IN THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,

NEW DELHI

O.A. NO. 559 OF 2022

IN THE MATTER OF:-

SANJEEV JAIN .....APPLICANT

VERSUS

MUNICIPAL CORPORATION OF DELHI & ORS. ...RESPONDENTS

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NDOH-5/12/22

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Through

Puja Kalra

PUJA KALRA
STANDING COUNSEL MCD
CHAMBER-430, BLOCK-I,
DELHI HIGH COURT, NEW DELHI.
MOB.-9312839323
EMAIL:- pujakalra09@gmail.com

Place:- New Delhi
Dated :- 02.12.2022

/

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 559 of 2022

IN THE MATTER OF: O.A. No. 559/22

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 23.09.2022 PASSED BY THIS HON'BLE NATIONAL GREEN TRIBUNAL.

I, Charan Singh S/o Sh. Jai Pal Singh, aged 58 years, posted as Executive Engineer (Building)-II, Shahdara South Zone, EDMC (Now Municipal Corporation of Delhi), 419, Udyog Sadan, Patparganj Industrial Area, Delhi,on the basis of official records maintained by the Respondent /Municipal Corporation of Delhi do hereby solemnly affirm and declare as under:-

1. That I am presently posted as Executive Engineer (Building)-II, Shahdara South Zone, Respondent / 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 /MCD and that the deponent is fully authorized and competent to sign, swear and depose this affidavit on behalf of RespondentMCD.

NOTARY SHAHJAHAN DELHI GOVT. OF INDIA

2. That, Hon'ble National Green Tribunal vide its order dated 23.09.2022 directed that :-

"……

In view of the peculiar facts and circumstances of the case and for proper appreciation and verification of the material facts, we also consider presence of the concerned officer of BSES, Yamuna Power Ltd. Namely DGM, Planning Department, BSES Yamuna Power Ltd., Patparganj Industrial Area, Delhi-110092 and concerned Executive Engineer, PWD and the Deputy Commissioner and the Executive Engineer, MCD before this Tribunal on the date of hearing fixed to be essential for production of the relevant original record and for assisting this Tribunal in effective and proper adjudication of question relating to environment arising in this case and they are accordingly directed remain present before this Tribunal with all relevant material on the date of hearing fixed.

……"

3. That, it is pertinent to mention that vide orders dated 10.01.2012 of Principal Secretary (UD), Government of NCT of Delhi decided the vesting of roads having right of way (ROW) of 60 feet & above belonging to Municipal Corporation of Delhi with the Government of NCT of Delhi. Accordingly, the said stretch of road was handed over to Public Works Department, Government of NCT of Delhi on 07.05.2012. Copy to the said notification is annexed as **Annexure R-I (Colly).**Therefore, the issue in regards to the

NOTARY SHAHJAHAN DELHI GOVT. OF INDIA

installation and removal of the transformer / power station pertaining to BSES lies with PWD.

4. That, Deputy Director (Horticulture), Municipal Corporation of Delhi, vide letter No. DDH/SH/S/2022/698 dated 29.11.2022 informed that there was no park being maintained in front of Dr. Shyama Prasad Mukherjee Chest Hospital at Patparganj, Chowk at East Delhi by Horticulture department. Copy of the letter dated 29.11.2022 is annexed as **Annexure R-II.**

5. That, it is also submitted that land in front of Chest Hospital and Maternity Home, Patparganj Village, Delhi has been earmarked for road. Neither there exists any park in front of the T.B Hospital nor land-use has been earmarked for park as per Layout Plan of Patparganj Village Complex approved vide Resolution No. 59 dated 01.02.1983. Layout Plan is a statutory document. The copy of the layout plan is annexed herewith as **Annexure 'R-III'.**In view of this, the land use is road.

6. That, the information obtained from concerned Assistant Engineer (Electrical), Public Works Department vide letter No. 23 (6)/AE/PWD/M-2532/21-22/77 dated 15.09.2021, they, disbursed an amount of Rs. 67,78,254/- to BSES, Yamuna Power Limited for shifting of poles and transformer opposite prasootigrah in Corridor 77, Category-B, on Patparganj Road, Delhi at the present site in question. Copy of letter and cheque in favour of BSES Yamuna Power Limited are annexed as **Annexure R-IV (Colly).**

NOTARY SHAHJAHAN DELHI GOVT. OF INDIA

7. That, Municipal Corporation of Delhi has never granted any permission for installation of transformer/power station at the present site, since the Road in question over which transformer has been installed vests with PWD.

DEPONENT

VERIFICATION:

02 DEC 2022

Verified at New Delhi on this __ day of _____, 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

02 DEC 2022

I identified the deponent who has signed/put in my presence.

