

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

Original Application No. 351/2022

**In the matter of:**

K. K. Sharma

...Petitioner

Versus

Govt. of NCT of Delhi

...Respondents

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Filed by:

(Delhi Pollution Control Committee)

Respondent

New Delhi:

Dated: 08.08.2022

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Vs

Govt. of NCT of Delhi

.....Respondent

**FACTUAL AND ACTION TAKEN REPORT ON BEHALF OF  
DELHI POLLUTION CONTROL COMMITTEE**

1. That This Hon'ble Tribunal vide its order dated 19.05.2022 was pleased to pass the following directions:

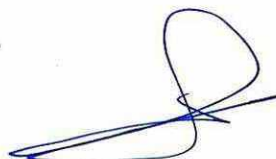
*"...1. Mr. K K Sharma, former Assistant Commissioner of Police, resident of House No. 80 and other residents of Gujranwala Town Part-2, Delhi have sent the present letter petition seeking intervention by this Tribunal to stop and disallow construction of Gurdwara (Porta Cabin) in Government Land (MCD park) and prevent encroachment of Government Land (MCD Park) and consequential cutting of trees.*

2. *The applicant has submitted that RWA in collusion with a religious group has given NOC for construction of a Gurdwara by way of installation of a Porta Cabin in the park. The said act of the RWA is contrary to the guidelines laid down by the Government and verdict of the Hon'ble Supreme Court. Even in the MCD layout of the colony the permissible use of the land area in question is that of a Public Park. Construction of the Gurdwara will not only result in encroachment of the Government land but will also consequentially lead to cutting of 80-100 small and big trees and will be violative of the basic right of the residents to use the public park.*



4. *On due consideration of the matter, we are of the view that the allegations made in the present letter require due verification and immediate remedial action. Accordingly, we constitute a Joint Committee of the DPCC, Commissioner, Municipal Corporation and Deputy Commissioner (North-West), Delhi and direct the Joint Committee to meet within four weeks, undertake site visits, look into the grievances of the applicants and take requisite action by following due process of law. The DPCC will be the Nodal agency for coordination and compliance. Factual and action taken report may be furnished within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in)...*"

3. That a joint inspection by a team of DPCC, MCD and Revenue Department officials was conducted on 27.07.2022. Copy of said Inspection Report dated 27.07.2022 is annexed as **Annexure-A**.
4. That during the inspection, no construction of Gurudwara (Porta Cabin) in the government land (MCD park)/ encroachment in park was observed/ traced out as alleged by the petitioner in his complaint.
5. That during the inspection, it was informed by the MCD officials/ representatives that a request to construct the Gurudwara (Porta Cabin) was received to them and the same was rejected by the concerned officials of the department. Copy of letter provided by the Delhi Municipal Corporation is annexed as **Annexure-B**.
6. That some C&D waste was found dumped in the right corner of the park. (Latitude: 28.6960 Longitude: 77.1912) and that the MCD representatives were asked for taking necessary action to remove the dumped waste from the site and submit Action Taken Report accordingly.



7. That the Deputy Director, Horticulture, Municipal Corporation of Delhi has submitted Action Taken Report dated 29.07.2022 and informed that C&D waste is removed in the park and attached photograph for the same. He has further informed that request for construct of Gurudwara (Porta Cabin) received by the MCD was rejected by the concerned officials of the department. Copy of Action Taken Report dated 29.07.2022 along with its enclosure is annexed as **Annexure-C. Colly.**
8. That the above status report/ action taken report may please be taken on record.

(MOHD. ARIF)  
SR. ENV. ENGINEER

JOINT INSPECTION REPORT

Reference No:- OA No. 351/2022 in the matter of "K.K. Sharma Vs. Govt. of NCT Delhi."

