

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

ORIGINAL APPLICATION NO. 153/2025

IN THE MATTER OF:

Sumitra Saini & Anr.

... Applicant(s)

Vs

Delhi Development Authority & Ors.

... Respondent(s)

I N D E X

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FILED BY:

NEW DELHI

DATED: 14.08.2025

(JYOTI MENDIRATTA)

Advocate for the GNCT of Delhi

Ph: 9811136141

jmalawoffices@gmail.com

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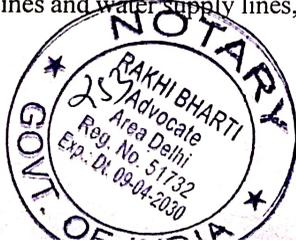
... Respondent(s)

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NOS. 2 & 5-
IRRIGATION & FLOOD CONTROL DEPARTMENT, GOVT. OF NCT OF
DELHI**

MOST RESPECTFULLY SHOWETH:-

I, B.B.NAGPAL, S/o Sh B D Nagpal age about 42 years, working as Executive Engineer, Irrigation & Flood Control Department, CD-V, Govt. of NCT of Delhi, having its office at Paryavaran Complex IGNOU Road New Delhi 110030, do hereby solemnly affirm and declare as under:

1. That the present matter pertains to the grievance raised by the applicant alleging that the water body situated in Khasra No. 20, Village Khirki, measuring 7.17 bighas as per the revenue records of Mehrauli District, South Delhi, has been encroached upon.
2. It is most respectfully submitted that a road has been in existence in the said Khasra No. 20 for more than the past ten years. This road has, during all relevant times, accommodated essential public utility services such as sewer pipelines and water supply lines, and has served as the main and only



[Signature]

access route for vehicular and pedestrian ingress into Khirki Village, Malviya Nagar.

3. That, pursuant to a request made by the Hon'ble MLA, Malviya Nagar, the answering respondent was entrusted with the work of relaying the said road. An estimate was accordingly prepared and the work was sanctioned by the Rural Development Board under the project titled "*Construction of Internal Streets of Khirki Village*" vide sanction order dated 05.01.2024. Copies of the letter dated 16.05.2023 from the Hon'ble MLA, Malviya Nagar, and the sanction order dated 05.01.2024 issued by the Rural Development Board are annexed hereto as **Annexure-A** and **Annexure-B**, respectively.
4. That thereafter, the I&FC Department awarded the work for execution of maintenance of this road, through due tender process, to *M/s Gauri Construction*. The said contractor has since completed the relaying of the main entry road to Khirki Village, Malviya Nagar. A copy of the Letter of Award dated 13.03.2024 issued to *M/s Gauri Construction* is annexed hereto as **Annexure-C**.
5. As such, it is most respectfully submitted that the allegation of encroachment upon a water body situated in Khasra No. 20, Village Khirki is not tenable so far as the answering respondent is concerned. The Respondent Department was neither a party in the writ petitions, W.P (C) No.9372/2015 (Sumitra Saini & Anr. Vs. Govt. of NCT of Delhi & Anr.) and W.P (C) No.11400/2022 (Panna Lal Saini & Ors. Vs. Divisional Commissioner (Revenue) & Anr.) nor is/ was aware of the orders passed therein. As afore-said, the works undertaken by the answering respondent in the said khasra were confined solely to the relaying of an existing public road, which has been in continuous use for over a decade as the main access



[Signature]
 Civil & Criminal & P.C. Dept.
 Govt. of NCT of Delhi, Sub-Office
 New Delhi, 110002

route to Khirki Village, Malviya Nagar, and for accommodating essential public utility services.

6. It is humbly submitted that the Answering Respondents have the highest respect and regard for the orders and majesty of this Hon'ble Tribunal. The present reply is being placed before this Hon'ble Tribunal for its consideration. That, all information as above has been deposed from the records maintained the department and nothing material has been concealed therefrom.

VERIFY the deponent
in my Presence
who has signed
VERIFICATION:

14 AUG 2025

Verified at New Delhi on this 12 day of August, 2025 that the contents made in the abovementioned affidavit are true and correct to the best of my knowledge and from information received by me which I believe to be true and correct and are also nothing material has been suppressed or concealed therein.


