

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

Original Application No. 559 of 2022

IN THE MATTER OF:

Mr. Sanjeev Jain

S/o Late Mr. Shikhar Chand Jain

R/o B-94, Lane No.10, Shashi Garden,

Patparganj, New Delhi-110091

.... Petitioner/Applicant

VERSUS

1. The Municipal Corporation of Delhi,

SH. Gyanesh Bharti, IAS,

Through its commissioner,

Dr. S.P. Mukherjee Civic Center,

JLN Marg, New Delhi-110002

2. The Delhi Police,

Mr. Sanjay Arora,

Through its commissioner,

Jai Singh Road, Near Bangla Sahib

Gurudwara, New Delhi-110001.



3. Shri. Naresh Kumar,
Chief Secretary of Delhi,
3rd Delhi Secretariat, IP Estate,
New Delhi, Delhi 110002,

- 4) The BSES Yamuna Power Ltd.
Through its chairman,
Had office, Shakti Kiran Building,
Karkardooma East Delhi-110092,

- 5) Mr. Manish Sisodia, MLA
Government of Delhi,
AB-17, Mathura Road,
Opposite Pragati Maiden, New Delhi-110002,

- 6) Mr. Bipin Bihar,
Ex-Councilor, Ward No.-12,
B-2, Flat No.59, Mannu Apartment,
Patparganj, Delhi-110091,

- 7) Ministry of Home Affairs,



Shri Ajay Kumar Bhalla- Secretary,
Government of India,
North Block,
New Delhi – 110001.

.... Respondents

INDEX

S.NO.	Particular	Page No.
1.	Affidavit Rejoinder submitted against the Reply Statement filed by the Respondent No. 4.	1-43
2.	<u>Annexure 1</u> Copy of National Green Tribunal (Practices and Procedures) Rules, 2011	44-91
3.	<u>Annexure 2</u> Copy of Reply Letter Dt.18/10/2022	92-94
4.	<u>Annexure 3</u> Copy of Reply Letter Dt.08/08/2022	95-97
5.	<u>Annexure 4</u> Copy of such Reply as made by BSES Yamuna Power Ltd. Dt.26/02/2021	98-99
6.	<u>Annexure 5</u> Copy of Reply Letter Dt.31/10/2022	100
7.	<u>Annexure 6</u> Pictures of such MCD's Waste Dumping Ground, MCD's Delhi Environment Municipal Corporation Service Office, and MCD's Park	101-102
8.	<u>Annexure 7</u> Copy of such Complaint dated 09/09/2021 and Notice dated 13/09/2021 Notice No. EE (M)-IV/Sh. (S). /2021-22/0-499	103-106
9.	<u>Annexure 8</u> Copy of Reply Letter Dt. 05/12/2022	107-108
10.	<u>Annexure 9</u> A Site Map of the Road showcasing the whole area where such MCD Park is situated.	109
11.	<u>Annexure 10</u> Photographs and video of all the properties of MCD that are situated outside the complex of Dr. SPM Chest Hospital.	110-111
12.	<u>Annexure 11</u> A separate Map of such MCD Park	112

13.	<u>Annexure 12</u> Photographs and video of such approved/sanctioned covered area of the building that is situated at Patpar Ganj Village Chowk opposite to Dr. SPM Chest Hospital.	113
14.	<u>Annexure 13</u> Copy of such Complaint dated 30/12/2022.	114-115
15.	<u>Annexure 14</u> Copy of complaint Dt. 07/11/2022.	116-119
16.	<u>Annexure 15</u> Copy of such Email dated 11/11/2022.	120-123

DATE :

PLACE: DELHI



Signature of Petitioner

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

Original Application No. 559 of 2022

IN THE MATTER OF:

Mr. Sanjeev Jain

S/o Late Mr. Shikhar Chand Jain

R/o B-94, Lane No.10, Shashi Garden,

Patparganj, New Delhi-110091

.... Petitioner/Applicant

VERSUS

1. The Municipal Corporation of Delhi,

SH. Gyanesh Bharti, IAS.

Through its commissioner,

Dr. S.P. Mukherjee Civic Center.

JLN Marg, New Delhi-110002

2. The Delhi Police,

Mr. Sanjay Arora.

Through its commissioner,

Jai Singh Road, Near Bangla Sahib

Gurudwara, New Delhi-110001.

3. Chief Secretary of Delhi,

Shri. Naresh Kumar.



3rd Delhi Secretariat, IP Estate,
New Delhi, Delhi 110002.

4) **The BSES Yamuna Power Ltd.**

Through its chairman,

Had office. Shakti Kiran Building,
Karkardooma East Delhi-110092,

5) **Mr. Manish Sisodia, MLA**

Government of Delhi,
AB-17, Mathura Road,
Opposite Pragati Maiden, New Delhi-110002.

6) **Mr. Bipin Bihar,**

Ex-Councilor, Ward No.-12,
B-2, Flat No.59, Mannu Apartment,
Patparganj, Delhi-110091,

7) **Ministry of Home Affairs,**

Shri Ajay Kumar Bhalla- Secretary,
Government of India,
North Block,
New Delhi – 110001.



.... Respondents

**REJOINDER-AFFIDAVIT ON BEHALF OF THE
PETITIONER.**

I, Sanjiv Jain S/o Late Mr. Shikhar Chand Jain r/o B-94, Lane No.10, Shashi Garden, Patparganj, Delhi-110092, aged about 51 years, do hereby solemnly affirm and sincerely states as follows:

1. That, I am the Applicant/Petitioner in the above-mentioned case and I am conversant with the facts and circumstances of the present case. I am competent to affirm this Affidavit. I submit that I have gone through and read the Reply statement as filed on behalf of the Respondent No.4 i.e., BSES Yamuna Power Limited in this case. The Petitioner denies all the contents of such reply as False, misleading and wrong, except to the extent expressly admitted to hereunder. Without prejudice to the generality of the above denial, the following Rejoinder is tendered.
2. It is respectfully submitted that the **Reply statement** as filed on behalf of the Respondent No.4 i.e., BSES Yamuna Power Limited is **incomplete, misleading, filed without any Authority & without any authenticated documents** and is therefore **liable to be Rejected**. It is submitted that the Contents of the Reply statement are totally misconceived, denied and specifically traversed. The Petitioner denies each and every averment and contentions raised by the Respondent No.4 in its Reply. Nothing in such Reply should be deemed to be admitted by the Petitioner for the want of specific traverse unless specifically admitted herein by the Petitioner.
3. That, the Respondent No.4 has concealed material facts and information from this Hon'ble Tribunal and knowingly placed on record wrong statements and filed their Reply without any proper Authority and hence, **their Reply is liable to be dismissed with heavy cost**. Respondent No.4's Reply is nothing but a ploy to coerce this Hon'ble Tribunal and the Petitioner to accept their wrong and false Facts.



4. That the Reply as filed on behalf of the Respondent No.4 i.e., BSES Yamuna Power Limited is not maintainable and is liable to be rejected on the following grounds:

4.1. MR. SANJAY SHARMA AND J. SAGAR ASSOCIATES HAVE NO LOCUS STANDI TO FILE SUCH REPLY BEFORE THIS HON'BLE TRIBUNAL ON BEHALF OF RESPONDENT NO. 4 I.E., BSES YAMUNA POWER LIMITED

The Reply on behalf of the Respondent No.4 is liable to be dismissed for want of Proper Authority. It is submitted that the Person named Mr. Sanjay Sharma who filled the Reply on behalf of the Respondent No. 4 i.e., BSES Yamuna Power Limited is neither a Competent nor an Authorised Person to represent the Respondent No. 4.

As stated by Mr. Sanjay Sharma in his Affidavit, that He is a Sr. D.G.M. working at Respondent No. 4 i.e., BSES Yamuna Power Limited. Sr. D.G.M. is a person who is appointed by the Board of Directors of the Company for managing the office affairs of the Respondent No.4 but he has never been authorized by the Board to sign, verify and to file such Reply Statement. No documents have been shown or produced which can prove that he (Mr. Sanjay Sharma) has been authorized to sign, to file such Reply, to sworn such an Affidavit and to represent on behalf of Respondent No. 4.



It is very obvious that, the Reply was legally required to be signed, verified and to be filed by a Competent and a properly Authorised Person who had been authorised by the Respondent No. 4 i.e., BSES Yamuna Power Limited by following a due legal procedure wherein a Resolution has been passed by the Board of Directors in the properly called and convened Board Meeting. But, like always **Respondent No. 4 has again failed** when it comes to **follow the due procedure as given in the law.**

It is pertinent to mention here that, Respondent No.4 has not convened any Meeting and never authorised Mr. Sanjay Sharma to sign, verify and to file such Reply and that is why the Respondent No.4 has not even annexed any Authority Letter to their Reply authorizing Mr. Sanjay Sharma to execute all such work as stated above.

In Addition, No Memorandum of Appearance has also been filed with the said Reply authorizing J Sagar Associates to enter appearance on behalf of Respondent No. 4 i.e., BSES Yamuna Power Limited, in the present case.



Hence it becomes vital to mention that, the **Respondent No. 4** has clearly **violated Rule 16(3) of National Green Tribunal (Practices and Procedures) Rules, 2011** which says as follows:

“(3) The reply shall be signed and verified as a written statement by the Respondent or any other person duly authorised by him in



writing in the same manner as provided for in Order VI, Rule 15 of the Code of Civil Procedure, 1908.”

It is pertinent to mention here that, “duly authorised” means authorised by the Director or by some other person authorised in that behalf by the Director for the required purpose and it is evident from the above-mentioned provision that in case Respondent No. 4 has to authorize any other person to sign, to file and to verify the Reply then *it must be done through a Written Document only.*

But as Respondent No.4 has neither convened any Meeting nor ever authorised Mr. Sanjay Sharma to sign, verify & to file such Reply and that is why No documents have been shown or produced to prove that Mr. Sanjay Sharma has been authorized to execute all such work.

Hence, it is evident from the above-mentioned facts that the said Reply was filed on behalf of the Respondent No. 4 without any authority and in improper manner and is therefore **invalid and non-est.**

It is clear cut **Contempt of this Hon’ble Tribunal.** Therefore, such **Reply Statement** as filed without any Authority is **bad in law and liable to be dismissed in limine.**

A Copy of National Green Tribunal (Practices and Procedures) Rules, 2011 is annexed herein and marked as **Annexure-1.**

4.2. **EXECUTIVE ENGINEER (E) PWD, EMD, M 253 HAS NOT ALLOTTED ANY LAND OR PERMITTED BSES YAMUNA**



POWER LIMITED TO INSTALL ELECTRICAL TRANSFORMERS AT MCD PARK.

That on date 07.10.2022 , the Petitioner has moved one Application under Right to Information Act, 2005 to Mr. Vishwaroop Vishwas Ji, Executive Engineer PWD Electrical Maintains East Division M-253 with the question “whether any land has been allotted or any permission has been given by the Executive Engineer PWD Electrical Maintains East Division M-253, New Delhi 110002 to Private Electricity Company BSES Yamuna Power Limited to install Heavy High Voltage 33000 KW Electrical Transformers at MCD Park covering all area of MCD Park which is situated besides Shyama Prasad Mukherji T.B. Hospital at Patpar Ganj Village chowk, East Delhi 110091 of MCD Ward No.12 E.”

Then, vide reply letter of the Application under Right to Information Act Dt. 18.10.2022 Letter No. 26 (RTI)/Office of Executive Engineer (E) PWD M-253/2022-23/1050, it has been informed to the petitioner that “No any Land has been allotted or permitted by the Executive Engineer (E) PWD, EMD, M-253, Delhi 110002 to install Heavy High Voltage 33000 KW Electrical Transformers by Private Electricity Company BSES Yamuna Power Limited at MCD Park covering all area of MCD Park which is situated besides Shyama Prasad Mukherji T.B. Hospital at Patpar Ganj Village chowk, East Delhi 110091 of MCD Ward No.12 E.”



A Copy of Reply Letter Dt.18/10/2022 is annexed herewith and marked as Annexure-2.

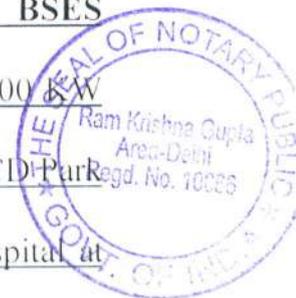
4.3. EXECUTIVE ENGINEER PWD, ROAD EAST DIVISION, M 212 HAS NOT ALLOTTED ANY LAND OR PERMITTED BSES YAMUNA POWER LIMITED TO INSTALL ELECTRICAL TRANSFORMERS AT MCD PARK.

That on 14.07.2022 Registration No. PWDEC/R/2022/60181, the Petitioner has moved one Application under Right to Information Act, 2005 to PWD- Engineer in Chief with the question “whether any land has been allotted or any permission has been given by the Executive Engineer PWD Road East Division M-212, New Delhi 110092 to Private Electricity Company BSES Yamuna Power Limited to install Heavy High Voltage 33000 KW Electrical Transformers at MCD Park covering all area of MCD Park which is situated besides Shyama Prasad Mukherji T.B. Hospital at Patpar Ganj Village chowk, East Delhi 110091 of MCD Ward No.12 E.” and “whether Executive Engineer PWD Road East Division M-212, New Delhi 110092 has any power to allot any land or give any permission to Private Electricity Company BSES Yamuna Power Limited to install Heavy High Voltage 33000 KW Electrical Transformers at MCD Park covering all area of MCD Park which is situated besides Shyama Prasad Mukherji T.B.



Hospital at Patpar Ganj Village chowk, East Delhi 110091 of MCD Ward No.12 E."

Then, vide reply letter of the Application under Right to Information Act Dt. 08.08.2022 Letter No. 54(RTI)/PWD East (Road)/M-212/1920, it has been informed to the petitioner that **"No any Land has been allotted or permitted by the Executive Engineer PWD Road East Division M-212, New Delhi 110092 to install Heavy High Voltage 33000 KW Electrical Transformers by Private Electricity Company BSES Yamuna Power Limited at MCD Park covering all area of MCD Park which is situated besides Shyama Prasad Mukherji T.B. Hospital at Patpar Ganj Village chowk, East Delhi 110091 of MCD Ward No.12 E and Executive Engineer PWD Road East Division M-212, New Delhi 110092 has no power to allot any land or give any permission to Private Electricity Company BSES Yamuna Power Limited to install Heavy High Voltage 33000 KW Electrical Transformers at MCD Park covering all area of MCD Park which is situated besides Shyama Prasad Mukherji T.B. Hospital at Patpar Ganj Village chowk, East Delhi 110091 of MCD Ward No.12 E."**



A Copy of Reply Letter Dt.08/08/2022 is annexed herewith and marked as **Annexure-3**.

A handwritten signature in blue ink, appearing to be "S. D." or similar, located at the bottom center of the page.

It is pertinent to mention here that, both the departments of PWD i.e., *PWD Electrical Maintains East Division M-253, New Delhi 110002* and *PWD Road East Division M-212, New Delhi 110092* have clearly stated in their RTI Replies that “No Land has been allotted or permitted by the Executive Engineers of both the Departments of PWD to install Heavy High Voltage 33000 KW Electrical Transformers by BSES Yamuna Power Limited at MCD Park covering all area of MCD Park which is situated besides Shyama Prasad Mukherji T.B. Hospital at Patpar Ganj Village chowk, East Delhi 110091 of MCD Ward No.12 E and these Departments have no Power to allot any land or give any permission to Private Electricity Company BSES Yamuna Power Limited to install such Heavy High Voltage Electrical Transformers at MCD Park.”

Hence, when PWD clearly itself accepting and saying that they have never given any permission for installing any Electrical Transformers at MCD Park then, how can BSES Yamuna Power Limited claiming that PWD has given any permission to Respondent No.4 to install such transformers at MCD Park.

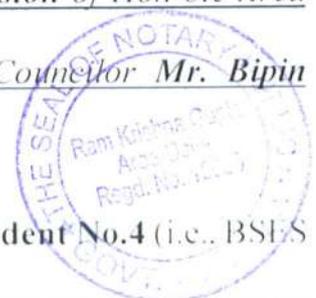
It becomes vital for the Petitioner to highlight one important fact that, in January, 2021 Respondent No. 4 i.e., BSES Yamuna Power Limited has already installed a transformer at East MCD Park at Patpar Ganj village Chowk. Then afterwards the Petitioner had firstly made a **Complaint Dt.19/02/2021** through his email to the email-ID i.e.,



departmentpower@gmail.com and Mr. Arvind Kejriwal Chief Minister of Delhi. **against the wrongful acts of the BSES Yamuna Power Ltd.** i.e., installing of Electrical Transformers at MCD park illegally and same complaint was also made to Mr. Satyender Kumar Jain Ji, Hon`ble Power Minister, Delhi Government. Then the **Power Department** of Delhi Government **forwarded** the said **Complaint** to BSES Yamuna Power Limited on which **BSES Yamuna Power Ltd. has made their reply** from their email ID i.e., BYPL.Customercare@reliance.com **Dt.26/02/2021** to the Petitioner and stated that 'the installation of the Subsation near Shyama Prasad Mukerjee Hospital has been done after discussion with Hon`ble Dy. Chief Minister, who is sitting MLA of the area and with concerned Councilor of the area Mr. Bipin Bihari Singh' who happens to be **Respondent No. 6** in the present case.

Then the Petitioner had also received a **Reply from Mr. R.S. Samaria, Dy. Director of Power Department** of Delhi Government dated **30/05/2022** on the said complaint stating that "all the illegal activities at East MCD Park has been done after permission of Hon`ble Area MLA Mr. Manish Sisodia and Area Sitting Councilor Mr. Bipin Bihari."

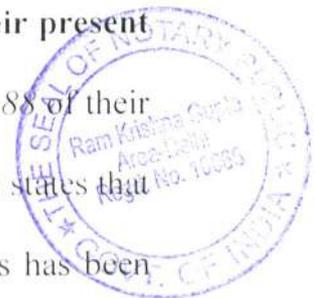
The attached copy dated 27/08/2021 of Respondent No.4 (i.e., BSES Yamuna Power Limited) in Power Department's Reply also states the same that 'the installation of the Subsation near Shyama Prasad



Mukerjee Hospital has been done after discussion with Hon'ble Dy. Chief Minister, who is sitting MLA of the area and with concerned Councilor of the area Mr. Bipin Bihari Singh'

A Copy of such Reply dated 30/05/2022 as made by Mr. R.S. Samaria, Dy. Director of Power Department of Delhi Government along with attached copy dated 27/08/2021 of Respondent No.4 in Power Department's Reply are annexed in the Original Application also as Annexure 5.

Hence, when **Respondent No. 4** on 27/08/2021 itself **accepting** and stating that the **Permission for Illegal installation** of such transformers has been **received from** Concerned Councilor of the Area **Mr. Bipin Bihari Singh** who is **Respondent No. 6** in the present case and **same has been accepted by Respondent No. 4 in their present Reply Statement** and marked it as *Annexure R/11 at page 88* of their Reply statement. **Then, how** can in 2022 Respondent No. 4 states that the permission for Illegal installation of such transformers has been received from PWD. Moreover, till date Respondent No. 4 fails to provide any Authenticated document that can prove that PWD has given any permission to Respondent No. 4 which PWD cannot even give as PWD has no power to give such permission and PWD is not even the Owner of such Land it is **MCD who is the Real owner** of such area in question i.e., **MCD Park** as proved by the Petitioner in foregoing paragraphs.



Mr. Bipin Bihari Singh, who is **Respondent No. 6** in the present case, **neither has any power, nor any relation** to such area in question i.e., **MCD Park** and he is **not even the owner** of such MCD Park. Then how can Mr. Bipin Bihari Singh without any power and authority can give any permission to Respondent No.4 for such illegal installation of those transformers.

The above-mentioned facts are self-speaking that Mr. Bipin Bihari Singh (**Respondent No. 6**) and BSES Yamuna Power Ltd. (**Respondent No. 4**) have **illegally teamed up and destroyed such MCD Park's Greenery, their Plants** and BSES Yamuna Power Ltd. has **illegally installed such transformers on the direction** of Mr. Bipin Bihari Singh (**Respondent No. 6**) because he wanted **Electricity for an Illegal Building** (Property bearing No.155, Village Patparganj, Delhi) which was unauthorizedly constructed under the supervision of Mr. Bipin Bihari Singh (**Respondent No. 6**) and such building has 72 Flats and 20 Shops wherein there was shortage of the electricity and Occupants were committing theft of Electricity.

A Copy of such Reply as made by BSES Yamuna Power Ltd. Dt.26/02/2021 is annexed herewith and marked as **Annexure-4**.



**4.4. MUNICIPAL CORPORATION OF DELHI (MCD)
IDENTIFYING THE AREA OUTSIDE SHYAMA PRASAD
MUKHERJI T.B. HOSPITAL AS MCD PARK.**

That on 14/10/2022 the Petitioner has moved one Application under Right to Information Act, 2005 to Chief Medical officer, Dr. SPM Chest Hospital, Municipal Corporation of Delhi. Then, vide reply letter of the Application under Right to Information Act Dt. 31.10.2022 Letter No. DR. SPMCH/PPG/MCD/2022/D-940 it has been informed to the Petitioner that **MCD's Waste Dumping Ground, MCD's Delhi Environment Municipal Corporation Service Office (MCD's DEMS's Office), and MCD's Park** all three are **situated outside the complex of Shyama Prasad Mukherji T.B. Hospital** at Patpar Ganj Village chowk, East Delhi 110091 of MCD Ward No.12 E.

Hence, MCD itself accepting and stating that there is a MCD Park situated outside Shyama Prasad Mukherji T.B. Hospital at Patpar Ganj Village chowk, East Delhi 110091 of MCD Ward No.12 E then, why Respondent No. 4 i.e., BSES Yamuna Power Limited is trying so hard to deny the truth about the existence of MCD Park.

A Copy of Reply Letter Dt.31/10/2022 along with the pictures of such MCD's Waste Dumping Ground, MCD's Delhi Environment Municipal Corporation Service Office, and MCD's Park as evidence are annexed herewith and marked as **Annexure-5** and **Annexure-6** respectively.



4.5. MUNICIPAL CORPORATION OF DELHI (MCD) ISSUED NOTICE TO BSES YAMUNA POWER LIMITED TO REMOVE THE TRANSFORMERS AT THE EARLIEST.

A Local Resident, named Mr. Rakesh Kumar, residing in vicinity of such MCD Park has recently made a **Complaint at Public Grievance Monitoring System (PGMS)** dated 09/09/2021 regarding **encroachment of Public Park and illegal & unauthorized digging of the land and fixing thereof various transformers by BSES Yamuna Power Limited at MCD Park without the permission of EDMC**, in respect of which PGMS Department forwarded the said Complaint to the concerned Department i.e., EDMC on which Mr. Satish Kumar Kataria, **Superintending Engineer-II, Shahdara South Zone, MCD** took the action on the said complaint on 14/09/2021 and **issued a Notice to BSES Yamuna Power Limited** and uploaded the same said Notice on PGMS Website also. The said Notice, dated 13/09/2021 Notice No. EE (M)-IV/Sh. (S)/2021-22/0-499 , was sent to Dy. General Manager (P&C), BSE Yamuna Power Limited regarding Illegal cutting of Road near Shyama Prasad Mukherji T.B. Hospital at Patpar Ganj Village chowk, East Delhi by BSES Department.

EDMC in notice clearly stated that *during the area inspection on 13.09.2021 it was found that the Transformer was fixed and the road cutting work was illegally carried out by BSES without EDMC permission at MCD Park.*

It is pertinent to mention that, **EDMC also clearly warned BSES** via such notice and asked the BSES Yamuna Power limited to either take the permission from EDMC for fixing of such transformers at MCD Park or get the Transformers removed at the earliest otherwise EDMC said that they will take Strict actions against BSES Yamuna Power Limited as per the provisions of DMC Act.

Hence, it is crystal clear from such notice also which is being issued by EDMC that there is a MCD Park situated outside Shyama Prasad Mukherji T.B. Hospital at Patpar Ganj Village chowk, East Delhi 110091 and such MCD Park belongs to EDMC otherwise without any ownership to such MCD Park and area why would EDMC will ever issue notice to BSES Yamuna Power Limited and ask them to either remove such transformers or take permission from EDMC.

Hence, it is as clear as water that MCD is the Real owner and has the ownership of title of such MCD Park.

A Copy of such Complaint dated 09/09/2021 and Notice dated 13/09/2021 Notice No. EE (M)-IV/Sh. (S). /2021-22/0-499 are annexed herein and marked as Annexure-7.

4.6. MUNICIPAL CORPORATION OF DELHI (MCD)
IDENTIFYING THE AREA OUTSIDE SHYAMA PRASAD
MUKHERJI T.B. HOSPITAL AS MCD PARK.

That on 13/10/2022 the Petitioner has moved one Application under Right to Information Act, 2005 to Deputy Commissioner, Shahdara

South Zone, Municipal Corporation of Delhi. Then, vide reply letter of the Application under Right to Information Act Dt. 05.12.2022 Letter No. 885/D/AC/SHD/(S)/2022-23 it has been informed to the Petitioner that the **road in front of MCD Park which is situated besides Shyama Prasad Mukherji T.B. Hospital** at Patpar Ganj Village chowk, East Delhi 110091 of MCD Ward No.12 E is being **cleaned on daily basis** and it is being cleaned by **two (2) MCD Workers** and their names are:

A) **Rishipal s/o Babulal, Employment No. Regular P.S.-B.M.D-51801230** and;

B) **Nitin s/o Brij Bhushan, Employment No. Regular P.S.-B.M.D-70302397.**

In their official Reply dated 05/12/2022 the Department is clearly mentioning that the Road **in front of MCD Park** is being cleaned on **daily basis** and it is being cleaned by **two (2) MCD Workers**.

Hence, MCD itself accepting and stating that there is a MCD Park situated outside Shyama Prasad Mukherji T.B. Hospital at Patpar Ganj Village chowk, East Delhi 110091 of MCD Ward No.12 E then, why Respondent No. 4 i.e., BSES Yamuna Power Limited is keep on trying so hard to deny the truth about the existence of MCD Park. This clearly shows Respondent No.4's ill intentions.

A Copy of Reply Letter Dt. 05/12/2022 is annexed herewith and marked as **Annexure-8**.

4.7. LAND USE OF PUBLIC PARKS CAN'T BE ALTERED.

In 2015, The Allahabad High Court has held that "land use of a public park cannot be altered and the statutory authorities cannot be permitted to convert the few remaining open spaces to commercial use."

In case named *Nagrik Sangthan Sewa Samiti Thru'. vs State of U.P. & 3 Others* while disposing of a PIL filed by Nagrik Sangthan Sewa Samiti, a **Division Bench** comprising Chief Justice Dr Dhananjaya Yeshwant Chandrachud and Justice Manoj Kumar Gupta at Allahabad High Court **observed**, "The right to a clean and healthy environment is part of the Right to Life and Personal Liberty under Article 21 of the Constitution of India. Public parks have to be preserved and utilized only for that purpose. Across the state, glaring instances have come before the court that these green spaces are being progressively allowed to be utilized for extraneous purposes by unscrupulous local bodies and officials, such as the setting up of shopping malls and other commercial use. This is a clear breach of the statutory duty cast upon planning authorities under the Uttar Pradesh Urban Planning and Development Act, 1973."

