

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 63/2024

IN THE MATTER OF:-

PRITPAL SHARMA

..... APPLICANT

VERSUS

MUNICIPAL CORPORATION OF DELHI

THROUGH THE COMMISSIONER & ORS. ...RESPONDENTS

D.O.H.:25.04.2024

INDEX

Srl. No.	Particulars	Page
1.	Reply on behalf of Respondents no. 3 to 6 along with supporting affidavit.	1 - 18
2.	List of documents along with Documents.	- 19 to 25
3.	Vakalatnama (Already on record).	

RESPONDENT NO. 3 TO 6.

Place: Delhi

THROUGH

*Deepak Kumar & S. K. Tiwary*

Dated: 15-3-2024

(DEEPAK KUMAR & S. K. TIWARY)  
ADVOCATES

CH. NO. L-8, NEAR GATE NO.2,  
TIS HAZARI COURTS, DELHI  
MOB. NO.9312117205

EMAIL ID. drdeepakyadavadv07@gmail.com

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

**Original Application No. 63/2024**

**IN THE MATTER OF:-**

**PRITPAL SHARMA**

**..... APPLICANT**

**VERSUS**

**MUNICIPAL CORPORATION OF DELHI**

**THROUGH THE COMMISSIONER & ORS. ...RESPONDENTS**

**D.O.H.:**

**REPLY ON BEHALF OF RESPONDENTS NO. 3 TO 6 TO THE ORIGINAL APPLICATION FILED BY APPLICANT UNDER SECTION 14, 15 R/W 18 (1) OF THE NGT ACT, 2010**

**MOST RESPECTFULLY SHOWETH:-**

**PRELIMINARY OBJECTIONS:-**

1. That the present application is not maintainable and liable to be dismissed because the respondents no. 3 to 6 have constructed stairs and ramps only for entry and exit from their houses and by way of this construction no any type blocked the drains. It is also submitted that the open drain is always harmful for the public and is most required covering the said drains. It is specifically submitted that the houses of the respondents no. 3 to 6 were built in the year of 2011, whereas the road of G-1 Block, Aya Nagar constructed in the month of February, 2021 and due this reason road level is very low from the houses of G-1 Block, Aya Nagar, Delhi. It is submitted that due to soil erosion of 3½ feet at the

time of construction of road, the road of G-1 Block, Aya Nagar, has been low from the houses.

2. That the present application is nothing but merely an abuse of the process of law and has been filed by the applicant with malafide intentions to harass the Respondents no. 3 to 6 and as such, the same is not maintainable and is therefore liable to be dismissed.
3. That the applicant is not entitled to the relief claimed in his application against the above mentioned Respondent No. 3 to 6 there is no any reply filed by MCD on the complaint dated 27.09.2021, the applicant is already occupying the government property by illegal construction stairs and ramps outside his house without permission of the concern authority and by this illegal construction the Applicant has blocked the open drains due to which the cleansing of the open drain has been permanently prevented and the said construction of the stairs and ramps which has permanently blocked the open storm-water drain is against the provisions of the Delhi Water Board Act, 1998.
4. That this Hon'ble Tribunal has already discharge the respondent no. 3 to 6 in the previous Original Application NO. 639/2022 filed by the applicant on 20.04.2023 (mentioned in para no.3 of the order) and during the course of argument this Hon'ble Tribunal had given advice to the applicant for not taking personal issues against the respondent no. 3 to 6, but the applicant has taken personal and intentionally implead as a party

to the respondent no. 3 to 6 and on this ground the present O.A. is not maintainable and liable to be dismissed.

**PARAWISE REPLY :-**

1. That the contents of the para no. 1 are matter of record and as such need no reply.
2. That the contents of the para no. 2 are matter of record and hence need no reply.
3. That in reply of contents of the para no. 3, it submitted that the applicant has filed the present application with malafide intentions to harass the Respondents no. 3 to 6.
4. That in the reply of the contents of the para no. 4, it is submitted that the applicant has raised a false and fabricated complaint and the applicant has not come before this Hon'ble Tribunal with clean hand and by way the present application, the applicant has mislead to this Hon'ble Tribunal.

It is specifically submitted that the houses of the respondents no. 3 to 6 were built in the year of 2011, whereas the road of G-1 Block, Aya Nagar constructed in the month of February, 2021 and due this reason road level is very low from the houses of G-1 Block, Aya Nagar, Delhi. It is submitted that due to soil erosion of 3½ feet at the time of construction of road, the road of G-1 Block, Aya Nagar, has been low from the houses.

