

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1235/2024**

IN THE MATTER OF:

"News Item titled "NHAI has made highway at protected pond site in Delhi Activists" appearing in the Times of India dated 30.09.2024."

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1.	Reply in compliance to the Hon'ble NGT PB order dated 16.10.2024 in OA No. 1235/2024.	
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3.	Annexure – 2 A copy of letters dated 27.11.2024 issued by CPCB to DPCC.	



Saurabh Balwani
Advocate
Central Pollution Control Board

Date: -04.02.2025
Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1235/2024**

IN THE MATTER OF:

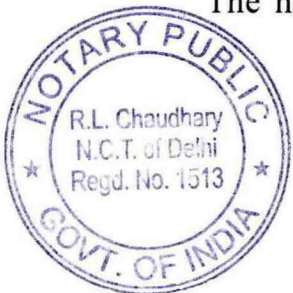
"News Item titled "NHAI has made highway at protected pond site in Delhi Activists" appearing in the Times of India dated 30.09.2024."

**REPLY ON BEHALF OF RESPONDENT NO. 2, CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

1. That, Hon'ble NGT vide order dated 16/10/2024 has sought the response/reply by way of affidavit of Central Pollution Control Board (hereinafter referred as CPCB) in the instant matter. Thereby, the reply is made in this instant Original Application i.e. News Item titled "NHAI has made highway at protected pond site in Delhi Activists" appearing in the Times of India dated 30.09.2024 (hereinafter referred as OA) in succeeding paragraphs. The Copy of the Hon'ble NGT order dated 16.10.2024 is annexed herewith as **Annexure -I**.
2. That, CPCB is 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.

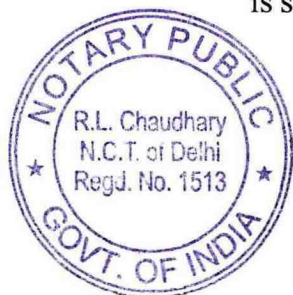
REPLY ON MERITS

3. That the Original Application having No. 1235/2024 has been registered suo-motu on the basis of the news item titled "NHAI has made highway at protected pond site in Delhi Activists" appearing in the Times of India dated 30.09.2024. The news item raised the issues related to compliance of provisions of the



Water (Prevention and Control of Pollution) Act, 1974; the Wetlands (Conservation and Management) Rules, 2017 and the Environment (Protection) Act, 1986 during construction of a highway by National Highways Authority of India (hereinafter referred as NHAI) that encroaches upon a protected pond in southwest district of Delhi. The said pond is classified as a protected water body under the Delhi Water Bodies Act. As per the news item, NHAI built the Urban Extension Road-II over the pond in Goyla Khurd village, which was among the list of over 1,000 ponds to be protected.

4. That, the Clause 2 of the Environmental Impact Assessment Notification, 2006 (hereinafter referred to as EIA Notification, 2006) provides for the “Requirements of prior Environmental Clearance (hereinafter referred to as EC)”. As per the above mentioned clause, the projects or activities which are falling under the category ‘A’ of the Schedule of the EIA Notification, 2006; the project proponent therein shall obtain the EC from the Ministry of Environment, Forest and Climate Change (hereinafter referred to as ‘MoEF & CC’) and the projects which are falling under the ‘B’ category of the Schedule of the EIA Notification, 2006; the project proponent therein shall obtain EC from the State Environment Impact Assessment Authority (hereinafter referred to as ‘SEIAA’) before carrying out the construction works. CPCB has classified new highway construction projects under orange category based on their pollution potential. All such projects are required to obtain prior consent from respective SPCB/PCC.
5. That the Central Pollution Control Board vide letters dated 27.11.2024 has communicated with Delhi Pollution Control Committee (hereinafter referred as DPCC) and Delhi Wetland Authority to take action as required on the grievance mentioned in OA and communicate status to CPCB. Office Copy of the same is enclosed as **Annexure-II**. The status report/action taken report on the matter is still awaited from the concerned authorities. As the issues raised in the instant



matter falls under the purview of state-specific agencies such as DPCC and Delhi Wetland Authority, therefore, it is respectfully prayed that the Hon'ble Tribunal may consider the response filed by concerned respondents for adjudication of the instant matter.

6. The answering respondent No. 2 craves leave of this Hon'ble Tribunal for filing additional reply, if required, in future.
7. That, in light of the above submission, 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 OA and render justice.



(Sharandeep Singh)
Scientist 'E'

Central Pollution Control Board

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 1235/2024**

IN THE MATTER OF:

"News Item titled "NHAI has made highway at protected pond site in Delhi Activists" appearing in the Times of India dated 30.09.2024."

AFFIDAVIT

I, **Sharandeep Singh** working as Scientist 'E' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 2 in the above matter, do hereby solemnly affirm, declare on oath and state as under: -

1. That I, the deponent herein is 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 and authorized 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 record 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.



