

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

MA No. 64/2024

In

Original Application No. 581/2023

In the matter of:

Tribunal on its Motion

NDOH: - 24.03.2025

INDEX

S. No.	Contents	Page No.
1	Action taken report on behalf of Delhi Pollution Control Committee (DPCC) with respect to the order dated 27.11.2024.	1-3
2	<u>Annexure-1</u> Copy of the reminder letter dated 29.10.2024 addressed to MCD and DDA	4
3	<u>Annexure-2</u> Copy of the ATR submitted by the Horticulture Wing of MCD.	5-10
4	<u>Annexure-3</u> Minutes of the meeting dated 13.03.2025.	11-12
5	<u>Annexure-4 (Colly)</u> Copy of the reply submitted by MCD dated 17.03.2025.	13-16
6	<u>Annexure-5</u> Copy of the letter dated 18.03.2025 addressed to MCD and DDA.	17

Filed by:

New Delhi:

Dated: 21.03.2025


Delhi Pollution Control Committee

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

MA No. 64/2024

In

Original Application No. 581/2023

In the matter of:

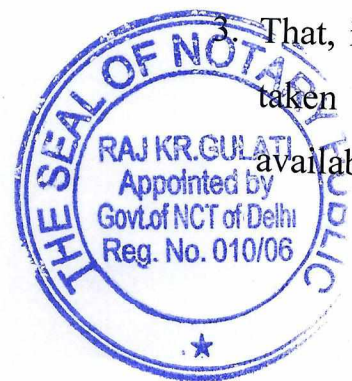
Tribunal on its Motion

ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE IN COMPLIANCE TO THE ORDER DATED 07.11.2023.

I, Dr. BMS Reddy, Sr. Environmental Engineer, Delhi Pollution Control Committee, 2nd Floor, C-Wing, Vikas Bhawan-II, Civil Lines, Delhi- 110054, do hereby solemnly affirm and state as under:

1. That, I am working as Sr. Environmental Engineer, Delhi Pollution Control Committee and am conversant with the facts of the present case on the basis of record maintained by Delhi Pollution Control Committee in its ordinary course.
2. That this Hon'ble Tribunal took up the above referred matter on 07.11.2023 on the basis of the letter dated 24.06.2023 raising the grievance that in Khasra No. 1706, Village Aya Nagar, there is a Johar (Pond) which is being filled with garbage, dumping material and raw material and it is losing its identity as a pond. This Hon'ble Tribunal was pleased to direct DPCC to get the spot inspection done, ascertain the correct position and if required, take appropriate remediation action.
3. That, in compliance with order dated 07.11.2023, DPCC has filed its action taken report on 12.03.2024, after inspecting the site in question, which is available on the records of this Hon'ble Tribunal.

bm



4. That, the report of DPCC was considered by this Hon'ble Tribunal on 29.11.2024 and pleased to direct DPCC to take appropriate remedial and punitive action and file.
5. That, DPCC issued letters to MCD and DDA on 07.03.2024. As no reply was received, a reminder letter was issued to look into the matter and direct the concerned officers to take further necessary action. Copy of the reminder letter dated 29.10.2024 addressed to MCD and DDA is enclosed herewith as **ANNEXURE -1.**
6. That, in compliance with the order dated 29.11.2024, a meeting was called by the Member Secretary, DPCC, to review the compliance status, which was attended by the officials of MCD and DDA on 13.03.2025. During the meeting following decisions were taken:
- Dy. Director (Horticulture), MCD informed that the park has been cleared from the garbage/ C&D waste dumps and submitted the ATR in the meeting itself. Copy of the ATR submitted by the Horticulture Wing of MCD is enclosed as **Annexure-2.**
 - Regarding the cleaning of the pond in question, Sh. Shadab Alam from Maintenance Wing of MCD informed that they have taken certain measures to clear the pond. He however informed that the land on which the pond exists belongs to DDA and was handed over to MCD for maintenance purpose only.
 - DDA was asked to ensure the cleaning of the pond in co-ordination with MCD in a time bound manner and submit ATR to DPCC. As far as the punitive action, it was decided to send letters to Heads of MCD and DDA to identify the responsible officers/officials in their respective departments and take suitable action against them.

