

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

Original Application No. 535/2024

In the matter of:

**Corruption Removal Society
Through Secretary Vinay Kumar
Walia**

Applicant

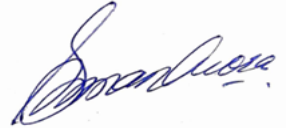
Vs

**Department of Forest Wild Life,
Government of NCTD & Ors.**

Respondents

Index

S. No.	Particulars	Page No.
1.	Reply in compliance to the Hon'ble NGT PB order dated 29.08.2024 in OA No. 535/2024 titles as Corruption Removal Society through Secretary Vinay Kumar Walia vs Department of Forest Wild Life, Government of NCTD & Ors.	
2.	Annexure – I A copy of Hon'ble NGT order dated 29.08.2024.	
3.	Annexure – II A copy of direction dated 09.12.2024 issued by CPCB to DPCC.	
4.	Annexure – III A copy of letter dated 03.12.2024 issued by CPCB to PCCF.	



SUMAN ARORA—Counsel for CPCB
66, Ring Road, Lajpat Nagar 3
New Delhi – 110024
9811417151; 011 29847151
aroras16@gmail.com

Place :- Delhi

Date :- 09.12.2024

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

Original Application No. 535/2024

In the matter of:

Corruption Removal Society
Through Secretary Vinay Kumar Walia ...Applicant
Vs
Department of Forest Wild Life,
Government of NCTD & Ors. Respondents

REPLY ON BEHALF OF RESPONDENT NO. 3 CENTRAL
POLLUTION CONTROL BOARD (CPCB)

1. That the Hon'ble NGT vide Order dated 29.08.2024 impleaded the answering respondent no. 3, Central Pollution Control Board (CPCB) and directed to file notice thereto for filing response/reply, vide paras 5 and 6 of the said Order as follows:

"Para 5 Meanwhile, applicant is also directed to implead Central Pollution Control Board (CPCB) and Delhi Pollution Control Committee (DPCC) and serve them and file affidavit of service

Para 6. Issue notice to the above respondents for filing their response/reply by way of affidavit within six weeks. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal".

2. That the Order dated 29.08.2024 is appended herewith as **ANNEXURE – I.**



3. That in compliance with the above directions, the answering respondent CPCB is filing its reply/response in the succeeding paragraphs.
4. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, and The Environment (Protection) Act, 1986.
5. That the present reply is being filed by Shri Sharandeep Singh, who is holding charge of a Scientist "E" with the CPCB at Parivesh Bhawan East Arjun Nagar, Delhi. Shri Sharandeep Singh has made himself acquainted with the facts and circumstances of the present matter due to the official capacity mentioned above and on the basis of available records.
6. That at the outset, the answering respondent deny all claims, contentions, allegations and averments against answering respondent CPCB in the above Original Application (OA) contrary to anything stated or submitted in this reply. Nothing in the OA may be deemed to have been accepted or admitted by the answering Respondent for want of a specific denial or on the ground of non-traverse, save and except any averment which has been expressly admitted hereinafter.



7. BACKGROUND:--

- a) That applicant has raised issues that Khasra No. 209 Saidulajab, Saket, New Delhi is a forest land, and the land mafia has captured this land and has deforested almost 50 % of this land. He has also submitted that in the last 3-4 years' large-scale destruction of forest has taken place.
- b) That, in compliance with the earlier order dated May 14, 2024 issued by Hon'ble NGT, Joint Committee comprising of the representative of Member Secretary, CPCB, representative of MoEF & CC along with representative of Forest Survey of India, Dehradun visited the site under reference on 08th July 2024 to ascertain the correct situation and extent of damage to the forest, if any, caused and the persons responsible for the same, in the presence of the following representatives of the Delhi Government:

1. Sh. Geeta Nand, Deputy Range Officer, and Mr. Sunil Balyan, Forest Guard of Department of Forest and Wildlife, Government of National Capital Territory of Delhi.

2. Mr D.K Rana, Horticulture Assistant, Horticulture wing of Department of Environment, Government of National Capital Territory, Delhi.



