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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

APPEAL NO. 15 OF 2025

IN THE MATTER OF:

Vasant Kunj Residents Welfare
Associations, Sector -B, Pocket-1Appellant

Versus

Ministry of Environment, Forest &
Climate Change & Ors.Respondents

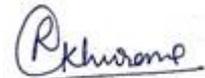
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Dated 01.07.2025
Delhi

Filed by



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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 15 OF 2025**

IN THE MATTER OF:

Vasant Kunj Residents Welfare
Associations, Sector -B, Pocket-1.Appellant

Versus

Ministry of Environment, Forest &
Climate Change & Ors.Respondents

REPLY ON BEHALF OF RESPONDENT NO. 5

MOST RESPECTFULLY SHOWETH:

1. That the present appeal has been filed against the grant of Environmental Clearance dated 13.01.2025 bearing EC Identification No. EC24C3801DL5556057N ("**Impugned EC**") under the EIA Notification 2006 for the construction of the Group Housing project on Khasra No. 1230/2, situated in Sector-B, Pocket-1, Vasant Kunj ("**property**").
2. That Sh. R.K Agarwal being the authorized representative of Respondent No. 5 is filing the reply to the captioned appeal. All averments, allegations, and submissions made in the appeal filed by the Appellant, except those that are specifically admitted herein are denied in *toto*. The answering respondent craves leave of this Hon'ble Tribunal to file additional reply/affidavit as and when the need for the same may arise.

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3. That the present appeal filed by the Appellant is liable to be dismissed as the same is frivolous, misconceived and not maintainable against the answering Respondent No.5.
4. The Respondent No. 5 is a limited liability partnership firm which is engaged in the business of real estate. In the present appeal the Appellant has raised certain grounds as the foundation of their case. However, these grounds are false, misconceived and are vehemently denied. The Respondent No. 5 sets forth its response to grounds raised in the appeal hereinbelow:

5. **PRELIMINARY SUBMISSIONS**

A. CATEGORIZATION AS CATEGORY-B IN FORM 1A

- i. That the Appellant has erroneously stated that the project should have been categorised as Category A. It is submitted that the said contention is devoid of any merit.
- ii. That the categorization of the project was done in strict compliance with the Environment Impact Assessment Notification, 2006 ("**EIA Notification, 2006**"). As per the Schedule of EIA Notification, 2006, building and construction projects at S.No. 8(a) fall under Category B. Further, there is no General or Specific condition applicable on building and construction projects as per this Schedule.
- iii. That the project site does not fall in Critically/Severely Polluted area.
- iv. That further, the General Conditions of the EIA and the decision of the Hon'ble Tribunal in *Pranjal Karera v Union of India* OA No. 93/2024 (CZ), and the assertion that the subject matter project ought to be have been classified as a Category A project, are not applicable on the Answering

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Respondent. The General Conditions, more particularly, the condition of treatment of Category B project as Category A project when the same is located near the Protected Area, is also not applicable. Even, as per the latest Notification dated 29.01.2025, for the projects falling under the entry 8(a) or 8(b), the General Conditions are not applicable. The copy of the notification dated 29.01.2025 of MoEF&CC is annexed as **Annexure-R/1**.

- v. That the Appellant has heavily relied on the fact that the digging of foundation would amount to mining activity however, the Appellant's reliance on mining-related requirements is wholly misplaced and misconceived, as the project involves residential construction (group housing) and not mining activities.
- vi. Furthermore, the reliance of the Appellant on the case of **State of Bihar v. Pawan Kumar** (2022) 2 SCC 348 is misconceived and misleading. The Apex Court in the case of *State of Bihar v. Pawan Kumar* (Supra) was dealing with mining activities undertaken by corporations and not real estate developers. In the present case, the Respondent No. 5 is not involved in excavation of minerals but is engaged in the business of real estate development. Additionally, as per section 3(d) the Mines and Minerals development and Regulation Act 1957, 'mining operations' means '*any operation undertaken for the purpose of winning any mineral*'. The Respondent No. 5 herein is not engaged in a mining project. Therefore, this contention of the Appellant does not hold any water.
- vii. That the dominant purpose of extraction of soil/earth is for building the foundation of the Project. And the removed soil is not meant for any commercial activity. Neither there is any

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intention of winning a mineral. Further the post excavation utilisation of the soil has been mentioned in the Forms submitted by the Answering Respondent. That at page no. 111 of the Appeal, it has been mentioned that “

“Excavation of 30000 m3 of soil for providing foundation and levels of basement will be done. 6000 m3 will be topsoil which will be preserved and used within the site for landscaping. The unused soil will be used in backfilling & road construction.”

- viii. Therefore, by any chance, it cannot be said that the excavated soil will come under the ambit of mining which would require applicability of the conventional mining laws. Even otherwise, the Answering Respondent has clearly stated the post excavation management of soil. The excavated soil shall be used in terms of environmental Clearance.
- ix. That the Appellant further states that unauthorised construction activities have been carried on the project site, and they are relying upon the Expert Appraisal Committee (EAC), 132nd meeting dated 24.10.2024 for the same. However, as per the Site Visit Report of the Court Commissioner appointed vide Order dated 10.01.2025 by the Hon'ble National Green Tribunal (“NGT”) in OA No. 1171/2024 captioned ‘*Vasant Kunj Residents Welfare Association v. MoEF & CC and Ors.*’, no construction activity including levelling of land has begun on the property thereby vitiating the contention of the Appellant.

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Copy of Site Visit Report of the Court Commissioner at Khasra No. 1230/2 (NEW) in OA No. 1171/2024 is annexed herewith as **Annexure R-2**.

- x. That as per the EIA Notification, public consultation is mandated only for projects falling under Category A and certain specified projects under Category B1, primarily those with significant environmental impact. Therefore, residential and construction projects, do not fall under that category and hence do not require public consultation.
- xi. That the Ministry of Environment and Forests (MoEF), vide Notification dated 11.09.2017, has clearly demarcated the Eco-Sensitive Zone (ESZ) around the Asola Bhatti Wildlife Sanctuary as extending up to a maximum of one kilometre from its boundary. This demarcation is specific, legally notified, and binding for the purposes of determining regulatory restrictions applicable to development activities in proximity to the sanctuary. It is submitted that the property is located beyond the notified extent of the Eco-Sensitive Zone. Accordingly, the property does not fall within the ambit of the ESZ, and none of the restrictions or requirements applicable to developments within such zones are attracted in the present case. Therefore, any suggestion or insinuation by the Appellant that the project violates ESZ norms is factually incorrect, legally untenable, and liable to be rejected.

Copy of Notification dated 11.09.2017 by Ministry of Environment and Forests is marked and annexed herein as **Annexure R-3**.

B. THE PROJECT SITE DOES NOT VIOLATE THE FOREST CONSERVATION ACT

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- i. That the Appellant has wrongfully claimed that the project site is situated on or near a morphological ridge and thus requires prior approval from the Central Government in accordance with Forest Conservation Act, 1980. This assertion is erroneous, misconceived and rather misleading.
- ii. That it is pertinent to note that the project site at a distance of 2.48 km from the Southern ridge and 2.9 km from Aravalli biodiversity park. Hence the project will not create any impact on the Aravalli ridge stability.
- iii. It is respectfully submitted that the letter dated 08.01.2025 issued by Chief Conservator of Forests (“CCF”), Department of Forest and Wildlife to Central Empowered Committee (“CEC”), explicitly states that the morphological ridge map is available on the E-Vanlekh portal of the Forest Department. However, the E- Vanlekh portal itself gives a disclaimer that the map layers provided therein are tentative in nature and should therefore not be a ground for initiating any legal action or litigation.

A copy of the letter dated 08.01.2025, issued by the CCF to the CEC, is annexed herewith as **Annexure R-4**.

- iv. That in the said letter, the CCF has categorically stated that upon completion of the aerial LiDAR survey, along with necessary verifications, the High-Powered Technical Committee (HPTC) constituted by the Hon’ble Supreme Court shall submit a final report containing maps outlining areas that exhibit morphological features similar to those of the notified ridge.
- v. The Central Empowered Committee (“CEC”) constituted by the Hon’ble Supreme Court, submitted its report no. 25 of 2025 dated 14.05.2025 with regard to construction of Group

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Housing Project at the project land. The CEC Report has recommended as follows”

*“18. Based on the submissions made above and after considering that the project has all statutory and other necessary approvals from the competent authorities for construction of a Group Housing Project on the ‘subject land’ owned by M/s RR Texknit LLP, and that part of the ‘subject land’, though not part of the notified Ridge Forest Area land but is falling in morphological Ridge Area, it is recommended that **"this Hon'ble Court may consider permitting M/s RR Texknit LLP for use of 4553 sq.mt. (0.4553 ha) of the ‘subject land’ without felling of any tree for the construction of Group Housing Project”** subject to the following conditions....”*

A copy of CEC Report No. 25 of 2025 dated 14.05.2025 is annexed herewith as **Annexure R-5**.

- vi. It is further submitted that Form 1A, as filed by Respondent No. 5, explicitly states that the Central Ridge is located at a distance of 8.3 km from the project site. This information has been provided accurately and in good faith, without any misrepresentation or suppression of material facts.
- vii. It is pertinent to mention here that the CEC report at internal page no. 14 has observed that

“However, the Committee conducted a site visit on 3.01.2025 and observed that the ‘subject land’ is flat land, surrounded by the residential houses of DDA.”

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- viii. That the CEC report itself says that residential area is all around the project, therefore Answering Respondent wants to bring home the point that the another residential area will not be foreign project to the given area or locality. Rather the project being developed by the Answering Respondent will be more organised as it would include proper planning like STP, water management etc .
- ix. The Appellant's assertion that the project site qualifies as a morphological ridge lacks any scientific, factual or legal rationale and is, therefore, wholly misconceived and untenable. Such conduct is an abuse of the process of law and warrants strong condemnation. It is evident that the present appeal has been filed with an ulterior motive to derail a legally compliant project by raising baseless and frivolous objections. CEC also noted in its report that the committee conducted a site visit on 03.01.2025 and observed that the 'subject land' is flat land, surrounded by the residential house of DDA.

C. CLAIM THAT THE WATER BODY IS WITHIN 100 METERS OF THE PROJECT SITE IS FALSE

That the Appellant's claim regarding the presence of a water body within 100 meters of the property is baseless and misleading. It is submitted that no such water body exists in close proximity of the project site.

That it is pertinent to clarify that the Appellant refers to a pond in the park maintained by DDA which is adjacent to a nearby school, alleging it to be a water body. In fact, the pond dried out several years ago. Thereafter, it was artificially maintained as an

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ornamental pond for aesthetic purposes and therefore it is submitted that this pond is not a natural waterbody.

The artificial pond is around 145 meters from the site. Therefore, the construction activities on the property will not impact any natural water body, and no special permission is required under this ground.

A satellite image showing the distance between the site property and the artificial pond is marked and annexed herein as **Annexure R-6**.

D. GROUNDWATER AND SOIL ANALYSIS

- i. The Appellant through its averments submits that soil analysis up to 15 meters has been done by the Respondent No. 5. It is submitted that there is no such guideline which states that soil analysis should be done beyond 15 meters. Therefore, the allegations levelled by the Appellant are baseless and lack any merit.
- ii. Further, it has been categorically noted in the Soil investigation Report which forms a part of the Form 1A that no water table was encountered during this investigation. That the construction will not affect the existing groundwater, as the report confirms that groundwater was not found even at a depth of 15 meters.
- iii. That the Form 1A submitted by Respondent No. 5 includes the basement plan for the proposed building, showing a depth of 10.52 meters. This makes it clear that the soil analysis covered a depth well beyond the planned construction level.
- iv. That additionally, as recommended in the 147th SEAC meeting held on 25.07.2024, Respondent No. 5 will install five rainwater

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harvesting pits, which are expected to positively impact groundwater recharge and soil fertility.

E. WATER SUPPLY

- i. That the Appellant alleges that the project lacks proper water supply clearance. This claim is incorrect and misleading. It has already been disclosed by Respondent No. 5 in Form1A that during construction phase the total water requirement will be from the Vasant Kunj STP. In fact, it was undertaken by Respondent No. 5 that any wastewater generated will be treated in mobile STP.
- ii That further, the Delhi Jal Board (DJB), vide its letter dated 05.02.2024 had clarified that Respondent No. 5 shall make its own arrangement for non-potable water. Therefore, Respondent No. 5 has arranged for treated water from a Sewage Treatment Plant (STP) for construction activities, in full compliance with applicable norms.
- iii. That as per the letter dated 06.06.2024 issued by DJB, the Answering Respondent was allowed to collect the treated effluent from Vasant Kunj STP and use the same for industrial purposes. And further the Answering Respondent has also made advance payment of Rs 10,000/- in favour of DJB.

A copy of letter dated 05.02.2024 issued by DJB is annexed herewith as **Annexure R-7**. A copy of letter dated 06.06.2024 issued by DJB to the Answering Respondent along with proof of deposit of Rs 10,000/- is annexed herewith as **Annexure R-8**.

F. TRAFFIC IMPACT ASSESSMENT

- i. That the Appellant challenges the validity of the Traffic Impact Assessment conducted by the Traffic Department, alleging it was

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carried out during school vacations. It is submitted that this claim is unfounded.

- ii. That the Traffic Impact Assessment was conducted in June 2024 by the competent authority, in accordance with prescribed guidelines and based on prevailing traffic conditions. The assessment report concluded that the project would not adversely affect local traffic.
- iii. Moreover, the Appellant's contention regarding the proximity of the school is irrelevant, as the project's entry and exit points are situated far from the school premises. Thus, the construction and subsequent residential occupancy will have no bearing on school traffic.
- iv. That Respondent No. 5 has also mentioned it in Form 1A that Internal roads will be developed for proper circulation of traffic and to avoid congestion.
- v. Further, as per the sanctioned site plan the entry to the proposed construction project would be in a diametrically opposite direction to the entry gate of the school.
- vi. That the allegation that the traffic impact assessment was conducted during non-school days and in non-peak hours is baseless since it is not the sole prerogative of the Respondent No. 5 as to when the traffic impact assessment is to be conducted. In fact, the Traffic Impact Assessment Report categorically takes into account the observation after the summer break of school as well and even therein records the fact that the traffic from the school will not affect the traffic generated from proposed site as peak hours are different.

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- vii. That the Traffic Impact Assessment was conducted with due consideration of all relevant parameters, including existing traffic volumes, projected vehicular movement generated by the proposed development, road carrying capacity, and peak hour traffic conditions. Upon comprehensive analysis, the assessment concluded that the proposed project would not exert any significant burden on the existing traffic infrastructure. It was specifically noted and concluded:

“the project site will contribute insignificant traffic to surrounding road network and will cause no impact on the adjacent road network”

G. TREE FELLING

- i. It is respectfully submitted that the Appellant has recklessly levelled baseless and unsubstantiated allegations against Respondent No. 5 regarding unauthorized tree felling. However, a perusal of the official records (as elaborated hereinbelow) clearly establishes that no such violation has occurred. The Appellant has failed to produce any credible evidence to support its claims, rendering such assertions wholly speculative and devoid of any merit.
- ii. That as per the status report dated 23.10.2024 filed by the Deputy Conservator of Forests (DCF), a site inspection was carried out to verify the number and condition of the trees present. The report clearly states that 23 trees were identified on the site, of which 19 were found to be healthy and standing. It further clarifies that one tree had fallen but was subsequently rehabilitated using appropriate equipment, including JCB and Hydra machines, ensuring minimal disturbance to the surrounding flora. The report provides a factual and transparent account, directly contradicting the Appellant’s allegation of misrepresentation.

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- iii. That the Environmental Clearance (EC) granted for the project explicitly records the existence of 19 trees on the property. In parallel, Respondent No. 5 has stated in Form 1A that approximately 11 trees are currently present at the site. That at no point has there been any evidence supporting the claim that the number of trees exceeded 23, as alleged by the Appellant. Thus, the record consistently supports the position that the tree count has been within the stated and permissible limits, and there is no indication of misrepresentation or suppression of facts by Respondent No. 5.
- iv. That the minutes of the 134th meeting of the State Expert Appraisal Committee (SEAC) further support Respondent No. 5's position. The committee clearly noted that only the clearing of dry bushes had been undertaken at the property, and no tree felling had occurred. Therefore, the Appellant's claim of a higher tree count or unauthorized removal is entirely misleading, lacking factual basis, and contrary to the findings of the competent forest authority.
- v. Further, this fact was also duly recorded by the Hon'ble High Court of Delhi in Cont. Cas (C) 1149/2022 vide order dated 06.12.2024, thereby affirming the correctness of the tree assessment. Furthermore, Respondent No. 5 has expressly stated in Form 1A that as part of the proposed project, 56 additional trees will be planted in addition to the 11 existing trees on the site, thereby enhancing the green cover and contributing to the ecological balance.

Copy of the Order of the Hon'ble High Court of Delhi in Cont. Cas (C) 1149/2022 dated 06.12.2024 has been annexed herein as **Annexure R-9**.

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- vi. That as regards the issue of seeking permission before any felling of tree is undertaken, it is submitted that the Answering Respondent is not undertaking any tree felling.

H. SILENCE ZONE

- i. That Respondent No. 5, in Form 1A, has clearly stated that construction activities will be suspended during night-time to minimize noise pollution. Furthermore, all machinery used on-site will be maintained in accordance with noise control regulations. It has been further stated by the Respondent No. 5 shall use silencers, plantation around boundary walls, anti-vibration pads to attain Insertion Loss of about 25 dB. These steps are being undertaken in pursuance of the Respondent No. 5's commitment to abide by the Noise limits.
- ii. That Respondent No. 5 has proactively undertaken social responsibility measures to mitigate any inconvenience to neighbouring residents.
- iii. That Respondent No. 5, being a responsible and transparent entity, has duly disclosed all hospitals and schools in the vicinity of the project. Additionally, Respondent No. 5 has clearly outlined in Form 1A the comprehensive noise-mitigation measures it will implement, ensuring that the project causes no disturbance or inconvenience to the surrounding residents.

DETAILS OF MANDATORY COMPLIANCES BY RESPONDENT NO. 5

6. That Respondent No. 5, being a law-abiding and socially responsible entity, has undertaken all necessary measures to

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ensure that the project does not cause any inconvenience or adverse impact on the general public. To mitigate dust emissions during construction, Respondent No. 5 has meticulously outlined comprehensive dust-control measures in Form 1A, including:

“All Mitigation measures as per Dust Mitigation Notification 2018 will be adopted.

4 Anti-smog guns will be installed at the site.

DG set of 1x125 kVA will be kept on the surface and stack height of 2 m above roof level of DG set room will be provided.

Windbreakers around the project site will be provided.

All loose soil or sand or any other construction material that causes dust will be kept covered.

Road side storage of construction material and waste will be prohibited.

Only covered vehicles carrying construction material and waste will be permitted inside the complex.

Construction waste will be collected in designated areas and required dust mitigation measures be notified at the site.

Grinding and cutting of building materials will be done in closed areas.

Dust Audits will be conducted at every 15 days as per guidelines by Delhi Pollution Control Committee

Video cameras will be installed and connected to PCBs.

For continuous monitoring of dust, IoT based sensors connected to DPCC servers will be installed.”

7. That Respondent No. 5, in full compliance with legal and regulatory requirements, paid a permit fee of Rs. 1,94,710/- for the construction on the property.

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Copy of Permit Fee Receipt dated 09.02.2024 is marked and annexed herein as **Annexure R-10**.

8. That Respondent No. 5 also obtained a No Objection Certificate (NOC) from the Directorate of Delhi Fire Service, New Delhi, on 15.02.2024 for the proposed construction.
9. That Respondent No. 5 further paid a fee of Rs. 500 to the Building Department on 10.05.2024.

Copy of C1/C2 Receipt by Building Department dated 10.05.2024 is marked and annexed herein as **Annexure R-11**.

10. That Respondent No. 5 duly paid a plan fee of Rs. 30,19,70,195/- for the property.

Copy of Plan fee receipt dated 10.05.2024 is marked and annexed herein as **Annexure R- 12**.

11. That Respondent No. 5 was granted No Objection Certificate (NOC) for Height Clearance by Airport Authority on 25.10.2023 which remains valid until 24.10.2031.
12. Therefore, it is evident that Respondent No. 5 has strictly adhered to all legal and environmental norms, ensuring full compliance with the regulatory framework. The allegations raised by the Appellant are entirely baseless and devoid of merit.

A. CONDUCT OF THE APPELLANT

13. That it is pertinent to highlight the conduct of the Appellant at this juncture. The Appellant has been initiating various frivolous and baseless legal proceedings before this Hon'ble Tribunal, the Hon'ble Supreme Court of India and the Hon'ble High Court of Delhi against the answering Respondent, either through Resident Welfare Association or through persons in their personal capacity.