Minutes of the meeting dated 13.03.2025 is enclosed herewith as **ANNEXURE-3.**

7. That, subsequent to the meeting dated 13.03.2025, MCD has informed that, the Aya Nagar Pond situated in Gram Sabha Land under Khasra No. 1704 Jhar (16-02) is with DDA and was transferred to SDMC (now MCD) in 2018 for the period of 05 years for the development of the park on the



temporary basis. The pond has never been handed over to SDMC which is still with the DDA. In the said handing over letter dated 19.02.2018 at point No. 3, it is clearly mentioned that "Department of Horticulture, SDMC will use the land only for the purpose of development of park". The responsibility of DDA for cleaning of pond situated in Khasra No. 1704 so that pond should remain in its pristine condition. However Maintenance department, MCD along with DDA have engaged labour for the purpose of cleaning of Aya Nagar pond. Copy of the reply submitted by MCD dated 17.03.2025 is enclosed herewith as ANNEXURE-4 (Colly).

8. That, DPCC vide letter dated 18.03.2025 asked DDA (being the land owing agency) to ensure the cleaning of the pond in co-ordination with MCD in a time bound manner and submit ATR to DPCC. It was also directed that punitive action against responsible officers/ officials may be taken. Copy of the letter dated 18.03.2025 addressed to MCD and DDA is enclosed herewith as ANNEXURE -5.

9. That, in view of the above, the present action taken report may kindly be taken on record.

[Handwritten Signature]

DEPONENT

VERIFICATION

I, the above-named deponent, declare the contents of the present affidavit are true and correct to the best of my knowledge based upon the documents and records available in the office and nothing material has been concealed therefrom.

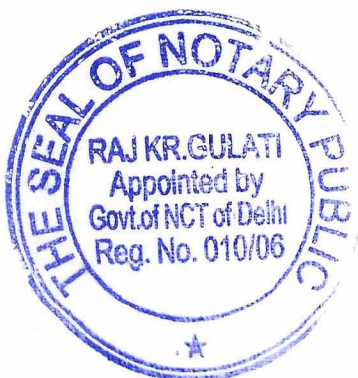
Verified at New Delhi on this 12th day of MAR 2025.

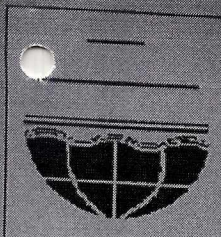
ATTESTED
[Handwritten Signature]
 NOTARY PUBLIC
 GOVT OF NCT OF DELHI

12th MAR 2025

[Handwritten Signature]

DEPONENT





33

DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT
(GOVT. OF NCT OF DELHI)
2nd FLOOR, C-BLOCK, VIKAS BHAWAN-II,
UPPER BELA ROAD, CIVIL LINES DELHI-54
 (visit us at website : <http://dpc.delhigovt.nic.in/>)



4

DPCC/CMC-II/(10)(10)(92)/Leg.08/ 2446-2448

Date: 29/10/2024

To,

Annexure-1

1. **The Commissioner**, Municipal Corporation of Delhi, 4th Floor, Dr. S.P.M. Civic Centre, Minto Road, New Delhi-110002.
2. **The Vice-Chairman**, Delhi Development Authority, Vikas Sadan, INA, New Delhi – 110023.
3. **The Member Secretary**, Delhi Wetland Authority Level-6, C-Wing, Delhi Secretariat, I.P Estate New Delhi-02

Sub.: Hon'ble NGT order dated 16.08.2024 in MA No. 64/2024 in OA No. 581/2023 "Tribunal on its motion" regarding garbage, dumping material and raw material in Khasra No. 1706, Village Aya Nagar, New Delhi, Johar (pond).

Sir,

This has reference to the order dated 07.11.2023 passed by Hon'ble NGT in OA No. 581/2023 "Tribunal on its motion" regarding garbage, dumping material and raw material in Khasra No. 1706, Village Aya Nagar, New Delhi, Johar (pond). Consequent to the order passed by the Hon'ble Tribunal on 07.11.20123 in OA No-581/2023, an inspection of the site was conducted by the officials of DPCC on 02.02.2024 and the observations in this regard are as under:-

1. Plastic waste such as bottles and polythene were found floating in the pond. Garbage was also found dumped in the pond.
2. There is a park which is maintained by SDMC adjacent to the pond wherein dumps of cow dungs and garbage were observed and the local enquiry revealed that some people washing their cows/cattle in the park and discharged all the waste water into the pond.
3. From the enquiry gathered from local people it is found that there is no sewerage system in the locality. Also it is observed that there is an open drain beside the pond from which the sewage is directly discharged into the pond.
4. Lots of Garbage was also found dumped at the entrance of the park which may ultimately falls into the pond as per the information gathered during inspection.
5. There is no Malba, Construction and demolition waste was observed near the pond.