Giving this judgment, **the court directed** the Municipal Commissioner, Kanpur **to restore a public park** in Y Block of Kidwai Nagar, Kanpur **and remove encroachment from there within a**



month. The court directed that no construction whatsoever shall be permitted within the park.

It is evident from the above-mentioned reference of the case that not only in Delhi but all over India some unscrupulous local bodies and officials are illegally encroaching these Public Parks and destroying the greenery of these parks and using the park area for their commercial purposes.

It is pertinent to mention that as per World Air Quality Report 2021 'New Delhi' is the 'Most Polluted City in the world'. In such a hazardous environment it becomes very much important that we all maintain Greenery in our surrounding and plant more and more trees and in present case cutting and damaging already grown-up plants and trees and destroying and removing the grass from the park is a very mistaken step as taken by BSES Yamuna Power Limited (Respondent No. 4).

4.8. RESPONDENT NO. 4 HAS ILLEGALLY INSTALLED ANOTHER ELECTRICAL TRANSFORMER AT OUTSIDE PATPARGANJ POST OFFICE, NEAR BHARAT PETROL PUMP.

Respondent No. 4 as mentioned about the Communication dated 31/05/2022 in their Reply and stated that *"they had apprised the Petitioner of all the relevant facts and law in terms of which the work of shifting and relocation was undertaken at such area in question i.e.,*



MCD Park by the Respondent but, despite being aware of all the facts in question, the Petitioner has made the bald allegations” is completely baseless and wrong allegation.

The Petitioner would be pleased to apprise this Hon`ble Tribunal that **The Respondent No. 4 has illegally installed another Electrical Transformers at some different area also of Patpar Ganj and near such sub-station also there is an IGL pipeline beneath transformer, one higher senior secondary Government School with 5000 students studying there and one Public toilet and there is one Petrol Pump, knowing all these facts still BSES YPL Company installed new sub-station outside Patparganj Post Office, near Bharat Petrol Pump.**

The Petitioner wants to enlighten this tribunal with some true Facts, the Petitioner on 27/08/2021 had sent an Email to Respondent No. 4 regarding “Putting in danger lives of 5000 children and general public from formation of new sub-station by BSES Yamuna Power Limited outside Patparganj Post Office, near Bharat Petrol Pump” and asked the Respondent No.4 to either show authenticated proof or upload them on their website that the said area which is outside Patparganj Post Office, near Bharat Petrol Pump has been handed over by PWD to them then, The Respondent No. 4 on 31/05/2022 replied to the Petitioner’s email after almost 8 months wherein Respondent No.4 without giving any authenticated proof talked in the air and said PWD allotted such land to them.



Two handwritten signatures in blue ink, one above the other, located at the bottom of the page.

It clearly shows that Respondent No. 4 has been continuously doing this bad practice all over Delhi and when someone asks them to show the proof then they state one line that "PWD has allotted the land to us for the work" despite knowing the fact that PWD has no power to even allot or give any permission to Respondent No.4 for such installation.

The **Communication dated 31/05/2022 in their Reply Statement** is completely a different document and **has no relation to this present case** but it at least proved that Respondent No. 4 has illegally installed another Electrical Transformers at outside Patparganj Post Office, near Bharat Petrol Pump.

The Respondent No. 4 is only deliberately trying to hide the correct information and trying to show incomplete and misleading information only.

4.9. RESPONDENT NO. 4 ACCEPTING IN THEIR REPLY THAT THERE IS MCD PARK WHICH HAS BEEN DESTROYED BY RESPONDENT NO. 4

It is pertinent to mention here that Respondent No. 4 itself accepted in their Reply Statement (*via their Annexures R/3 & R/4 on page no. 28 & 29*) that there is still some Greenery left at the area in question i.e., MCD Park because rest of the greenery of such MCD Park has been destroyed by them i.e., Respondent No. 4 for Illegally Installing their Transformers.

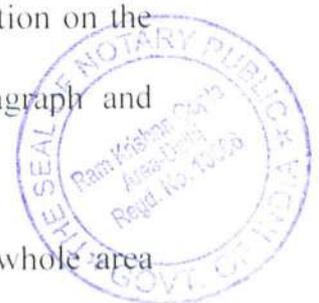


As proved by the Petitioner many a times in foregoing paragraphs that there is a MCD Park which is situated besides Shyama Prasad Mukherji T.B. Hospital at Patpar Ganj Village chowk, East Delhi 110091 of MCD Ward No.12 E.

The **Area of such MCD Park** is **width 21.6 feet** and **Length 84.9 Feet**, **Concrete Boundary wall height is 2.6 Feet** and **MS Railing** above the Boundary wall is of the **height 2.6 Feet** and **Entry Gate** of such MCD Park is of the **height 2.3 Feet**.

These measurements clearly shows that there is a proper place for such MCD Park which has its own concrete boundary walls, MS Railing and its own Entry Gate. The **Respondent No. 4** is just clearly deliberately **trying to misguide this Hon'ble Tribunal** with some malafide intentions. All these measurements and photographs clearly shows that MCD has spent the approved money in making and maintaining such MCD Park. That is why, Mr. Satish Kumar Kataria, Superintending Engineer-II, Shahdara South Zone, MCD also took the action on the complaint dated 14/09/2021 as stated in foregoing paragraph and issued a Notice to BSES Yamuna Power Limited.

In this regard, A Site Map of the Road showcasing the whole area where such MCD Park is situated along with photographs and video of all the properties of MCD that are situated outside the complex of Dr. SPM Chest Hospital, Municipal Corporation of Delhi at Patpar Ganj Village chowk and a Separate Map of such MCD Park has been



A handwritten signature in blue ink, appearing to be "Su".

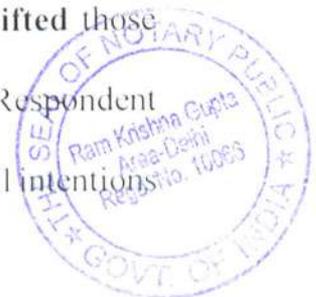
annexed herein and marked as Annexure 9, Annexure 10 and Annexure 11 respectively.

4.10. RESPONDENT NO. 4 ILLEGALLY REMOVED ALL THE ELECTRICAL TRANSFORMERS FROM THE APPROVED/SANCTIONED COVERED AREA OF THE BUILDING AND SHIFTED THOSE ELECTRICAL TRANSFORMERS TO THE MCD PARK

As per Electricity Act and Rules and as per Fire Department Guidelines, the Electrical Transformers can only be installed at approved/sanctioned covered areas of the building and keeping this in mind in 2003 Power Department of Government of India handed over the Substation Area Building, to Respondent No. 4 for distributing Electricity, which is situated at Patpar Ganj Village Chowk opposite to Dr. SPM Chest Hospital, Municipal Corporation of Delhi.

But, in September, 2022 **when this Hon'ble Tribunal was hearing the present case then at that time Respondent No. 4 was illegally removing all the electrical transformers** from the said approved/sanctioned covered area of the building **and shifted those electrical transformers to the said MCD Park** and now Respondent No. 4 is trying to convince this Hon'ble Tribunal with their ill intentions that Respondent No. 4 has done everything under the law.

That the Department of Power, Government of Delhi has made a new Land Policy on allotment of land to power utilities for construction /



A handwritten signature in blue ink, consisting of several loops and a final horizontal stroke.

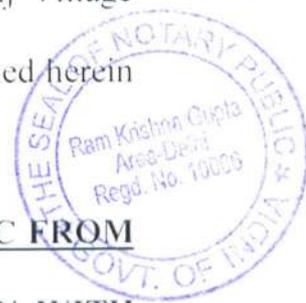
expansion of power related infrastructure in Delhi which has been issued by the joint Secretary namely Mr. Y.V.V. J. Rajasekhar, Joint Secretary (Power), Government of NCT of Delhi and **Respondent No. 4 is bound by such Land Policy** which states that in case these Power Utilities i.e., BSES Yamuna Power Limited wants any new area/land for expansion/construction of Power related infrastructure like substations etc then **Respondent No. 4 is required to request the Power Department of Government of Delhi and cannot ask directly any third person for any additional land/area.**

It becomes vital to mention here that, a Copy of such Land Policy was sent to the C.E.O. of BSES Yamuna Power Limited also.

The reference of such Land Policy has been given in the Original Application also along with the copy of such Land Policy and marked as *Annexure-2*.

In this regard, Photographs and video of such approved/sanctioned covered area of the building that is situated at Patpar Ganj Village Chowk opposite to Dr. SPM Chest Hospital has been annexed herein and marked as **Annexure 12**.

- 4.11. RESPONDENT NO. 4 HAS NEVER TAKEN ANY NOC FROM DELHI FIRE SERVICE AND FAILED TO COMPLY WITH FIRE PROTECTION AND FIRE SAFETY REQUIREMENTS AS ISSUED BY MINISTRY OF HOUSING AND URBAN AFFAIRS (MoHUA)**



A handwritten signature in blue ink, appearing to be "S. S. S.", located at the bottom right of the page.

As stated by the Petitioner in his Original Application also that vide Reply Letter of **Delhi Fire Service** it has been categorically intimated to the petitioner that "there is no Fire Safety Certificate / NOC has been taken by BSES Yamuna Power Limited till date from the Delhi Fire Service".

The Ministry of Housing and Urban Affairs (**MoHUA**) is the apex authority of Government of India at the National Level to formulate policies and monitor the programmes concerning all the issues of housing and urban affairs in the country and therefore, this Ministry of Government of India issued the "**FIRE PROTECTION AND FIRE SAFETY REQUIREMENTS**".

It is pertinent to mention that **Respondent No. 4** has also not complied with *Para 7.19 SAFETY MEASURES IN ELECTRIC SUB-STATION of Chapter-7 of FIRE PROTECTION AND FIRE SAFETY REQUIREMENTS* as made by Ministry of Housing and Urban Affairs, Government of India (**MoHUA**). A Copy of the Chapter-7 of FIRE PROTECTION AND FIRE SAFETY REQUIREMENTS is annexed in the Petitioner's Interlocutory Application as filed before this Hon'ble Tribunal *I.A. No. 237 of 2022*.

As per Point no. 9 of Para 7.19 SAFETY MEASURES IN ELECTRIC SUB-STATION of Chapter-7 of FIRE PROTECTION AND FIRE SAFETY REQUIREMENTS "Any Sub-station space should be clear from any water, sewer, air conditioning, and gas pipe



A handwritten signature in blue ink, appearing to be "S. Gupta".

or telephone services. No other service should pass through the sub-station space or the cable trenches.”

Hence, as being proved earlier & mentioned in the Report as submitted by the Joint Committee and as accepted by Respondent No. 4 also in their Reply Statement that there is a **running IGL Gas pipeline chamber underneath the East MCD Park** which is of the measurement of **6 Feet x 6 Feet** wherein many equipment of **IGL Gas pipeline** have been installed and as Point no. 9 of Para 7.19 SAFETY MEASURES IN ELECTRIC SUB-STATION states that “Any Sub-station space should be clear from gas pipe and no other service should pass through the sub-station space.”

It becomes as clear as water that because there is a running IGL Gas pipeline chamber underneath the East MCD Park that is why in no case BSES Yamuna Power Limited can install any transformers at that land i.e., MCD Park.

As Respondent No. 4 has never taken any Fire Safety Certificate / NOC from Delhi Fire Service to install such transformers at MCD Park it becomes very easy to understand that Respondent No. 4 has illegally installed such transformers at MCD Park without any prior Approvals/Permissions/ NOC.



The other Points of Para 7.19 SAFETY MEASURES IN ELECTRIC SUB-STATION that Respondent No. 4 has failed to comply are as follows:

Point no. 12. The sub-station space is to be provided in the approved/sanctioned covered area of the building.

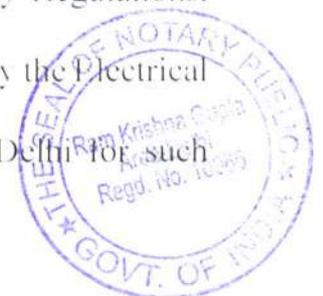
Point no. 15. Provision shall be kept for the sumps so as to accommodate complete volume of transformer oil, which can spillover in the event of explosion of the transformer in the basement of the building. Sufficient arrangement should exist to avoid fire in the sub-station building from spread of the oil from the sumps.

Point no. 35. Party walls shall be provided between two transformers as per the rules.

Point no. 41. Electric sub-station transformer shall have clearance on all sides as per BBL/relevant electric rules.

Respondent No.4 has clearly never complied or followed these requirements which is a mandatory requirement to follow.

It is pertinent to mention that, it is the duty of the Electrical Inspector of Labour Department, Govt. Of NCT of Delhi to ensure safety of public from electrical installations under the provisions of Electricity Act, 2003 and rules made there under i.e., CEA Safety Regulations, 2010. But, till date **no inspection has been conducted** by the Electrical Inspector of Labour Department, Govt. Of NCT of Delhi for such installation of said transformers at East MCD Park.



That the above stated facts clearly shows that the Respondent No.4 & Respondent no. 6 has clearly violated all environmental and Fire laws and norms in so far as the manner in which the Park has been

A handwritten signature in blue ink, consisting of several loops and a final horizontal stroke.

damaged, lives of thousands of general public have been put in danger for their corrupted intentions.

Para-Wise Reply:

5. The contents of Para 1 and 2 of the Reply are matter of record and merit no response and anything contrary to the record is denied.
6. The contents of Para 3 and 4 of the Reply are denied unless expressly admitted. Nothing in Para 3 and 4 of the Reply shall be admitted for lack of denial by way of specific traverse. It is denied that the allegations of the Applicant are unfounded, misconceived and without merit. It is pertinent to mention that, the Applicant/Petitioner has submitted each allegation against Respondent No. 4 with true and authenticated proof that has been attached in the Original Application itself and not stating anything verbally in the air without any proof like Respondent No. 4. As stated earlier also in the Original Application by the Petitioner that, BSES Yamuna Power Limited has been doing illegal activities at East MCD Park and from 22.04.2022 the Respondent No.4 have illegally acquired 100% area of the park and damaged & removed all the plants and trees from the park and illegally installed their Electrical high-voltage Sub-stations in the park. There was a water handpump in the park that the Company has also damaged, for which Copy of the photographs proof of all such damage caused by the Company were also annexed in the Original Application and marked as Annexure-1. In addition, there is one running IGL Gas Pipeline Chamber Box underneath the land of the MCD Park which



Respondent No.4 itself admitted in their Reply and same is also admitted by DPCC in his Report as submitted to this Hon'ble Tribunal and if such Gas Pipeline gets damaged completely then the same will cause a blast in the area and can result in death of thousands of innocent publics.

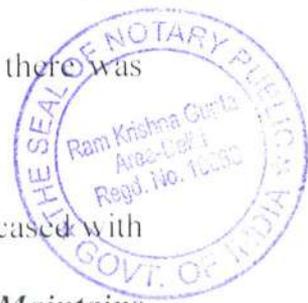
In addition, The Respondent No.4 has illegally installed the Transformers without due permissions and prior approvals from the Delhi Fire Service, Delhi Pollution Control Committee and Power Department of Government of Delhi for which Copy of the reply letter proof from all such Departments were also annexed in the Original Application and marked as Annexure-6,7 & 8 and same has been also stated in the DPCC's Report wherein Point No. 6 of the Report it is stated that "Officials of Delhi fire Service and DPCC informed that no permission has ever been sought by BSES Yamuna Power Limited to install such transformers."

It is funny and sad at the same time that, how Respondent No.4 is trying to just deny all true allegations, made by the Applicant, without any single proof and just misleading this Hon'ble Tribunal and wasting their precious time. Clearly Applicant has produced proof of all the allegations made but, Respondent No.4 has completely failed to produce any document that can proof that they have received approvals to carry out such illegal work at MCD Park and none of the Allegations were denied by the Respondent No.4. The Respondent No.4 is keeping their eyes shut on the self-speaking evidences placed by the Applicant herein in Affidavit Rejoinder and in his Original Application.



7. The contents of Para 5 & 6 of the Reply are denied unless expressly admitted. Nothing in Para 5 & 6 of the Reply shall be admitted for lack of denial by way of specific traverse. It is denied that there is no land earmarked as MCD Park. In Report itself it is being mentioned that some of the local residents apprised that before illegal installation of such Transformers, flower Beds and planters was constructed and **Greenery was being “maintained”** and one Hand Pump and several benches were also installed for General Public. This statement is self-speaking about the truth of existence of MCD Park. Otherwise, I do not know what a place is being called where flower Beds/planters were being constructed and Greenery was being maintained and several benches were also installed because Neither Government of India nor any Court in India directs people to go to any random Road and construct flower Beds/planters, maintain greenery & install benches on road for general public in name of Park. Because as per Respondent No. 4 there is road and not MCD Park where there was greenery and plants and trees were being maintained.

It is pertinent to mention here that, the Petitioner has already show cased with proof above that both the departments of PWD i.e., *PWD Electrical Maintains East Division M-253, New Delhi 110002* and *PWD Road East Division M-212, New Delhi 110092* have **clearly stated in their RTI Replies** that “*No Land has been allotted or permitted by the Executive Engineers* of both the Departments of PWD to install Heavy High Voltage 33000 KW Electrical Transformers by BSES Yamuna Power Limited at MCD Park covering all area of MCD Park which is situated besides Shyama Prasad Mukherji T.B. Hospital



at Patpar Ganj Village chowk and *these Departments have no Power to allot any land or give any permission to Private Electricity Company BSES Yamuna Power Limited to install such Heavy High Voltage Electrical Transformers at MCD Park.*"

Hence, if I sum up all the facts and truths together, then it concludes that both the departments of PWD itself i.e., **PWD Electrical Maintains East Division M-253,** and **PWD Road East Division M-212,** in their RTI replies stating that No Land has been allotted or permitted by PWD and in report of DPCC also it is evident that there is a Park. Then how come Respondent No.4 i.e., BSES Yamuna Power Limited and Executive Engineer (Maintenance) MCD claiming that PWD allotted the land to Respondent No. 4. It raises serious questions against Respondent No.4 and Executive Engineer (Maintenance) MCD who both are now stating false facts without giving any authenticated proof before this Hon'ble Tribunal.

Respondent No.4 verbally talking in the air that the area in question (i.e., MCD Park) was handed over to PWD in compliance of some circular dated 10.01.2012, but till date fails to attach such circular as a proof to prove their point.

Moreover, as per Respondent No.4 and Executive Engineer (Maintenance) MCD the said area in question (i.e., MCD Park) belongs to PWD as the same was handed over to PWD in 2012 then as stated above also, how come **Mr. Satish Kumar Kataria, Superintending Engineer, EDMC** took the action on such complaint and issued a Notice to BSES Yamuna Power dated



13/09/2021 regarding Illegal cutting of Road near Shyama Prasad Mukherji T.B. Hospital at Patpar Ganj Village chowk, East Delhi by BSES Department. The notice clearly stated that *during the area inspection on 13.09.2021 it was found that the Transformer was fixed and the road cutting work was illegally carried out by BSES without EDMC permission.*

It is pertinent to mention that. EDMC also clearly warned BSES via such notice and asked the BSES Yamuna Power limited to either take the permission from EDMC for fixing of such transformers at MCD Park or get the Transformers removed at the earliest otherwise EDMC will take Strict actions against BSES Yamuna Power Limited as per the provisions of DMC Act.

Hence, it is crystal clear from such action of EDMC & their notice that there is a MCD Park situated outside Shyama Prasad Mukherji T.B. Hospital at Patpar Ganj Village chowk and such MCD Park belongs to EDMC otherwise without any ownership to such MCD Park why would EDMC will ever issue notice to BSES Yamuna Power Limited and ask them to either remove such transformers or take permission from EDMC.

Hence, the said area in question is a MCD Park and it still belongs to MCD and not to PWD. PWD and MCD both accepting these facts in authenticated Government documents but then I do not know why they and Respondent No.4 trying to mislead and show false & untrue facts before this Hon'ble Tribunal. It is clearly **Contempt of this Hon'ble Tribunal.**

8. The Contents of Para 7 of the Reply are denied in toto. The claims made by Respondent No.4 in para 7 of their Reply are false, vexatious and based on



incomplete and false facts. As informed and stated in above paras by the Petitioner that the said area in question i.e., MCD Park belongs to MCD and not to PWD and PWD never allotted or permitted BSES to install or shift the transformers to such park then how can as per Respondent No.4, PWD asked BSES Yamuna power Limited to shift the transformers. The irony of such Communication Letter is that Respondent No.4 claiming that PWD asked them to shift the transformers but in such letter the permission for such illegal shifting was being taken from Mr. Bipin Bihari Singh, Councilor and **PWD is not giving any permission for such shifting**. This clearly shows that such Communication letter is based on some misleading wrong facts and the letter is completely defective and raises doubts on its veracity. Hence, the Petitioner denies such Letter also in totality.

It is very shocking for the Petitioner that, the Respondent No.4 is indiscriminately stating a lot of wrong & false facts in their reply without submitting any authenticated proof to prove their point.

When Respondent No.4 has nothing to say then they have filed their reply relying completely on some directions passed by the Hon'ble Supreme Court in I.A. 34 of 2019 in W.P.(C) 13029 of 1985 titled as "M.C Mehta v. Union of India & Ors." Which has nothing to do with the said area in question i.e., MCD Park but, again like always Respondent No. 4 forgets to attach some authenticated proof that can prove their point in this connection.

The Annexures attached by the Respondent in their Reply are completely mismatched. Annexure No. 3 & 4 of the Reply Statement both showing the



A handwritten signature in blue ink, appearing to be "R.K. Gupta".

area in question and surrounding area but with mismatched things. This clearly raises question on veracity of such Annexures.

9. The Contents of Para 8 of the Reply are denied in toto. The Reply of the Respondent No. 4 is itself baseless, false and a compilation of wrongful items which is not supported by any authenticated evidence and which is liable to be dismissed. Hence the Petitioner denies it completely.
10. The contents of Para 9 of the Reply are denied unless expressly admitted. Nothing in Para 9 of the Reply shall be admitted for lack of denial by way of specific traverse. It is denied that Respondent No. 4 undertakes its activities in accordance with the provisions of the Electricity Act, 2003, the Delhi Electricity Reforms Act, 2000, the Rules and Regulations framed thereunder and the directions by the Hon`ble Delhi Electricity Regulatory Commission. It is denied that the shifting and relocation of the Transformers is undertaken by the Respondent No. 4 as per the provisions of the Electricity Act, the Rules and Regulations framed thereunder, and the directions passed by the Hon`ble Delhi Electricity Regulatory Commission.

It is pertinent to mention here that, **Regulation 24(4)(ii) of the DERC (Supply Code and Performance Standards) Regulations, 2017** says as follows:

"The owner of the land or his successor in interest gives consent in writing to shift the electric line or electrical plant to any other portion of his land or to any other land owned by him or any alternate right of way to be arranged by him for shifting the electric line and the electrical plant."



A handwritten signature in blue ink, appearing to be "S. A.", located at the bottom right of the page.

The above-mentioned provision clearly states that the owner (i.e., MCD) of the Land in question i.e., MCD Park will give “**consent in writing**” and as proved in above paras that MCD has never given any permission for either installing or shifting of the transformers rather, **Mr. Satish Kumar Kataria, Superintending Engineer, MCD issued notice to Respondent No. 4 for removing such transformers** as referred in above para no. 7.

In addition, Respondent No. 4 as falsely claims PWD to be the owner of the Land in question i.e., MCD Park has also neither allotted any land nor given any permission for shifting of such transformers.

Hence, what Respondent No. 4 is trying to place through their Reply is just a compilation of wrongful and false facts without any authenticated proof to misguide this Hon’ble Tribunal.

11. The contents of Para 10 & 11 of the Reply are denied unless expressly admitted. Nothing in Para 10 & 11 of the Reply shall be admitted for lack of denial by way of specific traverse. As stated by the Respondent No. 4 that in terms of the directions passed by the Hon’ble Supreme Court in I.A 34 of 2019 in W.P.(C) 13029 of 1985, the Respondent No. 4 was required to undertake the shifting of Transformers and the Transformers were required to be shifted since the same were cited in the Corridor No. 7, Category B (Serial No. 15) identified by the Task Force in I.A 34 of 2019 in W.P.(C) 13029 of 1985.

Apparently, as per Respondent No. 4 it seems to be a very important Point that can at least prove their point. But again **Respondent No. 4 fails to submit any**

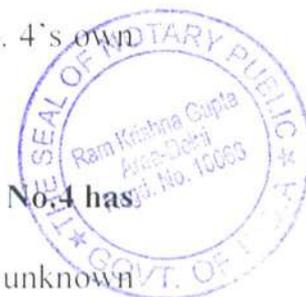


A handwritten signature in blue ink, appearing to be 'S.A.', located at the bottom right of the page.

document that can prove that the Land in question (i.e., MCD Park) is cited in the Corridor No. 7, Category B (Serial No. 15) identified by the Task Force in I.A 34 of 2019 in W.P.(C) 13029 of 1985 as stated by the Respondent No. 4. Nothing in Para 10 & 11 of the Reply statement and annexures attached thereto proves that such Judgement/order of the Hon'ble Supreme Court talks about such land in question (i.e., MCD Park) which is situated besides Shyama Prasad Mukherji T.B. Hospital at Patpar Ganj Village chowk, East Delhi 110091 of MCD Ward No.12 E.”

As Respondent No. 4 stated that *on 17.03.2021, the alternate site allocated by PWD was inspected by the Safety Department of the Respondent. The Safety Department of the Respondent accorded safety clearance for shifting and relocation of the Transformers.* Then it is important to highlight that **first of all**, PWD has never allotted any land to Respondent No. 4 which PWD itself stated in their RTI replies and **secondly**, the land in question belongs to the Government and for carrying on any work on such area requires the approval from the Government Department and not from the Respondent No. 4's own internal department which has no authenticity or right to do so.

The Petitioner seriously doubts and believes that the Respondent No.4 has some mischief intentions under which Respondent are doing these unknown money transactions with some of the PWD internal departments in name of “cost for shifting of transformers”. It is also submitted that the Respondent No.4 has not executed any work of shifting of Transformers in compliance with the Regulation 24 of the Supply Code, 2017. In addition, it is pertinent to



mention here that the Respondent No.4 at one place claiming that there is no Park but on other side itself accepting in their Reply Para 11 point (f) that while undertaking illegal shifting of transformers no trees were damaged. It clearly means that there was a park and there was greenery that was being maintained.