- c) That the Joint Committee submitted its report before the Hon'ble NGT on 27.08.2024.

REPLY:

8. That alongwith the Joint Committee Report, the answering respondent no. 3, CPCB also submitted some recommendations before this Hon'ble Tribunal on 27.08.2024, which are reproduced as under:-
- a. As per annexure M of Revenue Department's notification dated 2nd April 1996 (published in Delhi Gazette, National Capital Territory Government, on 4th April 1996), has declared land (**including Khasra No 209 land,19 Bighas**) as surplus land, excluded the same from vesting in Gram Sabha, and placed it at the disposal of Forest Department of Government of National Capital Territory of Delhi. As per information received from the Forest department, Delhi Government that Forest Land under reference has been notified U/S 4 of Indian Forest Act (IFA) 1927 as per Notification 1994 and Notification U/S 20 of IFA 1927 is under process which needs to be expedited.
- b. If in any possible case, there is any confusion on the ownership of the land/part of land encroached upon, then this can only be clarified with joint inspection and fresh demarcation of the three khasras [among which 2 are notified and one (209) is non- notified Forest land] by forest and revenue department.



- c. The forest area which is currently under Non Forestry activity as not approved by the Forest Department, should be managed as per approved Working Plan of the Forest Division. Cognizance of violations of Indian Forest Act and Forest Conservation Act must be taken by the Forest Department.
- d. Implement a comprehensive reforestation plan by Horticulture unit of Department of Environment, GNCTD in consultation with the Department of Forest and Wildlife, GNCTD for the degraded areas, particularly the southeast portion where tree canopy loss was observed. Priority should be given to planting native species that are suited to the local ecosystem.
- e. Organize a thorough cleanup of the park area, removing all solid waste, plastic waste, and construction debris. Establish regular waste management protocols to prevent future dumping. The compliance of provisions of Construction and Demolition Waste Management Rules, 2016, and Solid Waste Management Rules 2016 is to be ensured by land-owning agency.
9. That further, direction dated 09.12.2024 under section 5 of the Environment (Protection) Act, 1986, regarding compliance of environmental norms inside Parks in Delhi was issued to the Delhi Pollution Control Committee to
- Ensure that waste dumped (C&D Waste & Solid Waste) in the Park area of Khasra No 209 is collected



and processed in accordance with provisions of the C&D Waste Management Rules, 2016 and SWM Rules,2016.

- Ensure that waste is not dumped in any parks of Delhi and the C&D Waste and Solid Waste are managed as per the respective Rules notified under the Environment (Protection) Act, 1986

A copy of the direction issued is appended herewith as **Annexure- II**

10. That the answering respondent no. 3, CPCB wrote letter dated 03.12.2024 to the Principal Chief Conservator of Forest of Delhi to take necessary actions on the violations observed by the joint committee. Copy of letter to PCCF is appended herewith as **Annexure – III**.

11. That in the light of the above submissions, it is respectfully submitted that this Answering Respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in the instant Original Application.



(Sharandeep Singh)
Scientist "E"

Central Pollution Control Board

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

Original Application No. 535/2024

In the matter of:

Corruption Removal Society
Through Secretary Vinay Kumar Walia ...Applicant

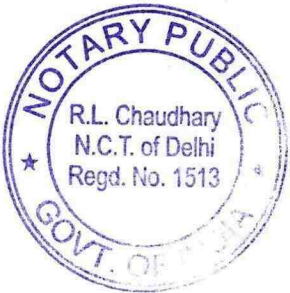
Vs

Department of Forest Wild Life,
Government of NCTD & Ors. Respondents

AFFIDAVIT

I, Sharandeep Singh, Scientist 'E', aged about 45 years having office at Central Pollution Control Board (CPCB), Ministry of Environment, Forest & Climate Change, Govt. of India, Parivesh Bhawan, East Arjun Nagar, Delhi – 110032, do hereby solemnly affirm, declare on oath as under:

1. That I, the deponent herein is the authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority, the contents thereof are true and correct on the basis of the records maintained during ordinary course of business of CPCB and available



records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.




