

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO.334 OF 2023

IN THE MATTER OF:

Naresh Chaudhary

...Petitioner

Versus

Union of India and Ors.

...Respondents

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Place: New Delhi

Date: 02/01/2025

Respondent No.6

Through



FEBIN MATHEW VARGHESE

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

ORIGINAL APPLICATION No. 334 OF 2023

IN THE MATTER OF:

Naresh Chaudhary

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Versus

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**COUNTER AFFIDAVIT TO ORIGINAL APPLICATION
ON BEHALF OF DELHI URBAN ART COMMISSION,
RESPONDENT No.6**

MOST RESPECTFULLY SHEWETH THAT:

I, Ms. Ruby Kaushal, age 56 years, W/o Shri Sanjay Kaushal, Secretary, Delhi Urban Art Commission, Core 6A, India Habitat Centre, Lodhi Road, New Delhi-110003 do hereby solemnly affirm and state as under:

1. That I am the Secretary of Delhi Urban Art Commission ("Commission") and am conversant with the facts and circumstances of the case from the records as maintained by the Commission during the ordinary course of its business and as such competent to depose by way of this affidavit.

PRELIMINARY SUBMISSIONS

2. The answering respondent is a statutory authority constituted under the Delhi Urban Art Commission Act, 1973 ("Act"). The function of the answering respondent



is advisory in nature and it discharges its functions under the said Act.

3. The functions of the Commission as enumerated under the Act are *inter-alia* to advise the Central Government in matters of preserving, developing and maintaining the aesthetic quality of urban and environmental design within Delhi and to advise and guide any local body in respect of any project of building operations or engineering operations or any developmental proposal which affects the aesthetic quality of the surroundings or any public amenity.
4. The Commission comprises of a Chairman and members who have sensibility and interest in visual arts and urban environment, possess special knowledge, practical experience in respect of architecture or art.
5. The Commission under section 11 (2) of the Act scrutinizes, approves, rejects or modifies the proposal referred to it. Section 11 of the Act is as follows:

“11.

...

(2) Subject to the provisions of sub-section (1), it shall be the duty of the Commission to scrutinize, approve, reject or modify proposals in respect of the following matters, namely :-

- a) *Development of district centers, civic centres, areas earmarked for Government administrative buildings and for residential complexes, public parks and public gardens;*
- b) *Re-development of the area within the jurisdiction of New Delhi Municipal Committee including Connaught Place*



Complex and its environs, Central Vista, the entire bungalow area of Lutyen's New Delhi and such other areas as the Central Government may, by notification in the Official Gazette, specify;

- c) Plans, architectural expressions and visual appearance of new buildings in the centers, areas, parks and gardens specified -in clauses (a) and (b) including selections of models or statues and fountains therein;*
- d) Re-development of areas in the vicinity of Jama Masjid, Red Fort, Qutab, Humayun's Tomb, Old Fort, Tuglakabad and of such other places of historical importance, as the Central Government may, by notification in the Official Gazette, specify;*
- e) Conservation, preservation and beautification of monumental buildings, public parks and public gardens including location or installation of statues or fountains therein;*
- f) Underpasses, overpasses and regulations of street furniture and hoardings;*
- g) Location and plans of power houses, water towers, television and other communication towers and other allied structures;*
- h) Any other project or lay-out which is calculated to beautify Delhi or to add to its cultural vitality or to enhance the quality of the surroundings thereof;*
- i) Such other matters as may be prescribed by rules.*

...

(3) Without prejudice to the provisions contained in sub-section (1) and sub-section (2), the Commission may suo motu promote and secure the development, re-development or beautification of any areas in Delhi in respect of which no proposals in that behalf have been received from any local body."



6. Under section 12 of the Act every local body before according approval in respect of any building operations, engineering operations or development proposals referred to in Section 11 of the Act is required to refer the same to the Commission for scrutiny. Section 12 of the Act is as follows:

“ 12. Notwithstanding anything contained in any other law, for the time being in force, every local body shall, before according approval in respect of any building operations, engineering operations or development proposals referred to in sub-section (1) of section 11 or intended to be undertaken in any area or locality specified in sub-section (2) of that section, refer the same to the Commission for scrutiny and the decision of the Commission, in respect thereof shall be binding, on such local body.”