A letter dated 07.03.2024(Copy attached) was also issued to MCD and DDA to rectify the deficiencies observed and provide the ATR to DPCC but no response has been provided yet.

In view of the above observations, you are again requested to look into the matter and direct the concerned officers to take further necessary action and provide the Action Taken Report within 10 days to enable this office to apprise the same before the Hon'ble NGT. Copy of the order of Hon'ble NGT is also enclosed herewith for your ready reference.

Encl: As above

Incharge, CMC-II

B.M.S. Reddy

Dr. B.M.S. Reddy
 Senior Environmental Engineer
 Delhi Pollution Control Committee
 4th & 5th Floor, ISBT Building,
 Kashmere Gate, Delhi, Delhi-110006



MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE DEPUTY DIRECTOR (HORT.)
HORTICULTURE DEPARTMENT: SOUTH ZONE
ROOM NO. 45, 2nd FLOOR MCD OFFICE BUILDING,
SRI AURBINDO MARG, GREEN PARK, NEW DELHI-110016
Email ID :- adhsouthzone.mcd@gmail.com



5

No.DDH/ADH/SZ/MCD/2025/ 3678

Dated 12/03/2025

To,

Sh. Krishan Kant Gautam,
AEE, CFC-II (DPCC)
5th Floor, ISBT Building
Kashmere Gate, Delhi-110006

Annexure-2

Subject :- Compliance of order/directions of Hon'ble NGT in MA No. 64/2024 in OA No. 581/2023 "Tribunal on its motion regarding garbage, dumping material and raw material in Khasra No. 1706 Village Aya Nagar, New Delhi

Reference: Letter No. DPCC CMC-II(10)(10)(92)/Leg.08/5232-5234 dated 05.03.2025

Sir,

In compliance with the directions of the Hon'ble National Green Tribunal (NGT) regarding garbage, dumping material, and raw material in Khasra No. 1706, Village Aya Nagar, New Delhi, the following actions have been undertaken:

Land Handover and Development

- Khasra No. 1706, Village Aya Nagar, New Delhi, was handed over to the Horticulture Department, South Zone, MCD on 19.02.2018.
- The total area of the land is 3.33 acres, which includes a pond.
- Out of the total area, 0.46 acres has been designated for park development, while 2.87 acres is allocated for the pond.

P.T.O

PKBarejje

Park Development and Maintenance

- Upon taking over, the Horticulture Department, South Zone, MCD developed the designated park area with plantation, grassing, gazebo installation, and an open gym.
- The park is currently being maintained by the Horticulture Department, South Zone, MCD.

Compliance with NGT Directions

- The garbage, dumping material, and raw material present in the park area have been removed by the Horticulture Department, South Zone, MCD, in accordance with the NGT's directions.

Maintenance of Pond Area

- The pond within the park is maintained by the Maintenance Department, South Zone, MCD.
- A formal request has been sent to the Maintenance Department, South Zone, MCD, for cleaning and necessary maintenance of the pond, vide letter No. DDH/ADH/SZ/MCD/2024-25/2872 dated 17.12.2024.

Current Status

- The park/land (except the pond) is presently clean and well-maintained.
- Photographs of the site are enclosed for reference.

This report is submitted for your kind perusal and necessary action.