DEPONENT

शरणदीप सिंह / Sharandeep Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION :

Verified at New Delhi on this _____ day of _____ 2024, that the contents of the above reply by the deponent, Mr. Sharandeep Singh working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032, the respondent No. 3, are correct and true on the basis of the record of the cases as mentioned in the day-to-day affairs of CPCB. Nothing has been concealed therefrom or mis-stated.



ATTESTED

NOTARY PUBLIC
GOVT. OF INDIA

09 DEC 2024



DEPONENT

शरणदीप सिंह / Sharandeep Singh
वैज्ञानिक 'ई' / Scientist 'E'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Item No.22

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 535/2024

Corruption Removal Society through Secretary
Vinay Kumar Walia

Applicant

Versus

Department of Forest Wild Life Govt of NCTD
through the PCCF & Anr.

Respondent(s)

Date of hearing: 29.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Ram Kishan, Adv. for Applicant

Respondent: Ms. Suman Arora, Adv. for CPCB
Ms. Jyoti Mendiratta & Ms. Ananya Basudha, Advs. for R - 1 & 2
(Through VC)

ORDER

1. In this original application, complaint of the applicant is that Khasra no. 209, Sadulajab, Saket New Delhi is a forest land but it has been captured by the land mafia and constructions have been raised destroying the forest land.

2. Tribunal on 14.05.2024 had constituted the joint committee which has submitted report dated 27.08.2024. Conclusions of the joint committee in the report are summarised as under:

“Summary

1. *The land is being maintained as a park. Visitor amenities were observed.*
2. *While the Revenue Department's notification dated 2nd April 1996 (published in Delhi Gazette, National Capital Territory Government, on 4th April 1996) mentions the purpose of creation of Reserved Forest, no forest boundary pillars were visible.*

3. *Though the area of the Khasra is mentioned as 19 bighas in the revenue portal and in the notification, the area appeared to be very small in comparison during the visit.*
4. *Only 6.12 bighas out of the 19 bighas of Khasra number 209 were found at the site.*
5. *Site visit confirmed the loss of tree canopy in the South-East portion of the Khasra. This loss has not been compensated by planting of tall plants, making the loss permanent.*
6. *In many areas, the park is covered with a boundary wall.*
7. *However, in many places, the wall was found to be badly damaged.*
8. *Some buildings have also encroached upon the land through extensions.*
9. *There is a temple inside the Khasra.*
10. *A large permanent construction in the form of chabutara is also present inside the Khasra.*
11. *New construction can be seen adjacent to the park boundary. Since only 6.12 bighas out of the 19 bighas of Khasra number 208 were found at the location, it cannot be ascertained if this new construction falls within the 19 bighas area supposed to be allotted to the forest department.*
12. *Piles of garbage, including plastic waste were commonly seen inside the Khasra, but especially so near the boundary, Such wastes not only create eye sores and degrade the wildlife habitat, but also present entanglement and choking hazards to wildlife including birds and squirrels that were observed in large numbers in the area during the visit.”*

3. The above conclusions of the joint committee support the allegation of the complainant that the forest land has been misused and misutilised for other purposes.

4. Learned Counsel appearing for respondent nos. 1 and 2 seeks four weeks time to file the reply by way of affidavit.

5. Meanwhile, applicant is also directed to implead Central Pollution Control Board (CPCB) and Delhi Pollution Control Committee (DPCC) and serve them and file affidavit of service.

6. Issue notice to the above respondents for filing their response/reply by way of affidavit within six weeks. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.

7. List on 10.12.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. Afroz Ahamd, EM

August 29, 2024
Original Application No. 535/2024
JG.



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA

SPEED POST/EMAIL

CM-13011/122/2024-LAW-HO-CPCB-HO

December 09, 2024

To,

The Chairman,
Delhi Pollution Control Committee
6th Floor, C Wing, Delhi Secretariat,
I P Estate, Delhi-110002

Subject: Direction under section 5 of "The Environment (Protection) Act, 1986" regarding compliance of Environmental norms inside Parks in Delhi.

