

BEFORE THE NATIONAL GREEN TRIBUNAL,  
NEW DELHI, PRINCIPAL BENCH,  
NEW DELHI

OA No. 905/2024

**IN THE MATTER OF :**

VARUN TODI

...APPLICANT

V/s

MUNICIPAL CORPORATION OF DELHI & ORS.

...RESPONDENTS

**D.O.H:- 24/02/2025**

**INDEX**

<b><u>S.No.</u></b>	<b><u>Particulars</u></b>	<b><u>Pages</u></b>
1.	Status Report on behalf of Respondent -MCD.	1-5
2.	Copy of duly attested approved Lay-Out Plan as <b><u>Annexure -A.</u></b>	6
3.	Copy of the resolution as passed in this regard as <b><u>Annexure -B.</u></b>	7-13
4.	Copy of order dated 30/07/ 2024 & type copy <b><u>Annexure -C.</u></b>	14-17

Through



Puja Kalra  
(Advocate)

Standing Counsel for MCD  
Ch. No. 430/431, Delhi High Court,  
New Delhi.

Date: 20/02/2025

Place: New Delhi.

BEFORE THE NATIONAL GREEN TRIBUNAL,  
NEW DELHI, PRINCIPAL BENCH,  
NEW DELHI

OA No. 905/2024

**IN THE MATTER OF :**

VARUN TODI

...APPLICANT

V/s

MUNICIPAL CORPORATION OF DELHI & ORS.

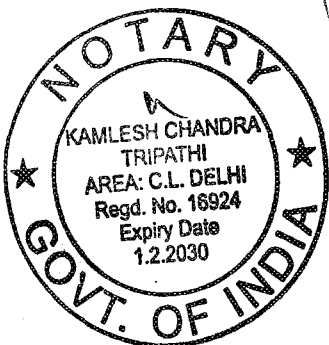
...RESPONDENTS

**STATUS REPORT OF BY WAY OF AFFIDAVIT  
ON BEHALF OF THE RESPONDENT MUNICIPAL  
CORPORATION OF DELHI (MCD) PURSUANT  
TO ORDER DATED 08/11/2024.**

AFFIDAVIT OF PIJUSH KUMAR BENERJEE S/O  
SUNIL KUMAR BENERJEE AGED ABOUT 53  
YEARS, DEPUTY DIRECTOR HORTICULTURE,  
SOUTH ZONE, MUNICIPAL CORPORATION OF  
DELHI, GREEN PARK NEW DELHI:-

I, the deponent above named, do hereby solemnly affirm  
as state as follows:

1. That I am presently posted as Deputy Director Horticulture, South Zone, MCD, Green Park, New Delhi and am conversant with the facts of the case based on the official records maintained by MCD am as such competent to depose thereto.
2. That the instant status report / affidavit is being filed pursuant to order dated 08/11/2024 of this Hon'ble National Green Tribunal.



3. That vide instant OA, which is pertaining to encroachment in Kaushalya Park, Hauz Khas, New Delhi, the following relief have been sought:

“

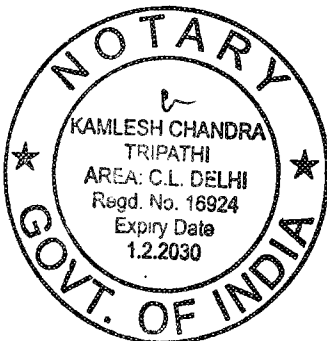
- a. *Direct the Respondent No. 1 to take strict and immediate action to recover the illegally grabbed public land.*
- b. *Direct the Respondent No. 2 and Respondent No. 3 to immediately leave the premises of the public land.*
- c. *Formulate structural reforms to tackle the issue of illegal grab of Public Land.*
- d. *Pass any other/further order(s) which this Hon'ble Tribunal deems just and proper in the facts and circumstances of the present case.”*

4. That the Hon'ble Tribunal vide its orders dated 08/11/2024 concerning the respondent – MCD passed the following main orders / directions:

