

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

Original Application No. 267/2023

In the matter of:

Ashok Kumar Gupta & Ors.

...Applicant

Versus

Ministry of Housing and Urban Affair & Anr.

...Respondents

NDOH: 03.05.2023

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Filed by


(R.S Pankaj)

Sr. Environmental Engineer

Dated: 01 May, 2023

Place: Delhi

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

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In the matter of:

Ashok Kumar Gupta & Ors.

...Applicant

Versus

Ministry of Housing and Urban Affairs & Anr.

...Respondents

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE WITH RESPECT TO ORDER DATED
06.04.2023.**

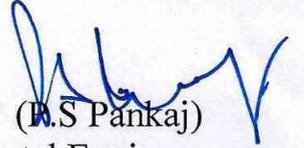
IT IS MOST RESPECTFULLY SHOWETH:

1. That, this matter was taken up by this Hon'ble Tribunal on 06.04.2023 and was pleased to constitute a Joint Committee comprising of representatives of MCD, Delhi Development Authority (DDA) and Delhi Pollution Control Committee (DPCC) and pleased to direct the joint Committee to undertake visits to the site, look into the grievances of the Illegal parking at DDA Building, Plot No. 4, Laxmi Nagar District Centre, Delhi-110092 and verify the factual position and suggest appropriate remedial action.
2. That copy of the order passed by This Hon'ble Tribunal in this matter was received in the office of DPCC on 25.04.2023.
3. That, in compliance of the order passed by this Hon'ble Tribunal, a joint inspection of the site was carried out on 27.04.2023 by the representative of DPCC, MCD, and DDA. Applicant was also present during the inspection. Copy of the joint inspection report dated 27.04.2023 is enclosed herewith as **ANNEXURE-1(Colly)**.

4. During the inspection it was observed that:

- The representative of DDA informed that plot No. 4, DDA Building falls under Laxmi Nagar District Centre which has commercial land use as per Zonal Development Plan.
- The possession of parking site (Cluster laxmi Nagar) showing Plot No. 4, DDA Building Nirman Vihar showing basement Plot No 4, Nirman Vihar(Laxmi Nagar) and in Plot No.5 & 9, Pragati Mall near Nirman Vihar metro station vide letter no AC/RPC/MCD/2023/D-1738 dated 11.01.2023 has been allotted by MCD to M/s. Monty, C-3/31, Block-C. Nand Nagri, Delhi-110093 to “Parking Contractor” for operation of temporary surface parking to operate the same w.e.f 12.01.2023 for a period of 3 years & extendable for 2 years subjected to satisfactory performance of firm.
- As observed by the Joint Committee during inspection, fencing behind designated parking space was found partially broken, however no encroachment was observed and dumping of old furniture and dry leaves were found behind designated parking space.
- It is also submitted that DDA has also been directed to repair the broken fence as observed by the Committee and to clean the site. Copy of the letter is enclosed as **ANNEXURE 2**.
- MCD has been directed vide letter dated 27.04.2023 to ensure that parking contractor shall not cause any kind of encroachment. An Action Taken Report in this regard to be submitted within 10 days with photographs. Copy of letter is enclosed as **ANNEXURE 3**.
- As informed by applicant, Sh. Ashok Kumar Gupta, the area in question is green area which currently in possession of DDA, however as informed by DDA officials the said land is part of integrated scheme of Laxmi Nagar District Centre, land use of which is commercial.

5. It is therefore requested to this Hon'ble Tribunal that the present status report may kindly be taken on record.



(D.S Pankaj)
Sr. Environmental Engineer

Delhi

Dated 01 May, 2023

9
Joint Committee Inspection Report

Annexure-1 (copy) 4

In compliance of Hon'ble NGT order dated 06.04.2023 in OA no.267/2023 in the matter of "Ashok Kumar Gupta & Ors Vs Ministry of Housing and Urban Affairs & Anr", a Joint Committee comprising of officials of DPCC, Municipal Corporation of Delhi (MCD) and Delhi Development Authority (DDA) visited the site as mentioned in the said order on **27.04.2023** and following observations were made:

- All the members/ representatives of Joint Committee constituted by Hon'ble NGT in its above order reached at site at scheduled date & time on 27.04.2023. Applicant Sh. Ashok Kumar Gupta (RWA President) is also present during the inspection. Attendance sheet is enclosed herewith.
- As per information provided by DDA, plot No. 4, DDA Building falls under Laxmi Nagar District Centre which has commercial land use as per Zonal Development Plan of Master Plan of Delhi-2021 (copy enclosed).
- The possession of parking site (Cluster laxmi Nagar) showing Plot No. 4, DDA Building Nirman Vihar showing basement Plot No.4, Nirman Vihar(Laxmi Nagar) and in Plot No.5 & 9, Pragati Mall near Nirman Vihar metro station vide letter no AC/RPC/MCD/2023/D-1738 dated 11.01.2023 has been allotted by MCD to M/s. Monty, C-3,/31, Block-C, Nand Nagri, Delhi-110093, Parking Contractor for operation of temporary surface parking to operate the same w.e.f 12.01.2023 for a period of 3 years & extendable for 2 years subjected to satisfactory performance of firm (copy of letter enclosed).
- As observed by the Joint Committee during inspection, fencing behind designated parking space was found partially broken, however no encroachment was observed. The parking area will be temporarily demarcated & thereafter broken fencing will be repaired by DDA (photographs taken during inspection enclosed) and MCD to ensure that parking contractor may not cause any kind of encroachment.
- As informed by applicant, Sh. Ashok Kumar Gupta, the area in question is green area which currently in possession of DDA, however as informed by DDA officials the said land is part of integrated scheme of Laxmi Nagar District Centre, land use of which is commercial.
- The committee has observed that at present there is dry garbage, some broken furniture, fell leaves from surrounding trees etc in the space & in meeting the Joint Committee has asked DDA officials to clear the space within 10 days from joint inspection (i.e 27.04.2023) and photographs of the same will be provided to the Joint Committee.