7. After considering the proposal, the Commission sends its recommendation/observations to the local body. That while considering the proposal the Commission communicates with the local body and if required with the project proponent or its architect.

PROPOSAL FOR ADDITION/ALTERATION OF RESIDENCE
OF HON'BLE CHIEF MINISTER AT 6 FLAG ROAD, CIVIL
LINES, NEW DELHI SUBMITTED BY RESPONDENT NO.2

8. Public Works Department (PWD) under the Govt. of NCT of Delhi i.e. Respondent No.4 herein sent a proposal (online) for alternation/addition of residence of



Hon'ble Chief Minister of Delhi at 6 Flag Road, Civil Lines, New Delhi for consideration by the Commission. The proposal was discussed by the Commission at its meeting held on 6-11-2020. The Commission at the said meeting decided not to approve the proposal and returned the proposal with the following observations:

- i. The Project details mentioned that the site work had commenced however, any construction can commence only after approval.
- ii. Clarification required whether the proposal is with respect to addition/alteration or construction of an entirely new building.
- iii. Better 3D views for better understanding of the proposal in the actual environment as the 3D view did not portray the correct site conditions. 3D views to be superimposed with the existing context of surroundings, including road networks, structures around the site.
- iv. Detailed survey plan showing existing site conditions, particularly number of trees existing at the site to be submitted.
- v. Appropriate number of site photographs to be provided for in-depth clarity of the site and surroundings as submitted photographs did not provide clear understanding of the proposal;
- vi. Align the main building parallel to the front boundary wall for better aesthetics rather than the rear boundary as had been done.
- vii. Proposed architectural elements in the building to follow a uniform architectural vocabulary and



pattern. Columns appear to have varying proportions and the same need to be made uniform.

- viii. Parking provision made in the front set-back be suitably relocated and green area be extended further to make it a large consolidated green space with appropriate landscaping. Hard areas provided need to be minimised. Extensive peripheral road network around the site to be rationalized with efficient site planning.
- ix. Building belonging to the Chief State representative to have a very strong architectural character. Requisite functions in the building including ceremonial areas, common areas, office space for staff plus parking, security staff etc. are catered in the design itself as they are not incorporated in the proposal as the proposal is seen as a residential complex.
- x. While designing the internal layout, segregation of public and private spaces to ensure privacy and security to be ensured.
- xi. Setting of the porch is not appropriate as it does not lead to a grand entry to the building. Public spaces including 'baithak' and entry space do not have appropriate movement. They are further not lit and ventilated properly. Private spaces including bedroom do not get view towards any green spaces.



- xii. Locate public areas on the lower/ground floor and the private/family spaces on the first floor by appropriate layout design.

The architect was advised to adhere to the observations and redesign the complex in a comprehensive manner. The decision of the Commission was communicated to PWD by its letter of 11-11-2020. Copy of letter dated 11-11-2020 recording the observations of the Commission in its meeting held on 6-11-2020 is annexed herewith and marked as “**Annexure R-6/1**”.

9. Pursuant to the observations given by the Commission, PWD submitted a revised proposal (online) for alternation/addition of residence of Hon’ble Chief Minister of Delhi at 6 Flag Road, Civil Lines, New Delhi for reconsideration by the Commission. The revised proposal was discussed by the Commission at its meeting held on 11-12-2020.
10. The Commission after considering the revised proposal returned the same as not approved with the following observations.
 - i. Proposed office block, staff, security blocks, and boundary wall are part of the overall complex and will have an aesthetic and visual impact on the complex. However, the 3D views and elevations indicating the architectural features, materials to be used were not provided to comprehend the proposal.



Estate Office and office building may be redesigned to be same in size and elevation.