“

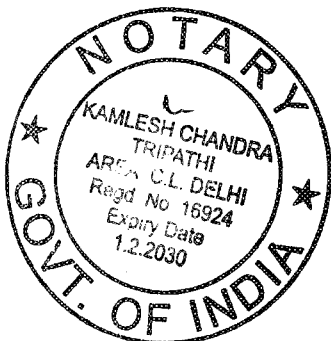
4. *Status report dated 06.11.2024 has been filed by MCD taking the stand that Civil Suit, Old No. 115/2003 presently assigned no. 337/2017 titled as Shan Mohammad v. MCD & Ors. is pending wherein order of status quo has been passed by Delhi High Court in FAO 82/2004 on 30.07.2004.*
5. *Reply filed by MCD does not disclose details of Kaushalya Park, the nature of the land in question, and the plea of the applicant that it is designated as Lawns A and B for public purpose and it's a public park. It also does not respond to the plea of the applicant about unauthorised occupants and construction on a public park.*
6. *Learned Counsel for MCD seeks four weeks' time to file a proper response covering the plea raised in the original application. Prayer is allowed.”*

5. That pursuant to aforesaid direction of this Hon'ble Tribunal, it is submitted that Kaushalya Park is a Colony, Near Hauz Khas, New Delhi. The duly attested copy of approved Lay-Out Plan of the said



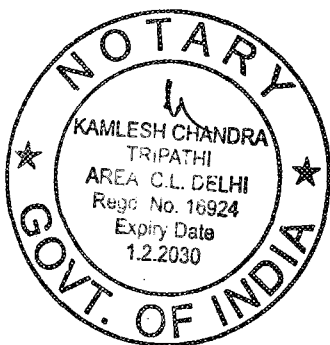
colony is annexed herewith as Annexure -A for kind reference of this Hon'ble Tribu

6. That as per record, the aforesaid La  
been approved vide resolution No. 954 subject to the conditions as also detailed on the said Lay-Out Plan. The copy of the resolution as passed in this regard is also annexed herewith as Annexure -B.
7. That as can be observed from the aforementioned Lay-Out Plan as per condition No. 3 an area of 1070 Sq. Yards reserved for the purposes of park and open space is a portion of the said colony which is handed over to MCD free of cost.
8. That in the said Lay-Out Plan this land admeasuring 1070 Sq. Yards reserved for the purposes of park and open space as handed over to MCD is shown as 'A' and the same is marked with red line for kind convenience of this Hon'ble Tribunal.
9. That it is also pointed out that in this total land admeasuring 1070 Sq. Yards which is reserved for purposes of park and open space as shown as 'A' in the Lay-Out Plan, a portion of land admeasuring 529.47 Sq. Yards has been encroached and is in illegal occupation of one Sh. Shan Mohammad and rest of the portion is maintained as park by the Respondent - MCD.
10. That as per record, this is the portion of land in question i.e. admeasuring 529.47 sq. yard out of total 1070 Sq. Yards falling in portion 'A' shown in Lay-Out Plan and marked as Blue for kind



reference of this Hon'ble Tribunal is in fact the land in question as alleged in the instant OA Petition.

11. That regarding this portion of land admeasuring 529.47 sq. yard out of 1070 Sq. Yards, an old Civil Suit for declaration and permanent injunction, is pending disposal before District Court, Tis Hazari, Delhi. The old No. assigned to the said Civil Suit was 115/2003 and presently the suit Number as assigned is 337/2017 (ID No. 609540/2016) titled as "*Shan Mohammad VS MCD & Ors.*". The next date fixed in the said Civil Suit is now 11/03/2025.
12. That further it is also relevant to point out that the portion shown as 'B' and marked with yellow line for convenience of this Hon'ble Tribunal, it is submitted that the said space is also open space but the said portion of the land has never been handed over to Respondent – MCD. It is also stated here that presently the site position of this portion 'B' is in occupation of other persons.
13. That in the said Civil Suit, a status quo order, as granted by the Hon'ble High Court of Delhi in FAO 82/2004 titled as "*Shan Mohammad VS MCD & Ors.*", vide dated 30/07/2004 is prevailing in terms of the orders passed in this regard. The copy of the order dated 30/07/2004 as passed is annexed herewith as Annexure –C.
14. That in light of the above orders dated 30/07/2004, status quo in respect of the said portion of land out



of total admeasuring 1070 Sq. Yards as shown in the Lay-Out Plan is maintained.