Sumit Kumar
27/04/2023
Signature of Officials of DPCC

hms
SOS/MCD
Signature of Officials of MCD

Vinayk
29/04/2023
AO, R.R.
hms
S.O. (Habitat) / MCD

Signature of Officials of DDA
Kum. Hanuman
27/04/2023 (AE/EMD-5)

ABK
27.4.2023 Dy. Dir. (H) / HDB
AD
27/4/23 AD (HdA) / HD-18
AD (MCD)
27/4/23 AD (MCD), East
AE
28/04/23 AE / MCD-1 / DDA

Attendance sheet for Joint Inspection wrt N4T OA 267/2023

10

Sl. No.	Name & Designation	Mob No.	Signature
1.	Vinay Kumar, AOR Re. (Asst to Ao/RPWA - Sonu Dinit Kumar)	9325238951	Vinay 28/04/23
2.	BITENDRA KUMAR DD (Const)/MD - TK	9873877945	BK 27.4.2023
3.	Mahendra Singh AD (Const)	9873126493	MS 27/4/23
4.	Harshit Sharma (AE/HCD-1/DDA)	9456865524	HS 28/04/23
5.	KUMAR GAURAV (AE/EMD-5/DDA)	9935992908	Kumar 27/04/2023
6.	MOHIT SHARMA S.O (Horti)/MCD	9953373336	MS 27/4/23
7.	Ashok Kumar [Leaves] (Applicant)	9811296073	MS 27/4/23
8.	SALIL MOHAN (AD, HUPW (EZ)/DDA)	9953720859	Salil Mohan 27/4/23



MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE ASSISTANT COMMISSIONER
REMUNRATIVE PROJECT CELL DEPARTMENT
(25TH Floor), Civic Centre, New Delhi-110002

6
 Azadi Ka
 Amrit Mahotsav

No.AC/RPC/MCD/2023/D-1738

Dated: 11.01.2023

Sub:- Possession of parking site at (Cluster Laxmi Nagar) showing Plot No. 4, DDA Building, Nirman Vihar, Showing Basement Plot No. 4, DDA Building, Nirman Vihar (Laxmi Nagar) and In Plot No. 5 & 9, Pragati Mall Near Nirman Vihar Metro Station.

In reference to the above cited subject, it is to inform you that in pursuance to the offer letter No. AC/RPC/MCD/2022/D-1504 dated 15.12.2022 (NIT 907 dated 27.09.2022) You were declared as H-1 bidder and above mentioned letter was issued to you and the same was accepted by you. Now, you are hereby allotted the parking site at (Cluster Laxmi Nagar) showing Plot No. 4, DDA Building, Nirman Vihar, Showing Basement Plot No. 4, DDA Building, Nirman Vihar (Laxmi Nagar) and In Plot No. 5 & 9, Pragati Mall Near Nirman Vihar Metro Station @ MLF Rs. 11,56,000/- and the competent authority is pleased to allow you to operate the same w.e.f. 12.01.2023. for the period of three years and further extendable to another period of two years subject to satisfactory performance of the firm and as decided by the Competent Authority on the terms and conditions/Guidelines as agreed upon & affidavit (Annexure-15 of Terms & Conditions) submitted by you.

[Signature]
 11.01.23
 Assistant Commissioner
 (RP Cell)/MCD

M/s Monty
C-3/31, Block-C,
Nand Nagari, Delhi-110093.
Email Id:- monty0774@gmail.com

Copy for information and necessary action to:-

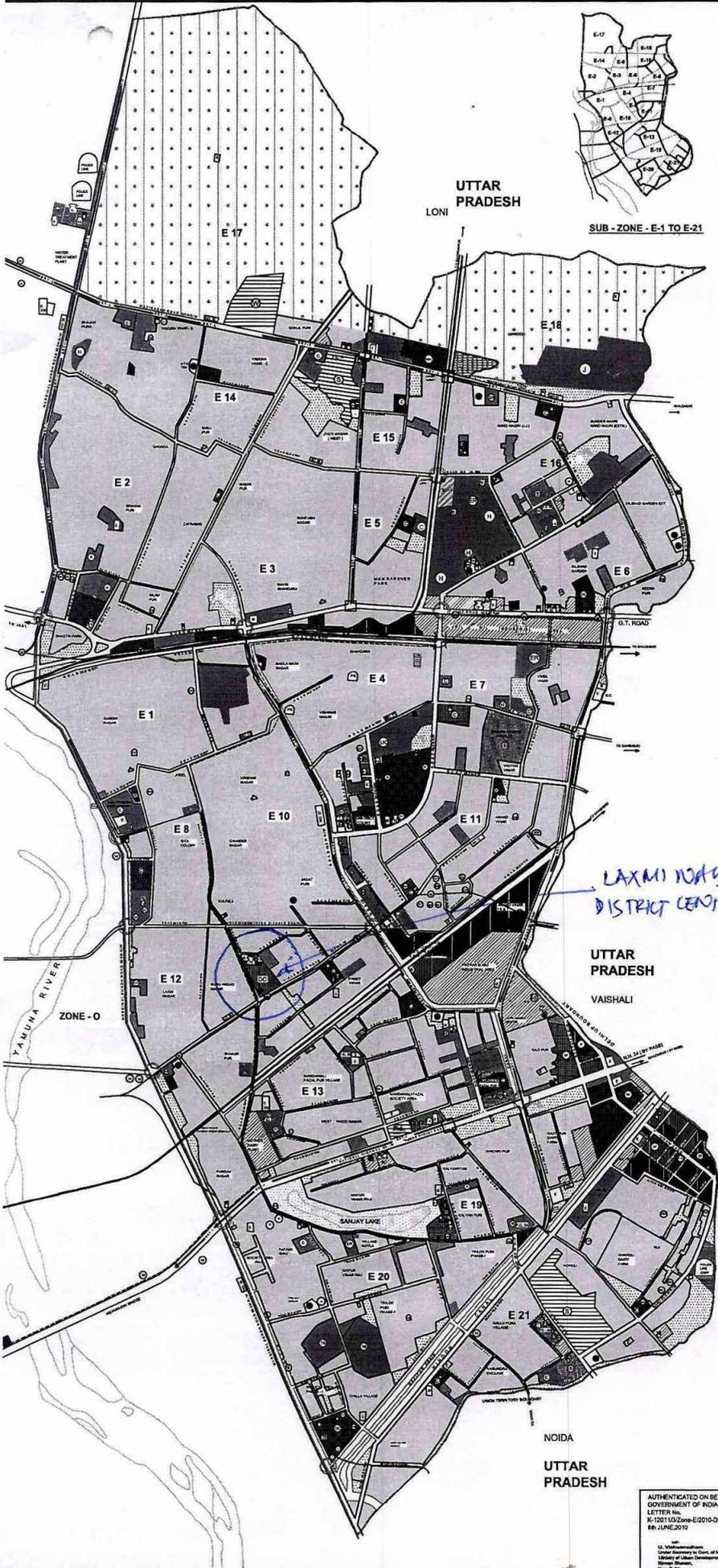
1. Deputy Commissioner Police (Concerned).
2. Asstt. Commissioner (South Zone).
3. ACP/Traffic (Concerned).
4. SHO (Concerned).
5. G8 Clerk, RPC