14. That Col. Ajay Yadav, one of the members of the Appellant RWA had filed WP(C) 352/2025 before the Hon'ble High Court of Delhi seeking stay on construction of the project at hand, however, the Hon'ble High Court noticed and took cognizance of the fact that another petition seeking the same relief was already pending which was filed by the Appellant RWA. The Hon'ble High Court dismissed the said Writ Petition on 20.01.2025 while observing that the Petitioner therein had approached the court with unclean hands. Further, the Hon'ble High Court also imposed a cost of Rs. 20,000/- on the Petitioner therein. The Petitioner in WP(C) 352/2025 filed an appeal against the order dated 20.01.2025 vide LPA 92/2025 which was also dismissed by the Hon'ble High Court on 07.02.2025.

Copy of Order dated 20.01.2025 in WP(C) 352/2025 passed by the Hon'ble High Court of Delhi is annexed herein as **Annexure R-13.**

Copy of Order dated 07.02.2025 in LPA 92/2025 passed by the Hon'ble High Court of Delhi is annexed herein as **Annexure R-14.**

15. That additionally, the Appellant RWA had also filed OA 1171/2024 before this Hon'ble Tribunal alleging illegal construction of the

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present project however the same has been disposed of vide order dated 17.02.2025.

Copy of Order dated 17.02.2025 in OA 1171/2024 passed by this Hon'ble Tribunal is annexed herein as **Annexure R-15.**

16. **PARA-WISE REPLY**

- a) That the contents of Para No. 1 and 2 of the appeal are matters of record and hence require no specific reply. However, nothing stated therein shall be deemed to be admitted unless specifically accepted by Respondent No. 5.
- b) That the contents of Para No. 3 are a matter of record in so far as the challenge to the present appeal has been stated and the contents of the rest of the paragraph are denied. It is denied that the EC has been granted in violation to any statutory provision. It is denied that the proper assessment was not done. It is denied that the answering respondent has proceeded with construction activity. There is sufficient evidence to demonstrate that no construction activity has been carried on which in fact is causing huge losses to the answering respondent on a daily basis. It is reiterated that all statutory compliances have been met and there is no violation of any of the statutes as alleged by the Appellant.
- c) That contents of Para No. 4 are a matter of record and hence warrant no reply.
- d) That the contents of Para No. 5 deal with substantial questions of law and the same have been dealt with in the preliminary submissions and are not repeated herein for the sake of brevity and prolixity.

6. **PARA WISE REPLY TO BRIEF FACTS**

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6.1-6.2 That the contents of Para 6.1-6.2 are vehemently denied except for contents that form a part of record. It is submitted that the Appellant has no locus to file the present appeal in view of the fact the Appellants are merely misusing different forums in order to press upon the same cause of action. The conduct of the Appellant shows that the Appellant has already unsuccessfully knocked the doors of the Hon'ble High Court challenging the same project's MCD sanction dated 13.05.2024 in Writ Petition No. 11283 of 2024. The Appellant then preferred an OA 1171 of 2024 challenging the alleged illegal construction activities on the said project. This clearly shows that the Appellant is merely engaging in forum shopping.

6.3 That the contents of paragraph 6.3 are denied. It is denied that the answering Respondent has commenced any construction activity without the EC. In fact, till date, no construction activity has begun on the project land. Therefore, it is axiomatic that no damage to the environment has been caused. It is further submitted that the Writ Petition (Civil) bearing No. 11283/2019 filed by the Appellant is yet another frivolous attempt on part of the Appellant to delay the commencement of construction. In fact, the same is also pending adjudication before the Hon'ble High Court of Delhi.

6.4 That the contents of Para 6.4 are incorrect, misleading and denied except those are matter of record. As per legal requirement, answering respondent has applied for Environment Clearance and MoEF&CC has granted the same after due consideration of relevant factors. No construction without without the grant of EC. The Site Visit Report dated 30.01.2025 clearly mentions that no construction has begun and further, no land

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levelling has also not been done. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.

- 6.5 That the contents of Para 6.5 is a matter of record and hence does not warrant any reply.
- 6.6 That the contents of Para 6.6 of the appeal are vehemently denied. It is submitted that the contentions raised therein have already been addressed in detail in the preliminary submissions and for the sake of brevity, the same are briefly reiterated herein. As per the status report dated 23.10.2024 filed by the Deputy Conservator of Forests (“DCF”), 23 trees were identified at the property, of which 19 were healthy, refuting the Appellant’s claims of felling of trees. The Environmental Clearance and Respondent No. 5’s Form 1A submissions consistently reflect this count, with no record ever indicating more than 23 trees. The SEAC, in its 134th meeting, confirmed that only dry bushes were cleared. These findings were also affirmed by the Hon’ble High Court of Delhi in its order dated 06.12.2024. Additionally, Respondent No. 5 in Form 1A, committed to planting 56 additional trees alongside the 11 existing trees, thereby enhancing the green cover and promoting ecological balance. The allegations regarding the preparatory construction activities are also baseless since the Site Visit Report clearly mentions that no land levelling has taken place on the project land.
- 6.7 That the contents of Para 6.7 of the appeal are false and misleading and hence vehemently denied. It is submitted that the

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Appellant has deliberately misinterpreted the order dated 10.09.2024 passed by the Hon'ble High Court with the intent to mislead this Hon'ble Tribunal. The Hon'ble High Court did not conclude that construction was underway; it merely recorded the Appellant's claim regarding the "alleged construction", without making any definitive finding on the matter.

- 6.8 That the contents of Para 6.8 of the appeal are denied. It is submitted that the OA 1171/2024 before this Hon'ble Tribunal was disposed of on 17.02.2025 since the present appeal challenging the EC had already been filed.
- 6.9 That the contents of para 6.9 are a matter of record and hence warrant no reply.
- 6.10-6.11 That the contents of para 6.10 and 6.11 are incorrect, misleading and hence denied. The Appellant, by placing incorrect and distorted facts on record, is acting in a manner that undermines the dignity of this Hon'ble Tribunal. The Appellant incorrectly asserts that the Hon'ble High Court, by orders dated 10.09.2024 and 13.09.2024, directed the Deputy Conservator of Forests (DCF) to conduct a site visit. In fact, the order dated 10.09.2024 merely issued notice to Respondent No. 5 in relation to the intervention application filed by the Appellant. Only subsequent order dated 13.09.2024 directed that no trees be felled without the prior permission of the DCF. It was by order dated 04.10.2024 that the Hon'ble High Court directed the DCF to undertake a site inspection. Therefore, the Appellant's claim that a status report dated 19.09.2024 was not filed is wholly misconceived, as no direction for inspection had been issued at that time. Furthermore, the status report dated

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23.10.2024, prepared pursuant to the Court's direction, was duly taken on record and acknowledged by the Hon'ble High Court in its order dated 06.12.2024.

6.12 That the contents of Para 6.12 are matter of record. However, it is submitted that the Hon'ble High Court had taken on record the status report dated 23.10.2024 and thereafter disposed of CMA No. 52907/2024 and CMA No. 52908/2024.

6.13 That the contents of Para 6.13 are incorrect and denied. As stated hereinabove, it was only by order dated 04.10.2024 that the Hon'ble High Court directed the DCF to undertake a site inspection. Therefore, the Appellant's claim that a status report dated 19.09.2024 was not pointed out to the Hon'ble High Court is completely misleading as no direction for inspection had been issued at that time. Further, the status report dated 23.10.2024, prepared pursuant to the Court's direction, was duly taken on record and acknowledged by the Hon'ble High Court in its order dated 06.12.2024.

6.14-6.15 That the contents of para 6.14 and 6.15 are incorrect and misleading. It is reiterated that the only relevant report is the report of the DCF dated 23.10.2024. Further the frivolous Contempt Petition bearing diary no. 57901/2024 in Writ Petition (Civil) 4677/1985 is sub judice and hence warrants no reply at this stage. It is further submitted that the application bearing CMA No. 5956/2024 seeking recall of order dated 06.12.2024 in contempt case 1149/2024 has been filed by the Appellant before the Hon'ble High Court. It clearly shows the Appellant's intention to invoke practically the same cause of action before different forums.

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- 6.6-6.18 The contents of Para 6.16, 6.17 and 6.18 of the appeal are matters of fact and hence require no specific reply. However, nothing stated therein shall be deemed to be admitted unless specifically accepted by Respondent No. 5.
- 6.19 That contents of paragraph 6.19 are incorrect and denied. It is specifically denied that the EAC recommended the project for Environmental Clearance despite suppression of material facts. In fact, the EAC has categorically observed that the proposed development area is a part of an already developed residential colony and falls outside the hotspot area, hence there is no specific impact.
- 6.20 The contents of paragraph 6.20 are a matter of record and hence warrant no reply however, anything contrary to the contentions as in the Reply are denied.
- 6.21 That the contents of Para 6.21 of the appeal are vehemently denied. It is submitted that the contentions raised therein have already been addressed in detail in preliminary submissions above, and for the sake of brevity, the same are briefly reiterated herein. As the proposed project forms part of an already developed residential colony and lies outside any designated ecological hotspot, no adverse environmental impact arises. Furthermore, the letter dated 08.01.2025 issued by the Chief Conservator of Forests to the Central Empowered Committee clearly states that the morphological ridge map available on the E-Vanlekh portal is tentative in nature and cannot be relied upon for legal proceedings. As already stated hereinabove, the Central Empowered Committee ("CEC") constituted by the Hon'ble Supreme Court, submitted its report no. 25 of 2025 dated 14.05.2025 with regard to construction of

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Group Housing Project at the project land. The CEC Report has recommended as follows”

*“18. Based on the submissions made above and after considering that the project has all statutory and other necessary approvals from the competent authorities for construction of a Group Housing Project on the ‘subject land’ owned by M/s RR Texknit LLP, and that part of the ‘subject land’, though not part of the notified Ridge Forest Area land but is falling in morphological Ridge Area, it is recommended that **"this Hon'ble Court may consider permitting M/s RR Texknit LLP for use of 4553 sq.mt. (0.4553 ha) of the ‘subject land’ without felling of any tree for the construction of Group Housing Project”** subject to the following conditions....”*

Furthermore, the reliance by the Appellant on the judgements of the Hon’ble High Court of Delhi in Ashok Kumar Tanwar v. UOI W.P(C) 3339/2011 and Hon’ble Supreme Court of India in M.C Mehta v. UOI and Ors W.P (C) 4677/1985 and Delhi Development Authority v. Kenneth Builders and Developers Ltd. & Ors. Civil Appeal No. 5370/2016 is completely misplaced.

6.22-6.23 That the contents of Para 6.22-6.23 of the appeal are vague, baseless and hence vehemently denied. It is denied that the EC fails to consider environmental impacts. It is further vehemently denied that the construction of the basements involves excavation which is a mining activity. As already clarified in the submissions made hereinabove, in the Reply, an activity can be classified as a mining activity when it is undertaken with the purpose of winning of minerals. The purpose of the Appellant to

undertake any digging is not even remotely connected to mining activity. Hence, this contention of the Appellant holds no water. It is further submitted that these contentions have already been discussed above in the Preliminary Submissions and in the Para wise reply. Respondent No. 5 has provided comprehensive disclosures regarding all pollution mitigation measures proposed under the project. These include, inter alia, dust suppression mechanisms, solid waste management protocols, sewage treatment arrangements, energy efficiency initiatives, and green cover enhancement plans, all of which were clearly outlined in Form 1A. Moreover, Respondent No. 5 has duly responded to all queries and concerns raised by the SEAC prior to the grant of Environmental Clearance, and no deficiencies were noted in this regard. Additionally, Form 1A submitted by Respondent No. 5 contains further details of proactive steps intended to promote a net positive environmental outcome, demonstrating a responsible and transparent approach to environmental compliance.

17. PARA WISE REPLY TO GROUNDS

- 7.1-7.2 That the contents of Para No. 7.1 and 7.2 of the appeal are false, misleading and therefore vehemently denied. The project has been correctly classified under Category B in accordance with the EIA Notification, 2006, which does not impose any general or specific conditions on building and construction projects. Furthermore, the Ministry of Environment and Forests (MoEF), vide Notification dated 11.09.2017, has clearly demarcated the Eco-Sensitive Zone (ESZ) around the Asola Bhatti Wildlife Sanctuary as extending up to a maximum of one kilometre from its boundary. The project site lies way beyond the one-kilometre radius and therefore, the objection of the

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Appellant is baseless. It is denied that EC has been granted in violation of the EIA Notification, 2006. Since the project has been categorized as a Category B project, the compliance with public hearings and consultation is not required. The contents of preliminary submissions are being reiterated.

7.3 The contents of paragraph 7.3 are incorrect, misleading and denied. It is denied that there has been an “illegal” categorization of the project as Category B which has deprived the stakeholders to participate in public consultation process. The public consultation process is mandatory only for category A projects. The project in the present case is a category B project as clearly demonstrated hereinabove. Therefore, the need for public consultation is thereby negated and by extension it is submitted that there has been no violation of procedural fairness or natural justice.

7.4 The contents of paragraph 7.4 are incorrect and denied. The Appellant is misleading this Hon'ble Court by stating that the MoEF&CC is required to classify all building and construction projects within 5 km of protected area, critically polluted areas, severely polluted areas, eco sensitive zones or inter-state boundaries as category A projects. It is submitted that as per the Notification dated 11.09.2017, issued by MoEF&CC, construction activity is a 'regulated activity'. Further, the Notification clearly states that the eco-sensitive zone shall be upto the radius of 1km. The relevant extract has been reproduced hereinbelow:

“11. Construction Activities: (a) No new commercial construction of any kind shall be permitted within one kilometer from the boundary of the Protected Area or upto extent of the Eco-sensitive Zone, whichever is nearer:

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Provided that, local people shall be permitted to undertake construction in their land for their residential use including the activities listed in sub -paragraph (1) of paragraph 3 as per building byelaws. (b) The construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum, with the prior permission from the competent authority as per applicable rules and regulations, if any. (c) Beyond one kilometer it shall be regulated as per the Zonal Master Plan.”

It is submitted that the contentions raised therein have already been addressed in detail in the preliminary submissions, and for the sake of brevity, the same are briefly reiterated herein.

- 7.5-7.6 That the contents of Para No. 7.5 & 7.6 of the appeal are false, misleading and therefore vehemently denied. It is submitted that, as discussed above, the construction project does not fall under Category ‘A’ as per the EIA Notification, 2006. Therefore, the Appellant’s contention that a public consultation was mandatorily required is wholly misplaced and without merit. Projects falling under Category ‘B’, specifically under Item 8(a) which pertains to building and construction, are expressly exempt from the requirement of public consultation. The legal framework does not mandate such a process for projects of this nature. Furthermore, Respondent No. 5 has fully complied with the prescribed procedure by submitting all necessary documentation and satisfactorily responding to the queries raised by the State Expert Appraisal Committee (SEAC). The Environmental Clearance was granted only after due diligence, and all concerns raised during the appraisal were adequately addressed.

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7.7-7.10 That the contents of Para No. 7.7 to 7.10 of the appeal are vehemently denied. It is submitted that the contentions raised therein have already been addressed in detail in the preliminary submissions, and for the sake of brevity, the same are briefly reiterated herein. The project falls within an already established residential colony and lies outside any designated hotspot area. Further, the letter dated 08.01.2025 issued by the Chief Conservator of Forests to the Central Empowered Committee clarifies that while a morphological ridge map is available on the E-Vanlekh portal, it carries a disclaimer stating that the map layers are tentative and not to be used for legal purposes. The same letter confirms that a final determination will only follow the High-Powered Technical Committee's assessment post the aerial LiDAR survey. As already stated hereinabove, the Central Empowered Committee ("CEC") constituted by the Hon'ble Supreme Court, submitted its report no. 25 of 2025 dated 14.05.2025 with regard to construction of Group Housing Project at the project land. The CEC Report has recommended as follows:

*"18. Based on the submissions made above and after considering that the project has all statutory and other necessary approvals from the competent authorities for construction of a Group Housing Project on the 'subject land' owned by M/s RR Texknit LLP, and that part of the 'subject land', though not part of the notified Ridge Forest Area land but is falling in morphological Ridge Area, it is recommended that **"this Hon'ble Court may consider permitting M/s RR Texknit LLP for use of 4553 sq.mt. (0.4553 ha) of the 'subject land'**"*

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without felling of any tree for the construction of Group Housing Project” subject to the following conditions....”

In addition to the above, Form 1A clearly records that the Central Ridge is 8.3 km from the property, and this has been accurately disclosed by Respondent No. 5. The Appellant’s claim that the property qualifies as a morphological ridge is neither factually correct nor legally, and appears to be a deliberate attempt to obstruct a lawful project through frivolous and misleading assertions. Without prejudice to these submissions, it is humbly submitted that after careful consideration of all relevant factors CEC submitted its report before Hon’ble Apex Court recommending the permission of construction. CEC also noted in its report that the committee conducted a site visit on 03.01.2025 and observed that the ‘subject land’ is flat land, surrounded by the residential house of DDA.

7.11 That the contents of Para No. 7.11 of the appeal are vehemently denied. It is submitted that the allegations raised therein are baseless and unfounded. It is denied that the project would involve substantial land preparation and extraction of resources which would be classifiable as a “mining activity”.

7.12 That the contents of Para No. 7.12 of the appeal are incorrect and denied. It is denied that a District Survey Report is mandatory in this project as the same does not involve any mining activity or winning of minerals. Further, the reliance of the Appellant on the case of State of Bihar v. Pawan Kumar (2022) 2 SCC 348 is misconceived and misleading. The Apex

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Court in the case of State of Bihar v. Pawan Kumar (Supra) was dealing with mining activities undertaken by corporations and not the construction project by real estate developers. In the present case, the Respondent No. 5 is not involved in excavation and commercial use of minerals but is engaged in the business of real estate development. The soil excavated is to be used in terms of Environmental Clearance.

7.13-7.15 That the contents of Para 7.13-7.15 are wrong and denied. The Appellant's frivolous attempt to harass the answering respondent is demonstrated by this ground itself which suggests that the answering respondent is attempting to engage in mining activity. It appears to be the suggestion of the Appellant that all construction activity which would naturally require removal of sand should be classified as "mining activity". As per the Mines and Minerals development and Regulation Act 1957, 'mining operations' means '*any operation undertaken for the purpose of winning any mineral*'. In the present case, the only cause for removal of soil is for construction purpose and not undertaken with the intention to win minerals. Therefore, it is egregious to suggest that construction activity, by any stretch of imagination could constitute a mining activity. Therefore, this contention of the Appellant does not hold any water.

7.16-7.17 That the contents of Para No. 7.16-7.17 of the appeal are vague, false, and baseless, and hence vehemently denied. It is submitted that no construction activity has taken place at the project site to date. The minutes of the 132nd meeting of the State Expert Appraisal Committee (SEAC) further support Respondent No. 5's position. Also, the status report dated

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23.10.2024 filed by the Deputy Conservator of Forests ('DCF') mentions that machinery present at the property, such as JCB and Hydra machines, was solely for the rehabilitation of a fallen (Sheesham) tree, and not for any construction or land levelling activities. This fact was also duly recorded by the Court Commissioner in the site visit report dated 30.01.2025. Further the reliance on the decision of the Hon'ble Supreme Court in *Alembic Pharmaceuticals Ltd. v. Rohit Prajapati and Ors.* (2020) 17 SCC 157 is completely misplaced. The judgement deals with "post facto environmental clearances" whereas, in the present case, there is no post facto EC since no construction activity has commenced. The very premise of the "post facto EC" is not being met and therefore, the reliance on this judgement holds no water.

7.18 That the contents of para 7.18 are incorrect and denied. It is denied that the EAC granted EC despite acknowledging prior violations making the entire approval process a mere formality. On the contrary, the EC has been provided after following the procedure established under law.

7.19 That the contents of Para No. 7.19 of the appeal are false and based on conjectures and surmises. The Appellant has merely made baseless assumptions that the basement would be as deep as 20 meters without any sort of supporting evidence. Further, there exists no legal requirement mandating soil analysis beyond a depth of 15 meters.

7.20-7.21 That contents of paras 7.20 and 7.21 of the appeal are also incorrect and based on conjectures and surmises. It is denied that there is lack of proper soil investigation. In fact, the soil investigation report forms a part of the Form 1A. It is submitted

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that Respondent No. 5 has furnished all necessary reports and provided comprehensive responses to the queries raised by the State Expert Appraisal Committee (SEAC). In fact, the Appellant's own submissions acknowledge that soil testing up to 15 meters has been carried out. Furthermore, the Form 1A submitted by Respondent No. 5 includes the basement plan for the proposed construction, which indicates a depth of 10.52 meters. It is therefore evident that the soil analysis conducted adequately covers the structural depth of the project, and the Appellant's assertions are factually incorrect and legally untenable.

