

N.D.H.: 25.07.2025

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

EXECUTION APPLICATION NO. 3 OF 20205

IN

ORIGINAL APPLICATION NO.60 OF 2014

IN THE MATTER OF :

SOCIETY FOR PROTECTION OF CULTURE,
HERITAGE, ENVIRONMENT, TRADITIONS
AND PROMOTION OF NATIONAL AWARENESS
[ALSO KNOWN AS SPCHETNA]

...APPLICANT

VERSUS

DELHI DEVELOPMENT AUTHORITY
AND ANOTHER

...RESPONDENTS

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Place: New Delhi

Date: 16.07.2025

Filed by:-



(GAURAV AGARWAL)
Advocate for Respondent No.2

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REPLY ON BEHALF OF RESPONDENT NO. 2,
M/S JHANKAR BANQUETS

Preliminary Submission :

1. That the instant Execution Application is filed on behalf of the Applicant seeking execution/ compliance of the order of this Hon'ble Tribunal dated 24.05.2024 passed in EA No. 50 of 2023 in OA No. 60 of 2014, along with execution/compliance of order dated 10.07.2015 passed in OA No. 60 of 20214.
2. That by the order dated 24.05.2024 sought to be executed by present proceedings by the Applicant, this Court has passed the direction to DPCC to impose an environment compensation upon the answering respondent for the past violations, complying with principles of natural justice.

3. That at the outset, it is submitted that the cause of action in present Application does not survive any further as the DPCC has issued show cause notice to the answering Respondent on 02.05.2025 whereafter, on 22.05.2025 the DPCC has passed the order imposing Environment Compensation upon the answering Respondent. Thus, the cause of action does not survive any further for the instant application. A true copy of the order passed by the DPCC dated 22.05.2025 is **ANNEXURE R-1**
4. That it is further submitted that the order dated 24.05.2024 is challenged by the answering Respondent before the High Court of Delhi in W.P. (C) 11160 of 2024, Jhankar Banquets v. Delhi Development Authority and Others. The said writ petition is filed primarily on the ground of validity and legality of execution order, passed by the Tribunal seeking compliance/ execution of its direction/ order passed beyond its jurisdiction.
5. That High Court after hearing the answering Respondent has issued notice in the said writ petition on 12.08.2024 with direction to the Respondents therein to file their response. However, since then matter was listed on several occasions but could not be taken up due to paucity of time. A true copy of the order issuing notice dated 12.08.2024 is **ANNEXURE R-2**
6. That the order dated 24.05.2024 being in challenge before the High Court, the present proceedings, seeking compliance of an order sub-judice before the High Court is not justified and legally sustainable. In the event High

Court set asides the order dated 24.05.2025 the answering Respondent would still have to suffer irreparable injury due to the present proceedings.

7. That the Hon'ble Supreme Court has recently observed its displeasure against the continuation of proceeding by the Tribunal during the pendency of the writ petition before the High Court. In case of **State of Himanchal Pradesh v. Yogendra Mohan Sengupta 2024 INSC 30**, the Hon'ble Supreme Court has reiterated the principle of judicial propriety as under :

“108. It could thus be seen that this Court in unequivocal terms held that no Court or Tribunal and for that matter any other authority can ignore the law stated by this Court. It held that such obedience would also be conducive to their smooth working, otherwise there would be confusion in the administration of law and the respect for law would irretrievably suffer. It has been held that the law declared by the higher court in the State is binding on authorities and tribunals under its superintendence and they cannot ignore it. This Court expressed a caution that it had become necessary to reiterate that disrespect to the constitutional ethos and breach of discipline have a grave impact on the credibility of judicial institution and encourages chance litigation. This Court further held that predictability and certainty are important hallmarks of judicial jurisprudence developed in this country, as discipline is sine qua non for effective and efficient functioning of the judicial system.

109. In view of the settled legal position, we are of the view that the continuation of the proceedings by the NGT during the pendency of the writ petitions before the High Court was not in conformity with the principles of judicial propriety. Needless to state that the High Court of Himachal Pradesh, insofar as its territorial jurisdiction is concerned, has supervisory jurisdiction over the NGT. Despite pendency of the proceedings before the High Court including the one challenging the interim order dated 12th May 2022 passed by NGT, the NGT went ahead with the passing of the second order impugned herein.