Handed Over

[Signature]
 11/1/2023
 Signature
 Place : Delhi

Taken Over full & Vacant Possession

[Signature]
 Name & Signature of authorized person
 M/s Monty,
 C-3/31, Block-C, Nand Nagari,
 Delhi-110093.



D D A दिल्ली विकास प्राधिकरण

PLANNING WING योजना विभाग
TRANS YAMUNA AREA UNIT यमुना पार क्षेत्र यूनिट

LAND USE भूमि उपयोग

RESIDENTIAL आवासीय
RESIDENTIAL समूह आवासीय

COMMERCIAL व्यावसायिक
SUB CENTRAL BUSINESS DISTRICT उप केन्द्रीय व्यावसायिक जिला केन्द्र
DISTRICT CENTRE जिला केन्द्र
COMMUNITY CENTRE समुदाय केन्द्र
WHOLESALE & WAREHOUSING थोक व्यापार और भण्डारण
HOTEL होटल
SERVICE MARKET सेवा बाजार
INFORMAL BAZAR अनौपचारिक बाजार
PETROL, PUMPING/GAS GODOWN पेट्रोल पम्प / सी.एन.जी. / गैस गोदाम

INDUSTRIAL औद्योगिक
MANUFACTURING निर्माण
SERVICE CENTRE सर्विस केन्द्र

RECREATIONAL मनोरजनात्मक
REGIONAL PARK श्रेणीय पार्क
DISTRICT PARK जिला पार्क
COMMUNITY PARK/PARK/MULTIPURPOSE/GR समुदाय पार्क / पार्क बहुउद्देशीय दृष्टत एतिहासिक स्मारक

TRANSPORTATION यातायात
INTEGRATED PASSENGER TERMINAL एकीकृत यात्री टर्मिनल
METRO STATION मेट्रो स्टेशन
M.R.T.S. CORRIDOR एम.आर.टी.एस. कारीडोर
BUS RAPID TRANSIT SYSTEM CORRIDORS बी.आर.टी.एस. कारीडोर
RAIL CIRCULATION रेल परिसंचरण
ROAD 90.0 M R/W सड़क 90 मीटर मार्गधिकार
ROAD 80.0 M R/W सड़क 80 मीटर मार्गधिकार
ROAD 45.0 M R/W सड़क 45 मीटर मार्गधिकार
ROAD 30.0 M R/W सड़क 30 मीटर मार्गधिकार
ROAD 24.0 M R/W सड़क 24 मीटर मार्गधिकार
BUS DEPOT / BUS TERMINALS / MONO RAIL बस आगार / बस परिसर / मोनो रेल
I.S.B.T. अंतरराज्य बस परिसर
GRADE SEPARATORS / FLYOVER (PROPOSED) ग्रेट एकलिय / पलाई ओवर(प्रस्तावित)
R.O.B. / R.U.B. आर.ओ.बी. / आर.यू.बी.
PARKING वाहन स्थान
MULTI LEVEL PARKING (INDICATIVE, WILL BE AS PER APPROVED LOP & STATUS OF LAND) बहुस्तरीय वाहन स्थान (संकेतिक च्कार जो विधि के स्वीकृत विधिय कानून के अनुसार भूमि उपयोग या निर्भर होगी)

UTILITY उपयुगिता
WATER TREATMENT PLANT जल शोधन संयंत्र
SEWAGE TREATMENT PLANT मल शोधन संयंत्र
ELECTRIC SUB STATION विद्युत सब-स्टेशन
SOLID WASTE (SANITARY LANDFILL) कूड़ा करकट (सैनिटरी सैण्ड फिल)
DRAIN नाला
SEWAGE & PUMPING STATION मल और पम्पिंग स्टेशन

GOVERNMENT सरकारी
DISTRICT COURT जिला क्षेत्र न्यायलय

PUBLIC AND SEMI-PUBLIC सार्वजनिक एवं अर्ध-सार्वजनिक
HOSPITALS/CAT. A / CAT. B / CAT. C / CAT. D अस्पताल / श्रेणी ए / श्रेणी बी / श्रेणी सी / श्रेणी डी
EDUCATIONAL & RESEARCH शिक्षा एवं अनुसंधान
UNIVERSITY CENTRE / COLLEGE विश्वविद्यालय / कालेज
POLICE / POLICE LINES / DISTRICT JAIL पुलिस / पुलिस लाइन / जिला कारागार
TRANSMISSION SITE संचार स्थल
BURIAL GROUND / GRAVE YARD / CREMATION GROUND कब्रिस्तान / शमशान भूमि
FIRE STATION अग्नि शमन केन्द्र
FACILITY CENTRE सुविधा केन्द्र
SPORTS FACILITIES/COMPLEX/STADIUM/SPORTS CENTRE क्रीड़ा सुविधायें / परिसर / स्टेडियम / खेल कूद केन्द्र

