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Place:- Delhi

Dated:- 12.02.2025

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

EXECUTION APPLICATION NO.: 16 OF 2019
IN
ORIGINAL APPLICATION NO.: 153 OF 2014

IN THE MATTER OF:

Indian National Trust for Art and Cultural Heritage

...Applicant

Versus

Government of NCT of Delhi & Ors.

...Respondents

**OBJECTIONS ON BEHALF OF THE APPLICANT TO THE
REPORT/REPLY, DATED: 09.01.2025, FILED BY THE
STATE WETLAND AUTHORITY, HARYANA WITH
REGARD TO THE NOTIFICATION OF THE NAJAFGARH
JHEEL**

MOST RESPECTFULLY SHOWETH:

1. That the Applicant had filed the above titled Original Application raising the threats to the Najafgarh Jheel, an important water body in the National Capital Region, arising from continuous encroachments, unauthorized constructions and the fast draining of the lake waters by widening the Najafgarh drain, connecting the lake with Yamuna, by the Respondents on the pretexts of flood-protection. The Applicant by way of the Original Application had also raised

inaction on the part of the Respondents in curbing the unauthorized constructions in and around the lake. The Original Application sought revival, protection and preservation of the interstate Najafgarh Jheel, which is extremely vital to meet the drinking and domestic needs of the water starved areas of Gurgaon and Delhi through groundwater recharge, moderate urban flooding, maintain and restore biodiversity habitats, developing climate resilience.

2. That vide Order, dated: 10.01.2025, this Hon'ble Tribunal was pleased to permit the Counsel for the Applicant to file objections to the report/reply, dated 09.01.2025, filed by the State Wetland Authority, Haryana.
3. That at the outset, it is submitted that that the reply/report, dated: 09.01.2025, filed by the State Wetland Authority, Haryana is completely misconceived and misleading, based on incorrect facts and data. The said reply/report, dated: 09.01.2025 has only tried to mislead this Hon'ble Tribunal by stating as follows:
 - (i) Jheel is located in Delhi not Haryana.
 - (ii) Prior to 2010, there was no Jheel.
 - (iii) Post 2010, only sewage from urbanizing Gurgaon is filling the Jheel
4. That the Applicant seeks to place incontrovertible evidence to the contrary, much of it having been supplied by State

Wetland Authority of Haryana by way of their Submissions, dated 29.07. 2024. The evidence is as follows:

LOCATION OF THE JHEEL & EXISTENCE OF THE JHEEL PRIOR TO 2010:

- a. Extract from the Gurgaon Gazetteer of 1983 [The same is annexed as **ANNEXURE A-1**], also cited by this Hon'ble Tribunal in Order, dated: 10.10.2019 [The same is annexed as **ANNEXURE A-2** showing location of Najafgarh Jheel in Gurgaon].
- b. According to the 'Land Revenue Settlement of the Gurgaon District, 1882', "*the area of excessive inundation in the Gurgaon District is 1772 acres belonging to villages Dharampur, Daulatabad, Budgera, Mankraula and Naubaramad*" which are the present day Haryana villages. (A True Copy of the relevant extracts of the 'Land Revenue Settlement of the Gurgaon District, 1882' is annexed herewith and marked as **ANNEXURE A-3**).
- c. Survey of India Map, 1936 showing location of Jheel in North Gurgaon (The same is annexed as **ANNEXURE A-4**)
- d. Survey of India Map, 1964 showing location of Jheel in North Gurgaon. (The same is annexed as **ANNEXURE A-5**)
- e. Sahibi Basin Survey submitted by State of Haryana in O.A. No. 153 of 2014, in 2015 showing location of Jheel

in North Gurgaon. (The same is annexed as **ANNEXURE A-6**).

- f. Satellite Imagery of 1965 (**ANNEXURE A-7**)
 - g. Satellite imagery of 1972 (**ANNEXURE A-8**) p.835
 - h. Satellite imagery of 1977 (**ANNEXURE A-9**) p.835
 - i. Satellite imagery of 1991 (**ANNEXURE A-10**) p.836
 - j. Satellite imagery of 1993 (**ANNEXURE A-11**) p.837
 - k. Satellite imagery of 1995 (**ANNEXURE A-12**) p.837
 - l. Satellite imagery of 2000 (**ANNEXURE A-13**) p.837
 - m. Satellite Imagery of September, 2009 (**ANNEXURE A-14**)
 - n. Satellite imagery of 2010 (**ANNEXURE A-14A**) p.840
 - o. Google Satellite imagery of 2018 (**ANNEXURE A-15**)
 - p. Satellite imagery of 2020 (**ANNEXURE A-16**) p.846
 - q. Satellite imagery of 2021 (**ANNEXURE A-17**) p.848
 - r. Satellite imagery of 2021 (**ANNEXURE A-18**)
 - s. Satellite imagery of 2023 [July- August] (**ANNEXURE A-19**)
 - t. Satellite imagery of 2024 [June] (**ANNEXURE A-20**)
5. That the above maps and imageries conclusively show that the Najafgarh Jheel is located as a transboundary wetland between Haryana and Delhi and that the Najafgarh Jheel continued to exist as a wetland recorded since the 19th century CE, well before 2010, contrary to the claim of State Wetland Authority of Haryana. It is further submitted that

most of these imageries have been supplied by the State of Haryana itself.

NAJAFGARH JHEEL FORMED BY RAINWATER OR SEWAGE

6. That while Haryana has tried to claim that the Najafgarh Jheel spread was only 47 acres upto February, 2010 [Haryana's response, dated: 29.07.2024, annexed as **ANNEXURE A-21**], presumably sewage spread only, but no explanation is tended about the expansion of the Jheel, the same year [2010], in monsoon to 3800 acres or by 7600%. Further, as per their own submission [at **Annexure 17**, therein] the area of submergence even as late as 24.09.2021 was 2048 acres [4000%] and on 11.11.2021 was 1667 acres [3300%].
7. That further, 'Report of the Haryana State Wetland Authority' dated 29.07.2024, states that the Najafgarh Jheel spread between 2014-2021 ranged from 200 acres to 2048 acres. [The relevant parts of the report dated 29.07.2024 are annexed herewith and marked as **ANNEXURE A-22**]

Submergence Levels & Areas Over Last 16 Years

Year	High Flood Level (HFL) Contour	Submergence Area at HFL Acres/Ha
2009	210m	3436*
2010	210.35m	3800
2011	209.75m	2100

2012	209.72m	2100
2013	209.92m	2200
2014	209.70m	2100
2015	209.70m	2100
2016	210.00m	3436*
2017	209.62m	2000
2018	210.12m	3600
2019	209.37m	1500
2020	210.6m	2000
2021	210.90m	4600
2022	211.05m	5349*
2023	210.75m	4200
2024	210.60m	4000
Average Level	210.41M	3800 Acres/1520 Ha

Source for HFL at Jhatikra : I&FC, Delhi
for Levels *Submergence Areas as/Haryana
EMP

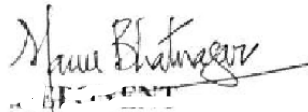
PRAYER

In light of the facts and circumstances stated herein-above, it is, most respectfully, prayed that this Hon'ble Tribunal may, graciously, be pleased to:

- A. Direct the State of Haryana to prepare the Brief Document and send the same to MOEFF&CC for Notification of Najafgarh Jheel as a Transboundary Wetland, with core submergence area of 209m contour [917 acres], buffer zone

upto contour 211m and HFL upto 212.5m contour as noted in Joint EMP, along with the zone of influence extending up to 212.5 m., on that part of the Jheel, falling on the side of Haryana;

- B. Direct the State of Haryana to implement its part of the Joint EMP, dated: 13.12.2021, filed by the MoEF&CC before this Hon'ble Tribunal, wherein the concurrence of the State of Haryana is expressly noted and to which the State of Haryana has not objected in the last 32 Months;
- C. Direct the above said compliances to be carried out within 30 days in a time-bound manner;
- D. Pass any other Order(s) or direction(s) as this Hon'ble Tribunal may deem fit and proper on the facts and circumstances of the instant case.