PK Banejee  
DEPONENT

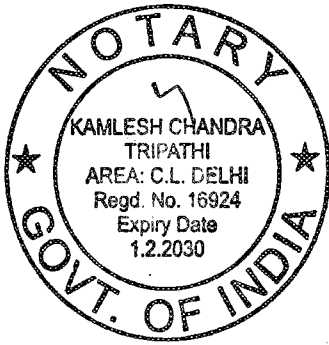
**VERIFICATION:**

Verified at Delhi on this 20 FEB 2025 day of February – 2025, that the contents of the above affidavit are true and correct to my knowledge derived from the official records maintained by the MCD and I believe the same to be true and correct.

PK Banejee  
DEPONENT

*Dr. S. Kalu*

I Identify the Executant/Deponent Who has Signed in my Presence

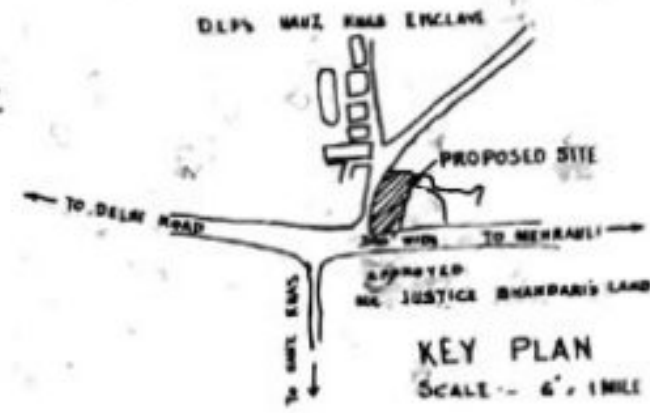
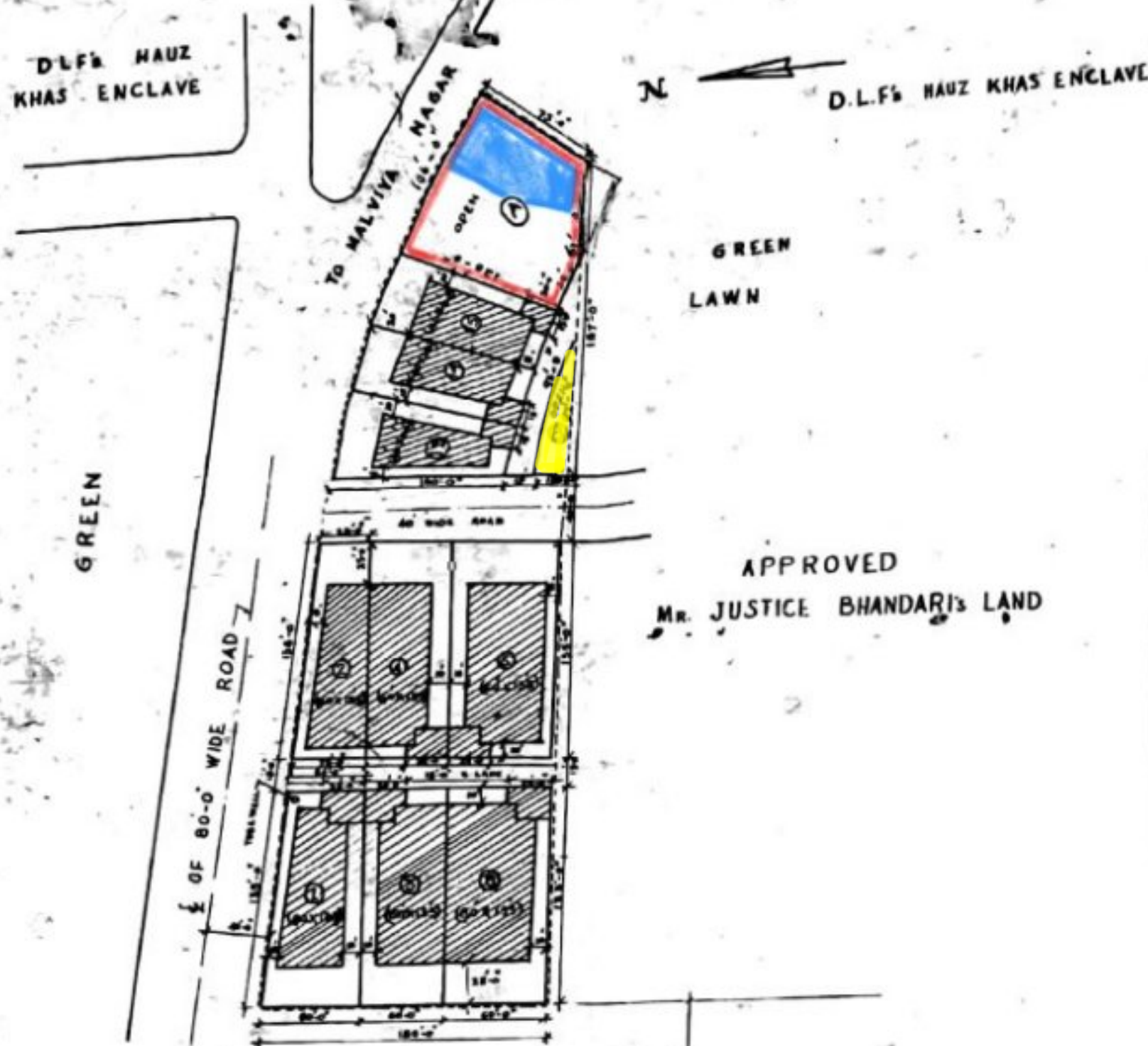


CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT/EXECUTANT WHO IS SEEMED PERFECTLY TO UNDERSTAND AFFIRMED & DEPOSED BEFORE ME AT NEW DELHI  
*Adv. Pooja Kalra*  
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE  
KAMLESH BHANDARI TRIPATHI Advocate Reg. No. 16924  
NOTARY PUBLIC (C.L. DELHI)

15 / NK 25 / 042

20 FEB 2025

# ANNEXURE A-- 6



**REFERENCES**

TOTAL AREA OF LAND = 5866 sq Yds OR 133 ACRES

AREA UNDER PLOTS = 5657 sq Yds

AREA UNDER ROADS = 203 sq Yds

AREA UNDER LAWNS (A+B) = 1132 sq Yds

TOTAL NO. OF PLOTS = 5

PLOT NO.	NOS. OF PERSONS.
1, 3, 5	76.5
2, 4, 6	47.5
13, 14, 15	58.5
TOTAL	182.5
SAY - 183 DENSITY - 100	

**NOTE:-**

SIZE OF PLOT	GARAGE
MORE THAN 600 sq Yds.	25'-0" X 20'-0"
LESS THAN 600 sq Yds.	15'-0" X 20'-0"

**SET BACK PLAN OF KAUSHALAYA PARK (PART - I) NEAR HAUZ-KHAS ON MEHRAULI ROAD NEW DELHI BELONGING TO SH. R.P. KARUR (GROUP).**

**JAIN, SHARMA & ASSOCIATES**  
 ARCHITECTS, ENGINEERS & PLANNERS  
 3 NETAJI SUBHASH MARG DELHI-6

DEMARICATION CUR SET BACK PLAN OF KAUSHALAYA PARK FOR THE PORTION OWNED BY SH. H.P. KAPOOR & OTHERS APPROVED BY THE D.C.U. ITEM No. 518/72 DATED 16/11/72

*J.R. Karur*  
 JR. TOWN PLANNER

*Jain, Sharma & Associates*  
 TOWN PLANNER

- NOTES:-**
- BUILDING ACTIVITY PERMITTED VIDE D.C.U. ORDER No. DATED SUBJECT TO THE FOLLOWING CONDITIONS.
- The coloniser agrees to fix a chlorination plant on the site with premises before the water is released for drinking purposes or, as alternative, to agree to deposit the cost of Rs. 7000/- for the plant with W.S. & C.D. undertaking.
  - The position of 15' dia distribution main feeding to the HAUZ-KHAS and Malviya Nagar is crossing the lead of the colony at a distance of 7' 0" from the corner. This position of line is not interfering with the actual building construction of the colony. The coloniser agrees to allow the departmental shift for repair of the line as & when required.
  - An area of 1000 sq. yds reserved for the purpose of park and open space is a portion of the colony is treated under W.C. D. from of col.

