

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 417/2025**

IN THE MATTER OF:

Dr. Anil Jain & Anr.

... Applicant(s)

Vs

Govt. of NCT of Delhi & Ors.

... Respondent(s)

I N D E X

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FILED BY:

NEW DELHI

DATED: 05.02.2026

(JYOTI MENDIRATTA)

Advocate for the GNCT of Delhi

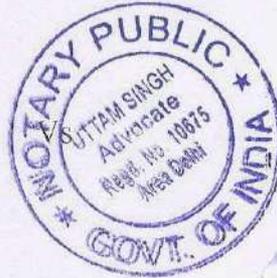
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... Respondent(s)

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1-
IRRIGATION & FLOOD CONTROL DEPARTMENT, GOVT. OF NCT
OF DELHI

MOST RESPECTFULLY SHOWETH:

1. SOMNATH KASHYAP, S/o Latesh Ram Hanesh Prasad, aged 46 years, presently working as Chief ^{EXECUTIVE} Engineer, Irrigation & Flood Control Department (CD-IV), Government of NCT of Delhi, having my office at o/o EEC DIV, ISFC, NCTD, Shastri Nagar - Delhi - 31, do hereby solemnly affirm and state as under:

1. That I am the competent officer of the answering Respondent No. 1 and am well acquainted with the facts and records of the present case. I am authorised to swear this affidavit on behalf of the Irrigation & Flood Control Department (I&FCD), Govt. of NCT of Delhi.

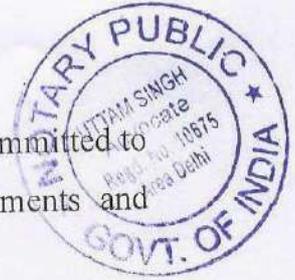
2. That the present affidavit is being filed in compliance with the order dated 19.08.2025 passed by this Hon'ble Tribunal, whereby notice was issued to the respondents in the present Original Application.

3. At the outset, it is respectfully submitted that the answering respondent is a statutory department entrusted with the maintenance, operation and



[Signature]

upkeep of storm water drains within its jurisdiction and is committed to ensuring free flow of drains and prevention of encroachments and obstructions thereto.



4. That the grievance raised by the applicants pertains to alleged illegal dumping of garbage along the Shahdara Drain (also known as Trunk Drain No. 1) and alleged encroachment by construction and use of a so-called 'Open Barat Ghar, Kardampuri', including use of the drain area for parking purposes.
5. That it is submitted that a development work relating to construction of a Dhalao Ghar at Kardam Puri was executed during the year 2024 as a deposit work of the Urban Development Department, Govt. of NCT of Delhi, under the Member of Legislative Assembly Local Area Development (MLALAD) scheme.
6. That subsequent to the completion of the aforesaid development work, certain unauthorised and illegal activities were noticed in the vicinity of the drain. It was observed that encroachments were gradually initiated by unknown and unauthorised persons, primarily in the form of unauthorised parking of vehicles along the left bank of Trunk Drain No. 1 near the Dhalao Ghar.
7. That it was further noticed that an unauthorised board displaying the name "Open Barat Ghar" was installed in front of the Dhalao Ghar by unidentified persons without any permission or approval from the answering respondent or any competent authority.
8. That the aforesaid unauthorised activities and encroachments were causing administrative inconvenience, public nuisance and were also



for



obstructing regular desilting and maintenance operations of the drain, thereby adversely affecting drainage management.

9. That upon noticing the said illegal activities, the answering respondent immediately took up the matter with the District Magistrate, Shahdara. Thereafter, with the assistance of the Sub-Divisional Magistrate, Shahdara, a joint action was undertaken on 22.08.2025 during the Special Task Force (STF) demolition and encroachment removal drive.

10. That during the aforesaid STF operation dated 22.08.2025, the unauthorised parking, encroachments and illegal activities at the site were removed and the area was duly sealed in order to prevent any future encroachment or misuse. A copy of the proceedings/action taken report of the STF operation dated 22.08.2025 is annexed herewith and marked as **Annexure-A(Colly)**.

11. That it is respectfully submitted that, as on date, the Dhalao Ghar in question is being used exclusively as a site store for departmental purposes of the answering respondent. No public, private or commercial activities or functions of any nature are permitted or allowed at the said site. Photographs reflecting the present status and use of the Dhalao Ghar are annexed herewith as **Annexure-B**.

