

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

EXECUTION APPLICATION NO.5 OF 2024
IN
OA NO. 6 OF 2012

IN THE MATTER OF:

NIZAMUDDIN WEST ASSOCIATION ...APPLICANT

VERSUS

UNION OF INDIA & OTHERS ...RESPONDENTS

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NDOH:01.07.2024

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RESPONDENT NO.3/DDA

Through



Deeksha L. Kakar

COUNSEL FOR DDA

B-6/58, LGF, SAFDARJUNG ENCLAVE

NEW DELHI — 110029.

Ph. 9313119255 |deeksha.kakar@scladi.com

Enrol.No.D/1154/2008

New Delhi

Dated: 27.05.2024

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REPLY ON BEHALF OF RESPONDENT NO.3/DDA TO
THE EXECUTION APPLICATION FILED BY THE
APPLICANT UNDER SECTION 25 READ WITH SECTION
19 & SECTION 20 OF THE NATIONAL GREEN TRIBUNAL
ACT, 2010 FOR SEEKING EXECUTION OF THE ORDER
DATED 13.01.2015 PASSED BY THIS HON'BLE
TRIBUNAL.

MOST RESPECTFULLY SHOWETH:

PRELIMINARY OBJECTIONS / SUBMISSIONS

1. The Application under Reply has been filed under Section 25 read with Section 19 & Section 20 of the National Green Tribunal Act, 2010 for seeking execution of the order dated 13.01.2015 passed by this Hon'ble Tribunal in the above Original Application. The Application is now scheduled to come up for hearing on 25th April, 2024.
2. At the very outset, it is respectfully submitted that the above Execution Application is bad in law and not maintainable. The Applicant has sought execution of the Order dated 13.01.2015.

As such, the Application is barred by law and therefore, liable to be dismissed on this ground alone.

3. At the further outset, it is submitted that the averments and contentions in the Application under reply pertain to the discharge of waste and effluents into the river Yamuna and management thereof, including setup and management of Sewage Treatment Plants (“STP”) and Common Effluent Treatment Plants (“CETP”). The agencies/departments of the Delhi Jal Board (“DJB”), Municipal Corporation of Delhi (“MCD”), Delhi Pollution Control Committee (“DPCC”), Central Pollution Control Committee, Central Pollution Control Board (“CPCB”) along with the Department of Irrigation, NCT of Delhi (“GNCTD”), State of Uttar Pradesh and Haryana are the concerned Respondents responsible for executing the work in respect of the STPs, CETPs and management of the discharge/effluents.
4. The answering Respondent No.3/Delhi Development Authority (“DDA”) has been entrusted with the affirmative duty of removal of debris from river banks and water bodies mentioned in the Petition, near river Yamuna and, secondly, restoration and rejuvenation of the floodplains of river Yamuna, to take immediate and effective steps for repossessing the flood plain area under the unauthorised and illegal occupation of any person and/or any other body. The role of the DDA in respect of the STPs is limited to the allotment of land for the STPs/CETPs, to the concerned authorities mentioned above, for further action.

5. By way of and under various orders/directions passed by this Hon'ble Tribunal in the above Original Application, the DDA has been entrusted with the affirmative duty to protect the River Yamuna, its morphology and its flood plains. It has been directed by this Hon'ble Tribunal on various occasions, that the Yamuna Flood Plains are to be scrupulously and methodically protected and no encroachment or pollution of any kind ought to be permitted therein, that can damage the ecology of the Floodplains
6. In a bid to fulfil this mandate, and in compliance of the various directions, the Restoration and Rejuvenation of the Floodplains of River Yamuna by the DDA has been undertaken with the objective to enhance the ecological character of the floodplains and to make them accessible and attractive to the public. Spreading over a stretch of about 22 kms in the urban context of Delhi from Wazirabad Barrage to Okhla Barrage on both the banks of River Yamuna, these floodplains are divided into ten projects. The total project area being taken by DDA under this Restoration Scheme is approximately 1600 hectares, some of which falls in the jurisdiction of UP Irrigation Department.
7. These Projects are being undertaken by the DDA with the following objectives and aims:
 - i. **Firstly, by protection of floodplains** - by demarcation of the Yamuna floodplains and repossession of the floodplains under encroachment;
 - ii. **Secondly, by restoration of the wetlands** - by deepening and enlarging the existing depressions and creation of wetlands;

iii. **Thirdly, by attempting to build a connect for the general public with the Yamuna River** - by means of providing public spaces connected with kaccha pathways, cycle tracks and seating areas in the Greenways, for recreation of public at large.

