

IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 521 OF 2024

IN RE: News Item titled "A Sangam of filth and apathy this wasteland actually exists in Delhi" appearing in The Times of India dated 07.03.2024"

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Date: 31/10/2025

  
(Dr. Sapna Aggarwal)  
Counsel for MoEF&CC  
Mobile No. 9425093188  
Email: saadv607@gmail.com

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 521 OF 2024**

**IN RE: News Item titled "A Sangam of filth and apathy this wasteland actually exists in Delhi" appearing in The Times of India dated 07.03.2024"**

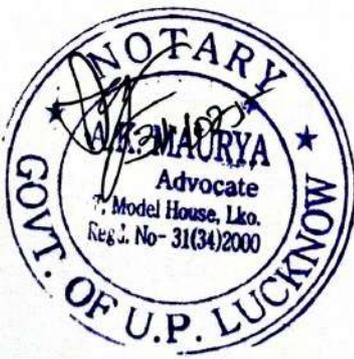


**COUNTER AFFIDAVIT ON BEHALF OF UNION OF INDIA  
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE,  
NEW DELHI. (RESPONDENT NO. 8)**

**PRELIMINARY SUBMISSIONS:**

I Amit Kumar, son of Shri Jainath Singh, aged 42 years, working as Deputy Inspector General of Forests (Central) in the Regional Office, Lucknow of the Ministry of Environment, Forest and Climate Change, do hereby solemnly affirm and state as under:

1. That I am duly authorized to swear this affidavit as such conversant with the facts of the present case and competent to swear the present affidavit.

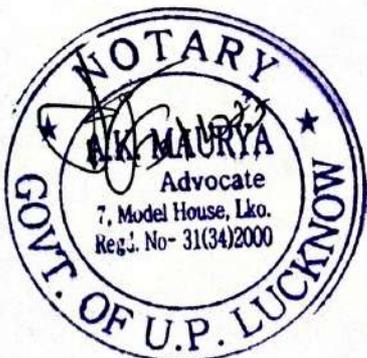


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2. That I have read and understood the contents of the accompanying affidavit and state that the same has been drafted under my instructions based on the records maintained by the Respondent No. 8 in its normal course of business and the same are true and correct.
3. That the contents of the accompanying reply shall be treated as part of this affidavit and the same are not being repeated for the sake of brevity.
4. At the outset, all the allegations made against the Answering Respondent in the instant OA are denied except those that are specifically admitted herein. The OA is not maintainable against the Answering Respondent either on law or on facts.

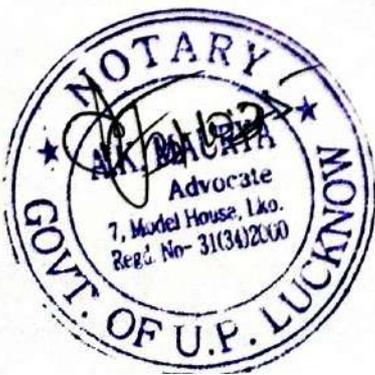
**STATEMENT OF FACTS:**

5. It is humbly submitted that 'Land' is a subject matter of the State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, being the repository of the land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgements and directions of the Hon'ble Supreme



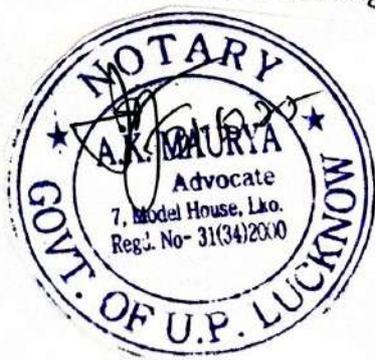
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- Court. The State Government has to determine any violation of the provisions of the Central and State laws.
6. It is humbly submitted that prior approval under the Van (Sanrakshan Evam Samvardhan), Adhiniyam, 1980 {Formerly known as Forest(Conservation) Act, 1980} is mandatory to carry out any non forestry activity on forest land. That contravention of the above provision would amount to a violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and attract the penal provisions given under Section 3A and 3B of the Adhiniyam.
7. It is humbly submitted that as per sub-rule (1) of rule 15 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023, an Officer of the rank of Divisional Forest Officer or Deputy Conservator of Forests and above of the State Government or Union Territory having jurisdiction over the forest land in respect of which any offense under the Adhiniyam is committed or violation of the provisions of the said Adhiniyam has been made, can file complaints against such person or authority or organization, prima-facie found guilty of offence under the Adhiniyam or the violation of the rules made thereunder, in the court having jurisdiction in the matter.