NOTARY SHAHDARA DELHI GOVT. OF INDIA

CERTIFIED THAT THE DEPONENT ... S/o W... Identified ... has solemnly ... on ... the contents ... have been ... true and correct to the ... Notary Public

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'ANNEXURE-I (Colly)'

नूतन गिश्वास (भा.प्र.से.)
सचिव (लो.नि.वि.)
NUTAN GUHA BISWAS, IAS
Secretary (PWD)

राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार
दिल्ली सचिवालय, आई. पी. एस्टेट, नई दिल्ली-110113
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI-110113
TEL. NO. : 23392005, FAX: 23392295
e-mail : pspwd@nic.inc

Dear Mr Mehra,

No. PS/PWD/152
Date 30/1/12

The Government of NCT of Delhi has issued a notification regarding vesting of roads having Right of Way of 60 feet and above belonging to MCD with the Govt. of NCT of Delhi.

A copy of the notification is enclosed. It is requested that necessary directions may kindly be issued to your engineering wing to hand over these roads to the concerned PWD engineers on priority.

With regards,

Yours sincerely,

(Nutan Guha Biswas)

Shri K.S. Mehra,
Commissioner (MCD)
Civic Centre,
Jawahar Lal Nehru Marg,
New Delhi

copy to all EEs & DPH

All EEs to Prepare P.R.

CGM2

All EEs

A list of roads 60 ft & above is to be sent to Pr Secy under intimation to CE/M, to MA

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C/1

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
URBAN DEVELOPMENT DEPARTMENT
9th LEVEL, C WING, DELHI SECRETARIAT, NEW DELHI-110002

F.No.13(62)/UD/MB/2011/ 593-599 Dt. 10-01-2012

ORDER

The Government of National Capital Territory of Delhi has decided the vesting of roads having Right of Way (ROW) of 60 feet and above belonging to Municipal Corporation of Delhi, with the Government of National Capital Territory of Delhi so as to ensure their proper maintenance and upkeep from the funds of the State Government through the agencies of the State Government in view of the financial constraints being faced by Municipal Corporation of Delhi and the need to maintain wider roads as city level roads cutting across the proposed boundaries of the three Municipal Corporations.

This issues with the approval of the Hon'ble Lt Governor, Delhi.

(R. CHANDRA MOHAN)
PRINCIPAL SECRETARY (UD)

To,
The Commissioner
Municipal Corporation of Delhi.
Civic Centre, JLN Marg, New Delhi

Copy for information to:

1. Secy. to Hon'ble Lt. Governor -for kind information of Hon'ble LG
2. Secy. to Hon'ble Chief Minister -for kind information of Hon'ble CM
3. Secy. to Hon'ble Min. of UD -for kind information of Hon'ble Minister
4. Secy. to Hon'ble Min. of PWD -for kind information of Hon'ble Minister
5. Pvt Officer to Chief Secretary -for kind information of Chief Secretary
6. Secy. (GAD), GNCTD – for kind information

Details of inventory of roads being handed over to PWD by MCD within the ROW of road for civil/ electrical/ horticulture

S.No.	Description	Details
1	Name of Road (from _____ to _____)	from NH-24 to Patparganj village
2	ROW (along with sketch	25m (80')
3	Length (along with sketch)	200 mtr
4	carriageway width including type of wearing coat, warranty of work if any	14 mtr (two lanes) Dense carpeting
5.	Footpath width including type of paving	N.A (0.60 m x 0.80 m)
6	Drainage sectional details and detail of outfall	
7	Detail of service road if any including width, surface & separator	N-A
8	Detail of RUB/ROB/FOB/Sub-way including location, warranty of work if any	N-A
9	Detail of E&M i.e. sump-well / pump house including location, number of pumps & sump, completed.	N-A
10	Detail of electrical items i.e. no. of poles, type of pole, location i.e. central verge/footpath, name of the	N-A
11	Number of high mast including location, height of high mask and agency maintaining the work if any	N-A
12	Horticulture works, location & status	N-A

07/05/12 AE NP (W) D

2/5/12 LR-Meena AE 9717880

2/5/12

'ANNEXURE R-II'
8

MUNICIPAL CORPORATION OF DELHI
OFFICE OF THE DEPUTY DIRECTOR (HORTICULTURE)
SHAHDARA SOUTH ZONE, 419, UDYOG SADAN, GROUND FLOOR
PATPARGANJ INDUSTRIAL AREA, DELHI-110091.

