

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

**ORIGINAL APPLICATION NO. 3 OF 2020**

**IN THE MATTER OF**

R.P. Singhal

...Applicant

Versus

Govt. of NCT of Delhi & Ors

...Respondents

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N-71, LOWER GROUND FLOOR

GREATER KAILASH-1

NEW DELHI-110048

**NEW DELHI**

**DATE: 02.12.2020**

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**NOTE ON BEHALF OF THE APPLICANT TO THE AFFIDAVIT FILED BY  
DDA**

**MOST RESPECTFULLY SHOWETH:**

1. That the Applicant had approached this Hon'ble Tribunal by filing the above titled Application raising serious concerns regarding felling of trees, concretization of open spaces inside the park, garbage burning as well as discharge of sewage into the Sanjay Lake and Sanjay Lake park located in Mayur Vihar Phase-II East Delhi.
2. That this Hon'ble Tribunal was pleased to pass the following directions vide order dated 14.01.2020:-

*“Grievance in this application is that Sanjay Lake and Sanjay Lake park near Mayur Vihar are being polluted. The Delhi Development Authority (DDA) and Delhi Tourism and Transport Development Corporation (DTTDC) have to take necessary steps. Concretization around the trees is taking place in violation of orders of this Tribunal. The applicant has made a representation for the purpose but the same has not been acted upon. The applicant has relied upon in article “Sanjay lake – dying silently” (Annexure A-4).*

*In view of the above, it appears to be necessary to require a joint factual and action taken report in the matter from the DDA and the DTTDC. The DDA will be the nodal agency for coordination and compliance. The report may be furnished by email within one month at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).”*

3. That it is pertinent to note that till date no action has been taken by the Respondents in compliance of the order dated 14.01.2020. The Applicant has not received any action taken report in this regard till date. It is submitted that there is no action taken report available on the website of this Hon'ble Tribunal. In fact, the Counsel for the Applicant had even written to the Registry seeking information regarding the same vide email dated 6.08.2020.
4. That however, the Applicant received a counter affidavit from Respondent No. 2, i.e. Delhi Development Authority (DDA).
5. At the outset, the contents of the said counter affidavit are denied by the Applicant unless the same is specifically admitted or is matter of record. It is submitted that the DDA has completely failed to respond to the serious issues raised by the Applicant in the Original Application.

**NO RESPONSE ON THE ISSUE OF UNTREATED SEWAGE AND WASTE BURNING:**

6. That the DDA has completely failed to respond to the serious issues relating to garbage burning as well as discharge of untreated sewage into the lake as well as the Park. It may be noted that the Delhi Development Authority is the land-owning agency and therefore responsible for ensuring that such violation of law does not take place. It is requested that appropriate directions may be passed by this Hon'ble Tribunal to ensure that such a blatant violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 do not occur and direct DDA to take effective steps towards the restoration of the Lake and the Park.
7. That in this regard, it is reiterated that untreated sewage from Pocket C, Mayur Vihar Phase-II and other unauthorized colonies in adjoining Trilokpuri is directly discharged into the lake which is not only polluting the lake, but also posing a serious health hazard to the people who visit the park.

**MISLEADING STATEMENTS REGARDING THE FOOD COURT AND ADVENTURE PARK, NAMELY EOD:**

8. That it is submitted that the DDA has stated that such activities are permissible under the Master Plan of Delhi 2021. That the Applicant has perused the MPD 2021, while it may be permissible to have such activities in a district park, the same must be done in an ecofriendly manner. In the present case, it is submitted

that the food court has been made on lush green park and and after felling full grown trees. The Applicant has already placed on record the photographs of the construction of the food court which clearly shows that concretization has taken place. It may be noted that the site of the food court is surrounded by unauthorized liquor shops in Trilokpuri, Kalyanpuri and Patparganj resettlement colonies, which is the prime reason for “anti-social” activities that have been taking place as claimed by the DDA. Unless, those unauthorized shops are not removed, no improvement will take place. The construction of the Food Court will not make any difference to such activities which are already taking place within the Sanjay Lake Park.

**FOOD COURT IS BEING SET UP IN VIOLATION OF THE WETLAND (CONSERVATION AND MANAGEMENT) RULES, 2017:**

9. That it is pertinent to note that the lake is barely twenty feet from the food court. No buffer has been maintained. The noise and the activities at the Food court. will cause damage not only to the lake but also adversely affect the habitat of migratory birds in the lake. Further, there is a large likelihood that the waste and discharge from the food court would be directly dumped into the lake itself. Such constructions on the zone of direct influence is also in violation of the Wetland (Conservation and Management) Rules, 2017 which have been promulgated under the Environment (Protection) Rules, 1986.
10. Therefore, it is submitted that this Hon'ble Tribunal may be pleased to apply the precautionary principle under Section 20 of the National Green Tribunal Act, 2010 and hold that the Food Court cannot be illegally established by the DDA and its agencies as it will completely destroy the Sanjay lake ecosystem and adversely impact the large number of migratory birds who visit the lake. The DDA may be directed to remove all such permanent structures which have been constructed in the name of food court, adventure park, etc. and restore the park and lake to its original condition.
11. That it may be noted that the DTTDC in its counter has stated that they have entered into an agreement with DDA, whereby the DTTDC shall be permitted to use the Sanjay Lake for recreational boating and water sports purposes. (Refer Annexure 1 of the counter). However, the DTTDC has also admitted that they

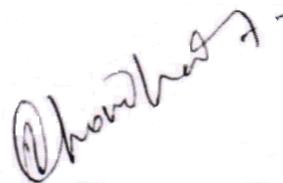
have developed an “adventure park”. The photographs annexed at Annexure II of the counter would clearly show permanent structures being built within the park. Thus, it is clear that the open space of the park has been used for construction purposes which ought not to have been done. In fact, it is pertinent to note that as per the Terms and Conditions for boating at Sanjay Lake (Annexure I of the Counter), Para 6 clearly states that:

*“That the Delhi Tourism and Transportation Development Corporation Ltd. would carry out no construction at the Lake, In case any construction is required to be carried out by the DTTDC then prior approval of the DDA would be obtained”*

The DTTDC has not put on record any such prior approval from DDA on record for the construction activities carried out as shown in the photographs.

12. That this Hon’ble Tribunal may therefore pass strict directions to the DDA for not carrying out their statutory duties and for their inaction to prevent destruction of the lake as well as the trees within the park in question.

THROUGH



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