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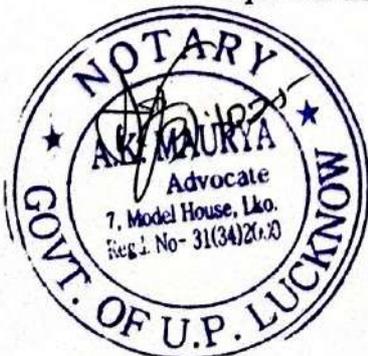
8. It is respectfully submitted that this Ministry has neither accorded any such approval nor received any proposal under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 from the Government of NCT of Delhi with respect to the diversion of the forest land in question for non-forest purposes.
9. The Hon'ble Supreme Court in its order dated 12.12.1996 in the matter Writ Petition(C) No. 202 of 1995 titled as T.N. Godavarman Thirumulpad Vs Union of India and Ors. *inter-alia* directed "*The word 'forest: must be understood according to its dictionary meaning. This description cover all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act.*
- The term 'forest land', occurring in Section 2, will not only include 'forest' as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act.*"
10. The Hon'ble Supreme Court in its order dated 21.07.2022 in Civil Appeal No. 10294 of 2013 titled as Narinder Singh and Ors. Vs Divesh Bhutani and Ors. *inter-alia* observed that "*Once a land is found to be a 'forest' within the meaning of the 1980 Forest Act, its user for non-forest*



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*purposes will be always governed by Section 2 of the 1980 Forest Act. Secondly, clause (i) of Section 2 provides that even in the case of a reserved forest under the 1927 Forest Act, the State Government cannot pass an order declaring that the same shall cease to be a reserved forest, without the prior approval of the Central Government. Thirdly, Section 2 starts with a non obstante clause which overrides anything contained in any other law for the time being in force in a State which will include all State and Central legislations applicable to the State.”*

11. It is humbly submitted that to ascertain the correct position and truthfulness of the matter, the Ministry, vide its letters no. FC-7/28/2025-FC dated 07.08.2025 and 28.10.2025 had requested the Government of N.C.T of Delhi to take cognizance of the matter and submit a factual report with the documentary evidences on the contentions raised in the OA and whether any violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has taken place. The report from the U.T. Government is awaited. **(Copy of the letters dated 07.08.2025 and 28.10.2025 has been annexed hereto as Annexure-R1 and Annexure -R2 respectively).**
12. That this Ministry reserves its right to file additional affidavit as and when required till *pende-lite*.



*f.i.h*

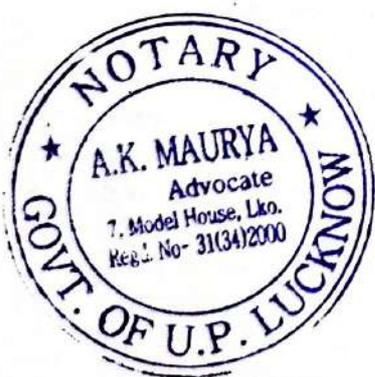
13. That in light of the aforementioned facts and circumstances it is respectfully prayed that this Hon'ble Tribunal may pass any order as it deem fit.

*f.i.u*  
**DEPONENT**

**VERIFICATION**

I, the above named Deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and are based on official records and nothing material is concealed therein.

Verified at Lucknow on this 31<sup>st</sup> Day of October, 2025.



