

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 559 of 2022

IN THE MATTER OF:

SANJEEV JAIN

.....ORIGINAL APPLICANT

VERSUS

MUNICIPAL CORPORATION OF DELHI& ORS.....RESPONDENTS

STATUS REPORT ON BEHALF OF MUNICIPAL CORPORATION OF DELHI IN COMPLIANCE OF THE ORDER DATED 05.08.2022 PASSED BY THIS HON'BLE NGT.

I, S.D. Tomar S/o Sh. Rajendra Singh, aged 53 years, posted as Executive Engineer (Building)-II, Shahdara South Zone, Municipal Corporation of Delhi, 419,UdyogSadon, Patparganj Industrial Area, Delhi,on the basis of official records maintained by the Respondent No.1/ Municipal Corporation of Delhi do hereby solemnly affirm and declare as under:-



That I am presently posted as Executive Engineer (Building)-Shahdara South Zone, Respondent No. 1, MCD and am well conversant with the facts and circumstances of the present case on the basis of records made available and as maintained by the Respondent No.1 and that the deponent is fully authorized and competent to sign, swear and depose this affidavit on behalf of Respondent No. 1.

2. That, the land in front of T.B Hospital and Mother & Child Welfare Centre, Patparganj Village, Delhi has been earmarked as **ROAD**. That as per the Layout Plan of Patparganj Village Complex approved vide Resolution No. 59 dated 01.02.1983, Neither there exists any park in front of the T.B Hospital nor land-use has been earmarked for such park as per the said Layout Plan. The copy of the layout plan is enclosed herewith as **Annexure 'R-I'**.

3. That, after trifurcation of the Corporation in the year 2012, the road in front of T.B Hospital/ Mother& Child Welfare Centre, Patparganj Village, Delhi was transferred to Public Works Department, Government of NCT of Delhi for maintenance purpose. That the order dated 10.01.2012 wherein reference no. 13(62)/UD/MB/2011/593-599 was passed by the then principal Secretary (UD) with the approval of LG Delhi wherein the Govt. of NCT of Delhi decided that the road having right of way (ROW) of 60 ft. and above belonging to MCD, shall vest with Govt. OF NCT of Delhi so as to ensure their proper maintenance and upkeep from the funds of state

Govt. Hence, Public Work Department is the nodal agency to grant permission for installation of Transformer in a right of way.



4. That, no permission has been granted by MCD to BSES Yamuna Power Limited for installation of transformer at the said site as the same is not being maintained by Shahdara South Zone, Municipal Corporation of Delhi.

5. That, a joint inspection was carried out on 12.09.2022 along with officials of Municipal Corporation of Delhi, Department of Horticulture Government of NCT, Executive Magistrate, MayurVihar, Delhi Pollution Control Committee, Delhi Fire Service. Joint Inspection Report is annexed herewith as Annexure 'R-II'.

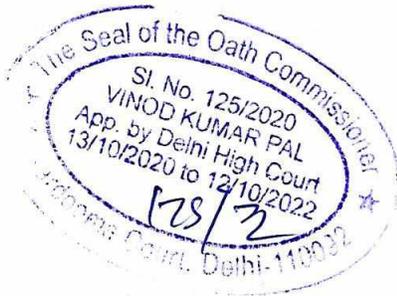

DEPONENT

VERIFICATION:

Aji Kalo
I identify the deponent who has signed/put thumb impression in my presence.

Verified at New Delhi on this 17 day of SEP, 2022 that the contents of the above affidavit are true and correct; no part of it is false and nothing material has been concealed there from.


DEPONENT



CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. S. D. Chauhan
S/o. W/o. D/o. Sh. Devyakul Singh
Identified by S. D. Chauhan on 17 SEP 2022
was solemnly sworn on 17 SEP 2022
That the contents of the affidavit which has been read over & contents of the same are true & correct to his/m knowledge.

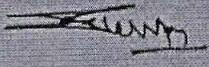

Oath Commissioner KKD Court, Delhi

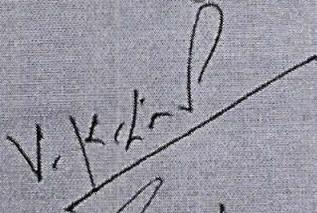
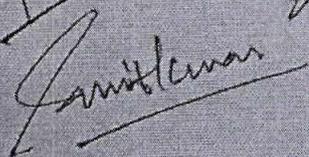
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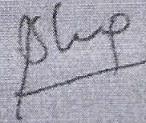
JOINT COMMITTEE INSPECTION REPORT

In compliance of Hon'ble NGT order dated 05.08.2022 in OA No. 559/2022 in the matter of "Sanjeev Jain Vs Municipal Corporation of Delhi & Ors", a Joint Committee comprising of officials of DPCC, MCD, Department of Horticulture, Department of Delhi Fire Services and District Magistrate East Delhi visited the site as mentioned in the said order and following observations were made:-

1. All the members/ representatives of the Joint Committee reached at site at schedule date and time on 12.09.2022. Attendance sheet is enclosed herewith.
2. Three numbers of transformers were found installed at site in question adjoining to Dr. Shyama Prashad Mukherjee TB Hospital, MCD and opposite to Babu Public School, Patparganj Village Chowk, Delhi. The transformers were found enclosed by MS Grill/ Fencing in order to prevent free access/ safety point of view. One inspection chamber/ manhole cover of Indraprastha Gas Limited was also noticed adjoining to the transformer. Photographs were also taken during the course of inspection.
3. The representative of the Joint Committee also gathered information from local residents in respect of installation of the transformers. Some of the local residents available at site apprised that earlier flower bed/ planter was constructed and greenery was being maintained before installation of these




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transformers. They further informed that one hand pump and several benches were also installed at this place for general public.