110. It will also be relevant to refer to the observations of this Court in the case of Raghu Ramakrishna Raju Kanumuru (Member of Parliament) (supra), which read thus:

“13. We are, therefore, of the considered view that it was not appropriate on the part of the learned NGT to have continued with the proceedings before it, specifically, when it was pointed out that the High Court was also in seisin of the matter and had passed an interim order permitting the construction. The conflicting orders passed by the learned NGT and the High Court would lead to an anomalous situation, where the authorities would be faced with a difficulty as to which order they are required to follow. There can be no manner of doubt that in such a situation, it is the orders passed by the constitutional courts, which would be prevailing over the orders passed by the statutory tribunals.”

111. It can be seen from the perusal of the orders of the NGT itself that though the NGT was informed about the High Court being in seisin of the proceedings, it went on to hold that the judgment given by it was binding and therefore, the draft development plan, which in its view, was not in conformity with its judgment, was liable to be set aside.”

8. That it is further submitted that the order of the DPCC dated 22.05.2025 imposing an environment compensation upon the answering Respondent has also been challenged in another writ petition before the High Court. Hence, the legality of the order dated 22.05.2025 being in challenge before High Court, further proceeding in respect of the same order before this Tribunal will be against the principles of judicial discipline.

REPLY ON EXECUTION APPLICATION :

9. OA filed in respect of dispute not covered under section 14 of the NGT Act :

9.1 That the OA was filed alleging illegal transfer of green land to the answering Respondent by the DDA and use of the said land by answering Respondent for marriage and other functions for commercial exploitation. The grounds for the challenge was unauthorized use of district park land in violation of zonal development plan etc.

9.2 That bare persual of the order dated 10.07.2015 shows that the issue raised before the Tribunal in OA was not conforming to the provision of section 14 of the NGT Act providing that :

“14. Tribunal to settle disputes.

(1) The Tribunal shall have the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.

(2) The Tribunal shall hear the disputes arising from the questions referred to in subsection (1) and settle such disputes and pass order thereon.

(3) No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:

Provided that the Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.”

9.3 That for the Tribunal to have jurisdiction over a matter the same is required to have a substantial question of relating to environment and such question shall arise out of implementation of enactment specified in schedule 1. The schedule 1 of the Act provides for the following Acts :

1. *The Water (Prevention and Control of Pollution) Act, 1974;*
2. *The Water (Prevention and Control of Pollution) Cess Act, 1977;*
3. *The Forest (Conservation) Act, 1980;*
4. *The Air (Prevention and Control of Pollution) Act, 1981;*
5. *The Environment (Protection) Act, 1986;*
6. *The Public Liability Insurance Act, 1991;*
7. *The Biological Diversity Act, 2002.*

9.4 That the adjudication done by the Hon'ble Tribunal by the order dated 10.07.2015 was concerning regarding the legality of the answering respondent holding the land in question. The issues framed by the Hon'ble Tribunal were as under :

- “(a) *Whether the letter dated 18.12.2997 would confer any right of license on the third respondent in respect of the green area in the district park to the extent of 18500 sq mt?*
- (b) *Whether the issue raised in this case has already attained finality ?*
- (c) *Whether the third respondent is entitled to exclusive use of 18500 sq mt around Asiad Tower Restaurant for the marriages and parties or the green area is liable to be used by public for recreation also ?*
- (d) *To what other relief parties are entitled to?”*

- 9.5 That from the aforesaid issues framed and the order of the Tribunal passed in OA, it can be clearly ascertained that the dispute was not arising out of implementation of enactment specified in schedule 1. Hence, OA was not within the jurisdiction of the Hon'ble Tribunal.
- 9.6 That in this respect the Hon'ble Supreme Court has held in case of **State of Madhya Pradesh Vs. Centre for Environment Protection Research and Development 2020 (9) SCC 781**

“42. In view of the definition of “substantial question relating to environment” in Section 2(1)(m) of the NGT Act, the learned Tribunal can examine and decide the question of violation of any specific statutory environmental obligation, which affects or is likely to affect a group of individuals, or the community at large.

