

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

Original Application No. 517/2022

D.S. Kataria

.....Applicant

Versus

Govt. of NCT of Delhi & Ors

.....Respondents

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..... Respondents

Most respectfully showth

1. The present action taken report is being filed in compliance of order dated 22.11.2023 passed by this Hon'ble Green Tribunal Court has directed to file action taken report on reply of DDA regarding marking of the location of barricade and 'No Parking' zones at E-1/E-2 road, Vasant Kunj and take action against illegal parking.
2. The road in front of E-1 and E-2 DDA Housing Complex, Vasant Kunj connects Mata Chowk, Mahipalpur to Ruchi Vihar and Rangpuri Village. The installation of height barriers on the above-mentioned road is not feasible keeping in view the movement of vehicles i.e School Buses, Emergency and Disaster Management Vehicles in the subjected area.
3. The rule no.14 of the Delhi Maintenance and Management of Parking Places Rules, 2019 provides as under;

"Enforcement of No-Parking Zones and penalty for over stay in authorised parking areas. - (1) All illegally parked vehicles, including those parked in No-Parking Zones and overstaying in authorised

parking areas, shall be seized and removed and penalty shall be charged under the provisions of Motor Vehicles Act, 1988.

(2) In case of illegal parking on roads with ROW or 60 ft. and above, the Delhi Traffic Police shall be the primary agency for towing away the vehicle. In case of other roads and spaces, the civic agencies shall be responsible to tow away the vehicle and to impose penalty."

4. The width of road in front of E-1 and E-2, D.D.A. Housing Complex is 12 meters i.e. 30 feet. As such, D.D.A. and M.C.D. are the principal agencies to tow away the vehicles on the above-mentioned stretch. Executive Engineer, Southern Project Division-1, Delhi Development Authority, Vasant Kunj Road, New Delhi had been approached in this regard by letter dated 03.01.2024, copy annexed herewith as - 'A'.
5. In pursuance of the above letter, a joint drive was conducted on 04.01.2024, 06.01.2024 08.01.2024 & 10.01.2024 and Photographs with report of action taken are annexed as Annexures 'B' , 'C' and 'D'. The following action has been taken by Delhi Traffic Police against improper parking on the above-mentioned stretch in co-ordination with civic agencies during the current year;

Road in front of E-1 and E-2 D.D.A. Housing Complex, Vasant Kunj	e-challan	VoCA Challan	Vehicle towed
Improper parking	42	191	15

6. Further as and when civic agency will contact regarding joint drive, Traffic Police will provide proper assistance in joint drive.

The undersigned shall abide by orders/directions passed by
Hon'ble Court.



(PRASHANT GAUTAM)
Dy. Commissioner of Police(Traffic)
New Delhi Range

ANNEXURE A



IN THE OFFICE OF TRAFFIC INSPECTOR VASANT VIHAR, POLICE STATION VASANT KUNJ, DELHI

Contact No. 870871438, E mail :- vasantvihar77@gmail.com

No. 946 /R-TI/VVC, dated 03.01.2024, Delhi

To,
Executive Engineer,
Southern Project Division-1, DDA
DDA Office Complex, Vasant Kunj,
Delhi.

*Runy
today i.e on
03/01/2024
O/O EE 1590-1*

Subject :- O.A. No. 517/2022 -DS Kataria & Ors Vs Govt. of NCT of Delhi & Ors.

Sir,

With reference to above mentioned Court matter you are hereby requested to :-

1. To fix joint drive with Local Police and traffic Police for action against the illegal parking and encroachment on road in front of E1 & E2 DDA Flats Vasant Kunj Society.
2. No parking boards may be installed on road in front of E1 & E2 DDA Flats Vasant Kunj Society.
3. Detail of connectivity of road in front of E1 & E2 DDA Flats Vasant Kunj Society may please be provide to this office.
4. Present width of above mentioned road in front of E1 & E2 DDA Flats Vasant Kunj Society may please be intimated to this office.

Submitted Please

Traffic Inspector,
Vasant Vihar, Delhi

[Signature]
03/01/2024
TRAFFIC INSPECTOR
VASANT VIHAR



क्रमांक: F22(1) QRT/SPD-1/DDA/ 08

दिनांक: 03/01/2023

सेवा में,

The SHO,
Vasant Kunj (South)
New Delhi-110070.

विषय : Regarding joint drive of E-1 & E-2 Road, Vasant Kunj Road
for removal of Unauthorized Parking.
Reference : Case titled OA – 517/2022: DS Kataria and Ors. V/s GNCTD
before the Hon'ble National Green Tribunal, Principal Bench,
New Delhi.