OTHERS FACILITIES IN RES., COMMERCIAL & PSP USE ZONE अन्य सुविधायें आवासीय में, व्यावसायिक एवं सार्वजनिक एवं अर्ध सार्वजनिक उपयोग जो-
NURSING HOME / POLY CLINIC नर्सिंग होम / पोली क्लीनिक
MATERNITY HOME प्रसूति गृह
OLD AGE HOME / WORKING WOMEN HOSTEL वृद्धवस्था गृह / कामकाजी महिला होस्टल
RECREATIONAL CLUB/MULTIPURPOSE COMMUNITY HALL मनोरंजन क्लब / बहुउद्देशीय सुविधा हॉल
HEAD POST OFFICE / TELEPHONE EXCHANGE मुख्य डाकघर / दूरभाष केन्द्र
POLICE STATION पुलिस स्टेशन

AGRICULTURE/GREEN BELT & WATER BODY कृषि / हरित पट्टी एवं जल निकाय
AGRICULTURE / GREEN BELT कृषि / हरित पट्टी
RIVER AND WATER BODY नदी एवं जल निकाय

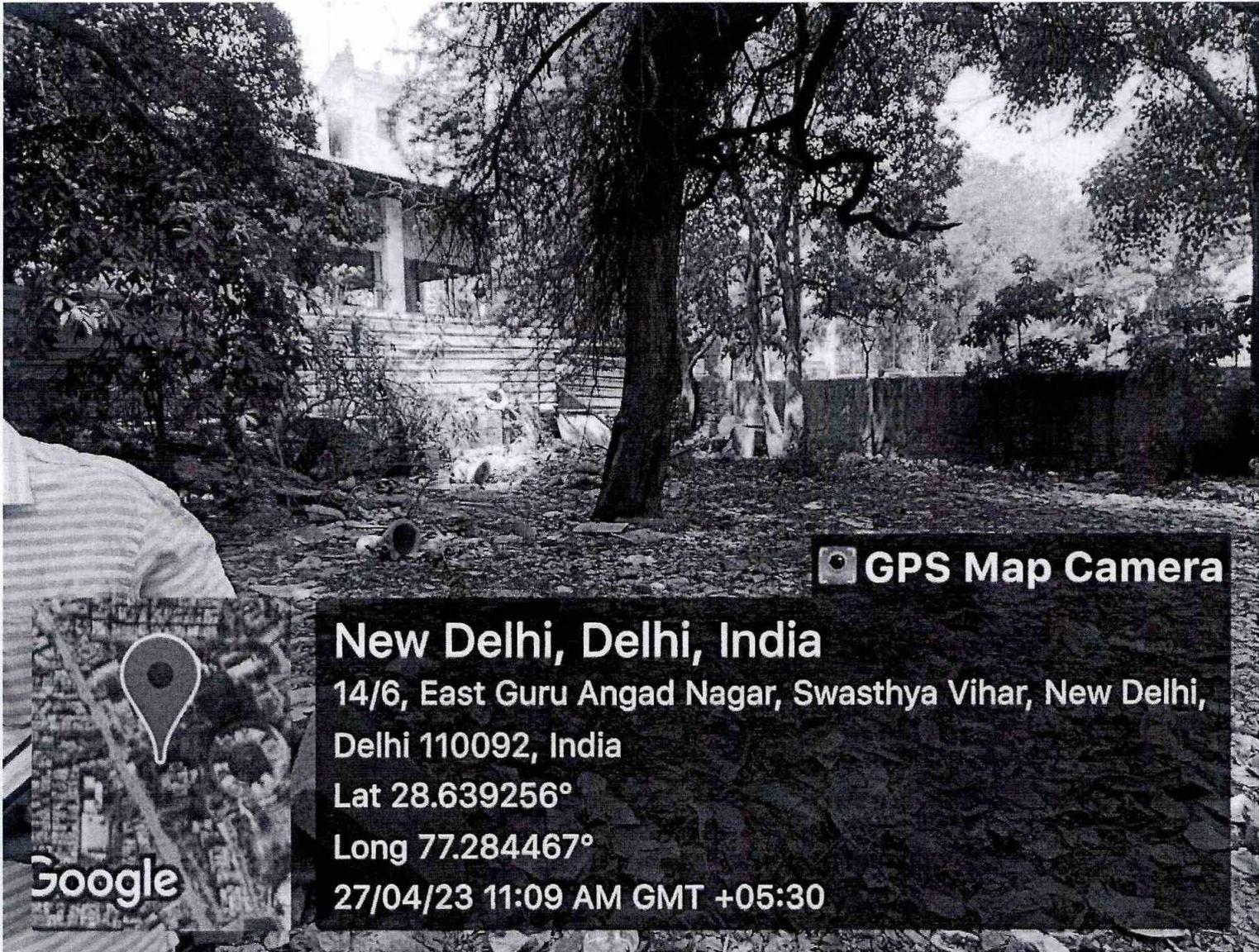
NOTE :-
1. MODIFIED BASED ON THE APPROVAL OF MINISTRY OF URBAN DEVELOPMENT, GOVT. OF INDIA
VIDE LETTER NO. K-1261/23/2009-DDIB, DATED: 06.03.10

MAP 2

PLANNING IN-CHARGE	PLANNING ASSTT.	PLANNING ASSTT.	PLANNING ASSTT.
ASSTT. DIRECTOR	ASSTT. DIRECTOR	JOINT DIRECTOR	DIRECTOR