43. For exercise of power under Section 14 of the NGT Act, a substantial question of law should be involved including any legal right to environment and such question should arise out of implementation of the specified enactments.

44. Violation of any specific statutory environmental obligation gives rise to a substantial question of law and not just statutory obligations under the enactments specified in Schedule I. However, the question must arise out of implementation of one or more of the enactments specified in Schedule I.”

- 9.7 That the aforesaid case was referred and followed in another recent case of **The Auroville Foundation versus Navroz Kersasp Mody & Ors., Civil Appeal No(s). 5781-5782 of 2022, decided on 17.03.2025** wherein the Hon'ble Supreme Court reiterated that :

9. From the above, it is explicitly clear that every question or dispute raised by an Applicant before the Tribunal pertaining to the environment cannot be treated as a substantial question. It has to be a substantial question

relating to environment as contemplated in Section 2(1)(m), and such substantial question must arise out of the implementation of any of the enactment/enactments specified in Schedule I. Though strict law of evidence may not be applicable to the cases filed before the Tribunal, the Applicant has to raise the substantial question in his Application specifically alleging the violation of a particular enactment specified in Schedule I.”

- 9.8 That in light of the above judicial pronouncements, it is humbly submitted the order passed in OA was not arising out of the implementation of any of the enactment/enactments specified in Schedule I, hence the OA was not maintainable and beyond the jurisdiction of the Tribunal. Thus, the order passed on 10.07.2015, in an OA not within the scope of the jurisdiction of Tribunal, is nullity.
10. **OA pertains to dispute relating to transaction for year 1997 and beyond the jurisdiction of the Tribunal u/s 14 as well as s. 15 of the NGT Act :**
- 10.1 That, without prejudice to the submission made in preceding paragraphs, another aspect which this Tribunal failed to consider while adjudicating the OA was that the Tribunal has jurisdiction only to the disputes which fell within the limitation period as provided under section 14 or s. 15 of the NGT Act. Dispute where the cause of action first arose prior to the coming into force of the NGT Act are beyond the limitation of section 14 or 15, as applicable, are outside the jurisdiction of the Tribunal.
- 10.2 That the finding of this Hon'ble Tribunal in review goes to the very root of the dispute explaining lack of jurisdiction in dispute arising much prior to coming into force of NGT.

In review order dated 31.07.2017 this Hon'ble Tribunal has observed that there was jurisdictional bar upon the Tribunal to entertain an appeal/application in respect of transaction that took place much prior to the coming into force of the NGT Act on 18.10.2010. It was held by this Tribunal that :

“21.We must in this regard take into consideration the fact that this transaction took place in year 1997 much before the NGT came in force. It is not in dispute that NGT Act came into force on 18.10.2010 and any order/ direction prior to that is not amenable for appeal etc. before this Tribunal.

22.Similarly the jurisdiction of this Tribunal to consider validity or justification of any transaction under section 14 may also be not legally permissible if transaction is before 2010.In this factual situation we are of the opinion that imposing a ban on Respondent no. 3 to use land in question only for 10 days in a month while allowing the rest of the period of 20/12 for public use is not legally just and if allowed will be in conflict with the earlier part of the order, of this Tribunal.”

10.3 That the aforesaid order clearly suggest that the review was allowed considering that it was not within the jurisdiction of the Tribunal to entertain a dispute which arose between parties much before the coming into force of the NGT. Further, once the Tribunal came to a conclusion in favour of answering respondent, imposing ban was not justified. The Tribunal itself observed a lack of jurisdiction in entertaining the OA.

10.4 That in case of **Central Hospital v. Savita S. Bodke and Others, 1995 (Supp) 3 SCC 439**, the Hon'ble Supreme Court has held against exercising of jurisdiction by Central

Administrative Tribunal in a dispute arising much before its existence. The Hon'ble Court has held that :

“We fail to understand how the Tribunal could have exercised jurisdiction in regard to an event which occurred long before it came into existence and how could it direct payment of salary of staff nurse when she was not qualified to be appointed to the post.”