12. That the answering respondent is regularly carrying out desilting and maintenance work of Trunk Drain No. 1 periodically, as and when required.

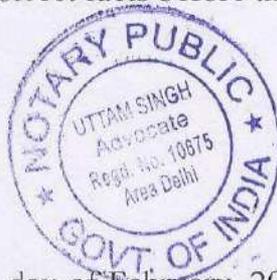
13. That it is further submitted that Trunk Drain No. 1 is a storm water drain meant solely for disposal of storm water from the catchment area. The answering respondent does not dump or permit dumping of garbage into



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the drain. No act or omission on the part of the answering respondent has caused any environmental damage. On the contrary, the answering respondent has taken prompt and effective steps to remove encroachments and obstructions and to ensure protection and maintenance of the drain.

14. That the present reply affidavit is being filed bona fide and in the interest of justice, placing true and correct facts before this Hon'ble Tribunal for its kind consideration.



[Signature]
DEPONENT

VERIFICATION

Verified at New Delhi on this ___ day of February, 2026 that the contents of paragraphs 1 to 14 of the above affidavit are true and correct to the best of my knowledge and belief, derived from official records, and nothing material has been concealed or suppressed therefrom.

[Signature]
DEPONENT



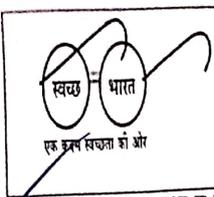
ATTESTED

[Signature]

Notary Public, Delhi, India

= 4 FEB 2026





No. EE/CD-IV/DB/T-18/2025-26/- 3039

Dated: 26/8/25

To

The S.D.M.(Shahdara) / Convener STF,
District Shahdara D.M. Office Complex,
Nand Nagri, Delhi.110094.

ANNEXURE-A (COLLY)

Subject: Submission of Detailed Report regarding Removal of Encroachment at Truck Drain No. 1 near Babarpur area between RD8900m (Maujpur Bridge) to RD 9730m (Kardampuri Bridge).

Sir,

In continuation of the directions issued from your office vide letter No. SDM(Shah) /Misc/2025/2803-11 dated 21.08.2025 that the removal of Encroachment was carried out in the presence of your goodself, the Tehsildar shahdara along with sufficient police personnel on dated 22.08.2025. The entire activity was conducted in a peaceful manner and without any untoward incident.

During the said encroachment removal program, all unauthorized structures existed at the aforesaid site were removed and cleared. Thereafter, the malba and debris of the demolished structures, along with the silt excavated from the adjoining drain, were dumped at the encroached area so as to ensure smooth flow of drain water and to prevent any re-encroachment.

Further, in order to secure the location from future trespass or unauthorized entry, four (4) gates out of the total five (5) gates were properly welded and sealed, thereby restricting access. The remaining 1 gate has been kept functional as the work related to cleaning and desilting shall also be done in up-coming days.

It is also submitted that the desilting machines, such as JCB and Pocklain excavators, has been positioned at the aforesaid site. These machines will continue to remain deployed for carrying out the desilting and cleaning activities on encroached free stretch along the drain.

Photographs showing the action taken to prevent any future encroachment are enclosed for your ready reference.

Yours' faithfully,

- Encl.: 1. Plan view of Trunk Drain No. 1(where encroachment removed)
2. Before and after Photographs of the encroached site.

(S.N. KASHYAP)
EXECUTIVE ENGINEER, CD-IV

Dated:

No. EE/CD-IV/DB/T-18/2025-26/

Copy forwarded for kind information please to :-

- 1) The D.M. Shahdara, O/o the D.C. office complex, Nand Nagari, Opp. Gagan Cinema, Delhi-110093.
- 2) The Chief Engineer, Zone-II, I&FCD, L.M. Bund Officer Complex, Shastri Nagar, Delhi-110031.
- 3) The Superintending Engineer, FC-I, I&FCD, L.M. Bund Officer Complex, Shastri Nagar, Delhi-110031.
- 4) The Tehsildar (Shahdara), O/o the D.C. office complex, Nand Nagari, Opp. Gagan Cinema, Delhi-110093.
- 5) Assistant Engineer-I, CD-IV, to monitoring the desilting progress on round the clock watch and ward.