EXECUTION ADMITTED  
BEFORE ME  
*A.K. Maurya*  
Advocate Notary  
7, Model House, Lucknow

*f.i.u*  
**DEPONENT**

I identify the deponent/executor:  
who has signed/put T.I. before me  
*[Signature]*

Annexure-R1

**File No. FC-7/28/2025-FC**  
**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**(Forest Conservation Division)**

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Indira Paryavaran Bhawan,  
 Jor Bagh Road, Aliganj,  
 New Delhi: 110003,

**Dated: As per**  
**E-sign**

To

**The Principal Secretary,**  
 Forest Department,  
 Government of NCT of Delhi,  
 Delhi.

**Sub: - OA No. 521/2024 in the matter titled as News item titled "A Sangam of filth and apathy this wasteland actually exists in Delhi" appearing in The Times of India dated 07.03.2024 before the Hon'ble National Green Tribunal, Principal Bench, New Delhi - reg.**

Sir,

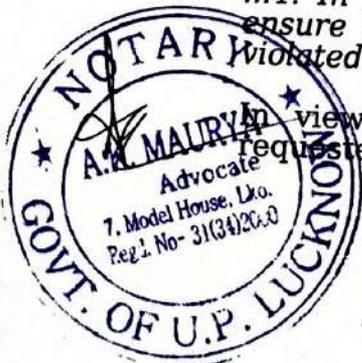
I am directed to refer to the above-mentioned matter whereby the Hon'ble NGT vide order dated 07.04.2025 observed and directed as follows:

"1. The CEO, DJB appearing virtually has informed that there are 44 unauthorized colonies in Sangam Vihar. Out of these 44 colonies 11 are in non-forest area and out of these 11, in 8 colonies sewer lines have been laid. She has further submitted there are 33 unauthorized colonies which are in the forest area and out of these 33 colonies, 11 are partially in the forest area. She has further submitted that 22 colonies are such which are completely in the forest area.

2. The limited issue under consideration before the Tribunal is in respect of the solid waste and liquid waste management in these colonies but the Tribunal cannot give a seal of approval to the colonies which have been developed in violation of the Forest Conservation Act, 1980 and other relevant environmental enactments.

...4. In the meanwhile, the official respondents are directed to ensure that no provision of Forest Conservation Act, 1980 is violated." (Copy of order enclosed)

In view of the aforesaid, Government of N.C.T of Delhi is requested to provide a factual report w.r.t violation of Van



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(Sanrakshan Evam Samvardhan), Adhinyam, 1980. If any violation is reported, the action taken report in this regard may also submitted by the U.T Government.

This may be treated on urgent basis.

**Encl. As above.**

Yours' faithfully,

**(Suneet Bhardwaj)**  
Assistant Inspector General of Forests

Digitally signed by  
Suneet Bhardwaj  
Date: 07-08-2025  
01:34:21



File

Annexure -R2

REMINDER-I

**File No. FC-7/28/2025-FC**  
**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**(Forest Conservation Division)**

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Indira Paryavaran Bhawan,  
 Jor Bagh Road, Aliganj,  
 New Delhi: 110003,  
**Dated: As per E-sign**

To

**The Principal Secretary,**  
 Forest Department  
 Government of NCT of Delhi

**Sub: - OA No. 521/2024 in the matter titled as News item titled "A Sangam of filth and apathy this wasteland actually exists in Delhi" appearing in The Times of India dated 07.03.2024 before the Hon'ble National Green Tribunal, Principal Bench, New Delhi - reg.**

**Ref: This Ministry's letter dated 07.08.2025 - reg.**

Sir,

This is in reference with the aforementioned matter wherein the Ministry vide its letter dated 07.08.2025 has sought a factual report from the Government of N.C.T. of Delhi. However, the same has not been received till date.

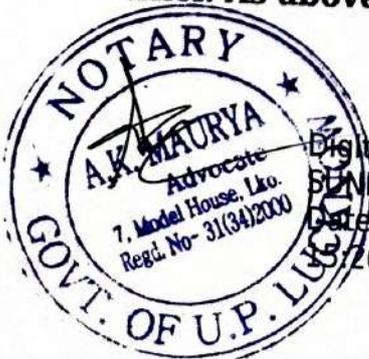
Accordingly, Government of N.C.T of Delhi is again requested to provide a factual report w.r.t violation of Van (Sanrakshan Evam Samvardhan), Adhiniyam, 1980. If any violation is reported, the action taken report may also submitted by the U.T Government.

This may be treated as most urgent.

Encl. As above.

Yours' faithfully,

**Sd/-**  
**(Suneet Bhardwaj)**  
 Assistant Inspector General of Forests



Digitally signed by  
 SUNEET BHARDWAJ  
 Date: 28-10-2025  
 16:26:46

File