- 10.5 That in light of the fact of the observation of this Tribunal in review and the observation of the Hon'ble Supreme Court it cannot be denied that the OA raising a dispute regarding the legality of the transfer of land to answering Respondent by DDA vide letter dated 18.12.1997, was beyond the jurisdiction of the Tribunal as the same pertains to a period when the Tribunal was not even in existence. Thus, the Hon'ble Tribunal acted outside the scope of its jurisdiction and hence the order passed is not just illegal but is also nullity.
- 10.6 That there is no provision in the NGT Act that provides for a specific time period within which the dispute arising prior to establishment of the Tribunal can be raised before it. Moreover, section 14 provides limitation of 6 months from the date when cause of action **first arose**. The legislature never intended the Tribunal to have jurisdiction over dispute that have arisen before its coming into force. Hence, with most respect submitted that this Tribunal erred in exercising its powers in a matter not within its jurisdiction.

11. **Direction passed by NGT in OA pertains to terms and conditions of license for use of land by answering Respondent and DDA and hence beyond the powers and jurisdiction of Tribunal:**

11.1 That, without prejudice to the submissions made above, the order sought to be executed in instant EA has the effect of introducing a new term and condition in the license between the parties. The order and direction for use of land in question subject to running of tower restaurant is a modification/ addition with the terms of the license between answering Respondent and DDA. The statutory provision of license are provided in section 52 to section 64 of the Easement Act 1882 and the same is a part of civil law.

11.2 That as submitted above, the jurisdiction of this Tribunal is limited to the substantial question of law relating directions being not issued in respect of any substantial question relating to environment involving implementation of the enactments specified in sch. 1 of the NGT Act. The direction sought to be executed was neither arising out of a substantial question relating to environment, nor involved implementation of the scheduled enactments. Hence, the direction itself is beyond the jurisdiction as to subject matter of Hon'ble Tribunal. Hence, order is nullity and void as it is covered by civil law relating to Easement Act by directing alteration/ modification of terms of license.

11.3 That it is pertinent to mention that even otherwise no Court can direct parties to incorporate terms of agreement which is realm of law of contract. Hon'ble Supreme Court has

held against the courts putting in terms and conditions in contract and agreement. In **General Assurance Society Ltd. vs. Chandumull Jain and another**, reported in **AIR 1966 SC 1644**, the Court held that in interpreting documents relating to a contract of insurance, the duty of the Court is to interpret the words in which the contract is expressed by the parties because it is not for the Court to make a new contract, however reasonable, if the parties have not made it themselves.

11.4 Similarly, in **Shree Ambica Medical Stores vs. Surat People's Coop. Bank Ltd.**, reported in **2020(13) SCC 564**, the Hon'ble Supreme Court has held that through its interpretative process, the Court cannot rewrite or create a new contract between the parties and has to simply apply the terms and conditions of the agreement as agreed between the parties.

12. **Direction passed in OA modified in review hence not executable:**

12.1 That without prejudice, it is submitted that it is necessary to appreciate the direction passed by this Tribunal on 10.07.2015. The direction to use the land in question for 10 days was analogous to the condition of running the tower restaurant. The conditions were not independent of each other. Once this Tribunal has held in review that the ban imposing 10 days was not legally justified, the parallel condition of running tower restaurant also becomes illegal, unjustified, and passed in absence of jurisdiction.

- 12.2 That the order dated 10.07.2015 did not specified in respect of the days when the tower restaurant was to be operated in order to use the land in question. In absence of any specific direction it can only be understood to mean that the tower restaurant shall remain in operation during the 10 days, land in question was exclusively used by the answering Respondent. Thus, both the conditions operated parallely and not independent to each other. Hence, when on condition was held illegal the other also became illegal.
- 12.3 That it can also be understood that there was no issue regarding the tower restaurant before the Tribunal. The only issue in consideration was the use of green area in question by the answering Respondent. As the operation of tower restaurant was not in dispute it was not within scope to control the operation of the same. However, as the issue of use of green area was in consideration, the same was subjected to the operation of tower restaurant in addition to use of same for 10 days in month only. Hence, it is submitted that both the conditions were analogous and when one is modified the other also gets modified and reviewed.
13. That as submitted above that the OA was not within the jurisdiction of the Tribunal being not in consonance with the section 14, hence the order dated 10.07.2015 is not executable. The execution application is misconceived and not maintainable and deserves to be dismissed.