8. The above Restoration scheme for the Projects of the Yamuna Floodplains includes development of:

- **Green buffer areas:** Upto 300 mts wide along the river planted with species of riverine ecology;
- **Greenways:** which are a belt of about 100-150 mts along the peripheral roads/embankments for development of public amenities with continuous trail of kaccha pathways and cycle tracks throughout its extent;
- Variety of **open spaces** for passive activities along these trails;
- **Restoration and deepening of the existing depressions/wetlands and creation of new wetlands** wherever feasible for the catchment of floodwaters;
- **Floodplain forests and grasslands** of native origin conducive to floodplain ecology, around these wetlands and trails;
- **Constructed wetland systems** for treatment of waste water out falling into Yamuna at feasible locations;
- **Creation of biodiversity parks** at various locations in the floodplains beneficial for native flora and fauna by creating a variety of habitats.

9. The DDA has in furtherance of its objective for restoration and rejuvenation of the flood plains, undertaken the following:
- a. cleaning of the Yamuna flood plains and constant monitoring to ensure the maintenance of cleanliness;
 - b. Removal of encroachment and constant monitoring for encroachment on the lands of the flood plains.
10. The details of the Projects being taken by the Respondent No.3/DDA for Restoration of the Yamuna Floodplains by DDA are as follows:
- i. **Asita East** - Old Railway Bridge to ITO Barrage (Eastern Bank)
 - ii. **Kalindi Aviral** - Nizamuddin Bridge to DND Flyway (Western Bank)
 - iii. **Kalindi Biodiversity Park**- DND to Kalindi By-pass (Western Bank)
 - iv. **Asita West**- Old Railway Bridge to ITO Barrage (Western Bank)
 - v. **Amrut Biodiversity Park** – New Railway Line to Nizamuddin Bridge (Eastern & Western Banks)
 - vi. **Ghat Area** – Wazirabad Barrage to Old Railway Bridge (Western Bank)
 - vii. **Yamuna Vanasthali** – Wazirabad Barrage to ISBT Bridge (Eastern Bank)
 - viii. **Mayur Nature Park** – Nizamuddin Bridge to DND Flyway (Eastern Bank)
 - ix. **Eco-tourism area** – Geeta colony Bridge to ITO Barrage (Western Bank)
 - x. **Hindon Sarovar** - Nizamuddin Bridge to DND Flyway (Eastern Bank)

11. That approximately 15700 trees of native varieties and about 64.72 Lakhs riverine grasses have been planted till date in the 200 Ha area. The area has restored wetland of about 68 acres of existing depressions area. It is further currently augmenting more than 158 million litres of water during peak monsoons. This wetland is planted with riverine native grasses of the Yamuna floodplains strategically planted along its periphery. The edge of the wetland towards the public zone is kept visually open and benches are placed at view points for the public to enjoy bird watching. It has waterbodies and marshy areas along with grass land and forests, which is rich in biodiversity.
12. Further, vide order dated 5th March, 2020, passed after consideration of Yamuna Monitoring Committee's (YMC) 3rd report dated 05.02.2020, this Hon'ble Tribunal recommended a single agency to deal with control of pollution in all the drains of Delhi and also a single coordinating authority, i.e. DDA for:
 - Protection of the flood plain;
 - Creation of wetlands at identified locations;
 - Demolition plans and action taken to retrieve flood plain land and free from encroachments;
 - Enforcement against vehicles dumping debris in and around the flood plain;
 - Progress on financial devolution by the State of Uttar Pradesh on DDA to undertake;
 - Floodplain rejuvenation on the Eastern bank of the river;

- Progress of 10 identified projects which DDA had undertaken to complete by specific dates;
- Tree plantation drives.

13. It is submitted that pursuant to the order of this Hon'ble Tribunal dated 09.01.2023 passed in OA No.21/2023, a High Level Committee (HLC) was constituted for supervising the Restoration and Rejuvenation project for the river Yamuna. The HLC was directed to be headed by the Hon'ble Lt. Governor. By an Order of the Hon'ble Supreme Court passed in Civil Appeal Diary Number 22325 of 2023, there was a stay on the direction of this Hon'ble Tribunal to the extent of the Hon'ble Lt. Governor being the member and chairman of the HLC, however the HLC continues to function, which convenes regularly to seek the progress reports on the ongoing projects from the Respondent/DDA and other agencies, departments and government representatives.