*J.R. Karur*  
 J.R. (L) Planner

*Jain, Sharma & Associates*  
 T.P.

DRG NO TP/AC/4111 DATED 16/11/72  
 SIZE 1/16 A 42" x 60" x 54"

DRG No 4111  
 TP/AC

Attended  
*hussain*  
 16/2/2020

BHARAT BHUSHAN  
 Chief Town Planner/SDMC  
 J.L.N. Marg, Civic Centre,  
 New Delhi-110 002

दिल्ली नगर निगम  
सदन एवं सभिति अनु-भाग

क्रमांक: 954-संसो/स्था0

दिनांक:

11/3/72  
स्थायी सभिति का प्रस्ताव संख्या 954 दिनांक 11/3/72

शोपन कार्यालय को आगामी कार्यवाही हेतु रखा जाना है। इस विषय

की (1) फाइल/कॉपी :-

- १- स्लैमन हैं।
- २- शोपन कार्यालय को दिनांक को रोज दी गई थी।
- ३- शोपनो समा मवन में दे दी थी।

श्री. वि. लाल मिश्रा  
अधीक्षक (संसो) 20/3/72  
सायुक्त कार्यालय

श्री. ए. ए. ए.  
दिल्ली नगर निगम, दिल्ली।

Attended  
Kushal  
14/5/2020

SHARAT BHUSHAN  
Chief Town Planner/SDMC  
J.L.N. Marg, Civic Centre,  
New Delhi-110 002

दि० 11-2-72 को हुई नगर निगम को सभा  
२-११-७१ समिति

प्रस्ताव सं० 954 को प्रतिलिपि।  
मद सं०

86 Layout plan of Kaushalya Park and allowing 18  
of building activity.  
Commissioner's letter No. 84/C & C dated  
17-1-72.

(Circulated herewith)

Item No. 86 :—Layout plan of Kaushalya Park and allowing  
of building activity.

Commissioner's letter No. 84/C&C dated 17-1-72.

The Standing Committee vide its resolution No. 119 dated  
15-7-71 referred the case back and desired that the case be  
put up again after obtaining legal adviser's opinion with regard  
to the implementation of the judgment of the High Court and  
also the advisability of filing an appeal in the Supreme Court  
(Copy of the resolution placed at appendix 'A').

Admitted  
16/2/72

BHARAT BHUSHAN  
Chief Town Planner/SO, C  
A-11, Marg, Civil Centre,  
New Delhi-110 002

Shri S. S. Chadha, Advocate, who had filed an application in the High Court for permission to file an appeal has intimated that the High Court has not granted permission to file an appeal to the Supreme Court in this case. The brief history of this case is as under :—

1. The revised layout plan of Kaushalya Park Colony for an area measuring about 4.2 acres was rejected by the Standing Committee vide resolution No. 1519 dated 9-2-62.
2. The owners filed writ petition against the orders of the Standing Committee. The writ was decided in favour of the owners vide judgment of High Court dated 7-10-65.
3. The Municipal Corporation and Delhi Administration filed an L.P.A. in the High Court which was again decided in favour of the owners vide High Court judgment dated 1-12-69.

Shri R. P. Kapoor who jointly owns nearly half portion of the land of this colony with Mrs. Kaushalya Devi and others has been pressing for permission for building activity in their portion of the colony. The remaining portion of the colony was owned by Mrs. Justice Bhandari's family and has already been notified for acquisition u/s 6 whereas the land owned by Shri R. P. Kapoor and Smt. Kaushalya Devi and others stands notified u/s 4.