12. The contents of Para 12 of the Reply are denied completely. Nothing in Para 12 of the Reply shall be admitted for lack of denial by way of specific traverse. The Petitioner never received any communication dated 11/07/2022 and such fake communication dated 1107/2022 even does not show that Respondent No. 4 has received any permission either from MCD or from Delhi Government. In addition, Respondent No. 4 as mentioned about the Communication dated 31/05/2022 in their Reply is completely baseless and wrong allegation. The Respondent No. 4 has illegally installed another Electrical Transformers at some different area also of Patpar Ganj and near such sub-station also there is an IGL pipeline beneath transformer, one higher senior secondary Government School with 5000 students studying there and one public toilet and there is one Petrol Pump, knowing all these facts still BSES YPL Company installed new sub-station outside Patparganj Post Office, near Bharat Petrol Pump. It is clearly **Contempt of Hon'ble Supreme Court's Order** in I.A. 34 of 2019 in W.P.(C) 13029 of 1985 titled as "M.C Mehta v. Union of India & Ors." by Respondent No. 4. The Petitioner on 27/08/2021 had sent an Email to Respondent No. 4 regarding "Putting in danger lives of 5000 children and general public from formation of new sub-station by BSES Yamuna Power Limited outside Patparganj Post Office, near



Bharat Petrol Pump” and asked the Respondent No.4 to either show authenticated proof or upload them on their website that the said area which is outside Patparganj Post Office, near Bharat Petrol Pump has been handed over by PWD to them then. The Respondent No. 4 on 31/05/2022 replied to the Petitioner’s email after almost 8 months wherein Respondent No.4 without giving any authenticated proof talked in the air and said PWD allotted such land to them. It clearly shows that Respondent No. 4 has been continuously doing this bad practice all over Delhi and when someone asks them to show the proof then they state one line that “PWD has allotted the land to us for the work” despite knowing the fact that PWD has no power to even allot or give any permission to Respondent No.4 for such installation. The **Communication dated 31/05/2022 in their Reply Statement** is completely a different document and **has no relation to this present case** but it at least proved that Respondent No. 4 has illegally installed another Electrical Transformers at outside Patparganj Post Office, near Bharat Petrol Pump. The Respondent No. 4 is only deliberately trying to hide the correct information and trying to show incomplete and misleading information only.

13. The contents of Para 13 of the Reply are denied unless expressly admitted.

Nothing in Para 13 of the Reply shall be admitted for lack of denial by way of specific traverse.

It is already been proved that:

- a) the area in question is MCD Park and
- b) such area belongs to MCD and not PWD



c) PWD never allotted any land nor given any permission to Respondent No. 4 for shifting or installing any transformers at such said area.

d) NO prior approvals from the Delhi Fire Service, Delhi Pollution Control Committee and Power Department of Government of Delhi have been taken by Respondent No. 4.

Detailed submissions in this regard are made in the foregoing Paragraphs and the same are not being repeated herein for the sake of brevity.

14. The contents of Para 14 of the Reply are denied unless expressly admitted.

Nothing in Para 14 of the Reply shall be admitted for lack of denial by way of specific traverse. The Respondent at one place claiming that there is no Park but on other side itself accepting in their Reply Para 11 point (f) that while undertaking illegal shifting of transformers no trees were damaged. It clearly means that there was a park and there was greenery that was being maintained.

15. The contents of Para 15 of the Reply are absolutely wrong and hence

empathically denied. It is submitted that as per the *Para 7.19 safety measures in electric sub-station of Chapter-7 of FIRE PROTECTION AND FIRE SAFETY REQUIREMENTS*, as made by Ministry of Housing and Urban Affair, Government of India (MoHUA), "Any Sub-station space should be clear from any water, sewer, air conditioning, and gas pipe or telephone services. No other service should pass through the sub-station space or the cable trenches." Hence, as being proved earlier & mentioned in the Report as submitted by the Joint Committee and as accepted by Respondent No. 4



also in their Reply Statement that there is a **running IGL Gas pipeline chamber underneath the East MCD Park** which is of the measurement of **6 Feet x 6 Feet** wherein many equipment of **IGL Gas pipeline** have been installed and as Point no. 9 of Para 7.19 SAFETY MEASURES IN ELECTRIC SUB-STATION states that "Any *Sub-station space should be clear from gas pipe and no other service should pass through the sub-station space.*" It becomes as clear as water that because there is a running IGL Gas pipeline chamber underneath the East MCD Park that is why in no case BSES Yamuna Power Limited can install any transformers at that land i.e., MCD Park. As **Respondent No. 4 has never taken any Fire Safety Certificate / NOC from Delhi Fire Service to install such transformers at MCD Park it becomes very easy to understand that Respondent No. 4 has illegally installed such transformers at MCD Park** without any prior Approvals/Permissions/ NOC.

The Petitioner again repeats that the land in question belongs to the Government and for carrying on any work on such area requires the approval from the Government Department and not from the Respondent No. 4's own internal department which has no authenticity or right to do so. Then how can Respondent rely upon the fraudulent approval of their own Safety Department.

16. The contents of Para 16 to 36 of the Reply are absolutely wrong and hence empathically denied. Detailed submissions in this regard are made in the foregoing Paragraphs and the same are not being repeated herein for the sake



Mayur Vihar, Phase-2, East Delhi-110091. for making complaint against the Area MLA, Area Ex Councillor MCD, Area Builder and BSES Yamuna Power Ltd's C.E.O, Vice President and their Employees. **I Humbly Request this Hon'ble Tribunal to kindly take note of this serious attack** and if possible, **to help me out in protection of the lives** of the Petitioner and his family members. A copy of complaint Dt. 07/11/2022 is annexed herewith and marked as **Annexure-14**.

19. This Hon'ble Tribunal via its order dated 23/09/2022 ordered to Respondent No. 1, 3 and 4 to file their replies within in a Month (1 Month). But, till date no Reply has been filed by the said Respondents and that is why the Petitioner is not able to file a complete Rejoinder. The Petitioner even mailed on 11/11/2022 regarding this issue to Respondent No. 1, 3 and 4 but, till date Respondent No. 1 & 3 never filled their replies and mailed the Petitioner in this regard and Respondent No. 4 filed their Reply but their Reply is incomplete, misleading, filed without any Authority & without any authenticated documents and is therefore liable to be Rejected.

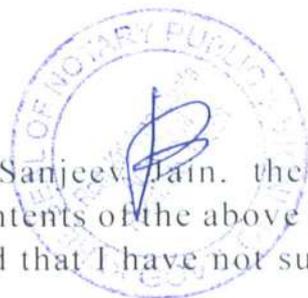
A copy of such Email dated 11/11/2022 is annexed herewith and marked as **Annexure-15**.

20. That the Petitioner on 21/09/2022 filed an Interlocutory Application before this Hon'ble Tribunal *I.A. No. 237 of 2022*, which is pending for hearing. I hence request this Hon'ble Tribunal to hear such Interlocutory Application and **give directions as prayed for in the interest of Justice, Equity and Good Conscience**.



In view of the facts and circumstance stated hereinabove and what is annexed to the Original Application. It is clear that the Respondent authorities have grossly failed in their duties towards Government, towards this Hon'ble Tribunal, towards General Public and towards Environment. The right to a clean and healthy Environment is part of the Right to Life and Personal Liberty under Article 21 of the Constitution of India. Public Parks have to be preserved. It is submitted that the Reply statement as filed on behalf of the Respondent No. 4 is baseless, filed without any Authority with defective documents and a compilation of wrongful facts. Therefore, all the contentions raised by the Respondent No. 4 in their Reply Statement are liable to be discarded and hence, it is most respectfully Prayed that this Hon'ble Tribunal in the interest of justice be pleased to dismiss the Reply as filed on behalf of the Respondent No. 4 i.e., BSES Yamuna Power Limited with exemplary costs and the Original Application deserves to be allowed as per the Prayers made therein along with the Compensation for the Environmental Damages.


Signature of Petitioner



VERIFICATION

I, Sanjeev Jain, the petitioner herein, do hereby verify that the contents of the above paragraphs are true to the best of my Knowledge and that I have not suppressed any material fact.

Date: _____

Place: New Delhi


ATTESTED
NOTARY PUBLIC
GOVT. OF INDIA (DELHI)

NOTARY PUBLIC
GOVT. OF INDIA (DELHI)

ATTESTED
29 JAN 2023


PETITIONER



Annexure-1

भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 186]

नई दिल्ली, सोमवार, अप्रैल 4, 2011/चैत्र 14, 1933

No. 186]

NEW DELHI, MONDAY, APRIL 4, 2011/CHAITRA 14, 1933

पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 4 अप्रैल, 2011

सा.का.नि. 296(अ).—केन्द्रीय सरकार, राष्ट्रीय हरित अधिकरण अधिनियम, 2010 (2010 का 19) की धारा 35 के साथ पठित धारा 4 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम राष्ट्रीय हरित अधिकरण (व्यवहार और प्रक्रिया) नियम, 2011 है।
(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. परिभाषाएं.—(1) इन नियमों में, यदि संदर्भ से, अन्यथा अपेक्षित न हो—
 - (क) "अधिनियम" से राष्ट्रीय हरित अधिकरण अधिनियम, 2010 अभिप्रेत है;
 - (ख) "अभिकर्ता" से अधिकरण के समक्ष पक्षकार की ओर से कोई आवेदन, अपील, लिखित उत्तर, प्रत्युत्तर या किसी अन्य दस्तावेज को प्रस्तुत करने के लिए ऐसे पक्षकार द्वारा सम्यक् रूप से प्राधिकृत व्यक्ति अभिप्रेत है;
 - (ग) "आवेदक" से धारा 18 के अधीन अधिकरण को आवेदन या अपील करने वाला व्यक्ति अभिप्रेत है;
 - (घ) "अपीलार्थी" से धारा 18 के साथ पठित धारा 16 के अधीन अधिकरण को अपील करने वाला व्यक्ति अभिप्रेत है;
 - (ङ) "पर्यावरण अनुतोष निधि" से लोक दायित्व बोमा अधिनियम, 1991 (1191 का 6) की धारा 7क के अधीन गठित निधि अभिप्रेत है;
 - (च) "प्ररूप" से इन नियमों से संलग्न प्ररूप अभिप्रेत है;
 - (छ) "विधि व्यवसायी" का वही अर्थ होगा जो उसे अधिवक्ता अधिनियम, 1961 (1961 का 25) में समनुदेशित किया गया है;
 - (ज) "विधिक प्रतिनिधि" से वह व्यक्ति अभिप्रेत है जो विधि के अंतर्गत मृतक व्यक्ति की संपदा का प्रतिनिधित्व करता है और इसमें वह व्यक्ति या वे व्यक्ति सम्मिलित हैं जिनमें प्रतिकरात्मक लाभों को प्राप्त करने का अधिकार निहित है;
 - (झ) "रजिस्ट्रार" से अधिनियम के अधीन नियुक्त और रजिस्ट्रार के रूप में पदाभिहित अधिकरण का अधिकारी अभिप्रेत है और इसमें उपरजिस्ट्रार सम्मिलित है;
 - (ञ) "रजिस्ट्री" से अधिकरण की रजिस्ट्री अभिप्रेत है;
 - (ट) "धारा" से अधिनियम की धारा अभिप्रेत है;

1226 GI/2011

(1)

- (ठ) "अंतरित मामला" से वह आवेदन या अपील या अन्य कार्यवाही अभिप्रेत है जो धारा 38 की उपधारा (5) के अधीन अधिकरण को अंतरित की गई है ;
- (ड) "अधिकरण" से धारा 3 के अधीन गठित राष्ट्रीय हरित अधिकरण अभिप्रेत है ;

(2) इन नियमों में प्रयुक्त किन्तु परिभाषित नहीं किए गए और अधिनियम में परिभाषित शब्दों और पदों के वही अर्थ होंगे जो उनके क्रमशः अधिनियम में हैं ।

P
D
—
O

3. अधिकरण की बैठकों के विभिन्न मामूली स्थान या स्थानों के बीच कारबार का वितरण--

(1) अध्यक्ष कम से कम एक न्यायित सदस्य और एक विशेषज्ञ सदस्य से मिलकर बनी दो या अधिक सदस्यों की एक खंडपीठ गठित कर सकेगा ।

(2) अध्यक्ष को आदेश द्वारा विभिन्न स्थानों पर बैठक करने वाले अधिकरण के सदस्यों के बीच अधिकरण के कारबार और उन विषयों को विनिर्दिष्ट करने की शक्ति होगी जो अधिनियम की धारा 4 की उपधारा (4) के खंड (घ) के उपबंधों के अनुसार ऐसी एक बैठक द्वारा व्यवहार किए जाएं ।

(3) यदि यह प्रश्न उद्भूत होता है कि क्या कोई विषय किसी स्थान पर होने वाली बैठक में आबंटित कारबार के कार्यक्षेत्र में आता है, तो अध्यक्ष का विनिश्चय अंतिम होगा ।
स्पष्टीकरण- "विषय" पद में अंतरिम अनुतोष के लिए आवेदन सम्मिलित है ।

4. सर्किट प्रक्रिया--अध्यक्ष साधारण या विशेष आदेश द्वारा वे मामले या मामलों का वर्ग विनिश्चित कर सकेगा जिनके लिए अधिनियम की धारा 4 की उपधारा (4) के खंड (ख) के अधीन अधिकरण द्वारा सर्किट प्रक्रिया अंगीकृत की जा सकेगी और वह ऐसी शक्तियों को न्यायिक सदस्य को प्रत्यायोजित कर सकेगा जैसा वह ठीक समझे ।

5. सदस्यों की वह न्यूनतम संख्या जो आवेदन या अपील की सुनवाई करेगी--(1) कम से कम एक न्यायिक और एक विशेषज्ञ सदस्य से मिलकर बना अधिकरण, यथास्थिति, आवेदन की सुनवाई करेगा ।

(2) अध्यक्ष यह आवश्यक समझता है कि कोई विशेष मामला या मामले दो से अधिक सदस्यों से मिलकर बने अधिकरण द्वारा सुने और विनिश्चित किए जाने चाहिए, वह लिखित में आदेश द्वारा यह निदेशित कर सकेगा कि ऐसा मामला या मामले अधिकरण के ऐसे सदस्यों द्वारा सुना जाए/सुने जाएं जो उस आदेश में विनिर्दिष्ट किया जाए ।

6. उस स्थान से भिन्न स्थान पर बैठक जहां इसकी बैठक साधारणतया होगी--यदि किसी भी समय अधिकरण के न्यायिक सदस्य का यह समाधान हो जाता है कि ऐसी परिस्थितियां विद्यमान हैं जिनके कारण इसका इसकी क्षेत्रीय अधिकारिता वाले उस स्थान से भिन्न किसी भी स्थान पर बैठक करना आवश्यक है, जहां इसकी बैठक साधारणतया होती है, तो वह अध्यक्ष के पूर्व अनुमोदन से यह निदेश दे सकेगा कि बैठक ऐसे किसी समुचित स्थान पर होगी ।

7. रजिस्ट्रार के कृत्य—(1) अध्यक्ष साधारण या विशेष आदेश द्वारा निम्नलिखित कृत्य रजिस्ट्रार को सौंप सकेगा, अर्थात् :--

- (क) अंतरित आवेदनों या अपीलों समेत सभी आवेदन, अपीलों और अन्य दस्तावेज प्राप्त करना ;
- (ख) रजिस्ट्रकृत करने से पहले आवेदनों और अपीलों की संवीक्षा से उद्भूत सभी प्रश्न विनिश्चित करना ;
- (ग) अधिनियम या उसके अधीन बनाए गए नियम के उपबंधों के साथ अनुपालन करने के लिए अधिकरण को प्रस्तुत किसी आवेदन या अपील को संशोधित किए जाने की अपेक्षा करना ;
- (घ) अधिकरण के निदेशों के अधीन सुनवाई की तारीख नियत करना और उसके लिए नोटिस जारी करना ;
- (ङ) अभिलेखों का कोई औपचारिक संशोधन निदेशित करना ;
- (च) कार्रवाही के पक्षकारों को दस्तावेजों की प्रतियां प्रदान करने का आदेश देना ;
- (छ) अधिकरण के अभिलेखों का निरीक्षण करने की इजाजत प्रदान करना ;
- (ज) नोटिसों या अन्य आदेशिकाओं की तामील, नए नोटिस जारी करने के लिए आवेदन या अपीलों और ऐसा आवेदन या अपीलें फाइल करने के लिए समय बढ़ाने, उत्तर या प्रत्युत्तर, यदि कोई हो, फाइल करने के लिए तीस दिन से अनधिक समय प्रदान करने, और पूर्वोक्त अवधि की समाप्ति के पश्चात् समुचित आदेशों के लिए अधिकरण के समक्ष मामला प्रस्तुत करने से संबंधित सभी मामलों को निपटाना ;
- (झ) ऐसे वाद, दावे या अन्य विधिक कार्रवाहियों के किन्हीं अभिलेखों का अंतरण या अध्यपेक्षा, जो अधिकरण को किसी न्यायालय या अन्य प्राधिकारी से अंतरित किए जाते हैं ;
- (ञ) सिवाय वहां के जहां प्रतिस्थापन में उपसमन के आदेश को अपास्त करना अंतर्बर्लित होगा, प्रतिस्थापन के लिए आवेदन प्राप्त करना और निपटाना ;
- (ट) दस्तावेज वापस करने के लिए पक्षकारों द्वारा आवेदन प्राप्त करना और निपटाना ; और
- (ठ) साधारण या विशेष आदेशों के अधीन सूचना और अभिलेख मंगाना तथा बैठक के अन्य स्थानों की रजिस्ट्री का निरीक्षण करना या निरीक्षण करवाना, जैसे अध्यक्ष द्वारा समय-समय पर जारी किए जाएं ।

(2) कार्यालय अभिलेख रजिस्ट्रार की अभिरक्षा में रखे जाएंगे ।

8. आवेदन या अपील फाइल करने के लिए प्रक्रिया—(1) धारा 18 के अधीन अधिकरण को आवेदन या अपील यथास्थिति आवेदक या अपीलार्थी द्वारा व्यक्तिगत रूप से या अभिकर्ता द्वारा अथवा सम्यक् रूप से प्राधिकृत विधि व्यवसायी द्वारा प्ररूप 1 में रजिस्ट्रार को या रजिस्ट्रार द्वारा उसे प्राप्त करने के लिए लिखित रूप में प्राधिकृत किसी अन्य अधिकारी को प्रस्तुत किया जाएगा अथवा अधिकरण के रजिस्ट्रार को सम्यक् रूप से संबोधित पावती के साथ रजिस्टर्ड पोस्ट द्वारा संबंधित बैठक के स्थान पर भेजा जाएगा ।

परंतु जहां आवेदन अनुतोष और प्रतिकर के लिए है वहां यह प्ररूप 2 में प्रस्तुत किया जाएगा ।

(2) उपनियम (1) के अधीन यथास्थिति आवेदन या अपील निम्नलिखित दो संकलनों में तीन प्रतियों में प्रस्तुत किया जाएगा—

(i) संकलन संख्यांक 1-आक्षेपित आदेश, यदि कोई हो, के साथ यथास्थिति आवेदन या अपील ;

(ii) संकलन संख्यांक 2-अभिलेख पुस्तिका के रूप में आवेदन या अपील में निर्दिष्ट अन्य सभी दस्तावेज और उपाबंध ।

(3) जहां प्रत्यर्थियों की संख्या एक से अधिक है वहां अभिलेख पुस्तिका के रूप में आवेदन या अपील की उतनी अतिरिक्त प्रतियां जितने कि प्रत्यर्थी हैं, फाइल आकार के उपयोग नहीं किए गए लिफाफे के साथ जिसमें प्रत्येक प्रत्यर्थी का पूर्ण पता होगा यथास्थिति, आवेदक या अपीलार्थी द्वारा प्रस्तुत किया जाएगा :

परंतु जहां प्रत्यर्थियों की संख्या पांच से अधिक वहां रजिस्ट्रार यथास्थिति, आवेदक या अपीलार्थी को यथास्थिति आवेदन या अपील की अतिरिक्त प्रतियां प्रत्यर्थियों को नोटिस जारी करने के समय फाइल करने की अनुज्ञा दे सकेगा ।

(4) यथास्थिति, आवेदक या अपीलार्थी, यथास्थिति अपने आवेदन या अपील के साथ प्ररूप 3 में एक पावती रसीद संलग्न और प्रस्तुत कर सकेगा जो रजिस्ट्रार या रजिस्ट्रार के निमित्त आवेदन या अपील प्राप्त करने वाले अधिकारी द्वारा आवेदन या अपील की प्राप्ति की पावती के तौर पर हस्ताक्षरित की जाएगी ।

(5) उपनियम (1) से (3) में किसी बात के होते हुए भी, अधिकरण एक से अधिक व्यक्तियों को संयुक्त रूप से यथास्थिति एकल आवेदन या अपील फाइल करने की अनुज्ञा दे सकेगा यदि उसका समाधान होता है कि हेतुक और प्रार्थना किए गए अनुतोष की प्रकृति को ध्यान में रखते हुए उनका इस मामले में सामान्य हित है :

परंतु ऐसी अनुज्ञा एकल आवेदन या अपील में साझा करने के इच्छुक व्यक्ति का प्रतिनिधित्व करने वाले किसी अभिकर्ता को भी दी जा सकेगी, तथापि परंतु यह कि आवेदन या अपील वर्ग, श्रेणी, प्रवर्गों या व्यक्तियों का प्रकटन करेगी जिनके निमित्त इसे फाइल किया गया है :

परंतु यह और कि कम से कम ऐसा एक प्रभावित व्यक्ति ऐसा आवेदन या अपील साझा करे ।

9. आवेदन या अपील प्रस्तुत करना और उसकी संवीक्षा—(1) नियम 8 के अधीन रजिस्ट्रार या उसके द्वारा प्राधिकृत अधिकारी, यथास्थिति, प्रत्येक आवेदन या अपील पर वह तारीख पृष्ठांकित करेगा जिसको उस नियम के अधीन इसे प्रस्तुत किया जाता है या प्रस्तुत किया गया समझा जाता है और पृष्ठांकन पर हस्ताक्षर करेगा ।

(2) यदि संवीक्षा करने पर यथास्थिति, आवेदन या अपील क्रम में पाया जाता है तो इसे प्ररूप 4 में रजिस्टर में सम्यक् रूप से रजिस्ट्रीकृत किया जाएगा और क्रम संख्यांक समनुदेशित किया जाएगा ।

10. त्रुटियों में सुधार—(1) यदि संवीक्षा करने पर अधिकरण में फाइल किया गया कोई आवेदन या अभिवचन त्रुटिपूर्ण पाया जाता है तो रजिस्ट्रार या रजिस्ट्री का प्राधिकृत अधिकारी प्ररूप 5 में अधिकरण के नोटिस बोर्ड पर त्रुटि को सुधार करने के लिए समय नियत करने की अधिसूचना देगा ।

(2) पक्षकार या उसके विधि व्यवसायी को कागज़ केवल प्राप्ति रजिस्टर में पावती प्राप्त करने के पश्चात् ही वापस किए जाएंगे ।

(3) रजिस्ट्रार ठीक और पर्याप्त कारणों से त्रुटियों का सुधार करने के लिए समय बढ़ा सकेगा, परंतु सुधार करने के लिए कुल अवधि बढ़ी हुई अवधि समेत तीस दिन से अधिक नहीं होगी ।

(4) यदि पक्षकार या उसका विधि व्यवसायी कार्यालय की आपत्ती का विरोध करते हैं और रजिस्ट्रार का समाधान नहीं होता है तो मामले को समुचित आदेशों के लिए अधिकरण के समक्ष रखा जाएगा ।

(5) यदि पक्षकार या उसका विधि व्यवसायी त्रुटियों में सुधार कर देता है और अनुदत्त किए गए समय के भीतर आवेदन या अपील या अभिवचन प्रस्तुत करता है तो रजिस्ट्रार समाधान होने पर नियम 9 में यथाविनिर्दिष्ट इसके रजिस्ट्रीकरण और स्वीकृति तथा क्रमांकन के लिए आदेश कर सकेगा ।

11. आवेदन या अपील फाइल करने का स्थान—यथास्थिति आवेदन या अपील यथास्थिति आवेदक के अपीलार्थी द्वारा पूर्णतः या भागतः वाद हेतुक उत्पन्न होने वाले इसकी अधिकारिता के अंतर्गत आनेवाले अधिकरण की बैठक के मामूली स्थान के रजिस्ट्रार को साधारणतया फाइल किया जाएगा ।

12. फीस—(1) जहां प्रतिकर का दावा किया है वहां आवेदन या अपील के साथ दावा किए गए प्रतिकर की रकम के, न्यूनतम एक हजार रुपये के अध्वधीन, एक प्रतिशत के समतुल्य फीस संलग्न की जाएगी :

परंतु जहां अधिकरण एकल आवेदन को या तो एक से अधिक व्यक्तियों द्वारा या व्यक्तियों के संगम द्वारा फाइल करना अनुज्ञात करता है वहां संदेय फीस दावा किए गए प्रतिकर की कुल रकम के एक प्रतिशत के समतुल्य होगी ।

परंतु यह और कि उस व्यक्ति से प्रतिकर का दावा करने के लिए आवेदन या अपील फाइल करने के लिए कोई फीस नहीं ली जाएगी, जो समय-समय पर इस निमित्त केन्द्रीय सरकार या राज्य सरकार द्वारा जारी दिशानिर्देशों या निर्देशों के अनुसरण में गरीबी रेखा के नीचे अवधारित किया गया है या सिविल प्रक्रिया संहिता, 1908 (1908 का 5) के उपबंधों के अनुसरण में निर्धन व्यक्ति अवधारित किया गया है ।

(2) जहां किसी प्रतिकर का दावा नहीं किया गया है वहां आवेदन या अपील के साथ एक हजार रुपये की फीस संलग्न की जाएगी ।

(3) इस नियम के अधीन फीस या तो क्रॉस किए गए मांग ड्राफ्ट के रूप में अधिकरण की बैठक के स्थान पर स्थित किसी राष्ट्रीयकृत बैंक की मुख्य शाखा पर संदेय रजिस्ट्रार के पक्ष में प्रेषित की जाएगी या क्रॉस किए गए भारतीय पोस्टल ऑर्डर के माध्यम से अधिकरण की बैठक के स्थान पर स्थित पोस्ट ऑफिस पर संदेय रजिस्ट्रार के पक्ष में प्रेषित की जाएगी ।

1226 GI/11-2

13. आवेदन या अपील की अंतर्वस्तु—(1) नियम 8 के अधीन फाइल किया गया प्रत्येक आवेदन या अपील ऐसे आवेदन या अपील के लिए आधार सुभिन्न मर्दों के अधीन सुस्पष्ट रूप से उपवर्णित करेगा और ऐसे आधारों को क्रमवर्ती रूप में संख्यांकित किया जाएगा ।

(2) किसी प्रकीर्ण आवेदन समेत प्रत्येक आवेदन या अपील अच्छी क्वालिटी के मोटे कागज़ पर एक ओर दोहरे स्पेस में टाइप किया जाएगा ।

(3) अंतरिम आदेश या निदेश पाने के लिए पृथक आवेदन या अपील प्रस्तुत करना अनिवार्य नहीं होगा यदि मूल आवेदन या अपील में उसी अनुतोष की प्रार्थना की गई है ।

(4) अधिनियम की धारा 18 के अधीन आवेदन या अपील फाइल करने के पश्चात् आवेदक या अपीलार्थी, यथास्थिति, प्ररूप 1 या प्ररूप 2 में आवेदन के माध्यम से अंतरिम आदेश या निदेश के लिए आवेदन कर सकेगा ।

(5) यथास्थिति प्रत्येक आवेदन या अपील के साथ निम्नलिखित दस्तावेज के साथ संलग्न किए जाएंगे अर्थात् :—

(क) उस आदेश की अनुप्रमाणित सत्य प्रति जिसके विरुद्ध यथास्थिति आवेदन या अपील फाइल किया गया है ;

(ख) आवेदन या अपील में निर्दिष्ट किए गए और यथास्थिति आवेदक या अपीलार्थी द्वारा विश्वास किए गए दस्तावेजों की प्रतियां ;

(ग) दस्तावेजों की अनुक्रमणिका ;