AUTHENTICATED ON BEHALF OF GOVERNMENT OF INDIA VIDE LETTER No. K-1261/23/2009-DDIB dated 06 JUNE 2010

ZONAL DEVELOPMENT PLAN - ZONE - E



 **GPS Map Camera**

New Delhi, Delhi, India

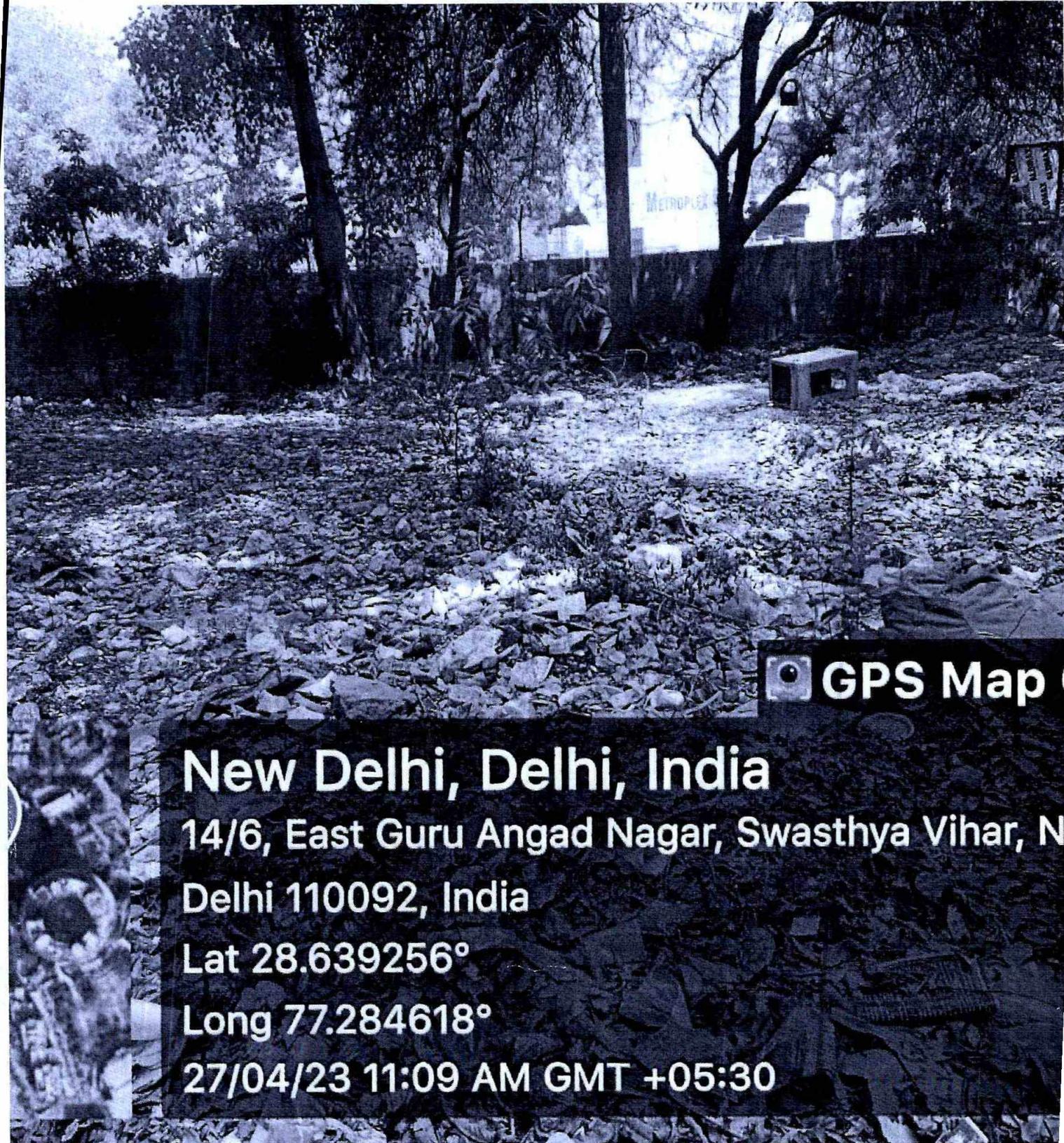
14/6, East Guru Angad Nagar, Swasthya Vihar, New Delhi,
Delhi 110092, India