5. That the contents of the para no. 5 are matter of record and hence need no reply.
6. That the contents of the para no. 6 are matter of record and hence need no reply.
7. That the contents of the para no. 7 are matter of record and hence need no reply.
8. That the contents of the para no. 8 are matter of record and hence need no reply.

**PARAWISE REPLY OF THE FACTS IN BRIEF:**

9. That the contents of the para no. 9 are matter of record and hence need no reply.
10. That in the reply of the contents of the para no. 10, it is submitted that there is no concern with the respondent no. 3 to 6.
11. That in the reply of the contents of the para no. 11, it is submitted that there is no concern with the respondent no. 3 to 6.
12. That in the reply of the contents of the para no. 12, it is submitted that there is no concern with the respondent no. 3 to 6.
13. That in the reply of the contents of the para no. 13, it is submitted that there is no concern with the respondent no. 3 to 6.
14. That in the reply of the contents of the para no. 14, it is submitted that there is no concern with the respondent no. 3 to 6.
- 15-18. That the contents of the paras no. 15 to 18 are matter of record and hence need no reply.

19. That the contents of para no. 19 are denied as stated. It is categorically denied that the Respondent no. 3 to 6 who are residents of the Aya Nagar locality have also encroached upon government property and have constructed stairs and ramps outside their houses without permission. It is specifically denied that these stairs and ramps constructed by the residents have blocked the open drains due to which the cleansing of the open drain has been permanently prevented. It is also specifically denied that the said construction of the stairs and the ramps which has permanently blocked the open storm-water drain is against the provisions of the Delhi Water Board Act, 1998. It is submitted that there is no any type of coverage of storm water drain and there is no question arising the increasing toxicity and leads to health hazards owing to trapped gases inside the drains and if any type of coverage of drain is there only for safety nature. It is submitted that the photographs has placed by the applicant as Annexure- A10 (Colly.) are totally misleading the facts and circumstances. It is submitted that open drain in residential house is always dangerous to people who resides there and if any coverage on drain in residential house is only for safety nature of public being.

20. That in the reply of para no.20 of the Original Application, it is submitted that the respondents no. 3 to 6 have built a ramp and steps and covered outside their houses is only for safety nature from happening the incidents. It is specifically denied that the respondents no. 3 to 6 along with other house owner in G-1 Block, Aya Nagar has built ramps and steps thereby encroaching the drainage. It is submitted that all houses are situated in high level from the road and due to this

reason it is necessary to built ramps and steps only for entrance and existence from their houses and by these constructions no any type encroaching the drainage. It is submitted that coverage the drain in front of their houses is only for safety purpose and these coverage of drain is not stopping the flow of water of drain. It is specifically submitted that the houses of the respondents no. 3 to 6 were built in the year of 2011, whereas the road of G-1 Block, Aya Nagar constructed in the month of February, 2021 and due this reason road level is very low from the houses of G-1 Block, Aya Nagar, Delhi. It is submitted that due to soil erosion of 3 ½ feet at the time of construction of road, the road of G-1 Block, Aya Nagar, has been low from the houses.

21. That in the reply of the contents of the para no. 21, it is submitted that there is no concern with the respondent no.3 to 6.

22. That in the reply of the contents of the para no. 22, it is submitted that there is no concern with the respondent no.3 to 6.

23. That the contents of the para no. 23 are matter of record and hence need no reply.

24. That the contents of para no. 24 are wrong and denied. It is specifically submitted that the applicant has filed the present application against the answering respondent no. 3 to 6 with personal issues and the applicant has not come before this Tribunal with clean hand and with the personal issues, the applicant deliberately filed this present application only specially against the answering respondents no. 3 to 6.

25. That in the reply of para no.25, it is pertinent to mention here that this Hon'ble Tribunal has already discharge the respondent no. 3 to 6 in the previous Original Application NO. 639/2022 filed by the applicant on 20.04.2023(mentioned in para no.3 of the order) and during the course of argument this Hon'ble Tribunal had given advice to the applicant for not taking personal issues against the respondent no. 3 to 6.
26. That in the reply of para no. 26 of the Original Application, it is submitted that no cause of action has arisen in favour of the petitioner and against the respondent no. 3 to 6 to demolish/remove the ramps and steps outside their premises. It is submitted that the respondents no. 3 to 6 have built a ramp and steps and covered outside their houses is only for safety nature from happening the incidents. It is also submitted that by the construction of ramps and steps by the respondent no. 3 to 6 is only for safety nature and entrance/ existence from their house.
27. That the contents of the para no. 27 are matter of record and hence need no reply

**REPLY TO GROUNDS.**

- A. That the contents of the para/ground A are matter of record and hence need no reply.
- B. That in the reply of the contents of the para/ground no. B, it is submitted that there is no concern with the respondent no.3 to 6.