Normally, the building activity in a colony is allowed after the services have been completed by the owner as per the approved layout plan/services plans. The request of Shri R. P. Kapoor for allowing building activity in the portion of the colony was referred to the Standing Committee vide letter dated 29-5-69 which was rejected by Standing Committee vide resolution No. 253 dated 9-6-69.

Shri R. P. Kapur has also filed a writ petition against the Municipal Corporation in the High Court which is still pending.

Now Shri R. P. Kapur vide his letter dated 21-12-71 has requested for the approval of modification in the layout plan of the land owned by him and Smt. Kaushalya Devi and allowing building activity. The copy of the letter is placed at appendix 'B'. In his letter he has agreed to the following points :—

1. To leave the proportionate open area in the colony.

Accepted  
16/1/2000  
BHAVAT PRISHAN  
Chief Executive Officer  
J. C. Park, New Delhi  
New Delhi-110 002

2. To withdraw the writ petition which he had filed against the Corporation in the High Court.
3. To develop the portion of land owned by him and Mrs. Kaushalya Devi and others as per the approved layout plan/services plan and to the satisfaction of the Corporation.

The request of Shri R.P. Kapur has been examined by the Town Planner and the Legal Adviser. The L.A. has opined that there should be no objection to agree to the request of R.P. Kapur to allow building activity in the portion of the colony provided services as per approved services plans and specifications are laid by him and as agreed to by him proportionate open space is provided out of the portion of the land owned by him and Mrs. Kaushalya Devi and others. The Town Planner also agrees with the above and with the proposed layout plan submitted by Shri Kapur.

In view of the above the case is placed before the Standing Committee for consideration of the request of Shri R.P. Kapur for approval to allow construction in the portion of the colony subject to the following conditions :—

1. The applicant shall obtain clearance from Lands & Buildings Department of Delhi Administration that the land is free from the notification for acquisition before building activity is allowed.
2. Complete services as per services plans/layout plan for portion of the colony are laid to the satisfaction of the Commissioner.
3. An area of 1070 sq. yds. is reserved for the purpose of park and open space in the portion of the colony and is handed over to Municipal Corporation of Delhi free of cost at the time of handing over of the services of the colony to Municipal Corporation of Delhi.

#### APPENDIX 'A'

Copy of the Resolution No. 119 of the Standing Committee held on 15-7-71.

Subject :—Layout plan of Kaushalya Park Colony.

Commissioner's letter No. 933/C&C dated 24-5-71.

This case was previously considered by the Standing Committee vide its resolution No. 1254 dated 10-12-70 and the decision taken is as under :—

“Resolved that as mentioned in Commissioner's letter No. 207/C&C dated 30-1-70, the case regarding allowing of building

*M. K. Singh*  
*16/5/2010*  
 URBAN PLANNING  
 Civil Town Planner/SO  
 P. N. Singh, Chief Engineer  
 New Delhi-110 002

activity in a part of Kaushalya Park Colony be referred back for further report."

The copy of the above resolution is placed at Appendix 'A' for ready reference.

In view of the discussions held in the Standing Committee the desired report is submitted as under :—

1. Shri R.P. Kapur has filed a writ petition, which is still pending in the High Court.
2. The land under the portion of colony in which Shri Kapur requested for permission for construction has been notified under section 4 of the Land Acquisition Act vide notifications dated 4th July, 1970.
3. The building activity in the colony was never allowed.

In view of the above, the case is put up to the Standing Committee for information and consideration please.

### ANNEXURE 'A'

Subject :—Layout Plan of Kaushalya Park Colony.

Commissioner's letter No. 207/C&C dated 30-1-70.

Vide my letter No. 698/C&C dated 20th May, 1969, I had put up a note to the Standing Committee regarding the above mentioned colony. A representation of Shri R.P. Kapur was also placed before the Standing Committee alongwith the above said note. The Standing Committee vide their resolution No. 253 dated 9th June, 1969 resolved as under :

Resolved that keeping in view the position as explained by the Commissioner that the High Court had issued a directive in this case, the request to allow the building activity in a part of Kaushalya Park be rejected."

