

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

O.A. NO. 1008/2018

In the matter of:

Deepak Datta

...Applicant

Versus

Govt. of the NCT of Delhi.

...Respondents

NDOH 04.02.2020

INDEX

Sl. No.	PARTICULAR	Page Number
1	Compliance Report on behalf of Delhi Pollution Control Committee, with respect to Order dated 23.07.2020.	1 - 4
2	<u>Annexure -1.</u> Copy of the guidelines issued by DDMA and GNCTD in respect of marriage related gathering in wake of COVID-19 Pandemic.	5 - 6
3	<u>Annexure -2.</u> Copy of Status of Consent of Banquet halls at Shivaji Marg, New Delhi.	7 - 10
4.	<u>Annexure -3 (Colly).</u> Copies of correspondence between DPCC and DDA regarding the inadequacy of "The (Permission of Banquet Halls) Regulations, 2010".	11 - 15

Filed by:

Delhi Pollution Control Committee)

New Delhi:

Dated: 01.01.2021

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No. 1008/2018

In the matter of:

Deepak Dutta

... Applicant(s)

Vs.

Govt. of NCT of Delhi

... Respondent(s)

COMPLIANCE REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE, WITH RESPECT TO ORDER DATED 23.07.2020 PASSED BY THIS HON'BLE TRIBUNAL

1) *That Hon'ble NGT through order dated 23.07.2020 has directed:*

"Let a further compliance status as on 30.11.2020 be ascertained and a report filled on or before 31.12.2020" list for further consideration on 04.02.2020".

2) That in wake of Covid-19 Pandemic the DDMA, GNCTD vide its order dated 18.11.2020 has issued guidelines wherein following no. of persons were allowed in marriage related gathering in NCT of Delhi, outside the containment zone (**Annexure 1**)

a) In closed spaces, a maximum of 50% of the Hall capacity will be allowed, with ceiling of 50 persons. Wearing of face masks, maintaining social distancing provision for thermal scanning and used of hand sanitizer will continue to be mandatory.

b) In open spaces, keeping the size of the ground/space in view, subject to ceiling of 50 persons and with strict observance of social distancing, mandatory wearing of face mask, provision for thermal scanning and hand wash or sanitizer.

In view of sudden surge in the no. COVID-19 cases in Delhi and above restrictions all the Banquets Halls are operating with limited capacity.

- 3) That DPCC officers carried out inspections in 6 Banquets Halls located on Shivaji Marg Near Zakhira to check the status of compliance of Environmental norms on 20.11.2020, All 06 no. of Banquets Halls were operational and were having individual ETP (Effluent Treatment Plant), ECS(Emission Control System), PNG(Pressurize Natural Gas) connection and OWC(Organic Waste Compacter).
- 4) That DPCC has verified that out of 23 Banquets Halls existing on Shivaji Marg, New Delhi, 21 are having valid consent of DPCC. 2 banquet halls are lying closed. Status of DPCC consent with regard to 23 Banquets Halls existing on Shivaji Marg New Delhi, is annexed as **Annexure 2**
- 5) That DPCC has taken up the matter with DDA that existing guidelines under "The (Permission of Banquet Halls) Regulations, 2010" issued by DDA vide notification dated 21.09.2012 are not adequate to deal with the issue of regulation of parking and traffic congestion around the areas where banquet halls are allowed to operate and accordingly urged upon it to make the following changes in the aforesaid regulations for addressing the issues:
- i) *Since in the industrial areas, public parking is not commonly provided as in the case of commercial centers, banqueting may be allowed only up to 30%*



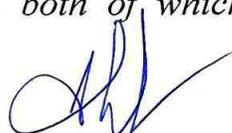
of the plots on a particular stretch of a road in future if common parking is not provided by the concerned local body in nearby areas.