(6) उपनियम (5) में निर्दिष्ट दस्तावेजों को विधि व्यवसायी द्वारा या राजपत्रित अधिकारी द्वारा अनुप्रमाणित किया जा सकेगा और प्रत्येक दस्तावेज क्रमानुसार उपाबंध-ए1, ए2, ए3 और इसी प्रकार चिह्नित किया जाएगा ।

(7) जहां यथास्थिति आवेदन या अपील किसी अभिकर्ता द्वारा फाइल किया जाता है, वहां उसे ऐसे अभिकर्ता के रूप में कार्य करने के लिए प्राधिकृत करने वाले दस्तावेज भी आवेदन या अपील के साथ संलग्न होंगे :

परंतु जहां यथास्थिति आवेदन या अपील विधि व्यवसायी द्वारा फाइल किया जाता है वहां इसके साथ सम्यक् रूप से निष्पादित 'वकालतनामा' संलग्न होगा ।

14. बहुउपचार—यथास्थिति आवेदन या अपील एकल वाद हेतुक पर आधारित होगा और एक या अधिक अनुतोष चाह सकेगा परंतु यह की वे एक दूसरे से पारिणामिक हों ।

15. नोटिस और आदेशिकाओं की तामील—(1) अधिकरण द्वारा जारी किए जाने वाले नोटिस निम्नलिखित रीतियों में तामील किए जा सकेंगे—

(i) आदेशिका तामीलकर्ता के माध्यम से यथास्थिति, स्वयं पक्षकार को या प्राधिकृत अभिकर्ता को हस्तपरिदान (दस्ती) द्वारा ;

(ii) सम्यक् पावती के साथ रजिस्ट्रीकृत डाक द्वारा ;

(iii) कार्यवाही में अंतर्वर्तित उसी विभाग के कार्यालय के संबंधित प्रमुख के माध्यम से ।

(2) जहाँ अधिकरण द्वारा जारी नोटिस स्वयं पक्षकार द्वारा हस्तपरिदान (दस्ती) द्वारा तामील किया जाता है, वहाँ वह अधिकरण की रजिस्ट्री में तामील के शपथपत्र के साथ पावती फाइल करेगा ।

(3) उपनियम (1) में किसी बात के होते हुए भी अधिकरण प्रत्यर्थियों की संख्या और उनके निवास या कार्य के स्थान और अन्य परिस्थितियों का ध्यान रखते हुए, यह निदेश दे सकेगा कि यथास्थिति, आवेदन या अपील का नोटिस प्रतिस्थापित तामील की किसी अन्य रीति समेत, प्रत्यर्थियों को किसी अन्य रीति में तामील किया जाएगा, जैसा अधिकरण को उचित और सहज प्रतीत हो ।

(4) उपनियम (1) में किसी बात के होते हुए भी, अधिकरण अपने विवेक से मामले की प्रकृति को ध्यान में रखते हुए, यथास्थिति, केन्द्रीय सरकार या राज्य सरकार या संघ राज्यक्षेत्र के किसी विभाग या, यथास्थिति केन्द्रीय सरकार या राज्य सरकार या संघ राज्यक्षेत्र के स्वामित्व या नियंत्रण वाले संगठन, या किसी प्राधिकरण या निकाय की ओर से तामील स्वीकार करने के लिए प्राधिकृत स्थायी परामर्शी को सूचना की तामील करने का निदेश दे सकेगा ।

(5) अधिकरण द्वारा जारी किए गए प्रत्येक नोटिस, यदि अन्यथा आदेशित न हो, के साथ यथास्थिति आवेदन या अपील की एक प्रति और आक्षेपित आदेश की एक प्रति संलग्न होगी ।

(6) उपनियम (1) से उपनियम (4) में किसी बात के होते हुए भी, यदि अधिकरण का यह समाधान हो जाता है कि यथास्थिति, आवेदन या अपील के नोटिस की तामील सभी प्रत्यर्थियों को करना युक्तियुक्त रूप से व्यवहार्य नहीं है, तो यह लिखित में अभिलेखित किए जाने वाले कारणों से यह निदेश दे सकेगा यथास्थिति, आवेदन या अपील पर सुनवाई कुछ प्रत्यर्थियों को आवेदन या अपील के नोटिस की तामील न होने पर भी हो सकेगी :

परंतु यथास्थिति किसी आवेदन या अपील पर सुनवाई नहीं होगी यदि--

(i) यथास्थिति आवेदन या अपील का नोटिस, यथास्थिति केन्द्रीय सरकार या राज्य सरकार या संघ राज्यक्षेत्र को तामील किया गया है, यदि ऐसी सरकार प्रत्यर्थी है ;

(ii) यथास्थिति आवेदन या अपील का नोटिस उस प्राधिकारी को तामील किया गया है जिसने आदेश पारित किया जिसके विरुद्ध आवेदन या अपील फाइल किया गया है ; और

(iii) अधिकरण का यह समाधान हो जाता है कि प्रत्यर्थियों के हित जिन्हे यथास्थिति आवेदन या अपील के नोटिस की तामील नहीं की गई है, उन प्रत्यर्थियों द्वारा यथोचित और पर्याप्त रूप से प्रतिनिधित्व किए जाते हैं जिन्हे यथास्थिति आवेदन या अपील के नोटिस की तामील की गई है ।

(7) यथास्थिति प्रत्येक आवेदक या अपीलार्थी आवेदन या अपील के संबंध में आदेशिकाओं की तामील या निष्पादन के लिए निम्नानुसार संदाय करेगा जहाँ प्रत्यर्थियों की संख्या पांच से अधिक है -

(क) पांच से अधिक प्रत्यर्थी होने पर प्रत्येक प्रत्यर्थी के लिए पांच रुपये की राशि ;

(ख) जहां तामील ऐसी रीति में है जो उपनियम (3) के अधीन अधिकरण द्वारा निदेश दी जाए तामील को प्रभावी करने के लिए अधिकरण द्वारा यथावधारित ऐसी रकम जो वास्तविक प्रभार से अधिक न हो ।

(8) उपनियम (7) के अधीन आदेशिका की तामील या निष्पादन के लिए फीस नियम 12 के अधीन विनिर्दिष्ट रीति में फीस के अवधारण आदेश की तारीख से एक सप्ताह के भीतर या ऐसी विस्तारित अवधि के भीतर जो रजिस्ट्रार अनुज्ञात करे, प्रेषित की जाएगी ।

16. प्रत्यर्थी द्वारा उत्तर और अन्य दस्तावेजों का फाइल करना - (1) प्रत्येक प्रत्यर्थी, यथास्थिति, आवेदन या अपील में प्रतिवाद करने के आशय से प्रत्येक प्रत्यर्थी, यथास्थिति, आवेदन या अपील का उत्तर और विश्वसनीय दस्तावेज रजिस्ट्री में अभिलेख पुस्तिका प्ररूप में उसे आवेदन या अपील के नोटिस की तामील के एक माह के भीतर तीन प्रतियों में फाइल करेगा ।

(2) उपनियम (1) के अधीन फाइल किए गए उत्तर में प्रत्यर्थी, यथास्थिति, आवेदक या अपीलकर्ता द्वारा, यथास्थिति, आवेदन या अपील में उसके द्वारा कथित तथ्यों को विनिर्दिष्ट रूप में स्वीकार, इंकार या स्पष्ट करेगा और ऐसे अतिरिक्त तथ्यों का भी अभिकथित कर सकेगा जो वाद के सही विनिश्चय के लिए आवश्यक हों ।

(3) उत्तर को प्रत्यर्थी या उसके द्वारा लिखित रूप में प्राधिकृत किसी अन्य व्यक्ति द्वारा सिविल प्रक्रिया संहिता, 1908 (1908 का 5) के आदेश 6, नियम 15 में यथाउपबंधित रीति में लिखित कथन के रूप में हस्ताक्षरित और सत्यापित किया जाएगा ।

(4) उत्तर के साथ फाइल किए जाने वाले दस्तावेज भी उत्तर के साथ फाइल होंगे और आर-1, आर-2, आर-3 और इसी प्रकार समान रूप से चिन्हित होंगे ।

(5) प्रत्यर्थी, यथास्थिति, आवेदक या अपीलकर्ता या उसके विधि व्यवसायी, यदि कोई हो, को उपनियम (1) में यथावर्णित उत्तर की एक प्रति के साथ दस्तावेजों की एक प्रति भी तामील कराएगा और ऐसी तामील के सबूत को रजिस्ट्री में फाइल करेगा ।

(6) अधिकरण विनिर्दिष्ट अवधि की समाप्ति के पश्चात् उत्तर के फाइल करने को व्यय के साथ या उसके बिना अनुज्ञात कर सकेगा ।

(7) अधिकरण सिविल प्रक्रिया संहिता, 1908 (1908 का 5) के आदेश 6 के नियम 17 के अधीन यथाउपबंधित रीति में अभिवचनों का संशोधन करने के लिए पक्षकारों को अनुज्ञात कर सकेगा ।

17. सुनवाई की तारीख और स्थान - अधिकरण पक्षकारों को आवेदन या अपील की सुनवाई की तारीख और स्थान को ऐसी रीति में अधिसूचित करेगा जो अध्यक्ष द्वारा साधारण या विशेष आदेश द्वारा निदेशित किए जाएं ।

18. वादों का कलेण्डर - (1) अधिकरण अंतरित वादों की सुनवाई के लिए एक कलेण्डर बनाएगा और जहां तक संभव हो कलेण्डर के अनुसार वादों की सुनवाई और विनिश्चय करेगा ।

(2) अधिकरण को किसी स्थान को इंकार और मौखिक बहस के लिए समय भी सीमित करने की शक्ति होगी ।

(3) प्रत्येक आवेदन या अपील की सुनवाई और उसका अंतिम विनिश्चय जहां तक संभव हो, यथास्थिति, आवेदन या अपील के फाइल करने की तारीख से छह मास के भीतर की जाएगी।

19. डायरी का अनुरक्षण - (1) अधिकरण का संबद्ध अधिकारी एक वाद डायरी का अनुरक्षण करेगा जिसमें वह दैनिक मामला सूची में सूचीबद्ध प्रत्येक मामले के लिए कार्यवाहियां अभिलिखित करेगा।

(2) डायरी में अभिलिखित की जाने वाली सामग्री में ब्यौरे जैसे यथास्थिति, मामले का स्थगन, भागतः सुनवाई या सुनवाई और निपटाया या सुना गया और आदेश सुरक्षित रखा गया, होंगे।

20. आवेदक या अपीलकर्ता के व्यतिक्रम के लिए आवेदन पर कार्रवाई - (1) जहां, यथास्थिति, आवेदन या अपील की सुनवाई के लिए नियत तारीख पर, या, यथास्थिति, आवेदक या अपीलकर्ता ने किसी अन्य तारीख पर जिसके लिए सुनवाई स्थगित की गई हो जब, यथास्थिति, आवेदन या अपील पर सुनवाई के लिए बुलाए जाने पर उपसंजात नहीं होता है तो अधिकरण का यह विवेकाधिकार होगा कि वह व्यतिक्रम के लिए ऐसे आवेदन या अपील को निरस्त कर दे या गुणागुण के आधार पर विनिश्चय करे।

(2) जहां, यथास्थिति, कोई आवेदन या अपील व्यतिक्रम के आधार पर निरस्त हो गई है और यथास्थिति, आवेदक या अपीलकर्ता निरस्त होने की तारीख से तीस दिन के भीतर आवेदन फाइल करता है और अधिकरण का समाधान करता है कि जब आवेदक या अपील को सुनवाई के लिए बुलाया गया था तो उसके उपसंजात न होने के लिए पर्याप्त कारण थे तो अधिकरण, यथास्थिति, आवेदन या अपील के खारिज होने के आदेश को अपास्त करने का आदेश करेगा और उसे पुनःस्थापित करेगा :

परंतु जहां कोई वाद गुणागुण के आधार पर निपटाया जाता है वहां विनिश्चय पुनर्विलोकन के सिवाय पुनःचालू नहीं किया जाएगा।

21. वादों की एक पक्षीय सुनवाई और निपटाना - (1) जहां, यथास्थिति, आवेदन या अपील की सुनवाई के लिए किसी नियत तारीख पर या किसी अन्य तारीख जिसके लिए ऐसी सुनवाई स्थगित हो जब आवेदन या अपील को सुनवाई के लिए पुकारा जाता है, और यथास्थिति, आवेदक या अपीलकर्ता उपसंजात हो और प्रत्यर्थी उपसंजात नहीं है तो अधिकरण अपने विवेक पर सुनवाई को स्थगित कर सकेगा या ऐसे आवेदन या अपील की सुनवाई और एकपक्षीय विनिश्चय कर सकेगा।

(2) जहां, यथास्थिति, कोई आवेदन या अपील किसी प्रत्यर्थी या प्रत्यर्थियों के विरुद्ध एकपक्षीय सुना गया है, ऐसा प्रत्यर्थी या ऐसे प्रत्यर्थी अधिकरण के आदेश की तारीख से तीस दिन के भीतर किसी आदेश को अपास्त करने के लिए आदेश करने का आवेदन कर सकेंगे और यदि ऐसा प्रत्यर्थी या ऐसे प्रत्यर्थी अधिकरण का यह समाधान कर देते हैं कि नोटिस सम्यक रूप से तामील नहीं किया गया था या वह या वे जब आवेदन या अपील सुनवाई के लिए पुकारा गया था उपसंजात होने से किसी पर्याप्त कारण से निवारित हो गए थे, अधिकरण उनके विरुद्ध एकपक्षीय आदेश अपास्त करने के लिए ऐसे निबंधनों के अधीन जिन्हें वह उचित समझे, कोई आदेश कर सकेगा और ऐसे आवेदन या अपील की कार्यवाहियों के लिए कोई तारीख नियत करेगा :

परंतु जहां कोई आवेदन या अपील का एकपक्षीय आदेश ऐसी प्रकृति का है कि उसे केवल एक प्रत्यर्थी के विरुद्ध अपास्त नहीं किया जा सकता है उसे सभी या किसी अन्य प्रत्यर्थी के विरुद्ध भी अपास्त किया जा सकेगा :

1226 GI/11-3

परंतु यह और कि अधिकरण, यथास्थिति, किसी आवेदन या अपील के एकपक्षीय आदेश को केवल इस आधार पर अपास्त नहीं करेगा कि वह किसी प्रत्यर्थी या प्रत्यर्थियों पर तामील नहीं किया गया था ।

22. पुनर्विलोकन के लिए आवेदन - (1) पुनर्विलोकन के लिए कोई आवेदन तब तक ग्रहण नहीं किया जाएगा जब तक कि वह पुनर्विलोकन किए जाने वाले आदेश की प्रति की प्राप्ति की तारीख से तीस दिनों के भीतर फाइल नहीं किया गया है ।

(2) कोई पुनर्विलोकन आवेदन सामान्यतया अधिकरण द्वारा बैठक के उसी स्थान पर सुना जाएगा जिसने आदेश पारित किया है जब तक कि अध्यक्ष लेखबद्ध किए जाने वाले कारणों से किसी अन्य स्थान पर अधिकरण की बैठक द्वारा सुने जाने के लिए निदेशित न करे ।

(3) संबद्ध स्थान पर अधिकरण की बैठक द्वारा जब तक कि अन्यथा आदेश न हो किसी पुनर्विलोकन आवेदन का परिचालन द्वारा निपटान होगा और अधिकरण आवेदन को या तो निरस्त कर सकेगा या विपक्षी पक्षकार को नोटिस निदेश करेगा ।

(4) जब किसी निर्णय या आदेश के पुनर्विलोकन के लिए किए गए आवेदन का निपटान हो जाता है तो, पुनर्विलोकन के लिए कोई और आवेदन ग्रहण नहीं किया जाएगा ।

(5) पुनर्विलोकन के लिए कोई आवेदन तब तक ग्रहण नहीं होगा जब तक कि उसके समर्थन में कोई सम्यक रूप से शपथ किया गया शपथपत्र न हो जिसमें जानकारी का स्रोत, व्यक्तिगत या अन्यथा हो और उसके साथ ही वे भी जिन्होंने विधिक सलाह के आधार पर शपथ ग्रहण की है, न दिया गया हो ।

(6) पुनर्विलोकन आवेदन पर प्रतिशपथपत्र सम्यक रूप से शपथ लेकर शपथपत्र पर होगी जहां किसी तथ्य का कोई प्रकथन विवादित हो ।

23. आदेश पर हस्ताक्षर और तारीख - (1) अधिकरण का प्रत्येक आदेश अधिकरण की बैठक को गठित करने वाले सदस्यों, जिन्होंने आदेश की घोषणा की है, द्वारा हस्ताक्षरित और तारीखबद्ध होगा ।

(2) आदेश खुली अदालत में सुनाया जाएगा ।

24. कतिपय वादों में आदेश और निदेश - अधिकरण ऐसे आदेश कर सकेगा या ऐसे निदेश दे सकेगा जो वह अपने आदेशों को प्रभावी रूप देने के लिए या इसकी आदेशिका के दुरुपयोग को रोकने के लिए या न्याय के उद्देश्यों को सुनिश्चित करने के लिए आवश्यक या समीचीन समझे ।

25. आदेशों का प्रकाशन - अधिकरण अपने विनिश्चयों या आदेशों को किसी प्राधिकृत विधिक रिपोर्ट या जर्नलों में प्रकाशन के लिए रिपोर्ट करवाएगा या अधिकरण के ऐसे आदेशों को किसी प्राधिकृत रिपोर्ट या जर्नल में प्रकाशन के लिए जो वह उचित समझे आदेश दे सकेगा या ऐसे शर्तों और निबंधन पर ऐसे प्रकाशन के लिए प्रेस विज्ञप्ति दे सकेगा जो अध्यक्ष साधारण या विशेष आदेश द्वारा विनिर्दिष्ट करे ।

26. अधिकरण के सदस्यों और कर्मचारिवृंद की पोशाक - अधिकरण के सदस्यों (जिसके अंतर्गत अध्यक्ष भी हैं) और कर्मचारिवृंद के सदस्यों के लिए पोशाक ऐसी होगी जो अध्यक्ष द्वारा विनिर्दिष्ट की जाए ।

27. पक्षकारों की पोशाक - यथास्थिति, किसी विधि व्यवसायी या प्रस्तुतकर्ता अधिकारी न्यायालय के समक्ष उपसंजात होने के लिए यथाविहित वक्तिक पोशाक में अधिकरण के समक्ष उपसंजात होंगे और यदि ऐसी कोई पोशाक नहीं है तब -

(क) किसी पुरुष की दशा में किसी टाई के साथ सूट या बंद गले का कोट या कोई अन्य प्रथागत सौम्य रंग की पोशाक ;

(ख) किसी स्त्री की दशा में कोई साड़ी या कोई अन्य सौम्य रंग की की पारंपरिक पोशाक ।

28. पक्षकारों को आदेश की संसूचना - प्रत्येक अंतरिम आदेश, अंतरिम अनुतोष या अंतिम आदेश को प्रदान करने या इंकार करने या उपांतरित करने की संसूचना, यथास्थिति, आवेदक या अपीलकर्ता और संबद्ध प्रत्यर्थी को या तो दस्ती या रजिस्टर डाक द्वारा, बिना व्यय के प्रदत्त की जाएगी :

परंतु जब तक कि अधिकरण द्वारा कोई अन्यथा आदेश न हो किसी अंतिम आदेश की कोई प्रति किसी प्रत्यर्थी को भेजने की आवश्यकता नहीं होगी जो उपसंजात नहीं हुआ है ।

(2) यथास्थिति, आवेदक या अपीलकर्ता या प्रत्यर्थी जो सम्यक रूप से किसी अधिवक्ता द्वारा या किसी अन्य प्राधिकृत अभिकर्ता द्वारा सम्यक रूप से प्रतिनिधित्व किया जाता है, किसी दस्तावेज, कार्यवाही या आदेश की प्रति की अपेक्षा करता है, तो और उसे ऐसी शर्तों और निबंधनों पर ऐसी फीस या लागत के संदाय पर जो अध्यक्ष द्वारा साधारण या विशेष आदेश द्वारा नियत किया जाए, प्रदान की जाएगी ।

29. अभिलेखों का निरीक्षण - (1) किसी वाद के पक्षकार या उनके परामर्शी, रजिस्ट्रार को प्ररूप 6 में आवेदन करने पर मामले के अभिलेखों का निरीक्षण करने के लिए अनुज्ञात किए जा सकेंगे ।

(2) ऐसे निबंधनों और शर्तों के अधीन जो अध्यक्ष द्वारा किसी साधारण या विशेष आदेश द्वारा विनिर्दिष्ट किए जाएं किसी व्यक्ति को, जो कार्यवाहियों का पक्षकार नहीं है, भी लिखित में रजिस्ट्रार की अनुज्ञा प्राप्त करने के पश्चात् कार्यवाहियों का निरीक्षण करने के लिए अनुज्ञात किया जा सकेगा ।

(3) आवेदक या उसका परामर्शी या कोई अन्य प्राधिकृत प्रतिनिधि ऐसी फीस या प्रभार का जो किसी वाद के अभिलेखों का निरीक्षण करने के लिए अध्यक्ष द्वारा साधारण या विशेष आदेश द्वारा विनिर्दिष्ट की जाए, संदाय करेगा ।

30. अधिकरण का कार्य समय- मास के दूसरे शनिवार, रविवार और अन्य लोक अवकाश के सिवाय, अधिकरण का कार्यालय अध्यक्ष के किसी आदेश के अधीन रहते हुए किसी दिन के 9.30 घंटे से 17.30 घंटे तक खुला रहेगा ।

31. अधिकरण के बैठक के घंटे - अधिकरण की बैठक के घंटे अध्यक्ष द्वारा किए गए किसी साधारण या विशेष आदेश के अधीन रहते हुए साधारणतया 10.30 घंटे से 13.30 घंटे और 14.30 घंटे से 16.30 घंटे तक होंगे ।

32. मुद्रा और संप्रतीक - (1) अधिकरण की शासकीय मुद्रा और संप्रतीक वह होगी जो केन्द्रीय सरकार, अध्यक्ष के परामर्श से विनिर्दिष्ट करे और उसे रजिस्ट्रार की अभिरक्षा में रखा जाएगा ।

(2) अधिकरण की मुद्रा किसी आदेश, समन या कोई अन्य आदेशिका पर नहीं लगाई जाएगी जब तक कि रजिस्ट्रार को अधिकरण द्वारा लिखित में प्राधिकार न दिया गया हो ।

(3) अधिकरण द्वारा जारी की गई किसी प्रमाणित प्रति पर अधिकरण की मुद्रा, रजिस्ट्रार को अधिकरण द्वारा लिखित में दिए गए प्राधिकार के अधीन के सिवाय नहीं लगाई जाएगी।

33. अधिकरण की भाषा- (1) अधिकरण की भाषा अंग्रेजी होगी :

परंतु अधिकरण के समक्ष कार्यवाही के पक्षकार हिन्दी में लेखबद्ध दस्तावेज फाइल कर सकेंगे, यदि वे ऐसा चाहें :

परंतु यह और कि—

(क) अधिकरण, स्वविवेक से कार्यवाहियों में हिन्दी का प्रयोग अनुज्ञात कर सकेगा ;

(ख) अधिकरण, स्वविवेक से, मामले की सुनवाई करते समय अभिवचनों और दस्तावेजों का अंग्रेजी अनुवाद फाइल करने का निदेश दे सकेगा ;

(ग) अधिकरण, स्वविवेक से अंतिम आदेश या तो हिन्दी में या अंग्रेजी में करेगा।

(2) उपनियम (1) में किसी बात के होते हुए भी जहां कोई अंतिम आदेश हिन्दी में किया जाता है, उसका अधिप्रमाणित अंग्रेजी अनुवाद साथ-साथ तैयार किया जाएगा और अभिलेख में रखा जाएगा।

34. नोटिस देने की रीति- अधिनियम की धारा 30 की उपधारा (1) के खंड (ख) के अधीन निम्नलिखित रीति में नोटिस दिया जाएगा :-

(क) नोटिस प्ररूप 5 में लिखित में होगा ; और

(ख) नोटिस देने वाला व्यक्ति उसकी एक प्रति निम्नलिखित को भेजेगा,-

(i) संबद्ध व्यक्ति को जिसके विरुद्ध आदेश या अधिनिर्णय अधिकरण द्वारा पारित किया गया है अधिनियम की अनुसूची 1 के अधीन विनिर्दिष्ट अधिकरण या केंद्रीय सरकार या राज्य सरकार या संघ राज्यक्षेत्र या अधिनियम के अधीन गठित पर्यावरण या वन से संबंधित विषयों की बाबत गणित बोर्ड या प्राधिकरण या समिति को ;

(ii) संबद्ध जिले के जिला कलेक्टर को जहां वाद हेतुक उत्पन्न हुआ है या वहां स्थित संपत्ति का नुकसान हुआ है या पर्यावरणीय नुकसान हुआ है ;

(iii) लोक दायित्व बीमा अधिनियम, 1991 (1991 का 6) की धारा 7क की उपधारा (3) के अधीन विनिर्दिष्ट प्राधिकारी को।

35. वह रीति और प्रयोजन जिसके लिए पर्यावरण अनुतोष निधि में जमा किए जाने वाले प्रतिकर या अनुतोष या पुनःस्थापन की रकम का उपयोग किया जाएगा :

(1) संदत किए जाने के लिए अधिकरण द्वारा आदेशित पीड़ित व्यक्ति को प्रतिकर या अनुतोष के रूप में या संपत्ति और पर्यावरण के पुनःस्थापन के रूप में रकम लोक दायित्व बीमा अधिनियम, 1991 (1991 का 6) की धारा 7क की उपधारा (3) के अधीन विनिर्दिष्ट प्राधिकारी को अधिकरण द्वारा आदेशित आदेश या अधिनिर्णय की तारीख से तीस दिन या अधिकरण द्वारा अन्यथा आदेशित की अवधि के भीतर प्रेषित की जाएगी।

(2) उपनियम (1) के अधीन संबद्ध व्यक्ति द्वारा ऐसी विनिर्दिष्ट अवधि के भीतर रकम प्रेषित करने में विफल होने की दशा में को, उपनियम (1) के अधीन अधिनियम की धारा 30 की उपधारा (1) के खंड (क) के अधीन संबद्ध जिले का जिला कलेक्टर अधिकारिता रखने वाले न्यायालय के समक्ष शिकायत फाइल करेगा।

(3) उपनियम (1) में निर्दिष्ट रकम, अधिनियम की अनुसूची 2 में विनिर्दिष्ट किसी शीर्ष के अधीन उपयोग करने के लिए अधिनियम की धारा 24 के अधीन पर्यावरण अनुतोष निधि को जमा की जाएगी।

(4) अधिकरण के आदेश या अधिनिर्णय के अनुसरण में रकम प्राप्त करने और संवितरण करने के प्रयोजन के लिए उपनियम (1) में विनिर्दिष्ट अधिकरण द्वारा पृथक खाता खोला जाएगा और अनुरक्षित किया जाएगा।

36. नुकसानी संपत्ति का अनुतोष या प्रतिकर या पुनःस्थापन का संवितरण करने के लिए प्रक्रिया :- (1) अधिनियम की धारा 15 की उपधारा (1) के खंड (क) या खंड (ख) के अधीन पारित अधिकरण के अधिनिर्णय या आदेश या विनिश्चय की एक प्रति नियम 35 के उपनियम (1) में निर्दिष्ट प्राधिकरण और संवितरण के लिए स्थानीय अधिकारिता वाले जिला कलेक्टर को पारेषित किया जाएगा।