EXECUTIVE ENGINEER, CD-IV



OFFICE OF THE SUB-DIVISIONAL MAGISTRATE: SHAHDARA
GOVERNMENT OF N.C.T. OF DELHI, A-BLOCK, 1ST FLOOR,
D.C. OFFICE COMPLEX, NAND NAGRI, DELHI-110093

No. : SDM (Shah)/Misc/2025/2803-11

Dt: 21/08/2025

**DEMOLITION/ENCROACHMENT REMOVAL PROGRAMME UNDER STF
SHAHDARA SUB DIVISION**

This is in continuation of this office letter No. SDM(Shah)misc/2025/4980 dated 20/08/2025, in this regard, it has been decided that the Demolition/Encroachment removal exercise will be carried out by STF Team as under:

- Date & Time** : 22.08.2025 at 11:00 A.M. onwards
- Location** : Trunk Drain No. 1 Near Babarpur Area between RD 8900 m (Maujpur Bridge to RD 9730 M (Kardampuri Bridge)
- Assembly Point** : Maujpur Chowk (under Maujpur Metro Station) At 10:45 a.m.

Sh. Somnath Kashyap, Executive Engineer CD-IV I&FC Department, L.M. Band Shastri Nagar shall arrange the necessary logistic and machinery required for removal of encroachment on land belonging to I & FC Department. He will ensure implementation of all necessary risk reduction measures, services and facilities at the demolition site. The department will be fully responsible for arranging all logistics and necessary demolition equipments and also to secure the land in their custody being land owing agency after completion of Drive.

DCP (North East) is requested to provide sufficient Police Personnel.

SHO Jyoti Nagar is requested to provide sufficient Police Personnel.

SHO Jaffrabad is requested to provide sufficient Police Personnel.

SHO Maujpur are requested to provide sufficient police personnel.

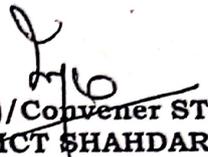
ACP Traffic North-East to depute Traffic Inspector for prosecution/impounding of illegally parked vehicle in unauthorized car parking on land belonging to I&FC Department.

Tehsildar (Shahdara) shall lead the STF team on behalf of convener STF Shahdara Sub Division.

DPO (Shahdara) Distt. to provide Civil Defence Volunteers for crowd management.




The electricity supply to the demolition area must be disconnected prior to the commencement of the drive. A dedicated team from BSES must be present at the site to oversee and support the disconnection and safety measures.


SDM (SHAHDARA)/Convener STF
DISTRICT SHAHDARA

No. : SDM(Shah)/Misc/2025/

Dt :