7.22-7.23 That the contents of Para No. 7.22-7.23 of the appeal are incorrect and vehemently denied. It is submitted that, the Appellant has failed to produce any credible evidence to substantiate its allegations regarding unauthorized tree felling, rendering such claims wholly speculative and without merit. The status report dated 23.10.2024, filed by the DCF, confirms that 23 trees were identified on the property, of which 19 were healthy and standing, and one fallen tree was duly rehabilitated using appropriate machinery. The Environmental Clearance also records the existence of 19 trees. At no stage has any evidence been placed on record to support the claim that more than 23 trees existed. The minutes of the 134th meeting of the SEAC further confirm that no tree felling occurred. These findings were also recorded by the Hon'ble High Court of Delhi in its order dated 06.12.2024, which affirmed the correctness of the tree assessment. Additionally, Respondent No. 5 has undertaken to plant 56 new trees as part of the project, demonstrating its commitment to environmental sustainability and enhancement of green cover. The discrepancy in the status

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reports dated 23.10.2024 and 19.09.2024 is denied. Further the veracity of the status report of 19.09.2024 is also denied. The contents of the preliminary submissions is reiterated and not repeated herein for the sake of brevity.

7.24-7.27 That the contents of para no. 7.24-7.27 are incorrect and denied. As already stated in the preliminary submissions, the issue regarding the project land falling in the morphological ridge area has now been resolved vide the CEC report no. 25 of 2025. The same is not repeated herein for the sake of brevity. It is denied that there is any deliberate concealment of material information. It is humbly submitted that land in question does not attract the provisions of Forest Conservation Act, 1980 and the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as alleged by the appellant.

7.28-7.29 That the contents of Para No. 7.28-7.29 of the appeal are vague, false, and baseless and hence vehemently denied. It is submitted that the contentions raised therein have already been addressed in detail in the preliminary submissions above, and for the sake of brevity, the same are briefly reiterated herein. Respondent No. 5 has clearly disclosed in Form 1A that water required during the construction phase will be sourced from the Vasant Kunj Sewage Treatment Plant (STP), and that any wastewater generated will be treated through a mobile STP on-site. The Delhi Jal Board (DJB), vide its letter dated 05.02.2024 had clarified that Respondent No. 5 shall make its own arrangement for non-potable water. Therefore, Respondent No. 5 has arranged for treated water from a Sewage Treatment Plant (STP) for construction activities, in full compliance with applicable norms. Further, as per the letter dated 06.06.2024 issued by DJB, the Answering Respondent was allowed to

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collect the treated effluent from Vasant Kunj STP and use the same for industrial purposes.

7.30-7.35 That the contents of Para No. 7.30-7.35 and Para No. 7.43 of the appeal are false, and based on conjectures and surmises. It is submitted that the property is situated at a distance of 2.48 km from the Southern Ridge and 2.9 km from the Aravalli Biodiversity Park, and therefore, poses no threat to ridge stability or ecological sensitivity. The project falls within an already established residential colony and lies outside any designated hotspot area. It is denied that no study or report having scientific findings regarding ground water levels at the subject property was prepared by Respondent No. 5 since soil investigation report is clearly annexed as Annexure 12 in Form 1A. The Appellant has merely made bald allegations as regards the ground water table and requirements to dig boreholes beyond 15 meters without any supporting study or documents. There is no provision that mandates the digging of boreholes beyond 15 meters. Further, as the basement excavation shall extend to a maximum of 10.52 meters, therefore, there is no requirement to go beyond 15 meters to assess the groundwater table and structural stability of the project.

7.36-7.40 That the contents of Para No. 7.36-7.40 of the appeal are vague, false, and baseless and hence vehemently denied. It is submitted that the contentions raised therein have already been addressed in the Preliminary submissions, and the same are briefly reiterated herein. A comprehensive Traffic Impact Assessment was conducted in June 2024 by the competent authority, which concluded that the proposed project would not adversely affect local traffic conditions. The entry and exit points of the property are located away from the nearby school, and

the site plan confirms they are in the opposite direction from the school gate, ensuring no interference with school traffic. Respondent No. 5 has also proposed internal roads to manage circulation and prevent congestion. The allegation that the assessment was carried out during non-peak hours or non-school days is baseless, as the report includes observations made after the school's summer break and confirms differing peak hours. The final report clearly states that the project will have an insignificant impact on the surrounding road network.

- 7.41 That the contents of Para No. 7.41 of the appeal are vague, baseless, and hence vehemently denied. The construction by Respondent No. 5 does not impact population density or living conditions. The project underwent proper environmental clearance procedures and includes CSR measures to address public concerns, ensuring compliance with all legal and environmental obligations.
- 7.42 That the contents of Para No. 7.42 of the appeal are vehemently denied. It is submitted that the contentions raised therein have already been addressed in detail in the preliminary submissions, and for the sake of brevity, the same are briefly reiterated herein. Respondent No. 5, in Form 1A, has clearly stated that construction activities will be suspended during night-time to minimize noise pollution. Furthermore, all machinery used on-site will be maintained in accordance with noise control regulations. It has been further stated by the Respondent No. 5 shall use silencers, plantation around boundary walls, anti-vibration pads to attain Insertion Loss of about 25 dB. These steps are being undertaken in pursuance of the Respondent No. 5's commitment to abide by the Noise limits. Respondent No. 5 has clearly stated in Form 1A that all

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construction activities will be suspended during night hours to minimize noise pollution, and only machinery compliant with noise control norms will be used, including the use of silencers. All nearby hospitals and schools have been duly disclosed, and comprehensive noise mitigation steps have been outlined, reflecting a responsible and transparent approach to development.

7.43 The contents of the para no. 7.43 are incorrect and denied. It is denied that the answering respondent has falsely declared in Form 1A that no waterbody near the subject property. It is submitted that the undertaking to the effect that no water body exists within 100 m of the project land in Form 1A. The Appellant refers to a pond in the park maintained by DDA which is adjacent to a nearby school, alleging it to be a water body. In fact, the pond dried out several years ago. Thereafter, it was artificially maintained as an ornamental pond for aesthetic purposes and therefore it is submitted that this pond is not a natural waterbody. Additionally, the artificial pond is around 145 meters from the site. Therefore, the construction activities on the property will not impact any natural water body, and no special permission is required under this ground. The contents of the preliminary submission are reiterated and not repeated herein for the sake of brevity.

7.44-7.45 The contents of para no. 7.44 -7.45 are incorrect and denied. It is submitted that as per the site visit report, no land levelling had taken place at the project land. The contents of the preliminary submissions are reiterated and not repeated herein for the sake of brevity.

7.46 The contents of para no. 7.46 are incorrect and denied. It is denied that there is any discrepancy in the reports dated

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23.10.2024 and 19.09.2024. In fact, as per the status report dated 23.10.2024 filed by the Deputy Conservator of Forests (DCF), a site inspection was carried out to verify the number and condition of the trees present. The report clearly states that 23 trees were identified on the site, of which 19 were found to be healthy and standing. It further clarifies that one tree had fallen but was subsequently rehabilitated using appropriate equipment, including JCB and Hydra machines, ensuring minimal disturbance to the surrounding flora. The report provides a factual and transparent account, directly contradicting the Appellant's allegation of misrepresentation. Further the veracity of the report dated 19.09.2024 is denied.

- 7.47 The contents of para no. 7.47 are incorrect and denied. The contents of the preliminary submissions are reiterated and not repeated for the sake of brevity.
- 7.48 The contents of para no. 7.48 are incorrect and denied. The contents of the preliminary submissions are reiterated and not repeated for the sake of brevity.
- 7.49 The contents of para no. 7.49 are incorrect and denied. All details as regards the treatment of water and supply of water has been clearly provided for in the Form 1A in detail. The contents of the preliminary submissions are reiterated and not repeated for the sake of brevity.
- 7.50 The contents of para no. 7.50 are incorrect and denied. The traffic impact assessment report has been furnished with the Form 1A. The same has been taken into account during grant of EC. The contents of the preliminary submissions are reiterated and not repeated for the sake of brevity.
- 7.51 The contents of para no. 7.51 are incorrect and denied. The contents of the preliminary submissions are reiterated and not repeated for the sake of brevity.

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- 7.52 The contents of para no. 7.52 are incorrect and denied. The detailed plan of water consumption has already been annexed with Form 1A. The contents of the preliminary submissions are reiterated and not repeated for the sake of brevity.
- 7.53 The contents of para no. 7.53 are incorrect and denied. It is denied that any false and fabricated documents/ affidavits have been provided by the answering respondent.
- 7.54 The contents of para no. 7.54 are incorrect and denied. The contents of the preliminary submissions are reiterated and not repeated for the sake of brevity.
- 7.55 The contents of para no. 7.55 are incorrect and denied. The contents of the preliminary submissions are reiterated and not repeated for the sake of brevity.
- 7.56-7.57 The contents of para no. 7.56 and 7.57 are incorrect and denied. There has been no tree cutting/ tree felling as has already been recorded in the site visit report and DCF report. The contents of the preliminary submissions are reiterated and not repeated for the sake of brevity.
- 7.58-7.60 The contents of para no. 7.58-7.60 are incorrect and denied. It is denied that the peaceful environment of the community shall be disrupted due to construction of the said project as all necessary processes and legal compliances have been made. The contents of the preliminary submissions are reiterated and not repeated for the sake of brevity. It is denied that the Appellant has filed various petitions/applications on separate causes of action. On the contrary they have reported to forum shopping. It is further denied that the project is in any manner harmful or injurious to the environment.

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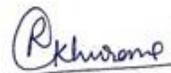
In view of the aforesaid facts and submissions, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a. Dismiss the present appeal filed by the Appellant and all consequential proceedings emanating therefrom and impose cost on Appellant;
- b. Pass any other order as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.

For R R TEXKNIT LLP


Rakesh Kumar Sharma
Partner, Respondent No.5

THROUGH



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Counsel for the
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Email: rkhurnalegal@gmail.com

Place: Delhi

Date: 01.07.2025

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

APPEAL NO. 15 OF 2025

IN THE MATTER OF:

Vasant Kunj Residents Welfare Associations, Sector -B, Pocket-1Appellant

Versus

Ministry of Environment, Forest & Climate Change & Ors.Respondents

AFFIDAVIT

I, Rakesh Kumar Sharma S/o Late Sh. Hari Shankar Sharma R/c 137, Jor Bagh, Lodi Road, New Delhi-10003, do hereby solemnly affirm and state as under:

1. That I am Partner of RR Texknit LLP (Respondent No.5) and assuch fully acquainted with the facts of the case, hence, competent to swear this affidavit.

That I have gone through the contents of accompanying reply which has been drafted under my instructions. I say that the facts stated therein are true to my knowledge and belief, derived from the records and the submissions are based on legal advice received from counsel believed by me to be true.

That the annexures of the application are true copies of their respective originals.

1 JUL 2025

RR TEXKNIT LLP
Rakesh Kumar
Deponent Signatory

Verification:

Verified at New Delhi on day of 2025 that the contents of affidavit are true and correct to my knowledge and on the basis of information derived from the official record which I believe to be true and no material fact has been concealed therein.

CERTIFIED DEPONENT

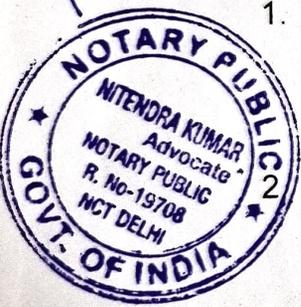
Verified at New Delhi on day of 2025 that the contents of affidavit are true and correct to my knowledge and on the basis of information derived from the official record which I believe to be true and no material fact has been concealed therein.

Identified by me
has seen
On
contents of the
& explained to me and true & correct to his/her knowledge.

Ramesh Kumar

NITENDRA KUMAR, NOTARY PUBLIC
Govt. of India, DELHI

RR TEXKNIT LLP
Rakesh Kumar
Deponent Signatory



Ramesh Kumar
I identified the deponent who has signed in my presence

				टिप्पण2.- "सामान्य शर्तें "लागू नहीं होंगी।
8(ख)	नगरी और क्षेत्र विकास परियोजनाएं		जो >50 हेक्टेयर के क्षेत्र और या >1,50,000 वर्ग मीटर क्षेत्र को कवर कर रही हैं	इस मद के अधीन आने वाली नगरी और क्षेत्र विकास परियोजनाओं से पर्यावरण समाघात रिपोर्ट अपेक्षित होगी और उनका निर्धारण श्रेणी "ख1" परियोजना के रूप में किया जाएगा। टिप्पण.- साधारण शर्तें "लागू नहीं होंगी।"

[फा.सं.आईए3-3/46/2024- आईए.III]

रजत अग्रवाल, संयुक्त सचिव

टिप्पण: मूल अधिसूचना संख्या का.आ. 1533(अ), तारीख 14 सितंबर, 2006 द्वारा भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में प्रकाशित किए गए थे और इसमें अंतिम बार अधिसूचना संख्या का.आ. 2215(अ) तारीख 7 जून 2024 द्वारा संशोधन किया गया था।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 29th January, 2025

S.O. 523(E).— WHEREAS the Government of India in the erstwhile Ministry of Environment and Forests *vide* its notification number S.O.60(E) dated the 27th January, 1994 imposed certain restrictions and prohibitions and requiring prior environmental clearance for undertaking any new project in any part of India or the expansion or modernisation of any existing industry or project covered in the notification;

AND WHEREAS the Supreme Court of India in its order dated the 12th December 2003 in WP (C) No. 725 of 1994 and WP (C) No. 4677 of 1985 in the matter of news item published in Hindustan Times titled "And Quiet Flows the Maily Yamuna" *Vs* Central Pollution Control Board and Others observed that building construction causes damage to the environment and, therefore, such construction projects may be considered to be brought within the purview of the said notification of 1994, hence, the said notification was amended *vide* number S.O 801(E), dated the 7th July, 2004 bringing within its purview certain categories of building and construction projects and requiring prior environmental clearance;

AND WHEREAS subsequently the Central Government superseded the said notification, *vide* number S.O. 1533 (E), dated the 14th September, 2006 (hereinafter referred to as the EIA Notification), *inter alia*, imposing certain restrictions and prohibitions on building and construction projects and township and area development projects covered under item 8 (a) and (b) of the Schedule thereof and required prior environment clearance for undertaking any such activities;

AND WHEREAS the Central Government under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, subsequently published a draft notification on the 11th September, 2014, inviting suggestions and objections of all concerned to the amendment in the Schedule of the EIA Notification in respect of items 8 (a) and (b) and the entries relating thereto and after considering and incorporating all the

suggestions and objections received in respect of the draft notification, made the final notification *vide* number S.O.3252(E) dated the 22nd December, 2014;

AND WHEREAS the High Court of Kerala, Ernakulam, *vide* its order dated the 6th March 2024, in the matter of WP (C) No. 3097 of 2016 titled One Earth One Life *vs.* the Ministry of Environment, Forest and Climate Change and Anr., quashed and set aside the notification dated the 22nd December, 2014 on the ground that the final notification was different from the draft notification while granting liberty to the Ministry to issue a fresh notification, in accordance with the law;

AND WHEREAS in the light of judgement of Kerala High Court, the National Green Tribunal, *vide* order dated the 9th August, 2024, in Original Application No. 93 of 2024, *inter alia*, directed the Ministry of Environment, Forest and Climate Change to either comply with the provisions related to the applicability of General Conditions in respect of items 8 (a) and (b) of the Schedule to the EIA notification or to issue a clarificatory notification in this regard;

AND WHEREAS in view of the judgment of the Kerala High Court and the order of the National Green Tribunal, there is an urgent need to issue a fresh notification clarifying the issues for adhering to the judgement of the Supreme Court dated the 12th December, 2003 regarding applicability of prior environmental clearance for various building construction projects;

AND WHEREAS a draft notification for making amendments in the said notification was published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii), *vide* number S.O. 4844(E), dated the 7th November, 2024, inviting objections and suggestions from all the persons likely to be affected thereby, within a period of sixty days from the date on which copies of the Gazette containing the said draft notification were made available to the Public;

AND WHEREAS copies of the said notification were made available to the public on the 7th November, 2024;

AND WHEREAS the objections and suggestions received in response to the said notification within the period of sixty days have been duly considered by the Central Government;

NOW, THEREFORE, in exercise of powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986), read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the notification of the Government of India in the erstwhile Ministry of Environment and Forests, number S.O.1533(E), dated the 14th September, 2006, namely:—

In the said notification, in the Schedule, for item 8 and the entries relating thereto, the following item and the entries shall be substituted, namely:—

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
(1)	(2)	(3)	(4)	(5)
“8	Building or Construction projects or Area Development Projects and Townships			
8(a)	Building and Construction projects		≥ 20,000 sq.m. and < 1,50,000 sq. m. of built up area	The term “built up area” for the purpose of this notification is defined as the built up or covered area on all floors put together, including its basement and other service areas, which are proposed in the building or construction projects. Note 1.— The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental

				management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks. Note 2.— General Conditions shall not apply.
8 (b)	Townships and Area Development Projects		Covering an area \geq 50 ha and/or built up area \geq 1,50,000 sq. m.	A project of Township and Area Development Projects covered under this item shall require an Environment Impact Assessment report and be appraised as Category 'B1' Project. Note. — General Conditions shall not apply.”.

[F.No. IA3-3/46/2024-IA. III]
RAJAT AGARWAL, Jt. Secy.

Note.—The principal notification was published in the Gazette of India, *vide* number S.O. 1533(E), dated the 14th September, 2006 and was last amended *vide* the notification number S.O. 2215(E) dated 7th June 2024.

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BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 1171/2024

IN THE MATTER OF:

Vasant Kunj Residents Welfare Association

... Applicant

Versus

MoEF & CC & Ors.

... Respondent(s)

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Date: 30.01.2025

Filed by:

MADHUMITA SINGH
COURT COMMISSIONER

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BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO. 1171/2024****IN THE MATTER OF:****Vasant Kunj Residents Welfare Association****... Applicant****Versus****MoEF & CC & Ors.****... Respondent(s)**

SITE VISIT REPORT OF THE COURT COMMISSIONER AT KHASRA NO. 1230/2 (NEW) TOWARDS COMPLIANCE OF THE ORDER DATED 10.01.2025 BY HON'BLE NATIONAL GREEN TRIBUNAL

MOST RESPECTFULLY SUBMITTED: -

1. That this Hon'ble Tribunal, in the present Original Application is dealing with the issue of raising illegal construction by Respondent No. 6 without obtaining the mandatory Environmental Clearance (EC) required under the Environmental Impact Assessment (EIA) Notification, 2006, issued under the Environment (Protection) Act, 1986 on the land in Khasra No. 1230/2 (New), measuring 6 Bighas and 7 Biswas by Respondent No. 6/ M/S R. R. TEXKNIT LLP.
2. That vide Order dated 10.01.2025, the Hon'ble Tribunal was pleased to appoint the undersigned to verify the facts related to status of the site, particularly, in terms of the provisions contained in Clause 6 of EIA, Notification 2006 as amended from time to time. The relevant

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paragraph from the said order dated 10.01.2025 is reproduced as under:

3. In these facts and circumstances, we find it appropriate to obtain a factual report by appointing an Advocate Commissioner and accordingly, we appoint Ms. Madhumita Singh, Advocate (Enrolment No. D/4778/2016) (Contact No. 9971117818) as Advocate Commissioner who shall visit the site and find out the status of the site, particularly, in terms of the provisions contained in Clause 6 of EIA, Notification 2006 as amended from time to time and submit report within 15 days. She shall be paid professional remuneration/fee of Rs. 25,000/-.

3. It is submitted that undersigned visited the site to ascertain the true and correct conditions and position of the matter at hand on ground. It is also submitted that the following persons were present at the Site and accompanied the undersigned for inspection of the site in question on 17.01.2025 at about 3:45 pm.

On behalf of the Applicant:

1. Mrs. Manju Swaminathan, President RWA
2. Mr. Rajiv Ranjan, Resident
3. Mr. Aby Johnson, Resident
4. Adv. Shreshth Arya

On behalf of Respondent No. 6:

1. Mr. Rakesh Kumar, Director of Respondent No. 6
2. Mr. Rohit Sejwal
3. Adv. Govind Gupta

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4. That, undersigned after inspection has summarised the following observations, along with photographs and videography to assist the Hon'ble Tribunal. The observations are as under:
- a. That the site in question is situated besides Masonic Public School and is boundary-walled from all sides with a gate for entry and exit, with the gate under lock and key in possession of Respondent no. 6 and the entry is only restricted to Respondent No. 6 and its authorized personnel.
 - b. That, Respondent No. 6 further declared that the site has been left on "Status Quo" basis as was handed over to Respondent No. 6.
 - c. Respondent No. 6 stored metal racks and pipes, with the same in dismantled condition. Upon seeking clarity, Respondent No. 6 informed that these racks and metal pipes are for future use and have not been dismantled prior to visit of the undersigned.
 - d. That, Respondent No. 6 informed that old pumping set covered with blue tarping is an old pumping set which was existing at the site when the site was handed over to Respondent No. 6. However, the pumping set is not functional.
 - e. That, it was also noticed and documented the presence of an air-conditioned guard room with television, folding cot and a table with 2 washrooms with overhead water tank. Respondent No. 6 informed that this constructed Guard room were set up prior to the

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directions of this Hon'ble Court. Further, Respondent No. 6 informed that the tin structure of the guard room is temporary in nature. The parties should place the date of construction of the said guard room before this Hon'ble Tribunal.