This office has organized joint drive on 04.01.2024, 06.01.2024, 08.01.2024
& 10.01.2024 along with Delhi Police for removal of unauthorized parking and
identification of suitable location for installation of "No Parking Sign Board" and
height barrier at E-1 & E-2 Road (existing 12m ROW), Vasant Kunj.

You are therefore requested to depute police in order to maintain law and
order during the joint drive.

The meeting point will be Police Station, Vasant Kunj (South), New Delhi at
11.00 AM.

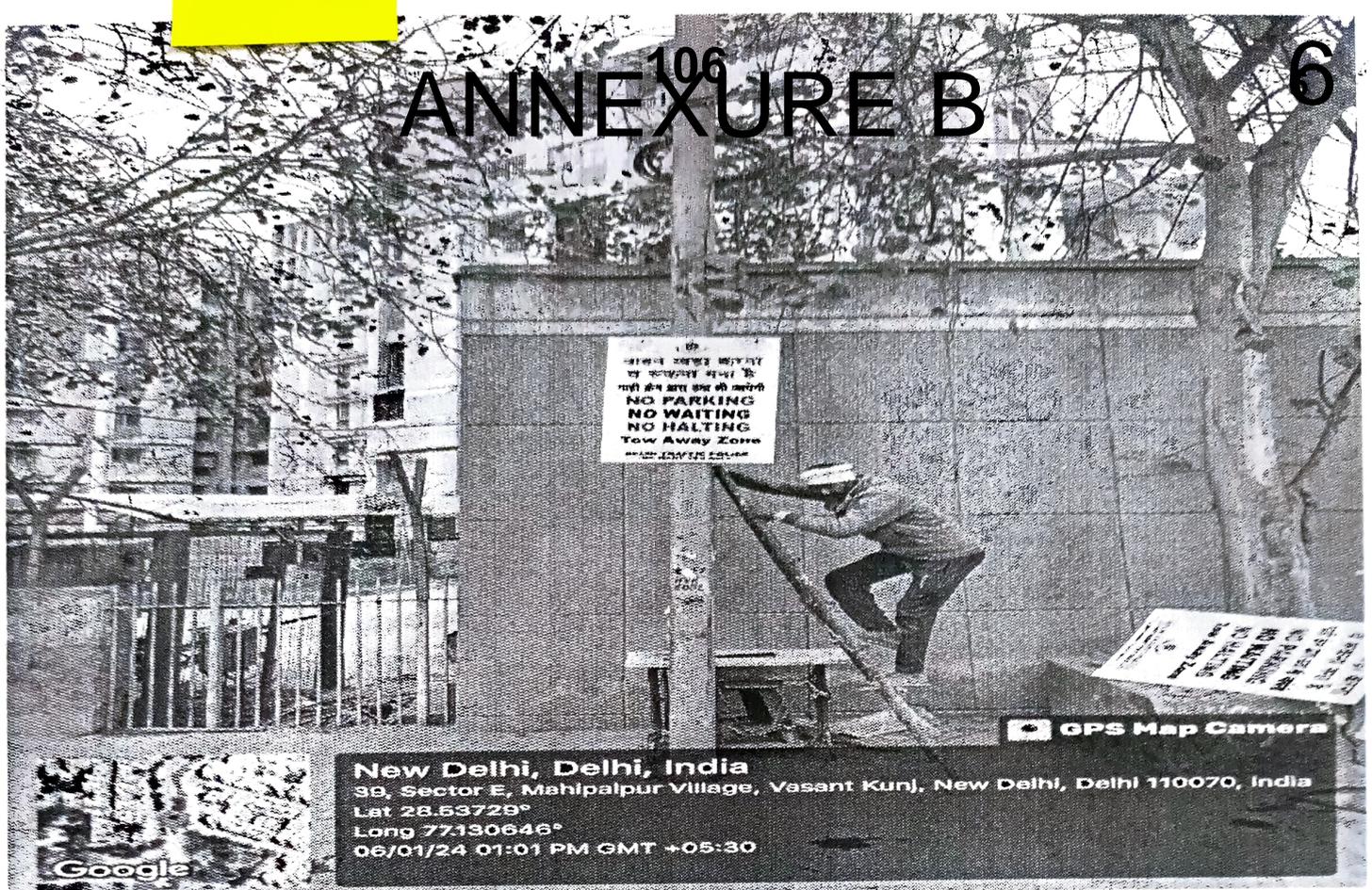

अधिकासी अभियंता,
दक्षिणी परियोजना खंड -1
दि० वि० प्रा०, वसंत कुंज

प्रतिलिपि :-

1. SDM, Vasant Vihar, Palika Bhawan for kind information.
2. T.I. Traffic, Vasant Kunj, New Delhi for information and with the request to
depute your field staff to attend the joint drive.
3. EE/MCD, Najafgarh Zone, for information with request to depute your field
staff to attend the joint drive.
4. AE-QRT)/SPD-1, DDA with direction to attend the above said drive.
5. Guard File.
6. Office Copy.

