

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 737/2022

IN THE MATTER OF:

AMIT AGGARWAL

.... APPLICANT

VERSUS

DELHI DEVELOPMENT AUTHORITY & ORS.

.... RESPONDENTS

INDEX

S. No.	Particulars	Page No.
1.	Status Report on behalf of the Additional Principal Chief Conservator of Forests, Department of Forests And Wildlife, Government of National Capital Territory Of Delhi.	1-4
2.	<u>Annexure-1</u> A copy of the letter by the Deputy Conservator of Forest (South) to the Deputy Director (Hort.), DDA dated 06.10.2023.	5-6
3.	<u>Annexure-2</u> A copy of the Inspection Report of Forest Guard dated 17.10.2023 along with a true typed copy of Hindi to English translation.	7-8
4.	<u>Annexure-3</u> A copy of the letter by Dy. Conservator of Forests (South) to the Deputy Director (Hort.), DDA dated 12.01.2024.	9-10
5.	<u>Annexure-4</u> A copy of the inspection report dated 23.01.2024	11-12


(Dr. Suneesh Buxy, IFS)

Additional Principal Chief Conservator of Forests

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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IN THE MATTER OF:

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**STATUS REPORT ON BEHALF OF THE ADDITIONAL PRINCIPAL
CHIEF CONSERVATOR OF FORESTS, DEPARTMENT OF FORESTS
AND WILDLIFE, GOVERNMENT OF NATIONAL CAPITAL
TERRITORY OF DELHI.**

IT IS MOST RESPECTFULLY SHOWETH:

1. It is humbly submitted that the above-mentioned matter was taken up by this Hon'ble Tribunal on 05.10.2023 and directed Delhi Development Authority and the Department of Forests and Wildlife, Govt of NCT of Delhi to take:
 - a. Further remedial measures regarding cleaning and proper maintenance of the lake at Smriti Van, Mehrauli (Machli Park)
 - b. Further plantation, permitting people's participation in plantation drives in Smriti Van
 - c. Removal of encroachments, if any, from Smriti Van
2. That in compliance with the above-mentioned direction dated 05.10.2023, the Deputy Conservator of Forest (South) requested the Horticulture Division IV, Delhi Development Authority to depute one staff on 17.10.2023 at 10 am for the joint inspection on the ground at Smriti Van, Mehrauli, (Machli Park). A copy of the letter by the Deputy Conservator of Forest (South) to the Deputy Director (Hort.), DDA dated 06.10.2023 is annexed herewith as **Annexure-1**.

3. The Deputy Conservator of Forest (South) issued directives for the Forest Guard (South) to conduct a comprehensive site inspection in collaboration with the Delhi Development Authority. The inspection transpired on 17.10.2023, with the presence of Ms Anjali Soni, Assistant Director (Horticulture) DDA, and Mr Anushil, Section Officer (Horticulture) DDA, alongside Forest Guards. During the inspection, it was noted that none of the trees within the park were enumerated or geo-tagged. Furthermore, the cleaning of tree ditches had not been executed, hindering the precise determination of the number of compensatory plantations. A significant portion of the trees exhibited damage caused by Nilgai and goats. Notably, ample space within the park was identified for the potential planting of approximately 1000 saplings.
A copy of the Inspection Report of Forest Guard dated 17.10.2023 is annexed herewith as **Annexure-2**.
4. The Deputy Conservator of Forest (South) issued a subsequent letter dated 12.01.2024 to the Deputy Director (Horticulture), DDA. The communication sought the deployment of one staff member on 17.01.2024 at 10 am to facilitate a collaborative on-site inspection at Smriti Van, Mehrauli (Machli Park). The objective of this inspection is to check on the progress of the Geo-tagging and enumeration of existing trees geo-tagging and address the maintenance and cleanliness of trees. The re-inspection was crucial to compile a comprehensive report for submission before the Hon'ble National Green Tribunal. A copy of the letter by DCF (South) to the Deputy Director (Hort.), DDA dated 12.01.2024 is annexed herewith as **Annexure-3**.
5. It is submitted that after the Joint inspection dated 17.01.2024, by the Range Officer (South Forest Division), accompanied by Ms Anjali Soni, Assistant Director (Horticulture), Delhi Development Authority (DDA), the following observations were made by Range Officer (South Forest Division) during inspection:
 - a) **Compensatory Plantation by NBCC Representative:** The representative from NBCC assured to initiate preparations for the plantation work. Subsequently, it was confirmed that compensatory plantation activities had been executed, with approximately 1750 saplings successfully planted.