PK. Benerjee

Dy. Director (Hort.)
South Zone : MCD

Deputy Director (Hort.)
South Zone : MCD

7

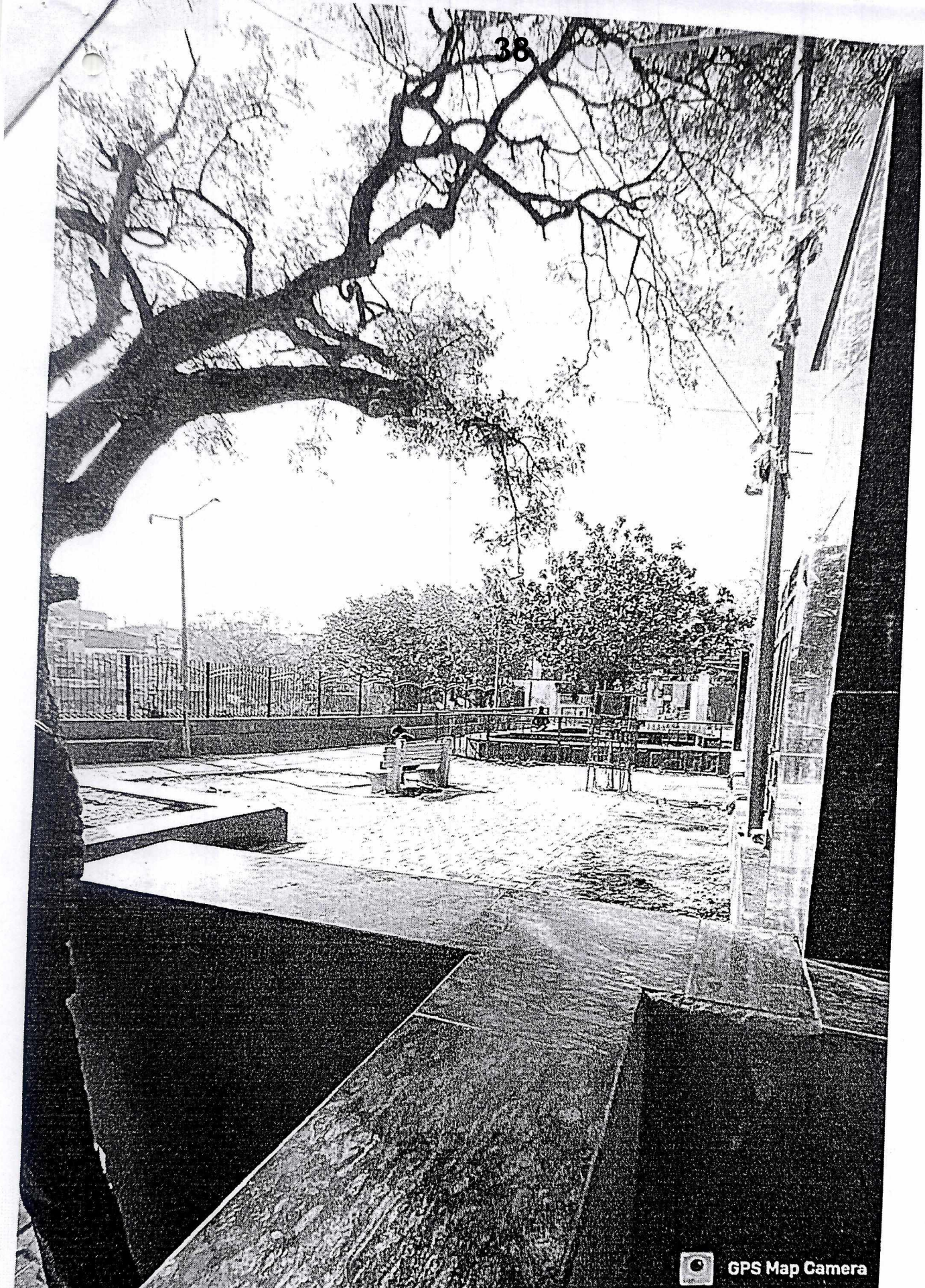


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 GPS Map Camera

Aya Nagar Main Road, Aya Nagar, New Delhi,
Delhi 110047, India

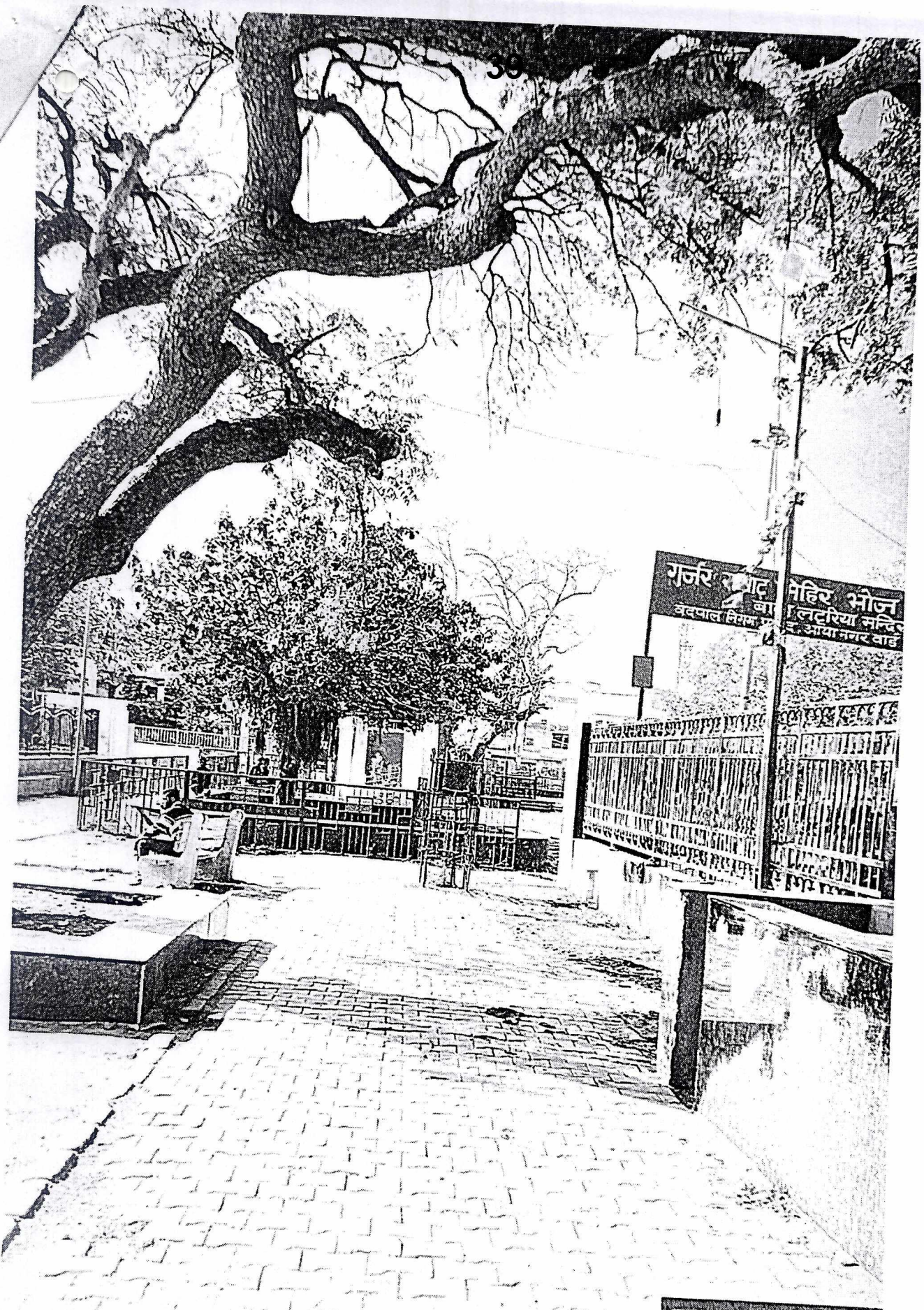
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02/13/2025 10:18 GMT+05:30

Note: Captured by GPS Map Camera


File No. 02/2025/1013/1013/1013/1013

10



GPS Map Camera

Aya Nagar Main Road, Aya Nagar, New Delhi,
Delhi-110047, India
Lat 28.476729, Long 77.130682
02/13/2025 10:18 GMT+05:30
Note : Captured by GPS Map Camera

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006 visit us at: http://dpcc.delhigovt.nic.in
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F. No. DPCC/(10)(10)(92)/Leg-08 / 5269-71

Dated: 13-03-2025

Subject: Minutes of the meeting taken by MS, DPCC at 03.00 PM on 13 March 2025

A meeting was convened in the chamber of MS DPCC at Delhi Secretariat on 13.03.2025 at 03.00 PM. List of the officials from MCD and DDA who attended the meeting is enclosed as **Annexure-1**. The issue was explained to the representatives of both MCD and DDA and sought the Action Taken Report/Compliance report from them regarding the rejuvenation of the pond in question at Aya Nagar. Sh. P K Banerjee, Dy Director (Horticulture), MCD informed that the park has been cleared from the garbage/C and D waste dumps and submitted the ATR in the meeting itself. Copy of the ATR submitted by the Horticulture Wing of MCD is enclosed as **Annexure-2**. Regarding the cleaning of the pond in question, Sh Shadab Alam from Maintenance Wing of MCD informed that they have taken certain measures to clear the pond. He assured that the Action Taken Report will be submitted by 02.00 PM on 17 March 2025. He however informed that the land on which the pond exists belongs to DDA and was handed over to MCD for maintenance purpose only. Sh. Deepak Kumar, DDA was asked to ensure the cleaning of the pond in co-ordination with MCD in a time bound manner and submit ATR to DPCC. As far as the punitive action, it was decided to send letters to Heads of MCD and DDA to identify the responsible officers/officials in their respective departments and take suitable action against them.

