

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL

BENCH, NEW DELHI

APPLICATION NO. 3 OF 2020

IN THE MATTER OF:

R.P. SINGHAL

...APPLICANT

VERSUS

GNCTD& ORS.

...RESPONDENTS

INDEX

NDOH: 3.12.2020

S. NO.	PARTICULARS	PAGES
	Index	60
1.	Affidavit on behalf of the Respondent No.1	61-65
2.	ANNEXURE-R-2/1	66-70
3.	PROOF OF SERVICE BY EMAIL.	71

PLACE: NEW DELHI
 DATED: 27.Oct. 2020


 (DHRUV TAMTA)
 ADVOCATE
 CHAMBER NO.331,
 NEW LAWYER CHAMBERS,
 M.C. SHETALWAD BUILDING,
 SUPREME COURT OF INDIA
 NEW DELHI -110001
 +91-9899989917

Vakalatnama already filed on behalf of DDA on 24.9.2020

THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW
DELHI

OA NO.3 OF 2020

IN THE MATTER OF:

R.P. SINGHAL

....APPLICANT

VERSUS

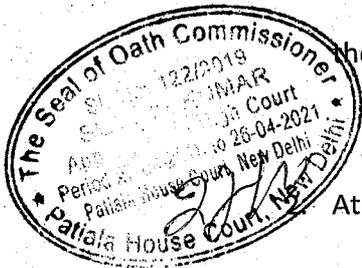
GNCTD & ORS.

...RESPONDENTS

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.2, DELHI
DEVELOPMENT AUTHORITY

I, Brijpal Singh S/o Shri Bishnu Singh, Aged about 59 Years working as Executive Engineer, HCD-1, Pocket-1, Dilshad Garden, Delhi Development Authority, Delhi, do hereby solemnly affirm and declare as under:

1. That I am working as Executive Engineer of the Respondent No.2, in the above noted matter and as such, am well conversant with the facts and records of the case and hence competent to swear this affidavit on behalf of the Respondent No.2.



At the outset the deponent denies the contents of the application as false and frivolous except what is admitted herein. The present petition is nothing but abuse process of law.

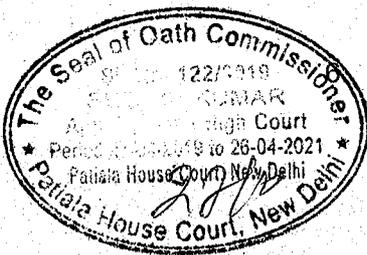
3. That the answering Respondent is filing a short affidavit in order to place their facts on record. The answering respondent undertakes to file detailed para-wise reply if directed by this Hon'ble Tribunal.

4. It is submitted that the answering Respondent has not carried out any concretization of trees. The answering Respondent is aware and in compliant of the order dated 23.4.2013 passed in OA 82 of 2013 titled Aditya Prasad vs UOI &Ors.. It is submitted that the answering respondent is maintaining 1 meter radius around trunk of trees, as directed by this Hon'ble Tribunal.

5. It is further submitted that the tiles are being placed in an interlocking way, which allows the water to seep through. The park is being developed for the convenience of the people. The footpath, cycle track, children play equipment etc. are being provided in the park. Water-tank and sprinklers are being installed for irrigation purpose at the site, however, no concretization is being done.

It is submitted that the Landscape scheme is so designed to integrate the existing trees and 335 no. of trees are proposed to be planted in Phase -I (22.0 Acre out of 111.0 Acres total green area) and more than 90 no. have been already planted additionally in Phase-I alone.

7. It is submitted the Open Theatre in park was designed as stepped lawn terraces to minimize the constructed area and



allow complete percolation of water into the ground as well as providing for the socio-cultural need of the users, which was highlighted by various users especially to conduct socio cultural activities for school children. The Food Court within EOD restricted and is ticketed.