- b) **STP Water Utilization by DDA Representative:** The DDA representative explained that sewage treatment plant (STP) water would be utilized for greening the South-Central Ridge, classifying it as a forestry activity. However, it was noted that the STP was non-functional, leading to the disposal of untreated water into Machli Talab. This untreated water proved unsuitable for irrigating the saplings planted for compensatory plantation, resulting in adverse effects.
- c) **Maintenance of Natural Pond by DDA Representative:** The DDA representative committed to removing concrete from the pond and preserving the natural pond for fauna in the South Central Ridge. Upon inspection, it was found that there was no evidence of a concrete pond; instead, good earth had been filled, and a compensatory plantation had been carried out.
- d) **Eco-Friendly Amenities by DDA Representative:** The DDA representative agreed to replace tiles with perforated tiles, avoiding the use of cement for creating eco-friendly amenities. Currently, interlocking tiles have been removed, and the installation of perforated tiles is in progress.
- e) **Additional Observations from the Last Hearing Order:**
- The dysfunctional STP continues to discharge untreated water into Machli Talab, adversely impacting the aquatic ecosystem.
 - Issues include a foul smell, black watercolor, and odor in Machli Talab.
 - Clear separation of stormwater drain and sewer lines has not been implemented.
- f) **Further Plantation:**
- Census and geo-tagging of existing trees are pending.
 - Thamlamaking is inadequate, with grasses and weeds out-competing the 1750 plantations.

- Adequate area is available for further compensatory plantation, but as of now, no action has been taken.
- Current tree guards are rudimentary and susceptible to termite attacks. Iron and concrete guards are recommended.
- Grazing by Nilgai and goats is affecting the plantations due to a shortage of tree guards.

g) People's Participation in Smriti Van Plantation Drives:

- The climate from October 5, 2023, to January 29, 2024, is not scientifically advisable for compensatory plantation.

h) Removal of Encroachments:

- Pertains to DDA responsibilities.

i) Other Suggestions:

- Declare Smriti Van as a 'No Plastic Zone.'
- Allow only pedestrians; no pets should be allowed.
- Promote native tree, shrub, and herb species in compensatory plantation efforts

A copy of the inspection report dated 23.01.2024 is annexed herewith as **Annexure-4**.

6. It is humbly submitted that the Additional Principal Chief Conservator of Forests has the highest respect and regard for the orders of this Hon'ble Court. The present Status Report and its annexures are being placed before this Hon'ble Court for its consideration and further directions, if any.


(Dr. Suneesh Bury, IFS)

Additional Principal Chief Conservator of Forests

Date: 25.01.2024

Place: New Delhi

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS
SOUTH FOREST DIVISION
NEAR DR. KARNI SINGH SHOOTING RANGE
TUGHLAKABAD, NEW DELHI – 110044

F.No. 99/DCF(S)/Legal/22-23/ 9255-57

Date: 6.10.2023

To,

The Deputy Director (Hort.)
Horticulture Division IV, DDA
Delhi Development Authority
Sheikh Sarai, PH-I, New Delhi- 110017.

Sub: Request to depute one staff on 17.10.2023 at 10 am for the joint inspection on ground at Smriti Van, Mehrauli, (Machli park) in terms of order passed by Hon'ble National Green Tribunal, in the matter of 'Amit Aggarwal vs. DDA & Ors, OA. NO. 737/2023.