- ii) For industrial plots to be used as Banquet halls, the minimum road width should be 18 meters ROW instead of 12 meters as prescribed under the Regulations at present.*
- iii) In case of industrial plots, banquet halls should be permitted only after subdivision of plots (if any) approved by the Competent Authority and building plan is sanctioned as per the Development Control norms and Building Bye-Laws. The other conditions provided in "The (Permission of Banquet Halls) Regulations, 2010" should also be strictly examined before any new banquet hall is allowed to come up.*
- iv) The existing parking norms of 3 ECS per 100 sqm of floor area may be increased to 6 ECS per 100 sqm of floor area to accommodate 100% additional parking inside the plot. The provision of mechanized double decker parking may also be adopted by the Banquet hall owners subject to approval by the concerned local body.*
- v) In the banquet halls to come up in future should have front set back and should not have boundary to facilitate it to be used for parking purpose."*

A reminder has also been sent to DDA on 17.07.2020 to comply with the directions of this Hon'ble Tribunal and carry out the aforesaid amendments in the regulations.

In response to letter of DPCC dated 17.7.2020 the DDA vide letter dated 28.10.2020 informed that:

"In this regard, I am directed to inform that the order of Hon'ble NGT for incorporation would require suitable amendments in the Master Plan-2021 as well as in the regulation, both of which can be undertaken following the due process of law".



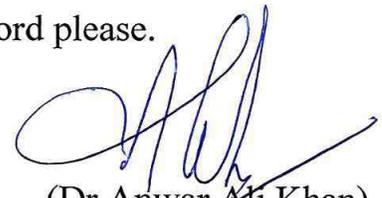
Further, DDA has requested DPCC to share orders/circulars that have been issued by DPCC in compliance of the above order. The DPCC has provided necessary documents to DDA.

Copies of the correspondence exchanged between DDA and DPCC are collectively enclosed herewith as Annexure -3 (Colly)

6) That in compliance to the orders of Hon'ble NGT dated 17.12.2019, Delhi Pollution Control Committee has already issued directions / instructions to various authorities as DDA, Delhi Police, Traffic Police, District Magistrate (West), South Delhi Municipal Corporation vide letters dated 22.5.2020 and 17.07.2020 to act upon with the Hon'ble NGT directions to regulate the banquet halls allowed in Industrial Areas. They have also been directed to take appropriate action to ensure that all banquet halls take all preventive measures with respect to environmental safeguard, parking and avoid traffic congestion on roads and to ensure smooth traffic movement during the functions hosted in the banquet halls:

7. That, with regard to monitoring mechanisms to be adopted by DPCC for ensuring the compliance of environmental regulations by banquet halls, necessary office order dated 22.5.2020 is in place and it will be strictly executed once the banquet halls were allowed to function with full strength.

The above status report may please be taken on record please.


(Dr Anwar Ali Khan)
Sr. Env. Engineer

Annexure-1

GOVERNMENT OF NCT OF DELHI
DELHI DISASTER MANAGEMENT AUTHORITY

F.No.: 1.(545)/DDMA (HQ)/Closing market/COVID-19/2020/ 1981

Dated: 18/11/20

ORDER

Whereas, the Delhi Disaster Management Authority (DDMA) is satisfied that the NCT of Delhi is threatened with the spread of COVID-19 epidemic, which has already been declared as a pandemic by the World Health Organization, and has considered it necessary to take effective measures to prevent its spread in NCT of Delhi;

And whereas, Delhi Disaster Management Authority has issued various orders/instructions from time to time to all authorities concerned to take all required measures to appropriately deal with the situation;

And whereas, Ministry of Home Affairs (MHA), Govt. of India, vide Order No. 40-3/2020-DM-I (A) dated 30.09.2020 annexed with guidelines for Re-opening, which inter-alia permitted State/UT to allow gatherings beyond the limit of 100 persons in social/academic/sports/entertainment/cultural/religious/political functions and other congregations, in areas outside the Containment Zones, after 15.10.2020 subject to the certain conditions;