WHEREAS, in exercise of the powers conferred by sections 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Municipal Solid Wastes (Management and Handling) Rules, 2000, except as respect things done or omitted to be done before such supersession, the Central Government notified "The Construction and Demolition Waste Management Rules, 2016" (hereinafter referred as C& D Waste Management Rules, 2016); and

WHEREAS, the Central Government has notified the Solid Waste Management Rules, 2016 (hereinafter referred to as SWM Rules, 2016) under the Environment (Protection) Act, 1986 for proper Management and handling of Solid Wastes; and

WHEREAS, in the exercise of the powers conferred by sections 3, 6, and 25 of the Environment (Protection) Act, 1986 (29 of 1986), and in supersession of the Plastic Waste (Management and Handling) Rules, 2011, except as respects things done or omitted to be done before such supersession, the Central Government notified "The Plastic Waste Management Rules, 2016 (hereinafter referred as PWRules, 2016); and

WHEREAS, Rule 8 of C& D Waste Management Rules, 2016, defines the duties of State Pollution Control Boards/Pollution Control Committees (hereinafter referred as SPCBs/PCCs) for enforcement & implementation of these rules in their State through local bodies and competent authorities; and

WHEREAS, Rule 15 of SWM Rules, 2016, entrust the responsibility for making necessary provisions for segregation, collection, transportation, processing and disposal of Solid waste with the Local Authorities; and

WHEREAS, Rule 16 of SWM Rules, 2016, entrust the responsibility for enforcement & implementation of SWM Rules with SPCBs/PCCs in their jurisdiction through local bodies; and

WHEREAS, in the Hon'ble National Green Tribunal Original Application No 535 of 2024 "Corruption Removal Society through Secretary Vinay Kumar Walia Vs Department of Forest Wild Life, Government of NCTD through The Principal Chief Conservator of Forest" applicant has raised the issue that Khasra No 209 Sadulajab, Saket, New Delhi is a forest Land and the

Page 1 of 3

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

दूरभाष/Tel: 43102030, 22305792, वेबसाईट/Website : www.cpcb.nic.in

High

land mafia has captured this land and has deforested almost 50 % of this land; and

WHEREAS, Hon'ble NGT vide its order dated 14.05.2024 in the above stated matter directed the following:

"Para 4 To ascertain the truthfulness of the allegation, we also deem it proper to constitute a Joint Committee comprising of the representative of Member Secretary, CPCB, a representative of MoEF & CC along with a representative of Forest Survey of India, Dehradun. Representative of the Member Secretary, CPCB will act as the nodal agency.

Para5. The Joint Committee will visit the site, ascertain the correct situation and extent of damage to the forest, if any, caused and persons responsible for the same and submit factual status report before the Tribunal within eightweeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF"; and

WHEREAS, Joint Committee constituted by Hon'ble NGT inspected the area on 08.07.2014 and following are the observations:

1. The site under question located in Khasra No 209 predominantly is a park being maintained by the Horticulture unit of the Department of Environment, GNCTD, and is under non-forestry activity.
2. Indiscriminate disposal of C&D and unsegregated Solid waste in the said area indicating non-compliance of said provisions of SWM Rules and C&D Waste Management Rules by the concerned Authorities which poses a majorthreat to environment; and

WHEREAS, the erstwhile Ministry of Environment & Forests, Government of India, vide Notification No. S. O. 730 (E) dated 10.07.2002, has delegated the powers vested under section 5 of the Environment (Protection) Act, 1986 (29 of 1986) to the Chairman, CPCB, to issue directions to any industry or any local or other authority for the violation of the standards and rules related to Municipal Solid Waste as notified under the Environment (Protection) Act, 1986; and

Now, THEREFORE, in exercise of powers vested under section 5 of "The Environment (Protection) Act, 1986", the following directions are issued to Chairman, Delhi Pollution Control Committee (DPCC) to take further necessary action so as to:

1. Ensure that waste dumped (C&D Waste & Solid Waste) in the Park area of Khasra No 209 is collected and processed in accordance with provisions of the C&D Waste Management Rules, 2016 and SWM Rules, 2016.
2. Ensure that waste is not dumped in any parks of Delhi and the C&D Waste and Solid Waste are managed in accordance with the respective rules notified under the Environment (Protection) Act, 1986.