(2) नियम 35 के उपनियम (1) में निर्दिष्ट प्राधिकारी रकम जमा करने की तारीख से तीस दिन की अवधि के भीतर संबद्ध जिला कलेक्टर को पर्यावरण अनुतोष निधि में ऐसा जमा की गई रकम का अंतरण करेगा।

(3) अधिनियम की अनुसूची 2 में विनिर्दिष्ट शीर्षों के अधीन अनुसूची 1 में विनिर्दिष्ट अधिनियमितियों के अधीन आने वाली आबादी के प्रभावित व्यक्तियों या प्रदूषण या अन्य पर्यावरणीय नुकसानों को उपनियम (2) के अधीन जिला कलेक्टर, नुकसानी संपत्ति के लिए प्राप्त रकम को तीस दिन की अवधि के भीतर प्रतिकर या अनुतोष और पुनःस्थापन के रूप में संवितरण करने के लिए व्यवस्था करेगा।

37. पर्यावरण के पुनःस्थापन हेतु रकम का संवितरण के लिए प्रक्रिया- (1) पर्यावरण के पुनःस्थापन के प्रयोजन के लिए अधिनियम की अनुसूची 1 में विनिर्दिष्ट अधिनियमितियों के अधीन उद्भूत प्रदूषण और अन्य पर्यावरणीय नुकसानियों द्वारा प्रभावित ऐसे क्षेत्र या क्षेत्रों में पर्यावरण और वनों से संबंधित राज्य सरकार का संबद्ध विभाग अधिकरण के निदेशानुसार या अधिनिर्णयानुसार पर्यावरण के पुनःस्थापन और उपचार करने के लिए परियोजनाओं या स्कीम या स्कीमों का निष्पादन करने के लिए नोडल अभिकरण होगा।

(2) अधिनियम की धारा 15 की उपधारा (1) के खंड (ग) के अधीन पारित अधिकरण के अधिनिर्णय या आदेश या विनिश्चय की एक प्रति नियम 35 के उपनियम (1) में निर्दिष्ट प्राधिकारी को नोडल अभिकरण को और संवितरण के लिए पारेषित किया जाएगा।

1226 GI/11-4

(3) नियम 35 के उपनियम (1) में निर्दिष्ट प्राधिकारी, पर्यावरण अनुतोष निधि में ऐसी जमा की गई रकम को संबद्ध नोडल अभिकरण को अधिकरण के आदेश की प्राप्ति की तारीख से तीस दिन की अवधि के भीतर अंतरित करेगा ।

(4) नोडल अभिकरण ऐसी परियोजनाओं या स्कीम या स्कीमों को स्वयं या राज्य सरकार के अन्य विभाग या प्राधिकरण या अभिकरण के माध्यम से ऐसी रीति में, जो अधिकरा द्वारा निदेश की जाए, निष्पादित करेगा ।

(5) उपनियम (4) में निर्दिष्ट नोडल अभिकरण द्वारा तैयार की गई परियोजनाएं या स्कीम या स्कीमों अधिकरण के आदेश या अधिनिर्णय की तारीख से एक सौ अस्सी दिन की अवधि के भीतर आरंभ होंगी ।

(6) उपनियम (4) में निर्दिष्ट नोडल अभिकरण या अन्य विभाग या प्राधिकरण या अभिकरण इस अधिकरण के निदेशों के अनुसार पर्यावरण के पुनःस्थापन के लिए परियोजना या स्कीमों विरचित करने और निष्पादित करने में विशेषज्ञता वाले राज्य प्रदूषण नियंत्रण बोर्ड या अन्य तकनीकी संस्थाओं जैसे विशेषज्ञ अभिकरणों के साथ सहयोग कर सकेगा ।

प्ररूप 1

[नियम 8(1) देखिए]

..... में राष्ट्रीय हरित अधिकरण की बैठक के समक्ष

आवेदन/अपील का ज्ञापन

(राष्ट्रीय हरित अधिकरण अधिनियम, 2010 की धारा 14, धारा 15, धारा 16 और धारा 17 के साथ

पठित धारा 18(1) के अधीन)

आवेदन/अपील सं०.....तारीख

के बीच :

1.

2.

.....आवेदक(आवेदकों)/अपीलार्थी/(अपीलार्थियों)

और

1.

2.

.....प्रत्यर्थी/प्रत्यर्थियों

1) इस आवेदन/अपील के नोटिस की तामील के लिए ऊपर दिए गए आवेदक/अपीलार्थी/अपीलार्थियों और उनके प्रतिनिधि (प्रतिनिधियों) का पता/के पते

2) आवेदन/अपील.....तारीख.....के नोटिस की तामील के लिए उपरोक्त दिए गए प्रत्यर्थी/प्रत्यर्थियों का पता/के पते.....

3) इसके अधीन उपरिष्ठ आधार पर प्रत्यर्थी/प्रत्यर्थियों के आदेश.....तारीख.....के विरुद्ध आवेदन/अपील के ज्ञापन को प्रस्तुत करने के लिए उपरोक्त नामित आवेदक(आवेदकों)/अपीलार्थी(प्रत्यर्थियों) की प्रार्थना ।

संक्षेप में तथ्य :

1.

2.

3.

आधार :

1.

2.

3.

परिसीमा :

1.

2.

प्रार्थना :

.....
 आवेदक(आवेदकों)/अपीलार्थी(अपीलार्थियों) के हस्ताक्षर

.....
 आवेदक(आवेदकों)/अपीलार्थी(अपीलार्थियों) के प्राधिकृत प्रतिनिधि के हस्ताक्षर

सत्यापन

मैं.....(आवेदक/अपीलार्थी का नाम) पुत्र, पत्नी,
 पुत्री.....आयु.....निवासी.....सत्यापित करता हूँ कि पैरा:.....से
 पैरा.....तक की अंतर्वस्तु मेरी निजी जानकारी से सही है और पैरा.....से
 पैरा.....तक विधिक सलाह पर सत्य होने का विश्वास करता हूँ और मैंने किसी सारवान् तथ्य को
 नहीं छिपाया है।

तारीख.....

स्थान.....

आवेदक/अपीलार्थी के हस्ताक्षर

प्ररूप 2

[नियम 8(1) देखिए]

अनुतोष और प्रतिकर के लिए आवेदन का प्ररूप

(राष्ट्रीय हरित अधिकरण अधिनियम, 2010 की धारा 18(1) के साथ पठित धारा 15 के अधीन)

.....में राष्ट्रीय हरित अधिकरण की बैठक के समक्ष

का आवेदन सं०..... तारीख.....

श्री/श्रीमती/कुमारी.....पुत्र/पुत्री/विधवा श्री.....जो दुर्घटना की
बाबत विशिष्टतया स्थान.....तारीख.....को दुर्घटना में मारा गया/क्षतिग्रस्त हुआ था और अन्य
जानकारी निम्नलिखित हैं :

1. क्षतिग्रस्त/मृत व्यक्ति का नाम और पिता का नाम (विवाहित या विधवा स्त्री की दशा में पति का नाम)
2. क्षतिग्रस्त/मृत व्यक्ति का पता
3. आयु.....जन्म की तारीख.....
4. क्षतिग्रस्त/मृत व्यक्ति का लिंग
5. दुर्घटना का स्थान, तारीख और समय
6. क्षतिग्रस्त/मृत व्यक्ति का व्यवसाय
7. हुई क्षतियों की प्रकृति
8. उस पुलिस थाने का नाम और पता जिसकी अधिकारिता में दुर्घटना हुई या रजिस्ट्रीकृत की गई थी
9. क्षतिग्रस्त/मृत व्यक्ति का उपचार करने वाले चिकित्सा अधिकारी/चिकित्सा व्यवसायी का नाम और पता
10. दावाकर्ता/दावाकर्ताओं के नाम और पते
11. मृत व्यक्ति से नातेदारी

1226 GI/11-5

12. मामले के तथ्य :

(कालानुक्रम में तथ्यों का संक्षिप्त विवरण दें, प्रत्येक पैरा में यथासंभव पृथक् विवादाक या तथ्य अंतर्विष्ट हों) ।

13. विधिक उपबंधों सहित अनुतोष के लिए आधार

14. किए गए उपचारों के ब्यारे :

आवेदक घोषणा करता है/करते हैं कि उसने/उन्होंने सुसंगत नियमों आदि के अधीन उसको/उनको उपलब्ध सभी उपचारों का उपयोग कर लिया है ।

(यहां कालानुक्रम में किए गए अभ्यावेदनों के ब्यारे और ऐसे अभ्यावेदनों के निष्कर्ष उपबंधों की संख्यांक के प्रतिनिर्देश से उसके समर्थन में दें)

15. वे विषय जो पहले फाइल नहीं किए गए हैं या किसी अन्य न्यायालय में लंबित हैं :

आवेदक यह और घोषणा करता है कि उसने/उन्होंने पहले कोई आवेदन/अपील, रिट याचिका या वाद उस विषय की बाबत जिसके लिए आवेदन किया गया है किसी न्यायालय या किसी अधिकरण के पीठासीन रहने या अन्य स्थान पर नहीं किया है न ही ऐसा आवेदन/अपील, रिट याचिका या दावा उनमें से किसी के समक्ष लंबित है ।

आवेदकों द्वारा पहले से कोई ऐसा आवेदन/अपील, रिट याचिका या वाद फाइल किए जाने की दशा में वह प्रक्रम जिस पर वे लंबित हैं, यदि यह विनिश्चय किया गया है तो उनके समर्थन में दिए जाने वाले उपाबंध की संख्यांक के प्रतिनिर्देश से विनिश्चयों की सूची दी जानी चाहिए ।

16. मांगा गया अनुतोष :

ऊपर वर्णित तथ्यों को ध्यान में रखते हुए आवेदक (आवेदकों) द्वारा निम्नलिखित अनुतोष (अनुतोषों) के लिए प्रार्थना करता है/करते हैं :

(ऐसे अनुतोष (अनुतोषों) के लिए आधारों को स्पष्ट करते हुए अनुतोष (अनुतोषों) को और वे विधिक उपबंध, यदि कोई हों जिनका आश्रय लिया गया है विनिर्दिष्ट करें)

17. अंतरिम आदेश, यदि कोई हों, जिसके लिए अनुरोध किया गया है :

आवेदन/अपील पर अंतिम विनिश्चय लंबित रहने तक आवेदक निम्नलिखित अंतरिम अनुतोष चाहता है :

(अनुरोध किए गए अंतरिम अनुतोष की प्रकृति यहां पर दें)

18. आवेदन/अपील रजिस्ट्रीकृत डाक द्वारा भेजे जाने की दशा में यह कथन किया जाए कि क्या आवेदन मंजूर किए जाने के प्रक्रम पर मौखिक सुनवाई की वांछ करता है और यदि ऐसा है तो वह स्वयं के पते सहित पोस्टकार्ड या अंतर्देशीय पत्र संलग्न करेगा/करेगी जिस पर सुनवाई की तारीख के संबंध सूचना उसे भेजी जा सके ।

19. आवेदक/अपीलार्थी जो गरीबी रेखा से नीचे है या सिविल प्रक्रिया संहिता, 1908 के आदेश में अंतर्विष्ट उपबंधों के निबंधनानुसार निर्धन है, तो वह फीस की माफी के दावे के लिए गरीबी रेखा से नीचे या निर्धनता के सबूत की एक अनुप्रमाणित प्रति संलग्न करेगा ।

20. आवेदन फीस की बाबत फाइल किए गए बैंक ड्राफ्ट/पोस्टल आर्डर की विशिष्टियां ।

21. संलग्नकों की संख्या :

1.

2.

आवेदक(आवेदकों) के हस्ताक्षर

आवेदक(आवेदकों) के प्राधिकृत प्रतिनिधि के हस्ताक्षर

तारीख.

स्थान.

प्ररूप 3

[नियम 8(4) देखिए]

प्राप्ति पर्ची

श्री/कुमारी/श्रीमती निवासी..... से
राष्ट्रीय हरित अधिकरण,..... में आवेदन/अपील फाइल करने की प्राप्ति की
अभिस्वीकृति दी जाती है।

तारीख :

कृते रजिस्ट्रार
राष्ट्रीय हरित अधिकरण
मुद्रा : बैठक का स्थान.....

प्ररूप 4

[नियम 10 देखिए]

समक्ष राष्ट्रीय हरित अधिकरण,

वर्ष का आवेदन/अपील सं.

..... आवेदक (आवेदकगण)/अपीलकर्ता (अपीलकर्ताओं)

बनाम

..... प्रत्यर्थी (प्रत्यर्थीगण)

निम्नलिखित वादों में फाइल किए गए कागज पत्र की संवीक्षा पर त्रुटिपूर्ण पाए गए हैं। अतः ये अधिसूचित किया जाता है कि आवेदक (आवेदकगण)/अपीलकर्ता (अपीलकर्ताओं) या प्रत्यर्थी (प्रत्यर्थीगण) या उनके विधिक व्यवसायी स्वयं रजिस्ट्री में, यदि वे औपचारिक प्रकृति के हैं त्रुटियों की परिशुद्धि के लिए कागजपत्रों को वापस लेना है और अभ्यावेदन यदि वे औपचारिक प्रकृति के नहीं हैं प्रत्येक वाद के सामने दर्शित समय के भीतर उनका सुधार अपेक्षित है।

क्रम सं.	डायरी सं./ आवेदन/ अपील सं.	कागजपत्रों/ दस्तावेजों जिनमें त्रुटियां अधिसूचित की गई हैं	त्रुटियों का किसके सुधार किया जाएगा	सुधार के लिए त्रुटियां	सुधार/ अभ्यावेदन के लिए अनुज्ञात समय
1	2	3	4	5	6
1					
2					
3					

वर्ष 20..... मास की तारीख

रजिस्ट्रार या
प्राधिकृत अधिकारी के हस्ताक्षर

प्ररूप 5

[नियम 34 देखिए]

सूचना का प्ररूप

रजिस्ट्रीकृत डाक सम्यक
अभिस्वीकृति द्वारा

प्रेषक (1)

श्री

.....

सेवा में,

.....

.....

.....

राष्ट्रीय हरित अधिकरण अधिनियम, 2010 की धारा 30(1) के अधीन सूचना

जहां राष्ट्रीय हरित अधिकरण अधिनियम, 2010 के अधीन कोई अपराध(2) द्वारा किया गया था/ किया गया है। मैं/हम राष्ट्रीय हरित अधिकरण अधिनियम, 2010 की धारा 30(1) के अधीन न्यायालय में (2) के विरुद्ध राष्ट्रीय हरित अधिकरण अधिनियम, 2010 की धारा के उल्लंघन के लिए किसी शिकायत को फाइल करने के मेरे/हमारे आशय की सूचना देता हूँ।

मेरे/हमारे हमारी सूचना के समर्थन में मैं/हम राष्ट्रीय हरित अधिकरण अधिनियम, 2010 के सबूत के साक्ष्य के रूप में निम्नलिखित दस्तावेज (3) संलग्न कर रहा हूँ।

हस्ताक्षर

स्थान

तारीख

स्पष्टीकरण :

(1) किसी कंपनी के नाम से सूचना देने की दशा में कंपनी के निमित्त सूचना पर हस्ताक्षर करने के लिए प्राधिकृत व्यक्तियों को दस्तावेजी साक्ष्य यह अधिसूचना संलग्न होगी।

इस प्रयोजन के लिए कंपनी अधिनियम की धारा 27(1) के स्पष्टीकरण में परिभाषित कंपनी अभिप्रेत है।

(2) अभिकथित अपराधी का नाम और पता यहां दें किसी विनिर्माण/प्रक्रिया/प्रचालन इकाई की दशा में नाम/अवस्थान क्रियाकलापों की प्रकृति आदि दर्शित करें।

(3) अभिकथित व्यतिक्रम/अपराध में जांच को समर्थ बनाने के लिए दस्तावेजी साक्ष्य जिसके अंतर्गत फोटो चित्र/ तकनीकी रिपोर्ट/ क्षेत्र की स्वास्थ्य रिपोर्ट इत्यादि दें।

1226 GI/11-6

प्ररूप 6

[नियम 29 देखिए]

समक्ष राष्ट्रीय हरित अधिकरण,

वर्ष का आवेदन/अपील सं.

..... आवेदक (आवेदकगण)/अपीलकर्ता (अपीलकर्ताओं)

बनाम

..... प्रत्यर्थी (प्रत्यर्थागण)

दस्तावेजों/अभिलेखों के निरीक्षण के लिए आवेदन

मैं उपर्युक्त वाद में दस्तावेजों/अभिलेखों के निरीक्षण के लिए अनुज्ञा प्रदान करने के लिए आवेदन करता हूँ। जिसके ब्यौरे निम्नलिखित हैं :-

1. निरीक्षण करने वाले व्यक्ति का नाम और पता :
2. क्या वह वाद में पक्षकार है/या विधि व्यवसायी :
3. निरीक्षण किए जाने वाले दस्तावेजों/अभिलेखों के ब्यौरे :
4. निरीक्षण किए जाने का कारण :
5. निरीक्षण किए जाने की तारीख और अवधि :
6. क्या कोई फीस संदेय है और यदि ऐसा है तो संदाय का ढंग :

स्थान.....

तारीख.....

आवेदक

कार्यालय उपयोग के लिए :

.....से तक निरीक्षण के लिए स्वीकृति दी गई/निरस्त किया गया

रजिस्ट्रार

[फा. सं. 17(19)/2010-पीएल (एनजीटी)]

डॉ. रजनीश दुबे, संयुक्त सचिव

**MINISTRY OF ENVIRONMENT AND FORESTS
NOTIFICATION**

New Delhi, the 4th April, 2011

G.S.R. 296(E).—In exercise of the powers conferred by sub-section (4) of Section 4 read with Section 35 of the National Green Tribunal Act, 2010 (19 of 2010), the Central Government hereby makes the following rules, namely :—

1. Short title and commencement.— (1) These rules may be called the National Green Tribunal (Practices and Procedure) Rules, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.— (1) In these rules, unless the context otherwise requires.—

- (a) “Act” means the National Green Tribunal Act, 2010 (19 of 2010);
- (b) “agent” means a person duly authorised by a party to present an application, appeal, written reply, rejoinder or any other document on behalf of such party before the Tribunal;
- (c) “applicant” means person making an application or appeal to the Tribunal under section 18;
- (d) “appellant” means person making an appeal to the Tribunal under section 16 read with section 18;
- (e) “Environmental Relief Fund” means the Fund established under section 7 A of the Public Liability Insurance Act, 1991 (6 of 1991);
- (f) “Form” means a form appended to these rules;

- (g) "legal practitioner" shall have the same meaning as is assigned to it in the Advocates Act, 1961 (25 of 1961);
- (h) "legal representative" means a person who in law represents the estate of the deceased person and includes the person or persons in whom the right to receive compensatory benefits vests;
- (i) "Registrar" means an officer of the Tribunal appointed under the Act and designated as the Registrar and includes the Deputy Registrar;
- (j) "Registry" means the Registry of the Tribunal;
- (k) "section" means a section of the Act;
- (l) "transferred case" means the application or appeal or other proceeding which has been transferred to the Tribunal under sub-section (5) of section 38 ;
- (m) "Tribunal" means the National Green Tribunal established under section 3 ;

(2) The words and expression used in these rules but not defined herein and defined in the Act shall have the same meanings, respectively, assigned to them in the Act.

3. Distribution of business amongst the different ordinary place or places of Sittings of Tribunal.— (1) The Chairperson may constitute a bench of two or more members consisting of at least one Judicial Member and one Expert Member.

(2) The Chairperson shall have the power to decide the distribution of the business of the Tribunal amongst the members of the Tribunal sitting at different places by order and specify the matters which may be dealt with by each such sitting in accordance with the provisions of clause (d) of sub-section(4) of section 4 of the Act.

(3) If any question arises as to whether any matter falls within the purview of the business allocated to a place of sitting, the decision of the Chairperson shall be final.

Explanation.- The expression "matter" includes application for interim relief.

4. Circuit procedure.- The Chairperson may, by general or special order, decide the cases or class of cases for which circuit procedure may be adopted by the Tribunal under clause (b) of sub-section(4) of section 4 of the Act and may delegate such powers to a Judicial Member as he may deem fit.

5. Minimum number of members who shall hear application or appeal.-(1)The Tribunal shall hear an application or appeal, as the case may be, consisting of at least by a Judicial and an Expert Member.

(2)Where the Chairperson considers it necessary that a particular case or cases be heard and decided by the Tribunal consisting of more than two members he may by order in writing direct that such case or cases, be heard by such members of the Tribunal as may be specified in that order.

6. Sitting at place other than the place where it shall ordinarily sit.- If at any time the Judicial Member of Tribunal is satisfied that circumstances exist which render it necessary to have its sitting at any place, other than the place at which it ordinarily sits, falling within its territorial jurisdiction, he may with the previous approval of the Chairperson direct that the sitting shall be held at any such appropriate place.

7. Functions of Registrar.-(1) The Chairperson may, by general or special order, entrust the following functions to the Registrar, namely:-

- (a) to receive all applications, appeals and other documents including transferred applications or appeals;
- (b) to decide all questions arising out of the scrutiny of the applications and appeals before they are registered;
- (c) to require any application or appeal presented to the Tribunal to be amended for compliance with the provision of the Act or the rules made thereunder;
- (d) subject to the directions of the Tribunal to fix the date of hearings and to issue notices therefor;

1226 GI/II-7

- (e) to direct any formal amendment of records;
 - (f) to order grant of copies of documents to parties to the proceeding;
 - (g) to grant leave to inspect the records of the Tribunal;
 - (h) to dispose of all matters relating to the service of notices or other processes, application or appeals for the issue of fresh notices and for extending the time for filing such application or appeals, to grant time not exceeding thirty days for filing a reply or rejoinder, if any, and to place the matter before the Tribunal for appropriate orders after the expiry of the aforesaid period;
 - (i) to requisition or transfer of any records of such suit, claim or other legal proceedings as are transferred to the Tribunal from any court or other authority;
 - (j) to receive and dispose of application for substitution, except where the substitution would involve setting aside an order of abetment;
 - (k) to receive and dispose of application by parties for return of documents; and
 - (l) to call for information and records and to inspect or cause to be inspected the registry of the other place of sittings under general or special orders as may be issued by the Chairperson from time to time.
- (2) The official records shall be kept in the custody of the Registrar.

8. Procedure for filing application or appeal.- (1) An application or appeal to the Tribunal under section 18 shall be presented in Form I by the applicant or appellant, as the case may be, in person or by an agent or by a duly authorised legal practitioner, to the Registrar or any other officer authorised in writing by the Registrar to receive the same or be sent by registered post with

acknowledgement duly addressed to the Registrar of the Tribunal at and sent to concerned place of sitting:

Provided that where the application is for relief and compensation, it shall be made in Form II.

(2) The application or appeal, as the case may be, under sub-rule (1) shall be presented in triplicate in the following two compilations-

- (i) Compilation No. 1 - application or appeal, as the case may be, along with the impugned order, if any;
- (ii) Compilation No. 2 - all other documents and annexures referred to in the application or appeal, in a paper book form.

(3) Where the number of respondents is more than one, as many extra copies of the application or appeal, in paper-book form as there are respondents together with unused file size envelope bearing the full address of each respondent shall be furnished by the applicant or appellant, as the case may be:

Provided that where the number of respondents is more than five, the Registrar may permit the applicant or appellant, as the case may be, to file the extra copies of the application or appeal, as the case may be, at the time of issue of notice to the respondents.

(4) The applicant or appellant, as the case may be, may attach to, and present with, his application or appeal, as the case may be, a receipt slip in Form III which shall be signed by the Registrar or the officer receiving the application or appeal on behalf of the Registrar in acknowledgement of the receipt of the application or appeal.

(5) Notwithstanding anything contained in sub-rules (1) to (3), the Tribunal may permit more than one person to join together and file a single application or appeal, as the case may be, if it is satisfied, having regard to the cause and the nature of relief prayed for that they have a common interest in the matter:

Provided that such permission may also be granted to an agent representing the person desirous of joining in a single application or appeal provided, however, that the application or appeal shall disclose the class, grade, categories or persons on whose behalf it has been filed:

Provided further that at least one affected person joins such an application or appeal.

9. Presentation and scrutiny of application or appeal.—(1) The Registrar, or the officer authorised by him under rule 8, shall endorse on every application or appeal, as the case may be, the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.

(2) If, on scrutiny, the application or appeal, as the case may be, is found to be in order, it shall be duly registered in a register in Form IV and assigned a serial number.

10. Rectification of defects.—(1) If on scrutiny, any application or pleadings filed in the Tribunal is found to be defective, the Registrar or the authorised officer of the Registry shall notify in Form V on the Notice Board of the Tribunal fixing the time for rectifying the same.

(2) The papers shall be returned to the party or his legal practitioner only after obtaining acknowledgment thereof in the Inward Register.

(3) The Registrar may, for good and sufficient reasons extend the time for rectifying the defects, provided the total period for rectification including the extended period does not exceed thirty days.

(4) If the party or his legal practitioner contests the office objection and the Registrar is not satisfied, the matter shall be placed before the Tribunal for appropriate orders.

(5) If the party or his legal practitioner rectifies the defects and represents the application or appeal or pleading within the time granted, the Registrar on being satisfied may order for its registration and acceptance and numbering as specified in rule 9.

11. Place of filing application or appeal.—An application or appeal, as the case may be, shall ordinarily be filed by an applicant or appellant, as the case may be, with the Registrar of the Tribunal at its ordinary place of sitting falling within the jurisdiction, the cause of action, wholly or in part, has arisen.

12. Fee.—(1) An application or appeal where compensation has been claimed, shall be accompanied by a fee of equivalent to one per cent of the amount of compensation claimed, subject to a minimum of one thousand rupees:

Provided that where the Tribunal permits a single application or appeal to be filed either by more than one person or by an association of persons, the fee payable shall be equivalent to one per cent of the total amount of compensation claimed.

Provided further that, there shall be no fee for filing of application or appeal for claiming compensation by any person who is below the poverty line determined in accordance with the guidelines or instructions issued by the Central Government or the State Government from time to time in this regard or indigent person determined in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 2008).

(2) An application or appeal where no compensation has been claimed shall be accompanied by a fee of one thousand rupees.

(3) The fee under this rule shall be remitted either in form of a crossed demand draft drawn on a nationalised bank in favour of the Registrar payable at the main branch of that bank at the station where the place of sitting of the Tribunal is situated or remitted through a crossed Indian Postal Order drawn in favour of the Registrar and payable at the Post Office of the station where the sitting of the Tribunal is situated.

13. Contents of application or appeal.- (1) Every application or appeal filed under rule 8 shall set forth concisely under distinct heads the grounds for such application or appeal and such grounds shall be numbered consecutively.

(2) Every application or appeal including any miscellaneous application shall be typed in double space on one side on thick paper of good quality.

(3) It shall not be necessary to present a separate application or appeal to seek an interim order or direction if in original application or appeal the same relief is prayed for.

(4) An applicant or appellant may, subsequent to the filing of an application or appeal under section 18 of the Act, apply for an interim order or direction by way of an application in Form I or Form II, as the case may be.