Sir/Ma'am,

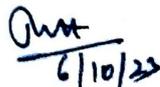
As you are aware that an application was filed before Hon'ble National Green Tribunal in the matter of 'Amit Aggarwal vs. DDA & Ors, Original Application No. 737/2023'. On 05.10.2023, in open court, Ld. National Green Tribunal, the bench has pleased to point out the following measures on which an immediate action is required:

- A. Census of the existing number of trees in the Smriti Van;
- B. Geo tagging of the trees;
- C. Identify total available area to take up further plantation;
- D. Suggest species of trees suitable for plantation in the South Central Ridge;
- E. To check how the compensatory plantation is being maintained and supervised?

In compliance with the directions of the Hon'ble National Green Tribunal, It is requested to depute one staff on 17.10.2023 at 10 am for the joint inspection on ground at Smriti Van, Mehrauli, (Machli park).

May kindly coordinate the joint inspection by contacting the below-mentioned staff:

Chhedi Lal, Forest Guard (South), contact no. +91 9315284545. Pankaj Kumar Maurya
Forest Guard (South), contact no. +91 9667607472.


Mandeep Mittal, IFS
Dy. Conservator of Forest,
(South Forest Division)

Copy to:

1. Principal Chief Conservator of Forests, Department of Forests and Wildlife, GNCTD, 2nd Floor, A —Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, (for kind information).
2. The Conservator of Forests, Department of Forests and Wildlife, GNCTD, 2nd Floor, A — Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, (for kind information).


6/10/23

Mandeep Mittal, IFS
Dy. Conservator of Forest,
(South Forest Division)

सेवा में,

श्रीमान उपवन संरक्षक (दक्षिणी),
तुगलकाबाद, नई दिल्ली

विषय:- स्मृति वन, डी.डी.ए.(मछली पार्क), मेहरौली, नई दिल्ली का निरीक्षण के संबंध में।

महोदय,

आज दिनांक 17.10.2023 को पत्र संख्या F.No. 99/DCF(S)/Legal/2022-23/9255-57 Dated 06.10.2023 के अनुसार स्मृति वन, डी.डी.ए.(मछली पार्क), मेहरौली, नई दिल्ली पर जाकर साइट का संयुक्त निरीक्षण श्री पंकज कुमार मौर्या (वन रक्षक) व मिस अंजली सोनी (सहायक निदेशक, उद्यान) व श्री अनुशील (सेक्सन ऑफिसर (उद्यान), डी.डी.ए.) के साथ किया, निरीक्षण के दौरान पाया कि:-

1. पार्क के अन्दर किसी भी वृक्ष के ऊपर नम्बर अंकित नहीं किए गये हैं।
2. पार्क के अन्दर किसी भी वृक्ष का जी.ओ. टैग नहीं किया गया है।
3. अभी तक सभी वृक्षों के गड्ढे की सफाई नहीं की गई है, जिससे कुल प्रति-पूरक वृक्षारोपण के नम्बरों का पता नहीं चल सका।
4. अधिकांश वृक्षों को नील गाय व बकरियों के द्वारा खाकर नुकसान पहुंचाया जा रहा है।
5. पार्क के अन्दर लगभग 1000 पौधे लगाने हेतु पर्याप्त जगह हैं।

अतः महोदय से प्रार्थना है कि स्मृति वन, डी.डी.ए.(मछली पार्क), मेहरौली, नई दिल्ली के निदेशक (उद्यान), दिल्ली विकास प्राधिकरण को आदेश दिया जाए कि सभी वृक्षों पर नम्बर अंकित कर जी.ओ. टैग करने के साथ ही पार्क में वृक्षों की चारों तरफ गड्ढों की सफाई कर ट्री गार्ड द्वारा संरक्षित किया जाये, जिससे नील गाय अथवा दूसरे जानवर वृक्षों को नुकसान न पहुंचा सकें।