- f. That, it was observed that in a certain area of land parcel there were tyre mark of which indicated movement of heavy vehicle, and the grass/ shrubs were removed. Upon seeking clarity, Respondent No. 6 informed that the tyre marks were due to movement of JCB that was deployed in compliance to the order passed by Hon'ble High Court of Delhi for restoration of trees earlier removed by Respondent No. 6.
 - g. That, it was also noticed concrete, debri and malba has been dumped around trunk of a tree adjacent to guard room. Upon seeking clarity from Respondent No. 6, it was informed that these were due to compliance of order mentioned in the above paragraph.
 - h. That, Respondent No. 6 has not undertaken any land levelling and preparation of the land parcel in question and the land remains in its natural state.
5. The photographs and videos of the site in question are annexed herewith this report.
6. The undersigned took serious and sincere note of the order dated 10.01.2025 passed by this Hon'ble Tribunal. The inspection of site in

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question was conducted with transparency and factual position is being placed before this Hon'ble Tribunal without considering / giving credence the past materials on record.

7. That this report is submitted before this Hon'ble Tribunal for kind consideration and perusal.

Filed by:



MADHUMITA SINGH

COURT COMMISSIONER

A414-415, SOMDUTT CHAMBERS 1,

BHIKAJI CAMA PLACE,

NEW DELHI-110066

MO. NOS.: 9971117818

Dated: 30.01.2025

Place: New Delhi

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 11th September, 2017

S.O. 2996(E).—WHEREAS, a draft notification was published in the Gazette of India, Extraordinary, vide notification of the Government of the India in the Ministry of Environment, Forest and Climate Change number S.O. 2114, dated the 15th June 2016, inviting objections and suggestions from all persons likely to be affected thereby within the period of sixty days from date on which copies of the Gazette containing the said notification were made available to the public;

AND WHEREAS, copies of the Gazette containing the said Draft notification were made available to the public on the dated the 15th June 2016

AND WHEREAS, objections and suggestions received from all persons and stakeholders in response to the draft notification have been duly considered by the Central Government;

AND WHEREAS, the Asola Bhatti Wildlife Sanctuary located in the National Capital Territory of Delhi is spread over an area of 19.57 square kilometers and sSanctuary is located between 28° 23'00'' N to 28° 30'00'' N latitude and 77° 11'00'' E to 77° 17' 00'' E longitudes;

AND WHEREAS, the Asola Bhatti Wildlife Sanctuary shares its boundary with the State of Haryana in Eastern, Southern and South-Western directions and this notification is for notifying the Eco-sensitive Zone around the Asola Bhatti Wildlife Sanctuary of National Capital Territory of Delhi;

AND WHEREAS, the flora and fauna represent rich biological significance of this Sanctuary and the faunal diversity is represented by 17 species of mammals, around 201 species of resident and migratory birds, 12 species of reptiles, 5 species of amphibians, 63 species of butterflies and 05 species of dragonflies, and important species found in the protected area are Nilgai (*Boselaphus tragocamelus*), Jungle cat (*Felis chaus*), small Indian Civet (*Viverricula indica*), Mongoose (*Herpestes auro punctatus*), Jackal (*Canis aureus*), Indian porcupine (*Hystrix indica*), five striped palm squirrel (*Funambulus pennantii*), Cheetal (*Acinonyx jubatus*) etc;

AND WHEREAS, the ofoersaid sanctuary consists of a mixture of indigenous and exotic species of Flora and is known to harbor around 83 species of trees, around 30 species of shrubs, around 95 species of herbs, around 18 species of grasses and around 4 species of sedges;The native flora includes various species of *Acacia such as Acacia nilotica, Acacia leucophloea, Acacia catechu, Acacia senegal, Acacia modesta, Butea monosperma, Cassia fistula, Salvadora persica* and in the small boulder hillocks a few scattered trees of *Anogeissus pendula* are also found; some other trees found in the area include *Dalbergia sissoo, Ficus religiosa, Morus indica, Azadirachta indica, Pongamia pinnata* etc;

AND WHEREAS, it is necessary to conserve and protect the area, the extent and boundaries of which are specified in paragraph 1 of this notification, around the protected area of Asola Bhatti Wildlife Sanctuary as Eco-sensitive Zone from ecological, environmental and biodiversity point of view and to prohibit industries or class of industries and their operations and processes in the said Eco-sensitive Zone;

NOW THEREFORE, in exercise of the powers conferred by sub-section(1) and clauses (v) and (xiv) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies an area with an extent upto one kilometer from the boundary of the Asola Bhatti Wildlife Sanctuary in the National Capital Territory of Delhi as the Asola Bhatti Wildlife Sanctuary Eco-sensitive Zone (hereinafter referred to as the Eco-sensitive Zone) details of which are as under, namely:-

1. Extent and boundaries of Eco-sensitive Zone.- (1) The Eco-sensitive Zone shall be of 15.55 square kilometers with an extent upto one kilometer from the Asola Bhatti Wildlife Sanctuary. And the description of the Ashola Bhatti Wildlife Sanctuary and eco-sensitive Zone with Geo- Coordinates is given in **Annexure-I**.

(2) The map of the Eco-sensitive Zone along with boundary details and latitudes and longitudes is appended as **Annexure-II**.

(3) List of villages falling in the in Eco-sensitive Zone in given at **Annexure-III**.

2. Zonal Master Plan for Eco-sensitive Zone.- (1) The State Government shall, for the purpose of the Eco-sensitive Zone prepare, a Zonal Master Plan, within a period of two years from the date of publication of this notification in the Official Gazette, in consultation with local people and adhering to the stipulations given in this notification for consideration and approval of the State Government.

(2) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government in such manner as is specified in this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.

(3) The Zonal Master Plan shall be prepared in consultation with the following State Departments, for integrating the ecological and environmental considerations into the said plan:-

- (i) Environment;
- (ii) Forest;
- (iii) Urban Development;
- (iv) Tourism;
- (v) Municipal;
- (vi) Revenue;
- (vii) Agriculture;
- (viii) Delhi State Pollution Control Committee;
- (ix) Irrigation;
- (x) Public Works Department.

(4) The Zonal Master Plan shall not impose any restriction on the approved existing land use, infrastructure and activities, unless so specified in this notification and the Zonal Master Plan shall factor in improvement of all infrastructure and activities to be more efficient and eco-friendly.

(5) The Zonal Master Plan shall provide for restoration of denuded areas, conservation of existing water bodies, management of catchment areas, watershed management, groundwater management, soil and moisture conservation, needs of local community and such other aspects of the ecology and environment that need attention.

(6) The Zonal Master Plan shall demarcate all the existing worshipping places, village and urban settlements, types and kinds of forests, agricultural areas, fertile lands, green area, such as, parks and like places, horticultural areas, orchards, lakes and other water bodies with supporting maps and the Plan shall be supported by maps giving details of existing and proposed land use features.

(7) The Zonal Master Plan shall regulate development in Eco-sensitive Zone as to ensure eco-friendly development for livelihood security of local communities.

(8) The Zonal Master Plan shall be reference documents for the Monitoring Committee for carrying out its functions of monitoring *vide* the provisions of this notification.

3. **Measures to be taken by State Government.**-The State Government shall take the following measures for giving effect to the provisions of this notification, namely:-

- (1) **Land use.**- Forests, horticulture areas, agricultural areas, parks and open spaces earmarked for recreational purposes in the Eco-sensitive Zone shall not be used or converted into areas for commercial or industrial activities;

Provided that the conversion of agricultural and other lands within the Eco-sensitive Zone may be permitted on the recommendation of the Monitoring Committee, and with the prior approval of the State Government to meet the residential needs of the local residents and for activities such as:

- (i) widening and strengthening of existing roads and construction of new roads;
- (ii) construction and renovation of infrastructure and civic amenities;
- (iii) small scale industries not causing pollution;
- (iv) cottage industries including village industries; convenience stores and local amenities supporting eco-tourism including home stay; and
- (v) promoted activities given in paragraph 4

Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the of the State Government and without compliance of the provisions of article 244 of the Constitution or the law for the time being in force, including the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007):

Provided also that any error appearing in the land records within the Eco-sensitive Zone shall be corrected by the State Government, after obtaining the views of Monitoring Committee, once in each case and the correction of said error shall be intimated to the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided also that the above correction of error shall not include change of land use in any case except as provided under this sub-paragraph.

Provided also that there shall be no consequential reduction in green area, such as forest area and agricultural area and efforts shall be made to reforest the unused or unproductive agricultural areas with afforestation and habitat restoration activities.

(2) **Natural springs.-** The catchment areas of all natural springs shall be identified and plans for their conservation and rejuvenation shall be incorporated in the Zonal Master Plan and guidelines shall be drawn up by the State Government in such a manner as to prohibit development activities at or near these areas which are detrimental to such areas.

(3) **Tourism.-** The activity relating to tourism activities within the Eco-Sensitive Zone shall be as per the Tourism Master Plan for the Eco-sensitive Zone.

(b) The Tourism Master Plan shall be prepared by the State Department of Tourism in consultation with State Departments of Environment and Forests.

(c) The Tourism Master Plan shall form a component of the Zonal Master Plan.

(d) The activities of eco-tourism shall be regulated as under, namely:-

(i) no new construction of hotels and resorts shall be permitted within one kilometer km from the boundary of the Ashola Bhatti Wildlife Sanctuary or upto the extent of the Eco-Sensitive Zone whichever is nearer and beyond the distance of one kilometer from the boundary of the said Wildlife Sanctuary till the extent of the Eco-sensitive Zone, the establishment of new hotels and resorts shall be permitted only in pre-defined and designated areas for eco-tourism facilities as per Tourism Master Plan.

(ii) all new tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be in accordance with the guidelines issued by the Central Government in the Ministry of Environment, Forest and Climate Change and the eco-tourism guidelines issued by National Tiger Conservation Authority (as amended from time to time) with emphasis on eco-tourism eco-education and eco-development and based on carrying capacity study of Eco-sensitive Zone;

(iii) till the Zonal Master Plan is approved, development for tourism and expansion of existing tourism activities shall be permitted by the concerned regulatory authorities based on the actual site specific scrutiny and recommendation of the Monitoring Committee.

(4) **Natural heritage.-** All sites of valuable natural heritage in the Eco-sensitive Zone, such as the gene pool reserve areas, rock formations, waterfalls, springs, gorges, groves, caves, points, walks, rides, cliffs, etc. shall be identified and preserved and plan for their preservation and conservation shall be drawn up within six months from the date of publication of this notification in the official Gazette and such plan shall form part of the Zonal Master Plan.

(5) **Man-made heritage sites.-** Buildings, structures, artefacts, areas and precincts of historical, architectural, aesthetic, and cultural significance shall be identified in the Eco-sensitive Zone and plans for their conservation shall be prepared within six months from the date of publication of this notification in the official Gazette and incorporated in the Zonal Master Plan.

(6) **Noise pollution:** Prevention and Control of noise pollution in the Eco-sensitive Zone shall be complied with in accordance with Noise Pollution (Regulation And Control) Rules, 2000 under the Environment (Protection) Act, 1986 and amendments thereto.

(7) **Air pollution:** Prevention and control of air pollution in the Eco-sensitive Zone shall be complied with in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and rules made thereunder and amendments thereto.

(8) **Discharge of effluents:** Discharge of treated effluent in Eco-sensitive Zone shall be in accordance with the provisions of the General Standards for Discharge of Environmental Pollutants covered under the Environmental (Protection) Act, 1986 and rules made thereunder or standards stipulated by State Government whichever is more stringent.

(9) **Solid wastes. -** Disposal of solid wastes shall be as under:-

(i) the solid waste disposal in Eco-sensitive Zone shall be carried out in accordance with the Solid Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forests and Climate Change vide notification number S.O. 1357 (E), dated the 8th April, 2016 as amended from time to time;

(ii) the local authorities shall draw up plans for the segregation of solid wastes into biodegradable and non-biodegradable components;

(iii) the biodegradable material shall be recycled preferably through composting or vermiculture;

(iv) the inorganic material may be disposed in an environmental acceptable manner at site identified outside the Eco-sensitive Zone;

(v) no burning or incineration of solid wastes and establishment of landfills shall be permitted in the Eco-sensitive Zone.

(10) **Bio-medical waste.-** The bio-medical waste disposal in the Eco-sensitive Zone shall be carried in accordance with the Bio-Medical Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change vide notification number GSR 343 (E), dated the 28th March, 2016 as amended from time to time.

(11) **Vehicular traffic.** - The vehicular movement of traffic shall be regulated in a habitat friendly manner and specific provisions in this regard shall be incorporated in the Zonal Master Plan and till such time as the Zonal Master Plan is prepared and approved by the competent authority in the State Government, the Monitoring Committee shall monitor compliance of vehicular movement under the relevant Acts and the rules and regulations made thereunder.

(12) **Vehicular pollution.-**Prevention and control of vehicular pollution shall be carried out in accordance with applicable laws and efforts shall be made for use of cleaner fuel for example CNG, etc.

(13) **Plastic waste management.-** The plastic waste management in the Eco-sensitive Zone shall be carried out as per the provisions of the Plastic Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change vide notification number G.S.R. 340(E), dated the 18th March, 2016, as amended from time to time.

(14) **Construction and demolition waste management.-** The construction and demolition waste management in the Eco-sensitive Zone shall be carried out as per the provisions of the Construction and Demolition Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change vide notification number G.S.R. 317(E), dated the 29th March, 2016, as amended from time to time.

(15) **E-waste.-** The e- waste management in the Eco-sensitive Zone shall be carried out as per the provisions of the E-Waste Management Rules, 2016 published by the Government of India in the Ministry of Environment, Forest and Climate Change and as amended from time to time.

(16) **Industrial units.-** (a) No establishment of new wood based industries within the Eco-sensitive Zone shall be permitted except the existing wood based industries set up as per the law.

(b) No establishment of any new industry causing water, air, soil, noise pollution within the proposed Eco-sensitive Zone shall be permitted.

(17) **Protection of hill slopes.-** The protection of hill slopes shall be as under:-

(a) the Zonal Master Plan shall indicate areas on hill slopes where no construction shall be permitted;

(b) no construction on existing steep hill slopes or slopes with a high degree of erosion shall be permitted.

4. **Prohibited, Regulated and Promoted Activities.-**All activities in the Eco sensitive Zone shall be governed by the provisions of the Environment (Protection) Act, 1986 (29 of 1986) and the rules made thereunder and shall be regulated in the manner specified in the Table below, namely:-

TABLE

S.No.	Activity	Remarks
(1)	(2)	(3)
Prohibited activities		
1.	Commercial mining, stone quarrying and crushing units.	(a) new mining (minor and major minerals), stone quarrying and crushing units shall be prohibited except for the domestic needs of <i>bona fide</i> local residents including digging of earth for construction or repair of houses and for manufacture of country tiles or bricks for housing for personal consumption. (b) The mining operations shall strictly be in accordance with the orders of the Hon'ble Supreme Court dated the 4 th August, 2006 in the matter of T.N. Godavarman Thirumulpad Vs. Union of India in Writ Petition (Civil) No.202 of 1995 and order of the Hon'ble Supreme Court dated the 21 st April, 2014 in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No.435 of 2012.
2.	Setting up of saw mills.	No new or expansion of existing saw mills shall be permitted within the Eco-sensitive Zone.
3.	Use or production of any hazardous substances.	Prohibited (except as otherwise provided) as per applicable laws.

4.	Setting up of industries causing water or air or soil or noise pollution.	(a) No new or expansion of polluting industries in the Eco-sensitive zone shall be permitted. (b) Industries categorised as Green or White in the Central Pollution Control Board classification including agro-based small scale industries shall be regulated as per the applicable regulations.
5.	Establishment of new major thermal and hydro-electric projects.	Prohibited (except as otherwise provided) as per applicable laws.
6.	Establishment of large-scale commercial livestock and poultry farms by firms, companies, etc.	Prohibited (except as otherwise provided) as per applicable laws except for meeting local needs.
7.	Discharge of untreated effluents and solid waste in natural water bodies or land area.	Prohibited (except as otherwise provided) as per applicable laws.
8.	Setting up of brick kilns.	Prohibited (except as otherwise provided) as per applicable laws.
9.	Establishment of solid waste disposal site and common incineration facility for solid and bio medical waste.	No new solid waste disposal site and waste treatment or processing facility of solid waste shall be permitted within Eco -sensitive zone and installation of common or individual incineration facility for treatment of any form of solid waste generated from industrial process and health establishment, hospitals, etc. shall be prohibited.
Regulated activities		
10.	Commercial establishment of hotels and resorts.	No new commercial hotels and resorts shall be permitted within one kilometer of the boundary of the Protected Area or upto the extent of Eco-sensitive zone, whichever is nearer, except for small temporary structures for eco-tourism activities: Provided that, beyond one kilometer from the boundary of the Protected Area or upto the extent of Eco-sensitive zone, whichever is nearer, all new tourist activities or expansion of existing activities shall be in conformity with the Tourism Master Plan and guidelines as applicable.
11.	Construction activities.	(a) No new commercial construction of any kind shall be permitted within one kilometer from the boundary of the Protected Area or upto extent of the Eco-sensitive Zone, whichever is nearer: Provided that, local people shall be permitted to undertake construction in their land for their residential use including the activities listed in sub -paragraph (1) of paragraph 3 as per building byelaws. (b) The construction activity related to small scale industries not causing pollution shall be regulated and kept at the minimum, with the prior permission from the competent authority as per applicable rules and regulations, if any. (c) Beyond one kilometer it shall be regulated as per the Zonal Master Plan.
12.	Small scale non polluting industries.	Non polluting industries as per classification of industries issued by the Central Pollution Control Board in February 2016 and non-hazardous, small-scale and service industry, agriculture, floriculture, horticulture or agro-based industry producing products from indigenous materials from the Eco-sensitive Zone shall be permitted by the competent Authority.
13.	Eco-friendly cottages for temporary occupation of tourists such as tents, wooden houses, etc. for eco-friendly tourism activities.	Regulated under applicable laws.

14.	Felling of trees.	(a) There shall be no felling of trees on the forest or Government or revenue or private lands without prior permission of the Competent authority in the State Government. (b) The felling of trees shall be regulated in accordance with the provisions of the concerned Central or State Acts and the rules made thereunder.
15.	Collection of Forest produce or Non-Timber Forest Produce (NTFP).	Regulated under applicable laws.
16.	Erection of electrical and communication towers and laying of cables and other infrastructures .	Regulated under applicable law (underground cabling may be promoted).
17.	Infrastructure including civic amenities.	Shall be done with mitigation measures, as per applicable laws, rules and regulation and available guidelines.
18.	Widening and strengthening of existing roads and construction of new roads.	Shall be done with mitigation measures, as per applicable laws, rules and regulation and available guidelines.
19.	Under taking other activities related to tourism like over flying the Eco-Sensitive Zone area by hot air balloon, helicopter, drones, Microlites, etc.	Regulated under applicable laws.
20.	Protection of hill slopes and river banks .	Regulated under applicable laws.
21.	Movement of vehicular traffic at night.	Regulated for commercial purpose under applicable laws.
22.	Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming, aquaculture and fisheries.	Permitted under applicable laws for use of locals.
23.	Discharge of treated effluents in natural water bodies or land area.	The discharge of treated effluent shall be regulated as per applicable laws.
24.	Commercial extraction of surface and ground water	Regulated under applicable law.
25.	open well, bore well etc. for agriculture or other usage.	Regulated under applicable law. and the activity shall be monitored by the concerned authority.
26.	Solid waste management.	Regulated under applicable laws.
27.	Eco-tourism.	Regulated under applicable laws.
28.	Use of polythene bags.	Regulated under applicable laws.
29.	Introduction of Exotic species.	Regulated under applicable laws.
Promoted activities		
30.	Rain water harvesting.	Shall be actively promoted.
31.	Organic farming.	Shall be actively promoted.
32.	Adoption of green technology for all activities.	Shall be actively promoted.
33.	Cottage industries including village artisans.	Shall be actively promoted.
34.	Agro-Forestry.	Shall be actively promoted.
35.	Skill development.	Shall be actively promoted.
36.	Restoration of degraded land/ forests/ habitat.	Shall be actively promoted.
37.	Environmental awareness.	Shall be actively promoted.
38.	Water conservation measures.	Shall be actively promoted.