अधिकासी अभियंता,
दक्षिणी परियोजना खंड -1
दि० वि० प्रा०, वसंत कुंज

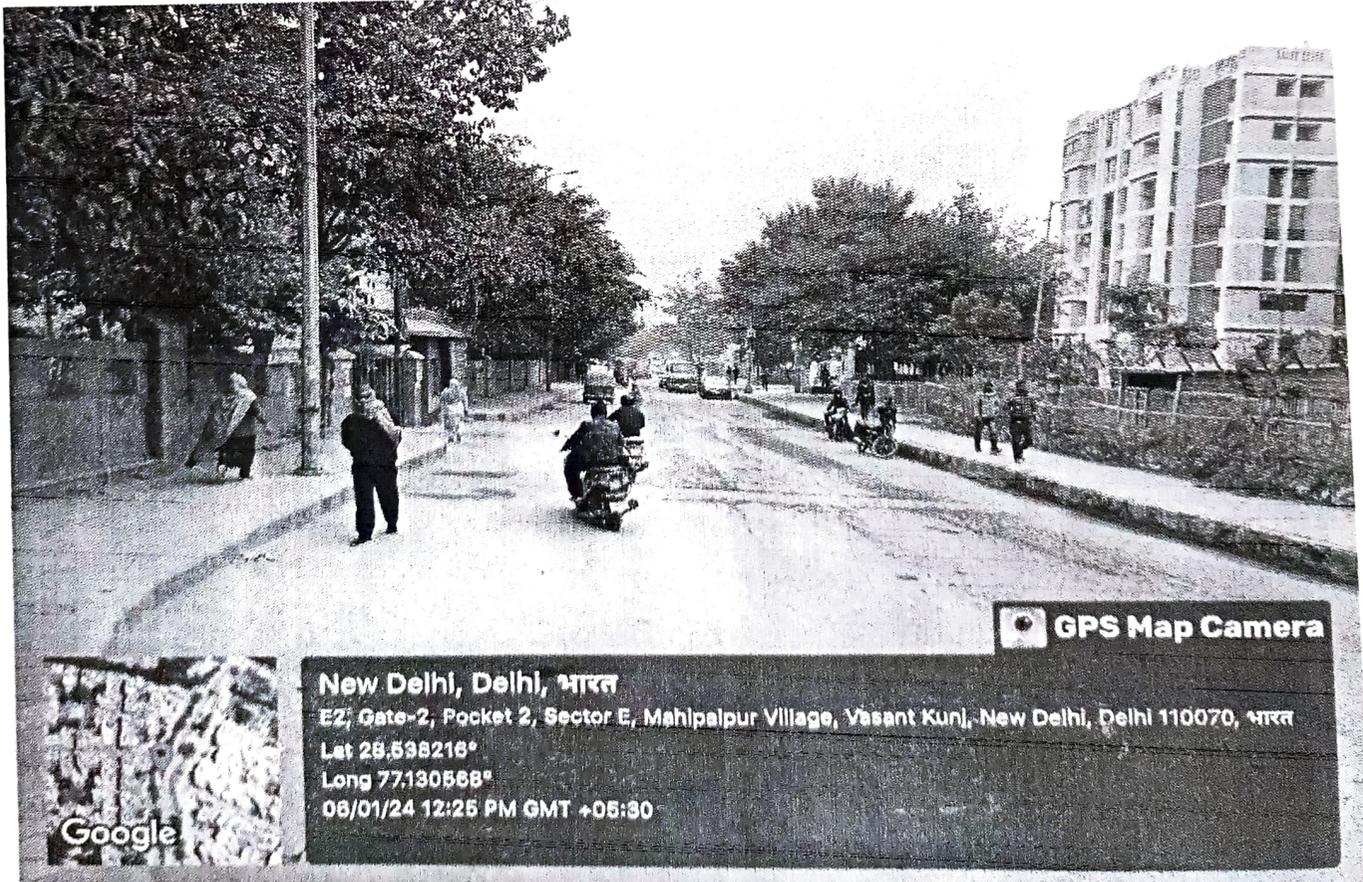
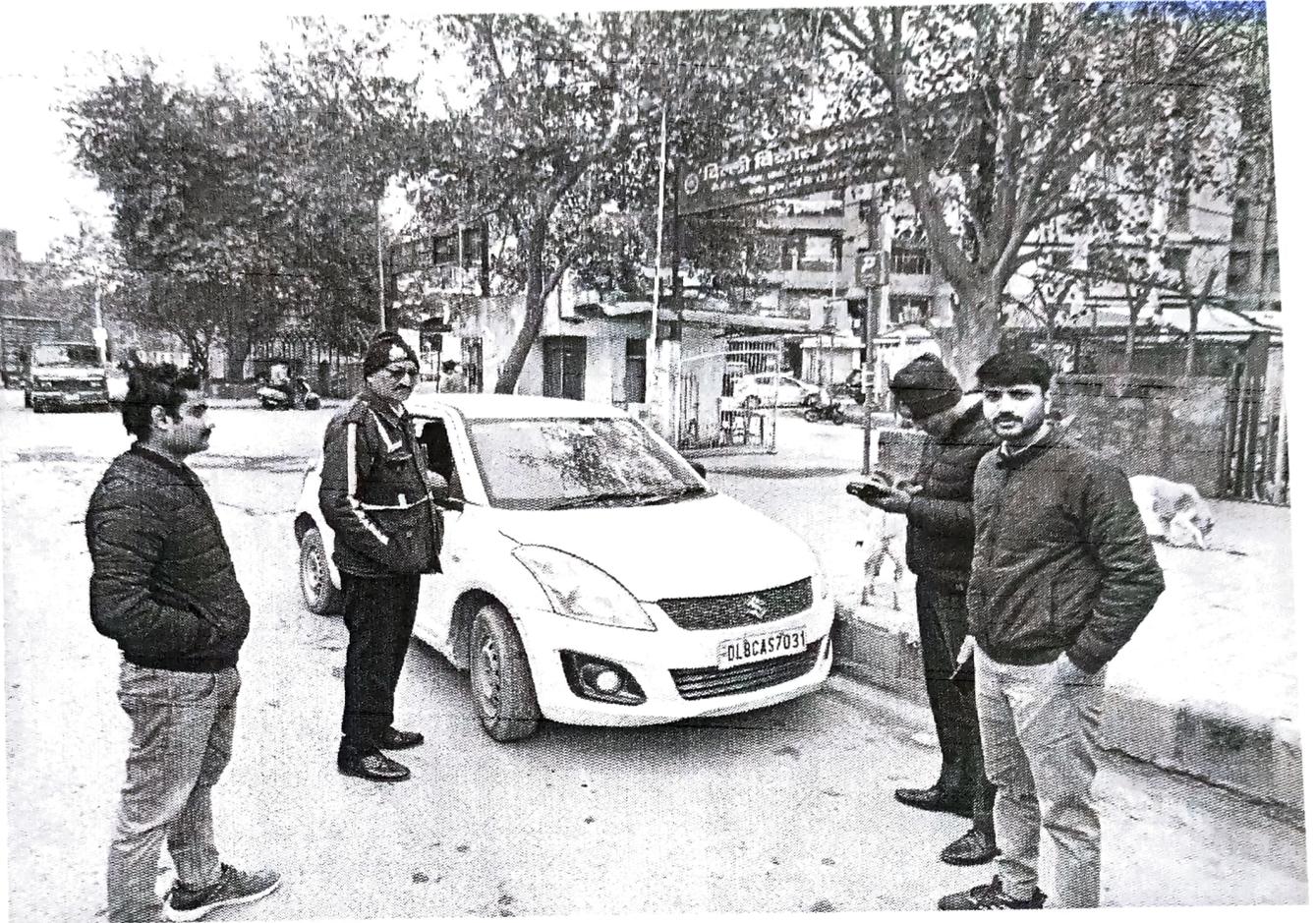
106
ANNEXURE B



New Delhi, Delhi, India
38, Sector E, Mahipalpur Village, Vasant Kunj, New Delhi, Delhi 110070, India
Lat 28.63729°
Long 77.130646°
06/01/24 01:01 PM GMT +05:30







ANNEXURE E

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TO BE PUBLISHED IN PART-IV, DELHI GAZETTE, EXTRA ORDINARY
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
(TRANSPORT DEPARTMENT)

Dated : 23/09/2019

NOTIFICATION

No. 19(05)/TPT/Sectt/2017/63266 - Whereas, the draft of the "**Delhi Maintenance and Management of Parking Places Rules, 2019**" was published as required under sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (59 of 1988), as amended from time to time by the Government of National Capital Territory of Delhi Vide notification number 19(05)/TPT/Sectt/2017/22718 published in the Delhi Gazette Part-IV, Extraordinary dated the 13th June, 2019 inviting objections and suggestions from all persons likely to be affected thereby, before expiry of the period of thirty days from the date on which copies of the Gazette of India containing the said notification were made available to the public.