And whereas, Ministry of Home Affairs, Govt. of India, vide Order No. 40-3/2020-DM-I (A) dated 27.10.2020 has further ordered that guidelines for re-opening issued vide MHA's order of even number dated 30.09.2020, will remain in force upto 30.11.2020;

And whereas, DDMA has issued order No. 338 dated 31.10.2020 wherein, inter alia, following number of persons were allowed in marriage related gatherings only in the NCT of Delhi outside the Containment Zones subject to compliance of certain conditions/ SOP:

- a. In closed spaces, a maximum of 50% of the hall capacity will be allowed, with a ceiling of 200 persons. Wearing of face masks, maintaining social distancing, provision for thermal scanning and use of hand wash or sanitizer will be mandatory.
- b. In open spaces, keeping the size of the ground/space in view, and with strict observance of social distancing, mandatory wearing of face masks, provision for thermal scanning and hand wash or sanitizer.

And whereas, the situation of COVID-19 in Delhi has been reviewed and in view of the sudden surge in the number of COVID-19 cases in Delhi, which has further been aggravated due to rising pollution levels owing to various factors and therefore, it has been decided that the ceiling of maximum persons in marriage related gatherings in NCT of Delhi outside the Containment Zones may be reduced to 50 persons only.

Now, therefore, in exercise of powers conferred under section 22 of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, State Executive Committee, DDMA, GNCTD hereby directs that henceforth number of persons allowed in marriage related gatherings in NCT of Delhi, outside the Containment Zones, shall be subject to following conditions:

- a. In closed spaces, a maximum of 50% of the hall capacity will be allowed, with a ceiling of 50 persons. Wearing of face masks, maintaining social distancing, provision for thermal scanning and use of hand wash or sanitizer will continue to be mandatory.
- b. In open spaces, keeping the size of the ground/space in view, subject to a ceiling of 50 persons and with strict observance of social distancing, mandatory wearing of face masks, provision for thermal scanning and hand wash or sanitizer.

All conditions/protocols, except number of persons allowed, as stipulated in SOP as appended to the DDMA order dated 31.10.2020 (copy enclosed) shall continue to apply in all marriage related gatherings in NCT of Delhi.

All District Magistrates of Delhi & their counterpart District Deputy Commissioners of Police and all authorities concerned shall ensure strict compliance of this order and shall adequately inform and sensitize the field functionaries about these instructions for strict compliance, in letter and spirit.


18.11.20
(Vijay Dev)
Chief Secretary, Delhi

Dated:

F.No.: 1.(545)/DDMA (HQ)/Closing market/COVID-19/2020/

Copy for compliance to:

1. All Additional Chief Secretaries/Principal Secretaries/Secretaries/HODs of Government of NCT of Delhi.
2. Commissioner of Police, Delhi
3. Chairman, New Delhi Municipal Council.
4. Pr. Secretary (I&P) for wide publicity in NCT of Delhi
5. Commissioner (South DMC/East DMC/North DMC).
6. Commissioner (Excise), GNCTD.
7. CEO, Delhi Cantonment Board.
8. All District Magistrates of Delhi
9. All District DCPs of Delhi

Copy for kind information to:-

1. Secretary to Hon'ble Lt. Governor, Delhi.
2. Addl. Secretary to Hon'ble Chief Minister, GNCTD
3. Secretary to Hon'ble Dy. Chief Minister, GNCTD.
4. Secretary to Hon'ble Minister of Health, GNCTD.
5. Secretary to Hon'ble Minister of Revenue, GNCTD.
6. Secretary to Hon'ble Minister of Labour, GNCTD.
7. Secretary to Hon'ble Minister of Social Welfare, GNCTD.
8. Secretary to Hon'ble Minister of Food & Supply, GNCTD.
9. Addl. Chief Secretary (Services)/ State Nodal Officer, GNCTD.
10. Addl. Chief Secretary (UD), GNCTD.
11. Pr. Secretary (Home), GNCTD
12. Pr. Secretary (Health), GNCTD.
13. Pr. Secretary (Revenue)-cum-Divisional Commissioner, GNCTD.
14. All members of State Executive Committee, DDMA, GNCTD.
15. System Analyst, O/o Divisional Commissioner, Delhi for uploading of the order on website - ddma.delhigovt.nic.in.
16. Guard file.