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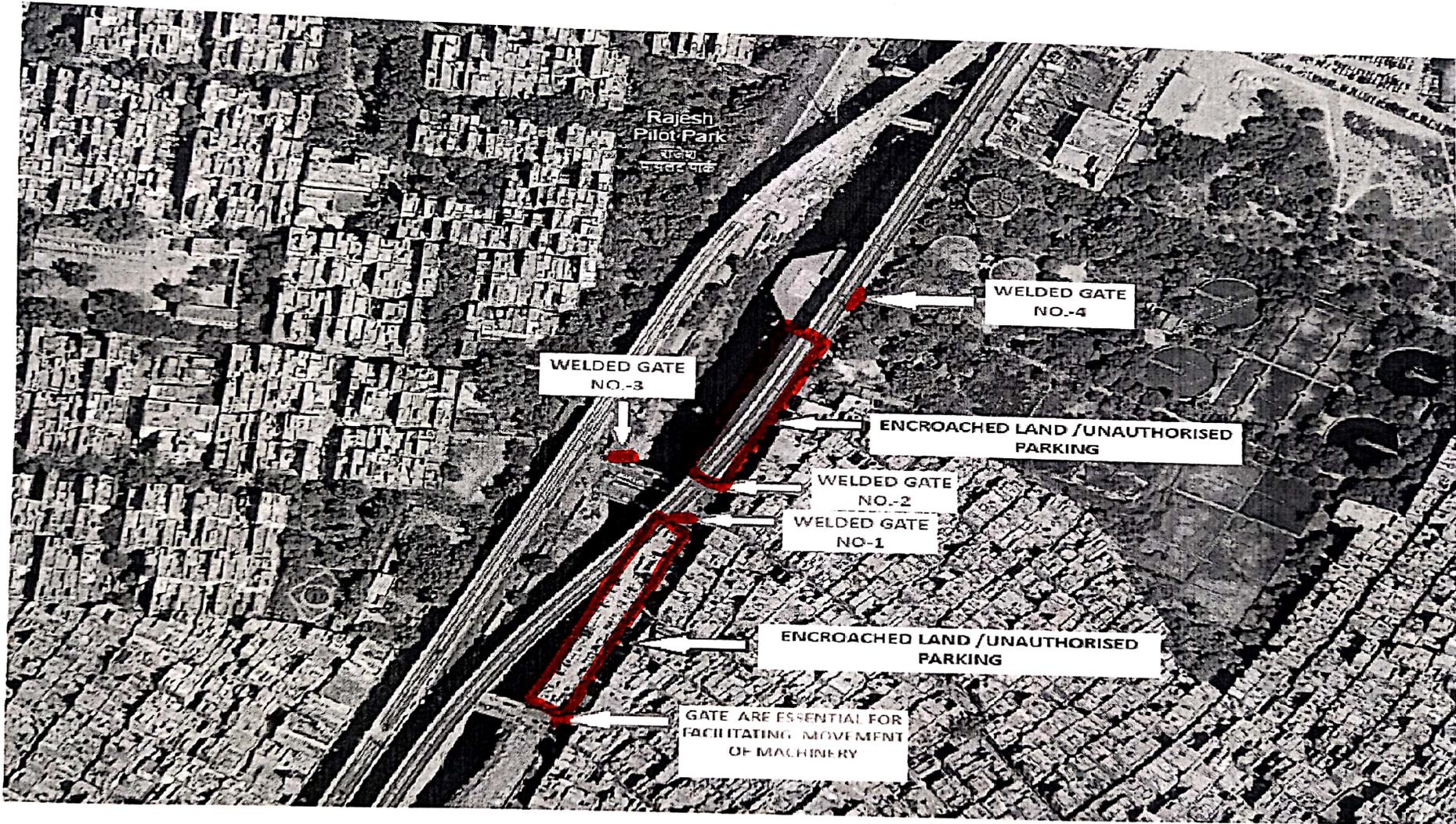
1. Sh. Somnath Kashyap, Executive Engineer, CD-IV, L.M. Bund Office Complex, Shastri nagar, Delhi-110031.
2. DCP NorthEast is hereby requested to provide sufficient number of personnel.
3. ACP (Traffic), District North-East, Delhi.
4. Tehsildar (Shahdara), District Shahdara.
5. SHO Jyoti Nagar/Welcome/ Jaffrabad/Maujpur are requested that Police Personnel remain present at the meeting point at 10.45 A.M. positively.
6. Sh. Mukesh Kumar Bansal (Councillor)(Bhartiya Janata Party), Kardampuri, Shahdara, Delhi-110032.
7. Ms. Smriti Saxena Incharge DDMA Shahdara to follow up with the entire concerned Department.
8. District Manager/Nodal Officer, BSES Yamuna Power Limited.
9. Guard File