14. The record of work done by the DDA is placed before the HLC from time to time, prior to the scheduled meetings. The latest monthly progress report was submitted on 31st January 2024, in respect of 10 projects taken up by the DDA, for the Rejuvenation and Restoration of Yamuna Flood Plains. DDA is further continuously undertaking demolition drives in different areas of the Yamuna Flood Plain. Further, DDA has initiated proposals for proper fencing at Yamuna Flood Plains. The Proposal for fencing around all the projects is currently under the tender process. The proposal for Amrut Biodiversity and Vatika projects is in advance stage. The details/record of the status of the said ten projects being

undertaken by the answering Respondent are annexed hereto as Annexure "R-1".

15. The continuing action plan for the Rejuvenation of river Yamuna was discussed and the progress of various projects was reviewed by the HLC in its meetings held in the past. Various minutes of meetings have already been submitted before this Hon'ble Tribunal from time to time. The last meeting of the HLC was held on 10.01.2024, with discussions on the progress of the following:

- i. 100% Treatment of Sewage.
- ii. Trapping of drains
- iii. Sewerage Network in Unauthorised Colonies and JJ Clusters
- iv. Industrial Effluent Management by CETPs.
- v. Faecal Sludge (Septage) Management
- vi. Regulation of Floodplains
- vii. Utilization of Treatment wastewater from STPs
- viii. Other issues.

16. There are 22 drains which are out falling into river Yamuna in Delhi. It was submitted that due to the coordinated action taken by the various concerning departments, nine drains have been tapped with no flow having been observed. There is also partially trapping of the two other drains. The trapping of the large drains at Najafgarh and Shahdara was not found feasible and they have been included in the Interceptor Sewer Project of the DJB. From the data presented before the HLC by the concerned agencies, there is significant improvement in the water quality of River

Yamuna in respect of parameters COD, BOD and Faecal Coliform, from January, 2023 to December, 2023.

17. With respect to the allotment of land by the DDA, for the construction and setting up of De-centralised STPs (DSTPs), it is respectfully submitted that land has been allotted/being allotted in respect of 34 DSTPs and in 6 cases land is left to be allotted to DJB by DDA. Out of the total nine (09) cases for allotment of land to DJB for STP/SPS, which are being monitored in the High Level Committee, allotments have been done in five (05) cases and **allotments in four (04) cases are under process**. Summary of the cases is as under:

Sr. No	District	Village/ Capacity	Status as on 08.05.2024
1	New Delhi	Rangpuri 5 MGD STP SPS/Lift Station	Allotment for STP done vide letter dt. 15.01.2024. Allotment of SPS done vide letter dt. 18.03.2024. Payment awaited from DJB.
2	South West	Chattarpur Extension 1.75 MLD for DSTP	Allotment done vide letter dt. 05.03.2024. Payment awaited from DJB.
3	South West	Maidangarhi 4.30 MLD for DSTP	Rectification of TSS is being carried out. Subsequently verification of TSS will be done by the Revenue Department, GNCTD. Thereafter, the case will be processed for allotment.
4	South West	Salahpur Khera 0.5 MGD for Lift station	As decided in the high level meeting headed by Hon'ble LG held on 21.04.2023 wherein it was decided that said water body may be

			handed over to DJB so that DSTP may be installed for the rejuvenation of the water bodies. Engg. Deptt., DDA has taken up the matter with regards to handing over of Water Body.
5	New Delhi	Shahbad Mohammadpur 2 MGD for Lift Station	As decided in the high level meeting headed by Hon'ble LG held on 21.04.2023 wherein it was decided that said water body may be handed over to DJB so that DSTP may be installed for the rejuvenation of the water bodies. Engg. Deptt., DDA has taken up the matter with regards to handing over of Water Body.
6	North West	Adjoining Maharishi Valmiki Hospital, Pooth Khurd Village	Allotted done vide letter dtd 16.10.2023. Upon payment of outstanding dues, the possession letter will be issued.
7	North West	Vijay Colony near Bawana Chowk	
8	North West	Village Mohamadpur Majri District 21 MLD for DSTP	Allotment done vide letter dtd 08.12.2021 and Possession letter issued vide letter dtd 12.01.2024.
9	North	Swatantra Nagar and Bankner village for STP/DSTP in Narela Constituency	Verification of TSS is under process.