5. Monitoring Committee.- (1) The Central Government hereby constitutes a Monitoring Committee for effective monitoring of the Eco-sensitive Zone, comprise of the following, namely:-

- | | | |
|-------|--|--------------------|
| (i) | Chief Wildlife Warden, Department of forests and Wildlife, Delhi, Government of National Capital Territory of Delhi | -Chairman; |
| (ii) | An expert in the area of ecology and environment to be nominated by the Government of National Capital Territory (National Capital Territory) of Delhi for a period of three year | -Member; |
| (iii) | One representatives of Non-Governmental Organisation (Working in the field of environment including heritage Conservation) to be nominated by the Government of National Capital Territory of Delhi for a period of three year | -Member; |
| (iv) | Representative of Delhi Pollution Control Committee | -Member; |
| (V) | Member State Biodiversity Board | -Member; |
| (vi) | Dy. Conservator of Forests (South), Department of Forests and Wildlife, Government of National Capital Territory of Delhi. | -Member Secretary. |

6. Terms of reference .-(1) The Monitoring Committee shall monitor the compliance of the provisions of this notification.

(2) Tenure of the Monitoring Committee shall be for three years.

(3) The activities that are covered in the Schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14th September, 2006, and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the Central Government in the Ministry of Environment, Forest and Climate Change for prior environmental clearances under the provisions of the said notification.

(4) The activities that are not covered in the Schedule to the notification of the Government of India in the Ministry of Environment and Forests number S.O. 1533 (E), dated the 14th September, 2006, and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on site-specific conditions and referred to concerned Regulatory Authority.

(5) The Member Secretary of the Monitoring Committee or the concerned Collector(s) or the concerned park Deputy Conservator of Forests shall be competent to file complaints under section 19 of the Environment (Protection) Act, 1986 against any person who contravenes the provisions of this notification.

(6) The Monitoring Committee may invite representatives or experts from concerned Departments, representatives from Industry Associations or concerned stakeholders to assist in its deliberations depending on the requirements on issue to issue basis.

(7) The Monitoring Committee shall submit the annual action taken report of its activities as on 31st March of every year by 30th June of that year to the Chief Wildlife Warden of the State as per pro forma appended at Annexure IV.

(8) The Central Government in the Ministry of Environment, Forests and Climate Change may give such directions, as it deems fit, to the Monitoring Committee for effective discharge of its functions.

7. The Central Government and State Government may specify additional measures, if any, for giving effect to provisions of this notification.

8. The provisions of this notification shall be subject to the orders, if any, passed, or to be passed, by the Hon'ble Supreme Court of India or the High Court the or National Green Tribunal.

[F. No. 25/196/2015-ESZ-RE]

LALIT KAPUR, Scientist 'G'

ANNEXURE-I**1. Boundary Description of Asola Bhatti Wildlife Sanctuary with Geo-co-ordinates**

ID	Latitude	Longitude
1	28°24'54.184" N	77°11'24.590"E
2	28°25'5.081" N	77°11'25.700"E
3	28°24'43.731" N	77°11'35.786"E
4	28°25'38.765" N	77°13'35.267"E
5	28°26'8.130" N	77°13'33.637"E
6	28°25'32.701" N	77°13'26.335"E
7	28°26'27.328" N	77°13'7.012 " E
8	28°29'25.475" N	77°11'36.861"E
9	28°29'44.864" N	77°11'44.864"E
10	28°29'54.109" N	77°15'12.762"E
11	28°24'35.220" N	77°12'33.916"E
12	28°24'30.685" N	77°11'56.703"E
13	28°24'25.334" N	77°10'37.736"E
14	28°24'24.846" N	77°10'18.539"E
15	28°24'58.337" N	77°09'54.346"E
16	28°25'44.976" N	77°09'42.783"E
17	28°25'46.300" N	77°10'23.248"E
18	28°25'53.061" N	77°12'19.850"E
19	28°26'21.060" N	77°12'20.344"E
20	28°26'32.212" N	77°12'45.691"E
21	28°27'3.152" N	77°13'14.179"E
22	28°27'28.721" N	77°12'21.847"E
23	28°28'50.633" N	77°12'10.975"E
24	28°29'34.359" N	77°11'35.268"E
25	28°29'23.485" N	77°12'40.109"E
26	28°29'20.946" N	77°13'19.080"E
27	28°29'19.352" N	77°13'55.770"E
28	28°29'32.579" N	77°14'16.189"E
29	28°29'22.606" N	77°14'44.761"E
30	28°29'12.158" N	77°16'8.562"E
31	28°28'55.525" N	77°15'8.897"E
32	28°28'54.266" N	77°14'56.674"E
33	28°27'13.352" N	77°14'16.155"E
34	28°27'3.120" N	77°14'36.943"E
35	28°26'44.798" N	77°14'58.548"E
36	28°25'48.496" N	77°15'8.046"E

2. Boundary description of the Eco-sensitive Zone of Asola Bhatti Wildlife Sanctuary with Geo-co-ordinates

ID	Latitude	Longitude
1	28°26'14.374" N	77°9'21.602"E
2	28°26'29.137" N	77°9'52.708"E
3	28°26'29.909" N	77°10'28.680"E
4	28°26'23.091" N	77°11'3.318"E
5	28°26'31.459" N	77°11'28.485"E
6	28°26'49.684" N	77°11'57.991"E
7	28°27'8.026" N	77°11'46.272"E
8	28°27'38.186" N	77°11'36.488"E
9	28°28'6.279" N	77°11'53.381"E

Annexure-III**List of villages falling in Eco –sensitive Zone**

S.No.	Name of village	Latitude	Longitude
1.	Asola	28 26'34.311"N	77 13'8.718"E
		28 26'53.776"N	77 12'13.910"E
		28 27'20.910"N	77 11'38.499"E
		28 26'56.166"N	77 12'55.083"E
2.	Sahurpur	28 27'35.663"N	77 12'13.664"E
		28 27'41.570"N	77 13'3.098"E
		28 27'50.010"N	77 12'26.283"E
		28 27'23.845"N	77 12'43.011"E
3.	Satbari	28 ⁰ 27'51''N	77 ⁰ 12'53'' E
		28 ⁰ 28'12''N	77 ⁰ 12'0'' E
4.	Maidan Garhi	28 28'53.606"N	77 13'20.519"E
		28 28'54.045"N	77 12'55.731"E
		28 29'0.966"N	77 12'19.817"E
		28 29'26.500"N	77 12'57.194"E
5.	Tughlaqabad	28 30'15.454"N	77 15'35.514"E
		28 29'17.408"N	77 16'19.757"E
		28 28'49.951"N	77 14'56.175"E
		28 29'21.756"N	77 14'54.317"E
6.	Deoli	28 ⁰ 29'27.7"N	77 ⁰ 12'57''E
		28 ⁰ 28''54.4"N	77 ⁰ 13'22.5''E
7.	Bhatti	28 25'20.285"N	77 12'15.992"E
		28 25'19.788"N	77 11'39.259"E
		28 25'52.459"N	77 12'34.091"E
		28 26'4.663"N	77 11'53.371"E

ANNEXURE-IV**Performa of Action Taken Report: - Eco-sensitive Zone Monitoring Committee.-**

1. Number and date of meetings.
2. Minutes of the meetings: Mention main noteworthy points. Attach minutes of the meeting as separate Annexure.
3. Status of preparation of Zonal Master Plan including Tourism Master Plan.
4. Summary of cases dealt for rectification of error apparent on face of land record: Details may be attached as Annexure.
5. Summary of cases scrutinised for activities covered under the Environment Impact Assessment notification, 2006:Details may be attached as separate Annexure.
6. Summary of cases scrutinised for activities not covered under the Environment Impact Assessment notification, 2006:Details may be attached as separate Annexure.
7. Summary of complaints lodged under section 19 of the Environment (Protection) Act, 1986.
8. Any other matter of importance.

Digitally signed by RAKESH
SUKUL
Date: 2017.09.13 18:55:54
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**GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
A-BLOCK, 2ND FLOOR, VIKAS BHAWAN,
IP ESTATE, NEW DELHI-110002**

F. No. 11(42)/RMB/DDA/2020-21 | 8250-54

Dated: 08.1.2025

To,

Member Secretary,
Central Empowered Committee,
Chanakya Bhawan, Chanakya Puri,
New Delhi- 110021.

Sub: Application no. 1587 of 2024- Approval given by MCD and DDA to construct a high rise Private Luxury Group Housing Project situated at khasra no. 1230/2, Sector- B, Pocket 1, Vasant Kunj by M/s. RR Texknit LLP in South Central Morphological Ridge area of Vasant Kunj Sector B, New Delhi. – reg.

Ref: Office letter of CEC F.NO. 2-80/CEC/SC/2024 Pt. VII dated 02.01.2025.

Sir/Madam,

Apropos the reference cited above, the background information on Morphological Ridge/ Geo-morphological Ridge/ Geological Ridge/ Extended Ridge is provided below:

1. The Hon'ble High Court of Delhi in the matter of Ashok Tanwar Vs. Union of India W.P. (C) 3339/2011 & CM No. 12417/2011 directed that clearance from both the CEC and RMB must be obtained, in case of any project proposed on the land falling in the morphological ridge. The relevant extract of order dated 30.11.2011 is reproduced below:

.....4. It is clear from the aforesaid that the area in question is given the character of a "Geological Ridge" though falling outside the Notified Forest Ridge Land. Even in respect of such a land, clearance from the Ridge Management Board or the Hon'ble Supreme Court through the Central Empowered Committed is to be obtained before carrying out any construction. Such permission is a pre-requisite in view of the directions of the Supreme Court.....

2. The Hon'ble Supreme Court of India i.e. SLP No. 35374/2010, directed CEC to file a report in respect of project area through order dated 06.10.2015. In compliance of the order CEC filed its report dated 19.11.2015 in which it was concluded that the stand taken by the Forest Department, Delhi has been verified by the CEC that the project area falls in "extended ridge" i.e., outside the area identified as Ridge area in the MPD 2001/ MPD 2021 but have

morphological features conforming to the ridge and recorded as "Gair Mumkin Pahar" in Revenue records.

3. Through judgement dated 29.06.2016, the Hon'ble Supreme Court, while referencing Hon'ble High Court the judgment of 30.11.2011, in the matter of Ashok Tanwar Vs. Union of India W.P. (C) 3339/2011 & CM No. 12417/2011, directed the following:

....."6. The non-forestry use of land falling in Delhi Ridge for implementation of the various development projects are being permitted only after the proposal is cleared/recommended by the Ridge Management Board and permitted by this Hon'ble Court. Such permissions have been granted by this Hon'ble Court subject to deposit of 5% of the estimated project cost with the Ridge Management Board Fund for conservation and development of Delhi Ridge and compensatory afforestation over equivalent non-forest land/Ridge land at project cost....

4. As per the directions of Chairman of Ridge Management Board the details/ map of the morphological ridge was obtained by this Department vide letter dated 28.05.2013 from the Geological Survey of India (GSI) on the scale of 1:20,0000. The said map of GSI was then submitted to the Geo Spatial Delhi Ltd. (GSDL) for digitization and a KML file thus produced is being utilised by the Department. (Copy of letter is enclosed.)
5. The relevant extract of the orders of the Hon'ble Supreme Court WP(C) No. 202/1995 in the matter of T.N. Godavarman Thirumulpad Vs UOI & Ors, is reproduced below:

Order dated 08.02.2023

.....15. *We, therefore, find it appropriate that the Ministry of Environment, Forest and Climate Change (MoEFCC), appoints a Committee consisting of the following officials/officers, to work out the modalities for identifying the said area which has similar 'morphological features' as that of a notified ridge and which needs to be protected as a notified ridge.*

- i. *A senior officer of the MoEFCC, not below the rank of Joint Secretary.*
- ii. *A representative of the Forest Department of the NCT of Delhi.*
- iii. *A representative of the Geological Survey of India.*
- iv. *A nominee of the Ridge Management Board*
- v. *A representative of the DDA.*

Order dated 15.03.2023

".....We approve the Committee of technical experts which is proposed to be appointed by the Court appointed Committee...."

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6. In pursuance to the directions dated 15.03.2023 of the Hon'ble Supreme Court of India, and office order of MoEF&CC dated 12.04.2023(**copy enclosed**), a High Powered Technical Committee (HPTC) was constituted under the chairmanship of Deputy Director General (Dy. D.G), GSI, New Delhi to do the technical background work with regard to identification of the land which has morphological features, similar to notified ridge. The committee is yet to submit the report.

The terms of reference (ToR) of the committee are as under:

- ii. The Technical Committee will recommend parameters for identification of areas which have similar morphological features as that of the notified ridge.
- iii. The Technical Committee will bring out a map of the such areas on the scale of 1:4000 after necessary ground truthing and field verification.
- iv. The Committee will submit its report within a period of three months from the date of constitution

In reference to the following queries as per letter dated 02.01.2025, the reply is submitted as below:

1. *Has the morphological ridge been mapped? If yes, then the correct map may please be provided.*
2. *The reason for indicating of the layers of the morphological Ridge mentioned in the website that "the map layers are tentative and not to be used as the base for initiating legal action or litigation in any issue. The accuracy and authenticity of this map will have to be confirmed from concerned landowning/managing agencies."*
 - Yes, the morphological ridge map has been obtained by this Department vide letter dated 28.05.2013 from the Geological Survey of India (GSI) on the scale of 1:2,00,000. The said map of GSI was then submitted to the Geo Spatial Delhi Ltd. (GSDL) for digitization and a KML file thus produced is being utilized by the Department and the same is available on E-Vanlekh portal of Forest Department (<https://evanlekh.eforest.delhi.gov.in>). This map has been used in respect of all the project proposed in morphological ridge area till date and the Hon'ble Supreme Court has also approved many projects on the basis of this map upon recommendation of RMB & CEC.
 - On E-Vanlekh portal of Forest Department (<https://evanlekh.eforest.delhi.gov.in>), a disclaimer is given that "the map layers are tentative and not to be used as a base for initiating legal action or litigation in any issue. The accuracy and authenticity of this map will have to be confirmed from concerned Land owning/Managing agencies", it is submitted that it is a

general disclaimer provided for all the forest layers, present on the portal, as in compliance of the directions of Hon'ble NGT order dated 11.03.2019, OA number 58/2013, titled Sonya Ghosh vs GNCTD, Southern ridge has been only demarcated on ground by the revenue department, the ground verification for other forest layers is yet to be jointly demarcated on ground by the Revenue Department and the concerned land owning agencies.

- After the completion of the aerial LiDAR survey, along with the necessary ground truthing and field verification, the High Powered Technical Committee (HPTC), constituted under the directions of the Hon'ble Supreme Court of India, will submit a report with a map outlining areas with similar morphological features to the notified ridge, on a scale of 1:4,000. The department will utilize the morphological ridge map as recommended by the committee.

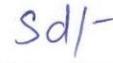
Encl A/a

Yours faithfully


(Dr. P. Viswakannan, IFS)
Chief Conservator of Forests/
Nodal Officer FCA

Copy to (for kind information)

1. PS to the APCCF/ HoD, Department of Forest & Wildlife, GNCTD.
2. PA to the CCF, Department of Forest & Wildlife, GNCTD.
3. PA to the CF, Department of Forest & Wildlife, GNCTD
4. PA to the CF(HQ), Department of Forest & Wildlife, GNCTD


(Dr. P. Viswakannan, IFS)
Chief Conservator of Forests/
Nodal Officer FCA

CENTRAL EMPOWERED COMMITTEE**(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA)**

III Floor, Chanakya Bhawan, Chanakyapuri, New Delhi – 21, Tel: 2161 0612, 2161 0613

Email cecindia202@gmail.com, Website: www.cecindia.in**F. No: 1-19/CEC/SC/2025-Pt. (73)****Dated: 14th May 2025**

To

The Registrar
Supreme Court of India
New Delhi-110001
(Attn: PIL Section)

SUB: CEC REPORT NO. 25 OF 2025 – REPORT OF THE CENTRAL EMPOWERED COMMITTEE ON APPLICATION NO. 1587 OF 2024 FILED BEFORE IT BY SHRI RAJEEV RANJAN AND APPLICATION NO. 1608 OF 2025 FILED BY M/s. RR TEXKNIT LLP, REGARDING CONSTRUCTION OF GROUP HOUSING PROJECT AT KHASRA NO. 1230/2, SECTOR-B, POCKET-1, VASANT KUNJ FALLING IN THE MORPHOLOGICAL RIDGE OF DELHI.

Sir,

The CEC Report No. 25 of 2025 filed in W.P.(C) 202 of 1995 of the Central Empowered Committee on the above subject is enclosed (Four copies). It is requested that the Report may please be placed before the Hon'ble Court for kind consideration.

Yours faithfully


(Siddhanta Das)
Chairman**Copy to:**

1. Mr. Harish N. Salve, Sr. Advocate & Amicus Curiae.
2. Mr. A.D.N. Rao, Sr. Advocate & Amicus Curiae.
3. Mr. Siddhartha Choudhary, Advocate & Learned Amicus Curiae
4. Mr. K. Parameshwar, Advocate & Amicus Curiae
5. The Secretary, MoEF&CC, New Delhi
6. The Chief Secretary, Government of NCT of Delhi, New Delhi
7. The Principal Chief Conservator of Forests, GNCTD, New Delhi
8. Standing Counsel for NCT of Delhi
9. Standing Counsel for the MoEF&CC
10. Applicants / Respondents in Application Nos. 1587 of 2024 and 1608 of 2025
11. All Members of CEC

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CENTRAL EMPOWERED COMMITTEE

REPORT No. 25 of 2025

IN

**Application No. 1587 OF 2024
(Filed by Shri Rajeev Ranjan)**

AND

**Application No. 1608 of 2025
(Filed by M/s. RR Textknit LLP)**

IN

W.P. (C) No. 202 of 1995

Dated: 14th May 2025

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CENTRAL EMPOWERED COMMITTEE

REPORT OF THE CENTRAL EMPOWERED COMMITTEE ON APPLICATION NO. 1587 OF 2024 FILED BEFORE IT BY SHRI RAJEEV RANJAN AND APPLICATION NO. 1608 OF 2025 FILED BY M/s. RR TEXKNIT LLP, REGARDING CONSTRUCTION OF GROUP HOUSING PROJECT AT KHASRA NO. 1230/2, SECTOR-B, POCKET-1, VASANT KUNJ FALLING IN THE MORPHOLOGICAL RIDGE OF DELHI.

BACKGROUND

In this Report, the CEC has dealt with two Applications which are related to a single project, i.e., a Group Housing Project on Privately Owned Land bearing Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj, New Delhi, hereinafter referred to as 'subject land'.

2. The Application Number 1587 of 2024 has been filed by Shri Rajiv Ranjan through which he has raised objections against the approval of the proposed Group Housing Project on 'subject land', on the ground that the proposed land is falling within the Morphological Ridge Area and thus, no construction may be allowed on the proposed land. The Applicant has relied on the E-Vanlekh Map to show that part of the proposed land falls under the Morphological Ridge (South Central Area).

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A copy of the Application No. 1587 of 2024 is enclosed as **ANNEXURE R-1** to this Report.

3. The Applicant, Shri Rajiv Ranjan has stated in this application that the proposed Housing Site falls in Notified South Central Ridge of the Aravalli Morphological Ridge Area and will impact on the Aravalli Ridge's Stability, therefore the Applicant prayed for cancellation of proposed multi-storied Group Housing Project situated at 'subject land' being part of Morphological Ridge.

4. The other Application Number 1608 of 2025 has been filed by Shri Vivek Gupta, Advocate on behalf of M/s RR Texknit LLP with the prayer that the development plan of the project site for construction of Group Housing Project on 'subject land' be approved by the Hon'ble Central Empowered Committee and may be recommended to the Hon'ble Supreme Court for its kind approval. The Applicant in this application has contested the fact that the said land, which is the subject matter of both the Application, lies in a Morphological ridge. A copy of the Application No. 1608 of 2025 filed is enclosed as **ANNEXURE R-2** to this Report.

5. This Report is being filed after taking meetings with the Applicants of both applications and all stakeholders like DDA, MCD, Forest Department of the GNCTD, and the MoEFCC, followed by a site visit on 03.01.2025 and after perusing the relevant records.

