

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

IA NO.489/2024
IN
O.A. NO.17/2022

IN THE MATTER OF:

D.S.KATARIA & ANR. VS GOVT.OF NCT OF DELHI

NDOH: 18.10.2024

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Dt.14.10.2024

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REPLY ON BEHALF OF THE APPLICANT TO THE
APPLICATION DATED 01.10.2024 FILED BY
THE DJB FOR SEEKING EXTENSION OF TIME
FOR THE COMPLIANCE OF ORDER DATED
31.05.2024

MOST RESPECTFULLY SHOWETH:

- 1-6. That the contents of paras 1 to 6 of the application are matter of record.
7. That in reply to the contents of para 7 of the application it is submitted that the Hon'ble Tribunal has already given the clear cut direction for laying down sewer lines and establishment of STP for the applicant society and K-2 Block, Mahipalpur, New Delhi and the Hon'ble

Tribunal has already given sufficient time for compliance of the said order.

8-9. That the contents of paras 8 & 9 of the application are matter of record.

10. That in reply to para 10 of the application it is submitted that the respondent has proposed a holistic scheme of sewer line in 14 unauthorised colonies, however, the construction of STP the time frame is not mentioned in the said plan. It is submitted that the applicant society is facing so much problems day by day and the Hon'ble Tribunal has directed the Respondent/DJB for construction of STP near E-2 Society, Vasant Kunj so there is no relation of establishment of other STPs hence the Respondent/DJB may be directed to comply with the order dated 31.05.2024.

(3)

11. That in reply to para 11 of the application it is submitted that the respondent/DJB intentionally and deliberately did not comply with the order dated 31.05.2024 despite the statement given by the Additional CEO of DJB.

12. That in reply to para 12 of the application it is submitted that the Respondent/DJB has proposed appointment of consultant and preparation of drawing, bid, tender, designs etc. However, the respondent/DJB may expedite this matter and the work may also be expedited as per the directions of the Hon'ble Tribunal.

13. That in reply to para 13 of the application it is submitted that it is wrongly submitted hereby the Respondent/

(4)

DJB that majorly receiving water from the applicant society i.e. E-2 Block, Vasant Kunj, however, major part of the said water receiving in Johar/Pond from the unauthorized colony of Mahipalpur K-2 Block which is highly densely populated and they have discharged sewerage which created a Johar/Pond. It is submitted that the STP which is already established in the E-2 Block is also not properly maintained by the DDA hence the sewerage discharge is also going into a Johar/Pond.

14. That in reply to para 14 of the application it is submitted that it is wrongly submitted hereby the Respondent/DJB that majorly receiving water from the applicant society i.e. E-2 Block, Vasant Kunj, however, major part of the said water receiving in Johar/Pond from

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the unauthorized colony of Mahipalpur K-2 Block which is highly densely populated and they have discharged sewerage which created a Johar/Pond. It is submitted that the respondent/DJB has proposed a holistic scheme for laying sewer line in 14 unauthorized colonies comprising 100 km sewer network for the construction of STP however, the respondent/DJB was directed by the Hon'ble Tribunal on 31.05.2024 for establishment of STP for the E-2 Society, Vasant Kunj (applicant Society) and for the unauthorized colony of Mahipalpur K-2 Block, the sewer line which is proposed to be connected to E-2 Society and Mahipalpur is merely 1-2 Kms approximately from the beginning to end hence the respondent/DJB may establish the said sewerage line within the time which was given by the Hon'ble Tribunal.

15. That in reply to para 15 of the application it is submitted that the respondent/DJB has proposed a holistic scheme for laying sewer line in 14 unauthorized colonies comprising 100 km sewer network for the construction of STP however, the respondent/DJB was directed by the Hon'ble Tribunal on 31.05.2024 for establishment of STP for the E-2 Society, Vasant Kunj (applicant Society) and for the unauthorized colony of Mahipalpur K-2 Block, the sewer line which is proposed to be connected to E-2 Society and Mahipalpur is merely 1-2 Kms approximately from the beginning to end hence the respondent/DJB may establish the said sewerage line within the time which was given by the Hon'ble Tribunal. It is submitted that the respondent/DJB is unnecessarily seeking the extension of time for execution of the work as

assigned to them by the Hon'ble Tribunal vide order dated 31.05.2024 despite the statement given by the Additional CEO. It is further submitted that the proposed work and time line sought by the Respondent/DJB do not required the time frame as mentioned in the para under reply. However, four months have already been passed but till today no work has been started by the respondent/DJB even though the tender is not floated. It is further submitted that the respondent/DJB is also did not taken over the possession of the said land from DDA so in actual the respondent/DJB is have intention to delay the matter on the one or another pretext.