रिपोर्ट सूचनार्थ एवं अग्रिम कार्यवाही हेतु प्रस्तुत हैं।

भवदीय

C.W.P.
17/10/23
छेदीलाल शर्मा,
(वन रक्षक)

9
17/10

Vishnu Priza

To,

The Deputy Conservator of Forest
(South), Tughlakabad, New Delhi

Subject- In respect to the inspection of Smriti Van, D.D.A (Machli Park), Mehrauli, New Delhi

Sir,

Today, on 17.10.2023, as per Letter Number F.No. 99/DCF(S)/Legal/2022-23/9255-57 Dated 06.10.2023, a joint inspection at Smriti Van, D.D.A (Machli Park), Mehrauli, New Delhi, was carried out along with Mr. Pankaj Kumar Maurya (Forest Guard), Ms. Anjali Soni (Assistant Director, Hort.) and Mr. Anushil (Sectional Officer (Horticulture), D.D.A.). During the inspection, the following was observed:

1. No number has been marked on any tree inside the park.
2. No tree inside the park has been Geotagged.
3. The cleaning of all the trees' ditches has not been carried out yet, due to which the exact number of compensatory plantations carried out cannot be ascertained.
4. The majority of the trees have been damaged due to grazing by Nilgai and goats.
5. There is sufficient space available to plant approximately 1000 saplings inside the park.

Therefore, you are requested to direct the Director (Horticulture) of Smriti Van, D.D.A (Machli Park), Mehrauli, New Delhi to mark numbers on all the trees inside the park along with Geo tagging. Further, ditches of the trees on all four sides be cleaned and guarded by a tree guard, to ensure that Nilgai and other animals do not harm the trees.

The report is presented for the purpose of information and further actions.

Sincerely,

Chhedi Lal Sharma
(Forest Guard)

Annexure- 3

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS
SOUTH FOREST DIVISION
 NEAR DR. KARNI SINGH SHOOTING RANGE
TUGHLAKABAD, NEW DELHI - 110044

F.No. 99/DCF(S)/Legal/22-23/ 12861-63

Date: 12.01.2024

To,

The Deputy Director (Hort.)
 Horticulture Division IV, DDA
 Delhi Development Authority
 Sheikh Sarai, PH-I, New Delhi- 110017.

Sub: Request to depute one staff on 17.01.2024 at 10 am for the joint inspection on ground at Smriti Van, Mehrauli, (Machli park) in terms of order passed by Hon'ble National Green Tribunal, in the matter of 'Amit Aggarwal vs. DDA & Ors, OA. NO. 737/2023.

Sir/Ma'am,

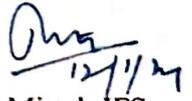
As you are aware that an application was filed before Hon'ble National Green Tribunal in the matter of 'Amit Aggarwal vs. DDA & Ors, Original Application No. 737/2023'. On 05.10.2023, in open court, Ld. National Green Tribunal as under:

"Respondents no. 1 and 2 are directed to take further remedial measures regarding cleaning and proper maintenance of the lake, further plantation, permitting people's participation in plantation drives in Smriti Van and removal of encroachments, if any, from Smriti Van. 6. Further action taken reports be filed by respondent no. 1 and respondent no. 2 within two months"

In compliance with the directions of the Hon'ble National Green Tribunal, It is requested to depute one staff on 17.01.2023 at 10 am for the joint inspection on ground at Smriti Van, Mehrauli, (Machli park).

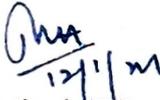
May kindly coordinate the joint inspection by contacting the below-mentioned staff:

Bakshinder Pal, Range Officer of South Forest Division, contract no. +91 7087501591 or Chhedi Lal, Forest Guard (South), contact no. +91 9315284545.