MANU BHARGAVA
I N T A C H
Natural Heritage Division
71, Lodhi Estate, New Delhi-110 003

APPLICANT

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

**EXECUTION APPLICATION NO. : 16 OF 2019
IN
ORIGINAL APPLICATION NO.: 153 OF 2014**

IN THE MATTER OF:

Indian National Trust for Art and
Cultural Heritage ...Applicant

Versus

Government of NCT of Delhi & Ors. ...Respondent(s)

AFFIDAVIT

I, Manu Bhatnagar, S/o Lt. Sh. R.P. Bhatnagar, aged around 66 years, R/o 24, Chitra Vihar, Delhi-110092 do hereby solemnly affirm and declare as under:

1. That I am currently employed as the Principal Director in the Applicant Organization and am conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That the contents of the Objection are true and correct to my knowledge as derived from the records of the case. No part



of it is false and nothing material has been concealed therefrom.

Handwritten signature

I, IDENTIFIED THE DEPONENT WHO HAS SIGNED IN MY PRESENCE

Manu Bhatnagar
DEPONENT
I N T A C H
Natural Heritage Division
71, Lodhi Estate, New Delhi-110 003

DEPONENT

VERIFICATION

Verified on this 12th day of February, 2022 that the contents of the present Affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.

Manu Bhatnagar
DEPONENT
I N T A C H
Natural Heritage Division
71, Lodhi Estate, New Delhi-110 003

DEPONENT

NOTARY PUBLIC APPOINTED BY
GOVT. OF INDIA
G. S. KHARRANDA
Notary Reg. No. 785
12 FEB 2025
ADVOCATE ENL. No. D.28781
ATTESTED 9899422266

ATTESTED

NOTARY PUBLIC

Handwritten signature

Gurgaon Gazetteer, 1983

8

GURGAON DISTRICT GAZETTEER

A long shallow valley runs through the middle of these ranges and constitutes the third region of the Mewat territory. This valley is called Arej which is a corruption of the word "Abrez" meaning the area usually under water. As described later in this Chapter, the rains come down the hills in numerous rivulets and the water level in the valley rises leaving large sheets of water weeks after the rainy season has ended.

The Gurgaon-Alwar highway runs along this valley and for miles one can see two lines of hills, those to the west being closer and more perceptible, those in the east being more distant and constituting a blue horizon.

North-Western Sand-Dune Area.—This region, which lies to the north-west of the district is covered with sand and is the scene of shifting sand-dunes. Due to predominantly sandy soils, it is less productive for agriculture. The surface is undulating, the local relief reaching about 9 metres at several places. The sand-dunes are of three types : longitudinal, transverse and *barkhans*. Many of the sand-dunes lie in the direction of westerly and south-westerly winds which are fairly strong during the summer. For lack of moisture and vegetative cover the sand moves freely under the impact of strong winds. The wind is the chief agent of erosion. Blowing at high speed, it carries pebbles and large particles of sand which help it in its destructive work.

In conclusion, the district has a wide physiographic diversity. Extensions of Aravalli hills and the presence of a sand-dunes topography are the most important factors in this diversity.

NATURAL DRAINAGE, RIVER AND OTHER SURFACE-WATER RESOURCES

The drainage of the district is typical of the arid and semi-arid areas. It is only on its east side that it is bordered by a perennial river, the Yamuna. The other streams are not only fewer in number and smaller in size, but also seasonal and inland. Because of the topographic diversity, the streams do not flow in any uniform direction. The drainage is peculiarly complex owing to most of the streams tending to converge towards inland depressions instead of flowing into the Yamuna. Mahendragarh and the west of the Gurgaon tahsil and Taoru of the Nuh tahsil drain into the largest of these depressions, the Najafgarh Jheel, lying partly in the district and partly in the Union Territory of Delhi. The greater part of the *Bangar* tract comprising the Palwal tahsil, south-east of the Nuh tahsil and the central portion of the Ballabgarh tahsil, slopes gently in the direction of the Yamuna. The drainage of the rest of the district (southward from Gurgaon and Ballabgarh and northward from Firozpur Jhirka) ultimately heads, if unchecked, towards a considerably big basin under the hills near

Item No. 06

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Execution Application No. 16/2019
(Earlier O. A.No.153/2014)

(With report dated 09.10.2019)

Indian National Trust for Art & Cultural Heritage Applicant(s)

Versus

Govt. of NCT of Delhi & Ors. Respondent(s)

Date of hearing: 10.10.2019

CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant (s): Mr. Akash Vashishtha, Advocate

For Respondent(s): Ms. Jyoti Mendiratta, Standing Counsel for
GNCTD
Mr. Rahul Khurana, Advocate for State of
Haryana**ORDER**

1. Vide order dated 20.02.2017, the matter was disposed of on the statement made on behalf of the State of Haryana that water body in question was a lake and the State was in the process of declaring the same to be a wetland.
2. Execution Application No. 16/2019 has been filed alleging that the NCT of Delhi and the State of Haryana have failed to take necessary action. It is stated that the water body falls partly in NCT Delhi and partly in Haryana.

3. Vide order dated 26.03.2019, the status and an action taken report was sought from the State of Haryana and the NCT of Delhi. The report filed is that there is doubt that it is a private land and not a wetland. This assertion is based on revenue record of the year 2005. As against the said revenue record, there is a 1983 gazette notification showing the area to be a lake. To reconcile the situation, it will be appropriate that the earlier revenue records particularly before the Settlement are checked up. Let the Deputy Commissioner, Gurgaon depute an expert of the department to look into the revenue record. Further action taken report be filed before the next date.

List again on 20.12.2019.

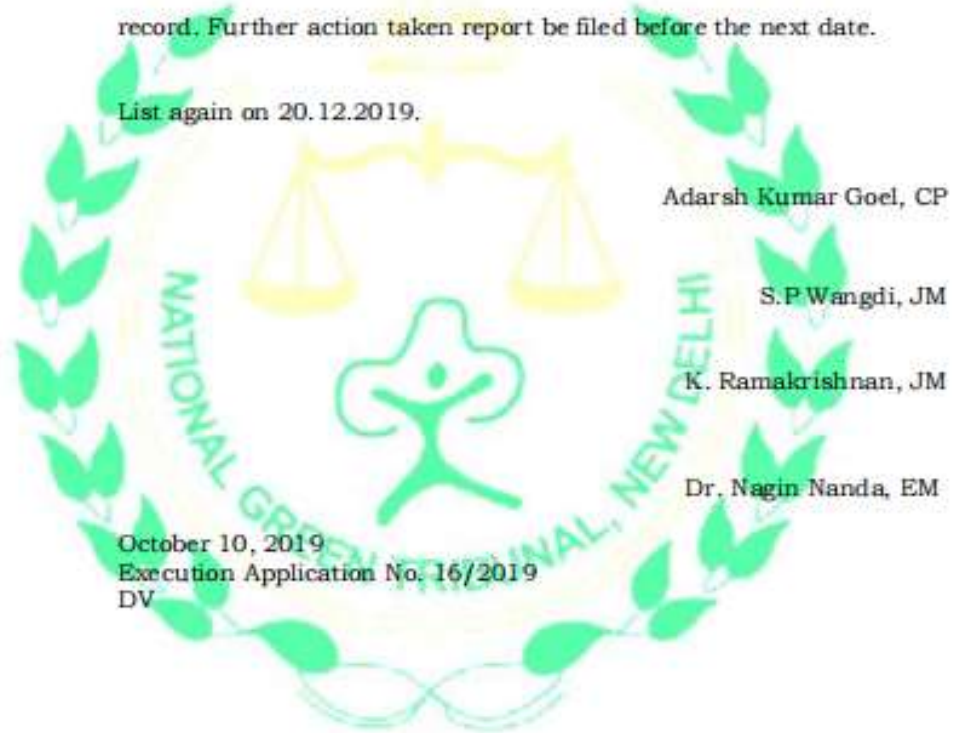
Adarsh Kumar Goel, CP

S.P Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

October 10, 2019
Execution Application No. 16/2019
DV



ANNEXURE A-3

Land Revenue Settlement of the Gurgaon District – FC Channing,
Settlement Officer, 1882 - extracts

(162)

these circumstances I have to propose an assessment of Rs. 10,552, being a decrease of 5.3 per cent. on the existing jama, Rs. 11,137.

