

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**  
**ORIGINAL APPLICATION NO. 6 OF 2012**

In the matter of:

Manoj Mishra

...Petitioner

Versus

Union of India &Ors.

...Respondents

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1.	Status Report on behalf of DDA pursuant to order dated 05.03.2020 of this Hon'ble Tribunal.	

Applicant  
(DDA)

Through:

Place: New Delhi

Date: .05.2020

385, Lawyer's Chamber- II  
 Delhi High Court  
 New Delhi- 110003

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**STATUS REPORT ON BEHALF OF DDA IN COMPLIANCE OF THE  
ORDER DATED 05.03.2020**

Most respectfully showeth:

1. It is submitted that vide order dated 18.02.2020 (Uploaded on 5.03.2020) , this Hon'ble Tribunal was pleased to direct DDA as under:  
  
*67. (b) The DDA may constitute a Special Purpose Vehicle (SPV) preferably within two weeks from today for rejuvenation of river Yamuna. The functions of such entity will include ecological restoration of the flood plain zones, setting up of bio-diversity parks, artificial wetlands, phyto- remediation of drains at the river mouth locations, maintaining the vigil and undertaking flow measurement, creating ecological services, removing encroachments and undertaking other activities, including river front development. It may also take steps to attract and educate the citizens and nature enthusiasts for nature related activities, including building environmental temper amongst citizenry, without in any manner causing any damage to the flood plains.*
2. That this Hon'ble Tribunal vide order dated 18.02.2020 observed that DDA "may" constitute a Special Purpose Vehicle (SPV) within two weeks for

- rejuvenation of River Yamuna.
3. It is most humbly submitted that the word “may” was used by this Hon’ble Tribunal, since, this Hon’ble Tribunal considered it appropriate that taking into account all the attendant circumstances DDA should consider the option whether or not to constitute an SPV.
  4. That the DDA has legal impediments in creating a separate legal entity under the Delhi Development Act, 1957 as an SPV.
  5. In the light of the provisions of the Delhi Development Act (“the Act” in short), it is submitted that as per Section 52 of the Act, DDA may delegate powers exercisable by it only to officers, local authority or committees (constituted under Section 5A of the Act). There is no enabling provision under the Act empowering DDA to either constitute a society or a “special purpose vehicle” or to delegate its powers to an entity or other ‘person’ not specifically mentioned in Section 52 of the Act. It is submitted that since DDA has been created under the DDA Act, it cannot operate beyond the limits set by the said Act.
  6. That it shall not be out of place to mention here that already a mechanism is in place in order to monitor river Yamuna. This includes the “Upper Yamuna River Board” and “Unified Centre for Restoration and rejuvenation of River Yamuna (UCRRY)”.
  7. Upper Yamuna River Board has been constituted under the Chairmanship of Member, Central Water Commission and has nominees of States of Uttar Pradesh, Haryana, Rajasthan, Himachal Pradesh and National Capital of Delhi. The function of the “Upper Yamuna River Board” includes the regulations of supply of water from old storages, barrages and maintenance of minimum flow through the year from ecological consideration and monitoring the return

flows from the water from Yamuna by different states.

8. Unified Centre for Restoration and Rejuvenation of River Yamuna (UCRRY) is a Committee for the part of River Yamuna in Delhi which has been constituted under Section 5(A) of DDA Act, vide S.O. No.2050 (E) dated 28th July, 2015. The aim of the committee is to ensure conservation, restoration and rejuvenation of River Yamuna promote and secure requisite development activity along the River and its flood plains within the NCT by using sustainable practices. The committee is chaired by Hon'ble LG of Delhi. It has members from GNCTD like Chief Secretary, Commissioners of three MCDs, Principal Secretary- Irrigation (Govt. of UP), representatives of Ministry of Urban Development, Ministry of Environment and Forest, Ministry of Jal Shakti (Water Resources) and other senior officers of agencies related to River Yamuna in Delhi.
9. In view of the statutory provisions mentioned above, DDA may not be in a position to establish a SPV as contemplated in the order dated 05.03.2020 of this Hon'ble Tribunal.

It is prayed that the present report may be taken on record and the submissions of DDA regarding statutory prohibition on creation of a SPV be kindly considered by this Hon'ble Tribunal

Place: New Delhi

Date: .05.2020

*P. Adewan*  
28/5/2020  
पूनाम ए० दीवान/POONAMA. DEWAN  
अतिरिक्त आयुक्त (प्र-दृष्य)  
Additional Commissioner (LS)  
दिल्ली-2, नई दिल्ली-2/DDA, New Delhi-2

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