No. D.D.H/SH/S/2022/698 **Date:** 29/11/22

SUBJECT: IN THE MATTER OF SH. SANJEEV JAIN VS MCD & ORS. IN O.A. NO. 559/2022 BEFORE N.G.T. PRINCIPAL BENCH.

STOP THE ILLEGAL ACTIVITIES THAT ARE HAPPENING AT EAST MCD PARK AT PATPARGANJ VILLAGE CHOWK AT EAST DELHI AND RE-DEVELOP AND REPLANT THE TREES AND PLANTS AT EAST MCD PARK AT PATPARGANJ CHOWK AT EAST DELHI WHICH ARE BEING DAMAGED.

Ref :- EE (B)-II/Shah(S)/2022/D-956 Dated 23/11/22

In reference to above cited subject, as per available record in the office of Dy. Director (Horticulture) / Shah. South Zone, it is stated that at the location in front of Dr. Shyama Prasad Chest Hospital at Patparganj Chowk at East Delhi there was not exists any Park, MCD (Erstwhile EDMC).

E.E. Bldg. Deptt.-II Shah.(S) Zone
Dairy/Despatch
No.: 3323
Date: 29/11/22
Municipal Corporation of Delhi

29/11/22
DDH/SH/S/Zone

29/11/22
S.O. (Hort.)

E.E.(B)-II

Annexure R-III

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'ANNEXURE R-IV (colly)'
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राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
लोक निर्माण विभाग
PUBLIC WORKS DEPARTMENT

पत्र सं0. 23(6)/सहा0अभि0/लो0नि0वि0वै0 एम–2532/21–22/ 77 दिनांक: 15.09.2021

To

Asst. Vice President,
East Delhi, BSES Yamuna Power Ltd.,
377, Patparganj Industrial Area,
Delhi-110092.

Sub: Shifting of poles and transformer opposite Prasootigrah in Corridor 77, Category 'B' on Patparganj road, Delhi.

Ref: Your letter No. AsVP(P&E)E/ST-722/14 dt. 15.06.2021.

Sir,

In respect of above reference, please find enclosed Cheque No. 577126 dt. 13.09.2021 amounting to Rs. 67,78,254/- (Sixty Seven Lacs Seventy Eight Thousand Two Hundred and Fifty Four only) for further disbursement to your agency.

You are, therefore, requested to complete the said work within the stipulated time frame and furnish expenditure details reporting utilisation of funds after completion of the same.

Encl: Cheque No. 577126.

Recd Cheque No. 577126 Dt. 13.09.2021 to a/c. Rs. 67,78,254/- only
15/9/2021
O/C

Assistant Engineer (E),
M-2532, PB & East Electrical,
PWD, 2nd Floor, C-wing
Delhi Sachivalaya – 110002

Copy to:-

1. Executive Engineer (E), PB & East Maintenance Electrical, EMD M-253, PWD, 2nd Floor, C-wing, Delhi Sachivalaya. → 15.09.2021

Assistant Engineer (E)

A/C P[illegible] Only

भारतीय स्टेट बैंक STATE BANK OF INDIA
तीस हजारी दिल्ली TIS HAZARI DELHI

सरकारी खाता – नगद देय नही ACCOUNT - GOVERNMENT - NOT PAYABLE IN CASH.

1	3	0	9	2	0	2	1
D	D	M	M	Y	Y	Y	Y

Pay BSES Yamuna Power Ltd.

को ही Only

रुपये Rupees Sixty seven lac seventy eight thousand two hundred fifty four only.

अदा करें। ₹ 67,78,254=00

A/c No. A/C No. 33202501572

राष्ट्रीय राजधानी क्षेत्र
दिल्ली सरकार
लोक निर्माण विभाग एम-253(एन)
GOVERNMENT OF NATIONAL
CAPITAL TERRITORY OF DELHI
PUBLIC WORKS DEPARTMENT

ASSISTANT ACCOUNT OFFICER
P.W.D.E.M.D.M.-253, (GNCTD)
DELHI SECTT., NEW DELHI-110 002

HPSharma

कार्यपालक अभियन्ता (ई०)
Executive Engineer (E)
लो० नि० वि० (रा०रा०) / PWD (Govt. of DCN)
लो० नि० वि० एम-253 / EMD M-253
सचिवालय / Delhi Sachivalaya
नई दिल्ली-110 002 / New Delhi-110 002

UNDER ₹ 67,78,255/- रुपये से कम

टिप्पणी :- जिस तारीख से जारी किया गया है उस दिन से केवल तीन महीने तक भुनाया जा सकता है।
N.B. :- VALID FOR THREE MONTHS ONLY FROM THE DATE OF ISSUE

EX-ENGINEER
PLEASE SIGN

"577126" 110002126:

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