It is further directed that receipt of the directions should be acknowledged within 15 days and action taken report is submitted to this office within 30 days.


(Tanmay Kumar)
Chairman

Page 2 of 3



Copy to:

1. The Joint Secretary
CP Division, Ministry of Environment, Forests &
Climate Change, Indira Paryavaran Bhawan, Jorbagh
Road, New Delhi – 110003 : For kind information,
please.
2. The Divisional Head, Law Division,
Central Pollution Control Board Delhi -110032 : For kind information and
record, please
3. The Divisional Head
IT Division, Central Pollution Control Board
Delhi-110032 : With request to upload
on CPCB website
please.
4. The Divisional Head UPC-I Division,
Central Pollution Control Board Delhi - 110032 : For record, please.



(Bharat Kumar Sharma)
Member Secretary

176/UPC/24
09/12/2024

9c.

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत.....
दिनांक 09/12/24



179



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार.
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE, GOVT. OF INDIA.

Hon'ble NGT MatterTime Bound

03.12.2024

CM-13011/122/2024-LAW-HO-CPCB-HO

6760

To,

**The Principal Chief Conservator of Forests,
Department of Forests and Wildlife,
Government of National Capital Territory of Delhi,
A-Block, 2nd Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002**

**Subject: Compliance with NGT Order in Original Application No. 535 of 2024 – Action
Required on Violations at Khasra No. 209, Sadulajab, Saket, New Delhi**

Sir,

This has reference to the Original Application No 535 of 2024 “Corruption Removal Society through Secretary Vinay Kumar Walia Vs Department of Forest Wild Life, Government of NCTD through the Principal Chief Conservator of Forest” wherein the applicant has raised the issue that Khasra No 209 Sadulajab, Saket, New Delhi is a forest Land and the land mafia has captured this land and has deforested almost 50 % of this land.

Hon'ble NGT vide its order dated 14.05.2024 in the above-stated matter constituted a Joint Committee (Copy of the Hon'ble NGT order enclosed). In compliance with the direction of the Hon'ble NGT, the Joint Committee inspected the referred area on 08.07.2024 and observed the following violations during the inspection. The report of the Joint Committee is also enclosed.

1. The site located in Khasra No 209 is maintained as a park. Visitor amenities were also observed.
2. There are no boundary pillars demarcating forest areas from non-forest areas.
3. Encroachment on Khasra no 209 with multi-story buildings was observed during the visit.
4. A large permanent construction in the form of Chabutara was observed inside the Khasra 209.
5. During the Inspection, the joint committee observed the loss of tree canopy in the southeast portion of Khasra No 209. This loss has not been compensated by the planting of tall plants, making the loss permanent.
6. Encroachment on forest land by a temple was also observed by the joint committee.
7. During the inspection, it was observed that solid waste, including plastic waste and construction and demolition waste, was dumped in the park, which can degrade the flora and fauna of the area.

Page 1 of 2

‘परिवेश भवन’ पूर्वी अर्जुन नगर, दिल्ली - 110032.

Parivesh Bhawan, East Arjun Nagar, Delhi - 110 032.

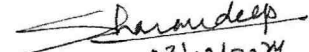
दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website: www.cpcb.nic.in

In view of the above, necessary action be taken and accordingly, action taken report be provided to CPCB at the email id: danish.cpcb@nic.in /or upcl.cpcb@nic.in at the earliest.

This is issued with the approval of the Competent Authority.

Yours faithfully,

Encl: As above


03/12/2024
(Sharandeep Singh)

Divisional Head UPC-I

Copy to

1. PS to MS – For the information of MS, please

15/12/24
03/12/24

d/c

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत.....
दिनांक 09/12/24