Copy of the above mentioned resolution is placed at Appendix 'A' for ready reference.

The High Court of Delhi has now finally given the judgment for the letter Patent Appeal that had been filed by the Corporation and also the letters Patent—Appeal that had been filed by the Delhi Administration. A copy of the judgment of the High Court as supplied by Shri R.P. Kapur is enclosed as Appendix 'B'.

*Handwritten notes:*  
 Attached copy of judgment of High Court of Delhi dated 16/11/70

Legal Adviser's opinion is being obtained on the judgment of the High Court as mentioned above with respect to the procedure to be followed for implementation of the judgment of the High Court and also with a view to filing an appeal in the Supreme Court and obtaining a Stay Order against the operation of the judgment of the High Court.

The case is put up to the Standing Committee for information please.

Resolution No. 119 of the Standing Committee dated 15-7-71.

Resolved that the information contained in Commissioner's letter No. 933/C&C dated 24-5-71 regarding Layout Plan of Kaushalya Park Colony be recorded.

Resolved further that the case be reported back within 15 days after obtaining Legal Adviser's opinion, with regard to the implementation of the judgment of the High Court and also the advisability of filing an appeal in Supreme Court.

#### APPENDIX 'B'

101-B Vithalbai Patel House  
Rafi Marg,  
New Delhi-1.  
December 21, 1971

R. P. Kapur,  
I.C.S. (Retd.)  
Phone : 383331

Without Prejudice

The Commissioner,  
Municipal Corporation of Delhi,  
Town Hall, Delhi.

Sir,

In continuation of my letter dated 9-10-70 addressed to the Chairman Standing Committee, Municipal Corporation of Delhi, and with reference to the meeting held on 21-10-70 in the office of the Mayor, M.C. of Delhi, the following compromise formula as worked out may be placed before the Standing Committee for approval :—

- (i) That out of the total area of Kaushalya Park Colony (measuring 20314 sq. yds.) the area belonging to me, my sons, daughter, wife and mother-in-law comprising plot Nos. 1 to 6 and 13 to 17 and measuring 8606 sq. yds. may be treated separately for the purpose of development and construction.
- (ii) I agree to leave aside an area of 1070 sq. yds. for purposes of park and open spaces. To achieve this

Attested

16/3/2020

VITHALBAI PATEL  
Chief Executive Officer  
11-B, RAFI MARG, CIVIL SERVICES  
New Delhi-110 002

verted into open space. Besides area of plot Nos. 13, 14 and 15 will also be proportionately adjusted.

(iii) In the matter of laying of the services, if any deficiencies are found I shall remove and rectify the same. I shall deposit with the Corporation the amount of deficiencies worked out by the Corporation as soon as this compromise formula is approved by the Standing Committee. This amount will remain in deposit with the Corporation by way of security for the due performance of my undertaking in this behalf and will be refundable to me as soon as the aforesaid deficiencies have been removed and rectified.

2. I am writing this for myself as well as on behalf of the other owners, namely, my wife, my sons, daughter and mother-in-law. A letter of authority authorising me to act on behalf of and binding my wife, sons and mother-in-law in the matter of this compromise formula is enclosed. A similar letter from my daughter, at present out of station, will be sent later.

3. Upon the approval of the above formula by the Standing Committee, all disputes so far pending between me, my wife, sons, daughter and mother-in-law on the one part and the Municipal Corporation of Delhi on the other thus far shall be deemed to have been resolved amicably and as the Delhi High Court has posted the connected writ to 5-1-1972, every effort will be made to obtain the approval of the Standing Committee to the above terms before 5-1-1972.

Yours faithfully,  
Sd/-  
(R.P. Kapur)

Item No. 86 :

Resolution No. 954 Resolved that as recommended by the Commissioner in his letter No. 84/C&C dated 17-1-1972, revised layout plan of the portion of Kaushalya Park owned by Shri R.P. Kapoor, Smt. Kaushalya Devi and others be sanctioned and building activity therein be allowed subject to the conditions mentioned in his letter referred to above.