- ii. Sufficient number of self-explanatory, annotated 3D views of the complex at various angles, showing the proposed design scheme corresponding to proposal drawings to be submitted.
- iii. British architectural elements and style were used extensively. It was suggested to use contemporary Indian/Delhi representative style.
- iv. Ride side elevation seemed more appropriate than the front elevation. The front elevation to be designed in consonance with the right side elevation. Architectural elements used in the columns on the façade to take inspiration from Indian Architecture. Design of the main building to be kept minimal and symmetrical.
- v. *Baithak* should be designed to have natural light and ventilation and not borrowed from other spaces in the house.
- vi. Connection between lounge and library on the ground floor. No part of the site to have chamfered edges.
- vii. Drop off point to have covered porch till the entry.
- viii. Design of the boundary wall to be made more subtle with minimal elements and light design.
- ix. Local species to be planted and existing trees to be retained as far as possible. Landscape plan to indicate details of trees planted, existing trees, levels, types of species on an appropriate scale.



11. The architect was advised to adhere to the observations and furnish a point-wise reply. The decision of the Commission was communicated to PWD by its letter of 16-12-2020. Copy of letter dated 16-12-2020 from the Commission recording its observations from the meeting held on 11-12-2020 is annexed herewith and marked as “Annexure R-6/2”.
12. Thereafter, for the third time, the PWD submitted a revised proposal (online) to the Commission for Addition/Alteration of residence of Chief Minister at 6, Flag Road, Civil Lines, Delhi. The revised proposal was discussed by the Commission at its meeting held on 18-12-2020.
13. The Commission at its meeting on 18-12-2020 approved the revised proposal if the same was in accordance with Delhi Master Plan, Zonal Plan, Building Bye-Laws, fire fighting regulations etc. The Commission further made the following observations/suggestions:
 - i. Suggest screening of front building with creepers/trees.
 - ii. Appropriate screening arrangements shall be made to ensure screening of clothes in balconies, air conditioners etc.
 - iii. Sustainability features as per Point No. 7 of Criterion for Project Assessment and Approval on the Commission’s website must be adhered



- iv. Camouflage all service equipment on terrace in terms of Point 10, 11 and 12 of Criterion for Project Assessment and Approval on the Commission's website.
14. The decision of the Commission was communicated to PWD by its letter of 24-12-2020. Copy of letter dated 24-12-2020 from the Commission recording its observations from the meeting held on 18-12-2020 is annexed herewith and marked as "Annexure R-6/3".

PARA-WISE REPLY

- 1-3 The contents of paragraph nos.1-3 of the Application does not concern with the Answering Respondent and therefore does not require any response.
4. In response to contents of paragraph no. 4 of the Application it is stated that the Commission at its meeting held on 18-12-2020 approved the proposal with respect to Residence of the Hon'ble Chief Minister of Delhi at 6, Flag Staff Road, Civil Lines, Delhi.
5. The contents of paragraph no. 5 of the application are wrong and are denied save and except matters of record. It is stated that the Commission has given approval to the proposal at its meeting held on 18-12-2020.
- 6-10. The contents of paragraph nos. 6, 7, 8, 9 and 10 does not pertain to the Commission and therefore does not require any reply.



11. The contents of paragraph no. 11 do not pertain to the Commission and therefore does not require any reply.
12. In response to contents of paragraph no. 12 of the Application it is stated that the answering respondent at its meeting on 18-12-2020 has approved the proposal strictly in accordance with the Act.
13. The contents of paragraph no. 13 are clarified by the Answering Respondent that approved the proposed plan by Respondent No.2 in its meeting dated 18-12-2020 along with remarks and observations.
14. That contents of paragraph no. 14 do not pertain to the Answering Respondent and therefore does not require any response.
- 15-27. The contents of paragraph nos. 15-27 of the Application do not pertain to the Commission and therefore does not require any reply.
- 28-29. The contents of paragraph no. 28 and 29 being formal in nature does not require any response.
30. The contents of paragraph no. 30 does not require any response.

REPLY TO GROUNDS

- A-D. The contents of Grounds A to D are matters of record and does not require any response.



E-H. The contents of Grounds E, F, G and H of the Application does not pertain to the Commission and does not require any response.

The contents of paragraphs under "Limitation" are a matter of record and does not require any response.

In response to the last paragraph by way of prayer it is stated that no prayer is made against the Commission and therefore the Application against the Commission be dismissed.

In light of the above stated facts of circumstances of the case it is submitted that the present petition be dismissed.