My rates are—

			Rs.	A.	P.
Cháhi	...	...	2	12	0
Dáhari	...	...	2	4	0
Baráni Chiknot and Narmot	...	...	1	8	0
Magda	...	...	1	4	0
Bhur	...	...	0	12	0
Fallow	...	...	0	12	0

In fixing the Cháhi rate, regard has been paid on the one hand to the nearness of water to the surface, and on the other hand to the percentages of salt and brackish wells, and the other rates correspond to the qualities of the various descriptions of soils as above described.

35. *Section 247.*—Chak Najafgarh jhíl contains 12 villages with a total area of 14,242 acres lying around the southern end of the Najafgarh jhíl. Of its soils the Bhur (20 per cent.) is mainly found where this circle adjoins Chak Farrukhnagar, and is, as in that circle, high, uneven and bad; some 25 per cent. of the Bhur is however of good quality: while the Magda (36.6 per cent.), the Narmot (23.1 per cent.) and the Chiknot (20.3 per cent.) are all good soils, the last two being mainly lands flooded from the jhíl. Owing to the abundance of natural irrigation and the saltiness of the springs, the well irrigated area, notwithstanding the nearness of water to the surface, is under 3 per cent. Of the irrigation láos, 65 per cent. are on sweet, 20 per cent. on brackish and 15 per cent. on salt wells. All the wells are of masonry. 53.3 per cent. of the well lands are Magda, 33.7 per cent. Bhur, 10.5 per cent. Narmot, and 2.5 per cent. Chiknot. 60 per cent. were actually irrigated in the year of measurement.

Barley is as usual the staple well crop, being 69.6 per cent. against wheat 13.9 per cent. The rate which with reference to the foregoing considerations I propose is Rs. 3 per acre.

Of the Baráni lands 0.8 per cent. are Chiknot and 13.2 per cent. Narmot, both good, low lying, generally by moist from the vicinity of the jhíl, and occasionally benefited by floods. 53.2 per cent. is Magda, also good these soils resemble those of Chak adjoining Dáhar and may be assessed at the same rates, the remaining 32.8 per cent. are Bhur, of which, as above noted, three-quarters is bad, similar to that of Farrukhnagar, which I have proposed to assess at Re. 0-9-0, but one-quarter being of fair quality worth about Re. 0-14-0, my rate for the Bhur in this circle is Re. 0-10-0. Bajra forms 42.3 per cent. of the Baráni produce, barley 21.1 per cent., wheat 12 per cent., jowár 7.7 per cent., autumn pulses 6 per cent., wheat and gram 3.8 per cent., cotton 3.4 per cent. and gram 1.4 per cent.

But the especial feature of this circle is the irrigation from the

(163)

jhíl. 6,042 acres are shown in the statements as Dáhri. Of these 36·4 per cent. are Chiknot, 31·5 per cent. Narmot, 23 per cent. Magda, 9·1 per cent. Bhur. The great bulk of these lands are flooded by the jhíl waters, and the small remaining portion is irrigated by drainage from the higher tracts around. Of the crops grown on the Dáhri lands in the year of measurement, wheat formed 40·6 per cent., barley 16·9 per cent., melons 11·2 per cent., jowár 8·6 per cent., sugarcane 5·8 per cent., cotton 3 per cent., barley and gram 2·6 per cent., wheat and gram 2 per cent. and gram 0·7 per cent.

As I lately submitted a separate report on the subject of these villages with reference to proposed drainage works, I extract from it the following remarks:—

“ In this district there are twelve villages which are wholly or partly liable to inundation from the jhíl; in five of these villages the lands lie beyond all risk of excessive inundation, except, perhaps, in seasons of most unusually heavy rains, and the owners of these villages have no desire whatever to see any further drainage works executed; so also in two other villages, although lying somewhat near the jhíl, the villagers stated that their lands were not in need of further drainage; although a waste estate jointly owned by them and immediately adjoining their village would be benefited. There remain five villages which suffer from excessive inundation. 1 Dharnpur, 2 Daulatábád, 3 Budherá, 4 Mankraula, 5 Naubarámad. The area in these five villages which the people themselves point out as suffering from excessive inundation is 1,772 acres, and after enquiry I accept this area as correct.

I have had a statement prepared showing the remissions granted in these twelve villages during the last fifteen years. The total sum is Rs. 18,985, of this Rs. 16,761 were granted in the five villages which complain of inundation, and Rs. 2,224 in the other seven villages: in the five villages the average remissions were Rs. 1,117 per annum, being nearly 10 per cent. on the revenue assessed, and in the other villages Rs. 148 per annum, being less than one-and-a-half per cent. on the revenue: the total average annual remissions were Rs. 1,265 per annum, almost the whole of which is due to the action of the jhíl.

In the seven villages the remissions on account of inundations were given in kharíf only.

The system of cultivation adopted in these villages is as follows:—

The ordinary kharíf crops such as jowár, bájra, &c., are sown in those high lands which are beyond the ordinary inundation level.

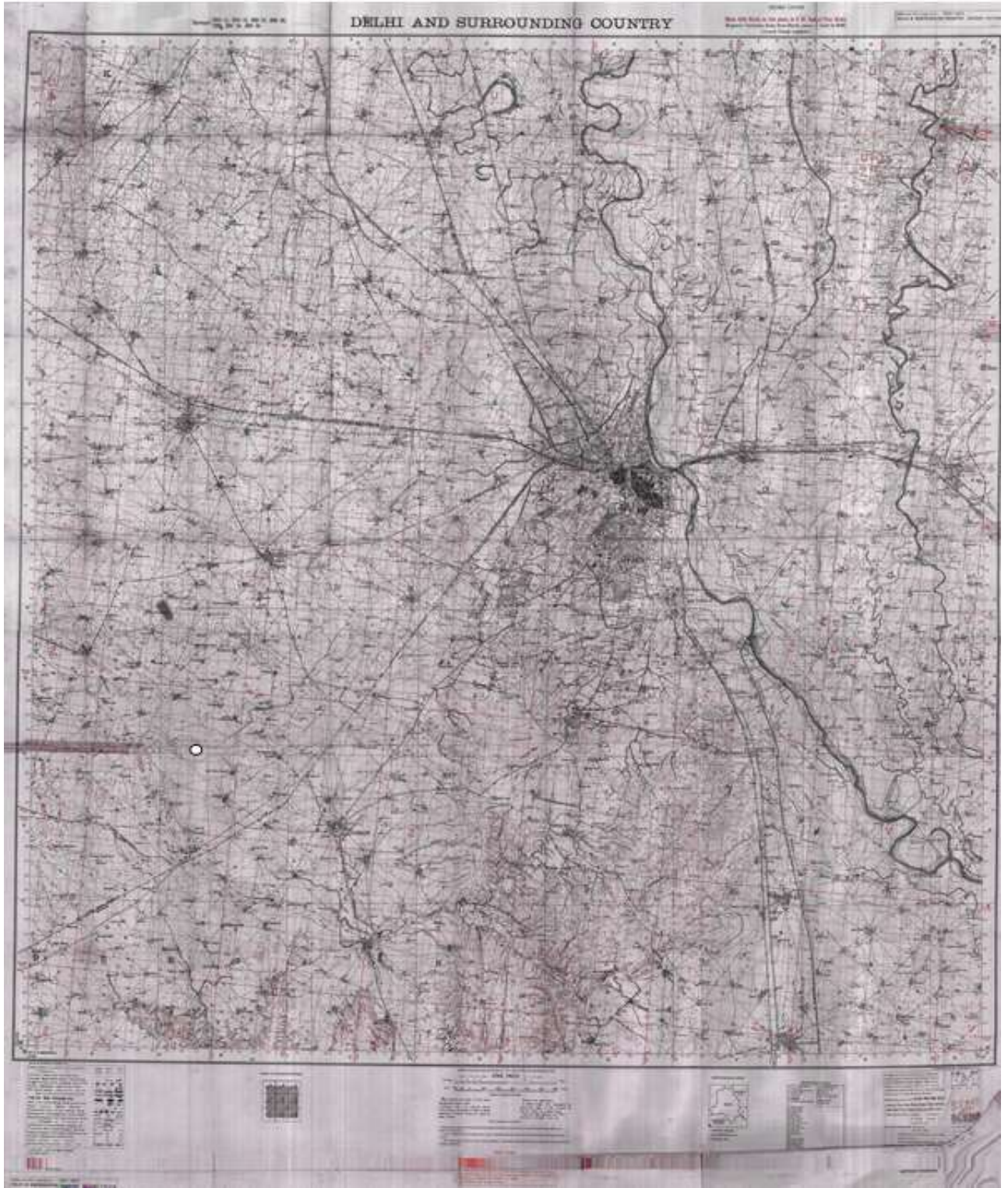
From the lands which after being flooded by the jhíl submerge before the end of November, good crops of wheat are obtained.