8. It is submitted planting of indigenous trees has been proposed in the landscape scheme to increase the number of plants that are ecologically beneficial. In addition to that there are duck houses where 450 no. Of ducks are maintained. Also the edges of the lake have not been reduced, hence it would be baseless to say that the lake is shrinking.
9. It is submitted all the pedestrian pathways in the park are proposed in Murram (Kachcha) finish to allow water percolation into the ground. Also the paved plazas are proposed in permeable eco-friendly materials with sand as sub-base that does not reduce the water recharge area of the park. Some of the entrances are paved in stone material with PCC as sub base as the foot fall are huge and needs durability. In comparison to the area of the park, these areas are negligible. The recharge area of the park has rather been increased by creating large green mounds which was originally unkempt or under haphazard planting, an ecological restoration is being undertaken by answering respondent in the park.
10. It is submitted the area where the Food kiosks are proposed used to be a neglected & deserted zone of the park which



made it a hub for all sorts of anti-social activities in that area. The plaza was proposed to invite the users to that zone to increase the footfall in that area, plaza has already made a difference and no anti-social activities happen there anymore. Also, Sanjay Lake is a huge park, largest in the East-Zone of Delhi, it is necessary to provide various facilities O.A.T., Food court, multipurpose ground etc. to the different socio-economic group of users. As per MPD-2021, District Park, Theme park, Recreational Club, National Memorial, Open-air food court, Children Park, Orchard, Plant Nursery, Area for water harvesting, Archaeological Park, Specialized Park, Amusement Park, Children Traffic Park, Sports activity, Playground, Amenity structures may be proposed in District parks. A true copy of the relevant extract of MPD-2021 is annexed hereto and marked as **ANNEXURE R-2/1**.

11. It is therefore most respectfully prayed that in view of the submissions made by the Respondent, this Hon'ble Court may graciously be pleased to dismiss the application being devoid of any merits.



Sham
20/10/2020
Sign Verified
I Identify the Deponent who
has signed in my presence

20 OCT 2020

[Signature]
15/10/2020
DEPONENT

VERIFICATION:

I hereby verify that the contents of my above affidavit are true and correct to my knowledge, belief and information derived from the records of this case. No part of it is false and nothing relevant has been concealed therein.

20 OCT 2020

Verified at New Delhi on this of October, 2020.