4h
IDENTIFIED

02 JAN 2025

RK

DEPONENT

रुबी कौशल

RUBY KAUSHAL

सचिव/Secretary

दिल्ली नगर कला आयोग
Delhi Urban Art Commission

VERIFICATION

Verified at New Delhi on this ___ day of January 2025 that contents of the above affidavit are true and correct to my knowledge based on the records maintained by Delhi Urban Art Commission during the ordinary course of business. Legal submissions are based on advice received and believed to be true. No part of it is false and nothing material has been concealed.



ATTESTED

MINATI RANI MOHAPATRA
ADVOCATE (NOTARY)
Mob. No.: 8130128457

ATTESTED

MINATI RANI MOHAPATRA
NOTARY DELHI-R-16971
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND NEW DELHI
REGISTER Pg./Sl. No. _____

RK

DEPONENT

रुबी कौशल

RUBY KAUSHAL

सचिव/Secretary

दिल्ली नगर कला आयोग
Delhi Urban Art Commission

02 JAN 2025



Observation Letter

No. : OL-04112061015

Date : 11/11/2020

ULB Code: 821046_C

Code : 0411611327

To,
Rohini Zone, new Delhi, Sector-5, rohini

विषय : Addition Alternation in Residence of Honble Chief Minister at 6 Flag Road, Civil Lines, Delhi

संदर्भ :

महोदय ,

उक्त प्रस्ताव पर आयोग की दिनांक 06/11/2020 02:30 PM को आयोजित बैठक में विचार किया गया था ।
आयोग की प्रेक्षाएं तथा निर्णय इस प्रकार हैं ।

Decisions :

Not approved, observations given.

Observations :

1. The proposal was forwarded by the PWD, GNCTD (online) for consideration of the Commission.
2. The formal proposal received (online) at formal stage was scrutinised and following observations were given:
 - a. It is mentioned in the project details (proforma forward of the proposal to DUAC part A, sr. no: 16) that the site work has already commenced. Construction can commence only after approval.
 - b. As per the subject/project title, the proposal is for the 'additions/alterations', however, it is clearly evident from the submission that an entirely 'new building' is being proposed after completely demolishing the existing structure. This needs clarification.
 - c. The submitted 3D view does not portray the correct site conditions. 3D views of the site shall be superimposed with the existing context of the surroundings, including road networks, structures around the site, for better understanding of the proposal in the actual environment to make it clearer.
 - d. A detailed survey plan to be submitted showing the existing site conditions, particularly the number of trees existing on the site. The same needs to be made and superimposed with a demolition plan along with the proposed layout for a clear and better understanding of the proposal.
 - e. Existing site photographs do not provide a clear understanding of the proposal, thus difficult to appreciate and visualize it in the current context. An appropriate nos. of site photographs shall be provided to get in-depth clarity of the site and surroundings. They need to be resubmitted with proper uncut views from all the sides.

सचिव

Secretary

दिल्ली नगर कला आयोग
Delhi Urban Art Commission

f. It was suggested to align the main building parallel to the front boundary wall/flag staff road for better aesthetics, rather than the rear boundary as has been done.

g. The proposed architectural elements in the building shall follow a uniform architectural vocabulary and pattern. All sides appear to have columns with varying proportions. This needs to be made uniform. Built mass also needs to be balanced to ensure a cohesive built form.

h. The parking provision made in the front set-back be suitably relocated somewhere else and the green area be extended further to make it a large consolidated green space with appropriate landscaping. A lot of hard areas have been provided in the site without indicating its application/use, the same needs to be minimised. There is an extensive peripheral road network around the site which needs to be rationalised with efficient site planning.

i. The Commission observed that the building belonging to the chief State representative should have a very strong architectural character. The form and function should respect the setting and also ensure that all the requisite functions in the building (including ceremonial areas, common areas, office spaces for staff plus parking, security staff, frisking areas from security point of view, spaces for domestic staff etc.) are catered to in the design itself. The above mentioned functions are not incorporated in the proposal and it is purely seen as a residential complex. Thus, the space needs to be appropriately redesigned.

j. While designing the internal layout, segregation of spaces (public and private) to ensure privacy and security shall be ensured by appropriate interior layout design.

k. The setting of the porch is not appropriate. It does not lead to a grand entry to the building (befitting a Chief Minister), rather open into a narrow side entry. Also, other public spaces including 'baithak' and the entry space do not have appropriate movement and connections within. Also, they borrow light from other areas and are not ventilated directly, thus need to be relooked into. Spaces going into the corridors seem to be wasted and need careful planning. Private spaces including bedrooms do not get view towards any green spaces.

l. It is suggested to locate the public areas on the lower/ground floor and the private/family spaces on the first floor by appropriate layout design.