(Signature)
 EE-CC-2 (DPCC)

Incharge, CMC-II

Copy to:

- (1) Deputy Director land management south zone – DDA (DD/LM/SZ-1) Room no C1/5 Vikas Sadan, INA, Delhi - 110023
- (2) Deputy Director(Horticulture) South Zone –Room 45, 2nd floor MCD office, SRI Aurbindo marg, Green Park, Delhi 110016
- (3) Deputy Director(Engineering Division) South Zone – Office of executive engineer, maintenance division 4 sector 4 pushp vihar, Delhi -110017

Attendance Sheet

Date and Time: 13.03.2025 at 03:00 PM

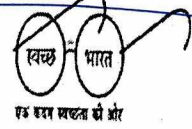
Subject: Aya Nagar Issue

S.No.	Name	Designation/ Department	Mobile No.	Sign
1.	Pr Banerjee	DDA/40/II and SZ/MCD	971748494	
2.	pravin Dhawore	AE-M-N/SZ	9667652500	
3.	Krishan Lal	SS/SZ	8826690503	
4.	Dharmraj Gaudam	SO(H)/SZ/MCD	8383023612	
5.	Shubham Srivastav	AE/smd-5/ PRA	8960797971	
6.	DEEPAK KUMAR	DD/LM/SZ-I	9711889848	
7.	Shackib Alam	BB-M-IV/SZ	9650798702	
8.	Rajiv Rajan Jr	EE(ENS)/SZ MCD	9717788520	
9.	Dhruv Katoia	EE-CMC 2 (DPCC)	8333923565	
10.				
11.				
12.				
13.				



42
MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER-M-IV
SOUTH ZONE, SEC-IV, PUSHP VIHAR, NEW DELHI 110017

Annexure-4 (Colly)



13

No.: EE (M)-IV/SZ/2024-25/D- 598

Date: 17/3/25

Subject: Regarding cleaning of Aya Nagar Pond situated in Khasra No. 1704 Johad (16-02).

Ref. No.:- F.No. DPCC/(10)(10)(92)/Leg-08/5269-71 Dated 13.03.202052

In reference to the above, it is submitted that the Aya Nagar Pond situated in Gram Sabha Land under Khasra No. 1704 Johad (16-02) is with DDA and was transferred to SDMC (now MCD) in 2018 for the period of 05 years for the development of the park on the temporary basis (copy of the handing over of the Gram Sabha land to Horticulture department is attached as annexure-1). As discussed with the Horticulture department the area of the pond has never been handed over to SDMC which is still with the DDA. In the said handing over letter dated 19.02.2018 at point no. 3, it is clearly mentioned that "Department of Horticulture, SDMC will use the land only for the purpose of development of park". Hence it is the responsibility of DDA for cleaning of pond situated in Khasra no. 1704 so that pond should remain in its pristine condition. However Maintenance department, MCD along with DDA have engage labour for the purpose of cleaning of Aya Nagar pond. The current photographs of Aya Nagar pond is attached as Annexure-2 for kind perusal.

Submitted please.

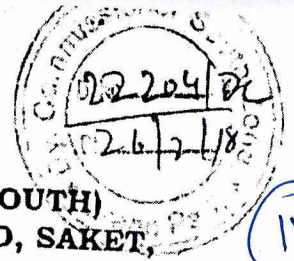
EE-(M-IV)/SZ
SHADAB ALAM 25
Executive Engineer (M-IV)/SZ
Municipal Corporation of Delhi
Incharge, CMC-II/DPCC

A. P. A. E. 108/25
Municipal Corporation of Delhi

J.E-157

43

GOVERNMENT OF NCT OF DELHI
OFFICE OF THE BLOCK DEVELOPMENT OFFICER (SOUTH)
DISTRICT MAGISTRATE (SOUTH) OFFICE M.B. ROAD, SAKET,
NEW DELHI-110068

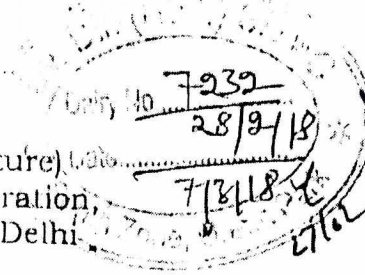


F. No. BDO (South)/2017 /505

Dated: 19/02/2018

To,

The Deputy Director (Horticulture),
South Delhi Municipal Corporation,
South Zoon, Green Park, New Delhi.



Sub: Handing over the Gram Sabha Land to the Horticulture Department of South Delhi Municipal Corporation for Development of Park on Temporary basis.