SDM (SHAHDARA)/Convener STF
DISTRICT SHAHDARA



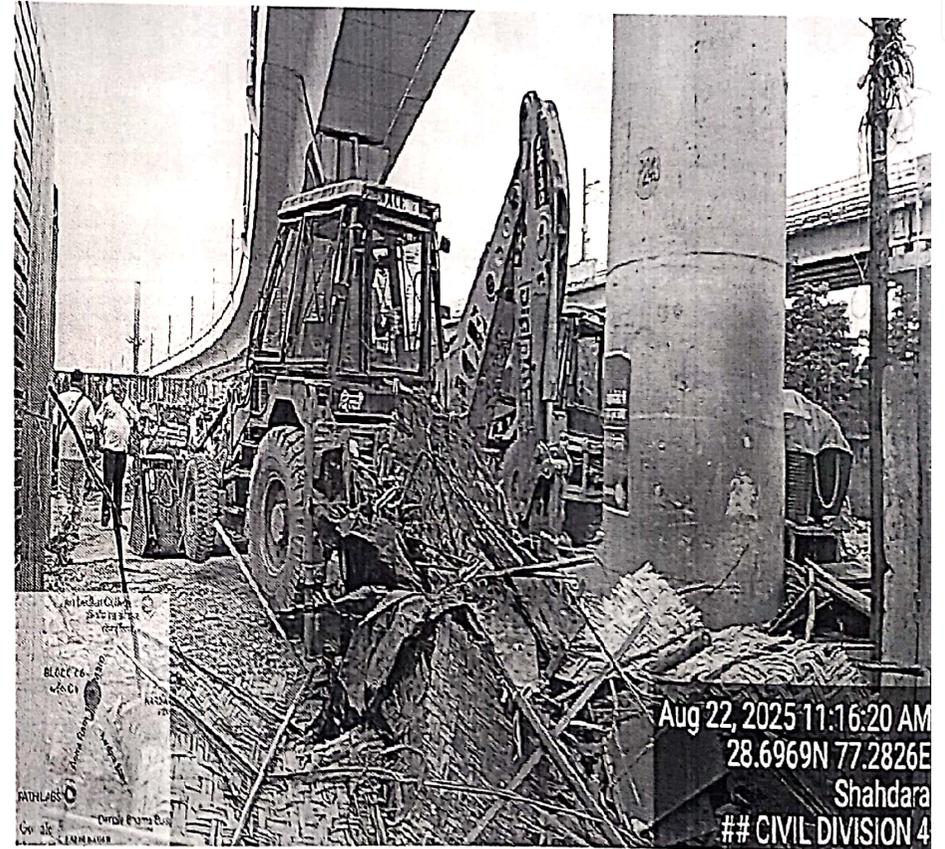
Plan view of Trunk Drain No. 1 (where encroachment removed)

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DURING REMOVAL OF ENCROACHMENT

