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BEFORE THE NATIONAL GREEN TRIBUNAL

O.A NO. 809 OF 2022

**IN THE MATTER OF:-**

JAN SEVA WELFARE SOCIETY      ...PETITIONER

VERSUS

GNCTD AND ORS.

...RESPONDENTS

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NEW DELHI

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FILED BY:

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## BEFORE THE NATIONAL GREEN TRIBUNAL

O.A NO. 809 OF 2022

IN THE MATTER OF:-

Jan Seva Welfare Society ...PETITIONER

VERSUS

GNCTD AND ORS. ...RESPONDENTS

AFFIDAVIT ON BEHALF OF THE RESPONDENT 3 /DDA

Affidavit of Sh. Yashpal S/o Padam Singh aged about 44 years presently posted as Deputy Director , Delhi Development Authority, Vikas Sadan, INA, New Delhi..

I, the above named Deponent do hereby in my official capacity solemnly affirm and declare as under;

- A. That at present I am working as Deputy Director, () with the Respondent DDA and as such I am conversant with the facts and circumstances of the present case on the basis of information derived from official records. As such I am competent and authorized to depose the present affidavit for and on behalf of the respondent DDA.

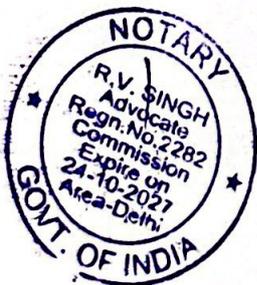
PARAWISE REPLY

1. That the contents of Para 1 merits no reply.
2. That in reply to Para 2, it is humbly submitted that the DDA has been working tirelessly to promote and bring sustainable development to

Delhi. The groundbreaking work done by DDA in the development of the capital cannot be overlooked. The residents of Pitampura have been facing severe mobile connectivity issues and to remedy these issues DDA took the initiative to erect a Mobile Tower, which will provide the residents with good mobile reception and improve mobile connectivity throughout the area.

3. That in response to Para 3 and 4, it is submitted that the qualms of the petitioner regarding the health hazards and ill effects of electromagnetic field ('EMF') radiation on health cannot be received and set about in this case. Moreover, the answering respondent sought clarification from the Department of Telecommunications ('DOT') and received the same via letter dated 04.02.2015. Furthermore, the answering respondent has issued a public notice dated 13.02.2015 in various newspapers such as Nav Bharat, Times of India, Hindustan Times etc. making the general public aware that there are no ill effects of EMF radiation on health. Additionally, there is a comprehensive report available on the site of DDA and DOT regarding EMF radiation for the perusal of the general public. It is pertinent to mention the observation made by the Hon'ble High Court of Delhi in *WP (C) 8661/2015 of Residents Welfare Association Vasant Kunj Vs Union of India and Ors.*, on the same subject matter:

*"...8. This Court cannot, upon being approached by residents or by association of residents, interfere with the works undertaken in accordance with the prevalent policy. In fact, I have asked the counsel for the petitioner that why not all the residents of Sector-C, Pocket-4, Vasant Kunj give up the use of cellular phones, to obviate any threat perception from the use thereof or from the*



*telecom towers essential to enable the use thereof. The counsel for the petitioner has chosen not to give any reply. Citizens not wanting to give up use of cell phones cannot approach the Court to push the towers and antennas essential for use thereof, from their own door steps to another person's door step; if at all they feel that the technology is harmful for them, all they have to do to give up the use of the same and in which case there would also be no need for towers and antennas required to be installed for enabling use thereof..."*



~~Copy of the letter dated 04.02.2015 received from DOT and the public notices published in various newspapers are hereby annexed~~  
as Annexure R-3.

5. DDA is the land-owning agency, which from time to time allotted mobile tower sites in the parks through e-auction on the license fee basis, the towers in question were allotted on E-auction basis to M/s Indus Tower Ltd and M/s Reliance Jio Infocomm Ltd in 2014 for an initial period of 05 years, extended for 15 years.
6. That the contents of Para 6 , need no reply.
7. That the answering respondent has already answered the contents of this Para in previous para's and the averments of the respondent no. 3 are not repeated herein for the sake of brevity and prolixity and the same may be read as part and parcel of the present paragraph.

1. Reply to Grounds :

- A. Towers are allotted through e-auction mode to the highestbidder, there is no illegality here.
- B. DDA has been working tirelessly to promote and bringsustainable development to Delhi. The groundbreaking work done by DDA in the development of the capital cannot be overlooked. Towers were allotted on e-auction basis.
- C. Towers are allotted through e-auction mode to the highest bidder, there is no illegality here.
- D. The respondent no. 3 has already answered the contents of this para in previous paras and the averments of the respondent no. 3 are not repeated herein for the sake of brevity and prolixity and the same may be read as part and parcel of the present para.