Lands which have remained submerged beyond the season of rabi sowings, but which have become fit for cultivation by the end of March, may be planted with sugarcane or melons.

If any lands have remained under water so long that they continue moist up to the commencement of the rains, rice is sown and transplanted into the shallow water near the edge of the jhíl. Rice also can

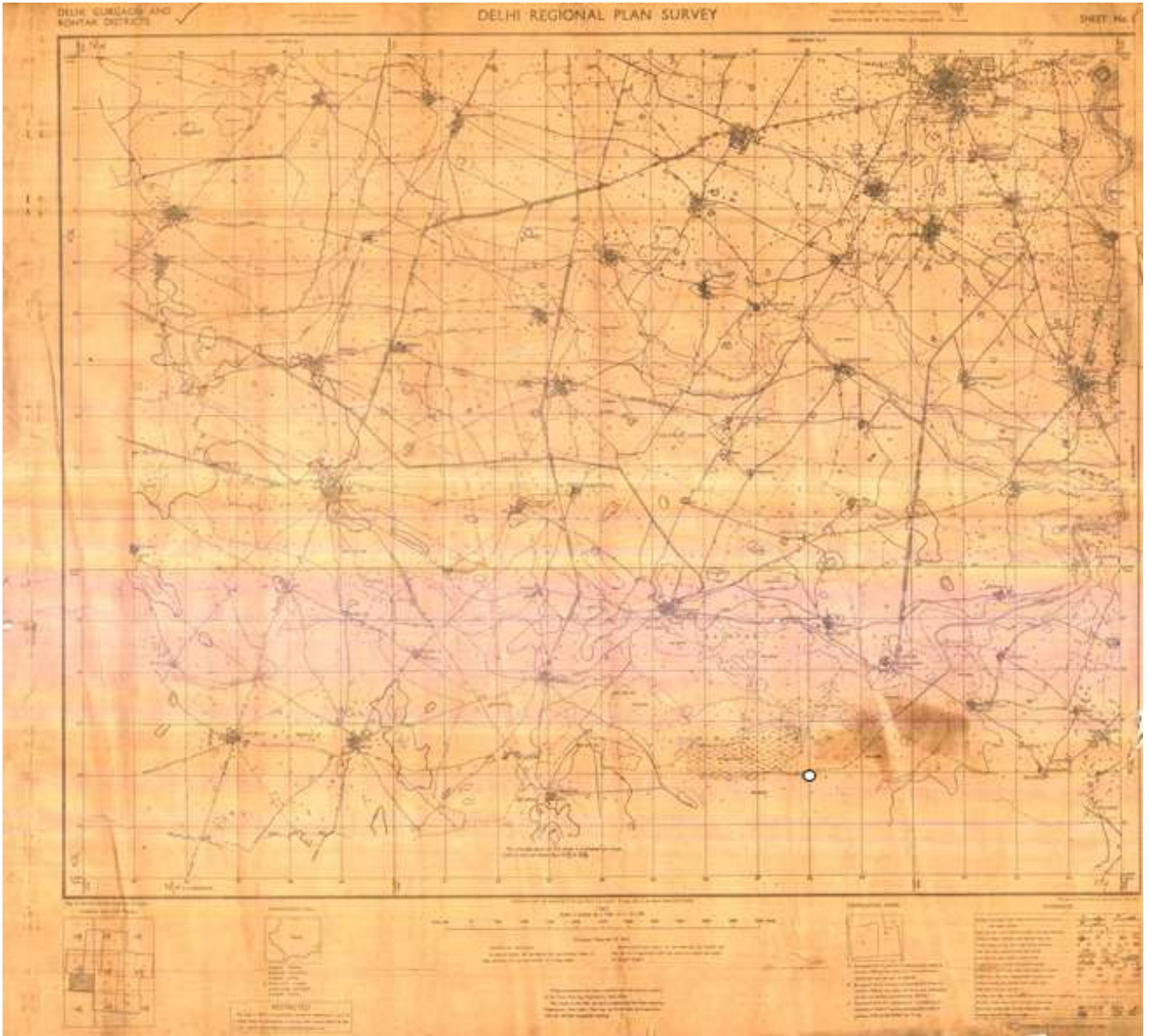
ANNEXURE A-4

[Survey of India Map, 1936]



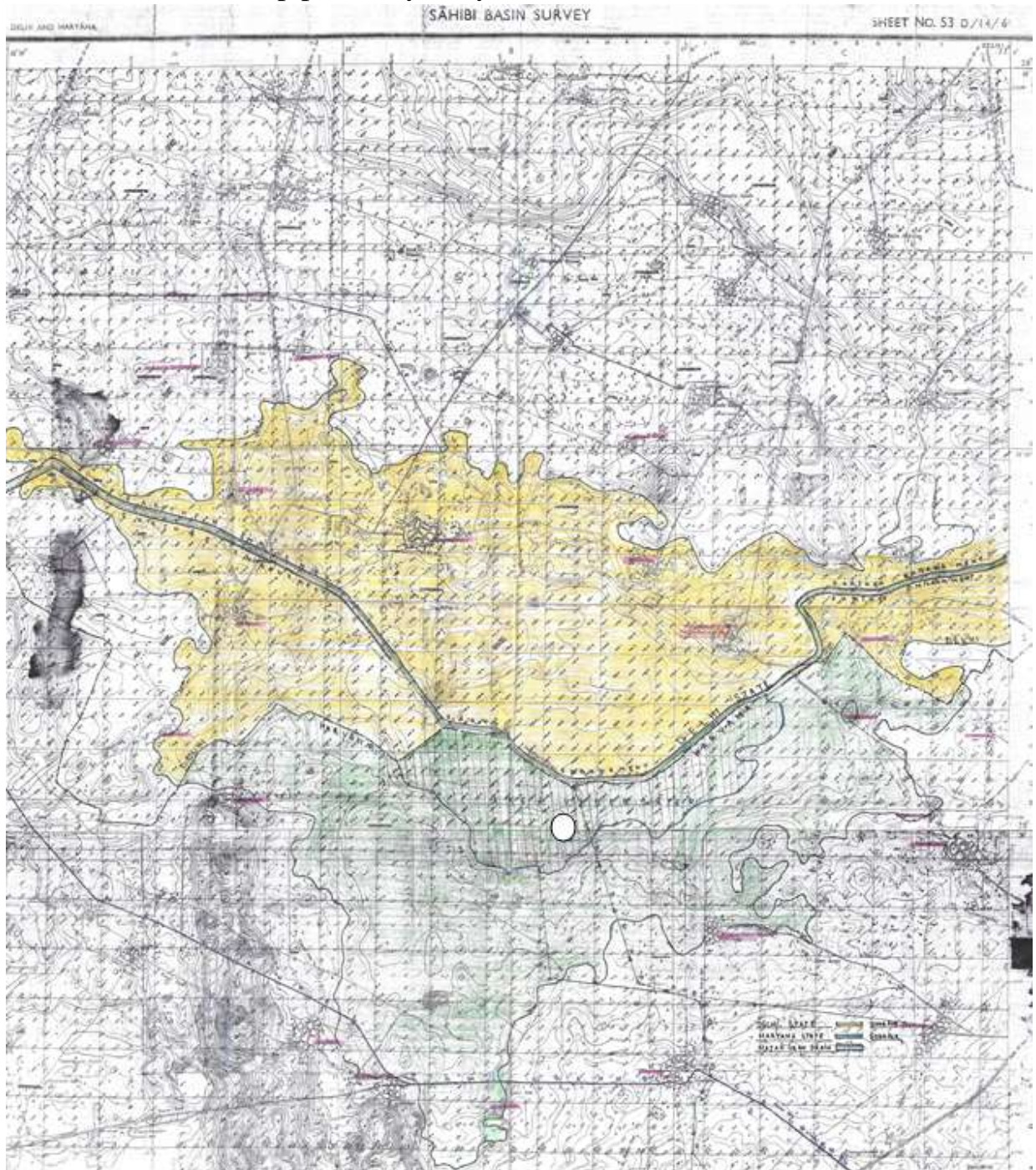
Annexure A-5

[Survey of India, 1964]