Sir,

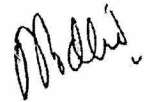
This is with reference to your office letter No. Dy. Dir./Hort./SDMC/17-18./1296 dated 07.08.2017 on the subject cited above. In this regard, it is to inform you that the Divisional Commissioner, Govt. of NCT of /Delhi is pleased to accord the approval for grant of NOC for temporary use of vacant land of Gaon Sabha for development of park in village Aya Nagar in Khasra No. 1704 Johad (16-02).

Accordingly, the above said land is hereby handed over to Horticulture Department of South Delhi Municipal Corporation for development of park subject to the following terms and conditions: -

1. The ownership of Gaon Sabha Khasra No. 1704 Johad (16-02) land/site shall change as park and continue to remain as Gaon Sabha land in records and department of Horticulture, South Delhi Municipal Corporation will only has the right to use.
2. It will be responsibility of department of Horticulture SDMC to protect the Gaon Sabha land from any type of encroachment.
3. Department of Horticulture, SDMC will use the land only for the purpose of development of park.
4. No permanent construction will be made on the Gaon Sabha land as given to Horticulture Department of SDMC to use for development of park.
5. Department of Horticulture, SDMC will bear all the expenses relating to development, management and maintenance of the park.

Contd. 2

6. Gaon Sabha/Revenue Department reserves the right to reclaim the land, if the same is required for any other important purpose by the government.
7. Any damage to the site would be rectified by the department of Horticulture, SDMC at the time of return of the land to Gaon Sabha.
8. Park should be developed by the SDMC within four (4) months from the date of handing over of the Gaon Sabha Land. In exceptional circumstances, this period can be extended further by 02 months.
9. The Gaon Sabha Land is being allotted to SDMC Horticulture wing for a period of 05 years, which can be extended further for another 05 year.



(DR. NIDHI SAROHE)
BDO (SOUTH)

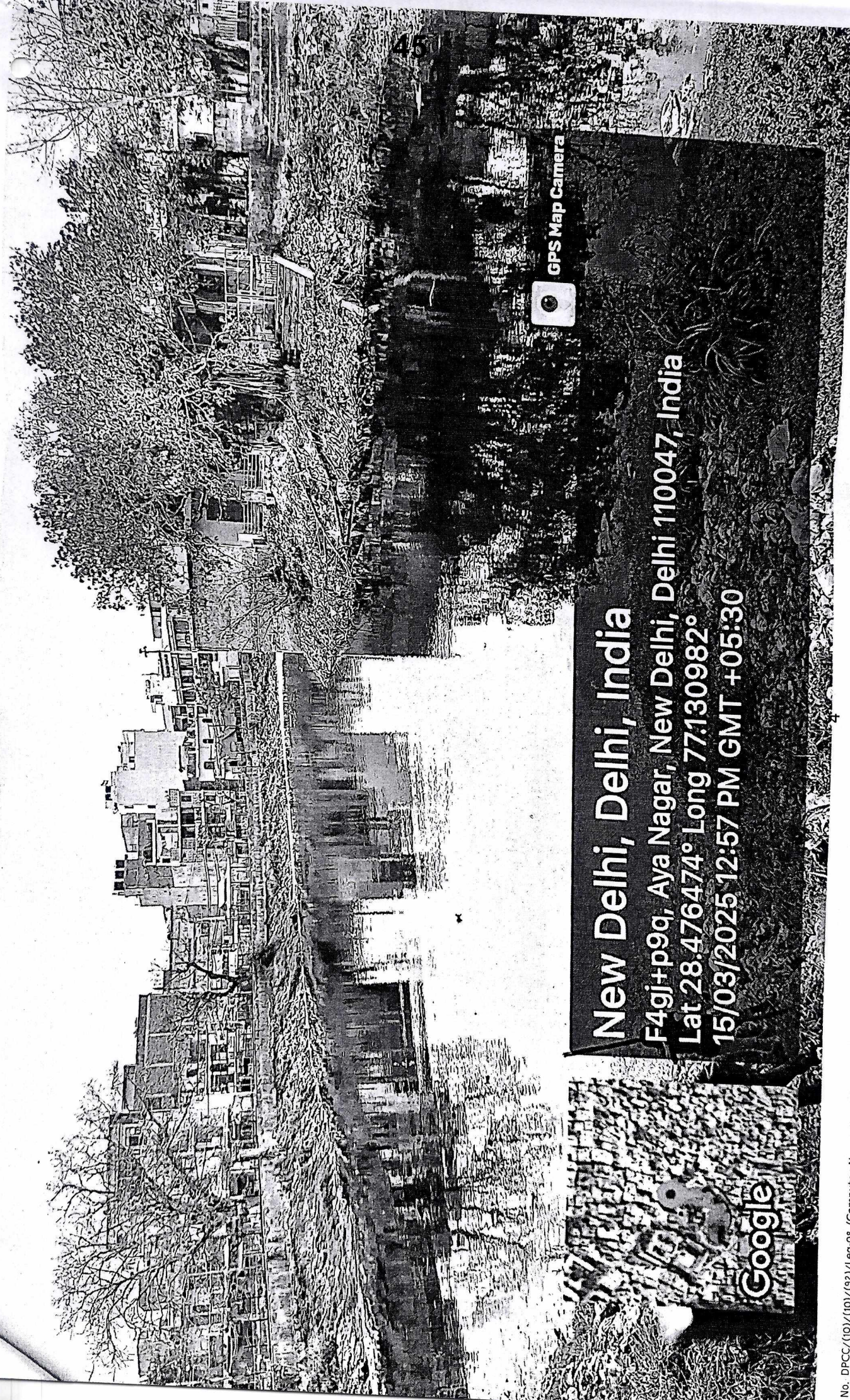
F. No. BDO (South)/2018 | 565
Copy for information to:

