

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

IN

Original Application No.914/2022

Kamlesh Jonwal  
Versus

...Applicant

Uday Punj & Ors.

...Respondents

INDEX

S.NO.	PARTICULARS	PAGE NO.
1-	Reply Affidavit by Applicant to the Status Report Cum Affidavit filed by Respondent no. 2 (DDA).	827- 832
2-	PROOF OF SERVICE	833

FILED BY:



ANKIT RAJ

ADVOCATE FOR THE APPLICANT

A13, LGF, LAJPAT NAGAR III, 110024

[Email-adv.ankit.mail@gmail.com](mailto:adv.ankit.mail@gmail.com)

Ph- +91-9968368407

ANKIT RAJ

Advocate

A-13, LGF, Lajpat Nagar-III

New Delhi-110024

Mob. No. 9968368407

Email: [adv.ankit.mail@gmail.com](mailto:adv.ankit.mail@gmail.com)

New Delhi

Dated- 7.08.2024

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

827

IN

Original Application No.914/2022

Kamlesh Jonwal

...Applicant

Versus

Uday Punj & Ors.

...Respondents

**REPLY AFFIDAVIT BY APPLICANT TO THE STATUS  
REPORT CUM AFFIDAVIT FILED BY RESPONDENT NO.  
2 (DDA) DATED 30.07.2024.**

I, Richa Jain, D/o \_Mr. Niradesh Kumar Jain, aged about 38 years  
R/o Flat no.243 Kaveri Apartment, D-6, Vasant Kunj, New Delhi-  
110070, do hereby solemnly affirm and declare as under:

1. That I am presently working as the Vice-President of Kaveri RWA, D-6, Vasant Kunj, of the Applicant RWA society, and as such I am conversant with the facts of the case and competent to depose to the same by way of present Affidavit on behalf of the Applicant RWA Society.
2. That the present affidavit is filed in pursuance to the order of this Hon'ble Tribunal dated 31.07.2024.
3. That as per the affidavit cum status report filed by DDA on 31.07.2024 wherein it is stated as under:

...

*(5) That as per the Status Report dated 13-12-2023 filed by the Respondent No. 2/DDA in the matter, as per TSS plan prepared by the Joint Committee, the position of the land which is the subject matter of case is as follows:*



"Site 01 (Area under Green):

This site is adjacent to service road connecting Exit gate (Kaveri Apartment) and Vasant Kunj Road and in the right while going towards Exit gate (Kaveri Apartment). Area measuring 384.88 sqm in Khasra No. 93 and 989.37 sq. in Khasra No. 87 is under Green Belt. Photos of this site is also enclosed.

Site 2 (Area under Green):

This site is adjacent to service road connecting Exit gate (Kaveri Apartment) and Vasant Kunj road and in the left while going towards Exit gate (Kaveri Apartment), Area measuring 1159.648 sqm in Khasra No. 87 is under Green belt.

Site 03 (Area under Pump House, Kaveri apartment):

Area measuring 587.134 sqm is under pump house in Khasra no. 87 min, 88 min & 93 min.

Site 04 (Area under Barat Ghar, Kaveri apartment):

Area measuring 1601.024 sqm is under Barat Ghar in Khasra No. 88 min, 89 min and 93 min.

Site 05 (Area under DDA market):

Area measuring 1168.020 sqm is under DDA market in Khasra no. 88 min & 89 min.

Site 06 (Area proposed for Police Station):

Area measuring 12326.05 sqm in Khasra no. 86 min, 88 min & 67 min is lying vacant at the site and is partly under green.

(6) That as per the land records of the DDA, Khasra No. 480/396/87(3-12), 479/396/87(3-12), 86(9-12), 88(9-17), 398/329/93/2(9-11), 330/93(4-17) and 67(12-03) of Village Masoodpur was acquired vide Award No. 90/80-81 and physical possession of area 08 bigha 02 biswa of Kh.no 67, 398/329/93/2min(08-09) and 330/93(4-17) was handed over to DDA by LAC/L&B Dept. GNCTD on 29-12-1980 and Khasra no. 480/396/87(3-12), 479/396/87(3-12), 86(9-12), 88(9-17) and



67 min(04-01) was handed over to DDA by LAC/L&B GNCTD on 21-04-2007. An amount of Rs 17,37,385/- and Rs 10,000,00/- was paid by DDA to L&B Dept. GNCTD against the said award vide cheque no. 908137 & 906691 dated 09-01-1981.

7. That as stated in the carlier submission dated 08-01-2024. it is respectfully stated that:

"2. The Respondent No. 2/DDA respectfully places the following submissions for the kind consideration of this Hon'ble Tribunal:

a. That the land, on which the Barat Ghar, Pump House, Road and Green belt is developed, was taken over physically by the Respondent No. 2/ DDA on 21.04.2007 and 29.12.1980 from the LAC/Land & Building Department, GNCTD.

b. That the Barat Ghar, the Pump House, Road and the Green belt has been developed by the Respondent No. 2/DDA after approval of Facilities Plan of Kaveri Apartment by the HUPWCOORDINATION (DDA) in its 284th Screening Committee vide Item no. 148 in the year 2009.

c. That as per said Facilities Plan of Kaveri Apartment:

A) total area measuring 3430 sqm was approved for facilities of the Kaveri Apartments, whose further approved area utilization is as under:

i) total area measuring 1100 sqm was approved for C.S.C (Commercial Shop Centre) and is currently existing as DDA market at site.

ii) total area mneasuring 1700 sqm was approved for Community Hall and is currently existing as Barat Ghar at the site.

iii) total area measuring 630 sqm was approved for Pump House & UGR and is currently existing as Pump House.