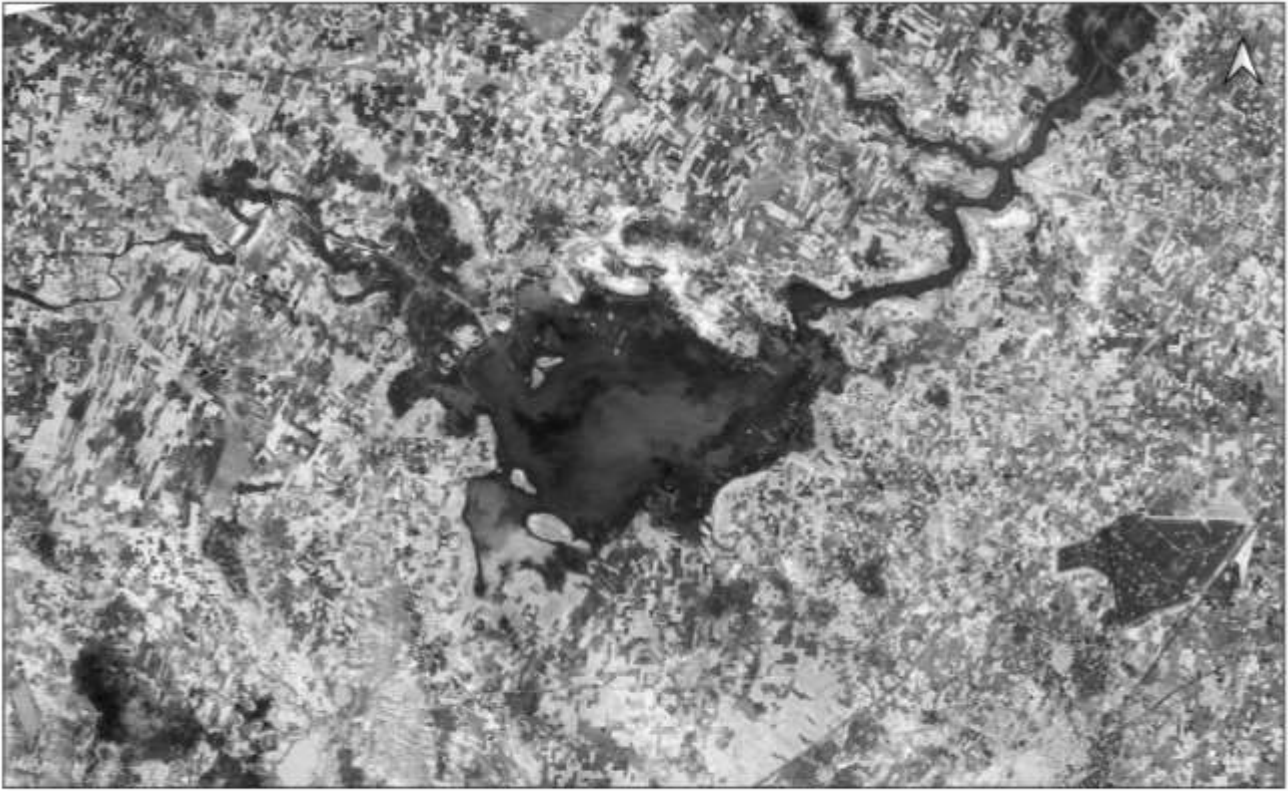
Annexure A-6

SoI Map placed by Haryana in OA 153/2014 in 2015



Annexure A-7

Satellite Imagery of September, 1965



Aerial Photograph - September 1965
USGS Archive

Annexure A-8

**Satellite Imagery of 1972 [p.835 of State Wetland Authority of
Haryana Report, 29th July, 2024]**

Najafgarh Jheel - Water Spread 1972

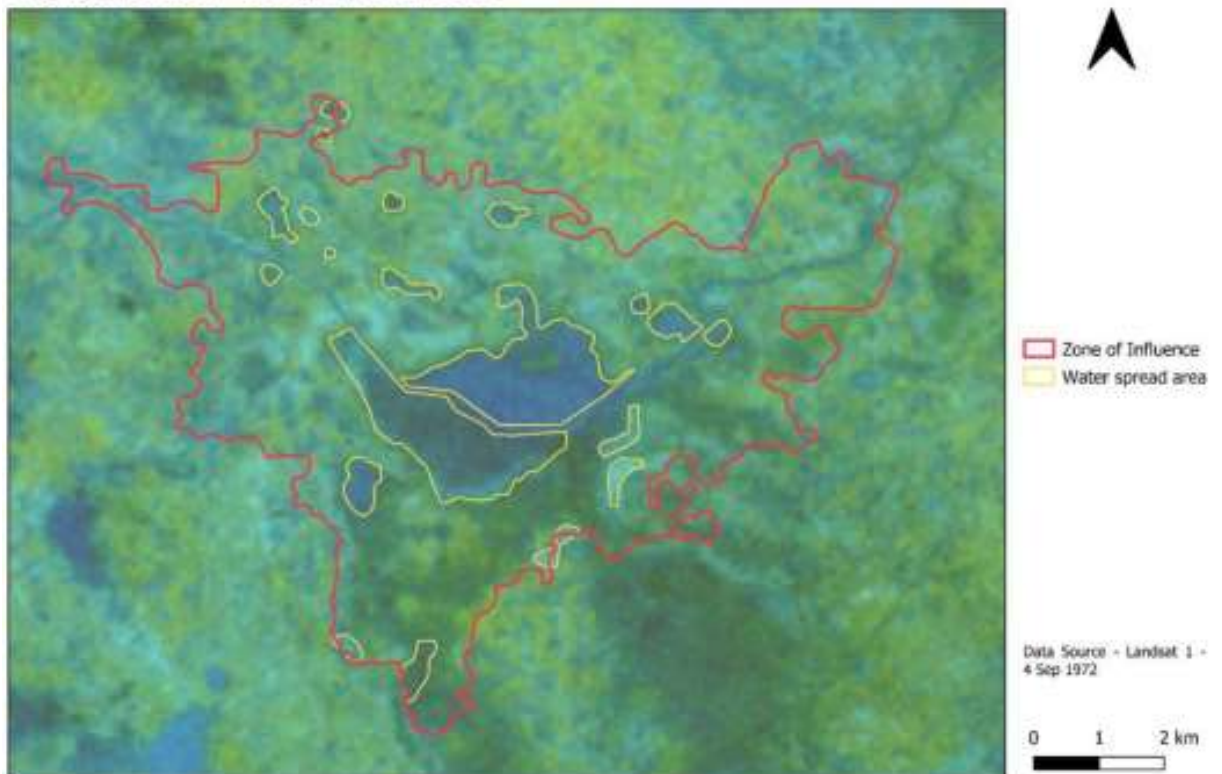


Fig. 12. Najafgarh Jheel – Water Spread 1972

Annexure A-9

Satellite Imagery of 1977 [pg. 835 of State Wetland Authority
of Haryana Report, dated: 29.07.2024]