A joint inspection of the park near H.No. 80, Gujranwala Town Part-2 was carried out today i.e. on 27.07.2022 by the officials of Revenue department, MCD and DPCC. Observations/findings of inspection are as under:

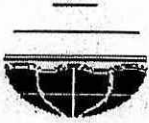
1. No construction of Gurudwara (Porta Cabin) in the government land (MCD park)/ encroachment in park was observed/traced out as alleged by the petitioner in his complaint.
2. During inspection, it was informed by the MCD officials/representatives that a request to construct the Gurudwara (Porta Cabin) was received to them and the same was rejected by the concerned officials of the department.
3. Some C&D waste was found dumped in the right corner of the park. (Latitude: 28.6960 Longitude: 77.1912)
4. MCD representative was asked for taking necessary action to remove the dumped waste from the site.

Vikas  
27/7/22  
(Vikas)  
Jr. Env. Engineer  
DPCC

Hari Om  
27/7/22  
(Hari Om)  
Patwari  
Model town Sub-division

K  
27/7/2022  
(Keshav Lal)  
Dy. Director, Horticulture  
By Director (Hort)  
Keshav Puram Zone, MCD  
Municipal Corporation of Delhi

Anuj Singh  
27/7/2022  
(Anuj Singh)  
SO, Horticulture  
Keshav Puram Zone, MCD



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**DELHI POLLUTION CONTROL COMMITTEE**  
DEPARTMENT OF ENVIRONMENT (GOVT. OF NCT OF DELHI)  
5<sup>th</sup> FLOOR ISBT BUILDING KASHMERE GATE DELHI-6  
visit us at : <http://dpcc.delhigovt.nic.in>

**Inspection Report**

1. Name & Address of the Unit : M/s Government Land (M.C.D. Park).....  
Near H.No. 80, Gujranwala Town,.....  
Part-2, Delhi.....  
.....
2. Owner/ Partner's Name & Contact Details(Phone & E-mail) : .....
3. Date of Inspection : 27/07/22.....
4. Name & Designation of the Persons contacted at the industry : .....
5. Kind of Industry : .....
6. Product & Capacity : .....
7. Main Raw Materials : .....
8. Water Polluting : Yes/No      ETP Installed : Yes/No
9. Air Pollution : Yes/No      ECS Installed : Yes/No
10. Details of Stack Height (Furnace/Boilers/Others) : (Above G.L.)..... (Above R.L.).....  

N/A
11. Type of Fuel Used : .....
12. A. Source of Water Supply : .....
- B. Effluent Discharge : (a) Domestic/ Trade Effluent  
    (b) Connected to Conveyance System: Yes/ No  
    (c) Discharging into.....
13. Status of Consent {If Any} : .....

14. D.G. Set(s) {if Any} : No....Capacity.....KVA: Acoustic: Yes/No  
Stack Height.....(Above G/L).....(Above RL)
15. Plot Area : .....
16. Labour : .....
17. Machinery : .....
18. Detail of Power Connection : CA No.
19. Whether Unit found in Operation : Yes/ No
20. Status of Registration under Plastic Waste Management Rules, 2016 : .....
21. Whether Generating Hazardous Waste : Yes/ No
22. Status of Authorization (if applicable) : .....
23. HWM Compliance Status : .....
24. Remarks:

The joint team consisting of officials of Revenue Department, MCD and DPCC carried out the inspection of the MCD park, near H.No. 80, Gujranwala Town Part-2, Delhi.

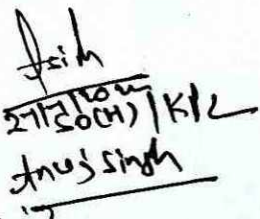
Observations/findings of inspection are as under:-

- 1) No construction of Gurudwara (Porta Cabin) in the government land (MCD park)/encroachment in park was observed/traced out as alleged by the petitioner in this complaint.
- 2) During inspection, it was informed by the MCD officials/representatives that a request to construct the Gurudwara (Porta Cabin) was received to them and the same was rejected by the concerned officials of the department.
- 3) Some C&D waste was found dumped in the right corner of the park (Latitude: 28.6960, Longitude: 77.1912).
- 4) MCD representative was asked for taking necessary action to remove the dumped waste from the site.