B) total area measuring 3665 sqm was under the Green cover.

C) total area measuring 9360 sqm was under the Road."

8. That the green belt on Kaveri Apartments exit gate road, as



per record, in 02 patches/ portions, one each on either side of the road, marked as 'A' and 'B' were received by MCD from DDA by way of Handing Over/ Taking Over dated 31-05-2016 for the purpose of maintaining the same as green belt. The inventory register of Handing over/Taking over in this regard showing the said 02 patches portions is already on record. Thus, the protection of the said green belt from encroachment rests with the MCD being custodian of such green belt.

9. That in view of the factual position which has emerged and has been noted down by the Hon'ble NGT in its Orders dated 09-02-2024 and 20-03-2024, the Respondent No. 2/DDA is in the process of filing appropriate application/petition (s) before the Hon'ble Writ Court to point out the misrepresentation done by the Respondent No. 1 while seeking lapsing of the acquisition award in question by way of WP(C) 6390/2014 before the Hon'ble High Court of Delhi.

...

4. It is further submitted that the the Chief Secretary, Govt. of NCT of Delhi vide his affidavit dated 16.07.2024 as categorically stated as under:
2. That on the previous date this Hon'ble Tribunal directed the interim directions on the four points. The reply of the interim direction is as under:
- (i) xxx
- (ii) xxx
- (iii) (a) The possession of the land on which Barat Ghar, pump house and road were constructed and on which green belt was developed was acquired vide award 90/1980-81 and the possession of the same was handed over to DDA vide possession proceedings dated 21.04.2007 (as Annexure B) and since then DDA is land owning agency.



(b) ...  
 (C) Disciplinary Authority has ordered for enquiry into the matter (as Annexure C).

(d) The kind has been acquired and already handed over to DDA. DDA, further handed over to MCD as park. Currently, MCD os maintains the green belt at Kaveri Apartment.

3. DDA has been requested to protect the acquired land from unauthorised construction and encroachment as the possession continues to be with DDA (As Annexure D).

...

5. It is humbly submitted that the Respondent no. 1 has illegally constructed walls in the areas mentioned hereinabove at Para 3, and has made illegal endorsement on the walls that the said land belongs to the Respondent no. 1.
6. That in the light of the submissions made by the Respondent no. 2 (DDA) vide its affidavits dated 13.12.2023, 08.01.2024 and 30.07.2024 and the Chief Secretary, Govt. of NCT of Delhi vide his affidavit dated 16.07.2024 it is respectfully prayed on behalf of the Applicant that this Hon'ble Tribunal may be pleased to:
  - a. Issue directions to Respondent No. 2 (DDA) and Respondent No. 5 (MCD) to remove any encroachment/unauthorised constructions in respect to the land as mentioned at para 3 hereinabove duly earmarked as 'Green Belt' Area on both the sides of road near to Exit Gate of Kaveri Apartment, D-6, Vasant Kunj, New Delhi;
  - b. Issue directions to Respondent No. 2 (DDA) and Respondent No. 5 (MCD) to file an affidavit of compliance within a time bound manner with this Hon'ble Tribunal;



and/or

- c. Issue directions to the R-5 (MCD) to maintain the Green Belt as mentioned hereinabove; and/or
- c. Pass such other order/s as this Hon'ble Court may deem fit and proper in the interest of justice.



**VERIFICATION**

Verified at New Delhi on this 7 th day of August, 2024, that the contents of paras 1 to 6 of this Affidavit are true and correct to the best of my knowledge based on the relevant records. No part of it is false and nothing material has been concealed therefrom.



**ATTESTE.**  
**NOTARY PUBLIC**  
**DELHI INDIA**

0 8 AUG 2024



Ankit Raj &lt;adv.ankit.mail@gmail.com&gt;

---

**Kamlesh Jonwal vs Uday Punj \_ Affidavit Applicant**

---

Ankit Raj &lt;adv.ankit.mail@gmail.com&gt;

8 August 2024 at 15:35

To: "madhumita@casassociates.in" &lt;madhumita@casassociates.in&gt;, sameer@casassociate.in, Kritika Gupta &lt;kritika0504@gmail.com&gt;

Dear Madam/Sir,  
Please find attached herewith the affidavit on behalf of the Applicant in the captioned matter.

Please treat the same as service in terms of the NGT Rules.

Regards  
Adv. Ankit Raj  
For Applicant.

\*\*\*

**Confidential: Attorney-Client privileged Communication**

This message contains legally privileged and confidential information and is for the use of the addressee only. If the reader of this message is not the intended recipient, you are hereby cautioned that any dissemination, distribution or copying of this communication is prohibited. If you have received this transmission in error, please immediately notify me by return email and delete this message from your system.

I do not guarantee the security of any information transmitted through email and is not liable for any interception, corruption or delays. Anyone communicating with me by email accepts the risks of email communications and their consequences.



---

**KAMLESH JONWAL VS UDAY PUNJ AND ORS REPLY AFFIDAVIT.pdf**

2263K