Sharandeep

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)
(Ministry of 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 04 FEB 2025 2025 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis- stated.



ATTESTED

 NOTARY PUBLIC
 GOVT. OF INDIA

04 FEB 2025



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)
 (Mo Environment, Forest & Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Item No.06

Court No. 1

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

Original Application No. 1235/2024

News Item titled "NHAI has made highway at protected pond site in Delhi Activists" appearing in the Times of India dated 30.09.2024

Date of hearing: 16.10.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: None
Respondent: None

ORDER

1. This original application is registered *suo-motu* on the basis of the news item titled "NHAI has made highway at protected pond site in Delhi Activists" appearing in the Times of India dated 30.09.2024.
2. The news item relates to alleged illegal construction of a highway by the National Highways Authority of India (NHAI) that encroaches upon a protected pond in southwest district of Delhi. This pond is classified as a protected water body under the Delhi Water Bodies Act. As per the news item, NHAI built the Urban Extension Road-II over the pond in Goyla Khurd village, which was among the list of over 1,000 ponds to be protected.
3. The news item alleges that the NHAI proceeded without conducting a necessary environmental impact assessment, potentially endangering local biodiversity and disrupting the ecosystem. Furthermore, it is stated that as per the revenue documents, the village pond with an on-paper area of 1.45 hectares (approx. 3.5 acres) has Khasra number 9/29 (10-9) and was among land parcels acquired from the village with a total area of 183

bighas and 10 biswa. It is alleged that 80 percent of the pond is already lost to the construction.

4. The news item further mentions a Supreme Court ruling of 1996 that said pond land can neither be acquired nor can the land use be changed. It raises the question as to why did the officials purposely design the road right through the pond land when land acquisition could have easily provided them with alternative land nearby. The NHAI however alleges that they have gone ahead with the construction of the highway after following all necessary protocol and receiving the required permissions.

5. The news item raises substantial issues relating to compliance of provisions of Water (Prevention and Control of Pollution) Act, 1974; Wetlands (Conservation and Management) Rules, 2017 and Environment (Protection) Act, 1986.

6. The power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha &Ors.*" reported in 2021 SCC Online SC 897.

7. Hence, we implead the following as respondents in the matter:

1. **Delhi Pollution Control Committee (DPCC), Through its Member Secretary:** 6th Floor, C Wing, Delhi Secretariat, I.P. Estate, Delhi - 110002;
2. **Central Pollution Control Board (CPCB), Through its Member Secretary:** Parivesh Bhawan, East Arjun Nagar, Delhi - 110032;
3. **National Highways Authority of India (NHAI), Through its Chairman:** G-5 & 6, Sector-10, Dwarka, New Delhi - 110075;

4. **Delhi Wetland Authority, Through its Member Secretary:** 6th Level, C-Wing, Delhi Secretariat, I.P. Estate, New Delhi – 110002
5. **National Wetland Authority (MoEF&CC):** Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi – 110003;
6. **District Magistrate (South West Delhi):**Old Tax Terminal Building, Kapashera, Delhi-110037.

8. Let notice be issued to the respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing. 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.

9. List on 06.02.2025.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

October 16, 2024
Original Application No. 1235/2024
JG..

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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

No.: CM-13011/282/2024-LAW-HO-CPCB-HO

November 27, 2024

To

The Member Secretary
Delhi Pollution Control Committee
6th Floor, C Wing, Delhi Secretariat,
IP Estate, Delhi-110002

The Member Secretary
Delhi Wetland Authority,
6th Level, C-Wing, Delhi Secretariat,
I.P. Estate, New Delhi – 110002

Subject: Hon'ble NGT Original Application No. 1235/2024 on the basis of the News Item titled "NHAI has made highway at protected pond site in Delhi Activists" appearing in the Times of India dated 30.09.2024.

Ref.: Hon'ble NGT (PB) Order dated 16.10.2024 in above said matter.

Sir,

This has reference to above cited Hon'ble National Green Tribunal (NGT) order dated 16.10.2024 in Original Application No. 1235/2024; Original application is registered suo-motu on the basis of the news item titled "NHAI has made highway at protected pond site in Delhi Activists" appearing in the Times of India dated 30.09.2024

The news item has raised the issues of construction of highway by NHAI on protected pond in Delhi violating provisions of the Water (Prevention and Control of Pollution) Act, 1974; the Wetlands (Conservation and Management) Rules, 2017 and the Environment (Protection) Act, 1986.

In view of above, it is requested that the matter may be examined at appropriate level and action as required, may please be taken. The status of the same may please be provided to this office at the earliest.

Encl.: As above

Yours faithfully,

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
निर्गत...
दिनांक... 10/12/2024

Sharandeep
27.11.2024
[Sharandeep Singh]
Divisional Head-UPC-I

14/8/UPC-I/24
27/11/2024

ofc

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, New Delhi - 110032

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