 Mandeep Mittal, IFS
 Dy. Conservator of Forest,
 (South Forest Division)

Copy to:

1. Principal Chief Conservator of Forests, Department of Forests and Wildlife, GNCTD, 2nd Floor, A —Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, (for kind information).
2. The Conservator of Forests, Department of Forests and Wildlife, GNCTD, 2nd Floor, A — Block, Vikas Bhawan, I.P. Estate, New Delhi-110002, (for kind information).


Mandeep Mittal, IFS
Dy. Conservator of Forest,
(South Forest Division)

Annexure- 4

GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF FORESTS & WILDLIFE
OFFICE OF DEPUTY CONSERVATOR OF FORESTS(SOUTH)
NEAR DR. KARNI SINGH SHOOTING RANGE
TUGHLAKABAD, NEW DELHI- 110044.

11

INSPECTION REPORT

An inspection was carried out on 17.01.2024 by Range Officer (South Forest Division) along with Ms. Anjali Soni (Asst. Director, DDA) and Chhedi Lal Sharma (Forester) in Smriti Van. The following observations have been made:-

SL. No.	Name of Para	Observations by Forest Department during inspection
1	Representative of NBCC assured to start preparation for starting plantation work	It has been found that the works of compensatory plantation have been done and around 1750 nos. of saplings have been planted.
2	Representative of DDA explained that water out of the STP shall be used to greening the South-Central Ridge and hence has been taken as forestry activity.	The STP is dysfunctional and untreated water is disposed in machli talab and is unsuitable for watering the saplings planted as compensatory plantation.
3	Representative of DDA agreed to remove the concrete in pond and maintain the existing natural pond for fauna present in South Central Ridge.	No evidence of concrete pond has been found. Good earth is filled and plantation is carried out.
4	Representative of DDA agreed to remove all tiles and use perforated tiles without using any cement to create eco-friendly amenities in the area.	Interlocking tiles have been removed completely and laying of perforated tiles is under process.
5	Other relevant observations based on last hearing order	<p><u>Cleaning and Maintenance of the Lake:</u></p> <ol style="list-style-type: none"> 1. The STP is dysfunctional and untreated water is disposed in machli talab and is unsuitable for watering the saplings planted as compensatory plantation. 2. The untreated water is causing bad smell, black color of water and odor in machli talab affecting aquatic ecosystem. 3. The storm water drain and sewer lines are not clearly separated. <p><u>Further Plantation:</u></p> <ol style="list-style-type: none"> 4. Census or Enumeration and Geo-tagging of the existing trees not done. 5. Thamlamaking is not proper and grasses & weeds out-compete the 1750 plantation done. 6. Sufficient area available for undertaking further compensatory plantation at-least



Bakshinder
23/01/2024

		<p>377 1000 in numbers but not undertaken as of date.</p> <p>7. Tree guard is rudimentary in nature and affected by termite attack. Wooden branches should not be used. Iron and concrete tree guards should be used instead of wooden tree guard.</p> <p>8. Plantation is under attack of grazing by Nilgai & goats due to lack of tree guards in numbers.</p> <p>9. Block fencing of the plantation area should be done instead of individual tree guards.</p> <p><u>Permitting People's Participation in Plantation drives in Smriti Van:</u></p> <p>10. The climate (from 05.10.2023 to 29.01.2024) is not scientifically advisable for undertaking Compensatory Plantation.</p> <p><u>Removal of encroachments, if any:</u></p> <p>11. Pertains to DDA only.</p> <p><u>Other suggestions:</u></p> <p>12. The Smriti Van is a part of Reserved Forest area falling in South Central Ridge and should be declared a 'No Plastic Zone'.</p> <p>13. Only pedestrians to be allowed and no pets to be allowed.</p> <p>14. Native tree, shrubs and herbs species should be promoted in compensatory plantation.</p>
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To,

DCF (South)
South Forest Division

Bakshinder
23/01/2024
Range Officer
South Forest Division