And, whereas copies of the said Gazette Notification were made available to the public on the 13th June, 2019.

And, whereas the objections and suggestion received from the public in respect on the said draft have been considered.

Now, therefore, in exercise of the powers conferred by clause (e), (h) and (i) of sub-section (2) of Section 138, read with Section 117, sub-section (3) of Section 127 and clause (41) of section 2 of the Motor Vehicles Act, 1988 (59 of 1988), as amended from time to time, the following rules are hereby made for the National Capital Territory of Delhi, namely :-

RULES

1. **Short title, commencement, extent and applicability.**- (i) These rules may be called the "Delhi Maintenance and Management of Parking Places Rules, 2019".
 - ii) They shall come into force on the date of their publication in the Delhi Gazette.
 - iii) They shall, save as expressly provided otherwise, apply to and in relation to all public parking spaces within the National Capital Territory of Delhi owned or managed by all public authorities.
 - iv) The rules shall also be applicable in respect of parking places for the use of general public such as Cinema Halls, Hospitals, Malls, Airports, etc.
2. **Apex Monitoring Committee.** - There shall be an Apex Monitoring Committee headed by the Minister (Transport), GNCTD as the Chairperson, which shall review the proper implementation and compliance of these rules. The committee shall meet at least once in every three months. The following shall be the members of the Apex Committee, namely :-

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- i) Chief Secretary, Government of Delhi,
 - ii) Principal Secretary, Urban Development Department, Government of Delhi.
 - iii) Commissioner, Transport, Government of Delhi.
 - iv) Principal Secretary, Public Works Department, Government of Delhi.
 - v) Principal Secretary, Law & Justice, Government of Delhi.
 - vi) Chairman, New Delhi Municipal Council.
 - vii) Commissioner, South Delhi Municipal Corporation.
 - viii) Commissioner, North Delhi Municipal Corporation.
 - ix) Commissioner, East Delhi Municipal Corporation.
 - x) CEO, Delhi Cantonment Board.
 - xi) Special Commissioner (Traffic), Delhi Police.
 - xii) Commissioner (Land), Delhi Development Authority.
 - xiii) Representative of Environment Pollution (Prevention & Control) Authority.
 - xiv) Representative of Airport Authority of India.
 - xv) Special Commissioner (Transport)-Member Secretary.
3. **Area Parking Plans.** - (1) The New Delhi Municipal Council, South Delhi Municipal Corporation (SDMC), North Delhi Municipal Corporation (NDMC), East Delhi Municipal Corporation (EDMC), Delhi Development Authority (DDA) and Delhi Cantonment Board (hereinafter called as civic agencies) which are responsible for making arrangements of parking in their respective jurisdiction, shall prepare and implement local area specific / integrated parking plans (Area Parking Plans) as envisaged in the Master Plan for Delhi (MPD) 2021 as amended from time to time and in accordance with these rules and Schedule-I annexed to these rules.
- (2) The Deputy Commissioners of zones of MCDs, Chairman of New Delhi Municipal Council, Commissioner (Land), DDA and CEO of the Delhi Cantonment Board shall be responsible for preparation and implementation of the Area Parking Plans for all areas in their respective jurisdictions.
 - (3) The parking plans shall be prepared within four months of the notification of these rules. This shall require interface with all agencies in possession of land parcels within which public parking takes place, such as Universities, Hospitals, Malls, Cinema Halls, and Airports etc. The local Traffic Police shall also be consulted in the process of plan preparation. The Area Parking Plans shall be notified and shall also be published on the website of respective civic agency after obtaining the approval of the Apex Monitoring Committee. The Apex Monitoring Committee may grant an extension of up to two months for preparation of plan.
 - (4) While preparing the Parking Area Management Plans as per MPD-2021 provisions, the following must be considered :
 - (a) The on-street spaces need to be utilised for the general convenience of users in the following order of priority :
 - i) Pedestrians / Cyclists
 - ii) Mass Public Transit (buses, metro) and related multi-modal integration facilities
 - iii) Emergency vehicles
 - iv) Differently-abled access and parking facilities

- v) Para transit pick up & drop **111**
vi) Hawker / vendor zone with seating / resting areas
vii) Personal motor vehicle pick up & drop
viii) Personal motor vehicle parking within the building being used by the vehicle occupant
ix) Priced short-duration on-street parking
x) Overnight parking for Transport Vehicles

(b) The Area Parking Plans shall include parking arrangements both for commercial / non-residential areas and residential areas.