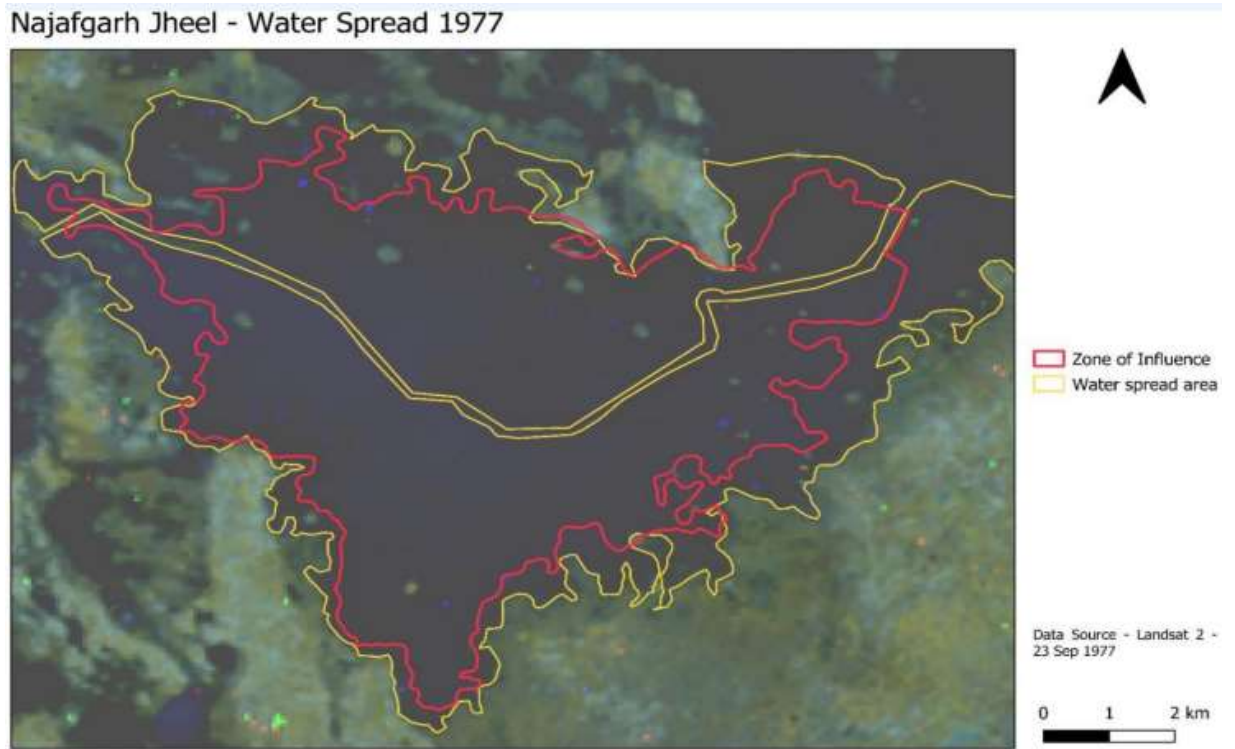


Fig. 13. Najafgarh Jheel – Water Spread 1977

Annexure A-10**Satellite Imagery of 1991 [pg. 836 of State Wetland Authority
of Haryana Report, dt: 29th July, 2024]**

Najafgarh Jheel - Water Spread 1991

**Fig.15. Najafgarh Jheel – Water Spread 1991**

AnnexureA-11

Satellite Imagery of 1993 [pg .837 of State Wetland Authority
of Haryana Report, 29th July, 2024]

Najafgarh Jheel - Water Spread 1993

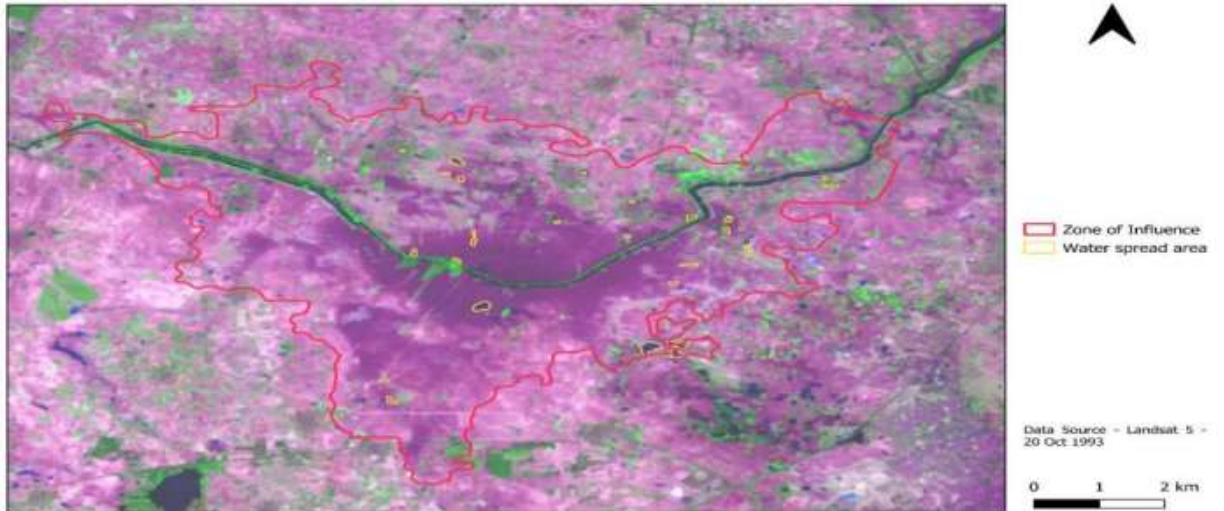


Fig.16. Najafgarh Jheel – Water Spread 1993

Annexure A-12

**Satellite Imagery of 1995 [pg. 837 of State Wetland Authority
of Haryana Report, dt: 29.07.2024]**

Najafgarh Jheel - Water Spread 1995

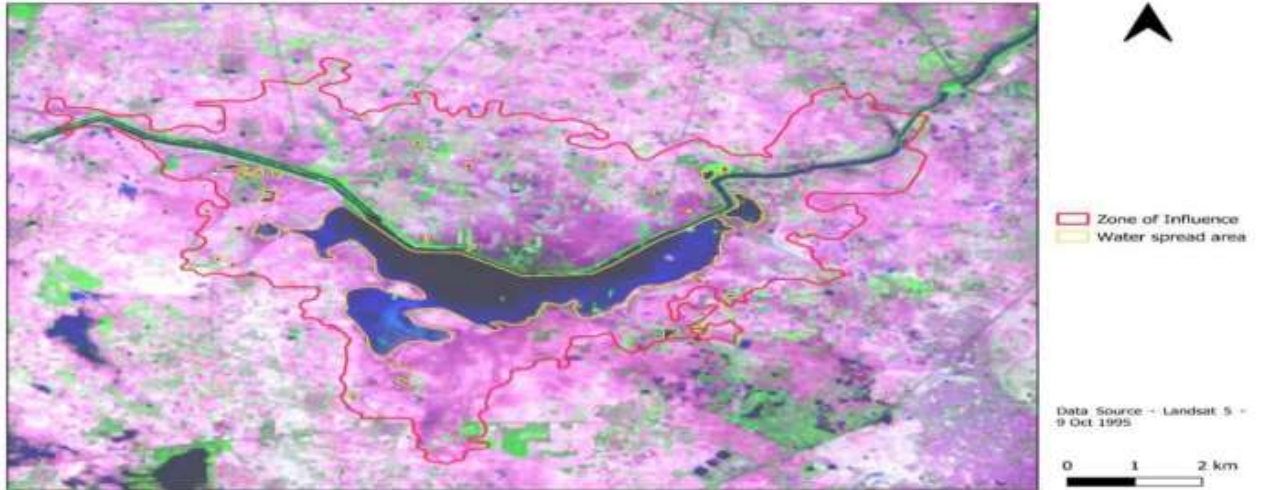


Fig.17. Najafgarh Jheel – Water Spread 1995

Annexure A-13

Satellite Imagery of 2000 [pg. 837 of State Wetland Authority of Haryana Report, dt: 29.07.2024]