DETAILS OF THE PROJECT

6. As per the records submitted during the meetings convened by the CEC, the Delhi Development Authority (DDA) as a part of large-scale acquisition, planning, development and disposal, prepared a scheme in 1987 in the name of SFS Housing Vasant Kunj Residential Scheme for Planned Development of the area including the 'subject land'. A copy of the Map of Layout Plan of the approved scheme of 1987 is enclosed as **ANNEXURE R-3** to this report.

The DDA initiated steps to acquire a large chunk of land to construct four-storied walk-up housing. The proposal of the DDA was approved. The DDA constructed the SFS Housing Project all around the 'subject land' as per the Layout Plan by leaving out the 'subject land' as it could not be acquired. The DDA initiated further steps to acquire the 'subject land' from 23.08.1989 onwards, but didn't succeed. The area of 'subject land' was thus de-notified vide Notification dated 20.08.1996 from the acquisition of land. As the rest of the project was taken up by

DDA as per its plan, the 'subject land' is surrounded by multi-storied residential houses.

7. The then owners of the 'subject land', Rakesh Mahajan and others, submitted an Application on 23.08.2007 seeking sanction of a Layout Plan for the construction of a Group Housing Complex on it. However, the Standing Committee of the MCD rejected the application on 17.11.2008. The rejection was based on the ground that the DDA had declined to issue a No Objection Certificate (NOC) for the proposed construction, as it was in the process of acquiring the 'subject land' for developing multi-storied group housing under its SFS Group Housing Scheme, 1987.

8. The owners of the 'subject land' filed Appeal No. 24/ATMCD/2009 on 27.01.2009 before the Appellate Tribunal, MCD, challenging the rejection of their request for sanction of the Layout Plan by the MCD. The Tribunal, through its order dated 06.05.2010, allowed the appeal and directed the Standing Committee of the MCD to consider the sanctioning of the Layout Plan for the proposed Group Housing Society on the 'subject land'. However, this order was challenged before the Learned District Judge. Based on an affidavit submitted by the Vice-Chairman of DDA, the case was sent back to the Tribunal. In the affidavit, the DDA stated that a notification under Section 4 of the Land

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Acquisition Act would be issued within two months, and the land would be acquired for the planned development of a residential colony. However, despite its stated intentions, the DDA failed to acquire the 'subject land'.

9. The DDA then challenged the owners' claim again before the Learned District Judge, but later on submitted an affidavit to the court, admitting that it would not be possible for them to acquire the 'subject land' and clarifying that the MCD could consider the Layout Plan submitted by the owners, provided it complied with the Master Plan for Delhi (MPD)-2021. Accordingly, on 16.07.2016, the Learned District Judge directed the MCD to reconsider the Layout Plan in accordance with MPD-2021, the applicable Development Control Norms, and the Zonal Development Plan. Under both MPD-2001 and MPD-2021, the subject land seemed to be eligible for Group Housing development.

10. The then owners of the 'subject land' then submitted a proposal for construction of the Group Housing Project, which was considered as per the regulation for enabling the planned development of Privately Owned Land notified vide Notification dated 04.07.2018. The proposal was then considered and approved by the Screening Committee of the erstwhile South Delhi Municipal Corporation (SDMC) in its 368th Meeting held on 22.04.2019. The said approval was further affirmed in its 370th

Meeting dated 17.06.2019. A copy of the relevant part of the Minutes of the Meetings held on 22.04.2019 and 17.06.2019 is enclosed as **ANNEXURE R-4 (Colly)** to this report.

11. The proposal for applicability of development norms on the 'subject land' was placed before the 11th Technical Committee Meeting held on 23.12.2019 vide Item No. 47/TC/2019, wherein the said proposal was approved with the following observations: -

'The proposal was presented by Addl. Commissioner-III with (PLG). The members were informed that incorporation of the said private land in the already approved layout plan was approved in the 368th Screening Committee held on 22.04.2019.

Further, Chief Engineer Building SDMC has forwarded the file seeking clarification regarding decisions taken in the Screening Committee. The issues raised by SDMC were deliberated point wise and the following was clarified.

1. The said pocket under consideration is part of integrated layout plan of housing pocket and the access to the pocket is already defined as existing LOP. Therefore, circulation pattern of the existing layout has to be followed. Similarly, the owner of private land will also provide all the access as per the existing LOP.

2. The said plot u/r is part of existing integrated layout plan.

3. The same has already been clarified in point no. 1.

4. As informed, the incorporation of private land (Kh. 1230/2), Village Mehrauli in the already approved layout plan of existing housing pocket is approved and has been forwarded to SDMC, along with approved minutes and agenda.

5. As per MPD-2021, in controls prescribed for group Housing, there is no restriction on height subject to clearance from AAI/ Fire Department and other statutory bodies.

6. It has already been mentioned in SOP for private land policy that location, configuration, dimensions shall be verified by the concerned ULB's from Revenue Deptt. GNCTD.

It was decided that the guidelines, SOP be forwarded to Ministry and LG Office. These guidelines may updated from time to time as and when cases are put up in SCM and Technical Committee. The above points emerging from the aid clarifications may also be included in the SOPs/Guidelines. Further, it was deliberated and directed that SDMC may start the process for verification of Khasra and other documents simultaneously while examining the matter in detail.

A copy of the Minutes of the 11th Technical Committee meeting held on 23.12.2019 is enclosed as **ANNEXURE R-5** to this Report.

12. The proposal for Group Housing on the 'subject land' was approved by various statutory departments, and NOCs were also issued from the concerned departments with respect to the said Group Housing Project as follows:

a. **Delhi Development Authority (DDA):**

- i. Approval by 368th Screening Committee in its meeting dated 22.04.2019 of the proposal for incorporation of Privately owned land, Khasra No. 1230/2 in the approved layout plan of area for SFS Housing at Sector-B, Pocket-1, Vasant Kunj, New Delhi in view of 'The Regulations for enabling Planned Development of Privately Owned Land'.

- ii. Approval by the 11th Technical Committee in its meeting dated 23.12.2019 of the proposal for the applicability of development norms. The said Technical Committee further clarified that the said pocket under consideration is part of the integrated layout plan of Housing, and the plot under reference forms an integral part of the pocket.

b. **MCD Sanction Plan:**

The Municipal Corporation of Delhi (MCD) vide Sanction Letter bearing File No. 10118122 dated 13.05.2024 granted sanction on 22.03.2024 to erect/de-erect/add to/alteration in the building to carry out the development relating to Plot No. 1230/2, Sector-B. Pocket-1, Vasant Kunj, New Delhi, part of the Revenue Estate of Village Mehrauli, New Delhi. The MCD has granted sanction for the proposed layout plan of the said Group Housing Project. A copy of the Sanction Letter of MCD dated 13.05.2024 with respect to the proposed Group Housing Project is enclosed as **ANNEXURE R-6** to this report.

c. **Environmental Clearance (EC):**

The Environmental Clearance has been granted for the construction of Group Housing at Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj, Part of Revenue Estate of Village Mehrauli, New Delhi by M/s RR Texknit LLP. The MoEFCC, Govt. of India vide Letter dated 13.01.2025 granted Environmental Clearance to the proposed project of M/s RR TEXKNIT LLP. A copy of the Environmental Clearance (EC) granted for the said project is enclosed as **ANNEXURE R-7** to this Report.

d. **Delhi Pollution Control Committee (DPCC):**

The proposal for grant of Environmental Clearance (EC) for 'Group housing' at Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj, Delhi by M/s RR Texknit LLP was approved and recommended by the State Level Expert Appraisal Committee (SEAC) vide File No. DPCC/SEIAA-IV/P2/C-489/DL/2024. A copy of the Environmental Clearance (EC) granted regarding the proposed Group Housing Project is enclosed as **ANNEXURE R-8** to this Report.

e. **Delhi Urban Art Commission (DUAC):**

The Delhi Urban Art Commission (DUAC) has approved the Building Plans proposal in respect of Residential Group Housing at Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj (Part of Revenue Estate of Village Mehrauli) vide Letter No. 55(78)/2024-DUAC dated 19.02.2024. A copy of the Approval Letter of the said Group housing Project by Delhi Urban Art Commission is enclosed as **ANNEXURE R-9** to this Report.

f. **Airports Authority of India (AAI):**

The Airports Authority of India has approved the said project and granted it's No Objection Certificate (NOC) for Height Clearance dated 25.10.2023. The AAI has no objection to the construction of proposed structures at Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj, Delhi. A copy of the NOC for Height Clearance dated

25.10.2023 granted by the Airports Authority of India is enclosed as **ANNEXURE R-10** to this Report.

g. **Directorate of Delhi Fire Service:**

The Directorate of Delhi Fire Service has approved and given its NOC bearing No. F/6DFS/MS/BP/2024/41 dated 15.02.2024 regarding construction of the proposed buildings and project from a fire safety point of view in Residential Group Housing Project at Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj, Delhi (Part of Revenue Estate of Village Mehrauli). A copy of the NOC dated 15.02.2024 granted by the Directorate of Delhi Fire Service is enclosed as **ANNEXURE R-11** to this Report.

h. **Delhi Jal Board (DJB):**

The competent authority of the Delhi Jal Board has approved the NOC bearing No. DJB/EE(M)-45/2024/520 dated 01.02.2024 for Water and Sewer Connection for Construction of Residential Group Housing on Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj, Delhi. A copy of the NOC dated 01.02.2024 granted by the Delhi Jal Board for Water and Sewer Connections is enclosed as **ANNEXURE R-12** to this report.

i. **BSES Rajdhani Power Limited:**

The BSES Rajdhani Power Limited has granted the technical feasibility for assurance of power supply for Residential purposes at Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj, Delhi. A copy of the Clearance Letter dated 13.12.2023 issued by BSES Rajdhani

Power Limited is enclosed as **ANNEXURE R-13** to this Report.

j. **Land Acquisition Collector (South):**

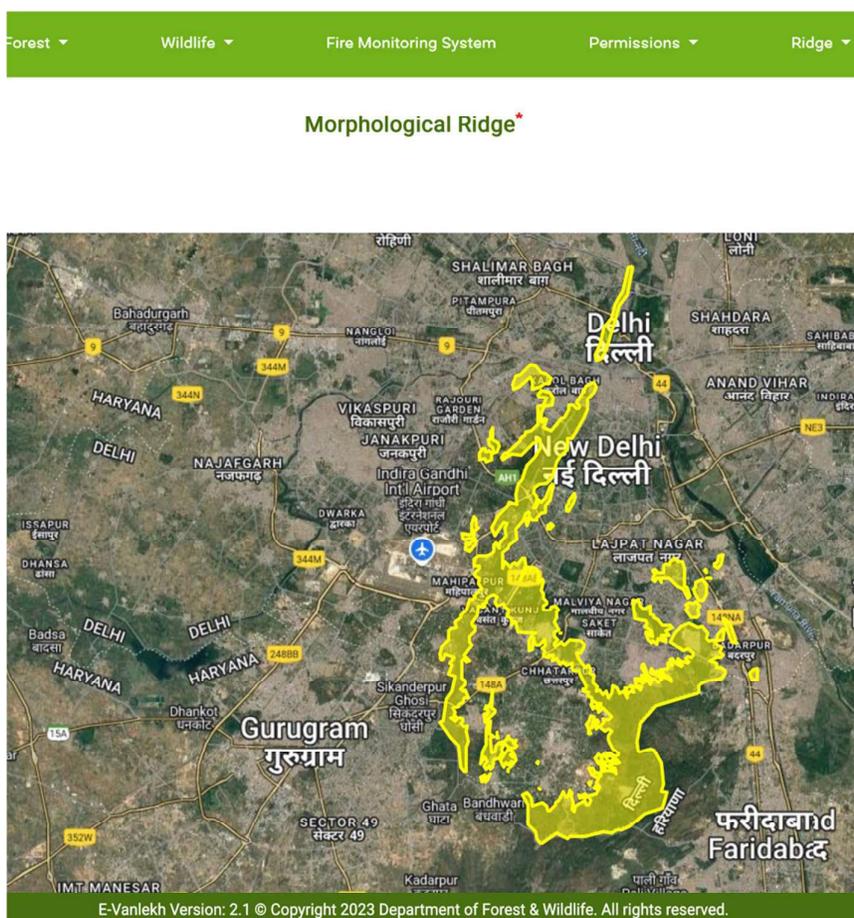
With respect to Khasra No. 1230/2, Sector-B, Pocket-1, Vasant Kunj, Delhi, the Land Acquisition Collector (South) vide Letter dated 22.02.2024 has confirmed the fact that the said land is free from any kind of acquisition. A copy of the Letter of the Land Acquisition Collector (South) dated 22.02.2024 is enclosed as **ANNEXURE R-14** to this report.

All the relevant details & specifications of the project are at para 5 (reference- page 92 of this Report) of the Environmental Clearance (EC) granted for the said project.

13. A total of 23 trees are present at the site, out of which 19 are healthy and upright, 01 is a rehabilitated fallen tree, and 03 are dried out. The proposed project does not envisage felling/ translocation of any tree. The list of trees along with the report of Deputy Conservator of Forests, South Delhi Division, dated 06.12.2024, is enclosed as **ANNEXURE R-15** to this Report.

STATUS OF THE SUBJECT LAND VIS-À-VIS MORPHOLOGICAL RANGE

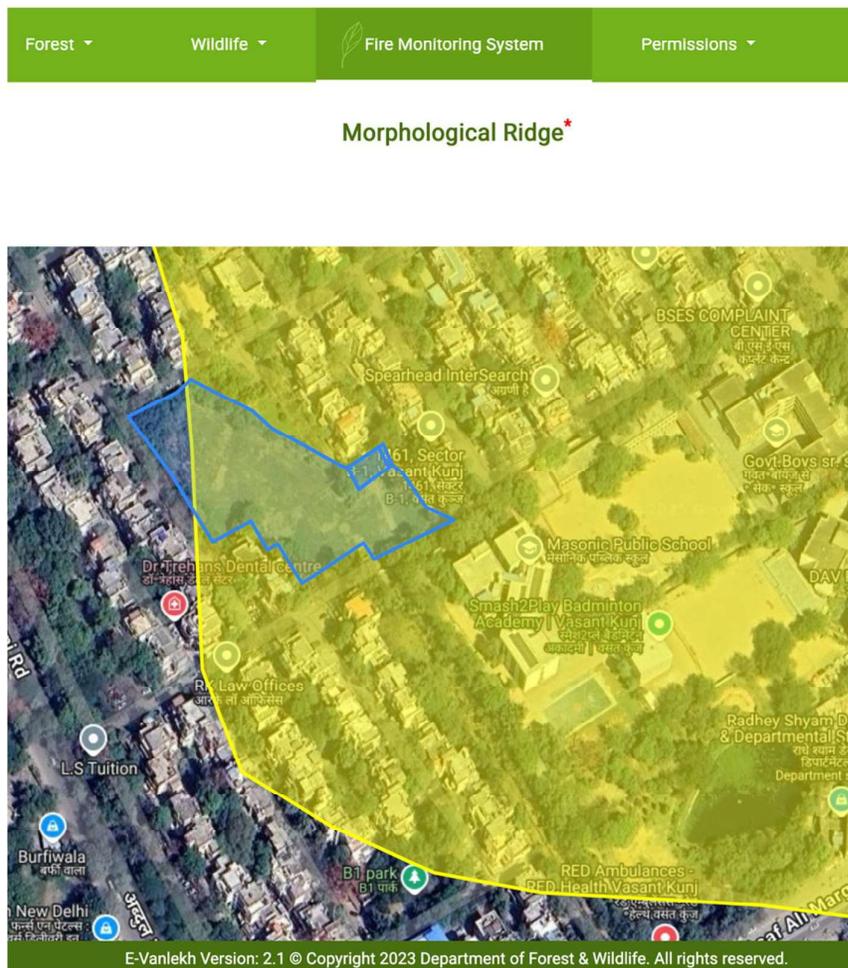
14. The Forest Department of GNCTD has a portal <https://evanlekh.eforest.delhi.gov.in/moroho.html> where the Google Earth map of the entire area classified as 'Morphological Ridge' is available. A screenshot is as follows:



In this, the yellow-coloured portion represents the 'Morphological Ridge'. Upon overlaying the KML of the 'subject land', it was observed that almost 80% of it falls in the 'Morphological Area'. A screenshot from

1113

the GNCTD portal depicting the 'Morphological Ridge' and the map showing the overlaid project area is as follows:



Hence, out of the total 5353 square meters of the 'subject land', an area of 4553 square meters falls in the Morphological Ridge Area.

15. M/s RR Texknit LLP contends that the 'subject land' does not fall within the Morphological Ridge Area, nor does it exhibit any qualifying characteristics. The land is neither notified as Forest, Protected Forest, Ridge, nor recorded as 'Gair Mumkin Pahar' in Revenue Records; rather, it is classified as 'Residential' and forms part of an approved

Integrated Layout Plan by the DDA. It is not part of a Regional Park under the MPD-2021 or Zone F Zonal Plan, nor does it contain water bodies or qualify as government land. The site is levelled, lacks rocky terrain, and does not support wildlife or biodiversity typically associated with ridge areas. However, the CEC is of the considered opinion that as of the date, use of the E-vanlekh portal (<https://evanlekh.eforest.delhi.gov.in/moroho.html>) of the Forest Department of GNCTD is the only objective way to decide if any land falls within the 'Morphological Area' or not. As per this, the majority of the 'subject land' falls within the 'Morphological Area'. Hence, the submission of Shri Rajiv Ranjan, the Applicant of Application No. 1587 of 2024, that the 'subject land' falls within the Morphological Ridge Area is correct.

However, the Committee conducted a site visit on 3.01.2025 and observed that the 'subject land' is flat land, surrounded by the residential houses of DDA.

LEGAL AND JUDICIAL PRECEDENTS ON MORPHOLOGICAL RIDGE

16. The Morphological Ridge has been defined as an area outside the Notified Forest/Ridge Land but having similar Morphological

Features of the Ridge. The concept of Morphological Ridge has been strengthened by various judicial precedents, which are as follows:

- I. **Order of Hon'ble High Court of Delhi, New Delhi dated 30.11.2011 in W.P. (c) No. 3339 of 2011 (Ashok Kumar Tanwar Vs. Union of India & Ors.)**

The Hon'ble High Court disposed of the said petition by observing as follows:

"4. It is clear from the aforesaid that the area in question is given the character of a 'Geological Ridge' though falling outside the Notified Forest Ridge Land. Even in respect of such a land, clearance from the Ridge Management Board or the Hon'ble Supreme Court through the Central Empowered Committed is to be obtained before carrying out any construction. Such permission is a pre-requisite in view of the directions of the Supreme Court."

- II. **Order of this Hon'ble Court dated 29.06.2016 in Civil Appeal No. 5370 & 5371 of 2016 (Delhi Development Authority Vs. Kenneth Builders and Developers Pvt. Ltd. & Ors.)**

"This Hon'ble Court accepts the view of the CEC that the proposed construction of buildings can be undertaken only after obtaining clearance from the Ridge Management Board and permission of this Hon'ble Court."

III. Order dated 08.02.2023 of this Hon'ble Court in I.A. No. 191635 of 2022 in W.P. (C) No. 202 of 1995

This Hon'ble Supreme Court considered the said application concerning the CEC Report No. 31 of 2022 in Application No.1559/2022 filed by the Directorate of Revenue Intelligence, Ministry of Finance, Government of India 16 seeking permission of this Court for diversion of 6,200 sq. mtrs of Morphological Ridge Area situated at Plot No.11B, Vasant Kunj, New Delhi for construction of office building for the Directorate of Revenue Intelligence Headquarters, New Delhi. The Hon'ble Supreme Court observed that there was no exact demarcation/identification of the areas of extended ridge, which are not notified but have similar morphological features; hence, the Hon'ble court directed the MoEFCC to appoint a Committee in this regard. The relevant extracts are reproduced below:

"11. While considering the said I.A., one important aspect has been brought to our notice.

12. It is pointed out that apart from the notified area of ridge, which is a protected area, there are other areas falling outside the demarcated notified ridge which also have similar 'morphological features' of ridge.

13. The High Court of Delhi vide order dated 30.11.2011 in Writ Petition No.3339/2011 (Ashok Tanwar v. Union of India) and this Court in Delhi Development Authority v. Kenneth Builders and Developers Pvt. Ltd. and Others [(2016) 14 SCC 561] has held that land falling outside the demarcation of notified ridge but

having similar 'morphological features' of ridge should be given same protection as is given to the notified areas and no construction should be permitted thereon. It cannot be doubted that the ridge in Delhi acts as a lung, which supplies oxygen to the citizens of Delhi. The necessity to protect the ridge, therefore, cannot be undermined.

14. It appears that there has been some difficulty in identifying the areas of ridge, which are not notified but also have the same features.