(5) Every application or appeal, as the case may be shall be accompanied by the following documents, namely:- (a) attested true copy of the order against which the application or appeal, as the case may be, is filed;

(b) copies of the documents relied upon by the applicant or appellant, as the case may be, and referred to in the application or appeal;

1226 GI/11-8

(C) an index or the documents.

(6) The documents referred to in sub-rule(5) may be attested by a legal practitioner or by a gazetted officer and each document shall be marked serially as Annexures- A1, A2, A3 and so on.

(7) Where an applications or appeal, as the case may be, is filed by any agent, the documents authorising him to act as such agent shall also be appended to the application or appeal:

Provided that where an application or appeal, as the case may be, is filed by a legal practitioner, it shall be accompanied by a duly executed 'Vakalatnama'.

14. Plural remedies.- An application or appeal, as the case may be, shall be based upon a single cause of action and may seek one or more relief provided that they are consequential to one another.

15. Service of notice and processes.- (1) Notices to be issued by the Tribunal may be served by any of the following modes-

- (i) by hand delivery (dasti) to the party itself or to the authorised agent, as the case may be, through process server;
- (ii) by registered post with acknowledgement due;
- (iii) through the concerned head of Office of the same Department involved in the proceedings.

(2) Where notice issued by the Tribunal is served by the party himself by hand delivery' (dasti), he shall file in the Registry of the Tribunal, the acknowledgement together with an affidavit of service.

(3) Notwithstanding anything contained in sub-rule (1), the Tribunal may, taking into account the number of respondents and their places of residence or work and other circumstances, direct the notice of the application or appeal, as the case may be, shall be served upon the respondents in any other manner, including any manner of substituted service, as it appears to the Tribunal just and convenient.

(4) Notwithstanding anything contained in sub-rule (1), the Tribunal, may in its discretion, having regard to the nature of the case, direct the service of the notice on the Standing Counsel, authorised to accept the service, for any Department or Organisation of the Central Government

or the State Government or Union territory, or an authority, a corporation or a body owned or controlled by the Central Government or the State Government or Union territory, as the case may be.

(5) Every notice issued by the Tribunal shall unless otherwise ordered, be accompanied by a copy of the application or appeal, as the case may be, and a copy of the impugned order.

(6) Notwithstanding anything contained in sub-rules (1) to (4), if the Tribunal is satisfied that it is not reasonably practicable to serve notice of application or appeal, as the case may be, upon all the respondents, it may, for reasons to be recorded in writing, direct that the application or appeal, as the case may be, shall be heard notwithstanding that some of the respondents have not been served with notice of the application or appeal:

Provided that no application or appeal, as the case may be, shall be heard unless-

(i) the notice of the application or appeal, as the case may be, has been served on the Central Government or the State Government or Union territory, as the case may be, if such Government is a respondent;

(ii) the notice of the application or appeal, as the case may be, has been served on the authority which passed the order against which the application or appeal has been filed; and

(iii) the Tribunal is satisfied that the interests of the respondents on whom notice of the application or appeal, as the case may be, has not been served are adequately and sufficiently represented by the respondents on whom notice of the application or appeal, as the case may be, has been served.

(7) Every applicant or appellant, as the case may be, shall pay for the service or execution of processes, in respect of an application or appeal where the number of respondents exceeds five, as under:-

(a) a sum of five rupees for each respondent in excess of five respondents;

(b) where the service is in such manner as the Tribunal may direct under sub-rule (3) such a sum not exceeding the actual charges incurred in effecting the service as may be determined by the Tribunal.

(8) The fees for the service or execution of process under sub-rule (7) shall be remitted in the manner specified under rule (12) within one week of the date of order determined the fees or within such extended time as the Registrar may permit.

16. Filing of reply and other documents by respondents.— (1) Each respondent intending to contest the application or appeal, as the case may be, shall file in triplicate the reply to the application or appeal, as the case may be, and the document relied upon in paper book form with the Registry within one month of the service of notice of the application or appeal on him.

(2) In the reply filed under sub-rule (1), the respondent shall specifically admit, deny or explain the facts stated by the applicant or appellant, as the case may be, in his application or appeal, as the case may be, and may also state such additional facts as may be found necessary for the just decision of the case.

(3) The reply shall be signed and verified as a written statement by the respondent or any other person duly authorised by him in writing in the same manner as provided for in Order VI, rule 15 of the Code of Civil Procedure, 1908 (5 of 1908).

(4) The documents accompanying reply shall also be filed along with the reply and the same shall be marked as R1, R2, R3 and so on.

(5) The respondent shall also serve a copy of the reply along with documents as mentioned in sub-rule (1) on the applicant or appellant, as the case may be, or his legal practitioner, if any, and file proof of such service in the Registry.

(6) The Tribunal may allow filing of the reply after the expiry of the specified period with or without cost.

(7) The Tribunal may permit the parties to amend the pleadings in the same manner as provided under Order 6, Rule 17 of the Code of Civil Procedure, 1908 (5 of 1908).

17. Date and place of hearing.- The Tribunal shall notify to the parties the date and the place of hearing of the application or appeal in such manner as the Chairperson may by general or special order direct.

18. Calendar of cases.- (1) The Tribunal shall draw up a calendar for the hearing of transferred cases and, as far as possible, hear and decide the cases according to the calendar.

(2) The Tribunal shall have the power to decline an adjournment and also to limit the time for oral arguments.

(3) Every application or appeal shall be heard and decided finally, as far as possible within six months from the date of filing an application or appeal, as the case may be.

19. Maintenance of diary. - (1) The concerned officer of the Tribunal shall maintain legibly a case diary, wherein he shall record the proceedings for each case listed in the daily cause list.

(2) The matters to be recorded in the diary shall include details as to whether the case is adjourned, or part-heard or heard and disposed of or heard and orders reserved, as the case may be.

20. Action on application for applicant's or appellant's default.- (1) Where on the date fixed for hearing of the application or appeal, as the case may be, or on any other date to which such hearing may be adjourned the applicant or appellant, as the case may be, does not appear when the application or appeal, as the case may be, is called for hearing, the Tribunal may in its discretion, either dismiss such application or appeal for default or hear and decide it on merit.

(2) Where an application or appeal, as the case may be, has been dismissed for default and the applicant or appellant, as the case may be, files an application within thirty days from the date of dismissal and satisfies the Tribunal that there was sufficient cause for his non-appearance when the application or appeal was called for hearing, the Tribunal shall make an order setting aside the order dismissing the application or appeal, as the case may be, and restore the same:

Provided that where the case was disposed of on merits the decision shall not be reopened except by way of review.

1296 GI/11-9

21. Ex-parte hearing and disposal of cases.- (1) Where on the date fixed for hearing the application or appeal, as the case may be, or on any other date to which such hearing may be adjourned, the applicant or appellant, as the case may be, appears and the respondent does not appear when the application or appeal is called for hearing, the Tribunal may, in its discretion adjourn the hearing, or hear and decide such application or appeal ex-parte.

(2) Where an application or appeal, as the case may be, has been heard ex-parte against a respondent or respondents such respondent or respondents may apply within thirty days from the date of the order to the Tribunal for an order to set it aside and if such respondent or respondents satisfy the Tribunal that the notice was not duly served, or that he or they were prevented by any sufficient cause from appearing when application or appeal was called for hearing, the Tribunal may make an order setting aside the ex-parte order as against him or them upon such terms as it thinks fit, and shall appoint a day for proceeding with such application or appeal:

Provided that where the ex-parte order of the application or appeal is of such nature that it cannot be set aside as against one respondent only, it may be set aside as against all or any of the other respondents also:

Provided further that the Tribunal shall not set aside ex-parte order of an application or appeal, as the case may be, merely on the ground that it was not served upon a respondent or respondents.

22. Application for review.- (1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.

(2) A review application shall ordinarily be heard by the Tribunal at the same place of sitting which has passed the order, unless the Chairperson may, for reasons to be recorded in writing, direct it to be heard by Tribunal sitting at any other place.

(3) Unless otherwise ordered by the Tribunal sitting at the concerned place, a review application shall be disposed of by circulation and the Tribunal may either dismiss the application or direct notice to the opposite party.

(4) When an application for review of any judgment or order has been made and disposed of, no further application for review shall be entertained.

(5) No application for review shall be entertained unless it is supported by a duly sworn affidavit indicating therein the source of knowledge, personal or otherwise, and also those which are sworn on the basis of the legal advice.

(6) The counter affidavit in review application shall also be on a duly sworn affidavit wherever any averment of fact is disputed.

23. Order to be signed and dated.- (1) Every order of the Tribunal shall be signed and dated by the Members constituting the sitting of the Tribunal, which pronounced the order.

(2) The order shall be pronounced in open court.

24. Order and directions in certain cases .-The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its order or to prevent abuse of its process or to secure the ends of justice.

25. Publication of orders - The Tribunal shall get its decisions or orders reported, to be fit for publication in any authorised legal report or Journal or such of the order of the Tribunal as are deemed fit for publication in any authoritative report or Journal or the press may be released for such publication on such terms and conditions as the Chairperson may specify by general or special order.

26. Dress of the Members and staff of the Tribunal.- The dress for the Members of the Tribunal (including Chairperson) and members of the staff shall be such as the Chairperson may specify.

27. Dress of the parties.- A legal practitioner or, as the case may be, the presenting officer shall appear before the Tribunal in his professional dress as prescribed for appearance before the courts and if there is no such dress, then-

(a) in the case of a male, a suit with a tie or close coat or any other customary dress of sober colour;

(b) in case of female, in a saree or any other customary dress of sober colour.

28. Communication of order to parties.- (1) Every interim order, granting or refusing or modifying interim relief or final order shall be communicated to the applicant or appellant, as the case may be, and to

the concerned respondent either by hand delivery or by Registered Post, free of costs:

Provided that unless ordered otherwise by the Tribunal, a copy of the final order need not be sent to any respondent who has not entered appearance:

(2) The applicant or, as the case may be, the appellant or the respondent who is duly represented by an Advocate or other authorised agent requires a copy of any document, proceeding or order, the same shall be supplied to him on such terms and conditions on payment of such fees or cost as may be fixed by the Chairperson by general or special order.

29. Inspection of records - (1) The parties to any case or their counsel may be allowed to inspect the record of the case on making an application in Form VI to the Registrar.

(2) Subject to such terms and conditions as may be specified by the Chairperson by a general or special order, a person who is not a party to the proceeding, may also be allowed to inspect the proceeding after obtaining the permission of the Registrar in writing.

(3) The applicant or his Counsel or other authorised representative shall pay such fees or charges as may be specified by the Chairperson by general or special order for the inspection of the records of a case.

30. Working hours of Tribunal.- Except on second Saturday of month, Sundays, and other public holidays, the office of the Tribunal shall, subject to any order made by the Chairperson remain open from 9:30 hours to 17:30 hours of a day.

31. Sitting hours of Tribunal.- The sitting hours of the Tribunal shall ordinarily be from 10.30 hours to 13.30 hours and 14:30 hours to 16:30 hours subject to any general or special order made by the Chairperson.

32. Seal and emblem.- (1) The official seal and emblem of the Tribunal shall be such as the Central Government may, in consultation with the Chairperson, specify and the same shall be kept in the custody of the Registrar.

(2) The seal of the Tribunal shall not be affixed to any order, summons or other process save under the authority in writing given by the Tribunal to the Registrar.

(3) The seal of the Tribunal shall not be affixed to any certified copy issued by the Tribunal save under the authority in writing given by the Tribunal to the Registrar.

33. Language of Tribunal.- (1) The language of the Tribunal shall be English:

Provided that the parties to a proceeding before the Tribunal may file documents drawn up in Hindi, if they so desire:

Provided further that-

(a) the Tribunal may, in its discretion permit the use of Hindi in the proceedings;

(b) the Tribunal, hearing the matter may in its discretion direct English translation of pleadings and documents to be filed;

(c) the Tribunal may, in their discretion, make final orders either in Hindi or in English.

(2) Notwithstanding anything contained in sub-rule (1), where a final order is made in Hindi, and authenticated English translation thereof shall simultaneously be prepared and kept on record.

34. Manner of giving notice.- The manner of giving notice under clause (b) of sub-section(1) of section 30 of the Act shall be as follows:-

(a) the notice shall be in writing in Form V; and

(b) the person giving notice shall send a copy of the same,-

(i) to the person concerned against whom the order or award has been passed by the Tribunal or the Central Government or the State Government or Union territory or the Board or Authority or Committee dealing with the matters relating to environment or forests constituted under the Act specified under Schedule I to the Act;

(ii) to the District Collector of the concerned District where the cause of action has arisen or the property damaged is situated or environmental damage has arisen;

(iii) to the authority specified under sub-section (3) of section 7A of the Public Liability Insurance Act, 1991 (6 of 1991).

1226 G.I/11-10

35. Manner and the purposes for which amount of compensation or relief or restitution credited to Environment Relief Fund shall be utilised:

(1) The amount by way of compensation or relief to the victim or restitution of property and the environment, ordered by the Tribunal to be paid shall be remitted to the authority, specified under sub-section (3) of section 7A of the Public Liability Insurance Act, 1991(6 of 1991), within a period of thirty days from the date of order or award or as otherwise ordered by the Tribunal.

(2) In the case of failure to remit the amount by the concerned person, under sub-rule (1), within the time so specified, the District Collector of the concerned district shall file a complaint, before the Court having jurisdiction, under clause (a) of sub-section (1) of section 30 of the Act.

(3) The amount referred to in sub-rule (1), shall be credited to the Environment Relief Fund under section 24 of the Act for utilisation under any heads specified in Schedule II to the Act.

(4) A separate account shall be created and maintained by the authority referred to in sub-rule (1) for the purpose of receiving and disbursement of the amount pursuant to the order or award of the Tribunal.

36. Procedure for disbursement of relief or compensation or restitution of property damaged.- (1) A copy of the award or order or decision of the Tribunal passed under clause (a) or clause (b) of sub-section (1) of section 15 of the Act shall be transmitted to the authority referred to in sub-rule (1) of rule 35 and the District Collector having local jurisdiction for disbursement.

(2) The authority referred to in sub-rule (1) of rule 35 shall transfer the amount so deposited in the Environment Relief Fund to the concerned District Collector within a period of thirty days from the date of deposit.

(3) The District Collector shall arrange to disburse the amount of compensation or relief and restitution of property damaged within a period of thirty days of the receipt of the amount under sub-rule (2), to the affected persons or victims of pollution or other environmental damages arising under the enactments specified in Schedule-I, under the heads specified in Schedule II, to the Act.

37. Procedure for disbursement of amount for restitution of environment.

(1) For the purpose of restitution of environment of such area or areas, affected by pollution and other environmental damages arising under the enactments specified in the Schedule-I to the Act, the concerned Department of the State Government dealing with environment and forests shall be the Nodal Agency for execution of projects or scheme or schemes for restoration and remediation of environment in accordance with the direction or award of the Tribunal.

(2) A copy of the award or order or decision of the Tribunal passed under clause(c) of sub-section (1) of section 15 of the Act shall be transmitted to the authority referred to in sub-rule (1) of rule 35 and the Nodal Agency for disbursement.

(3) The authority referred to in sub-rule (1) of rule 35 shall transfer the amount so deposited in the Environment Relief Fund to the concerned Nodal Agency within a period of thirty days from the date of receipt of the order of the Tribunal.

(4) The Nodal Agency shall execute such projects or scheme or schemes by itself or through other Department or authority or agency of the State Government or in such manner as may be directed by the Tribunal.

(5) The projects or scheme or schemes referred to in sub-rule (4) prepared by the Nodal Agency shall commence within a period of one hundred eighty days from the date of the order or award of the Tribunal.

(6) The Nodal Agency or other Department or authority or agency referred to in sub-rule (4) may associate expert agencies, like, the State Pollution Control Board or other technical institutions having expertise in the formulation and execution of project or schemes for restitution of environment, in accordance with the directions of the Tribunal.

FORM I
[See rule 8(1)]

Before The National Green Tribunal sitting at

MEMORANDUM OF APPLICATION/APPEAL

(Under Section 18(1) read with Sections 14,15,16 & 17 of National Green
Tribunal Act, 2010)

Application/Appeal No.....of.....

Between:

- 1.
- 2.

.....Applicant(s)/Appellant(s)

And

- 1.
- 2.

.....Respondent/s

1) The addresses of the Applicant/Appellant/s is/are as given above for the service of notices of this application/appeal and that of their representative(s).....

2) The addresses of the Respondent/s is/are as given above for service of notices of the application/appeal.....

3) The Applicant(s)/Appellant(s) above-named begs to present the Memorandum of Application/Appeal against the order dated.....of.....Respondent/s on the grounds set-out hereunder:

Facts in brief:

- 1.
- 2.
- 3.

Grounds:

- 1.
- 2.
- 3.

Limitation:

- 1.
- 2.

Prayer:

.....

Signature of Applicant(s)/Appellant(s)

.....

Signature of authorised representative of applicant(s)/appellant(s)

VERIFICATION

I(Name of the applicant/ appellant) S/o, W/o, D/o
, age resident of do
 hereby verify that the contents of paras toare true to my
 personal knowledge and paras.....to believed to be true on
 legal advice and that I have not suppressed any material fact.

Date

Place.....

Signature of the applicant/appellant

1226 GI/11-11

FORM II
[See rule 8(1)]

FORM OF APPLICATION FOR RELIEF AND COMPENSATION
(Under section 15, read with section 18(1), of National Green Tribunal Act,
2010)

Before The National Green Tribunal sitting at

Application No.....of.....

Shri / Srimati / Kumari ----- Son of/Daughter of/Widow
of Shri ----- who died/had sustained injuries in an accident on ----
----- at ----- particulars in respect of accident and
other information are given below:

1. Name and father's name of person injured/dead (husband's name in case of married woman or widow)
2. Address of the person injured/dead
3. Age ----- Date of birth -----
4. Sex of the person injured/dead:
5. Place, date and time of the accident:
6. Occupation of the person injured/dead:
7. Nature of injuries sustained:
8. Name and address of Police Station in whose jurisdiction accident took place or was registered:
9. Name and address of the Medical Officer/Practitioner who attended on the injured/dead:
10. Name(s) and addresses of the claimant/claimants:
11. Relationship with the deceased:
12. Facts of the case:

(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue or fact).

13. Grounds for relief with legal provisions:

14. Details of the remedies exhausted:

The applicant(s) declares that he/they has/have availed of all the remedies available to him/them under the relevant rules etc.

(Give here chronologically the details of representations made and the outcome to such representations with reference to the number of Annexure to be given in support thereof).

15. Matters not previously filed or pending with any other court:

The applicant further declares that he/they had not previously filed any application/appeal, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other place of sitting of the Tribunal nor any such application/appeal, writ petition or suit is pending before any of them.

In case the applicants had previously filed any such application/appeal, writ petition or suit, the stage at which it is pending, and if decided, the list of the decisions should be given with reference to the number of Annexure to be given in support thereof.

16. Relief sought:

In view of the facts mentioned above the applicant(s) prays for the following relief(s):-

(Specify below the relief(s) sought explaining the grounds for such relief(s) and the legal provisions, if any, relied upon).

17. Interim order, if any, prayed for:

Pending final decision on the application/appeal, the applicant seeks the following interim relief:

(Give here the nature of the interim relief prayed for).

18. In the event of application/appeal being sent registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage

and if so, he/she shall attach a self addressed Post Card or Inland Letter, at which intimation regarding the date of hearing could be sent to him.

19. The applicant/appellant who is below the poverty line or indigent in terms of the provisions contain in the order of Code of Civil Procedure, 1908, shall attach an attested copy of proof of below the poverty line or indigent to claim waiver of fee.

20. Particulars of Banks Draft/Postal Order filed in respect of the application fee.

21. List of enclosures:

1.

2.

Signature of the applicant(s)

Signature of authorised representative of applicant(s)

Date:

Place:

FORM III

[see rule 8 (4)]

RECEIPT SLIP

Receipt of the application/appeal filed in the National Green Tribunal Sitting at.....byShri/Kum/Smt.....

Residing atis hereby acknowledged.

Dated:

For Registrar
The National Green Tribunal
Seal:Place of Sitting

FORM IV

[See rule 10]

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT

Application / Appeal No.....of.....

.....

Applicant(s)/ Appellant(s)

Versus

.....

Respondent(s)

The papers filed in the following cases have been found on Scrutiny to be defective. Hence, it is hereby notified that the applicant(s) / appellant (s) / Respondent(s) or his/their Legal practitioner is/are required to rectify the defects in the Registry itself if they are formal in nature or to take back the papers for rectification of the defects and representation if they are not formal in nature, within the time shown against each case.

Sl. No	Diary No./ Application/ Appeal No.	Papers/ documents in which defects are notified	By whom defects are to be rectified	Defects for rectification	Time allowed for rectification/ representation
1	2	3	4	5	6
1					
2					
3					

Dated thisday of 20.....

Signature of the Registrar or
Authorised officer

1226 GI/11-12

FORM V
[See rule 34]

FORM OF NOTICE

By registered post
Acknowledgement due

From (1)
Shri.....
.....
.....
To
.....
.....
.....

Notice under Section 30 (1) of the National Green Tribunal Act, 2010

Whereas an offence under the National Green Tribunal Act, 2010 has been committed/is being committed by.....(2) I/we hereby give notice of 60 days under section 30(1) of the National Green Tribunal Act, 2010 of my/our intention to file a complaint in the court against.....(2) for violation of section.....of the National Green Tribunal Act, 2010.

In support of my/our notice, I am/we enclosed the following documents (3) as evidence of proof of the National Green Tribunal Act, 2010.

Signature(s)

Place.....

Dated.....

Explanation:

- 1) In case the notice is given in the name of a Company, documentary evidence authorising the persons to sign the notice on behalf of the company shall be enclosed to this notice.

Company for this purpose means a company defined in explanation to section 27 (1) of the Act.

- 2) Here give the name and address of the alleged offender. In case of a manufacturing/processing/operation unit, indicate the name/location/nature of activity etc.
- 3) Documentary evidence shall include photograph/technical reports/health report of the area, etc. for enabling enquiry into the alleged violation/offence.

FORM VI

[See rule 29]

BEFORE THE NATIONAL GREEN TRIBUNAL SITTING AT

Application / Appeal No.....of.....

..... Applicant(s)/ Appellant(s)

Versus

..... Respondent(s)

APPLICATION FOR INSPECTION OF DOCUMENTS/RECORDS

I hereby apply for grant of permission to inspect the documents / records in the above case. The details are as follows:-

1. Name and address of the person seeking inspection :
2. Whether he is a party to the case/ his legal practitioner. :
3. Details of the papers / documents sought to be inspected :
4. Reasons for seeking the inspection :

5. The date and duration of the inspection sought :
6. Whether any fee is payable and if So, the mode of payments :

Place:

Date:

APPLICANT

Office use:

Granted/Rejected inspection for _____ hours on _____.

Registrar

[F. No. 17(19)/2010-PL (NGT)]
Dr. RAJNEESH DUBE, Jt. Secy.

Date-

7/10/2022

MOST URGENT RTI MATTER

Mr. Vishwaroop Vishwas Ji,
Executive Engineer PWD
Electrical Maintains Division M 253,
2nd floor C wing Delhi Secretariat New Delhi 110002.

Sub :- Application for Information under RTI Act 2005.

Received
07/10/2022
कार्यपालिका अभियंता (वि.)
O/o Executive Engineer (E)
लो.नि.वि. (वि.स.)/PWD Govt. of Delhi
वे.अनु.मं. एम-253/EMD M-253
दिल्ली सचिवालय/Delhi Sachivalaya
नई दिल्ली-110002/New Delhi-110002

1. Kindly provide is any land has been allotted or Permission by Executive Engineer PWD Electrical Maintains East Division M. 253 Mr. Vishwaroop Vishwas Ji . Public Work Department Electrical Maintains Division M 253, 2nd floor C wing Delhi Secretariat New Delhi 110002. to private Electricity Company BSES Yamuna Power Limited, to install Heavy High Voltage 33000 KW Number of 4 Electrical Transformers Sub Station at MCD Park covering all area of MCD park which is situated besides Shyama Prasad Mukherji T.B. Hospital at Patparganj Village chowk East Delhi .110091 of MCD ward No.12E kindly provide complete details in this regard.
2. Kindly provide a copy of such any land has been allotted or Permission letter and designation of the officer who gave such permission to private Electricity Company BSES Yamuna Power Limited, to install Heavy High Voltage 33000 KW Number of 4 Electrical Transformers Sub Station at MCD Park covering all area of MCD park which is situated besides Shyama Prasad Mukherji T.B. Hospital at Patparganj Village chowk East Delhi 110091 of MCD ward No.12E.
3. Kindly provide is Executive Engineer PWD Electrical Maintains East Division M. 253 Mr. Vishwaroop Vishwas Ji . Public Work

Department Electrical Maintains Division M 253, 2nd floor C wing Delhi Secretariat New Delhi 110002. has any power to allot any land or give permission to private Electricity Company BSES Yamuna Power Limited to install Heavy High Voltage 33000 KW Number of 4 Electrical Transformers Sub Station at MCD Park covering all area of MCD park which is situated besides Shyama Prasad Mukherji T.B. Hospital at Patparganj Village chowk East Delhi 110091 of MCD ward No.12E. kindly provide complete details in this regard along with the copy of such law under which Executive Engineer PWD Electrical Maintains Sub East Division M. 253 Mr. Vishwaroop Vishwas Ji . Public Work Department Electrical Maintains Division M 253, 2nd floor C wing Delhi Secretariat New Delhi 110002.. has power to allot any land or give permission to any company to install any transformer.

Note. kindly provide all the reply along with my questions in it and with all the related documents with the authorized stamp of concerned department and signature of authorized person this information asked for are most urgent.

As RTI fees 10/- Rs Is Sleep Enclosed. 059 Dated 7/10/2020


Sanjeev Jain

B - 94 Gali No. 10, Shashi Garden

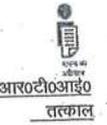
Patparganj Village Delhi- 110091.

Mo - 9136423998.



कार्यालय कार्यपालकअभियंता (वै०)
लो०नि०वि०, प्लेयरबिल्डिंग एंडइस्ट्रैटवैद्युत अनु० मंडल (एम-253)
(दिल्ली सरकार) द्वितीय तल, सीविंग, दिल्लीसचिवालय
आई० पी० एस्टेट, नईदिल्ली- 110002
दूरभाष : 23392199 फ़ैक्स : 23392199

राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार
GOVT. OF NATIONAL CAPITAL TERRITORY
OF DELHI
लोक निर्माण विभाग
PUBLIC WORKS DEPARTMENT



OFFICE OF THE EXECUTIVE ENGINEER (E)
PUBLIC WORKS DEPARTMENT
ELECTRICAL MAINTENANCE
PLAYERS BUILDING & EAST
GNCTD, 2ND FLOOR, C WING,
DELHI SACHIVALAYA
I.P. ESTATE, NEW DELHI-110002
PHONE : 23392199 FAX : 23392199

पत्र सं०26 (RTI)/का०अभि०वै०, लो०नि०वि०एम-253/2022-23/1050

दिनांक:- 18.10.2022

To,

Shri Sanjeev jain
B-94, Gali No.-10,
Shashi Garden,
Patparganj Village,
Delhi-110091

Sub: Application for information under RTI Act 2005

Ref.: Your letter No. NIL dated 07.10.2022.