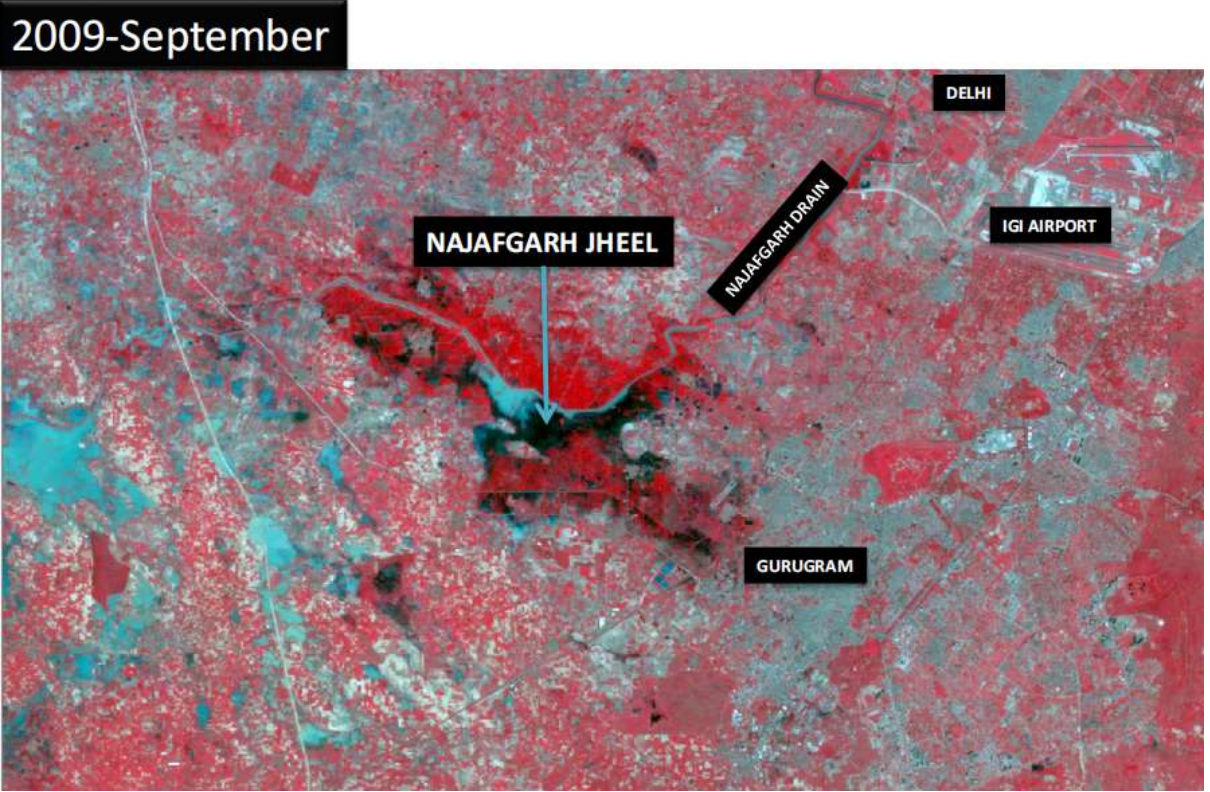
Najafgarh Jheel - Water Spread 2000



Fig.18. Najafgarh Jheel – Water Spread 2000

Annexure A-14

Satellite Imagery of 2009



Annexure A-14A**Satellite Imagery of 2010 [pg.840 of State Wetland Authority
of Haryana Report, dt: 29.07.2024]**

Najafgarh Jheel - Water Spread 2010



Fig 26 Najafgarh Jheel – Water Spread 2010

Annexure A-15

Google Satellite Imagery of 25 November, 2018



Annexure A-16

**Satellite Imagery of 2020 [pg.846 of State Wetland Authority
of Haryana Report, dt: 29.07.2024]**

Najafgarh Jheel - Water Spread 2020

**Fig.44. Najafgarh Jheel – Water Spread 2020**

Annexure A-17

Satellite Imagery of 2021 [pg.848 of State Wetland Authority
of Haryana Report, dt: 29.07.2024]

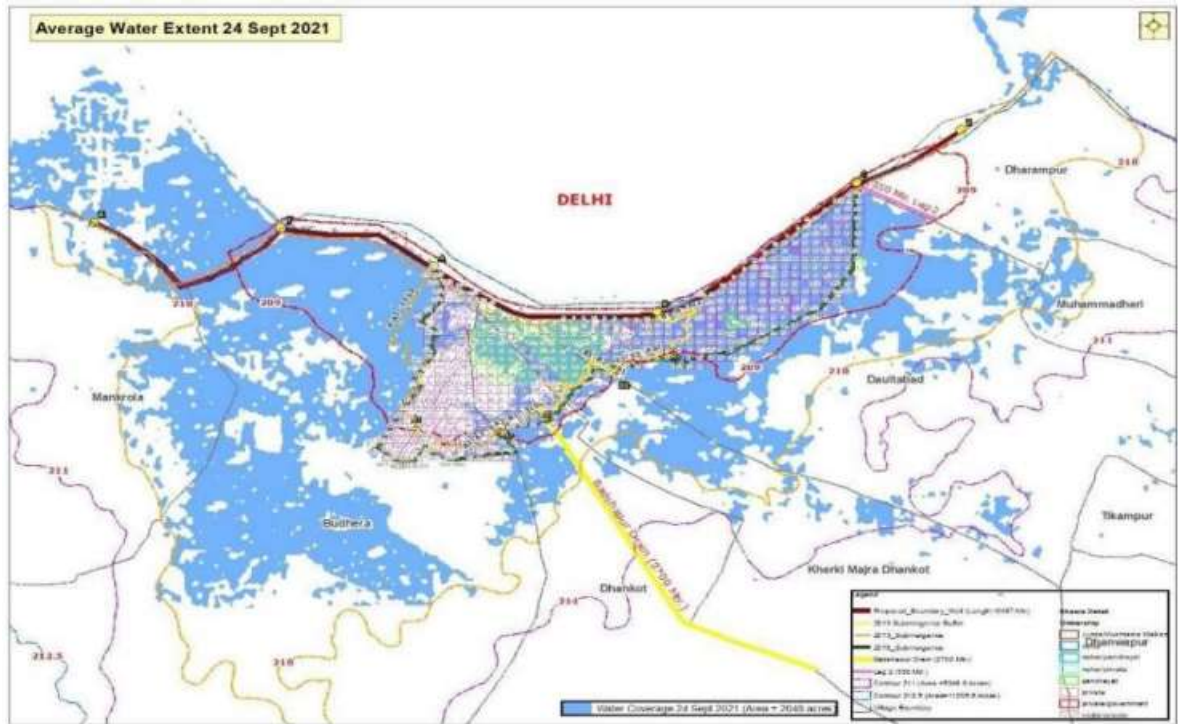
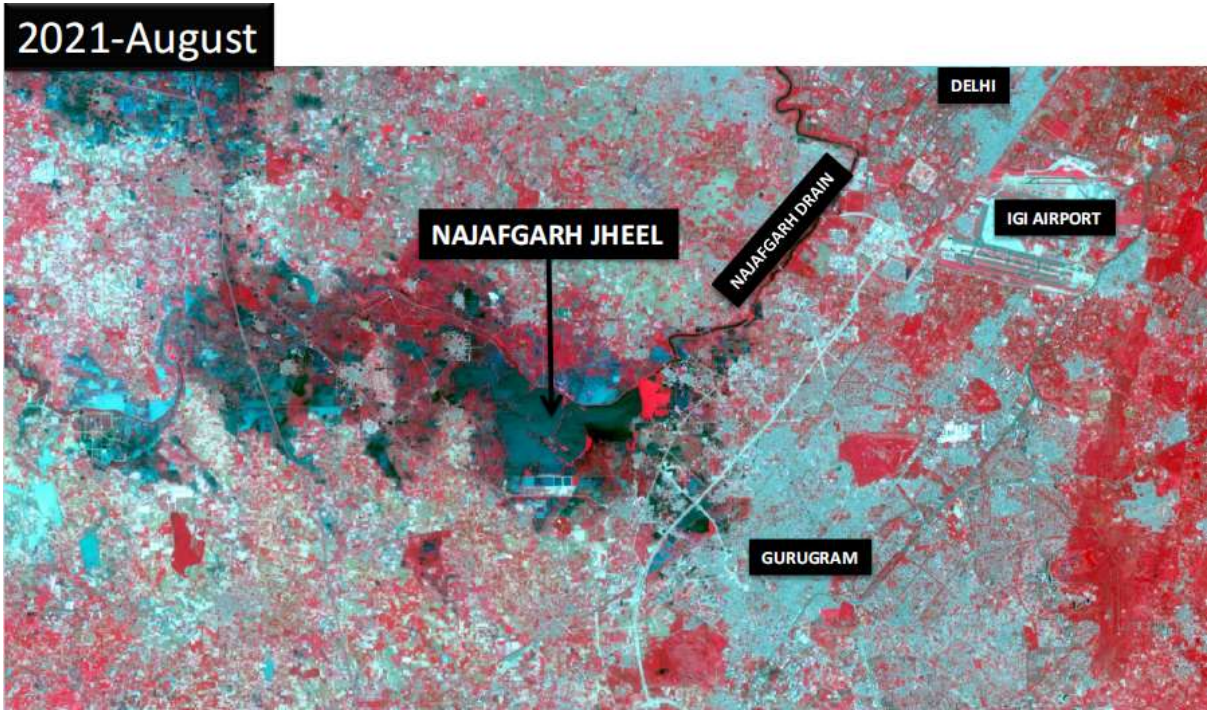