Status of Consent of Banquet Hall at Shivaji Marg, New Delhi

S.No.	Industry Name	Industry Address	Status of Consent
1	Lavanya Orchid	15, Shivaji Marg, Najafgarh Road Industrial Area, Delhi - 110015	Having Valid Consent till 24.11.2025
2	The Ritz (Unit Of Tristar Hospitalities)	Plot No-27-A, And 27-b, Gf,ff And Sf, Industrial Area Najafgarh Road Shivaji Marg , New Delhi - 110015	Having Valid Consent till 25.06.2024
3	The Grand Dream(S & S Hospitality Services Inc)	Plot No 16,shivaji Marg Najafgarh Road Industrial Area, Delhi - 110015	Having Valid Consent till 06.10.2024
4	La Steela A Unit Of Mercure Hospitality Pvt. Ltd.	20, Shivaji Marg, Najafgarh Road Industrial Area, New Delhi - 110015	Having Valid Consent till 19.05.2021
5	TIFFANY BANQUET (A UNIT OF PPR HOSPITALITY)	PLOT NO.14, NAJAFGARH ROAD INDUSTRIAL AREA, NEW DELHI-110015	Having Valid Consent till 24.06.2024
6	CORAL BELLSS (A UNIT OF SHRI KRISHNA HOSPITALITY)	26/1, SHIVAJI MARG, MAIN NAJAFGARH ROAD, NEW DELHI- 110015	Having Valid Consent till 24.06.2024

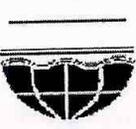
7	The Imperial Banquet (A Unit Of Silk Hospitality)	36, Rama Road, New Delhi - 110015	Having Valid Consent till 26.06.2024
8	GRAND AZALEA/ RADHA PALACE (A Unit of Ritz Blue Hospitality)	36 RAMA ROAD NAJAFGARH ROAD INDUSTRIAL AREA, DELHI - 110015	Having Valid Consent till 14.06.2024
9	Majestic Crown A Unit Of Vricksh Hospitality	24, Shivaji Marg, New Delhi - 110015	Having Valid Consent till 09.09.2023
10	Sawan Banquets (a Unit Of G S Hospitality Services)	54-a/1, Rama Road, Najafgarh Road Industrial Area , New Delhi - 110015	Having Valid Consent till 12.09.2022
11	KAINOOSH (A UNIT OF RIGHT HOSPITALITY INC.)	16 SHIVAJI MARG, NAJAFGARH ROAD INDL AREA, NEW DELHI - 110015	Having Valid Consent till 28.10.2023
12	Golden Royale Hospitality Pvt. Ltd.	Plot No. 27-c 2/3, Najafgarh Road Industrial Area, New Delhi-110015, New Delhi - 110015	Having Valid Consent till 27.11.2022
13	Grand Imperia (a Brand Name Of M/s S.S. Foods)	33/33A, Rama Road Najafgarh Road Indl Area, Delhi - 110015	Having Valid Consent till 06.10.2024
14	Chandler (A Unit of Vedic Hospitality Pvt Ltd)	33 and 33 A, Shivaji Marg, Najafgarh Road Industrial Area, Delhi	Having Valid Consent till 10.06.2024