14. That it is trite law that an order passed by a Court not having jurisdiction is nullity and void ab initio and not executable.
15. That in case of **Narendra Kumar v. Sumathi 1996(4) SCC 178**, it was held that a decree passed by a court without jurisdiction over the subject matter is a nullity and is not est. Its validity can be set up whenever it is sought to be enforced or is acted upon as a foundation for a right even at stage of execution or in collateral proceedings. The defect of jurisdiction strikes at the authority of the court to pass a decree which cannot be cured by consent or waiver of the party.
16. That in another case of **Official Trustee v. Sachindra Nath Chatterjee, AIR 1969 SC 823**, the Hon'ble Court has explained that :

“12. It is plain that if the learned judge had no jurisdiction to pass the order in question then the order is null and void. It is equally plain that if he had jurisdiction to pronounce on the plea put forward before him the fact that he made an incorrect order or even an illegal order cannot affect its validity....

15.it is clear that before a Court can be held to have jurisdiction to decide a particular matter it must not only have jurisdiction to try the suit brought but must also have the authority to pass the orders sought for. It is not sufficient that it has some jurisdiction in relation to the subject-matter of the suit. Its jurisdiction must include the power to hear and decide the questions at issue, the authority to hear and decide the particular controversy that has arisen between the parties. ...”
17. The aforesaid decision has been referred, relied upon and reiterated by the Hon'ble Supreme Court in a recent decision in case of **Asma Lateef and Another v. Shabbir Ahmad and Other, 2024 INSC 36**.

18. That hence, the subject matter of OA was which was never within the jurisdiction of the Tribunal and challenging the occupation of answering Respondent over the land in question on grounds of being unauthorized and illegal, the order passed in the OA was nullity. Moreover, viewed from another angle, the dispute was arising out of transaction taken place in 1997, much before the coming into force of the Tribunal, hence even from that point of view the Tribunal had no jurisdiction over the subject and, therefore, the order is a nullity.
19. That it may also be pertinent to mention that this Hon'ble Tribunal has itself permitted the answering Respondent, while allowing the review, to utilize the land in terms of the license granted by DDA un-interrupted. Hence, the license granted on 18.12.1997 was left undisturbed.
20. That the instant execution application is, therefore, liable to be dismissed.

Jhankar Banquets
Respondent no. 2

Through


(GAURAV AGARWAL)

Advocate, Supreme Court

GRV LEGAL

Advocates and Legal Consultants

O-703, Aditya Mega City,

VaibhavKhand, Indirapuram,

Ghaziabad, U.P. NCR- 201014

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BEFORE HON'BLE NATIONAL GREEN TRIBUNAL,
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VERSUS

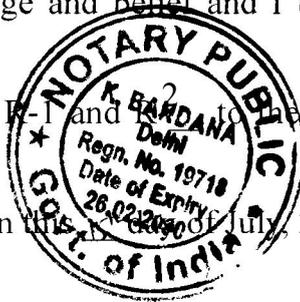
DELHI DEVELOPMENT AUTHORITY
AND ANOTHER ...RESPONDENTS

AFFIDAVIT

I, USHA KAPOOR, aged about 64 years, W/o Shri Mahesh Kapoor, R/o G-87, Preet Vihar, Delhi -110092, do hereby state on solemn affirmation as under:

1. That I am a Partner of the answering Respondent in the present Execution Application as such I am well conversant with the facts and circumstances of the present case and hence, competent to swear this affidavit.
2. That I have gone through the accompanying Reply from para 1 to 20 and day that the contents thereof are true and correct to the best of my knowledge and belief and I believe the same to be true.
3. That the Annexures B-1 and B-2 to the reply are true copy of the documents.

