE URGENT ACTION

Respected Sir(S)

I Nakul Kapoor presently residing at H. No. 5642, Second Floor, Gali No.2, New Chandrawal, Jawahar Nagar, Delhi-110007 is a law abiding citizen and environmental & nature lover and I am filing the present complaint and requesting you all to take immediate legal and strict action against the owner and/or builder of property bearing no. **2B, Goela Lane, Under Hill Road, Civil Lines, Delhi-110054** above mentioned illegal acts on the basis of the following facts and points:-

SI Takur
12/01/23

↓
Sawabh
12/01/23


↓
Nakul



- A. The owner/builder of the aforementioned property is constructing the basement in the property and illegally draining the ground water and flushing the same in the sewer line of Delhi Jal Board.
- B. The owner/builder draining and flushing the ground water from more than 3 months.
- C. There are 3-4 trees adjacent to the basement and the construction of basement will damage/kill them.
- D. I also have a video which corroborates this complaint. Complainant had taken the screenshot from the video and file some images alongwith this complainant.

It is pertinent to mention herein that, in the basement, the water is coming out of from rocks. It is further pertinent to mention herein that civil lines area is situated adjacent to Kamla Nehru Ridge and there are 2-3 natural lakes in the ridge and one of the lake is *Khooni khani Jheel*. The water which is draining by the owner/builder is ground water or either the source of that water might be one of the lake situated at Kamla Nehru Ridge.

Therefore, I requested you all the Sir(s) to take immediate and strict action against the owner/builder of the property bearing no. **2B, Goela Lane, Under Hill Road, Civil Lines, Delhi-110054** and prompt action require to do measure to restore the ground water or source of the water.


Nakul Kapoor

M:9873088126

Through

Saurabh Sharma

901350 2888

Son of - Anil Kumar

C-15 C.L Jospch

block no/ hazari