- C. That in the reply of the contents of the para/ground no. C, it is submitted that there is no concern with the respondent no.3 to 6.
- D. That in the reply of the contents of the para/ground no. D, it is submitted that there is no concern with the respondent no.3 to 6.
- E. That in the reply of the contents of para/ground no. E, it is submitted that there is no any type of blockage of drain by the construction of ramps and step by the respondents no.3 to 6 and these constructions are only for safety nature and over the drain and not stopping the flow of water of drain.
- F-G. That the contents of the para/ground F to G are matter of record and hence need no reply.
- H. That in the reply of the contents of the para/ground no. H, it is submitted that there is no concern with the respondent no.3 to 6
- I. That in the reply of the contents of para/ground no. I, it is submitted that the respondents no. 3 to 6 and residents of G-1 Block, Aya Nagar, Delhi covered the drain only for safety purpose and no to intention to effects the flow of water of drain. It is submitted that if any construction to effect the flow of water of drain firstly specifically effected the health of public who

resides there. It is also submitted that open drain in residential house is specifically dangerous to the public being.

J. That the contents of the para/ground J are the matter of record and hence need no reply.

K-L. That the contents of the para/ground K to L are matter of record and hence need no reply.

M. That in the reply of the contents of the para/ground no. D, it is submitted that the applicant has filed the present application against only the answering respondents no. 3 to 6 with personal issues by taking advantage of this Tribunal Act.

N-O. That the contents of the para/ground N to O are matter of record and hence need no reply.

That the contents of the Limitation of the Original Application are matter of record under the Act of this Hon'ble Tribunal and no any cause of action or fresh cause of action rose against the answering respondents no. 3 to 6 and this Hon'ble Tribunal has already discharge the respondent no. 3 to 6 in previous O.A No. 639/2022 on 20.04.2023(mentioned in para no.3 of the order) on the same ground herein taken by the applicant. Therefore on this ground the respondent no. 3 to 6 seeks for discharge from the present O.A.

The last para is a prayer of Applicant to this Hon'ble court and it is respectfully submitted that in view of the aforesaid preliminary objections and submission in the para wise reply, the Applicant is not entitled to any relief claimed against the respondent no. 3 to 6 in the present Original Application in his favour.

**PRAYER:-**

In view of the aforesaid facts and circumstances it is respectfully prayed that the present Original Application of the Applicant may kindly be dismissed with heavy cost, in the interest of justice.

③ Rakesh KV ④ Jay ⑤ N. S. Parag ⑥ Shambhu paswan

PLACE: DELHI

RESPONDENT NO. 3 TO 6

DATE: 7-3-2024 THROUGH

DEEPAK KUMAR  
(DEEPAK KUMAR &  
S. K. TIWARY)  
ADVOCATES

**BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI**  
**Original Application No. 63/2024**

**IN THE MATTER OF:-**

**PRITPAL SHARMA**

**..... APPLICANT**

**VERSUS**

**MUNICIPAL CORPORATION OF DELHI**

**THROUGH THE COMMISSIONER & ORS. ...RESPONDENTS**

**AFFIDAVIT**

**AFFIDAVIT OF SHRI RAKESH KUMAR, S/O RAM  
 PARMOD SINGH, AGED 47 YRS, R/O 1031, C-1/1, G-1 BLOCK,  
 AYA NAGAR, PHASE-6, NEW DELHI- 110047.**

I, the above named deponent, do hereby solemnly affirm and declare as under:-

1. That I am the Respondent No. 3 in the above noted suit and as such, I am well conversant with the facts of the case and competent to swear this affidavit.
2. That the contents of the accompanying reply to the Original Application of Applicant has been drafted by my Counsel as per my instructions and the contents of the same have been duly read and understood by me in vernacular language, I hereby state that the facts stated therein are all true and correct to my knowledge. The facts stated therein may kindly be read as part and parcel of the present affidavit also as the contents of the same have not been reproduced herein for the sake of brevity.