Sir,

With reference to the above subject it is to inform you that the reply for information asked by you are as under:-

S. No.	Seek Information	Reply
1.	Question No.-1	No any Land has been allotted or permitted by the Executive Engineer (E) PWD, EMD, M-253, Delhi-110002 to installed any Heavy High Voltage 33000 KW by BSES Yamuna Power Ltd. at the Location you asked.
2.	Question No.-2	-NA-
3.	Question No. -3	-NA-

The Superintending Engineer (East), PWD Circle (M-22), Room No. - C-218, 2nd Floor is the first appellate authority for this information.

R. B. Datta

Assistant Public Information Officer
Maintenance Division M 253,
Public Works Department
Delhi Secretariat, I.G. Stadium,
New Delhi-110002

Copy to information for:-

1. Assistant Public information officer, PWD (East), circle M-22, Delhi Secretariat, New Delhi-110002.

Assistant Public Information Officer

Public Authority Details :-

* Public Authority	Public Works Department (PWD) - Engineer in Chief
--------------------	---

Personal Details of RTI Applicant:-

Registration Number	PWDEC/R/2022/60181
Date of Filing	14/07/2022
* Name	Sanjeev Jain
Gender	Male
* Address	B-94 GALI NO-10 SHASHI GARDEN , Mayur Vihar patpar ganj
Pincode	110091
Country	India
State	Delhi
Status	Details not provided
Pincode	Details not provided
Phone Number	+91-9136423998
Mobile Number	+91-9136423998
Email-ID	sanjeevjain[dot]b94[at]gmail[dot]com

Request Details :-

Citizenship Indian

* Is the Applicant Below Poverty Line ? No

((Description of Information sought (upto 500 characters))

Description of Information Sought

1. Kindly provide is any land has been allotted or Permission by Executive Engineer PWD Road East Division M. 212 Mr. Amit Kumar Singh Ji . Public Work Department Ramesh Park near Shaker pur Police Station Pusta Road East Delhi 110092. to private Electricity Company BSES Yamuna Power Limited, to install Heavy High Voltage 33000 KW Number of 4 Electrical Transformers Sub Station at MCD Park covering all area of MCD park which is situated besides Shyama Prasad Mukherji T.B. Hospital at Patparganj Village chowk East Delhi .110091 of MCD ward No.12E kindly provide complete details in this regard.

2. Kindly provide a copy of such any land has been allotted or Permission letter and designation of the officer who gave such permission to private Electricity Company BSES Yamuna Power Limited, to install Heavy High Voltage 33000 KW Number of 4 Electrical Transformers Sub Station at MCD Park covering all area of MCD park which is situated besides Shyama Prasad Mukherji T.B. Hospital at Patparganj Village chowk East Delhi 110091 of MCD ward No.12E.

3. Kindly provide is Executive Engineer PWD Road East Division M. 212 Mr. Amit Kumar Singh Ji . Public Work Department Ramesh Park near Shaker pur Police Station Pusta Road East Delhi 110092. has any power to allot any land or give permission to private Electricity Company BSES Yamuna Power Limited to install Heavy High Voltage 33000 KW Number of 4 Electrical Transformers Sub Station at MCD Park covering all area of MCD park which is situated besides Shyama Prasad Mukherji T.B. Hospital at Patparganj Village chowk East Delhi 110091 of MCD ward No.12E. kindly provide complete details in this regard along with the copy of such law under which Executive Engineer PWD Road East Division M. 212 Mr. Amit Kumar Singh Ji . Public Work Department Ramesh Park near Shaker pur Police Station Pusta Road East Delhi 110092. has power to allot any land or give permission to any company to install any transformer.

Note. kindly provide all the reply along with my questions in it and with all the related documents with the authorized stamp of concerned department and signature of authorized person this information asked for are most urgent.

* **Concerned PIO**

PIO, East Road Divn.

Supporting document

Supporting document not provided

राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
लोक निर्माण विभाग



PUBLIC WORKS DEPARTMENT

Office of Executive Engineer

कार्यालय कार्यपालक अभियंता

Public Works Department CRM Division East Road(M-212).

लोक निर्माण विभाग सिसानुगं-ईस्ट रोड(एम-212)

Ramesh Park, Near Shakarpur Police Station, Pusta Road, Delhi-110092

रमेश पार्क, नियर शककरपुर थाना, पुस्ता रोड, दिल्ली-110092

☎ 011-22452056 & ☎ 011-21210380 Email:- eepwddelhi212@gmail.com

No: 54(RTI)/PWD East(Road)/M-212/

-1920-

Dated: 08/08/2022

सेवा में,

Sh. Sanjeev Jain,

B-94, Gali No.10, Shashi Garden,

Mayur Vihar, Patparganj,

Delhi-110091

विषय:-

Sh. Sanjeev Jain, से सूचना अधिकार अधिनियम-2005 के खण्ड 6 उपखण्ड 3 के अंतर्गत प्राप्त आवेदन (Online ID- PWDEC/R/2022/60181) में वांछित सूचना के संबंध में।

संदर्भ:-

इस कार्यालय को ऑनलाईन आर0टी0आई0 प्राप्त की तिथि 25/07/2022

महोदय,

उपरोक्त आर0टी0आई0 के संबंध में आपको सूचित किया जाता है कि इस मंडल कार्यालय के अंतर्गत उपमंडल ईस्ट रोड-3, लो.नि.वि. के कार्यालय से मिली जानकारी के अनुसार इस मंडल कार्यालय की सूचना निम्न प्रकार है:-

1. इस मंडल कार्यालय के द्वारा Private Electricity Company BSES Yamuna Power Limited को न तो कोई लैंड अवांटिड की गई है न तो कोई परमिशन दी गई है।
2. कम सं0 1 के जवाब के अनुसार लागू नहीं है।
3. कार्यपालक अभियंता, ईस्ट रोड मंडल, लो.नि.वि. के पास किसी प्रकार की जमीन अवांटिड करने का अधिकार नहीं है।

इस सम्बन्ध में आपको यह सूचित किया जाता है कि आप इस कार्यालय के उपरोक्त जवाब से संतुष्ट नहीं हैं तो आप निर्धारित समयसीमा के अन्तर्गत RTI Act 2005 के अनुसार प्रथम अपील अधिकारी से प्रथम अपील निम्नानुसार पते में कर सकते हैं अधीक्षण अभियंता, लोक निर्माण विभाग, परिमंडल ईस्ट (एम-22), रूम नं. सी-218, दूसरा मंजिल, दिल्ली सचिवालय, दिल्ली-110002 प्रथम अपीलीय अधिकारी है।

सहायक जनसूचना अधिकारी

ईस्ट(रोड)/एम-212

रमेश पार्क, दिल्ली।

प्रतिलिपि:-1. अधीक्षण अभियंता, लोक निर्माण विभाग, परिमंडल ईस्ट (एम)/एम-22, दिल्ली सचिवालय, नई दिल्ली-110002 को उपरोक्त के संबंध में सूचनार्थ हेतु।

सहायक जनसूचना अधिकारी

ईस्ट(रोड)/एम-212



SANJEEV JAIN <sanjeevjain.b94@gmail.com>

Re : (Land Grabber) BSES yamuna power Ltd. द्वारा भ्रष्टाचार के रुपये एवं अवैध रूप से सरकारी संपत्ति पर कब्जा कर Electrical Transformer लगाने और Indraprastha Gas Limited, PNG Gas की पाईप लाईन के बने Chamber Box के कारण भविष्य में बहुत बड़ा हादसा होने पर जनता की जानमाल की हानि के बचाव एवं सुरक्षा के संदर्भ में !

BYPL.Customercare@relianceada.com <BYPL.Customercare@relianceada.com>

Fri, Feb 26, 2021 at 6:31 PM

To: SANJEEV JAIN <sanjeevjain.b94@gmail.com>

Annexure 4

Dear Sir,

This is with reference to your emails addressed to Department of power Govt of Delhi and DERC reference letter vide No F.7(24)/DERC/2021/BYPL/5662/2596 , in this regard first of all we strongly deny all the baseless allegations mentioned in the complaint and would like to reply in detail as below :

Regarding BYPL substation installation near Shyama Prasad Mukerjee Hospital , the same has been installed after discussion with Hon'ble Dy. Chief Minister who is sitting MLA of the area and with concerned Councillor of the area. The substation has been installed on the backdrop of various power supply related complaints from local residents and also from Hon'ble Dy.CM and Councillor itself.

The existing Sub station in Patparganj Village is overloaded to the maximum capacity (>90%) specified by the Hon'ble Commission and it is technically not feasible to cater the rising energy demand of the area with existing substation capacity. Thus the new substation has been installed in the greater interest of public after rigorous follow up with the above cited authorities. Hon'ble Commission through the provisions of its supply code empowered BYPL to approach concerned land owning agencies ,local authorities like MLA , MP, Councillor etc for any space requirement in establishment of new electric substations needed to cater rising energy demand. Hence the installation of Sub station at the mentioned location is strictly in compliance with DERC Supply code and regulations 2017.

Also the land grabbing allegations on BYPL does not hold true as installation of Electric Substation does not confer any land ownership in favor of BYPL and the allotted land continues to be under the ownership of the land owning agency / authority.

Regarding the corruption related complaints on BYPL officials we strongly deny the allegations as they are baseless without any substance. Also no specific details to support such allegations has been provided in the complaint.

Thanking you and assuring you best of our services at all times.

Yours Sincerely

BYPL Customer Care

Note: -

Kindly click on the given link to register your WhatsApp no. & Email ID to get updates on your electricity connection & latest BYPL schemes.

<http://byplws.bsedelhi.com:8076/>

- You can now register No Power Supply complaints, make a request for New Connection, Pay your bills through BSES Mobile App which is available on the iOS App Store and Android Play Store. BSES mobile App is available free of cost.
- Register for SMS alerts to get bill details, Payment acknowledgement & Power outage notification. Type SMS space <CA Number> space <Mobile Number> and send it to 5616108.
- Register for E bill to view your coloured electricity bill, on the go. Type <EBILL > space <9 Digit CA number> space <E-Mail Id> and send it to 5616108.
- For Power Supply and Billing related issues, you can reach us through 24X7 toll free helpline 19122

* If you are not satisfied with the response/resolution provided, you may approach CGRF/ Ombudsman. Condition apply.

The information contained in this electronic message (email) and any attachments to this email are intended for the exclusive use of the addressee(s) and access to this email by any one else is unauthorised. The email may contain proprietary, confidential or privileged information or information relating to Reliance Group. If you are not the intended recipient, please notify the sender by telephone, fax, or return email and delete this communication and any attachments thereto, immediately from your computer. Any dissemination, distribution, or copying of this communication and the attachments thereto (in whole or part), in any manner, is strictly prohibited and actionable at law. The recipient acknowledges that emails are susceptible to alteration and their integrity can not be guaranteed and that Company does not guarantee that any e-mail is virus-free and accept no liability for any damage caused by any virus transmitted by this email.

	<p align="center">Municipal Corporation of Delhi O/o The SMO In-charge Dr. SPM Chest Hospital Patparganj, Delhi- 110091 spm.mcd@gmail.com 011-22754649</p>	
---	---	---

No. DR.SPMCH/PPG/MCD/2022/D- 940

Dated 31.10.2022

विषय: सूचना के अधिकार अधिनियम 2005 (ID नं. 07 दिनांक 17-10-2022) के अन्तर्गत मांगी गई जानकारी।

सूचना के अधिकार अधिनियम 2005 के अन्तर्गत आपके द्वारा मांगी गयी जानकारी बिन्दुवार निम्नलिखित है:

क्र. स.	प्रश्न	उत्तर
1.	ईस्ट नगर निगम वार्ड नं. 12 ई में बना श्यामा प्रसाद मुखर्जी चैस्ट अस्पताल के कॉम्प्लेक्स जिसमें टी.बी. अस्पताल, टी.बी. डिस्पेन्सरी, प्रसूति विभाग, नगर निगम स्वास्थ्य डिस्पेन्सरी एवं स्टाफ क्वार्टर्स बने हुए हैं इस कॉम्प्लेक्स की सड़क तरफ की बाउंड्री दीवार के साथ में नगर निगम का कूड़ाघर एवं नगर निगम के सफाई कर्मचारियों का कार्यालय, नगर निगम का पार्क यह तीनों संपत्ति बनी हुई हैं या नहीं इस बारे में पूरे विवरण के साथ जानकारी दी जाए।	नगर निगम का कूड़ाघर, नगर निगम के सफाई कर्मचारियों का कार्यालय एवं नगर निगम का पार्क तीनों डॉ. श्यामा प्रसाद मुखर्जी चैस्ट अस्पताल के कॉम्प्लेक्स से बाहर बने हुए हैं। इनसे संबन्धित कोई भी जानकारी डॉ. श्यामा प्रसाद मुखर्जी चैस्ट अस्पताल से संबन्धित नहीं है।
2.	ईस्ट नगर निगम वार्ड नं. 12 ई में बना श्यामा प्रसाद मुखर्जी चैस्ट अस्पताल कॉम्प्लेक्स जिसमें स्टाफ फ्लेट्स बने हुए हैं उसके सामने वाली इस की सड़क तरफ की बाउंड्री वाल और नगर निगम पार्क की बाउंड्री वाल एक ही है या नहीं है इस बारे में जानकारी दी जाए।	डॉ. श्यामा प्रसाद मुखर्जी चैस्ट अस्पताल की अपनी अलग बाउंड्री वॉल है जिसके बाहर का कोई भी निकाए अस्पताल के अधिकार क्षेत्र में नहीं आता।

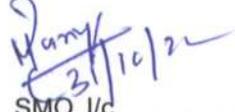
यदि प्रार्थी उपरोक्त दी गई जानकारी से संतुष्ट नहीं है तो जानकारी प्राप्त होने के 30 दिनों के भीतर प्रथम अपीलीय अधिकारी को अपील कर सकते हैं।

प्रथम अपीलीय अधिकारी:-

Addl. DHA- 4 (Personnel), दिल्ली नगर निगम
 18वां तल, डॉ. श्यामा प्रसाद मुखर्जी सिविक सेंटर,
 जवाहर लाल नेहरू मार्ग, नई दिल्ली - 110002

संजीव जैन

बी-94, गली नं. 10, शशि गार्डन
 पटपरगंज दिल्ली - 110091


 SMO I/c
 Senior Medical Officer I/c
 Dr. SPM Chest Hospital
 Patparganj, Delhi-110091
 Delhi Municipal Corporation

MCD's Waste Dumping Ground



MCD's Park



MCD's Delhi Environment Municipal Corporation Service Office





Grievance Status

Annexure 7

* Enter Grievance Number

2021103140

Mobile No.

9971019769

OR E-Mail ID.

Submit

Grievance No	2021103140	Date of Grievance	09/09/2021
Complainant Name	Rakeshkumar	Contact Nos.	(LandLine),9971019769(Mobile)
Category	Online Entry by Citizen ::		
Complainant Address	145 Patparganj Village Delhi91 Near Shyama Parshad Mukerjee EDMC Dispansary.		
E-Mail ID	rrakeshkumar60@gmail.com		
Grievance Details	Sub Stop the digging of Govt. Road regarding Illegally, Unauthorized digging the road without the EDMC, illegally loss to property to EDMC (Delhi) Govt.in front of my House No. 145 Patparganj Vill: 110091 (Near EDMC) Shyama Prasad Mukherji Dispensary. TBSES YPL fixing the transformer in pa lying Indian oil gas Pipe line in park. it is very dangers to people.It is violations of Land Policy. LG (competent Authority, without the permission of competent authority, encroachment of Public Park. underground pipeline lying in park underground the Transformer fixed by illegal act No clearance o This corruption was made by MCD deptt. But Delhi Govt will be responsible if any mishap ping with Kindly remove transformer immediately, from Gas Pipe line chamber, in the interest of Public. It wa illegally, unjust ice, against the Rules.		
Grievance Site Address	145 Patparganj Village Delhi91 Near Shyama Parshad Mukerjee EDMC Dispansary.		

S.No.	Department	Locality	Action Taken	Status	Contact Details	Citizen Feedback
1	MCD EAST	PATPARGANJ VILLAGE	14/09/2021 Please check attachment file.	Disposed	Satish Kumar Kataria Superintending Engineer 2 9717788049 seshdsouth2@gmail.com	Not Contactable 2021103140 NC/ this switch off :: caller17 : 10:51:38
2	MCD EAST	PATPARGANJ VILLAGE	--	Forwarded	SURENDRA SINGH Supdtg. Engineer 22303181 seishdsouth@gmail.com	-- :: -- :
3	MCD EAST	PATPARGANJ VILLAGE	--	Forwarded	Ms. VANDANA RAO DEPUTY COMMISSIONER 66667304 dcshahdsouth@gmail.com	-- :: -- :
4	MCD EAST	PATPARGANJ VILLAGE	--	Forwarded	sh. Vikas Anand gromcde 01122144122 commissinoredmc@gmail.com	-- :: -- :
5	DC EAST	PATPARGANJ VILLAGE	--	Forwarded	Mr. Anil Banka DM East District 011-21210862 dceast@nic.in	-- :: -- :

Enter/View Complainant's Remarks

Please do not use the special character(~, ` , !, \$, ^, *, {, }, [,] , | , < , > , " , --) for entry
(Description may also be entered using any Unicode compliant Hindi font.)

S.No.	Entry Date	Citizen Remarks	Up Dc
1	13/09/2021	But Delhi Govt will be responsible if any mishap ping with people . Kindly remove transformer immediately, from Gas Pipe line chamber, in the interest of Public. It was fixed illegally, unjust ice, against the Rules. No ATR Submitted .	----
2	21/09/2021	This corruption was made by MCD deptt. But Delhi Govt will be responsible if any mishap ping with people . Kindly remove transformer immediately, from Gas Pipe line chamber, in the interest of Public. It was fixed illegally, unjust ice, against the R	----
3	23/09/2021	Delhi Govt will be responsible if any mishap ping with people . Kindly remove transformer immediately, from Gas Pipe line chamber, in the interest of Public. It was fixed illegally, unjust ice, against the Rules. No ATR Submitted	----

Disclaimer: Designed, Developed and Hosted by National Informatics Centre (NIC)
The Nodal Department of PGMS is AR Department and content of grievances are owned by the concerned Department
NIC is not Responsible for any Inaccuracy in the Data of this Site

E.E. M-IV/Shah.(S)
Diary No. D-501
Date... 13/09/2021

PGMS No. 2021103140
Applicant Name:- Rakesh Kumar
Address:- 145, Patparganj Village, Delhi-91
Mob. No. 9971019769
Subject:- Regarding illegal digging of road.

In this regard it is submitted that BSES has been stopped to carried out the road cutting at the road near SPM Chest Hospital on 06.09.2021. But during inspection on 13.09.2021 it was noticed that BSES has made the cut and install the transformer. During the holidays on Saturday & Sunday i.e. 11.09.2021 & 12.09.2021.

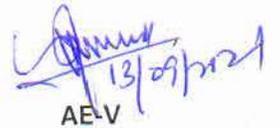
Accordingly, BSES has been asked by this office letter no. EE(M)-IV/Sh.(S)/2021-22/D-499 dated 13.09.2021 to remove its services or obtained the permission for the same.

In view of above reference may be closed on the part of this division.

Submitted. please.

EE(M)-IV/Shah.(S)


13/09/21


13/09/2021
AE-V

SE-II/Shah.(S)

EAST DELHI MUNICIPAL CORPORATION
OFFICE OF EXECUTIVE ENGINEER (M)-IV
SCHOOL BLOCK SHAKAPUR, DELHI-92
SHAHDARA SOUTH ZONE

No. EE(M)-IV/Sh.(S)/2021-22/ 0-499

Dated : 13.9.21

To,

Dy. General Manager (P&C),
BSES Yamuna Power,
S/Stn. No. 15, I.P. Extension,
Patparganj, Delhi

Subject:- Illegal road cutting of road near SPM Chest Hospital, Patparganj by
BSES Department.

Sir,

A road cutting was found in program on 06.09.2021 near SPM Chest Hospital which was stopped by our department. However, during the area inspection on 13.09.2021 it was found that the transformer was fixed and rest of the road cutting work was illegally carried out by BSES on holidays i.e. 11.09.21 & 12.09.21 without the permission of EDMC.

Kindly take permission for the above mentioned work or get the transformer removed at the earliest otherwise action will be taken by EDMC as per the provisions of DMC Act.


Executive Engineer(M)-IV
Shahdara South Zone

Copy to:-

1. SE-II/ Sh. South for kind information.
2. AE/JE to pursue.


EE(M)-IV/Shah.(S)

East Delhi Municipal Corporation
Office of the Assistant Commissioner
Shahdara (South) Zone
Near Karkardooma Court, Shahdara Delhi-32

No. 885 /D/AC/SHD/(S)/2022-23

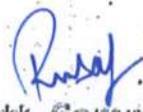
Date: - 05/12/2022

Shri/Smt. संजीव जैन
B-94 गली नं 10, गणी गार्डन
पुस्तक गेज दिल्ली-110091

Sir/Madam,

Please refer to your application vide ID/Dy. No. 885/20/2022/SHD/S dated 18/10/2022 Under Right to Information Act, 2005.

The required information submitted by the SS/SHD/S is enclosed herewith for your information. If you are not satisfied with the reply you may appeal before 1st Appellate Authority i.e. Deputy Commissioner, Shahdara (South) Zone.


Asstt. Commissioner/ PIO
Shahdara (South) Zone

सूचना का अधिकार अधिनियम 2005 के अन्तर्गत श्री संजीव जैन
Add- B-74, गली नं 10, शशी गार्डन पटपडगंज दिल्ली 110091
मोबा. 9136 4239 98 के द्वारा मांगी गई जानकारी के सम्बन्ध में: -

उत्तर 01, वार्ड संख्या 12 E पटपडगंज चौक में बना 2 आमापसाड -
मुखर्जी चैस्ट अस्पताल पटपडगंज डिस्पेंसरी के बाहर
दि. नं. नि. पार्क के बाहर वाली सड़क पर नियमित रूप से
प्रतिदिन झाड़ू सफाई कार्य तथा कुछ भी प्रतिक्रिया उठाया जा
रहा है।

उत्तर 02, - वार्ड संख्या 12 E पटपडगंज चौक में बना 2 आमापसाड -
मुखर्जी चैस्ट अस्पताल के बाहर दि. नं. नि. पार्क के बाहर
वाली सड़क पर दो पर्यावरण सहायकों के द्वारा सफाई कार्य
किया जाता है। प्रतिक्रिया नियमित रूप से,

उत्तर 03, - वार्ड संख्या 12 E पटपडगंज चौक में बना 2 आमापसाड -
मुखर्जी चैस्ट अस्पताल पटपडगंज डिस्पेंसरी के बाहर
दि. नं. नि. पार्क के बाहर वाली सड़क पर 02 पर्यावरण
सहायक नियमित रूप से सफाई कार्य करते हैं। जिसे ज्ञात
निम्न प्रकार है।

1. श्री रिधी याल व श्री बाबूलाल Regular P.S., - B.M.I.D - 51801230
2. श्री नितीन व श्री राजभूषण - Reg. P.S. B.M.I.D = 70302397

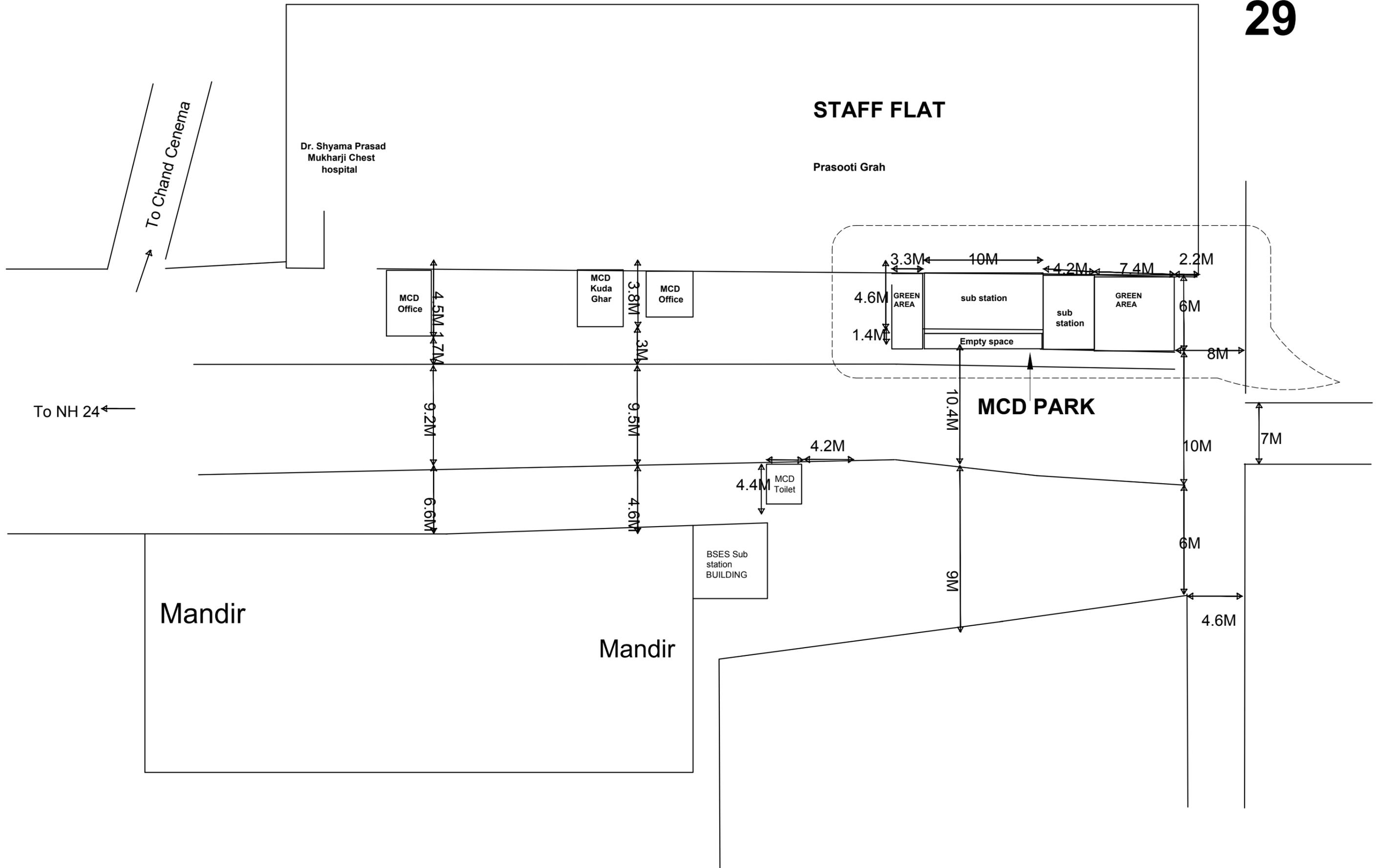
1224 SI-220/12E
19/11/22

Rishat
acting

C.S. Singh
02-12-22

NAHAR SINGH
Sanitary Inspector
Word No. 12E
D.E.M.S./SHD.(N) ZONE (MCD)

DART/SSZ



Annexure-10

MCD's Waste Dumping Ground



MCD's Park

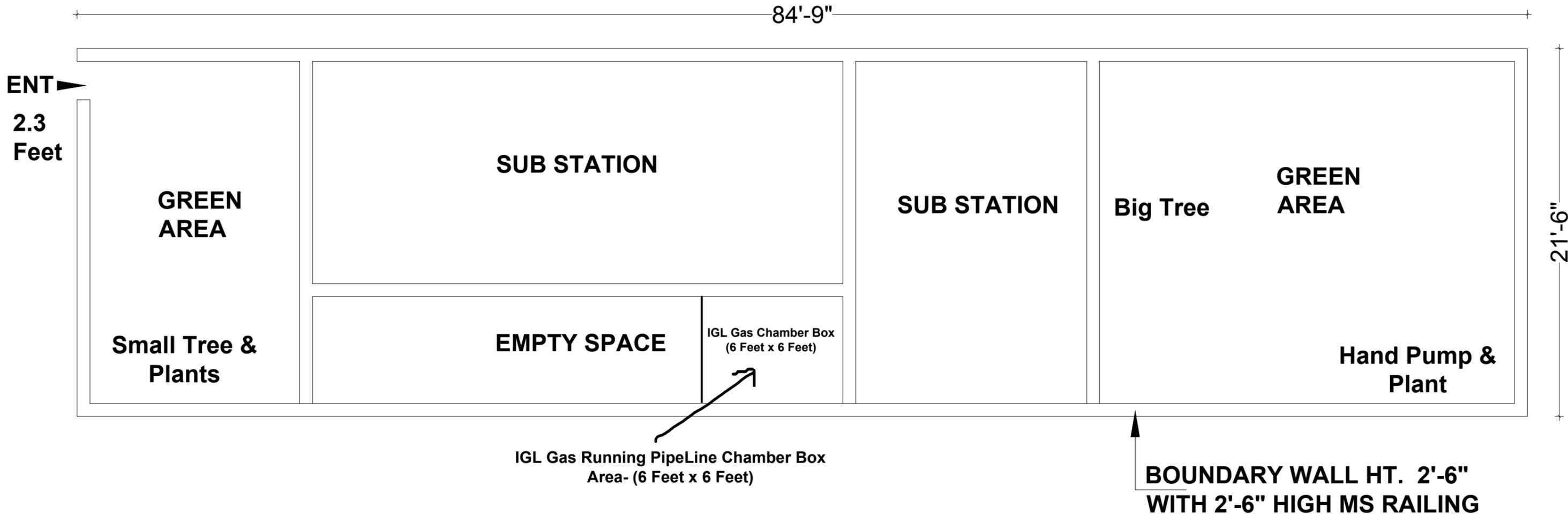


MCD's Delhi Environment Municipal Corporation Service Office



Note:

The video of all the properties of MCD that are situated outside the complex of Dr. SPM Chest Hospital, Municipal Corporation of Delhi at Patpar Ganj Village chowk is being sent via E-mail along with the Rejoinder Affidavit and other Annexures.