3. The architect was advised to adhere to the above observations and redesign the complex in a comprehensive manner and furnish a pointwise incorporation/reply.

भवदीय



रुबी कौशल
Secretary

दिल्ली नगर कला आयोग
Delhi Urban Art Commission

प्रतिलिपि :

- 1) vikash madan k-47 kailash colony new delhi-110048
- 2) c&nd building (m-323)pwd delhi,a-block,1st floor,vikash bhawan-2 delhi-110054

रुबी कौशल
सचिव

**Observation Letter****No. :** OL-26112061016**Date :** 16/12/2020**ULB Code:** 821047_C**Code :** 2611611357

To,
Rohini Zone, new Delhi, Sector-5, rohini

विषय : Addition Alternation in Residence of Honble Chief Minister at 6 Flag Road, Civil Lines, Delhi

संदर्भ :

महोदय ,

उक्त प्रस्ताव पर आयोग की दिनांक 11/12/2020 02:30 PM को आयोजित बैठक में विचार किया गया था ।
आयोग की प्रेक्षाएं तथा निर्णय इस प्रकार हैं ।

Not approved, observations given.

Observations :

1. The proposal was forwarded by the PWD (GNCTD) (online) for consideration of the Commission.
2. The Commission did not approve the building plan proposal at its meeting held on November 06, 2020 specific observations were given.
3. The revised proposal at formal stage received (online) was scrutinised and a detailed discussion was held with the architect on Cisco WebEx Meetings, wherein the architect explained the overall design intent and provided clarifications to the queries related to the elevational features on the façade etc. However, based on the detailed discussion, replies and the revised proposal submitted, the following observations were given:
 - a. The proposed office block, staff, security blocks and boundary wall are very much part of the overall complex, and shall have an aesthetic and visual impact on the complex. However, the detailed 3D views and elevations clearly indicating the architectural features, materials to be used have not been provided to comprehend the proposal. The estate office and the office building may be redesigned to be same in size and elevation.
 - b. A sufficient number of self-explanatory, annotated 3D views (at least 6 in numbers including Arial views) of the complex at various angles, clearly showing the proposed design scheme with proper annotations and corresponding to proposal drawings may be submitted.

सचिव
Secretary

दिल्ली नगर कला आयोग
Delhi Urban Art Commission

c. It was observed that British architectural elements and style has been used extensively in the design proposal which was not appreciated. Instead, it was suggested to explore a regular simple design approach to be adopted to represent a contemporary Indian/Delhi representative style.

d. The right side elevation seems to be more appropriate (more institutional) than the front elevation (more ornate). The front elevation shall also be designed in consonance with the right side elevation. The curve at the top front elevation may be removed. The architectural elements/features/style used in the columns on the façade should have taken inspiration from Indian architecture. Also the design of the main building shall be kept minimal and symmetrical to ensure harmony in design.

e. The baithak should be designed to have natural light and ventilation and not borrowed from other spaces in the house.

f. It is suggested to provide connection between lounge and library on the ground floor. No part of the site shall have chamfered edges; it being a building of prime importance shall be designed with linear geometry and no negative spaces.

g. The drop-off point shall have covered porch till the entry i.e. the trellis would not act as a covered entry and the same shall be replaced with a more permanent roofing element.

h. The design of the boundary wall shall be made more subtle with minimal elements and light design. Presently, it is gaudy.

i. Local native species shall be planted and the existing tress shall be retained as far as possible. The landscape plan should indicate the details of the trees planted, existing trees, levels, types of species on an appropriate scale, (in terms of the point nos. Six of the CPAA (Criterion for Project Assessment and Approval) available on the DUAC website at www.duac.org to be ensured.