4. Executive Engineer (Building) Shahdara South Zone, MCD informed that there is no land earmarked for park in front of Dr. Shyama Prasad Chest Hospital, Patparganj, Delhi opposite Babu Public School at the site in question as per layout plan of Patparganj Village Complex passed vide resolution no. 59 dated 01.02.1983/ copy of the approved layout plan was provided at site itself. Copy of the same is attached.

5. Executive Engineer (Maintenance) Shahdara South Zone, MCD informed at this stretch of road is being maintained by public works department, Government of NCT, Delhi. It is further inform that this road was handed over to PWD in compliance of the circular dated 10.01.2012 issued by Principal Secretary UD, Government of NCT, Delhi.

6. Deputy Director (Horticulture), Shahdara South Zone, MCD informed that no park is/ was being maintained by MCD at the said stretch of the road.

7. Officials of Delhi Fire Service as well as DPCC also informed that no permission, to install the transformer at the said site, has ever been sought by BSES Yamuna Power Limited. Moreover, certain buildings, classified under rule 27 of DFS Rules, 2010, have to obtain online clearance as per rule 34 of DFS Rules and local authority is required to refer the building plans of such buildings to Delhi Fire Service for obtaining NOC/ Fire Safety Certificate/ Clearance. Letter dated 01.09.2021 was also provided.

The bottom of the page contains several handwritten signatures and initials. From left to right, there is a signature that appears to be 'Sury', a signature 'V. K. Singh', a signature 'Sumit Kumar', a signature 'Mull', and a signature 'Bhup'.

8. All the members/ representatives of the committee proposed that Department of PWD, Govt. of NCT, Delhi be asked to submit the status of permission issued, if any, in respect of installation of transformers at impugned site. Members/ representatives further opined that BYPL and IGL may also be asked to submit the status.

Sumit Kumar
Sumit Kumar
JEE, DPC
Officials of DPCC

Ramesh Chandra
(Ramesh Chandra)
EE, DPCC

V.K. Singh
(Vinod Kumar Singh)
Officials of DC/DM (East Delhi)

S.D. Tomar
(S.D. Tomar)
Officials of MCD

Pradyumn
(Pradyumn)

Shekhar
Shekhar, So (Hort)
Officials of Department of Horticulture

A.K. JAISWAL (A-K. JAISWAL)
Div. Ope
Officials Department of Delhi Fire Services

M.K. SHARMA (M K SHARMA)
Mush
T-49

Attendance Sheet (W.r.t DANO-559/
2022)

- 1) Sheo Veer Rathi, Dept of Horticulture. Dep
(9650788769) 12/9/22
Sohani
- 2) Narepat Singh, Deputy Director Horticulture. Dep
- 3) Pradeep Kumar, EE (MCD) BEMV Shy
Phno: (9717768544) 12/9/22
- 4) Yogesh Kumar Tyagi, H.A, Horticulture, Environment Deptt. Dep
H.A
- 5) Sarita, JE (MCD) Sarita
12/9/22
- 6) M. K. SHARMA Asst - Di. Sharma (DPS) Mervel
9350214530 12/9
12/9/22
- 7) S.D TOMAR, EE (MCD), Building Deptt. S.D
12/9/22
(9712288231)
- 8) L.R. Meena (MCD)
AE (P) II Meena
12/09/2022
- 9) Vinod Kumar Vinod
Executive Magistrate (Magur Vihar) 12/9/22
- 10) A.K. Jaiswal Div. Off. (DPS) A.K
12/9/2022
(9868812991)
- 11) RAMESH CHANDRA, EE, DPCC Rm
12/09/2022
9714593529
- 12) Sumit Kumar, JEE, DPCC Sumit Kumar
12/09/2022
298023543

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-Sd-

Official of DPCC

-Sd-

Official of DC/DM (East Delhi)

-Sd-

Official of MCD

-Sd-

Official of Department of Horticulture

-Sd-

Officials Department of Delhi Fire Services

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1. Sheoveer Rathi, Dept of Horticulture , Govt. of NCT, Delhi(9650798769)
2. Narpat Singh, Deputy Director Horticulture, MCD
3. Pradeep Kumar, EE (MCD) EE M-IV, SHS (9717788544)
4. Yogesh Kumar Tyagi, HA, Horticulture, Environment Deptt.
5. Sarita, JE (MCD)
6. M.K Sharma, Astd-Dir-officer (DFS) 9350214530
7. S.D Tomar, EE (MCD), Building Deptt. (9717788231)
8. L.R. Meena (MCD), AE (Pr) II
9. Vinod Kumar Singh, Executive Magistrate (Mayur Vihar)
- 10.A K Jaiswal Div off. (DFS) (986881299)
- 11.Ramesh Chandra, EE, DPCC (9717593529)
- 12.Sumit Kumar, JEE, DPCC (798077543)