Solemnly affirmed on this 15th day of July, 2025 at New Delhi,



Usha Kapoor

DEPONENT

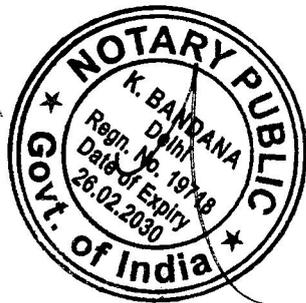
Usha Kapoor
IDENTIFIED

VERIFICATION

Verified at New Delhi on this 15th JUL 2025 July, 2025 that the contents of my above affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

Usha Kapoor

DEPONENT



15 JUL 2025

ATTESTED
NOTARY PUBLIC DELHI
Govt. of India

By Speed Post and email

	<p style="text-align: center;">DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT (GOVT. OF NCT OF DELHI) 3rd FLOOR, BLOCK-I, DMRC IT PARK BUILDING, SHASTRI PARK, DELHI-53 (visit us at website : http://dpcc.delhigovt.nic.in/)</p>	
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DPCC/(10)(01)/(02)/Leg-25/968-969

Date: 22/05/2025

To.

M/s Jhankar Banquet & Restaurant Asiad Tower,
 Asiad Tower, Khej Gaoon,
 New Delhi-110049

Subject :- Order for imposition of Environmental Compensation (EC) - reg

Whereas, Central Pollution Control Board has delegated all its powers and functions under the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974, as amended to date, in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) vide Notification dated 15.03.1991.

And whereas, the whole Union Territory of Delhi has been declared as an Air Pollution Control area, under sub section (1) of section 19 of the Air (Prevention and Control of Pollution) Act, 1981, as amended to date, vide Notification of Ministry of Environment & Forest, Govt. of India, No. GSR 106 (E) Dated 20.02.1987.

And whereas, in EA No. 50/2023 in OA No. 60/2014 and the Hon'ble Tribunal pronounced judgment on 24.05.2024 and vide its judgment following directions were passed:

16. It is undisputed before the Tribunal that the respondent no. 3 is using the green area of 18500 sqm. at the Siri Fort Sports Complex for marriage parties etc. without running the Tower Restaurant and he has acted contravention of order of the Tribunal in dated 10.07.2015 passed in original application no. 60/2014 as modified by the order dated 31.07.2017 in Review application no. 23/2015. Therefore, the respondents are required to take immediate action to ensure that the respondent no. 3 uses the green area of 18500 sqm strictly in terms of the order of the Tribunal. The respondent no. 3 has violated the order of the Tribunal and has use the green area of 18500 sqm unauthorizably, therefore, for past violation Environmental Compensation (EC) is also required to be imposed....."

Handwritten signature

And whereas, The Hon'ble National Green Tribunal's in Execution Application No. 03/2025 in Original Application No. 60/2014 Titled as "SPCHETNA vs Delhi Development Authority & Others passed an order dated 24.05.2024, activities at the site in question in violation of the Tribunal's order are continuing and Delhi Pollution Control Committee has also not imposed any environmental compensation taking a view which is directly in conflict with the specific order passed by this Tribunal.

And whereas, Show Cause Notice for imposition of Environmental Compensation of Rs. 3,75,000/- (Rupees Three lakhs seventy Five Thousand Only) was issued, to M/s Jhankar Banquet & Restaurant Asiad Tower, Asiad Tower, Khel Gaon, New Delhi-110049 (hereinafter referred as the addressee), for operating the party lawn in violation of the lease agreement with DDA vide letter dated 02.05.2025.

And whereas, the addressee unit has submitted its reply on 21.5.2025 in response to Show Cause Notice dated 02.05.2025, which was considered and found not satisfactory.

Now, the Competent Authority in DPCC, as per the DPCC office order dated 30.03.2022, has decided to confirm Environmental Compensation (EC) of Rs. 3,75,000 (Rupees Three Lakhs Seventy Five Thousand Only) and hereby imposed/confirmed upon the addressee unit.

Hence, the addressee unit hereby directed to deposit Environmental Compensation (EC) of Rs. 3,75,000 (Rupees Three Lakhs Seventy Five Thousand Only) to this office in the form of DD in favour of "Delhi Pollution Control Committee" within 15 days from the date of issuance of this order directions failing which, concerned SDM will be asked to take necessary action to recover the EC amount as arrears of land revenue without further reference to the addressee unit.

This is being issued with the approval of the Chairman, DPCC.



Incharge, CMC-II

Email ID: bmsreddy.dpcc@delhi.gov.in

Copy to: Incharge, IT Cell with a request to get the order uploaded on the website of DPCC.