- E.** Towers are allotted on auction basis for a limited period on license fee basis.
- F.** It is submitted that the answering respondent has allocated the said space as per the provisions of the Master Plan for Delhi (MPD 2021). The said facility is a "Public Utility" and hence permitted in all use zones.
- G.** It is submitted that the Department of Telecommunication, Government of India has issued a clarification which puts all the apprehensions of the petitioner to rest. It has stated that:
- Radio Frequency (RF) exposures from mobile base stations are much less than from radio, FM radio and television transmissions and it is far too low to produce health hazards.
  - Considering the very low exposure levels and research results collected to date there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks caused adverse health effects. From all evidence accumulated so far, there are no short or long term adverse health effects.
  - No restriction has been imposed on the installation of towers on specific buildings such as schools/hospitals/playgrounds.

Furthermore, Writ Petition (C) No. 8661/2015 of Residents Welfare Association Vasant Kunj Vs Union of India and Ors. where DDA was also made one of the Respondents, on the same subject matter has already been dismissed by the Hon'ble High Court of Delhi.



- H. To J.** The respondent no. 3 has already answered the contents of this para in previous paras and the averments of the respondent no. 3 are not repeated herein for the sake of brevity and prolixity and the same may be read as part and parcel of the present para.
- K.** That the contents of Para K, need no reply.

- 8. That the current status of towers mentioned in the present O.A. is attached herewith as Annexure R-1.
- 9. That the affidavit is submitted accordingly.

*[Signature]*  
 DEPONENT

VERIFICATION: Verified at New Delhi on this day 22 of March, 2023, that the contents of the above paragraphs of the affidavit are true and correct to my knowledge on the basis of information derived from official records and no part of it is false and nothing material has been concealed there from.

*[Signature]*  
 DEPONENT

*[Signature]*  
 D/2150/15  
 I hereby affirm in my presence  
 the contents of the affidavit



Solemnly affirmed before me, read over & explained to the deponent.

*[Signature]*  
 Notary Public, DELHI

22 MAR 2023

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## ANNEXURE RI

Current status of Mobile Towers mentioned in Original Application No. 809/2022 titled Jan Seva Welfare Society v/s GNCTD & others												
Sr. No.	Auction Description	Reservice Price	Monthly License Fee	Concerend Division	E-Auction Date	Vender/Company Name	Possession Date	Site Status	Phase	License fee Status	License Status	
1	DITRIC PARK OPP DELHI JAL BOARD PITAMPURA N. DELHI	60000	61000	DD(Hort.)-II	26.08.2014	Reliance Jio Infocomm Ltd.	04.02.2015	Operational	2014	License fee paid up to Dec.-2020	Expired	
2	DDA MKT LU MKT PITAMPURA, NEAR EB BOX NO-508 N DELHI-88	60000	102000	DD(Hort.)-II	27.08.2014	Indus Tower Ltd.		Operational	2014	License fee paid up to June 2021	Renewed	
3	DISTT. PARK AT SARASWATI VIHAR PITAMPURA	60000	61000	DD(Hort.)-II	27.08.2014	Indus Tower Ltd.		Operational	2014	License fee paid up to June 2021	Renewed	
4	DISTT. PARK AT CHBS PITAMPURA NEAR BRU VIHAR	60000	61000	DD(Hort.)-II	27.08.2014	Reliance Jio Infocomm Ltd.	04.02.2015	Operational	2014	License fee paid up to Dec.-2020	Expired	
5	DISTT. PARK AT SANIK VIHAR PITAMPURA	60000	61000	DD(Hort.)-II	27.08.2014	Reliance Jio Infocomm Ltd.	04.02.2015	Operational	2014	License fee paid up to Dec.-2020	Expired	
6	DISTT. PARK AT HARSH VIHAR PITAMPURA	60000	81000	DD(Hort.)-II	27.08.2014	Reliance Jio Infocomm Ltd.	04.02.2015	Operational	2014	License fee paid up to Dec.-2020	Expired	
7	NHP AT RAJDHANI ENCLAVE PITAMPURA	60000	100000	DD(Hort.)-II	27.08.2014	Indus Tower Ltd.		Operational	2014	License fee paid up to June 2021	Renewed	
8	NHP BETWEEN CHANDER LOK & LOK VIHAR PITAMPURA	60000	67000	DD(Hort.)-II	27.08.2014	Reliance Jio Infocomm Ltd.	04.02.2015	Operational	2014	License fee paid up to Dec.-2020	Expired	
9	NHP P & T COLONY SANDESH VIHAR PITAMPURA	60000	61000	DD(Hort.)-II	27.08.2014	Reliance Jio Infocomm Ltd.	04.02.2015	Operational	2014	License fee paid up to Dec.-2020	Expired	

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