Fig.47. Water spread on Sept 24, 2021 was 2048 acres

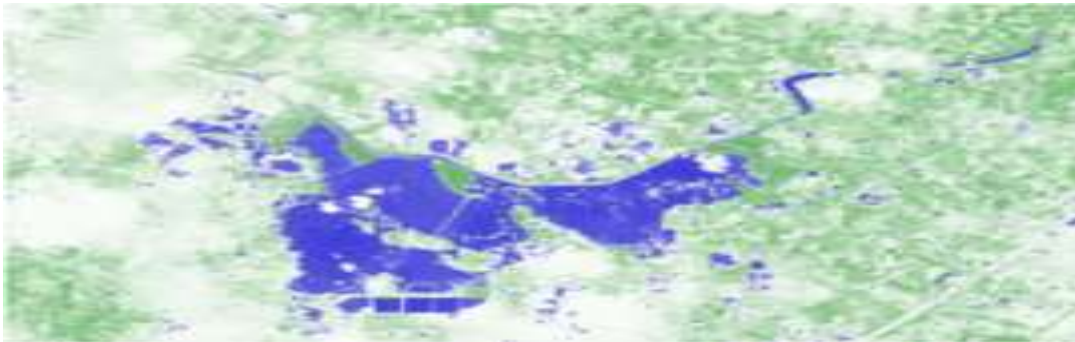
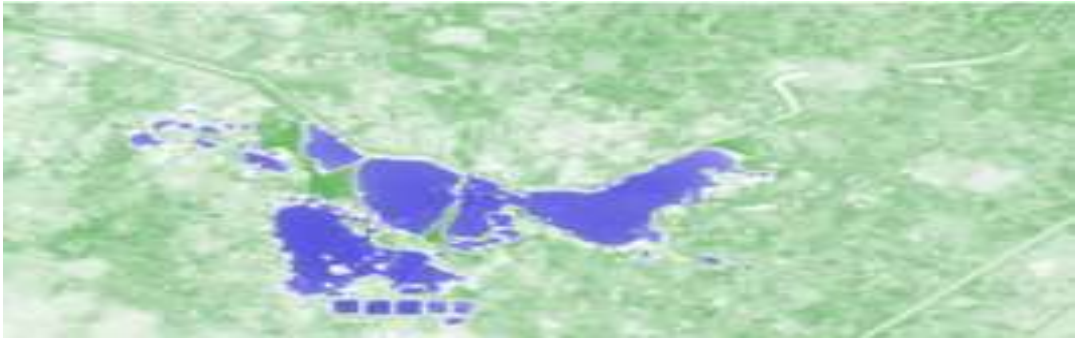
Annexure A-18

Satellite Imagery of 2021



Annexure A-19

Sentinel 2 Satellite Imagery of 2023



28 July, 2023 and 7 August, 2023.

Annexure A-20

Sentinel 2 Satellite Imagery of 30th June, 2024



Annexure A-21

**Report, dt: 29.07.2024 of The State Wetland Authority of
Haryana as submitted before this Hon'ble Tribunal**

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Fig. 22. 20.04.2008, limited area under submergence



Fig. 23. Google Image dated 13.03.2009 showing water only in Panchayat land spread over 47 acres only.



Fig. 24. Image dated 11.02.2010

Annexure A-22

Report dt: 29.07.2024 of The State Wetland Authority of Haryana [pg.849]

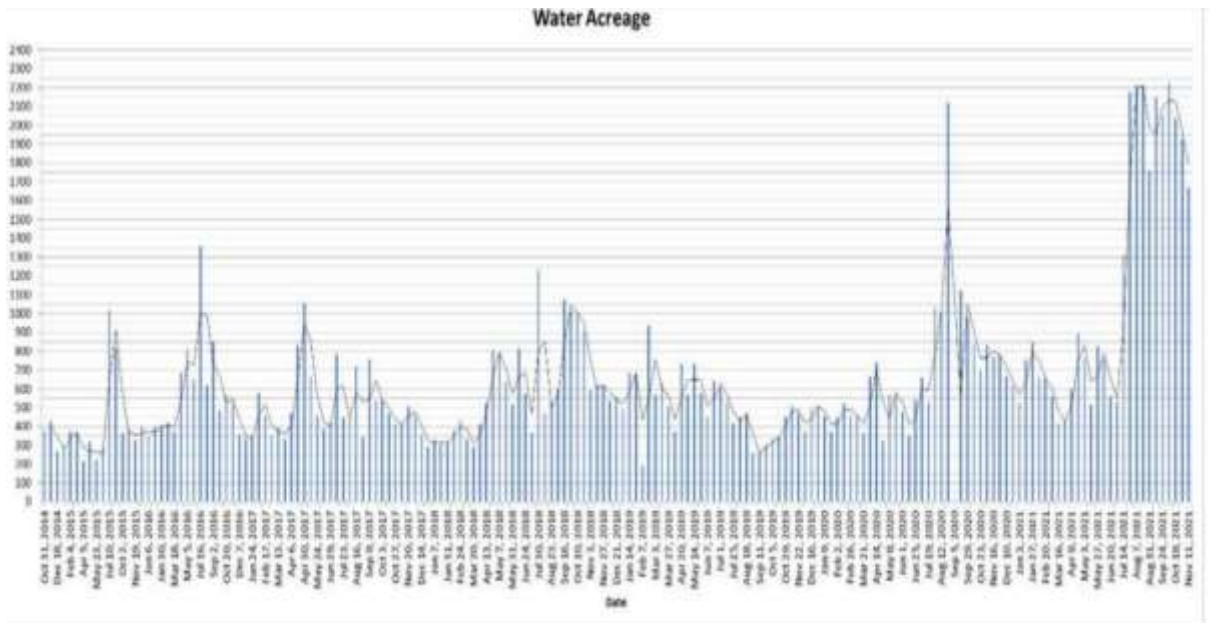


Fig. 49. The water spread ranged from 200 acres to 2048 acres between 2014 to 2021



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Om Prakash <omprakash.life@gmail.com>

Fwd: Advance service in E.A. No. 16/2019 in O.A. 153/2014

1 message

AKASH VASHISHTHA <akashvashishtha.official@gmail.com>
To: Om Prakash <omprakash.life@gmail.com>

Wed, Feb 12, 2025 at 4:13 PM

----- Forwarded message -----

From: **AKASH VASHISHTHA** <akashvashishtha.official@gmail.com>
Date: Wed, Feb 12, 2025 at 4:03 PM
Subject: Advance service in E.A. No. 16/2019 in O.A. 153/2014
To: <rkhuranalegal@gmail.com>

Dear Sir,

Please find an advance copy of the Objections attached in E.A. No. 16/2019 in O.A. 153/2014.

Yours Faithfully,

Akash Vashishtha
(Advocate)

Ph.: 9717006866

 **Objection by applicant Najafgarh jheel.pdf**
2424K