18. As such, it is respectfully submitted that sincere and active efforts towards the compliance of the Order dated 13.01.2015 and subsequent orders of this Hon'ble Tribunal has been and continues to be undertaken by the answering

Respondent/DDA. The progress of such efforts and actions is also being monitored by this Hon'ble Tribunal as also the HLC setup by this Tribunal, to ensure strict compliance as well as adherence to the timelines for the various actions. Contrary to the submission under the Execution Application, there is no wilful disobedience on the part of the answering Respondent in complying with any order of this Hon'ble Court, 13.01.2025 or otherwise

PARAGRAPH WISE REPLY:

1-2. The contents of paragraph nos.1-2 of the Execution Application are a matter of record and hence warrant no response.

3-5. The contents of paragraph nos.3, 4 and 5 of the Execution Application are a reproduction of observations and directions under the order dated 13.01.2015 passed by the Hon'ble Tribunal in the above Original Application. Reliance is placed upon the preliminary submissions made hereinabove. It is respectfully submitted that the land has already been allotted/being allotted in respect of 34 DSTPs. Further details in respect thereof have been reproduced in tabular form hereinabove and are not being repeated herein for the sake of brevity. With respect to the treatment/management of the STPs and CETPs, the concerned departments are the DJB, MCD, DPCC, CPCB, GNCTD, State of UP and Haryana.

6. That the contents of paragraph no.6 of the Execution Application are a matter of record and hence warrant no reply.
- 7-8. That the contents of paragraph nos.7 and 8 of the Execution Application are a reproduction of the observations and the directions issued under order dated 13.01.2015 passed by the Hon'ble Tribunal in the above Original Application. Reliance is placed upon the preliminary submissions and the submissions made hereinabove. DDA is further continuously undertaking demolition drives on the Yamuna Flood Plain to make the same encroachment free. Surveillance of the areas is also being undertaken by deploying additional man power, in an effort to ensure the lands cleared are not encroached upon again. The details of encroachment removal drive and demolition drives from August, 2022 to April, 2024 are annexed as **Annexure R-2**. Further, in terms of the recommendations of the HLC, DDA has also initiated proposals for proper fencing at Yamuna Flood Plains. The Proposal for fencing around all the projects is currently under the tender process.
10. That the contents of paragraph no.10 of the Execution Application are a reproduction of the observations and the directions passed under the order dated 02.03.2015 passed by the Hon'ble Tribunal. Reliance is placed upon the submissions made hereinabove which are not being repeated herein for the sake of brevity.
- 11-19. That the contents of paragraph nos.11-19 of the Execution Application are a reproduction of the

observations and directions passed by the Hon'ble Tribunal in the present matter under various orders passed from time to time. The Respondent seek to rely upon the submissions made herein above. It is respectfully submitted that sincere and active efforts towards the compliance of the Order dated 13.01.2015 and subsequent orders of this Hon'ble Tribunal has been and continues to be undertaken by the answering Respondent/DDA. The progress of such efforts and actions is also being monitored by this Hon'ble Tribunal as also the HLC setup by this Tribunal, to ensure strict compliance as well as adherence to the timelines for the various actions.

20. That the contents of paragraphs no.20 of the Execution Application are a reproduction of the observations and directions passed by the Hon'ble Tribunal in the present matter on 06.07.2020. It is submitted, however, that the directions with respect to the DDA under the Order were passed at the relevant time in respect of the request made by the DDA for setting up a dedicated agency for the rejuvenation and restoration of the Yamuna river. However, in compliance of the directions therein, the DDA has made significant progress in its entrusted duty, details of which are mentioned hereinabove and are not being repeated herein for the sake of brevity.

21. With reference to the contents of paragraph no.21 of the Execution Application, it is submitted that the observations and directions passed on 27.03.2015 and 27.01.2021 are a matter of record. The answering Respondent craves leave to refer to and rely upon the said Orders for their true and correct meaning and interpretation thereof.