(c) The requirements of schools at opening and closing times shall be given special attention in view of the bulk movement in a short time span which can cause congestion and can be a hazard for the children. Comfortable and safe pick up and drop arrangements are to be prioritised over long term parking.

(d) The parking arrangements must, on no account, impinge on the free movement of traffic. No-parking zones and spaces are to be clearly defined in the plan and on the ground through appropriate signages for information of the general public and for ease of enforcement. The Site / location of on-street and off street parking and other design aspects shall be as per the subsequent provisions in these Rules.

(e) The civic agencies shall also endeavour to earmark and provide adequate number of spaces for the temporary parking of vehicles seized and impounded for violation of these rules by the enforcement agencies.

4. Parking Fees & Conditions of Parking Contracts. - (1) A Base Parking Fee (BPF), shall be determined by the Apex Monitoring Committee on the basis of the recommendations received from a Committee constituted for this purpose under the chairmanship of Commissioner (Transport), called the Base Parking Fee Committee. The Committee shall have the following members, namely :-

- (a) Representative of New Delhi Municipal Council.
(b) Representative of Urban Development Department, Government of Delhi.
(c) Representative of each Municipal Corporation in Delhi.
(d) Representative of Delhi Development Authority.
(e) Representative of Environment Pollution (Prevention & Control) Authority.
(f) Representative of Traffic Police.

Provided that :

- (i) The committee may co-opt the representative(s) of the apex / zonal Residential Welfare Association(s), if required.
(ii) The Base Parking Fee Committee would also recommend a general set of multipliers for various types of parking.
(iii) Recommendations for revision of the Base Parking Fee shall be made by the BPF Committee every year.

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- (iv) This Committee shall also recommend a set of general conditions for parking management and contracts, to be placed before the Apex Monitoring Committee for adoption, so that these can be uniformly applied across all the civic agencies.
- (v) This Committee shall deliberate on and give its recommendations on any other subject related to parking which may be referred to it by the Apex Monitoring Committee.
- (2) The civic agencies shall determine parking fees for various locations and facilities (surface / off site) in multiples of the Base Parking Fee. Provided that:
- i) On-street parking for the first hour would be priced at least twice as much as off-street parking.
 - ii) On-street parking fee shall increase exponentially with duration of time to discourage long duration of on-street parking.
 - iii) Dynamic pricing mechanism such as peak and off-peak fees and exponential increase per hour of use would be used to moderate parking demand.
 - iv) Long term off-street parking space for shopkeepers, metro users, residents, etc. could be priced through monthly passes or have token systems :

Provided further that the multiples shall be doubled in case of Severe + or emergency levels of ambient air quality under the Graded Response Action Plan.

- (3) The civic agencies shall endeavour to utilise latest technology for setting up parking spaces; examples being Radio Frequency Identification Tags (RFID tags), on-street parking meters, automated boom barriers, computerised parking slips with timers, app-based parking charging and monitoring system and so on. This shall be implemented to assess parking demand; reduce parking violation with parking meters; allow mobile payment; manage differential rates; inform users about parking availability.
- (4) On-street and off-street parking management in an area should preferably be assigned to a single agency for better financial viability and smooth implementation.
- 5. Management of on-street parking.** – (1) The parking space provided within the building / buildings complexes as per the Building Bye-Laws/MPD – 2021 shall be fully utilized before permitting any on-street parking for the occupants / visitors.
- (2) On-street parking spaces shall be designed as per IRC: SP: 12:2015 and should also align with the “Pedestrian Design Guidelines, 2009” of UTTIPEC (Unified Traffic and Transportation Infrastructure (Planning & Engineering) Centre) that provides for all road users. The design shall minimise conflict between parking, walking and cycling. Pick up and drop facilities shall be prioritised over the parking facilities.
- (3) On-street parking shall not be allowed at least upto 25 meter from intersections on each arm of road. The parking shall be provided at a reasonable safe

distance from the pedestrian crossings and gates of fire stations, electric substations and hospitals.