15	VALENTINE BANQUBLEX	4-A, NAJAFGARH ROAD INDUSTRIAL AREA , DELHI - 110015	Having Valid Consent till 12.03.2024
16	CP 65 Banquet	69/6a, Najafgarh Road Industrial Area, Moti Nagar, New Delhi - 110015	Unit is lying closed
17	The Grand Horizon (A Unit Of Krk Hospitality)	11-A, shivaji Marg Najafgarh Road Industrial Area, New Delhi - 110015	Having Valid Consent till 26.06.2024
18	M/s La Amour (A unit of Kingston Ventures) NOT OPERATIONAL	54 B/1 Najafgarh Road, Rama Road Industrial Area, New Delhi- 110015	CTE Granted... Unit not in operation
19	The Falcon (A Unit Of Srm Banquets Private Limited)	Plot No-17, chhatrapati Shivaji Marg Najafgarh Road Industrial Area, New Delhi - 110015	Having Valid Consent till 21.06.2024
20	PLATINUM (CARE FOOD AND HOSPITALITY)	71/4, SHIVAJI MARG, NAJAFGARH ROAD, (OPP. HALDIRAM)	Having Valid Consent till 23.6.2024
21	The Pearl Banquets	Plot No 21, Shivaji Marg, Najafgarh Road Industrial Area, New Delhi - 110015	Having Valid Consent till 08.11.2021
22	ANDAAZ (A UNIT OF MH BANQUETS LLP)	PLOT NO.63, RAMA ROAD, NAJAFGARH ROAD INDUSTRIAL AREA, NEW DELHI- 110015	Having Valid Consent till 21.06.2024

23	Dream Hospitality	23, NAJAFGARH ROAD, INDUSTRIAL AREA, NEW DELHI-110015	Having Valid Consent till 19.09.2024
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11

By Speed Post

	<p>DELHI POLLUTION CONTROL COMMITTEE GOVERNMENT OF NCT OF DELHI 1st and 2nd FLOOR, VIKAS BHAWAN – II, CIVIL LINES, DELHI-110054 visit us at : http://dpcc.delhigovt.nic.in</p>
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F. No. DPCC/CMC-VI/2020/6255

Dated: 23.12.2020

To,

Deputy Director,
Planning (Main Schemes and Development Control)
Delhi Development Authority,
6th Floor, Vikas Minar,
I.P. Estate, New Delhi-110002.

Annexure-3 (copy)

Sub:- Regarding permission of Banquet Hall regulations, 2010.
Ref:- DD Letter No. F.3(39)/2008-MP/170-G dated 28.10.2020.

Sir,

This has reference to your letter no. F.3(39)/2008-MP/170-G dated 28.10.2020 on the subject cited as above. In this regard kindly find enclosed herewith orders/circulars issued by DPCC in compliance of NGT order dated 17.12.2019. (Copy enclosed)

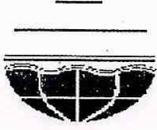
It is also informed that relevant Act/Rules/Guidelines pertaining to Environmental Regulations are provided at DPCC website dpcc.delhigovt.nic.in.

You are therefore, requested to consider the necessary changes in a regulation for Permission of Banquet Hall regulation, 2010 as per recommendation given by the Hon'ble NGT vide its order dated 17.12.2019 in the matter titled as "Deepak Dutta Vs Govt. of NCT of Delhi".


Dr. Anwar Ali Khan
SEE, CMC-VI

Encl: Copy of documents as above.

By Speed Post

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
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F.No. DPCC/CMC-VI/2020/ 4437-4440

Dated: 20-05.2020

To,

The Vice Chairman
 Delhi Development Authority (DDA)
 Vikas Sadan, INA,
 New Delhi.

Sub: Hon'ble National Green Tribunal directions in OA no 1008/2018 tilted as "Deepak Dutta vs Govt. of NCT of Delhi" dated 17.12.2019 regarding remedial action against illegal running of Banquet Halls in the area of Shivaji Marg, Near Zakhira, New Delhi.