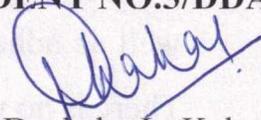
22. That the contents of paragraph no.22 of the Execution Application are false and denied. It is denied that the orders of this Hon'ble Tribunal have not been complied by the answering Respondent, as alleged or for the reasons alleged. The Respondent seeks to rely upon the submissions made herein above. It is respectfully submitted that sincere and active efforts towards the compliance of the Order dated 13.01.2015 and subsequent orders of this Hon'ble Tribunal has been and continues to be undertaken by the answering Respondent/DDA. The progress of such efforts and actions is also being monitored by this Hon'ble Tribunal as also the HLC setup by this Tribunal, to ensure strict compliance as well as adherence to the timelines for the various actions. There is no wilful disobedience on the part of the answering Respondent in complying with any order of this Hon'ble Court, 13.01.2025 or otherwise. It is also denied that orders of this Hon'ble Tribunal have never been complied with, as alleged.

23-25. With respect to the contents of paragraph nos.23, 24 and 25 of the Execution Application, it is once again denied that there is any wilful disobedience or deliberate negligence on the part of the answering Respondent in complying with any order of this Hon'ble Court, as alleged or even otherwise. The management of the discharge of waste and effluents into the river Yamuna, including setup and management of STPs and CETPs is under the jurisdiction of the agencies/departments of the DJB, MCD, DPCC, CPCB, GNCTD, State of UP and Haryana. The role of the DDA in respect of the STPs is limited to the allotment of land for the STPs/CETPs, to concerned authorities mentioned above.

26. The contents of paragraph no.26 of the present Execution Application are false and denied. It is denied that Application is filed within the limitation period prescribed. Under Section 25 of the National Green Tribunal Act, 2010, this Hon'ble tribunal has been entrusted with the power to execute its orders as decree of Civil Court. Applicant is seeking execution of the Order and Judgment dated 13.01.2015 passed by this Hon'ble Tribunal, after more than a period of 9 years. It is thus submitted that the present Application is not maintainable.



RESPONDENT NO.3/DDA



Deeksha L. Kakar
COUNSEL FOR DDA
B-6/58, LGF, SAFDARJUNG ENCLAVE
NEW DELHI — 110029.
Ph. 9313119255 |deeksha.kakar@scladi.com
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New Delhi

Dated: 24.05.2024

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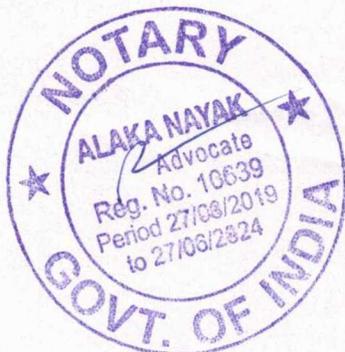
VERSUS

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AFFIDAVIT

I, RAJNISH KUMAR S/o MADAN PRASAD aged about 37 years, currently posted as SUPERINTENDING ENGG. of the Delhi Development Authority, having office at 17th FLOOR, VIRAS MINAR, ITO do hereby solemnly affirm and declare as under:

1. That I am conversant with the facts and circumstances of the case in so far as the same pertains to the Respondent No.3/ DDA and as such am competent to depose with respect hereto.
2. I state that I have read and understood the contents of the Reply and the same are true and correct to my knowledge and as per records maintained by the Dept. and no part of it is false.



Rkumar

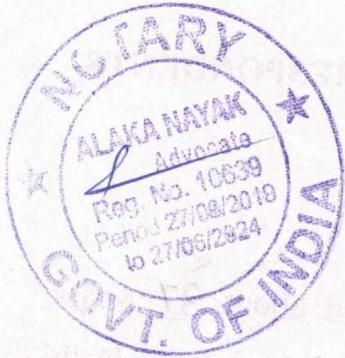
DEPONENT

VERIFICATION:

Verified at New Delhi on this 27th MAY 2024 day of May, 2024 that the contents of the above Affidavit are true and correct to my knowledge based on the records of the Delhi Development Authority. No part of it is false and nothing material has been concealed therefrom.