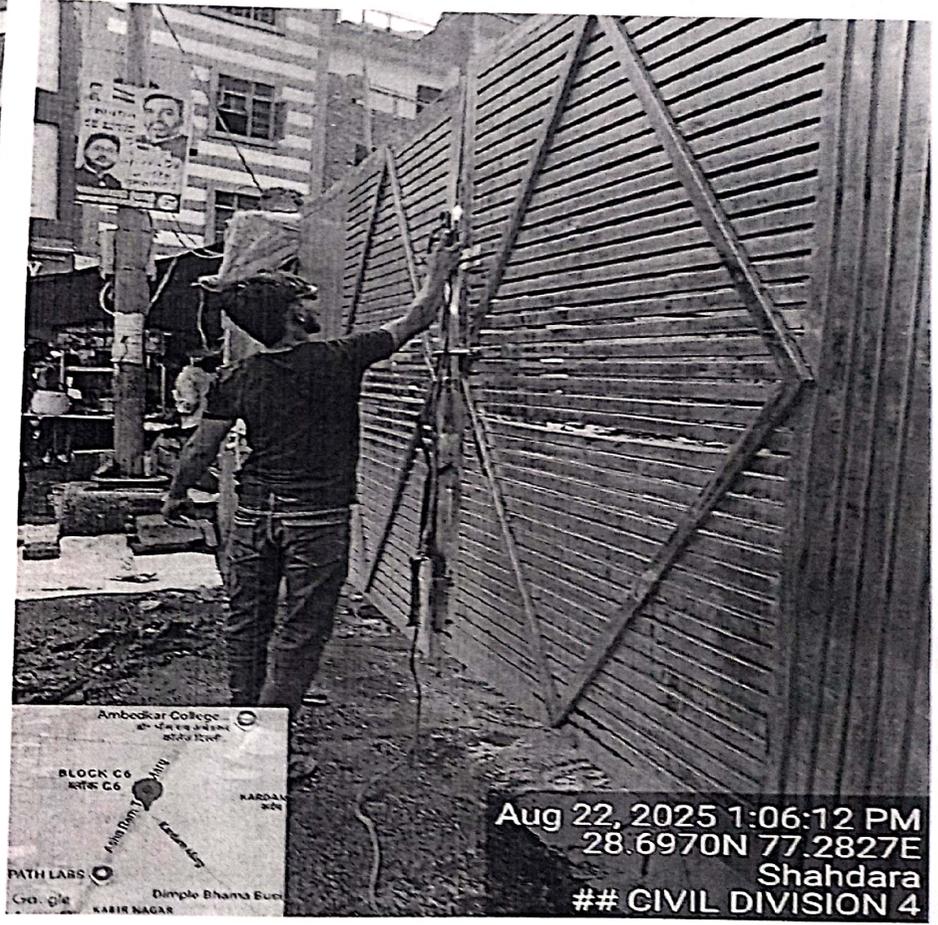
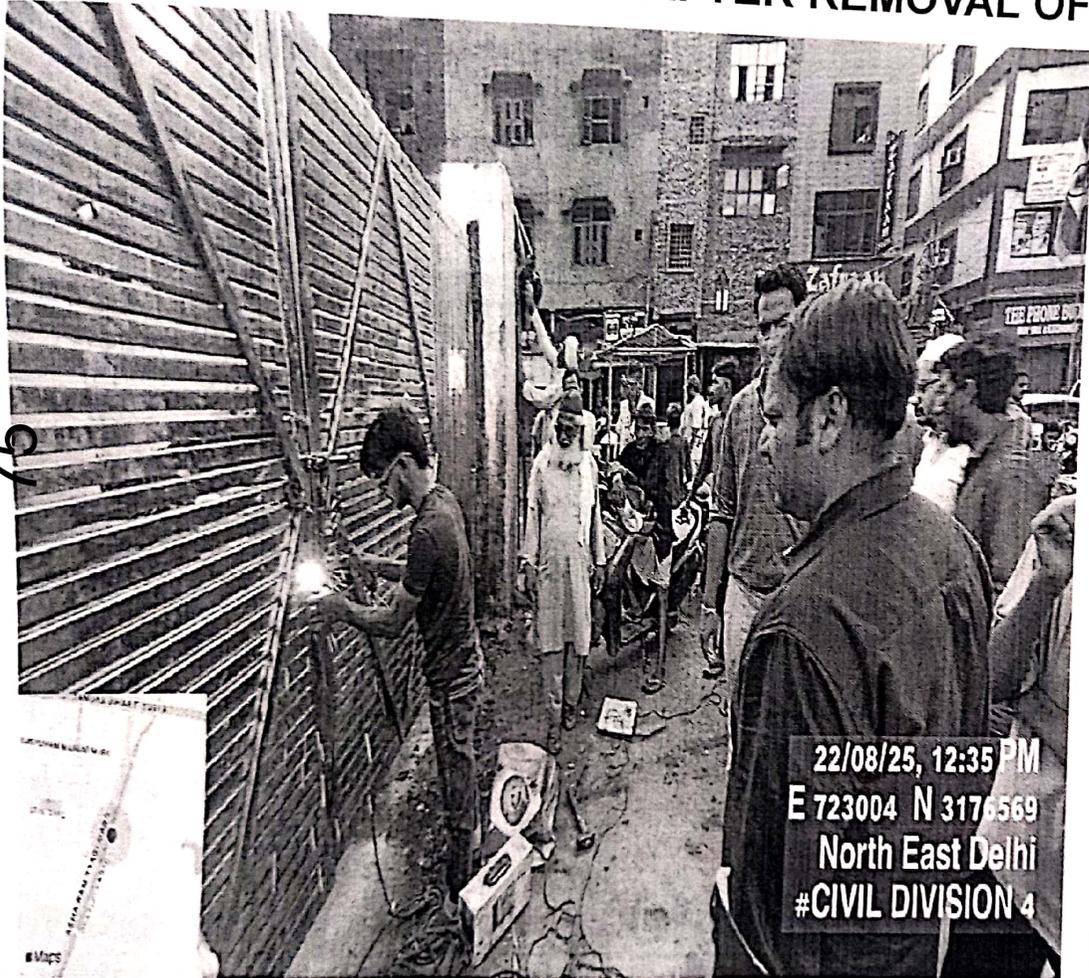


AFTER REMOVAL OF ENCROACHMENT

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AFTER REMOVAL OF ENCROACHMENT



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ANNEXURE-B