*For verification  
D-132A/27*  
I identify the deponent who  
has signed in my presence

Rakesh Kr  
DEPONENT

07 MAR 2024

**VERIFICATION:**

Verified at Delhi on this \_\_\_\_ day of February, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of the same is false and nothing material has been concealed therefrom.

22/24  
Oath Commissioner  
Raj Prasad Jain  
App. By Delhi High Court  
Period-15/07/2023  
to 14/07/2025  
No. Hazaari Court, Delhi

Rakesh Kr.  
DEPONENT

CERTIFIED THAT THE DEPONENT  
Shri/Smt./Km..... R. K. Singh  
S/o Viro Das... S. P. Singh  
R/o 1031, C-1/1, G-1 Block, Anand Nagar PH6ND-47  
Identified by me at  
Delhi on 22/24  
that the contents of the affidavit which have  
been read and verified to be true and  
correct to his knowledge.

07 MAR 2024

Raj Jain  
Oath Commissioner Delhi



BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 63/2024

IN THE MATTER OF:-

PRITPAL SHARMA

..... APPLICANT

VERSUS

MUNICIPAL CORPORATION OF DELHI

THROUGH THE COMMISSIONER & ORS. ...RESPONDENTS

AFFIDAVIT

AFFIDAVIT OF SHRI SATISH KUMAR ROY, S/O  
KAMALA ROY, AGED 48 YRS, R/O 1031, C-1, G-1 BLOCK, AYA  
NAGAR, PHASE-6, NEW DELHI- 110047.

I, the above named deponent, do hereby solemnly affirm and declare as under:-

1. That I am the Respondent No. 4 in the above noted suit and as such, I am well conversant with the facts of the case and competent to swear this affidavit.
2. That the contents of the accompanying reply to the Original Application of Applicant has been drafted by my Counsel as per my instructions and the contents of the same have been duly read and understood by me in vernacular language, I hereby state that the facts stated therein are all true and correct to my knowledge. The facts stated therein may kindly be read as part and parcel of the present affidavit also as the contents of the same have not been reproduced herein for the sake of brevity.



*Dependent*

*[Signature]*

DEPONENT

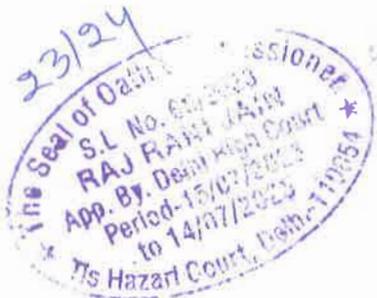
VERIFICATION:

07 MAR 2024

Verified at Delhi on this \_\_\_\_ day of February, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of the same is false and nothing material has been concealed therefrom.

*[Signature]*

DEPONENT



*Dependent*  
D-1152 A/A  
I identify the deponent who has signed in my presence

CERTIFIED THAT THE DEPONENT  
Shri/Smt Name..... *S. B. Roy*  
S/o W/o..... *Kamla Roy*  
R/o. *1031 E-1/1 G-1 Block Anja Nagar PH-6 ND-47*  
Identified by me at *Delhi*  
has seen the affidavit which have  
been read and heard to him or true and  
correct to his knowledge.

07 MAR 2024

*Raj Jain*  
Oath Commissioner Delhi



**BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI**  
**Original Application No. 63/2024**

**IN THE MATTER OF:-**

**PRITPAL SHARMA**

**..... APPLICANT**

**VERSUS**

**MUNICIPAL CORPORATION OF DELHI**

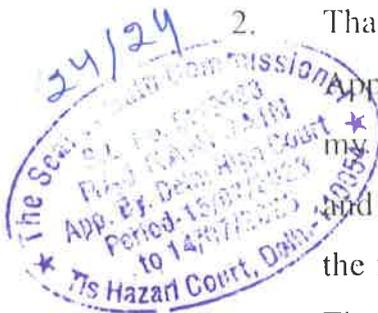
**THROUGH THE COMMISSIONER & ORS. ...RESPONDENTS**

**A F F I D A V I T**

**AFFIDAVIT OF SHRI ASHUTOSH PANIGRAHI, S/O**  
**BRAJA KISHORE PANIGRAHI, AGED 47 YRS, R/O 1031, C, G-**  
**1 BLOCK, AYA NAGAR, PHASE-6, NEW DELHI- 110047.**

I, the above named deponent, do hereby solemnly affirm and declare as under:-

1. That I am the Respondent No. 5 in the above noted suit and as such, I am well conversant with the facts of the case and competent to swear this affidavit.
2. That the contents of the accompanying reply to the Original Application of Applicant has been drafted by my Counsel as per my instructions and the contents of the same have been duly read and understood by me in vernacular language, I hereby state that the facts stated therein are all true and correct to my knowledge. The facts stated therein may kindly be read as part and parcel of the present affidavit also as the contents of the same have not been reproduced herein for the sake of brevity.