DEPONENT
Civil Division-V, I & P.C. Deptt.
Govt. of NCT of Delhi, Sakaulahab,
New Delhi-110030

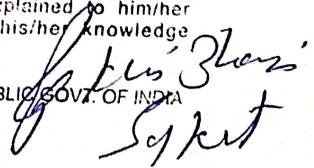
14 AUG 2025


DEPONENT
Civil Division-V, I & P.C. Deptt.
Govt. of NCT of Delhi, Sakaulahab,
New Delhi-110030



CERTIFIED THAT THE DEPONENT
Shri / Smt. / Km..... B. B. Age 1992
S/o./W/o. D/o.....
R/o.....
Identified by Shri/Smt. at NCT of Delhi
has solemnly affirmed before me at Delh
on CI. No. (Am)
that the contents of the affidavit which
have been read over & explained to him/her
are true and correct to his/her knowledge

NOTARY PUBLIC GOVT. OF INDIA



ANNEXURE-A

SOMNATH BHARTI

M.L.A. (Malviya Nagar) (Since 2013)
 Advocate, Supreme Court of India
 Member, Delhi Development Authority
 Ex Minister (Law, Administrative Reforms,
 Tourism & Art & Culture, GNCT of Delhi)



सत्यमेव जयते

(R): NIL-26 AB, Malviya Nagar
 New Delhi-110017, India
 WhatsApp : +91-8588815543
 Mobile No. : +91-9910044233
 E-mail : office@somnathbharti.com

Ref. No. SB/MAY/1127Date 16/05/2023

To
 The Executive Engineer CD-V
 I&FC Deptt, Govt of NCT of Delhi
 Saidula-jab, Saket-110030

Sub:- Improvement of Internal Streets of Khirki Village in Malviya Nagar Assembly Constituency
 AC-43.

Dear,

Kindly prepare estimates for the above mentioned work and submit the same to
 D.V.D.B Fund.

Kindly pursue the matter as early as possible so that the sanction of the work be issued
 at the earliest.

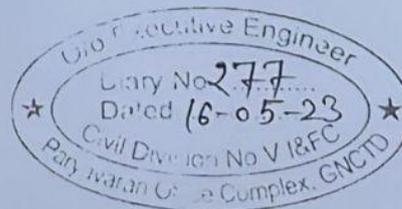
Thanking You
 With Warm Regards,



Somnath Bharti

Copy to :

The Project Director (RD),
 Government of NCT of Delhi
 1st Floor I.S.B.T Building K. Gate,
 New Delhi-110006



AttorneyBhartiMLA



advsomnathbharti



@attorneybharti



www.somnathbharti.com

Offices

- (1) Room No. 31, Delhi Legislative Assembly Secretariat, Old Secretariat, Delhi-54
- (2) B-7 Delhi Development Authority, Vikas Sadan, INA, New Delhi-110023

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE PROJECT DIRECTOR : RURAL DEVELOPMENT
ROOM NO.410 & 412: ISBT BUILDING : KASHMERE GATE : DELHI
PHONE NOS.23867406, 23867643, FAX 23868793

F.No.2(55)/PDRD/DVDB/A/A&E/S/2023-24/ (Part-I)/ 1467-80

Dated: 05/01/2024

10

The Chief Engineer,
Irrigation and Flood Control Department,
Govt. of NCT of Delhi,
LM Bund, Shastri Park Delhi.

SUB- A/A & E/S of DVDB for Rs. 3537.27 Lakh (Rupees Thirty Five Crore Thirty Seven Lakh and Twenty Seven Thousand Only) under the M.H '4515 - 00 103 93 00 73 Village Dev. Board for works to be carried out under IDRUV works (Gen.) (Sub Head) and M.H. 4515' -00 789-97 00 73 Village Dev. Board for works to be carried out under IDRUV (SCSP) (Sub Head) under demand No. 10 for the year 2023-2024 for 25 projects of I&FC in Mehrauli (AC-45), Malviya Nagar (AC-43), Rajinder Nagar (AC-39), Krishna Nagar (AC-60), Okhla (AC-54), Vikaspuri (AC-31), Model Town (AC-18), Mundka (AC-08), Najafgarh (AC-35), R.K. Puram (AC-44).

Sir,

I am directed to convey the Administrative Approval & Expenditure Sanction of Delhi Village Development Board for Rs 3537.27 Lakh (Rupees Thirty Five Crore Thirty Seven Lakh and Twenty Seven Thousand Only) and authorization of Budget for Rs. 884.30 lakh (Rupees Eight Crore Eighty Four Lakh and Thirty Thousand only) placed at the disposal of I&FC, with the approval of Pr. Secy.-Cum-Commissioner (Dev.), GNCT of Delhi. The details of the A/A & E/S and authorization of Budget are as under:-

Sr. No.	Name of Project	Amount for AA&ES(In lakh)	Budget authorized and placed at the disposal of I&FC for the FY 2023-24 (Rs in Lakh)	Time of Completion
	'4515' - 00 103 93 00 73 Village Dev. Board for works to be carried out under IDRUV works (Gen.) (Sub Head)	4515' -00 789 - 97 00 73 Village Dev. Board for works to be carried out under IDRUV (SCSP) (Sub Head)	'4515' - 00 103 93 00 73 Village Dev. Board for works to be carried out under IDRUV works (Gen.) (Sub Head)	4515' -00 789 - 97 00 73 Village Dev. Board for works to be carried out under IDRUV (SCSP) (Sub Head)