I Identify the Deponent who has signed in my presence

[Signature]
DEPONENT

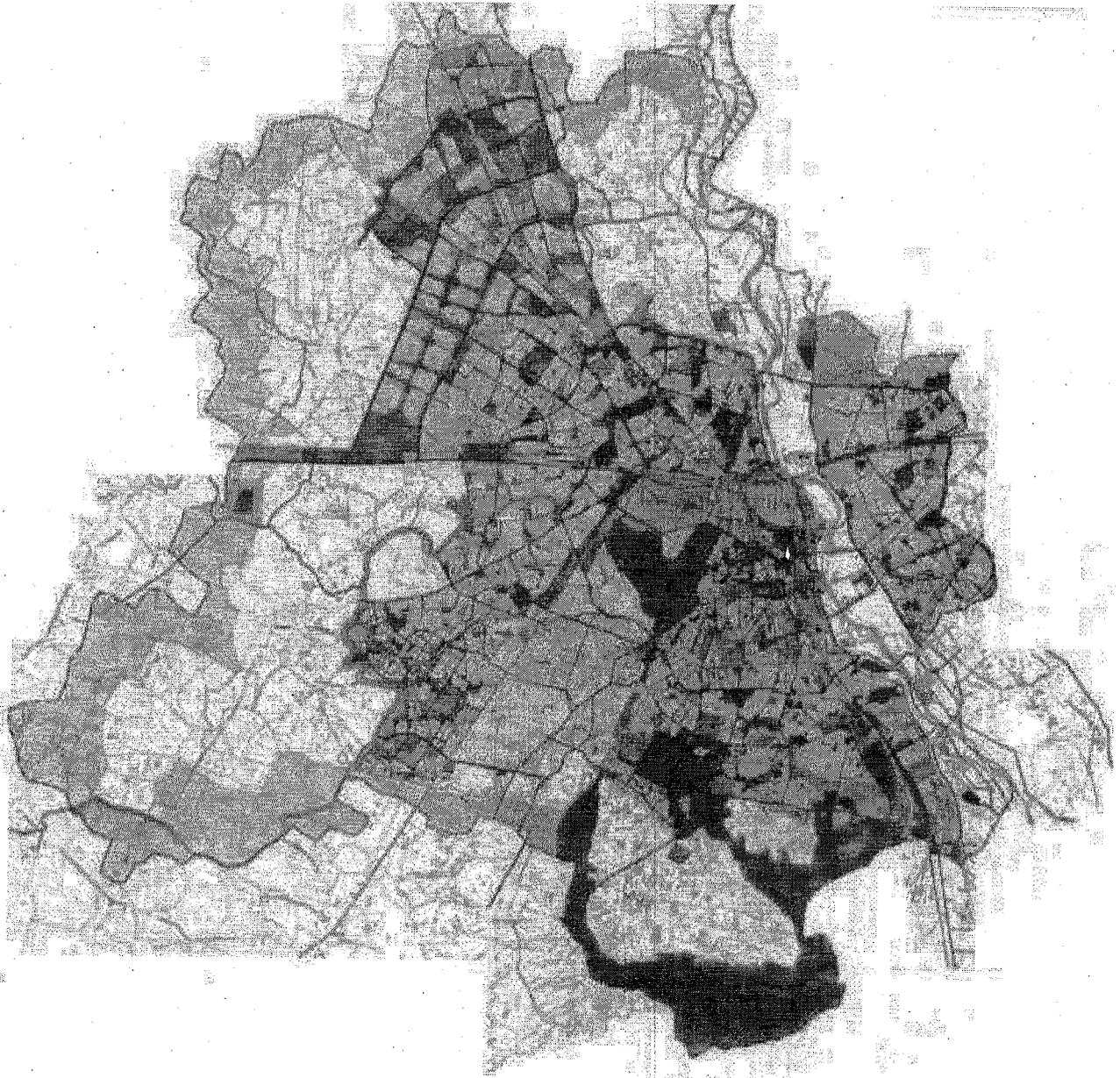
CERTIFIED THAT THE DEPONENT
Shri/Smt/Km *Bhargava Smt*
S/o *W/o*
R/o *Bhargava Smt*
Identified *As per*
has sole *Power* before me at delhi
on *20/10/20* at Sl. No. *20/20*
that the contents of the affidavit which have
been read & explained to me are true and
correct to his Knowledge.

20 OCT 2020

[Signature]
Oath Commissioner Delhi

Master Plan for Delhi-2021

(Incorporating modifications up to 31st March, 2017)



DELHI DEVELOPMENT AUTHORITY

Draft compilation for reference only

TR

activity/ facility. As a result there is still a need for planned and structured sports infrastructure which can take care of training needs of sportsmen and also act as integrated sports complexes for national and international events. This will not disturb the green areas, which are meant for recreational purposes. Keeping this in mind, sports facilities have been included as a part of social infrastructure, which in turn may help to develop better sports infrastructure for training needs, related logistics and sports medicine etc. This will also facilitate private participation. Integrated sports complexes are envisaged under one roof to accommodate variety of sports and related functions, by way of facilitating wide-range of permissibility, ground coverage and FAR.

Table 9.1: Planning Norms, Standards for Recreational Areas/ Parks at Sub-City Level:

S.No	Category	Planning Norms & Standards	
		Population / Unit (Approx.)	Plot Area (Ha)
1.	City Park	10 lakh	100
2.	District Park	5 lakh	25
3.	Community Park	1 lakh	5

Note: 5 to 10 % of the Multipurpose Ground area will be under use for rainwater harvesting / water body.