Lat 28.639256°

Long 77.284467°

27/04/23 11:09 AM GMT +05:30

Google



 GPS Map

New Delhi, Delhi, India

14/6, East Guru Angad Nagar, Swasthya Vihar, N

Delhi 110092, India

Lat 28.639256°

Long 77.284618°

27/04/23 11:09 AM GMT +05:30



New Delhi, Delhi, India

14/6, East Guru Angad Nagar, Swasthya Vihar, New Delhi,

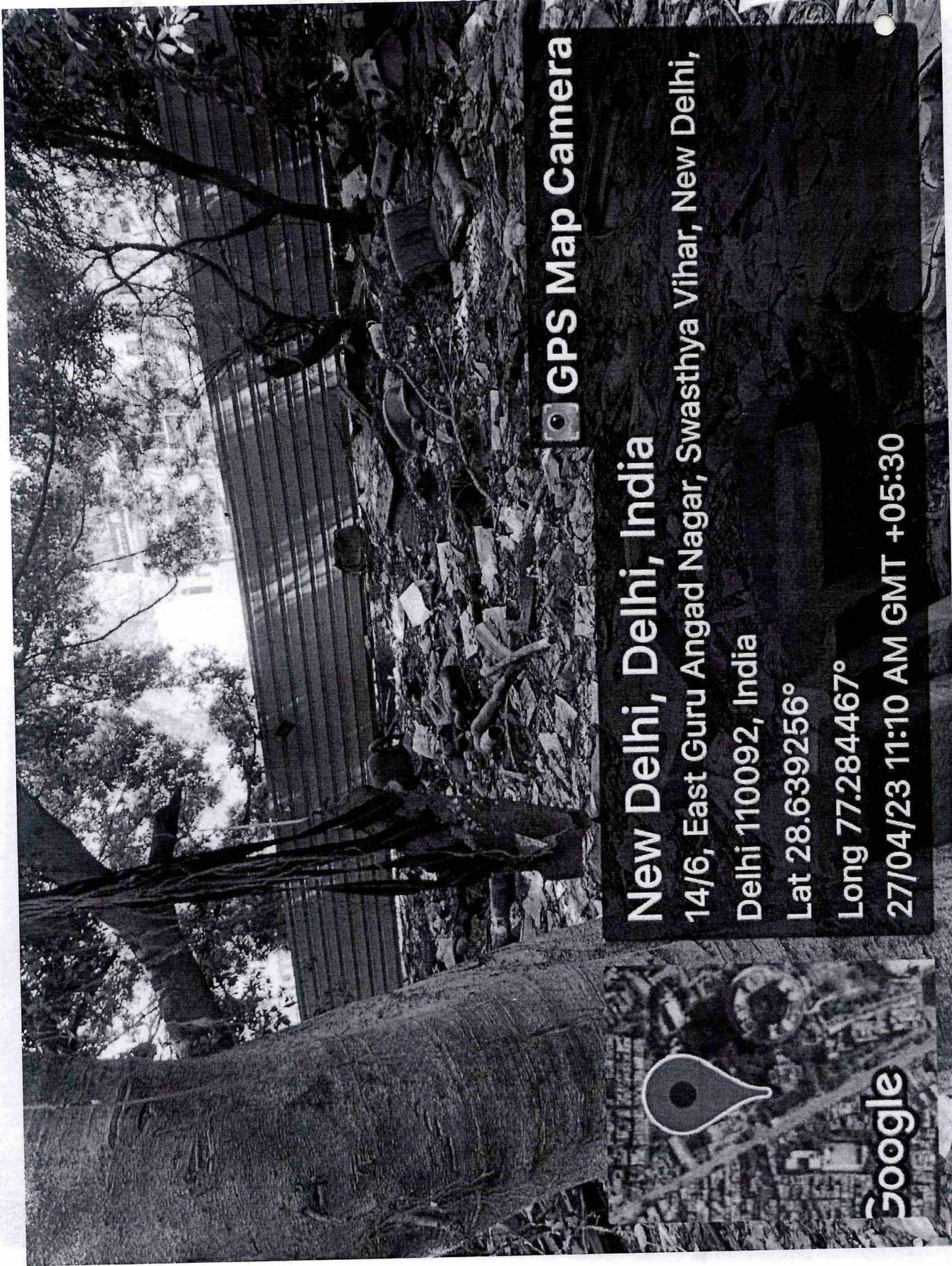
Delhi 110092, India

Lat 28.639256°

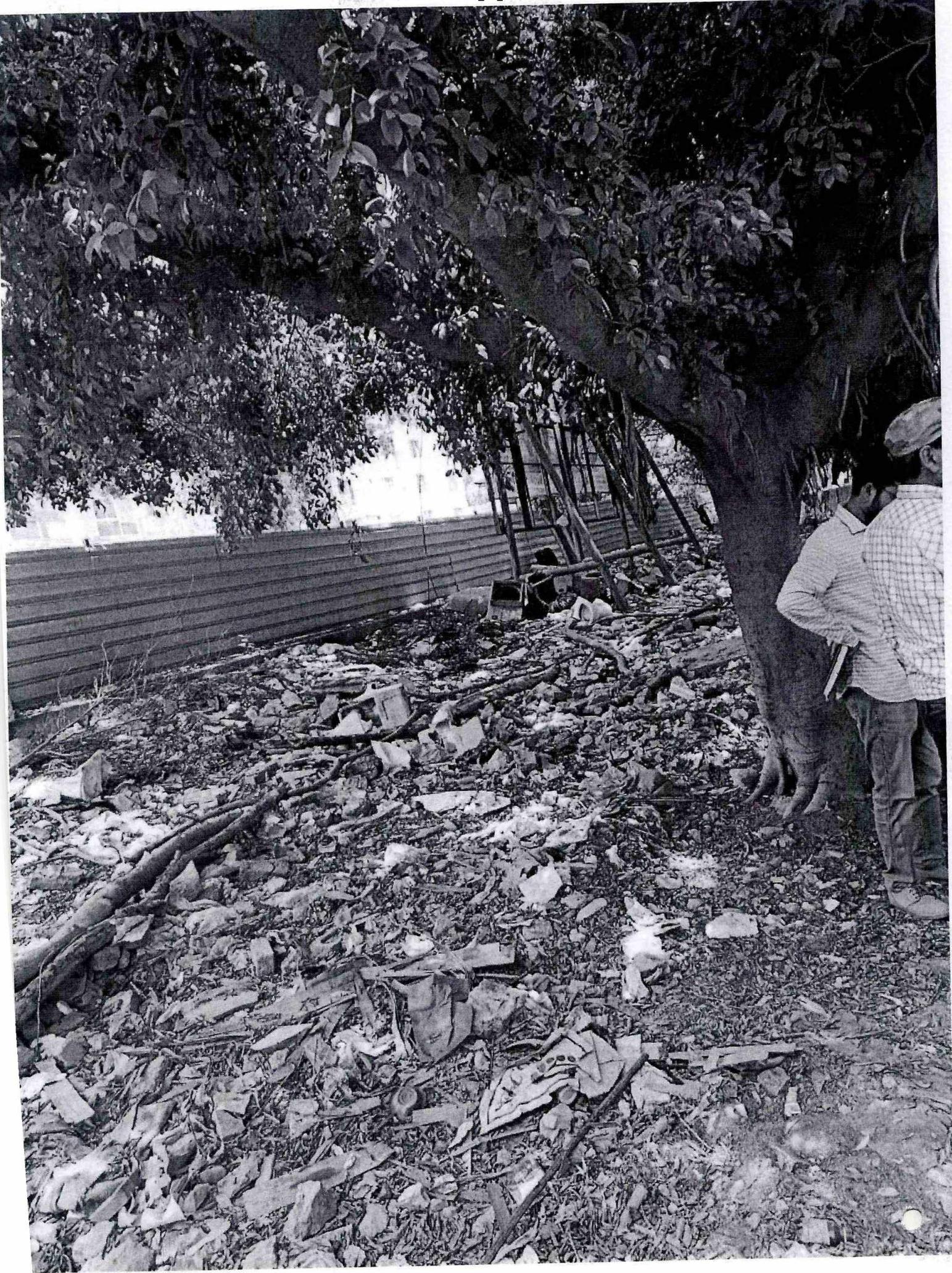
Long 77.284467°

27/04/23 11:10 AM GMT +05:30

 GPS Map Camera





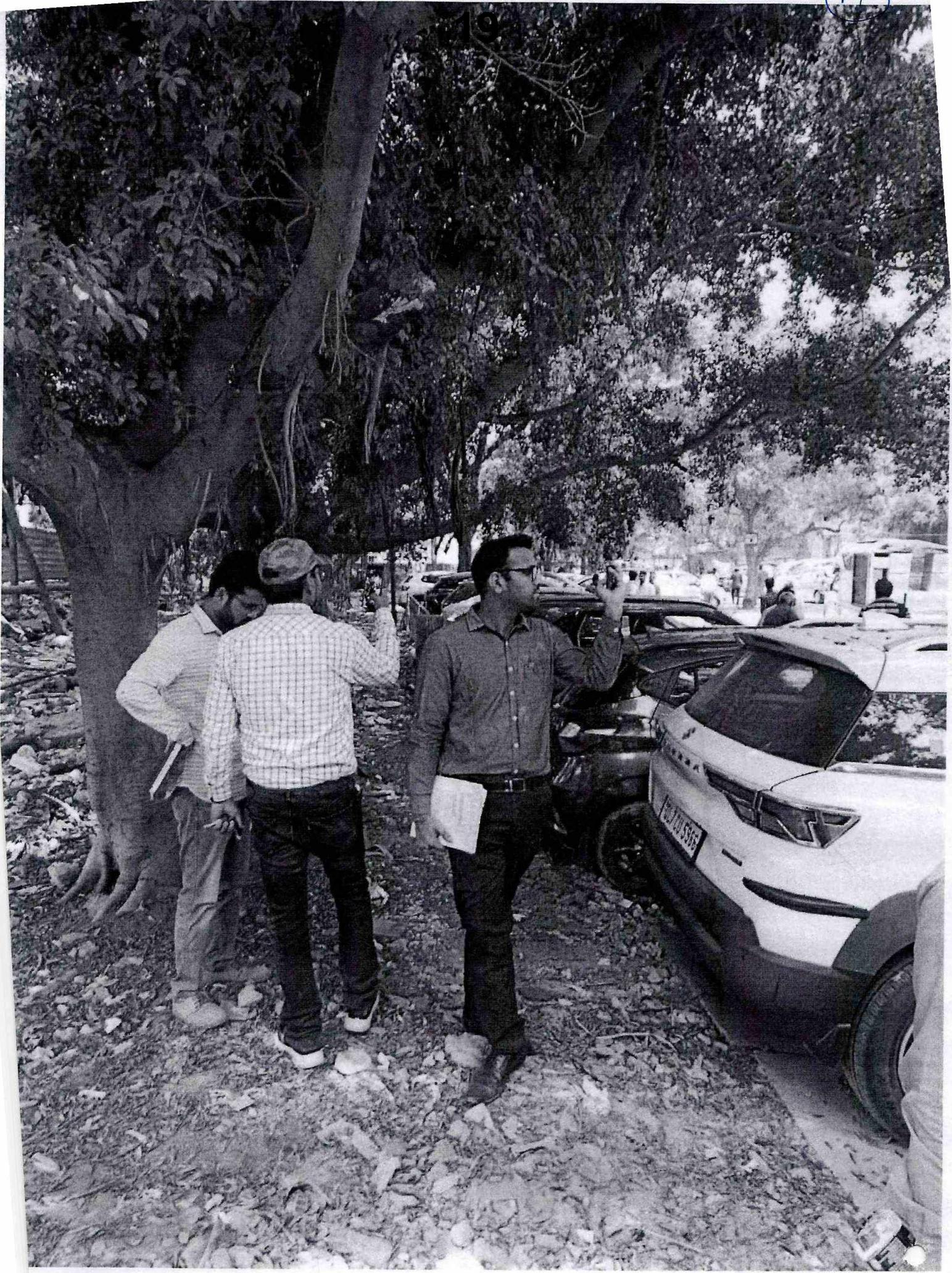


5/15



h/p

(19)