4. The architect was advised to adhere to the above observations and furnish a pointwise incorporation/reply.

भवदीय


रुबी कौशल
Secretary
दिल्ली नगर कला आयोग
Delhi Urban Art Commission

प्रतिलिपि :

- 1) vikash madan k-47 kailash colony new delhi -110048
- 2) executive engineer C & ND building m-323 pwd delhi a-block first floor vikas bhawan -2

रुबी कौशल
सचिव

ANNEXURE R-6/3



Approval Letter

No. : OL-17122061018

Date : 24/12/2020

ULB Code: 821049_C

Code : 1712611386

To,
Rohini Zone, new Delhi, Sector-5, rohini

विषय : Addition Alternation in Residence of Honble Chief Minister at 6 Flag Road, Civil Lines, Delhi

संदर्भ :

महोदय ,

उक्त प्रस्ताव पर आयोग की दिनांक **18/12/2020 02:30 PM** को आयोजित बैठक में विचार किया गया था ।
आयोग की प्रेक्षाएं तथा निर्णय इस प्रकार हैं ।

Decisions:

Approved, observations given.

Remarks:

Accordingly the proposal is approved, if the same is otherwise as per provisions of the Delhi Master Plan, Zonal Plan, building bye-laws, fire-fighting regulations and any other instructions of the Govt. of India. Further, compliance of 'Bureau of Indian Standards' norms against earthquake hazards, provisions of availability of municipal services as per Govt. Notification no. K-12016/5/79-DDIA/VA/IB(Pt.) dated June 7, 2000 and provisions for rain water harvesting should be ensured by the concerned local body before releasing the approval.

Observations:

1. The proposal was forwarded by the PWD (GNCTD) (online) for consideration of the Commission.
2. The Commission did not approve the building plan proposal at its meeting held on December 11, 2020 specific observations were given.
3. The revised proposal at formal stage received (online) was scrutinised along with the replies in compliance to the earlier observations of the Commission communicated vide DUAC observation letter no: OL-26112061016 dated 16.12.2020 following observations were given:
 - a. The use of Indian column base/capitals in the revised elevation were appreciated by the Commission.
 - b. It was suggested to screen the front buildings i.e. the estate office and the office building with trees/creepers, as appropriate, to maintain the line of vision to the main building.

सचिव
Secretary
दिल्ली नगर कला आयोग
Delhi Urban Art Commission

c. Appropriate screening arrangements shall be made to ensure screening of clothes hanging in the balconies. Appropriate arrangements/spaces shall be created to house air-conditioners, etc. so as not to mar the aesthetics.

d. Sustainability features shall be as per point no. 7 of the CPAA (Criterion for Project Assessment and Approval) available on the DUAC website at www.duac.org.

e. All service equipment at the terrace should be properly camouflaged (in terms of the point nos. 10, 11 & 12 of the CPAA (Criterion for Project Assessment and Approval) available on DUAC website at www.duac.org.

सचिव



रुबी कौशल
Secretary

दिल्ली नगर कला आयोग
Delhi Urban Art Commission

- 1) vikash madan k-47 kailash colony new delhi -110048
- 2) executive engineer C & ND building m-323 pwd delhi a-block first floor vikas bhawan -2

रुबी कौशल
सचिव

Febin Mathew Varghese

From: Febin Mathew Varghese
Sent: 02 January 2025 20:30
To: 'emailtogkb@gmail.com'
Subject: Naresh Choudhary vs. Union of India- OA No. 334 of 2023
Attachments: OA. No. 334 of 2023 - Naresh Choudhar vs Uol-Counter Affidavit on bealf of Respondent No 6.pdf

Naresh Choudhary vs. Union of India & Ors.
O.A. No. 334 of 2023
Before the National Green Tribunal, Principal Bench

Sir,

Please take note that we are filing the attached counter affidavit on behalf of Respondent No. 6 Delhi Urban Art Commission in the captioned matter.

Please acknowledge receipt.

Best regards

Febin

Febin Mathew Varghese
Advocate-on-Record, Supreme Court of India



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