Table 9.2: Planning Norms, Standards for Recreational Areas/ Parks at Neighbourhood Level:

S. No	Category	Planning Norms & Standards	
		Population / Unit (Approx.)	Plot Area (Ha)
1.	Neighbourhood Park ^{1[*]}	10000	1.0
2.	Housing Area Park	5000	0.5
3.	Tot lot at Housing Cluster Level	250	0.0125

²[* Multi-gyms would be permissible in parks having an area of one ha. and would have built-up area upto 225 sq.m.]

9.4 MULTIPURPOSE GROUNDS

Experience shows that formal parks are fouled if used for marriages/ public functions etc. Therefore, a special category is proposed to take care of the same at three levels in the following manner:

Table 9.3: Planning Norms, Standards for Multipurpose Grounds:

S.No	Category	Planning Norms & Standards	
		Pop./ Unit (Approx.)	Plot Area (Ha)
1.	City Multipurpose Ground	10 lakh	8
2.	District Multipurpose Ground	5 lakh	4
3.	Community Multipurpose Ground	1 lakh	2

Other Controls:

- i) Minimum 50% of total area shall be under Soft Parking and remaining 50% shall be utilized for activities.
- ii) Minimum 3% of the remaining area (excluding Soft Parking area) shall be utilized for Electric Sub Station, Toilets, Security and other marriage related activities etc.
- iii) Multipurpose Ground can be sub-divided suitably with minimum of 0.5 ha of plot area to accommodate number of functions at one time.

¹⁻² Added vide S.O. 2890(E) dated 23-09-2013

- iv) Park / multipurpose ground shall have provisions for rainwater harvesting

9.5 AMUSEMENT PARK

Amusement Park up to 10 Ha. may be permitted in District Park. Following development controls shall be applicable:

- i) Max Ground Coverage- 5%
- ii) Max. FAR- 7.5
- iii) Max. Height- 8 mt
- iv) Parking- 3 ECS/100 sqm. of floor area with the stipulation to provide min. parking for 100 cars.

9.6 GREEN BELT

The Plan provides for agricultural land as Green Belt along the border of NCT of Delhi, in synergy with the provisions of Regional Plan 2021 of NCR. The belt extends from the NCTD boundary up to a depth of one peripheral revenue village boundary, wherever possible.

Table 9.4: Permission of Use Premises in Sub Use Zones

S. No	Use Zone	Activities Permitted
1.	Green Belt	Forest, Agriculture use, Vegetation belt, Dairy Farms, Piggery, Poultry farms, ¹ [Low Density Residential Plots], Wild life sanctuary, Bird sanctuary, Biodiversity Park, Veterinary Centre, Police Post, Fire Post, Smriti Van, Plant Nursery, Orchard, Area for water-harvesting, Floriculture farm, Open Playground, Agro forestry, Amenity structures (List given in note). Existing village Abadis, already Regularised Unauthorised colonies and already approved Motels may continue ² [subject to development control conditions mentioned in Table 5.4 and Clause in Chapter 17.0].
2.	Regional Park	Ridge, Residential Flat (For watch & ward), Picnic Hut, Park, Shooting Range, ³ [Bio-diversity Park], Zoological Garden, Bird Sanctuary, Botanical Garden, Local Government Office (Maintenance), Open Air Theatre, Police Post, Fire Post, Orchard, Plant Nursery and Forest. Approved Farm Houses sanctioned prior to 01.08.90 ⁴ [or subsequently if approved by ⁵ [concerned municipal body], as per the policy applicable for regularization of the existing farm houses subject to necessary clearances from the Central Empowered Committee of Supreme Court and the Ridge Management Board of GNCTD are allowed.]
3.	City park	Aqua park/water sports park, Arboretum, ⁶ [Bio-diversity Park], Botanical Garden, National Memorial (approved by Cabinet/ Govt. of India), Amphitheatre, Open Playground, Aquarium, Other activities same as permitted in District Park. 30% of the area shall be developed with plantation of native species.
4.	District Park	District Park, Theme park, ⁷ [Bio-diversity Park], Recreational Club, National Memorial , Open-air food court, Children Park, Orchard, Plant Nursery, Area for water harvesting, Archaeological Park, Specialized Park, Amusement Park, Children Traffic Park, Sports activity, Playground, Amenity structures. Restaurant in a District Park having an area above 25 Ha. subject to