15. We, therefore, find it appropriate that the Ministry of Environment, Forest and Climate Change (MoEFCC), appoints a committee consisting of the following officials/ officers, to work out the modalities for identifying the said area which has similar 'morphological features' as that of a notified ridge and which needs to be protected as a notified ridge: -

- i) A senior officer of the MoEFCC, not below the rank of Joint Secretary.*
- ii) A representative of the Forest Department of the NCT of Delhi.*
- iii) A representative of the Geological Survey of India.*
- iv) A nominee of the Ridge Management Board*
- v) A representative of the DDA.*

16. The representative of the MoEFCC shall be the Chairperson-cum Convenor of the said Committee."

.....

"18. We further direct that until further orders, the DDA shall not allot any land in the areas

which are under consideration for being notified as a protected area.”

Thus, vide order dated 08.02.2023, the Hon'ble Supreme Court directed the MoEFCC to constitute a committee for exactly identifying the areas having similar 'morphological features' as that of the notified ridge. The process is yet to be completed.

iv. Order of this Hon'ble Court dated in IA No.117930 of 2024 in Contempt Petition (Civil) Diary No. 21171 of 2024 in W.P.(C) No. 4677 of 1985:

This Hon'ble Court has on 16.05.2024 *inter alia* passed the following order:

“5. We, therefore, restrain the Ridge Management Board from clearing the project proposals for the diversion of the ridge forests without seeking permission from this Court.”

17. Hence, in the extant matter, as the 'subject land' mostly falls in the 'Morphological Ridge Area', construction of the Group Housing Project can be undertaken only with the permission of this Hon'ble Court. In view of the aforesaid facts and contentions of the parties, the CEC referred the matter to the Ridge Management Board vide letter dated 25.02.2025. The Ridge Management Board has informed the CEC vide

their letter dated 24.03.2025 that as the Hon'ble Supreme Court has restrained the Board from clearing the Project proposals for diversion of Ridge Forests without seeking permission of the Hon'ble Supreme Court, it is not possible for RMB to give its views on the proposed project. The copies of all these letters are enclosed as **ANNEXURE R-16 (Colly)** to this Report.

RECOMMENDATIONS

18. Based on the submissions made above and after considering that the project has all statutory and other necessary approvals from the competent authorities for construction of a Group Housing Project on the 'subject land' owned by M/s RR Texknit LLP, and that part of the 'subject land', though not part of the notified Ridge Forest Area land but is falling in morphological Ridge Area, it is recommended that "this Hon'ble Court may consider permitting M/s RR Texknit LLP for use of 4553 sq.mt. (0.4553 ha) of the 'subject land' without felling of any tree for the construction of Group Housing Project" subject to the following conditions :

- a) As per the extant norms/rules, the M/s RR Texknit LLP shall deposit 5% of the sanctioned project cost with the Ridge Management Board Fund and which, under the close supervision and direction of the Ridge Management Board, shall be used by the Delhi Forest Department for tree plantation, conservation and development of the Delhi Ridge,

- b) All the conditions laid down by various statutory authorities, especially the conditions imposed by the MoEFCC, while granting the Environmental Clearance shall be strictly adhered to.
- c) No felling of tree shall be allowed, and M/s RR Texknit shall ensure protection of all 23 trees standing on the 'subject land'.
- d) The periphery of the 'subject land' is around 385 meters in length. There shall be green fencing all around the periphery, and around 250 trees of indigenous species shall be planted alongside it in two rows at a spacing of 3 meters by 3 meters. Similarly, another 250 trees of indigenous species shall be planted along the internal roads that will be constructed.
- e) Adequate provision for water for birds, squirrels, etc, which are so ubiquitous on the subject land shall be made.
- f) M/s RR Texknit LLP must undertake a thorough analysis and corresponding remedial measures with respect to the waste management, availability of potable water, rainwater harvesting, and energy conservation, for the proposed Group Housing Project.
- g) Quarterly compliance report of all the conditions that may be imposed by this Hon'ble Court shall be submitted by M/s RR Texknit LLP to the CEC through the online portal maintained by the CEC for the same. (<https://cecindia.in/auth/login>)
- h) Any other condition that this Hon'ble Court may impose.

This Report is being submitted with the approval of the Chairman and all Members of the CEC and for the kind consideration of this Hon'ble Court.


(Siddhanta Das)
Chairman

Dated: 14.05.2025

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DELHI JAL BOARD :GOVT. OF N.C.T. OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER (M)-45,
OPPOSITE J BLOCK, MARKET SAKET
NEW DELHI-110017.

NO. DJB/AEE(M)-45/2024/ 533

Date :- 5/2/24

To,

Mr. LALIT JAIN LALIT JAIN HUF THROUGH ITS KARTA MR LALIT JAIN

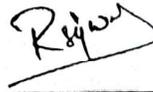
KH NO. 1230/2 OLD NO. 2792/2026/1675/8
SEC-B PKT-1 VASANT KUNJ N.D
PART OF REVENUE ESTATE OF VILL MEH.

Subject: - Regarding of Delhi Jal Board Water & Sewer NOC for Construction of residential group housing on Khasra No. 1230/2 Old No. 2792/2026/1675/8 Sec-B Pkt-1 Vasant kunj, New Delhi. (OBPS ID No. 10118036).

With respect to above, NOC is hereby issued subject to following: -

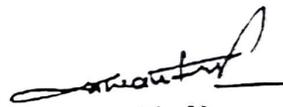
1. Infrastructure fund charges calculated by Delhi Jal Board planning wing for water comes out to Rs.3,33,58,129/-only vide DJB/EE(Plg.)W-III/2024/594-598 dated 25.01.2024and for sewer comes out to Rs.2,00,14,914/- only vide letter no. DJB/EE(Plg.)DR/2024/101-105 dated 25.01.2024.The total amounts comes out Rs. 5,33,73,043/-. The applicant has deposited IFC charges Rs. 5,33,73,043/- with Delhi Jal Board vide RTGS ref. no. UTIBR52024020300356624 on dated. 03-02-2024.
2. The applicant /developer/builder has to make his own arrangements of entire non potable water of 183210 LPD at his own. Developer/builder has to comply with the general and special conditions of Planning Water Wing and Planning Sewer (drainage wing enclosed) herewith. Potable water will be provided by DJB from nearby water supply network only as per availability at the time of sanction of the water connection after completion of Building which may not fulfill the demand of the applicant. DJB will not be bound to supply water as per the demand. The applicant /developer/builder will have to make his own arrangements. The applicant will not file any claim for any sort of compensation /grievance in the court.
3. Water demand assessment and sewerage demand assessment has been worked out by DJB Planning wing. Developer/builder has to comply with the general and special conditions of Planning Water Wing and Planning Sewer (drainage wing) attached herewith.
4. No potable water shall be used in construction activities.
5. All dues in respect of Delhi Jal Board have to be cleared by the applicant/ developer/builder before seeking sanction of the water and sewer bulk connections.
6. The applicant /developer/builder has to construct RWH structures and recycle waste water treatment plant and to keep them in functional state.


SUDHANSHU GUPTA
B.ARCH. (ARCHITECT)
Regn. No. CA/1982/06736
23/146 A & B, Vikram Vihar
Lajpat Nagar-IV, New Delhi-110024


Rishu

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7. Applicant/owner/builder/developer will be solely and absolutely responsible to ensure all safety and precautionary measures for the safety of workers and machineries in respect of execution/operation and maintenance/cleaning of water and sewerage services (UGR/BPS, sewer lines, manholes, WWTP/Recycle WWTP etc.) to avoid any untoward incident/mishap/accident.
8. All necessary permissions for road cutting for water connection and for connecting the sewerage of the building into the DJB sewerage network has to be obtained by Applicant/owner/builder/developer and at his own cost after obtaining sanction of water connection and sewer connection from DJB after completion of building.
9. Building plan sanctioning authority may also examine the permissibility of the proposed building on this plot before sanction of building plan.



(Sawant Singh)
Executive Engineer(M)-45



SUDHIR GUPTA
B.ARCH. (ARCHITECT)
Regn. No. CA/1982/06736
23/146 A & B, Vikram Vihar
Lajpat Nagar-IV, New Delhi-110024



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R R TEKNIKIT LLP

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DELHI JAL BOARD, GOVT. OF NCT OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER (SDW)-V
RING ROAD, ANDREWS GANJ, NEW DELHI-110049
Email: -djbrpps@gmail.com, Ph. No.-011-20884669

No. F-10/DJB/E.E(SDW)-V/PVT./2024/ 571

Date:-06.06.2024

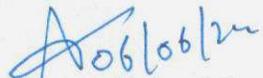
To,
M/s. R R Texknit LLP,
E-5,3rd Floor, South Extension Part-2,
New Delhi-110049

Subject: -Supply of treated water from Vasant Kunj STP.

This is in reference to your two requests dated 05-06-2024 each for supply of treated effluent and subsequent deposit of Rs.10,000/- vide D.D. NO.382582 dt. 05.06.2024 of Kotak Mahindra Bank Ltd. You are hereby allowed to collect the treated effluent @ Rs.7/- per KL(Total 1,429KL.) by your requested vehicles bearing the registration No. DL-1L AJ 2866 (5KL), from **Vasant Kunj STP** only to use for horticulture/ industrial purpose and **not for human use.**

Note: -

1. Delhi Jal board reserves the right to stop supply of treated effluent without any notice.
2. Further, any adjustment on account of previous pending payments (if any) shall be recovered by DJB from the amount as submitted above or in future.
3. Agency will provide copy of RC for above vehicle including the mentioned capacity (in KL).
4. The afore-mentioned vehicles are not deployed by DJB & all the statutory requirements including their overall responsibility is on the part of the agency to whom this letter is being issued.


(Amit Kumar Tripathi)
EX. ENGINEER (SDW)- V

1127



DELHI JAL BOARD, GOVT. OF NCT OF DELHI
 OFFICE OF THE EXECUTIVE ENGINEER (SDW)-V
 RING ROAD, ANDREWS GANJ, NEW DELHI-110049
 Email: -djbrps@gmail.com, Ph. No.-011-20884669

No. F-10/DJB/E.E(SDW)-V/PVT./2024/ 571 to 576

Date:-06.06.2024

To,
 M/s. R R Texknit LLP,
 E-5,3rd Floor, South Extension Part-2,
 New Delhi-110049

Subject: -Supply of treated water from Vasant Kunj STP.

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4. The afore-mentioned vehicles are not deployed by DJB & all the statutory requirements including their overall responsibility is on the part of the agency to whom this letter is being issued.

-Sd-

(Amit Kumar Tripathi)
 EX. ENGINEER (SDW)- V

Copy to: -

1. SE(P)-3
 2. Chief Security Officer
 3. AE(E&M)
 4. AAO(SDW)-V
 5. JE (E&M) - Concerned
 6. Office Copy / Gate copy
- For kind information please.

EX. ENGINEER (SDW)-V

06/06/24
[Signature]



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1149/2022 & CM APPL. 26421/2023**
CM APPL. 44853/2023, CM APPL. 6403/2024, CM APPL. 6406/2024
CM APPL. 7979/2024, CM APPL. 7980/2024, CM APPL. 22099/2024
CM APPL. 26203/2024, CM APPL. 29795/2024, CM APPL. 29796/2024
CM APPL. 32242/2024, CM APPL. 32897/2024, CM APPL. 32898/2024
CM APPL. 37645/2024, CM APPL. 44009/2024, CM APPL. 44143/2024
CM APPL. 45986/2024, CM APPL. 46221/2024, CM APPL. 47590/2024
CM APPL. 51019/2024, CM APPL. 51020/2024, CM APPL. 53808/2024
CM APPL. 53844/2024, CM APPL. 53949/2024, CM APPL. 57042/2024
CM APPL. 57162/2024, CM APPL. 57215/2024, CM APPL. 62212/2024
CM APPL. 62487/2024, CM APPL. 63373/2024, CM APPL. 63375/2024
CM APPL. 65260/2024, CM APPL. 67188/2024, CM APPL. 67527/2024
CM APPL. 68217/2024, CM APPL. 69803/2024 & CM APPL. 69804/2024

BHAVREEN KANDHARI

.....Petitioner

Through: Mr. Aditya N. Prasad and Mr.
Pratyush Jain, Advs.
Mr. Gautam Narayan, Ms. Prabhsahay Kaur, Ms.
Asmita Singh, Mr. Satyakam, *Amicus Curiae*
Mr. Tushar Nair, Mr. Punishk Handa,
Mr. Anirudh Anand, Advs

versus

SHRI C. D. SINGH AND ORS.

.....Respondent

Through: Mr. Sameer Vashisht, ASC
Mr. Satyakam, ASC
Mr. Sanjay Katyal, Adv.
Ms. Mehak Nakra, ASC
Mr. Ahluwalia, Adv

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

06.12.2024

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CONT.CAS(C) 1149/2022

1. Since Mr. Gautam Narayan, learned *Amicus Curiae* has been designated as a Senior Advocate of this Court, while he will continue to assist the court as *Amicus Curiae*, but on account of his busy schedule, Ms. Ashmita Singh and Mr. Satyakam, learned counsels are requested to assist this Court as *Amici Curiae* in the present matter and other connected proceedings pertaining to protection of trees.
2. List on 10.01.2025.

CM APPL. 29795/2024 & CM APPL. 29796/2024

3. Mr. Katyal, learned counsel for the respondent states that the Department will take the *Amici Curiae* to show them the state of 53 transplanted trees as well as the compensatory plantation of 1400 trees and their status as well as their health.
4. Let the photographs of the same be place on record.
5. With consent, Mr. Saurav, Forest Officer of NCRTC (Mob: 9958941470) will go with Mr. Satyakam, learned *Amicus Curiae* tomorrow, i.e. 07.12.2024 at 11 a.m., along with a Tree Officer who will accompany them. One Range Officer shall also accompany them.
6. List on 13.12.2024.

CM APPL. 52907/2024 & CM APPL. 52908/2024

7. These are applications seeking directions to the Deputy Conservator of Forest to conduct an inspection *qua* removal and felling of trees in Khasra No. 1230/2 measuring 6 bighas and 7 biswa.
8. As per the report of the DCF (South), in paragraph 6 it is stated that there were a total number of 23 trees present at the site, out of which 19 trees are healthy, 1 tree has fallen, which was rehabilitated, and 3



number of trees have dried out.

9. The number of healthy trees as recorded in the order dated 04.10.2024, remains the same.
10. Mr. Ahluwalia, learned counsel, on instructions, states that the owner of the property shall ensure that all 19 trees are kept healthy and alive and the 1 rehabilitated tree shall be kept in good condition.
11. In view of the above, the applications are disposed of in the aforesaid terms.

CM APPL. 57162/2024, CM APPL. 47590/2024, CM APPL. 7979/2024,
CM APPL. 7980/2024, CM APPL. 37645/2024, CM APPL. 53949/2024,
CM APPL. 62212/2024, CM APPL. 67527/2024, CM APPL. 67188/2024,
CM APPL. 44143/2024, CM APPL. 69803/2024 & CM APPL.
69804/2024

12. List on 13.12.2024.

JASMEET SINGH, J

DECEMBER 6, 2024 / akc / (MS)

Click here to check corrigendum, if any

1131

82



BUILDING DEPARTMENT

PERMIT FEE RECEIPT

RECEIPT NO

PAYEE DETAILS

Name

Mr. Lalit Jain and Lalit Jain HUF through Its Karta Mr Lalit Jain ,Mr. Pradeep Jain HUF through Its Karta Mr Pradeep Jain, Mrs. Pramukhta Jain Pradeep Jain Neelam Jain Kunal Mahajan ,Mr. Rakesh Mahajan HUF through Its Karta Mr Kunal Mahajan ,Mrs. Nalini Mahajan Through Its GPA Mr Kunal Mahajan all through their SPA Mr Rohit Sejwal

Residential Address

Kh. No. 1230/2 Sector -B pocket -1 Vasant kunj New Delhi.

Mobile Number

9810034211

Email Id

sudhirgupta1208@yahoo.com

Request ID

10118122

RECEIPT DATE

09/02/2024
13:58:57

PAYMENT DETAILS

PAYMENT

Permit Fee

PAYMENT MODE

ONLINE

Transaction No

153621435

Transaction Date

09/02/2024
13:58:57

Amount Received

194710.00

BUILDING PERMIT FEE DETAIL

Permit fee

194710

1132



BUILDING DEPARTMENT

C1/C2 FEE RECEIPT

RECEIPT NO

PAYEE DETAILS

Name

Mr. Lalit Jain and Lalit Jain HUF through Its Karta Mr Lalit Jain
 ,Mr. Pradeep Jain HUF through Its Karta Mr Pradeep Jain, Mrs.
 Pramukhta Jain Pradeep Jain Neelam Jain Kunal Mahajan ,Mr.
 Rakesh Mahajan HUF through Its Karta Mr Kunal Mahajan ,Mrs.
 Nalini Mahajan Through Its GPA Mr Kunal Mahajan all through
 their SPA Mr Rohit Sejwal

Residential Address

Kh. No. 1230/2 Sector -B pocket -1 Vasant kunj New Delhi.

Mobile Number

9810034241

Email Id

sudhirgupta1208@yahoo.com

Request ID

10118122

RECEIPT DATE

10/05/2024
12:59:30

PAYMENT DETAILS

PAYMENT

C1/C2 Fee

PAYMENT MODE

ONLINE

Transaction No

155682989

Transaction Date

10/05/2024
12:59:30

Amount Received

500.00

INTIMATION OF PLINTH FEE DETAIL

Plinth Fee

500



BUILDING DEPARTMENT

PLAN FEE RECEIPT

RECEIPT NO

PAYEE DETAILS

Name

Residential Address

Mobile Number

Email Id

Request ID

Mr. Lalit Jain and Lalit Jain HUF through its Karta Mr Lalit Jain ,Mr. Pradeep Jain HUF through its Karta Mr Pradeep Jain, Mrs. Pramukhta Jain Pradeep Jain, Neelam Jain Kunal Mahajan ,Mr. Rakesh Mahajan HUF through its Karta Mr Kunal Mahajan ,Mrs. Nallni Mahajan Through its GPA Mr Kunal Mahajan all through their SPA Mr Rohit Sejwal

Kh. No. 1230/2 Sector -B pocket -1 Vasant kunj New Delhi.

9810034241

sudhirgupta1208@yahoo.com

10118122

RECEIPT DATE

10/05/2024
12:59:30

PAYMENT DETAILS

PAYMENT

Plan Fee

PAYMENT MODE

ONLINE

Transaction No

155682989

Transaction Date

10/05/2024
12:59:30

Amount Received

301970195.00

BUILDING PLAN FEE DETAIL

BUILDING PLAN FEE DETAIL			
Levy	819103	Additional Levy	5890196.00
Betterment	0.00	Stacking Charges	0
C & D waste charge	1862190.00	Conversion Charges	0.00
Development & interest Charge	0.00		
Admin/IT Charge	20000	Other Charges	374753
Compensatory/Regulatory Charges	4099896.00	DJB & Water Sewerage Charges	0.00
Other Charges1	256716307.00	Other Charges1 Remarks	Use Conversion Charges
Other Charges2	26768050.00	Other Charges2 Remarks	ED Charges.
Other Charges3	500000.00	Other Charges3 Remarks	Mics. charges
Total			297050495.00
Cess Charges			4919700
Total Amount Payable			301970195.00



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 352/2025**

COLONEL AJAY YADAV & ANR.

.....Petitioners

Through: Mr. Abhik Chimni, Ms. Pranjal Abrol, Mr. Maarooof, Mr. Gurupal Singh and Ms.Shreya Bajpai, Advocates.

versus

**GOVERNMENT OF NATIONAL CAPITAL
TERRITORY OF DELHI & ORS.**

.....Respondents

Through: Mr. Sanjay Kumar Pathak, Standing Counsel with Mr. Sunil Kumar Jha, Mr. M.S. Akhtar, Mr. Mayank Madhu and Mr. Sami Sameer Siddiqui, Advocates for Respondent No.1/GNCTD.

Mr. Kapil Dutta, Advocate for Respondent No.2/MCD.

Mr. Tushar Sannu, Advocate for Respondent No.3/DDA.

Mr. Satya Ranjan Swain, SPC with Mr. Rudra Paliwal, GP and Mr. Kautilya Birat, Advocate for Respondent No.5/UOI.