- (4) The civic agencies will adopt parallel parking approach in case of four wheelers and three wheelers and perpendicular parking approach for the two-wheelers and bicycles.
- (5) Para-transit vehicles and Non-Motorised Vehicles (NMV) shall be given priority in the on-street parking spaces.
- (6) Short duration parking shall be prioritised and long duration parking shall be discouraged in the on-street parking spaces.

Explanation : Parking upto time period of one hour would be considered as Short duration parking and parking more than time period of one hour would be considered as Long duration parking.

6. **Parking for differently-abled persons.** - Special provision for parking for differently abled shall be made as per Bureau of India Standards, National Building Code of India, 2016, IRC:SP:12:2015 and Harmonized Guidelines and Space Standards for barrier free built environment for persons with disability and elderly persons, 2016 of Ministry of Urban Development, Government of India.
7. **Management of off-street and multi-level parking.** - (1) The off-street parking spaces shall be designed to comply with design standards that also include dimension and circulation requirements as per the IRC:SP:12:2015, NBCC and BIS standards.
 - (2) Long duration parking should be located only in off- street facilities. In case, the off-site facility is more than 200 meters away, adequate shuttle service by non – polluting vehicles such as electric or battery operated vehicles, golf – carts etc., shall be provided, with charges subsumed within the parking fees.
 - (3) The vehicles of shopkeepers, building owners, local workers, office goers and other users of long duration parking are to be parked at such off-street parking facilities only.
 - (4) Multi-story parking structures and stack parking shall be taken up for construction according to the demand assessment of area parking plan. The shortfall of supply of parking space shall be compensated through multilevel/stack parking.
 - (5) Preference shall be given to stack parking / portable type of parking which is likely to be less costly and may also be re-useable at a different location depending on changing needs. The grant of Viable Gap Funding (VGF) may also be considered by the civic agencies as per requirement.
 - (6) Any multilevel parking with permanent structure shall be so designed that it can be put to any other use considering the future requirement.

- (7) Commercial / office space, shall be permitted in the multilevel parking complexes as per the master plan / bye laws.
- (8) The 500 meter radius of the multi-level facility shall be designated as 'no parking' zone for all streets;
- Provided that in case, some essential on-street parking has to be provided within the 500-meter zone, it shall be priced exponentially, at least three times the off-street Parking rates.
- (9) Parking structures shall not be constructed in green areas and neighbourhood parks as provided in the MPD 2021.
- (10) Wherever possible, off-street parking facilities shall be shared between the neighbouring areas which may have different peak hours of demand. For example, an office facility that is empty at night may be used by Cinema Halls, Restaurants or neighbouring residences in the evening as a paid shared parking facility, as may be arranged by the civic agency after mutual consultation with the user communities.
8. **Overnight parking of Transport Vehicles.** - (1) The civic agencies shall identify roads and spaces for granting permission for overnight parking of Transport Vehicles. The parking of vehicles would be permitted during night hours only, upon payment, provided that such roads and spaces shall be away from the residential areas and parking should not hinder the smooth flow of traffic.
- (2) The civic agencies shall manage the parking on these notified roads and spaces in an organised manner.
- (3) No night-time parking of heavy and medium Transport Vehicles shall be allowed except on the notified roads and spaces.
9. **Requirement of parking proof for Transport Vehicles.** - From the date of an appointed day, notified at least three months in advance, the permits of Transport Vehicles shall be granted or renewed only upon submission of proof of parking space for such vehicles :
- Provided that the proof of parking space shall be only from an authorized parking contractor of civic agencies and shall be for a duration of at least one year.
10. **Parking in railway stations, airports and Delhi Metro Stations** - (1) Airports, railway stations, metro stations, ISBTs and other mass transit points shall provide parking in accordance with these rules and in consultation with the civic agencies of the area in which they are situated.
- (2) They shall follow the guidelines for multimodal integration provided in the MPD - 2021 for easy transfer to other connecting systems, including buses and para - transit, with adequate pedestrian access.