¹ Modified vide S.O. 1199(E) dated 10-05-2013

² Added vide S.O. 2555(E) dated 26-10-2012

³ Added vide S.O. 2532 (E) dated 19-10-2012

⁴ Modified vide S.O. 1199(E) dated 10-05-2013

⁵ Modified vide S.O. 3173(E) dated 12-12-2014

⁶⁻⁷ Added vide S.O. 2532 (E) dated 19-10-2012

		<p>following:</p> <p>a. Area of the restaurant plot shall not be more than 0.8 Ha or 1% of the District Park, whichever is less.</p> <p>b. Restaurant plot shall have no physical segregation from the rest of the District Park area.</p> <p>c. The building shall be a single storey structure with max. FAR of 5 and height not more than 4m. without any residential facility and to harmonize with the surroundings.</p> <p>d. In case there is no parking lot in the vicinity, parking should be provided at a reasonable distance from the restaurants. Parking area should not form part of the restaurant complex / greens.</p> <p>e. 30% of the area shall be developed as dense plantation.</p>
5.	Community Park	Park, Children Park, Open-air food court, Playground etc.
6.	Multipurpose Ground	Public meeting ground, Public address podium, Social functions, Soft drink and snack stalls etc.

Notes:

- i) The following amenity structures are permissible in the above use premises except in Central Vista and Heritage areas: Toilet blocks, Pump Room, Electric Room, Guard Room, Equipment Room,
- ii) Interpretation Centre and Administrative office is permissible only in Heritage Areas.
- ¹[iii) Multi-gyms would be permissible in parks having an area of one ha. and would have built-up area upto 225 sq.m.]

² [9.7 Bio-diversity Park

The activities and development control norms permitted in Bio-diversity Parks are as under:

- a. Orchards, Specialized Parks like Butterfly Parks, Fernarium etc. Facilities for Flora & Fauna, Water Harvesting Structures, Open Air-Theatre, Food courts, Scientific Laboratories, Interpretation Centre, Administrative Office, Camping Site. Amenity Structures – Toilet Block, Pump Room, Electric Room, Guard Room and Equipment Room.
- b. Maximum Permissible Area of built structures shall be 0.5% of Biodiversity Park area or 10000 sqm., whichever is less.
- c. Building within the Bio-diversity parks would be restricted to 2 storeys with a maximum height of 12 m for sloping roof structures and should meet “green building” criteria (Griha 4 star rating).
- d. Parking may be provided in the lots of 20 to 25 ECS at different locations, as per requirement.]

¹ Added vide S.O. 2890(E) dated 23-09-2013

² Added vide S.O. 2532 (E) dated 19-10-2012

ANNEXURE ¹[9.0 (I)]

LIST OF DRAINS OUT FALLING INTO RIVER YAMUNA:

- | | |
|---------------------------|------------------------------|
| 1. Najafgarh drain | 12. Sen Nursing Home drain |
| 2. Magazine Road drain | 13. Drain No. 14 |
| 3. Sweeper Colony drain | 14. Barapullah Drain |
| 4. Khyber pass drain | 15. Maharani Bagh drain |
| 5. Metcalfe drain | 16. Kalkaji drain |
| 6. Kudsia Bagh drain | 17. Okhla drain |
| 7. Moat drain | 18. Tughlakabad drain |
| 8. Trans Yamuna MCD drain | 19. Shahdara drain |
| 9. Mori Gate drain | 20. Sarita Vihar Drain |
| 10. Civil Mill Drain | 21. LPG Bottling Plant Drain |
| 11. Power House drain | 22. Tehkhand Drain |

ANNEXURE ¹[9.0 (II)]

RECOMMENDATIONS OF THE COMMITTEE UNDER SECRETARY (UD) MOUD, GOVT. OF INDIA, FOR YAMUNA ACTION PLAN (2004)