16. That in reply to para 16 of the application, the submissions made in the




preceding para 15 may also be read as part and parcel of this para as well.

17. That the contents of para 17 of the application are wrong and denied. It is submitted that the present application has been moved by the respondent/DJB with malafide intention to delay the establishment of STP and respondent/DJB is trying to flee from its duty.

The prayer clause of the application is wrong and denied. The respondent/DJB is not entitled for any extension of time for compliance of order dated 31.05.2024 and sufficient time has already been given by the Hon'ble Tribunal on the statement of Additional CEO of DJB hence there is no requirement of extension of time but the DJB is to be directed to execute the work as per the directions of the Hon'ble Tribunal.


It is, therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to dismiss the application under reply with costs in the interest of justice.


Applicant

Delhi

Through

Dated: 14.10.2024


NARENDER KUMAR VERMA
Advocate
Ch. No.844, Saket Courts,
New Delhi
Mob. No. 9968237076
Email: advocateverma844@gmail.com

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IN THE MATTER OF:

D.S.KATARIA & ANR. VS GOVT.OF NCT OF DELHI

AFFIDAVIT

I, D.S.KATARIA, President of E-2 Society, Vasant Kunj, New Delhi-110070, do hereby solemnly affirm and declare as under:-

1. That I am applicant in the above noted case and being well conversant with the facts of the case am competent to swear this affidavit.

2. That the accompanying Reply to the application for extension of time filed by DJB has been drafted by the counsel under my instructions and its contents have been read over to me in my vernacular language and are true and correct to my knowledge.

[Signature]
DEPONENT

15 OCT 2024

VERIFICATION:

Verified at Delhi on this 14th day of October, 2024 that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

CERTIFIED TRUE
Shri / Smt. / Km. *D.S. Kataria*
R/o
Identified by Shri / Smt. *N.K. Verma*
Has solemnly affirmed before me at
Delhi..... St. No. *65*
That the contents of the affidavit which
have been & explained to him are
true and correct to the Knowledge

[Signature]
DEPONENT

15 OCT 2024

[Signature]
Oath Commissioner, Delhi
ARPANA JAMES
New Delhi

[Signature]
I Identify the Executant/Deponent
who has Signed in My presence





C.C. No. (11)
FIR No.
U/S
P.S.

IN THE COURT OF Before The N.G.T. Principal Bench, New Delhi.

Suit / Appeal No. C.A.No. 17/2022 JURISDICTION OF 202

In re :- D.S. Kataria & Anr **Plaintiff(s) Or Petitioner(s)**
Appellant(s) Or Complainant(s)

VERSUS

Govt. of NCT, Delhi; **Defendant(s) / Respondent(s) / Accused**

KNOW ALL to whom these present shall come that I/ We D.S. Kataria, President of
E-2, Vasant Kunj New Delhi - 110070

The above named Applicant do hereby appoint

NARENDER KUMAR VERMA Adv.
En.No. D/1544/03 (M) 9968237076
CH.No 844, Saket Courts, Delhi - 110017
Advocateverma844@gmail.com.

(herein after called the advocate/s to be my/our Advocate in the above-noted case authorize him:-

To act, appear and plead in the above-noted case in this court or in any other court in which the same may be tried or heard and also in the appellate court including High court subject to payment of fees separately for 'us.

To sign file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents or opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings on paying separate fee.

To deposit, draw and receive money, cheques, case and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution on the said case.



To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/ We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own facts, as if done by me/us to all intents and purpose.

And I/We undertake that I/ We or my/our duly authorised agent would appear in court and all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate of his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.

And I/We undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settle is only for the above case and above Court. I/We hereby agree that once the fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these presents the contents of which have

been understood by me/us on this 15th day of Oct 2024

Narender Kumar Verma
Advocate

[Signature]
Client

I Identify the Signature/Thumb Impression of the Below Mentioned Person,
Who Has been Signed in my presence. The Client.