Dr.B.M.S. Reddy
Senior Environmental Engineer
Delhi Pollution Control Committee
3rd Floor Block-1 DMRC IT Park
Shastri Park Delhi-110053

//TRUE COPY//



\$~88

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11160/2024, CM APPL. 46132-46133/2024

JHANKAR BANQUETS THROUGH ITS PARTNER USHA

KAPOOR

.....Petitioner

Through: Mr. Ravi Gupta, Senior Advocate
with Mr. Ankit Jain, Ms. Apurva
Tyagi, Ms. Neha Jain, Mr. Shrey
Sharma, Mr. Chaitanya Malhotra, Mr.
Muskan Mehra, Advocates.

versus

DELHI DEVELOPMENT AUTHORITY THROUGH ITS VICE

CHAIRMAN

.....Respondent

Through: Ms. Shobhana Takiar, SC for DDA
with Mr. Kuljeet Singh, Advocate for
R-1
Mr. Anurag Ahluwalia, CGSC for R-
2 & R-3 with Mr. Kaushal Jeet Kait,
GP
Mr. Kush Sharma, Advocate for
DPCC/R-4

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.08.2024

%

CM APPL. 46133/2024 (*seeking exemption from filing original / certified
copies of the annexures/ documents as also true typed copies of the
documents*)

1. Exemption is granted, subject to all just exceptions.
2. The Applicants shall file legible and clearer copies of exempted



documents, compliant with practice rules, before the next date of hearing.

3. Accordingly, the application stands disposed of.

W.P.(C) 11160/2024 & CM APPL. 46132/2024 (for stay)

4. The Petitioner places reliance on the judgment of the Supreme Court in *Madhya Pradesh High Court Advocates Bar Association and Anr. v. Union of India and Anr.*¹ to challenge the order dated 24th May, 2024 passed by National Green Tribunal (NGT), directing Delhi Pollution Control Committee (DPCC) to ensure that the EC is imposed upon the Petitioner.

5. Issue notice.

6. Ms. Shobhana Takiar, SC for DDA/Respondent No. 1, Mr. Anurag Ahluwalia, CGSC for Respondents No. 2 & 3 and Mr. Kush Sharma, counsel for Respondent No. 4, accept notice.

7. Counter affidavit(s) be filed within a period of two weeks from today. Rejoinder, if any, be filed before the next date of hearing.

8. Re-notify on 9th September, 2024.

SANJEEV NARULA, J

AUGUST 12, 2024/ab

//TRUE COPY//

¹ 2022 SCC OnLine SC 639

IN THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH NEW DELHI
EXECUTION APPLICATION NO. 3 OF 2025
IN
ORIGINAL APPLICATION NO.60 OF 2014

VAKALATNAMA

IN THE MATTER OF :

Society for Protection of Culture, Heritage,
Environment, Traditions and Promotion of
National Awareness [Also Known as Chetna]

...Applicants

Versus

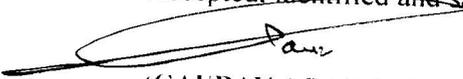
Delhi Development Authority And Another

...Respondents

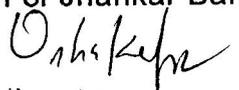
KNOW ALL to whom these present shall come that I/We M/s Jhankar Banquets the above named Respondent No. 2 do hereby appoint SHRI GAURAV AGARWAL (hereinafter called the advocate/s) to be my/our Advocate in the above noted case and authorize him :- To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf. And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes. And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called. And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain himself.

Dated this 15th day of July, 2025

Accepted, identified and satisfied about the due execution of the Vakalatnama


(GAURAV AGARWAL)
Advocate
UP/03872/2009

For Jhankar Banquets


Applicant/Authorized Signatory

Memo Of Appearance

To
The Registrar
National Green Tribunal
New Delhi
Sir.

Please enter my appearance for the above named Petitioners/Plaintiff(s)/Appellant(s)/Respondent(s)/Defendant(s)/Caveator(s) Intervener(s) in the above mentioned Petition/Appeal/Suit/Reference.

Thanking you,

Dated : 16.07.2025



Yours Sincerely,


(GAURAV AGARWAL)
Advocate