1. **Minimum flow in river Yamuna to be ensured by Riparian states by releasing adequate water.**
2. **Refurbishment of Trunk Sewerage System**
 DJB has a network of approx. 130 Kms. length of trunk sewerage system to convey the collected sewage to different STPs for treatment. Nearly 91 Km of sewer lines are in highly dilapidated condition and have been silted to the extent of 50% to 70% at different stretches. Therefore, rehabilitation of following three major trunk sewers is proposed to be taken up under the Yamuna Action Plan.
 - a) Rehabilitation of Ring Road trunk sewer under Yamuna Action Plan-II (YAP-II)
 - b) Rehabilitation of Bela Road trunk sewer under YAP-II
 - c) Rehabilitation of West Delhi trunk sewer under YAP-III
3. **Treatment of the flows in Najafgarh and Shahdara drains.**
 The drains contributing maximum to the pollution load in the river water are Najafgarh and Shahdara drains. Action plan to check flows in Najafgarh Drain and Shahdara drain is recommended. The untreated sewage results in pollution of the water flowing in the drain and affects its quality by increasing BOD level and suspended solid. Majority of the untreated sewage is contributed by unauthorised colonies. It would be possible to treat this sewage only after laying of internal sewerage system or installation of decentralized treatment plants, which are proposed to be attempted by ¹[concerned municipal body] on pilot basis.
4. **Laying of Sewer Lines in the un-sewered areas of Delhi**
 DJB has pointed that it has laid internal sewerage system in 482 unauthorized / regularised colonies and in 98 urban villages of Delhi. The sewerage systems in 496

¹ Modified vide S.O. 3173(E) dated 12-12-2014

The screenshot displays the Outlook web interface in a browser window. The address bar shows 'outlook.live.com'. The interface includes a search bar, navigation icons, and a sidebar with folders like 'Inbox', 'Junk Email', 'Drafts', 'Sent Items', 'Deleted Items', 'Archive', 'Notes', and 'Groups'. The main content area shows an email titled 'Reply on behalf of DDA in OA 3/2020 RP Singhal VS GNCTD & Ors.' sent by 'dhruv tamta' on Tue 10/27/2020 at 11:27 AM. The email contains a PDF attachment titled 'R P SINGH VS GNCT DELHI &...' (3 MB) and the text 'pls find attached reply'. Below the text are 'regards Dhruv Tamta Advocate +91-9899989917', a disclaimer, a security warning, and an environmental notice. At the bottom, there are 'Reply' and 'Forward' buttons. The right sidebar features 'Sponsored Stories' for Dell and HDFC Life.

Outlook

Search

New message

Delete Archive Move to Categorize

DT

Reply on behalf of DDA in OA 3/2020 RP Singhal VS GNCTD & Ors.

dhruv tamta
Tue 10/27/2020 11:27 AM
To: litigation.life@gmail.com

R P SINGH VS GNCT DELHI &...
3 MB

pls find attached reply

regards
Dhruv Tamta
Advocate
+91-9899989917

Disclaimer: The content of this electronic communication is intended solely for the use of the individual or entity to whom it is addressed and any others who are specifically authorized to receive it. It may contain confidential or legally privileged information. If you are not the intended recipient you are hereby notified that any disclosure, copying, distribution or otherwise placing reliance on the contents of this information is prohibited and may be unlawful in certain legal jurisdictions. If you have received this communication by error please notify the sender immediately and then delete it from your system.

Security Warning: Although this e-mail and its attachments are believed to be free from any virus, it is the responsibility of the recipient to ensure that they are virus free.

Please consider the environment before printing this e-mail.

Reply Forward

Reply on behalf of DDA in ... (No subject)

Sponsored Stories

Dell Technologies
New Venue 2000 Series
3.6ghz intel core i5
8gb ram 1tb hdd & 256gb ssd
₹36,990*

Amplify your work routine
Dell

Protection from ups and downs of the...
HDFC Life

Simple steps to build your wealth while...
HDFC Life