11. **Parking in residential streets and lanes.** - (1) The Area Parking Plan made by civic agencies shall include, in their scope, parking arrangements within residential areas. The plan within such areas shall be made in consultation with the residents / Resident Welfare Associations.
- (2) The civic agencies shall consider developing open areas, other than designated green areas / parks, near the colonies as parking lots on payment basis. Regular shuttle services may be prescribed as a part of parking facility, the charges for which shall be included in the parking fees.
- (3) Further, the owners of vacant plots in the residential colonies and commercial areas should be authorized for use of these plots as parking places against parking fees. Upon permission to use such vacant plot also as multi-level parking under building bye laws, such plots can be used as such for that purpose. Appropriate tax measures may be adopted by civic agencies to incentivize this process.
- (4) Parking on footpaths shall be strictly prohibited and civic agencies shall tow such illegally parked vehicles.
- (5) On all lanes and streets, a lane must be earmarked for unhindered movement of emergency vehicles like ambulances, fire tenders, police vehicles, etc. No parking shall be allowed on this lane.
12. **Charging Facilities for Electric Vehicles.** - (1) The civic agencies shall identify and provide an area in each parking facility to be used for electric vehicle (EV) charging and battery swapping facilities. Proportion of parking facilities to be demarcated will be assessed by the Transport Department, GNCTD, from time to time, which is likely to increase overtime. This should include exclusive night parking places for the purpose of parking and legal charging of E-rickshaws and other EVs.
- (2) The demarcated area should have direct and easy ingress and egress from a public road and should ideally be located in proximity to power supply infrastructure.
- (3) The demarcated area for EV charging shall be leased or sub-leased in the future to operators of charging stations and battery swapping stations selected through a competitive bidding process.
13. **Utilisation of parking revenue.** - The civic agencies shall endeavour to utilise the parking revenue for local development works related to safety of pedestrians, NMV lanes, road safety and development of parking space within their jurisdiction.
14. **Enforcement of No-Parking Zones and penalty for over stay in authorised parking areas.** - (1) All illegally parked vehicles, including those parked in No-Parking Zones and overstaying in authorised parking areas, shall be seized and removed and penalty shall be charged under the provisions of Motor Vehicles Act, 1988.

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- (2) In case of illegal parking on roads with ROW or 60 ft. and above, the Delhi Traffic Police shall be the primary agency for towing away the vehicle. In case of other roads and spaces, the civic agencies shall be responsible to tow away the vehicle and to impose penalty.
15. **Junk vehicles.** - (1) Any junk vehicle (of age more than fifteen-years for petrol and CNG vehicles and ten years for diesel vehicles) found parked on public street shall be impounded and shall be released only after submission of proof of parking for that junk vehicle and undertaking to this effect that the vehicle would not be plied on roads in Delhi in addition to the payment of fine under the Motor Vehicles Act, 1988 / Delhi Municipal Corporation Act, 1957, as the case may be.
- (2) Any junk vehicle found parked in roads with ROW less than 60 feet shall be seized by the civic agencies. Such vehicles if found parked on roads with ROW of 60 feet and above shall be seized by Traffic Police or the joint teams of traffic police and civic agencies.
16. **Towing Charges.** - (1) In case a vehicle is parked at a place where the parking is legally prohibited or found committing a violation of any provision of MV Act, 1988 and rules thereof and the vehicle is removed by a towing service or impounded, as the case may be, the towing charges including the cost of manpower and the parking / custody charges for the impounded vehicle shall be as under :

S.No.	Category of vehicle	Towing charges	Parking / Custody charges per day or part thereof (after the expiry of 48 hours from the towing / impounding of the vehicle)
(1)	(2)	(3)	(4)
1.	Two wheeler / TSR/ E-Rickshaw	Rs.200/-	Rs.200/-
2.	Light passenger vehicle (Car, Jeep, Van etc.)	Rs.400/-	Rs.500/-
3.	Light Goods Vehicle	Rs.1000/-	Rs.1000/-
4.	Medium passenger vehicle, Heavy passenger vehicle, Medium goods vehicle, Heavy goods vehicle	Rs.1500/-	Rs.1500/-
5.	Multi axle trailers	Rs.2000/-	Rs.2000/-

Explanation :

1. Payment of towing charges and parking/custody charges are on account of expense incurred towards towing and custody of the vehicle.
2. Payment of towing charges and parking/custody charges shall not absolve the owner/driver from payment of fine/penalty under other provisions of Motor

Vehicles Act, 1988 and the existing Motor Vehicles Rules and any notification issued there under.

Provided that the charges for safe custody of the vehicle beyond seven days shall be twice the above amount. In case, the impounded / towed away vehicle is not got released within a period of ninety days, a notice of fifteen days shall be served to the registered owner as per the recorded address in the registration certificate to get the vehicle released within fifteen days. If the registered owner fails to get the vehicle released within the period of notice, such vehicle shall be put to public auction by the impounding / towing agency.

This notification is issued with the approval of Minister (Transport), Government of National Capital Territory of Delhi.



(Manoj Kumar Pandey)
Dy. Commissioner (Transport)