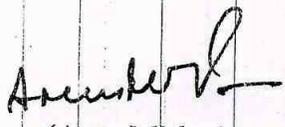
Sir,

It is to inform that the Hon'ble National Green Tribunal while hearing a matter in OA no 1008/2018 tilted as "Deepak Dutta vs Govt. of NCT of Delhi" regarding having appropriate regulatory regime for compliance of the environmental norms by the banquet halls, has observed in its recent order dated 17.12.2019 (copy enclosed) that existing guidelines under (Permission of Banquet Halls) Regulations, 2010 issued by DDA vide notification dated 21.9.2012 for setting up of banquet halls are not adequate to deal with the issue of unregulated parking and traffic congestions. Accordingly, Hon'ble NGT through the above order has directed to consider the following suggested changes in the aforesaid Regulations and Master Plan of Delhi with regard to sitting guidelines of Banquet halls in Delhi.

- i) *Since in the industrial areas, public parking is not commonly provided as in the case of commercial centers, banqueting may be allowed only up to 30% of the plots on a particular stretch of a road in future if common parking is not provided by the concerned local body in nearby areas.*
- ii) *For industrial plots to be used as Banquet halls, the minimum road width should be 18 meters ROW instead of 12 meters as prescribed under the Regulations at present.*

- iii) *In case of industrial plots, banquet halls should be permitted only after sub-division of plots (if any) approved by the Competent Authority and building plan is sanctioned as per the Development Control norms and Building Bye-Laws. The other conditions provided in "The (Permission of Banquet Halls) Regulations, 2010" should also be strictly examined before any new banquet hall is allowed to come up.*
- iv) *The existing parking norms of 3 ECS per 100 sqm of floor area may be increased to 6 ECS per 100 sqm of floor area to accommodate 100% additional parking inside the plot. The provision of mechanized double decker parking may also be adopted by the Banquet hall owners subject to approval by the concerned local body.*
- v) *In the banquet halls to come up in future should have front set back and should not have boundary to facilitate it to be used for parking purpose.*

In this regard, it is requested that necessary action may please be initiated for complying with the directions of Hon'ble NGT for considering the above suggestions for changes in "**The (Permission of Banquet Halls) Regulations, 2010**" and the action taken thereon may please be intimated to this office from time to time so that consolidated Action Taken Report could be filled before Hon'ble National Green Tribunal.


(Arun Mishra)
Member Secretary

Encls.: As above.

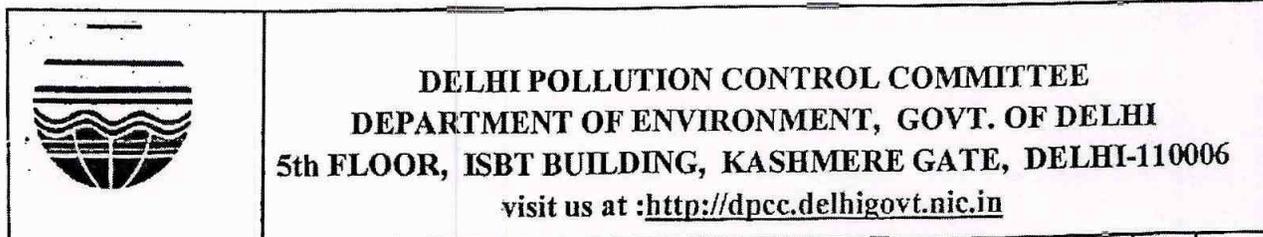
Copy to:-

1. OSD to Chief Secretary for bringing the matter to the knowledge of Chief Secretary
2. Chairman, DPCC
3. Commissioner (Planning), DDA

ajc

Reminder

6



F.No. DPCC/CMC-VI/2020 / 7744 - 47

Dated: 17/07/2020

To,
 The Vice Chairman
 Delhi Development Authority,
 VikasSadan, INA
 Delhi-

Annexure-1

Sub: Compliance of order dated 17.12.2019 of Hon'bles National Green Tribunal in O.A. No. 1008/2018 in the matter of Deepak Dutta vs Govt. Of NCT of Delhi regarding remedial action against illegal running of Banquet halls in the area of Shivaji Marg, Near Zakhira , Delhi.