*Admitted*  
*10-1-72*  
11/11/72  
Municipal Corporation of Delhi  
11, B. Road, Connaught Place  
New Delhi - 110028



Orders

• IN THE HIGH COURT OF DELHI AT NEW DELHI

+ FAO 82/2004 & CM 3522/2004

SHAN MOHD & ORS. .... Appellants  
Through Mr. O.P.Verma, Advocate.

versus

MCD & ORS. .... Respondents  
Through Mr. Manu Mridul, Advocate for R-1.  
Mr. Ashok Bhasin, Advocate for R-2 - R-10.

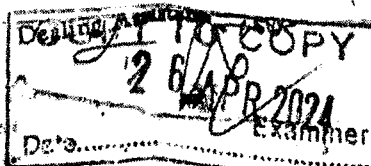
**CORAM:**  
**HON'BLE MR. JUSTICE R.S. SODHI**

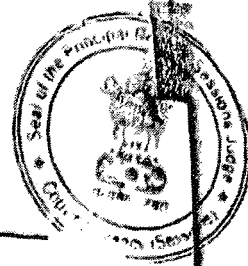
**ORDER**  
**30.07.2004**

%

This appeal is directed against the order 25.02.2004 of the Additional District Judge, Delhi in Suit No.115/2003 whereby the learned Judge has dismissed the application of the appellant under Order 39 Rule 1 & 2 CPC in respect of premises bearing no. 16/17, Kaushalya Park, New Delhi.

It is contended by counsel for the appellant that in the suit pending before the trial court the issue whether the suit is maintainable or not is being heard, final arguments have been addressed and the Judgment in respect thereto is awaited. He submits that in the event the trial court holds that the suit is





Orders

:2:

FAO 82/2004

maintainable then the question of injunction under Order 39 Rule 1 & 2 CPC would arise. In the event the trial court holds that the suit is not maintainable the question of carrying on the application under Order 39 Rule 1 & 2 CPC would not arise.

In this view of the matter, having heard counsel for the parties, F.A.O.82/2004 is disposed of with an order of status quo to await the judgment of the trial court in Suit No.115/2003. The fate of the status quo order would be governed by the judgment of the trial court. CM.APPL. 3522/2004 also stands disposed of.

M

JULY 30, 2004  
bp

R.S. SODHI, J

sd/-  
Tone Copy  
Examiner



TRUE COPY

25 APR 2004  
TRUE COPY  
Sealing  
Examiner

IN THE HIGH COURT OF DELHI AT NEW DELHI

**FAO 82/2004 and CM 3522/2004**

SHAN MOHD. and ORS. .... Appellants  
Through Mr. O.P.Verma, Advocate.

versus

MCD and ORS. .... Respondents

Through Mr.Manu Mridul, Advocate for R-1.  
Mr.Ashok Bhasin, Advocate for R-2 - R-10.

**CORAM:**  
**HON'BLE MR. JUSTICE R.S. SODHI**

**O R D E R**  
**30.07.2004**

This appeal is directed against the order 25.02.2004 of the Additional District Judge, Delhi in Suit No.115/2003 whereby the learned Judge has dismissed the application of the appellant under Order 39 Rule 1 and 2 CPC in respect of premises bearing no. 16/17, Kaushalya Park, New Delhi.

It is contended by counsel for the appellant that in the suit pending before the trial court the issue whether the suit is maintainable or not is being heard, final arguments have been

addressed and the Judgment in respect thereto is awaited. He submit that in the event the trial court holds that the suit is maintainable then the question of injunction under Order 39 Rule 1 and 2 CPC would arise. In the event the trial court holds that the suit is not maintainable the question of carrying on the application under Order 39 Rule 1 and 2 CPC would not arise.

In this view of the matter, having heard counsel for the parties, F.A.O.82/2004 is disposed of with an order of status quo to await the judgment of the trial court in Suit No.115/2003. The fate of the status quo order would be governed by the judgment of the trial court. CM.APPL. 3522/2004 also stands disposed of.

Sd/-  
R.S. SODHI, J  
JULY 30, 2004

**“True typed Copy “**

TRUE COPY