R Kumar

DEPONENT



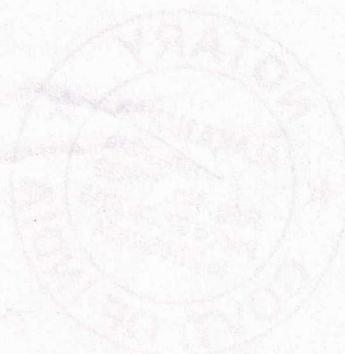
Rahul
I identified the deponent who
is signed in my presence

CERTIFIED THAT THE DEPONENT
Shri/Smt./Km. *Rahul Kumar*
S/o, W/o, P/o

Identified by Shri/Smt./Km. *Rahul Kumar*
This solemnly declared before me at
Delhi on 27 MAY 2024
That the contents of the affidavit which
have been read & explained to him/her
are true & correct to his/her knowledge

27 MAY 2024

NOTARY



DETAILS OF 10 PROJECTS IN RIVER YAMUNA FLOOD PLAIN

1. **Asita (197ha):**
 - **Part A**-Under the jurisdiction of DDA.
 - Work Completed
 - **Part B**-Under the jurisdiction of UP Irrigation Deptt.
 - Progress is 87%
 - Tendering process for Civil works of Plaza & Cafeteria are underway.

2. **Kalindi Aviral (263ha)**
 - **Part A-100 ha**
 - Work completed but Part of Restoration works have been damaged due to ongoing NCRTC works.
 - **Part B-163 ha** inclusive of Baansera (12 ha) (Kalindi Aviral Extension)
 - 12 Ha Baansera is 99% complete.
 - Bridge at small water body work in progress.
 - Children play area & Bamboo Shelter work in process.

3. **Kalindi BDP**-(DND to Kalindi By-Pass-Western Bank) (115ha.)
 - Work is held up due to ongoing NHAI works.
 - Work has been entrusted to CEMDE, Delhi University for the development works.

4. **Yamuna Vatiika (200 ha)**
 - **Part A (93 ha):** Restoration works completed
 - **Part B (107 ha):** Progress 91%
 - Works at floral field in progress.

5. **Amrut BDP**
 - **Part A:** (90Ha): Progress is 90%
 - Construction of Plaza-2 and Nursery in progress.
 - **Part B:** (18Ha): Under planning stage.
 - **Part C:** (8.25Ha)- To be taken by CPWD

6. **Ghats -66ha.**
 - **PART A: 16 Ha (Qudisia ghat):** Progress is 90%
 - The work of parking in progress at Nigam bodh ghat side.
 - The stone work at ghat steps is in progress at site.
 - **PART B: 50 Ha. (Includes Sur Ghat-13.6 Ha, Eco-trail- 33 Ha, Yamuna Bazaar- 3.4 Ha):**
 - Progress is 6%
 - Water body, parking, Eco-trail, Chatris and plantation works.
 - Work of eco trail parking & pedestrian pathway in progress at site.

7. **Yamuna Vanasthali (236.5ha):** Progress is 88%
 - The work of entrance gate is in progress.
 - The repair of pathway is in progress.

8. **Mayur Nature Park (397.75ha; 235ha under DDA) +162.75ha under UP Irrigation Deptt.)**
 - Project is in initial stage.

9. **Eco-tourism (30ha)**
 - Project is in initial stage

10. **Hindon Sarovar (45ha; 15 ha under DDA+ 30 ha under UP irrigation land)**
 - Project is in initial stage.

ANNEXURE -R2

ENCROACHMENT REMOVAL REPORT W.E.F AUGUST 2022 TO 15th April 2024

Sl. No.	Hort. Division	Name of Project/ Location	Total Area	Total area reclaimed (approx.. in Acre)	Total No. of Jhuggies/ Structure/ Dairy Removed	Remarks
1	HCD-10	Asita Part B	107 Ha.	35.52	1468	
2		Asita West (Yamuna Vatika) (Part-A + B)	93+107 = 200 Ha.	14.08	695	
3		Amrut Bio-Diversity (Eastern & Western Bank)	116.25 Ha.	7.79	315	
4		Ghat Area	66 Ha.	5.69	200	
5		Yamuna Vanasthali	236.50 Ha.	17.94	661	
6		Eco-Tourism Area	30 Ha.	2.47	35	
7	HCD-9	Kalindi Aviral Part A+Part B(Baansera)	263 Ha.	14.20	262	
8		Mayur Nature Park	297 Ha.	192.00	6 no. dairy, 3 no. Cricket ground, cultivation and	
9		Hindon Cut	30 Ha.	1.31	20	
10		Kalindi Biodiversity Park	115 Ha.	5.6	250 jhuggies and semi pakka structure	
11		Roop Chand Marg		1	Furniture Market &Jhuggies	
12		Chilla, Mayur Vihar		12	Cricket ground	

Total area reclaimed in acre = 309.60