Mr. Anurag Ahluwalia, Senior Advocate with Mr.Aakash Sehrawat and Mr. Pushant Sehrawat, Advocates for Respondent No.6.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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20.01.2025

CM APPL. 1743/2025 and 1744/2025

1. Exemptions allowed, subject to all just exceptions.
2. Applications stand disposed of.



W.P.(C) 352/2025 and CM APPL. 1742/2025

3. This writ petition is preferred on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following reliefs:

“1. Issue a Writ/Order/Direction restraining any party, including the Respondents from allowing or effecting any development/construction activities at Khasra no. 1230/2 (New) admeasuring 6 bighas and 7 biswa in Sector-B, Pocket-1, Vasant Kunj;

2. Issue a Writ of Mandamus or any other Writ/Order/Direction restraining Respondent No. 1-3 from granting any further Sanction or approval with respect to any development over the Subject Property, being land situated at Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa situated in Sector-B, Pocket-1 in Vasant Kunj Housing Scheme, New Delhi;

3. Issue a Writ/Order/Direction setting aside sanction dated 13.05.2024 granted by the Respondent No. 2 with respect to the development over the Subject Property being land situated at Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa situated in Sector-B, Pocket-1 in Vasant Kunj Housing Scheme, New Delhi;

4. Issue a Writ of Mandamus or any other Writ/Order/Direction setting aside the Minutes of the 368th Screening Committee Meeting dated 22.04.2019, and 370th Screen Committee Meeting dated 17.06.2019 approving the grant of sanction in respect of the subject property, being land situated at Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa situated in Sector-B, Pocket- 1 in Vasant Kunj Housing Scheme, New Delhi;

5. Issue a Writ of Mandamus or any other Writ/Order/Direction setting aside the decision of the Expert Appraisal Committee dated 29.11.2024 granting conditional clearance to Respondent No. 4 for construction of a Housing Complex at Subject Property being land situated at Khasra No. 1230/2 (New) admeasuring 6

6. Bighas and 7 Biswa situated in Sector-B, Pocket-1 in Vasant Kunj Housing Scheme, New Delhi;

7. Pass an order restraining the Respondent 6 to 15 from creating any third party interest in the subject property;”

4. At the outset, Mr. Ahluwalia, learned Senior Counsel appearing on behalf of Respondent No.6 and Mr. Kapil Dutta, learned counsel for MCD take preliminary objections to the maintainability of this writ petition on



multiple grounds. It is submitted that the prime grievance of the Petitioners is with respect to grant of sanction in respect of subject property bearing Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa situated in Sector-B, Pocket-1 in Vasant Kunj Housing Scheme, New Delhi, for which there is a statutory remedy under Section 347B of the Delhi Municipal Corporation Act, 1957 ('DMC Act') and in support rely on the judgment of the Division Bench of this Court in *Paardarshita Public Welfare Foundation (NGO) v. Municipal Corporation of Delhi and Ors., W.P.(C) No. 14193/2024* decided on 05.11.2024. Mr. Ahluwalia further submits that there are material concealments and misrepresentations in the writ petition. Petitioners are members of Vasant Kunj Residents Welfare Association ('RWA'), Sector B, Pocket 1 and the RWA has already filed a writ petition being W.P.(C)11283/2024 before this Court against Respondent No. 6 challenging the sanction plan by MCD. In an application filed under Order I Rule 10 CPC by the RWA for impleading Ridge Management Board ('RMB') and Ministry of Environment, the RWA has already raised the grievance raised in this petition that subject property is situated in the Morphological Ridge Area of Delhi, which is a protected eco-sensitive zone and any construction or development activity in such an area requires mandatory clearance from the Supreme Court on recommendation of RMB. Once RWA has filed a petition laying a challenge to the sanction granted by MCD, Petitioners cannot raise the same issues in a fresh petition and the intent clearly is forum hunting.

5. It is further argued by Mr. Ahluwalia that in W.P.(C)11283/2024, Court had declined to grant interim order against the construction carried out by Respondent No.6 and this is evident from paragraph 4 of order dated



11.09.2024 and being fully aware of this order, Petitioners seek a similar restraint order circuitously by this petition. Mr. Dutta, learned counsel for MCD adds that there is concealment inasmuch as Petitioners have not even disclosed in this writ petition that in W.P.(C)11283/2024 filed by the RWA of which Petitioners are members, similar reliefs were sought or that Court declined to stay the alleged unauthorized construction and on this ground alone, writ petition deserves to be dismissed with costs.

6. Mr. Chimni, learned counsel for the Petitioners urges that there is no concealment inasmuch as W.P.(C)11283/2024 has been filed by the RWA and there is no legal bar or embargo in individual members of an RWA filing separate writ petitions to ventilate their genuine grievances. Insofar as the objection of alternate statutory remedy against the sanction granted by MCD with respect to the subject property is concerned, it is argued that this Court has been entertaining writ petitions of similar nature and interim stay orders have also been granted against unauthorized construction and in this context, relies on the judgment of this Court in *Ashok Kumar Tanwar v. Union of India and Others, 2011 SCC OnLine Del 5733*.

7. Having heard learned counsel for the Petitioners, learned Senior Counsel for Respondent No.6 and other counsels representing the official Respondents, this Court is of the view that there is merit in the preliminary objections raised by the Respondents. First and foremost, if the Petitioners are aggrieved by grant of sanction by MCD in respect of the subject property, remedy lies before the Appellate Tribunal, MCD under Section 347B of the DMC Act and in this context, Respondents have correctly alluded to the judgment of the Division Bench in *Paardarshita Public Welfare Foundation (NGO) (supra)*. Reliance by Mr. Chimni on the



judgment of this Court in *Ashok Kumar Tanwar (supra)* is wholly misconceived. In the said case, Petitioner had alleged unauthorized construction with respect to accommodation for Supervisors etc. of DGBR at Naraina on land falling in Central Ridge Area. From the facts before the Court it had clearly emerged that no clearance was sought from the RMB and the Supreme Court through Central Empowered Committee ('CEC') for carrying out the construction and on the contrary CEC had directed BRO to stop the ongoing construction work and in light of this, Court had restrained further construction till necessary clearance was obtained, as required. In contrast, in the present case, it is an admitted case of the Petitioners that CEC has taken cognizance of Petitioner No.1's representation dated 14.10.2024 and vide notice dated 25.10.2024 directed convening of a meeting in this behalf between the officials of MCD, Ministry of Forest, Environment and Climate Change and DDA etc. CEC is yet to take a decision in the matter and even on this score, this writ petition is premature.

8. Clearly, Petitioners have raised two broad issues in this writ petition i.e. construction of the subject property in a morphological ridge without clearance of the Supreme Court and RMB and that the sanction granted by MCD vide letter dated 13.05.2024 with respect to the subject property falls foul of Clause 3.2.4 of Notification dated 04.07.2018, issued in exercise of powers conferred under Section 57(1) of the Delhi Development Act, 1957. Both these issues have been raised by the RWA of which the Petitioners are members in W.P.(C)11283/2024 and in which Court declined to grant interim relief. To my mind, Petitioners are only forum hunting by filing the present writ petition being well-aware of the earlier writ petition and the application filed therein raising a ground that the subject property of



Respondent No.6 falls in the Morphological Ridge Area of Delhi. Moreover, as rightly pointed out on behalf of the Respondents, Petitioners have failed to disclose that in W.P.(C)11283/2024 interim relief of stay against the alleged unauthorized construction was declined by the Court vide order dated 11.09.2024. It is the first principle of writ jurisdiction that a person must come to Court with clean hands. For reasons best known to the Petitioners, they have not disclosed material facts and the writ petition is only an attempt to seek interim relief, declined in W.P.(C) 11283/2024.

9. This Court sees no reason to entertain this writ petition for the reasons stated above and the same is accordingly dismissed with cost of Rs.20,000/-, to be paid in favour of Armed Forces Battle Casualties Welfare Fund, Canara Bank, South Block, Defence Headquarters, New Delhi, IFSC Code- CNRB0019055, Savings Account No. 90552010165915 within six weeks from today. Liberty is however granted to the Petitioners to take recourse to legal remedies depending on the outcome of the proceedings before the CEC at the appropriate stage and before the appropriate forum.

10. Pending application also stands disposed of.

JYOTI SINGH, J

JANUARY 20, 2025

B.S. Rohella/shivam



2025:DHC:825-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ LPA 92/2025, CM APPL. 7375/2025, CM APPL. 7376/2025 &
CM APPL.7377/2025

COLONEL AJAY YADAV & ANR.

.....Appellants

Through: Mr. Abhik Chimni, Ms. Pranjal
Abrol, Mr. Maarooof, Mr. Gurupal
Singh and Ms. Shreya Bajpai,
Advocates.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Kumar Pathak, Standing
Counsel with Mrs. K.K. Kiran Pathak,
Mr. Sunil Kumar Jha, Mr. M.S.
Akhtar and Mr. Devendre Kumar,
Advocates for R-1/L&B
Mr. Kapil Dutta, Advocate for R-2.
Mr. Tushar Sannu and Mr. Hardik
Saxena, Advocates for R-3/DDA.

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*Date of Decision: 7th February, 2025***CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****J U D G E M E N T****TUSHAR RAO GEDELA, J.: (ORAL)****LPA 92/2025**

1. Present appeal has been filed under Clause X of the Letters Patent assailing the impugned judgement dated 20.01.2025 in W.P.(C) 352/2025 titled "*Colonel Ajay Yadav & Anr vs. Government of National Capital*

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LPA 92/2025

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2025:DHC:825-DB



Territory of Delhi & Ors.”, whereby the learned Single Judge had dismissed the writ petition filed by the appellants on the grounds of alternate remedy; embargo of locus standi and forum shopping.

2. It is the case of the appellants that appellants are individual residents of Section B, Pocket – 1, Vasant Kunj since 20-30 years and members of Vasant Kunj Residents Welfare Association (hereinafter referred to as “*RWA*”). The appellants’ states that they have filed the underlying writ petition challenging the MCD Sanction letter dated 13.05.2025 and the subsequent orders/clearances granted in terms of construction of a housing complex at Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa in Sector-B, Pocket-1, Vasant Kunj situated in the South Central Morphological Ridge.

3. Mr. Chimni, learned counsel for the appellants at the outset, submits that the learned Single Judge has overlooked the crucial issue raised in the underlying writ petition. In that, he states that though the RWA had filed a writ petition bearing W.P.(C) No.11283/2024 raising certain issues, yet had not raised a pertinent question which would be necessary to adjudicate before a writ Court can pass any effective justifiable order. Arguing vociferously, he states that the issue covered in para 5 of the prayer clause of the underlying writ petition is not only the edifice on which other prayers and substantial questions of law are predicated, but also the only issue which the Court under Article 226 of the Constitution, ought to judicially examine so as to ensure there is no injustice caused.

4. According to the learned counsel, though the other prayers in the writ petition filed by the RWA as also the underlying writ petition are seemingly similar, yet, there is a substantial difference in those. He attempts to

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LPA 92/2025

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2025:DHC:825-DB



persuade that prayer 5 of the underlying writ petition seeks consideration, examination and adjudication as to whether the decision of the Expert Appraisal Committee dated 29.11.2024 granting conditional clearance to respondent no.4 for construction of a housing complex at the subject property ought not to be set-aside at the first instance itself, being violative of the guidelines pertaining to Morphological Area of Delhi. He claims that unless the said issue, which according to him is the core question, is adjudicated at the first instance, the other issues may really not reach the root of the dispute. In other words, his contention is that other issues would only be a consequential effect to the issue raised in the underlying writ petition.

5. That apart, he also forcefully contends that the right of a citizen under Article 226 of the Constitution, particularly where there is an infraction of a inviolable fundamental right of a citizen, even if a writ petition filed by a larger body or an association of which the said individual is a part, is pending adjudication, remains unfettered and untrammelled. Thus, on that basis, he contends that the right of the appellants to approach this Court under Article 226 of the Constitution remains unaffected, pristine and pure. He states that the learned Single Judge misdirected herself on this fundamental principle of constitutional right of the appellants. He thus, prays that the impugned judgment be set aside and the underlying writ petition be directed to be taken up for adjudication.

6. Having heard Mr. Abhik Chimni, learned counsel for the appellants, we find that fundamentally the submissions are on an erroneous interpretation of the constitutional rights.

7. In order to have clarity as to what prompted the learned Single Judge

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LPA 92/2025

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2025:DHC:825-DB



to disagree with the submissions of learned counsel for the appellants, it would be apposite to extract the relevant paragraphs where the core issue were dealt with. Para 8 of the impugned judgment reads thus:

“8. Clearly, Petitioners have raised two broad issues in this writ petition i.e. construction of the subject property in a morphological ridge without clearance of the Supreme Court and RMB and that the sanction granted by MCD vide letter dated 13.05.2024 with respect to the subject property falls foul of Clause 3.2.4 of Notification dated 04.07.2018, issued in exercise of powers conferred under Section 57(1) of the Delhi Development Act, 1957. Both these issues have been raised by the RWA of which the Petitioners are members in W.P.(C)11283/2024 and in which Court declined to grant interim relief. To my mind, Petitioners are only forum hunting by filing the present writ petition being well-aware of the earlier writ petition and the application filed therein raising a ground that the subject property of Respondent No.6 falls in the Morphological Ridge Area of Delhi. Moreover, as rightly pointed out on behalf of the Respondents, Petitioners have failed to disclose that in W.P.(C)11283/2024 interim relief of stay against the alleged unauthorized construction was declined by the Court vide order dated 11.09.2024. It is the first principle of writ jurisdiction that a person must come to Court with clean hands. For reasons best known to the Petitioners, they have not disclosed material facts and the writ petition is only an attempt to seek interim relief, declined in W.P.(C) 11283/2024.”

We find from a plain reading of the aforesaid paragraph, that the learned Single Judge has manifestly crystallized the basic issue raised in the underlying writ petition and has examined the same. We do not find any reason to interdict the sound reasoning of the learned Single Judge in the aforesaid paragraph. However, we find it appropriate to supplement the reasoning with our own analysis.

8. In order to satisfy our conscience, we deem it appropriate to extract the prayers in the W.P.(C) No. 11283/2024 filed by the RWA in juxtaposition to the ones made in the underlying writ petition. The same in seriatim are as under:

W.P.(C) 11283/2024:-

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LPA 92/2025

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“a) CERTIORARI, thereby quashing sanction dated 13.05.2024 [Annexure P-1] granted by the Respondent No. 3 with respect to the development over the Subject Property being land situated at Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa situated in Sector-B, Pocket-1 in Vasant Kunj Housing Scheme, New Delhi;

b) PROHIBITION, thereby restraining Respondent Nos. 1-3 from granting any further Sanction or approval with respect to any development over the Subject Property, being land situated at Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa situated in Sector-B, Pocket-1 in Vasant Kunj Housing Scheme, New Delhi;

c) CERTIORARI, thereby quashing the Minutes of the 368th Screening Committee Meeting as approved by the 368th Screening Committee Meeting dated 22.04.2019, and 370th Screen Committee Meeting dated 17.06.2019 in respect of the subject property [Annexure P-2 (Colly)], being land situated at Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa situated in Sector-B, Pocket-1 in Vasant Kunj Housing Scheme, New Delhi;

d) PROHIBITION, thereby restraining the Respondents from permitting or actually raising of any construction on the subject property contrary to brochure (Annexure P-1) and the original layout plan (Annexure P-2) as demonstrated to the public by the Respondents;

e) MANDAMUS, commanding the Respondent No. 1 – 3 to restore the Subject Property, in terms of the promise as made through the brochure (Annexure P-7) and the layout plan (Annexure P-8) as demonstrated to the public by the Respondents;

f) CERTIORARI, thereby quashing the order dated 07.12.2012, passed by the Ld. PO, Appellate Tribunal, MCD allowed the appeal No. 24/AT/MCD/2009 (Annexure P-3) as well as final order and judgment dated 16.07.2016 passed by the Ld. District and Sessions Judge in MCD Appeal No. 04/13 (Annexure P-4);”

W.P.(C) 352/2023:-

“1. Issue a Writ/Order/Direction restraining any party, including the Respondents from allowing or effecting any development/construction activities at Khasra no. 1230/2 (New) admeasuring 6 bighas and 7 biswa in Sector-B, Pocket-1, Vasant Kunj;

2. Issue a Writ of Mandamus or any other Writ/Order/Direction restraining Respondent No. 1-3 from granting any further Sanction or

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approval with respect to any development over the Subject Property, being land situated at Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa situated in Sector-B, Pocket-1 in Vasant Kunj Housing Scheme, New Delhi;

3. Issue a Writ/Order/Direction setting aside sanction dated 13.05.2024 granted by the Respondent No. 2 with respect to the development over the Subject Property being land situated at Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa situated in Sector-B, Pocket-1 in Vasant Kunj Housing Scheme, New Delhi;

4. Issue a Writ of Mandamus or any other Writ/Order/Direction setting aside the Minutes of the 368th Screening Committee Meeting dated 22.04.2019, and 370th Screen Committee Meeting dated 17.06.2019 approving the grant of sanction in respect of the subject property, being land situated at Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa situated in Sector-B, Pocket- 1 in Vasant Kunj Housing Scheme, New Delhi;

5. Issue a Writ of Mandamus or any other Writ/Order/Direction setting aside the decision of the Expert Appraisal Committee dated 29.11.2024 granting conditional clearance to Respondent No. 4 for construction of a Housing Complex at Subject Property being land situated at Khasra No. 1230/2 (New) admeasuring 6 Bighas and 7 Biswa situated in Sector-B, Pocket-1 in Vasant Kunj Housing Scheme, New Delhi;

A fair comparison brings to fore the fact that there is practically no difference in the prayers contained in both the writ petitions. In fact, the prayers made in the underlying writ petition are identical except for the manner in which they have been expressed. Learned counsel for the appellants had laid great emphasis on prayer no.5 of the underlying writ petition being distinctive and unique to stand on its own, notwithstanding the other prayers, is misplaced, fallacious and unmerited. A careful examination of the relief sought in prayer no.5 of the underlying writ petition would reveal that the same deals with a decision rendered by the Expert Appraisal Committee dated 29.11.2024 for grant of conditional clearance to respondent no.4 for construction of a housing complex at the

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subject property which falls in the Morphological Ridge Area of Delhi. A perusal of the prayers contained in the writ petition filed by the RWA clearly shows that it has sought quashing of 368th Screening Committee Meeting dated 22.04.2019 and 370th Screening Committee Meeting dated 17.06.2019; quashing of sanction dated 13.05.2024 in respect of development over the subject property amongst other prayers. The prayer no.5 in the underlying writ petition seeks quashing of the conditional clearance granted by the Expert Appraisal Committee dated 29.11.2024. *Ex facie*, this decision is subsequent to the previous sanctioning order noted above. Logically, the said decision of the Expert Appraisal Committee would be subsumed in the other prayers of the writ petition filed by the RWA which may and can be taken note of and appropriate directions be passed by the learned Single Judge *in seisin* of the said writ petition. Thus, the apprehension of the appellants that the same may not be considered by the learned Single Judge is unfounded. We are therefore, not persuaded to accept this submission.

9. Consequent to the aforesaid analysis, we find the filing of the underlying writ petition, impermissible. This gathers all the more seriousness inasmuch as the appellants are admittedly members of the said RWA. In case such actions are permitted, the Courts would be flooded with frivolous and multiple multitude of litigations on the common subject. We cannot countenance any such situation. For this reason too, we concur with the findings of the learned Single Judge that the appellants appears to indulge in forum shopping. In fact, learned Single Judge has also recorded a finding of fact that the appellants herein failed to disclose that in W.P.(C) 11283/2024, interim relief of stay against the alleged unauthorised

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construction was declined by the Court *vide* order dated 11.09.2024. This assumes seriousness as a person seeking discretionary relief must approach the Court with clean hands.

10. For the reasons stated above and concurring with the reasoning rendered by the learned Single Judge in the impugned judgment, we are inclined to and accordingly dismiss the appeal *in limine*.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

FEBRUARY 7, 2025/kct

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Item No. 05

Court No. 1

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

Original Application No. 1171/2024
(I.A. No. 456/2024)

Vasant Kunj Residents Welfare Association
Sector-B Pocket A-1

Applicant

Versus

MoEF&CC & Ors.

Respondent(s)

Date of hearing: 17.02.2025

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

Applicant: Mr. Madhav Bhatia, Mr. Shreshth Arya, Mr. Shreyuss Shankar Joshi &
Mr. Angad Pathak, Advs.

Respondents: Ms. Madhumita Singh, Adv. (Court Commissioner) (Through VC)

ORDER

1. In this original application, the grievance of the applicant is that the Respondent No. 6, without obtaining the environmental clearance as required by EIA Notification, 2006 has started illegal construction activities on the land in Khasra No. 1230/2 (New), measuring 6 Bighas and 7 Biswa the subject property.

2. Respondent No. 1, MoEF & CC, has filed the reply dated 14.02.2025, disclosing therein that the Project Proponent has been granted the Environmental Clearance dated 13.01.2025 subject to the stipulation of various environmental safeguards.

3. Learned counsel for the applicant has fairly stated that the Environmental Clearance dated 13.01.2025 has already been challenged by the applicant in a separate appeal.

4. Hence, we are of the view that at his stage, no further examination of the matter is required. Keeping all the issues open, the O.A is disposed of.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

February 17, 2025
HB..