Sir,

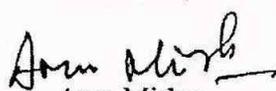
This is in connection with the action to be taken in compliance of the orders of Hon'ble NGT dated 17.12.2019 in the aforesaid matter. In this regard, a reference has already been sent to you vide our letter dated 22.05.2020 requesting you to consider the suggestions made by Hon'ble NGT in its order dated 17.12.2019 regarding amendment in "The (Permission of Banquet Halls) Regulations, 2010" applicable for regulation of banquet halls in Delhi. Copy of the earlier letter dated 22.05.2020 and order of Hon'ble NGT dated 17.12.2019 are enclosed for your ready reference.

However, no progress regarding carrying out amendments in the regulations has been intimated to us. Therefore, it is once again requested to get the matter processed at the earliest. A status in this regard may kindly be provided to this office so that a consolidated Action Taken Report can be filed before the Hon'ble NGT.

The next date of hearing in this matter is scheduled on 23.07.2020.

Yours sincerely,

Encls.: as above


 Arun Mishra
 (Member Secretary)

Copy to:-

1. OSD to chief secretary for bringing the matter to the knowledge of chief secretary.
2. Chairman, DPCC
3. Commissioner (Planning), DDA, Vikas Minar, ITO, New Delhi - 110002

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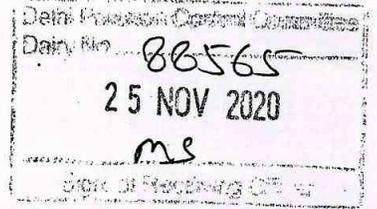
दिल्ली विकास प्राधिकरण
मुख्य योजना विभाग
छठी मंजिल, विकास मीनार
आई. पी. एस्टेट, नई
दिल्ली - 110002
फोन नः 011-23370507

दिनांक: 28.10.2020

संख्या: F.3(39)/2008-MP/170-G7

To
Member Secretary
Delhi Pollution Control Committee,
Department of Environment, GNCTD,
5th Floor, ISBT Building,
Kashmere Gate, Delhi - 6

MS/12714
26/11/2020



Sub.: Regarding Permission of Banquet hall regulations, 2010
Ref.: Letter No. DPCC/CMC-VI/2020/4437-4440 dated 20.05.2020

Sir,

This is with respect to the subject and reference cited above addressed to Vice Chairman DDA, wherein it has been desired that necessary changes in regulations for *Permission of Banquet hall regulation, 2010* be undertaken so that the recommendation given by Hon'ble NGT vide its order dated 17.12.2019 in the matter titled as "Deepak Dutta Vs Govt. of NCT of Delhi" are suitable incorporated.

In this regard, I am directed to inform that the order of Hon'ble NGT for incorporation would require suitable amendments in the Master plan -2021 as well as in the regulations, both of which can be undertaken following the due process of Law.

It is understood that the order of NGT has considered the recommendation of DPCC which were placed before the court. You are kindly requested to share all the inputs required to be incorporated in the said regulations and if any orders/circulars have been issued by DPCC in compliance of the above orders, the same may be kindly shared with DDA on priority. This will enable DDA to go ahead with changes in compliance to the NGT orders.

M. Prasad
1009/CMC VI
01/12/2020
2/12/2020

26.11.20
SEE (CMC VI)
A. H.
1-12-20
EE

भवदीय
शिक्षा भार्गव
28/10/2020
(शिक्षा भार्गव)
उप निदेशक (योजना) मुख्य योजना एवं विकास नियंत्रण

Pl place it on
Deepak Dutta Matter
file for
n-a please