1.	Repair of existing cremation ground and constructing a new cremation platform at Masoodpur cremation ground in Mehrauli Constituency AC-45	23.33	5.12	5.83	1.28	90 day
2.	Construction of double storey additional hall with staircase and renovation of existing structure of Jatav Chaupal (SC) at village Katwaria Sarai in Mehrauli Assembly Constituency (AC-45)	191.91	42.13	47.98	10.53	300 day
3.	Repair & Reconstruction of internal streets of Rajokari Village near Mohalla clinic in Mehrauli Constituency (AC-45)	17.53	3.85	4.38	0.96	60day
4.	Renovation of Masoodpur Chaupal and construction of new open hall at first floor in Masoodpur of Mehrauli Assembly Constituency-45	45.29	9.94	11.32	2.49	120 day
5.	Constructions of 6 No. of entry gates at village kishangarh in Mehrauli Constituency (AC-45)	19.97	4.38	4.99	1.10	4 Month
6.	Improvement of internal streets of Chirkulion Village in	197.14	43.28	49.29	10.82	180 days
			240.42			

	Malviya Nagar Assembly Constituency AC 43					
7.	Improvement of internal Streets of Masjid Moth village in Malviya Nagar Assembly Constituency AC 43	268.49	58.94	67.12	14.73	180 days
			327.43			
8.	Demolishing of existing chaupal & reconstruction of double storey Balmiki Chaupal at Village Naraina in Rajinder Nagar Assembly Constituency AC 50	129.51	28.43	32.38	7.11	09 month
9.	Improvement of C.C Roads & side drains near Badi Masjid in Khureji village at Krishna Nagar, AC 60	50.50	11.08	12.62	2.77	90 days
10.	Repair/Renovation of 3 Nos of chaupal situated at Taimoor Nagar in Okhla Constituency AC 54	69.50	15.26	17.38	3.81	120 days
11.	Construction of road & gully traps in Taimoor Nagar Village in Okhla Constituency AC 54	162.70	35.71	40.67	8.93	365 days
12.	Restoration of Sarza Road from Ranhola Phirni Road to irrigation channel at village Ranhola in Distt. West.	16.88	3.71	4.22	0.93	01 month
13.	Restoration of road from 20 point programmes colony to	161.15	35.37	40.29	8.84	01 month

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21.	Restoration of internal streets near New Choupal at village TikriKalan in Mundka AC-08	163.23	35.83	40.81	8.96	6month
22.	Restoration of MundkaHiranKudna Shajra road from MundkaPhirni Road across 300ft wide road uptoKabrishtan in Distt. West	214.51	47.09	53.63	11.77	4month
23.	Demolishing & Re-construction of HarijanChaupal at village Mitraon in N.G. Block, AC-35.	71.16	15.62	17.79	3.91	8 month
24.	Demolition & Reconstruction of HarijanChaupal at Jaffarpur Extension Najafgarh Assembly Constituency, AC-35	145.77	32.00	36.44	8.00	10 month
25.	Repair/renovation of cremation ground at village khaira in Mundka West Assembly Constituency AC-35	76.90	16.88	19.22	4.22	120day
	Construction of Barat Ghar at Balmiki Mohalla in Village Moti, Bagh, R.K. Puram Constituency (AC-44)	176.33	38.71	44.08	9.68	300 days
	Total	2900.56	636.71	725.12	159.18	

The Executing Agency will forward clear photographs on completion of work at the stage

~~on completion of work to this office as decided by DWD - dated 07.07.2022.~~
dated 07.07.2022.

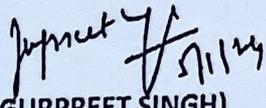
Further, it is clarified that there should not be any overlapping of function with MCD as directed by Hon'ble LG and as conveyed vide order no. F4(132)/PD(RD)/2015-16/2200-2240

dated:20/12/2017. If any violation is noticed by the executing agencies, the same may be informed to this deptt. within 15 days from the date of issue of sanction.

The expenditure involved on this account will be debitable to the Major Head '4515' - 00.103 93 00 73 Village Dev. Board for works to be carried out under IDRUV works (Gen.) (Sub Head) and '4515' -00.789 - 97 00 73 Village Dev. Board for works to be carried out under IDRUV (SCSP) (Sub Head) under demand No. 10 Govt. of Delhi(Plan) in Delhi for the year 2023-24 and should not exceed the budget allotment placed at your disposal.