*Handwritten signature*

DEPONENT

**VERIFICATION:**

07 MAR 2024

Verified at Delhi on this \_\_\_ day of February, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of the same is false and nothing material has been concealed therefrom.

*Handwritten signature*

DEPONENT



*Signature*  
D-1132A/27  
I identify the deponent who has signed in my presence

CERTIFIED THAT THE DEPONENT  
Shri/Smt./M... *A. Pami...*  
S/o W/o Pro... *Braja Kishore Pangrahi*  
R/o *103, G-9-1 Block, Aya Nagar PH-6 ND-47.*  
Identified by me at *Delhi*  
has solemnly affirmed that the contents of the affidavit have been read and explained to him/her and correct to his knowledge.

07 MAR 2024

*Ray Jain*  
Oath Commissioner Delhi

**BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI**  
**Original Application No. 63/2024**

**IN THE MATTER OF:-**

**PRITPAL SHARMA**

**..... APPLICANT**

**VERSUS**

**MUNICIPAL CORPORATION OF DELHI**

**THROUGH THE COMMISSIONER & ORS. ...RESPONDENTS**

**A F F I D A V I T**

**AFFIDAVIT OF SHRI SHAMBHU PASWAN, S/O BABU LAL PASWAN, AGED 43 YRS, R/O 1033P, G-1 BLOCK, AYA NAGAR, PHASE-6, NEW DELHI- 110047.**

I, the above named deponent, do hereby solemnly affirm and declare as under:-

1. That I am the Respondent No. 6 in the above noted suit and as such, I am well conversant with the facts of the case and competent to swear this affidavit.
2. That the contents of the accompanying reply to the Original Application of Applicant has been drafted by my Counsel as per my instructions and the contents of the same have been duly read and understood by me in vernacular language, I hereby state that the facts stated therein are all true and correct to my knowledge. The facts stated therein may kindly be read as part and parcel of the present affidavit also as the contents of the same have not been reproduced herein for the sake of brevity.



Shambhu paswan  
DEPONENT

VERIFICATION:

07 MAR 2024

Verified at Delhi on this \_\_\_\_ day of February, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of the same is false and nothing material has been concealed therefrom.

Shambhu paswan  
DEPONENT

*Copy of Affidavit  
D-1132 A/17*  
I identify the deponent who  
has signed in my presence



CERTIFIED THAT THE DEPONENT  
Shri/Smt. Shambhu Paswan  
S/o W/o B.L. Paswan  
R/o 1033 G-1 Block Aya Nagar-6 ND-47  
Identified as D. R. K.  
has sworn before me at  
Delhi on 25/24  
that the contents of the affidavit have  
been read and found to be true and  
correct to his knowledge.

07 MAR 2024

Raj Jain  
Oath Commissioner Delhi

List of Document Produced by ~~PLAINTIFF~~

~~DEFENDANT/~~

Respondent's

Order XIII Rule of the order of Civil Procedure from prescribed by the High Court in the Court of N.G.T New Delhi

OA No 63 of 2024  
Suit No. \_\_\_\_\_

PRITPAL SHARMA

Plaintiff

Versus

MUNICIPAL CORPORATION OF DELHI THROUGH THE DEFENDANT  
COMMISSIONERS

List of documents produced with the plaint (or the first Hearing on behalf of the Plaintiff or Defendant)

Date of Hearing This list as filed by This day of 201

1	2	3	4	5	6
Serial No.	Descriptions and date if any of this document	That the Document is intended to prove	What become of the document		Remark
(1)	photograph of House, Road side, drain in front of house of Applicant.	20	Brought the record the exhibit mark put on the document	If rejected date of return to Party & Signature of Party or Pleader to whom the document was return	 NCT OF DELHI COURT FEE DICT#180772240PL 14 MAR 2024 ₹ 2 [Signature]
(11)	Photograph of Street and drain front house of Respondent No. 6 and other house	21 to 22			
(11)	Photographs of house and street of Respondent No 3 to 5 and another house.	23 to 24			
(10)	Photographs of low front of houses.	24 to 25 -A			
					Through Advocate  Signature of Party or Pleas date Processing





22







24A'