Signatures, Name & Designation of inspecting officials



27/7/22  
H. Anand Prasad

  
27/7/2022  
Anus Singh



Dy. Director (Host)  
Keshav Puram Zone  
Municipal Corporation of Delhi

Vikas  
JE  
27/07/22

सीमा गुप्ता  
निमित्त पत्र  
कार्ड नं 77-एन, कोयल टाउन  
लखनऊ  
कार्ड नं कमिटी, कोयल टाउन क्षेत्र  
उत्तरी दिल्ली नगर निगम



सूचना - का. 202-2022/2022  
नं. 2021/2022/2022  
2022/2022  
E-mail: [seemagupta@gmail.com](mailto:seemagupta@gmail.com)  
कार्यलय - 202-2022/2022 कोयल टाउन  
नं. दिल्ली - 110022  
फ़ोन - 2022/2022/2022  
मिशन - 2022/2022/2022 कोयल टाउन  
नं. दिल्ली - 110022

SE77/23/02-2022

2022  
22/2/2022

21/02/2022

Deputy Director Horticulture  
Kashan Farm Zone, North N.D.

Sub : Handover of MCD park in gujranwala town Part-II  
to Sukhmani Society of gujranwala town

Sir

With reference to the letter received at my office from Sukhmani Society gujranwala Town Part-II you are requested to kindly hand over MCD park adjoining house No-58, gujranwala Town, Part-II, Darsi-9 to Sukhmani Society under MOV Scheme. Copy of request letter from Sukhmani Society and NOC from Gujranwala Town Part-II RWA is attached herewith.

Kindly do the needful on priority basis.

With regards,  
Seema  
SEEMA GUPTA

1  
22/2/2022  
Sr. AMES Sr.

Please see the attached letter regarding Installation of Porta cabin for society activity. It is stated that there exists a park is an ornamental. The Sutchmani Society Gujrawala town is requesting for adopting the park under now scheme for establishment of porta cabin in this regard as per the guideline of park area could not be used for any purpose other than greenery hence the request for establishment of porta cabin could not be entertained.

Submitted by  
 R. Rajan applicant  
 Sr. Anand S

DK

Jh  
 02/03/2022  
 S.C.H

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Smt Seema Gupta Ji,  
Councillor  
Model Town, Ward 77,  
Delhi 110009

Dated 17/02/202

Subject : Availability of a Park under MOU scheme  
for Social Activities

Dear Madam,

This is to request for providing Park in Gujrawala  
Town Part 2, for installation of a Porta Cabin  
for Social Activities. So, kindly look into the  
matter and see if you can provide us a park,  
if available, under the MOU scheme for the  
same. Park will be maintained by Sukhmani  
Society. NOC from the resident welfare Association  
Gujrawala Town, Part - 2 attached herewith.

Hoping for a prompt response from your side

yours

SUKHMANI SOCIETY  
GUJRAWALA TOWN - II.

DBL  
14-1-20  
Incharge  
Residence



MUNICIPAL CORPORATION OF DELHI  
Office of Dy. Director of Horticulture  
Keshav Puram Zone



No. 163 /DDH/KPZ/MCD/2022-23

Dated:- 29/7/2022

To,

Mohd. Arif  
Senior Env. Engineer  
Delhi Pollution Control Committee,  
1st Floor, E-Bik,  
Vikas bhawan-II, Upper Bela Road,  
Civil Lines, Delhi-110054.

Sub:- ATR of Park near H.No. 80, Gujranwala Town Part-2 in Ward No. 77/K.P.Zone.

In reference to your letter No. OA No. 351/2022 in the matter of "K.K. Sharma Vs. Govt. of NCT Delhi." regarding above cited subject. In this regards, it is submitted that the point wise report of Hort.Deptt./K.P.Zone is given as under :-

2. Copy enclosed.
3. The dumped C&D waste is removed in the park. (photographs enclosed).  
Submitted pls.

Encl:- As above.

Dy. Director (Hort.)  
Keshav Puram Zone  
Dy. Director (Hort.)  
Keshav Puram Zone  
Municipal Corporation of Delhi