This issue with the approval of the Pr. Secy.-Cum-Commissioner Development, GNCT of Delhi and subject to the conditions enclosed.

Encl:- As above


(GURPREET SINGH)

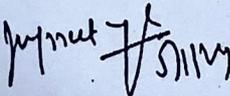
DEPUTY DIRECTOR (Project)

F.No.2(55)/PDRD/DVDB/A/A&E/S/2023-24/ (Part-I)/ 1467-80

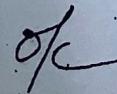
Dated: 05/01/2024

Copy to:

1. Concerned Hon'ble MLA.
2. Addl. Secretary, Planning Deptt., Delhi Sectt., New Delhi.
3. Deputy Commissioner/DM, Concerned GNCT of Delhi.
4. ~~Joint Secretary, Finance (Budget) Deptt., Delhi Sectt., New Delhi.~~
5. Drawing and Disbursing Officer, All concerned CD I&FC Deptt. GNCT of Delhi.
6. P.S. to Pr. Secretary-Cum-Commissioner(Dev.).
7. P.A. to SDC / PDRD.
8. Accounts Officer (HQ) Dte. of Audit, Players Bldg., New Delhi
9. Sr. Accounts officer, Rural Development Department, ISBT, Delhi
10. PAO-XI, Old Sectt, & XXII, 10th Floor, MSO Bldg, ITO, Delhi
11. Sr. System Analyst Development Department with the request to upload on website.
12. Office order file.
13. Guard file.

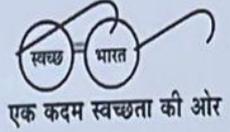

(GURPREET SINGH)

DEPUTY DIRECTOR (Project)



ANNEXURE-C

OFFICE OF THE EXECUTIVE ENGINEER; CIVIL DIVISION NO.V
IRRIGATION & FLOOD CONTROL DEPARTMENT GOVT. OF NCT.OF DELHI,
NEAR PARAYAVARAN OFFICE COMPLEX: VILLAGE :SAIDULAJAIB; NEW DELHI-
E-mail : ifccdv@gmail.com Telefax No.+91-011-29532144.



No. 231/2023-24/EE/CD.V/Acs./

Dated:

To

M/s. Gauri Construction,
Prop. Sh Gaurav Jain,
Add. D-4, Chatterpur Enclave,
100 ft road, New Delhi -110074.

Sub:- Improvement of internal streets of Khirki village in Malviya Nagar Constituency AC-43.

Agg. No. 229/2023-24/EE-V/Acs).

H.O.A:- 4515 DVDB.

Stipulated date of start: 19.03.2024, Stipulated date of completion 15.09.2024.

Ref. 1) This office letter of intent/acceptance Dated 04.03.2024.

2). Performance Guarantee submitted by you vide your letter No. dated 11. 03.2024 For Rs. 4,48,000/- vide F.D.R No. 00000042778134051 dated 9.03.2024 From State Bank of India Chatterpur, New Delhi-74.

In continuation of letter referred above. You are requested to attend this office immediately to complete the formal agreement.

You are requested to contact the Assistant Engineer, Sub-Division No.I office for taking possession of site and starting the work.

Yours faithfully,

Encl:- Schedule of quantities
& Specifications, drawings.

(VIVEK CHAUHAN)
EXECUTIVE ENGINEER:CD-V
For and on behalf of President of India

No.231/2023-24/EE/CD.V/Acs./

10473

Dated: 13-03-24

Copy forwarded for information and necessary action to:-

1. The Chief Engineer(I&FC), Govt. of NCT of Delhi , L.M. Bund office Complex, Shastri Nagar, Delhi, along with schedule of quantities and specifications.
2. S.E.(FC-IV), Govt. of NCT of Delhi, Basai Darapur office Complex, alongwith schedule of Quantities and specifications.
3. Labour Commissioner Office, 5-Sham Nath Marg, Delhi-54.
4. Income Tax Officer, civic Centre, Ajmeri Gate, Delhi.
5. Assistant Engineer-II, (CD-V),Govt of Delhi. He is directed to hand over the site to **M/s. Gauri Construction**. In Complience of the order of Chief Engineer (I&FC) issued vide letter EE/P&D/Misc./office order /2022-23/73-95 dated 25.07.2023, (Copy enclosed). The Engineer in-charge of the k/work shall ensure that overall cost of the project at completion shall not exceed beyond 30% of awarded amount including extra/substitute item executed without obtaining prior approval from the competent Authority.
6. ASW to Executive Engineer, CD-V along with schedule of quantities and specifications.
7. Contract file for agreement.

EXECUTIVE ENGINEER:CD-V