Dated: 19/02/18

1. The DM (South), M. B. Road, Saket, New Delhi.
2. Dy. Commissioner, SDMC, Green Park, New Delhi.
3. Dir. (P), 1st Kripa Narayan Marg, Delhi-110054.
4. Dir. (Horticulture), SDMC, Dr Shyama Prasad Mukherjee Civic Centre, Minto Road, Delhi - 1100025.
5. PA to Divisional Commissioner, 5 Sham Nath Marg, Delhi-110054
6. PA to Commissioner, SDMC, Dr Shyama Prasad Mukherjee Civic Centre, Minto Road, Delhi - 110002.



(DR. NIDHI SAROHE)
BDO (SOUTH)



GPS Map Camera

New Delhi, Delhi, India



F4gj+p9q, Aya Nagar, New Delhi, Delhi 110047, India

Lat 28.476474° Long 77.130982°

15/03/2025 12:57 PM GMT +05:30



Handwritten signature and the number 16 in a circle.

	<p style="text-align: center;">DELHI POLLUTION CONTROL COMMITTEE</p> <p style="text-align: center;">DEPARTMENT OF ENVIRONMENT (GOVT. OF NCT OF DELHI)</p> <p style="text-align: center;">2nd FLOOR, C-BLOCK, VIKAS BHAWAN-II, UPPER BELA ROAD, CIVIL LINES DELHI- 54</p> <p style="text-align: center;">(visit us at website : http://dpcc.delhigovt.nic.in/)</p>	
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(17)

DPCC/CMC-II/(10)(10)(92)/Leg.08/ 5277

Date: 18/03/2025

To,

1. **The Commissioner, Municipal Corporation of Delhi, 4th Floor, Dr. S.P.M. Civic Centre, Minto Road, New Delhi-110002.**
2. **The Vice-Chairman, Delhi Development Authority, Vikas Sadan, INA, New Delhi – 110023.**

Sub.: Compliance of order of Hon'ble NGT dated 29.11.2024 in MA No. 64/2024 in OA No. 581/2023 - reg

Sir,

This has reference to the order dated 29.11.2024 passed by Hon'ble NGT in MA No. 64/2024 in OA No. 581/2023 "Tribunal on its motion "regarding garbage, dumping material and raw material in Khasra No. 1706, Village Aya Nagar, New Delhi, Johar (pond). Copy of the order of Hon'ble NGT is also enclosed herewith for your ready reference.

Consequent to the order passed by the Hon'ble Tribunal, a meeting was taken by the Member Secretary, DPCC on 13.03.2025 with the officials of DDA and MCD to review the compliance status. Copy of the minutes is enclosed/attached herewith for your ready reference. Dy Director (Horticulture), MCD informed that the park has been cleared from the garbage/C and D waste dumps and submitted the ATR in the meeting itself. Regarding the cleaning of the pond in question, Maintenance Wing of MCD informed that they have taken certain measures to clear the pond and assured Action Taken Report will be submitted on 17 March 2025. DDA, being the land owning agency, was asked to ensure the cleaning of the pond in co-ordination with MCD in a time bound manner and submit ATR to DPCC.

As far as the punitive action as directed by Hon'ble NGT, you are requested to look into the matter and take suitable action against the concerned after identifying the responsible officers/officials in your department.

Digitally signed by
BALAM MADHUSUDHANA REDDY
Date: 18-03-2025 11:16:03

Incharge, CMC-II

Encl: As above