PLAN MCD PARK PATPAR GANJ CHOWK

Annexure-12



Note:

The video of such approved/sanctioned covered area of the building that is situated at Patpar Ganj Village Chowk opposite to Dr. SPM Chest Hospital is being sent via E-mail along with the Rejoinder Affidavit and other Annexures.

उप आयुक्त महोदया जी,
दिल्ली पुलिस ईस्ट डिस्ट्रिक्ट
मंडावली फाजल पूर ईस्ट दिल्ली 110092.

30/12/22

Annexure 13



महोदय,

डी. सी. पी. महोदया, पटपड़गंज गाँव के चौक पर बने नगर निगम के पार्क की संपत्ति एवं पेड़ पौधों को नष्ट कर पूरे पार्क पर गैरकानूनी तरीके से बिजली कंपनी वर्ष 2021 से कब्जा कर रही है जिसके संदर्भ में मेरे द्वारा थाना पांडव नगर के प्रभारी एवं ईस्ट डिस्ट्रिक्ट की उप आयुक्त जी को कई बार शिकायत पत्र दिए हैं पर आपके द्वारा आज तक भारत सरकार के नगर निगम पार्क की संपत्ति को बचाने के संदर्भ में कोई भी कारवाई दोषी व्यक्तियों के खिलाफ नहीं की गई है।

नगर निगम के पार्क पर गैरकानूनी तरीके से पार्क में लगे पेड़ पौधों एवं पार्क कि हरियाली को नष्ट करने के खिलाफ Hon'ble National Green Tribunal Court में एक याचिका 559/2022 Sanjeev Jain v/s Delhi Municipal Corporation, BSES Yamuna Power Ltd., Chief Sectery of Delhi Govt, Commissioner of Police Delhi, and Other के खिलाफ माननीय कोर्ट में 23 सितम्बर की सुनवाई में जांच कमेटी द्वारा रिपोर्ट जमा की गई थी और सभी Respondents को अगली सुनवाई 5 दिसंबर को कोर्ट में सभी ओरिजिनल रिकॉर्ड के साथ कोर्ट में पेश होने के आदेश माननीय कोर्ट द्वारा किए गए हैं।

उसके बावजूद माननीय कोर्ट के आदेश की अवहेलना करते हुए Respondent No 4, बिजली कंपनी BSES Yamuna Power Ltd. प्रति दिन आकर MCD Park में गैरकानूनी तरीके से काम कर रही है

माननीय कोर्ट के आदेश पर मेरे द्वारा इस पार्क का क्षेत्रफल नापने और विडियो बनाने के दौरान मैंने देखा कि इस पार्क में लगे सरकारी बेंच यहाँ पर नहीं थे और कुछ छोटे पेड़ पौधों को निकाल कर फेक दिया गया है

मुझे आशंका है इन्होंने अन्य किसी दिन MCD Park के दूसरे कोने के हिस्से में आम जनता के बैठने के लिए सरकारी बेंचों को बिजली कंपनी के अधिकारी Amer jeet singh, Naveen Vats, ने अपनी कंपनी के अधिकारियों द्वारा पार्क में लगे सभी सरकारी बेंचों को चोरी करवाकर पार्क से गायब करा दिया गया है ये वो सरकारी बेंच

थे जिसके बारे में माननीय कोर्ट द्वारा बनाई गई कमेटी ने अपनी रिपोर्ट में सभी सरकारी बैंचों की जानकारी लिखकर कोर्ट में जमा करी है.

इस तरह का गैरकानूनी काम पूरी सोचीसमझी साजिश के तहत MCD Park के सबूत मिटाने की मंशा के तहत Respondent No 4, बिजली कंपनी BSES Yamuna Power Ltd. के द्वारा किया जा रहा है मेरा आपसे निवेदन है कि माननीय कोर्ट की सुनवाई के दौरान माननीय कोर्ट की अवहेलना करके सरकारी संपत्ति को चोरी करने एवं सरकारी संपत्ति का नुकसान करने और माननीय कोर्ट की अवहेलना करने की संबंधित धाराओं में मुकदमा दर्ज किया जाए.

मेरे द्वारा पहले भी सरकारी MCD Park की संपत्ति को नुकसान पहुंचाने एवं संपत्ति को चोरी करने की कई शिकायत पत्र दिल्ली पुलिस ईस्ट डिस्ट्रिक्ट को दे चुका हूँ पर आपके विभाग द्वारा आजतक कोई भी मुकदमा दोषियों के खिलाफ दर्ज नहीं किया गया है कृपया आपसे निवेदन है कि इस शिकायत को गंभीरता सउ लेते हुए मुकदमा दर्ज कर मुझे सूचना दी जाए.

धन्यवाद



संजीव जैन

(RTI Activist)

B -94 गली नंबर 10, शशी गार्डन

पटपड़गंज दिल्ली -110091.

मो. - 9136423998.

Annexure 14



माननीय ग्रह मंत्री जी,
ग्रह मंत्रालय भारत सरकार
नार्थ ब्लॉक नई दिल्ली 110001.



दिनांक 07.11.2022

दिल्ली पुलिस आयुक्त महोदय जी,
दिल्ली पुलिस मुख्यालय
नई दिल्ली 110001.



✓ उप आयुक्त महोदय,
ईस्ट डिस्ट्रिक्ट दिल्ली पुलिस
मंडावली फाजल पूर
ईस्ट दिल्ली 110092.



✓ थाना अध्यक्ष
थाना पांडव नगर
ईस्ट डिस्ट्रिक्ट मयूर विहार फेस 2,
दिल्ली -110092.

महोदय,

मैं संजीव जैन (RTI Activist) पुत्र स्वर्गीय शिखर चन्द्र जैन पता B -94 गली नंबर 10, शशी गार्डन पटपड़गंज दिल्ली 91. में रहता हूँ दिनांक 07.11.2022 रात 1.45 am के के आसपास जब बहुत जोर के धमाके की आवाज आई तो हमने घर के बाहर देखा कि दरवाजे पर कुछ अज्ञात हमलावरों द्वारा बड़े बड़े पत्थरों से हमला किया गया और मेरे घर के बाहर खड़ी कार गाड़ी नंबर DL 14 CF 8012 को पत्थर से गाड़ी को क्षतिग्रस्त कर उसका पीछे का शीशा तोड़ दिया है उसी समय देखा हमारी गली के दूसरे सिरे पर कोई अपनी गाड़ी पीछे कर निकाल कर जा रहा था रात्रि को हम काफी घबरा गए थे हमने सुबह 10.08 am दिल्ली पुलिस कंट्रोल रूम 100 नंबर पर कोल की घटना की जानकारी दी मौके पर पुलिस कंट्रोल रूम की पुलिस वंहा आई एवं थाना पांडव नगर से IO हेड कांस्टेबल श्री सत्य पाल यादव जी, मौके पर आए पूरी घटना का मुआयना कर क्राईम ब्रांच को घटना की जानकारी दी और मौके पर क्राइम ब्रांच टीम ने आकर घटना का मुआयना किया.

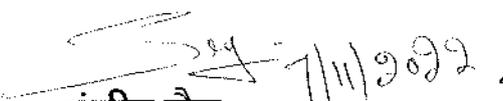
मेरे और मेरे परिवार को जान से मारने के लिए दिनांक 03.10.2021 की रात्रि 03.00 am के आसपास 3, बदमाशों ने स्कुटी पर आकर मेरे घर पर 8 -9 राउंड गोलीबारी करी जिस बाबत मैंने दिल्ली पुलिस कमिश्नर,, उप आयुक्त, थाना प्रभारी पांडव नगर एवं ग्रह मंत्री को शिकायतें दि हुई है जिसमें दिल्ली पुलिस की कारवाई जारी है .

Page 1 to 2.

मेरे पर यह जानलेवा हमला क्षेत्रीय विधायक, क्षेत्रीय पूर्व निगम पार्षद, क्षेत्रीय बिल्डर, एवं बिजली कंपनी BSES YAMUNA POWER LTD. के CEO, VP, अधिकारियोंद्वारा पटपड़गंज चौक पर East MCD Park पर गैरकानूनी तरीके से कब्जा किया हुआ है जिसकी मैंने विभिन्न सरकारी विभागों में शिकायत की हुई है और नगर निगम पार्क पर इन सभी के द्वारा अवैध गैरकानूनी तरीके से कब्जा करने के खिलाफ एक मुकदमा नंबर 559/2022 National Green Tribunal Court में माननीय कोर्ट सुनवाई कर रही है इसमें यह सब अपने को फसंता देख मेरे ऊपर हमला कर जान से मारने के लिए इन सभी के द्वारा कराया जा रहा है .

मेरा आपसे निवेदन है की मेरे और मेरे परिवार की जानमाल की पूरी सुरक्षा का उच्च स्तरीय सुरक्षा का शीघ्र ही इंतजाम किया जाए जिससे किसी भी कारण में और मेरे परिवार की जानमाल सलामत रहे अगर भविष्य में में और मेरे परिवार पर कोई भी जानमाल की हानि होती है तो उस सभी के लिए यह सभी लोग जिम्मेदार होंगे .

मैं संजीव जैन अपने ब्यान के साथ अपनी शिकायत दे रहा हूँ आपसे निवेदन है की कानूनी धाराओं में मुकदमा दर्ज किया जाए.


संजीव जैन

(RTI Activist)

B - 94 गली नंबर 10, शशी गार्डन

पटपड़गंज दिल्ली 110091.

मो. 9136423998.

N.C.R
NON COGNIZABLE OFFENCE INFORMATION REPORT

In respect of Non Cognizable Offence
(Under Section 155 Cr.P.C)

एन.सी.आर.
असंज्ञेय अपराध की सूचना रिपोर्ट

असंज्ञेय अपराध के संदर्भ में
(अंतर्गत धारा 155 द.प्र.सं.)

PS(थाना): PANDAV NAGAR

District(जिला): EAST

NCR No(असंज्ञेय अपराध प्रतिलेदन सं.): 0070/2022

Date(दिनांक): 07/11/2022

1. Acts & Sections of Law(कानून के अधिनियम एवं धाराएँ):

S.No.(क्र.सं.)	Acts(अधिनियम)	Sections(धाराएँ)
1	IPC 1860	427

2. Place of occurrence(घटना का स्थान):

- (a) Information Received at P.S.(थाने पर प्राप्त Date (दिनांक) : 07/11/2022 Time (समय) : 10:10 hrs
(b) General Diary Reference(संदर्भित रोजनामचा) : G.D. No. (रोजनामचा सं.):088 G.D. Date/Time (रोजनामचा दिनांक/समय): 07/11/2022 18:53 hrs
(c) Occurrence Date Time Range (घटना दिनांक समय सीमा): FROM: 07/11/2022 01:45 hrs TO: 07/11/2022 10:36 hrs
(d) Place(स्थान):

3. Name & Residence of Complainant (शिकायतकर्ता का नाम और पता):

Name(नाम): SANJEEV JAIN

S.No.(क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
1	Present Address	B-94, GALI NO. 10, SHASHI GARDEN PATPARGANJ, DELHI, PANDAV NAGAR, EAST, DELHI, INDIA.
2	Permanent Address	B-94, GALI NO. 10, SHASHI GARDEN PATPARGANJ, DELHI, PANDAV NAGAR, EAST, DELHI, INDIA.

4. Name, Father's Name, Age & Residence of Accused/Suspect (अभियुक्त / संदिग्ध का नाम, पिता का नाम, आयु और पता):

(1) a) Name(नाम):

b) Father's name(पिता का नाम):

c) Age (आयु) : From(से):

To(तक):

d) Residence (निवास):

S.No.(क्र.सं.)	Address Type (पता का प्रकार)	Address (पता)
----------------	------------------------------	---------------

5. NCR Contents (असंज्ञेय अपराध रिपोर्ट का विवरण):

दिनांक 07.11.2022 मानीय गृह मंत्री जी. यह मंत्रालय भारत सरकार नार्थ ब्लॉक नई दिल्ली 110001. उप आसुक्त संदिग्ध, ई-ट डिपार्टमेंट दिल्ली पुलिस ईस्ट दिल्ली 110092 मंडायली फाजल पूर दिल्ली पुलिस आयुक्त महोदय जी दिल्ली पुलिस मुख्यालय नई दिल्ली 110001. वाना अरयध वाना पाण्डव नगर ईस्ट डिपार्टमेंट दिल्ली पुलिस विलेज फेस 2, दिल्ली -110092 महोदय, से सनीव जैन (RTI ACTIVIST) पुत्र स्वर्गीय शिखर चन्द्र जैन पता 13-94 गली नंबर 10, शशी गार्डन पटपड़गंज दिल्ली 91, में घुसा है दिनांक 07.11.2022 रात 1.45 AM के आसपास जब बहुत जोर के धमाके की आवाज आई तो हमने घर के बाहर देखा कि दरवाजे पर कुछ अज्ञात हमलावरों द्वारा बड़े बड़े परकांडे से हमला किया गया और मेरे घर के बाहर छड़ी कार गाड़ी नंबर DL 14 CF 8012 को पहचान से गाड़ी को क्षतिग्रस्त कर उसका पीछे का शीशा तोड़ दिया है उसी समय देखा हमारी गली के दूसरे सिरे पर आई अपकी गाड़ी पीछे कर निकाल कर जा रहा था रात्रि को हम काफी घबरा गए थे हमने सुबह 10:08 AM दिल्ली पुलिस कंट्रोल रूम 100 नंबर पर कोल की घटना की जानकारी दी. मौके पर पुलिस कंट्रोल रूम की पुलिस वहां आई एवं वाना पाण्डव नगर से IO हेड कास्टेबल श्री सत्य प्रसन्न यादव जी, मौके पर आए पूरी घटना का मुआयना कर लाईम प्रिंट की घटना कि जानकारी की दी. मौके पर एम कांस्टेबल ने आकर घटना का मुआयना किया. मेरे और मेरे परिवार को जल्द से मारने के लिए दिनांक 03.10.2021 की रात्रि 03:00 AM के आसपास 3 बदमाशों ने नक़्क़ीत कर आकर मेरे घर पर 89 राउंड गोलीबारी करी जिस वजह से मैंने दिल्ली

EAST DELHI

पुलिस कमिश्नर, उप आयुक्त, थाना प्रभारी पांडव नगर एवं ग्रह मंत्री को शिकायतें दी हुई हैं जिसमें दिल्ली पुलिस की कारवाई जारी है। मेरे पर यह जानलेवा हमला क्षेत्रीय विधायक, क्षेत्रीय पूर्व निगम पार्सट, क्षेत्रीय बिल्डर, एवं बिजली कंपनी BSES YAMUNA POWER LTD. के CEO, VP, अधिकारियों द्वारा पटपडगंज चौक पर EAST MCD PARK पर गैरकानूनी तरीके से कब्जा किया हुआ है जिसकी मैंने विभिन्न सरकारी विभागों में शिकायत की हुई है और नगर निगम पार्क पर इन सभी के द्वारा अवैध गैरकानूनी तरीके से कब्जा करने के खिलाफ एक मुकदमा नंबर 559/2022 NATIONAL GREEN TRIBUNAL COURT में माननीय कोर्ट सुनवाई कर रही है इसमें यह सब अपने को फसला देख मेरे ऊपर हमला कर जान से मारने के लिए इन सभी के द्वारा कराया जा रहा है। मेरा आपसे निवेदन है की मेरे और मेरे परिवार की जानमाल की पूरी सुरक्षा का उच्च स्तरीय सुरक्षा का शीघ्र ही इंतजाम किया जाए जिससे किसी भी कारण में और मेरे परिवार की जानमाल सलामत रहे अगर भविष्य में मेरे और मेरे परिवार पर कोई भी जानमाल की हानि होती है तो उस सभी के लिए यह सभी लोग जिम्मेदार होंगे। मैं संजीव जैन अपने व्ययान के साथ अपनी शिकायत दे रहा हूँ आपसे निवेदन है की कानूनी धाराओं में मुकदमा दर्ज किया जाए। संजीव जैन (RTI ACTIVIST), B - 94 गली नंबर 10, शशी गार्डन पटपडगंज दिल्ली - 110091 मो. 9136423998. सेवा में, श्रीमान DUTY OFFICER थाना पाण्डत नगर बकार सरकार निवेदन है कि मन HC. आज दिनांक 07/11/2022 को (RTI ACTIVIST) B - 94 गली नंबर 10, शशी गार्डन EMERGENCY DUTY पर या जो PCR CAL पटपडगंज दिल्ली 110091. DD. 42, मिलने पर मौका पर पहुंचा, जहाँ पर शिकायतकर्ता संजीव जैन पुत्र शिखर चन्द जैन age - 51 YEARS, R/o B.94, GALI NO. 10 SHASH GARDEN PATPARGANJ DETHI - 110091 के घर बाहर के वाले दरवाजे पर एक पत्थर पड़ा हुआ था व शिकायतकर्ता के घर के बाहर खड़ी कार न. DL. 14. CF 8012 का पीछे वाली सीसा भी टूटा हुआ था व कार के मालिक वैभव विष्ट ने बताया कि उसने रात को 9 बजे गाड़ी खड़ी की थी व सुबह सीमा टूटा हुआ मिला तथा रात को उसने किसी प्रकार की कोई झगड़े 'या ऊँची आवाज में बात होने की आवाज भी नहीं सुनी। जो शिकायतकर्ता ने इसके काफी देर बाद अपने फोन से किसी अपने जानकार से बात करके शिकायत मन HC को दी। जो दरयापत पर मालूम हुआ कि शिकायतकर्ता ने अपनी PROTECTION हेतु PETITION MOVE भी की हुई है जो मन HC ने कई सारे पड़ोसियों से भी पूछताछ की तो सभी ने बताया कि उन्हें किसी प्रकार के झगड़े की आवाज सुनाई नहीं दी। जो मन HC ने CRIME TEAM को बुलाकर S.O.C. NO. 808/2022 पर फोटोग्राफ कराया। शिकायत में दिनांक 03/10/2021 की घटना के घटना बाबत निवेदन है कि इस घटना के बाबत शिकायतकर्ता ने पहले ही शिकायत थाना में दी हुई है जिसकी ENQUIRY अभी PENDING है व आज वाली घटना मे इस घटना का कोई सम्बन्ध नहीं है। जो शिकायकर्ता का कोई नुकसान होना आज नहीं मिला हालांकि कार न. DL 14CF 8012 का सीसा टूटा मिला है, जिसे देखकर लगता है किसी ने जानबुझकर तोड़ा है, आज की घटना की PCR CALL से मौका के हालात व दरयापत से जर्न U/S 427 1PC का सरजद होना पाया जाता है, जो असंजय अपराध है. लिहाजा NCR दर्ज करके NCR की एक COPY, शिकायतकर्ता को दी गई। शिकायतकर्ता को कोर्ट कार्यवाही के बाबत पहले ही अचरम कर दिया गया है। SD ENGLISH ATTESTED BY HC. SATYAPAL YADAV 1178/E, PISNO. 28093754 P.S PANDAV NAGAR DATE. 07/11/2022.

6. Particulars of properties involved (Attach separate sheet, if necessary) (संलिप्त संपत्ति का विवरण (यदि आवश्यक हो पृथक शीट संलग्न करें)):

S.No.(क्र.सं.)	Property Type(संपत्ति का प्रकार)	Property Description (संपत्ति का विवरण)
----------------	----------------------------------	---

7. R.O.A.C (पढ़कर सुनाई गई तथा उपयुक्त होना स्वीकार है): Complainant is advised to approach the court
- a. Name of the Court(न्यायालय का नाम)
- b. Reason of Investigation under Section 155(2) Crpc (सीआरपीसी की धारा 155(2) के तहत जांच का कारण)
8. Informant is advised to seek help in concerned court (सूचनाकर्ता को न्यायालय से सहायता प्राप्त करने की सलाह दी गई): Yes

Signature/Thumb Impression of the complainant/Informant (शिकायतकर्ता / सूचनाकर्ता के हस्ताक्षर / अंगूठे के निशान):

Signature of Officer(अधिकारी के हस्ताक्षर)

Name(नाम) : SATYA PAL YADAV

Rank(पद) : HC (Head Constable)

PIS No.(सं.): 28093754



SANJEEV JAIN <sanjeevjain.b94@gmail.com>

It is in regard to my case Petition No- 559/2022.

SANJEEV JAIN <sanjeevjain.b94@gmail.com>

Fri, Nov 11, 2022 at 11:56 AM

To: anil.ambani@relianceada.com, bypl.ceosectt@relianceada.com, Kirti.Vashist@relianceada.com, BYPL Customercare <BYPL.Customercare@relianceada.com>, lalit.jalan@relianceada.com, naveen.vats@relianceada.com

**The BSES Yamuna Power Ltd.
Through its Chairman,
Had office, Shakti Kiran Building,
Karkardooma East Delhi-110092,**

Annexure 15

Mob: 8467815010 / 9350261033**Email.Id:**

anil.ambani@relianceada.com
bypl.ceosectt@relianceada.com
Kirti.Vashist@relianceada.com
BYPL.Customercare@relianceada.com
lalit.jalan@relianceada.com
naveen.vats@relianceada.com

-

Subject: - It is in regard to my case Petition No- 559/2022.

It is in regard to my case **Petition No- 559/2022** which is going on at **NGT (National Green Tribunal)**. Wherein the last date of hearing was 23/09/2022 and as per NGT Order dated 23/09/2022 your good self being **Respondent No. 4** seeked time of 1 month to file your reply to the NGT and same reply needs to be provided to me also at my mail sanjeevjain.b94@gmail.com , but till date I have not received any reply from your good self which is stopping me to file my reply to NGT.

Hence, kindly quickly file your reply to NGT and send a copy of such reply to me at my email id- sanjeevjain.b94@gmail.com

I am attaching NGT Order dated 23/09/2022.

Mr. Sanjeev Jain

R/o B-94, Lane No.10, Shashi Garden,
Patparganj, New Delhi-110091.

Mo- 9136423998.

sanjeevjain.b94@gmail.com



NGT Oder 23.09.2022.pdf

77K



SANJEEV JAIN <sanjeevjain.b94@gmail.com>

It is in regard to my case Petition No- 559/2022.

SANJEEV JAIN <sanjeevjain.b94@gmail.com>
To: Commissioner MCD <commissioner@mcd.nic.in>

Fri, Nov 11, 2022 at 12:01 PM

**The Municipal Corporation of Delhi,
SH. Gyanesh Bharti, IAS,
Through its commissioner,
Dr. S.P. Mukherjee Civic Center,
JLN Marg, New Delhi-110002.
Email id - commissioner@mcd.nic.in**

Subject: - It is in regard to my case Petition No- 559/2022.

It is in regard to my case **Petition No- 559/2022** which is going on at **NGT (National Green Tribunal)**. Wherein the last date of hearing was 23/09/2022 and as per NGT Order dated 23/09/2022 your good self being **Respondent No. 1** seeked time of 1 month to file your reply to the NGT and same reply needs to be provided to me also at my mail sanjeevjain.b94@gmail.com , but till date I have not received any reply from your good self which is stopping me to file my reply to NGT.

Hence, kindly quickly file your reply to NGT and send a copy of such reply to me at my email id- sanjeevjain.b94@gmail.com

Mr. Sanjeev Jain
R/o B-94, Lane No.10, Shashi Garden,
Patparganj, New Delhi-110091.

Mo- 9136423998.

sanjeevjain.b94@gmail.com

 **NGT Oder 23.09.2022.pdf**
77K



SANJEEV JAIN <sanjeevjain.b94@gmail.com>

It is in regard to my case Petition No- 559/2022.

SANJEEV JAIN <sanjeevjain.b94@gmail.com>

Fri, Nov 11, 2022 at 12:03 PM

To: Shri Vijay Kumar Dev <csdelhi@nic.in>, CM DELHI <cmdelhi@nic.in>

Shri. Naresh Kumar,
Chief Secretary of Delhi,
3rd Delhi Secretariat, IP Estate,
New Delhi, Delhi 110002,
Email Id: csdelhi@nic.in

-

Subject: - It is in regard to my case Petition No- 559/2022.

It is in regard to my case **Petition No- 559/2022** which is going on at **NGT (National Green Tribunal)**. Wherein the last date of hearing was 23/09/2022 and as per NGT Order dated 23/09/2022 your good self being **Respondent No. 3** seeked time of 1 month to file your reply to the NGT and same reply needs to be provided to me also at my mail sanjeevjain.b94@gmail.com , but till date I have not received any reply from your good self which is stopping me to file my reply to NGT.

Hence, kindly quickly file your reply to NGT and send a copy of such reply to me at my email id- sanjeevjain.b94@gmail.com

Mr. Sanjeev Jain
R/o B-94, Lane No.10, Shashi Garden,
Patparganj, New Delhi-110091.

Mo- 9136423998.

sanjeevjain.b94@gmail.com

 **NGT Oder 23.09.2022.pdf**
77K