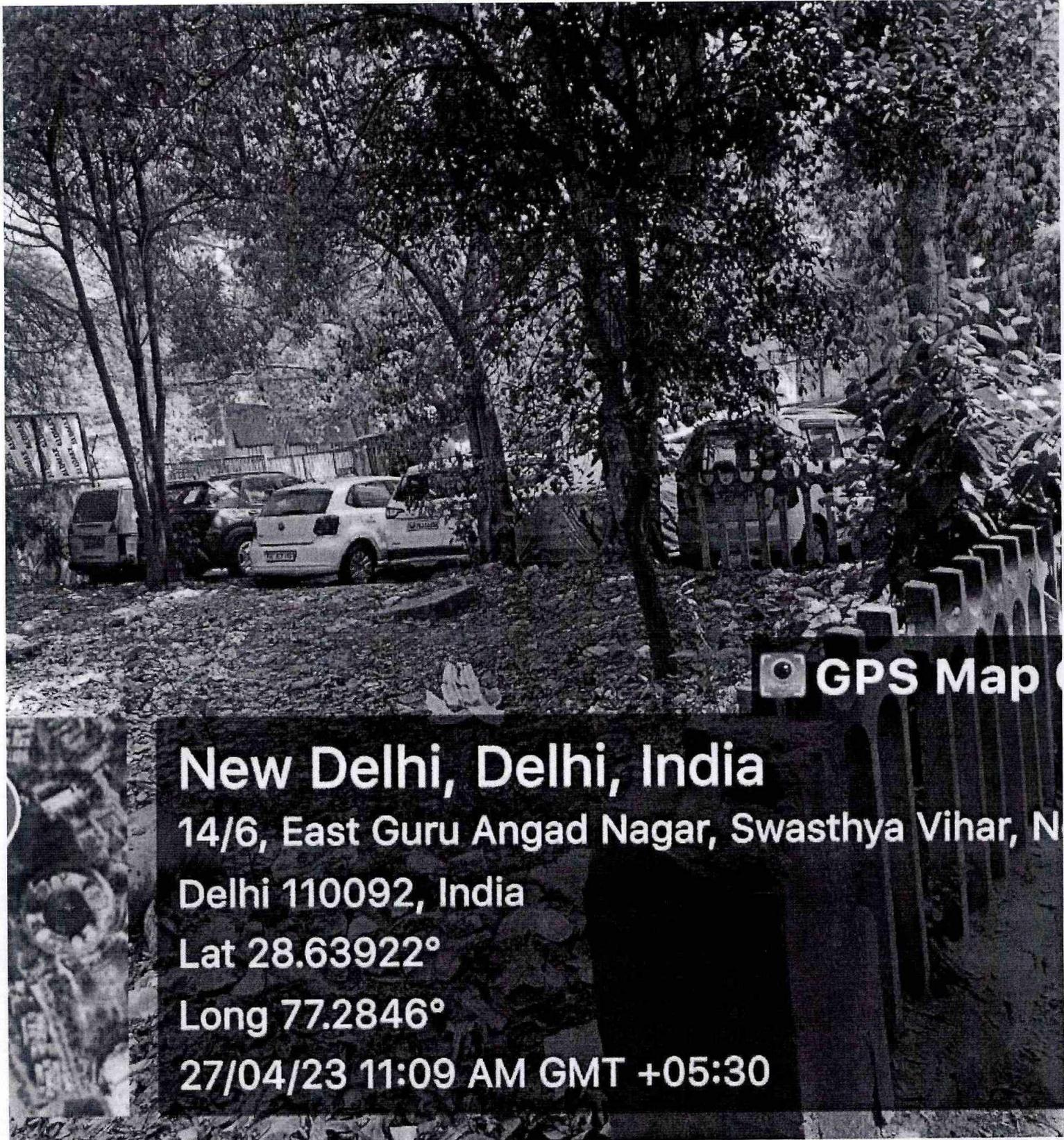
4/13

15

20



C/12



GPS Map

New Delhi, Delhi, India

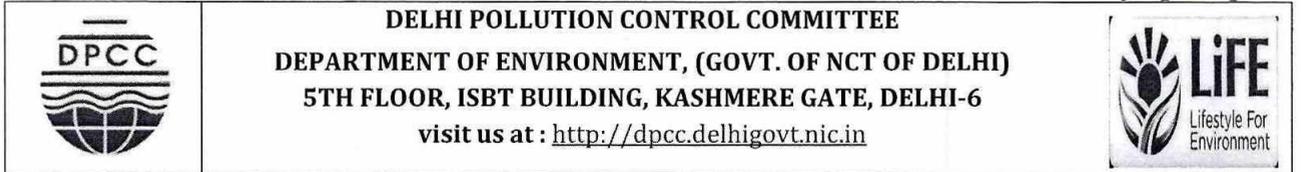
14/6, East Guru Angad Nagar, Swasthya Vihar, N

Delhi 110092, India

Lat 28.63922°

Long 77.2846°

27/04/23 11:09 AM GMT +05:30



F.No. DPCC/CMC-I/ NGT/OA No. 267/2023/ 94

Dated: 27/04/23

To,

**The Executive Engineer,
EMD-5,
Delhi Development Authority,
Taj Enclave Road, Geeta Colony,
Delhi-110031**

Annexure-2

Subject: Regarding compliance w.r.t observations made during inspection by Joint Committee dated 27.04.2023.

Sir,

In compliance of Hon'ble NGT order dated 06.04.2023 in OA no.267/2023 in the matter of "Ashok Kumar Gupta & Ors Vs Ministry of Housing and Urban Affairs & Anr", a Joint Committee comprising of officials of DPCC, Municipal Corporation of Delhi (MCD) and Delhi Development Authority (DDA) visited the site at parking DDA Building at Plot No.4 Laxmi Nagar District Centre, as mentioned in the said order on 27.04.2023 and following observations were made:

- As observed by the Joint Committee during inspection, fencing behind designated parking space was found partially broken, however no encroachment was observed. As informed by DDA officials in the Joint Committee, the parking area will be temporarily demarcated & thereafter broken fencing will be repaired by DDA.
- The committee has observed that at present there is dry garbage, some broken furniture, fell leaves from surrounding trees etc in the space & in meeting the Joint Committee has asked DDA officials to clear the space within 10 days from joint inspection (i.e 27.04.2023) and photographs of the same will be provided to the Joint Committee, to which they have agreed

Now therefore, you are hereby directed to clean the space (i.e dry garbage, some broken furniture, fell leaves from surrounding trees etc) and submit the Action Taken Report along with photographs within 10 days of date of issuing letter to DPCC.

You are also directed to repair the broken fencing behind the designated parking space and also submit the Action Taken Report along with photographs within 30 days of date of issuing letter to DPCC.

Yours sincerely,


Ajeeta Aggrawal
Incharge, CMC-I



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



F.No. DPCC/CMC-I/ NGT/OA No. 267/2023/ 95

Dated: 27/04/23

To,

The Admin Officer,
 R.P Cell, MCD,
 25th Floor, Dr. S.P Mukherjee,
 Civic Centre, Minto Road,
 Delhi-110002

Annexure-3

Subject: Regarding compliance w.r.t observations made during inspection by Joint Committee dated 27.04.2023.

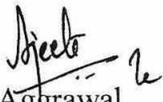
Sir,

In compliance of Hon'ble NGT order dated 06.04.2023 in OA no.267/2023 in the matter of "Ashok Kumar Gupta & Ors Vs Ministry of Housing and Urban Affairs & Anr", a Joint Committee comprising of officials of DPCC, Municipal Corporation of Delhi (MCD) and Delhi Development Authority (DDA) visited the site at parking DDA Building at Plot No.4 Laxmi Nagar District Centre, as mentioned in the said order on 27.04.2023 and following observations were made:

- As observed by the Joint Committee during inspection, fencing behind designated parking space was found partially broken, however no encroachment was observed. As informed by DDA officials in the Joint Committee, the parking area will be temporarily demarcated & thereafter broken fencing will be repaired by DDA.

Now therefore, you are hereby directed to ensure that parking contractor may not cause any kind of encroachment and submit the Action Taken Report along with photographs within 10 days of date of issuing letter to DPCC.

Yours sincerely,


 Ajeeta Aggrawal
 Incharge, CMC-I