

IN THE NATIONAL GREEN TRIBUNAL AT NEW DELHI
O.A. NO. 914 OF 2022

IN THE MATTER OF:-

KAMLESH JONWAL ... **PETITIONER**
UDAYPUNJ AND ANR. .. **RESPONDENTS**
VERSUS

N.D.O.H.: 10-01-2024

INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	Status Report on behalf of Respondent No. 2/DDA	1-4
2.	Annexure R1: True Copy of possession proceedings dated 21.04.2007 and 29.12.1980	5-10
3.	Annexure R2: True Copy of Facilities Plan of Kaveri Apartment I	11-12
4.	Annexure R3: Videos and photogrpahs	13-17

NEW DELHI
DATED: 08-01-2024

RESPONDENT/DDA

TRHOUGH

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Counsel for Respondent/DDA
Chamber No. 155, Lawyers' Chamber Block I,
High Court of Delhi, Sher Shah Suri Marg, Delhi
+91-8826331177 | kritika0504@gmail.com

IN THE NATIONAL GREEN TRIBUNAL AT NEW DELHI
O.A. NO. 914 OF 2022

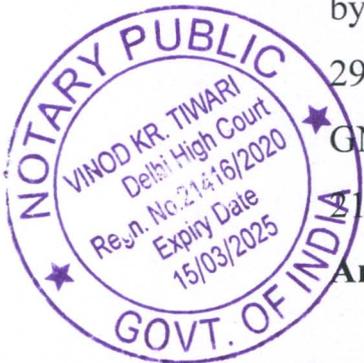
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KAMLESH JONWAL ... PETITIONER
VERSUS
UDAYPUNJ AND ANR. .. RESPONDENTS

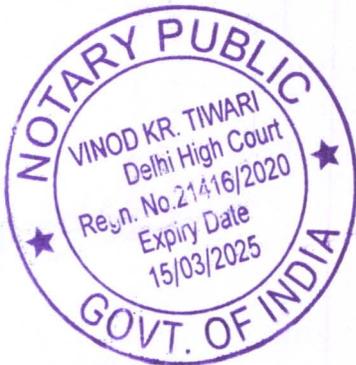
STATUS REPORT ON BEHALF OF RESPONDENT NO. 2/DDA

I, Banarsi Das, S/o Radhke Mohan
aged about 59 years, presently working as
Dy. Dir (Lm), do hereby solemnly affirm as under:

1. That I am duly authorised and competent to affirm the present Affidavit on behalf of the Respondent/DDA on the basis of the records maintained by the Respondent/DDA and available with the Respondent/DDA. Vide order dated 23-12-2023, this Hon'ble Tribunal was pleased to direct the Respondent No. 2/ DDA to file specific response to paragraph 13 of the said order.
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. True Copy of possession proceedings dated 21.04.2007 and 29.12.1980 are enclosed herewith as Annexure R1 Colly.



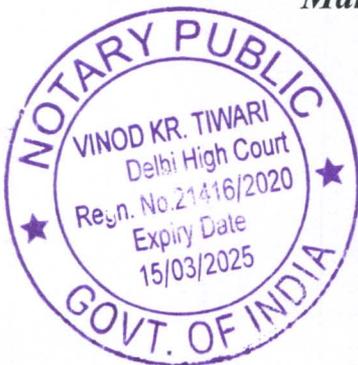
- b. That the Barat Ghar, the Pump House, Road and the Green belt has been developed by the Respondent No. 2/ DDA after approval of *Facilities Plan of Kaveri Apartment* by the **HUPW-COORDINATION (DDA) in its 284th Screening Committee vide Item no.148 in the year 2009**. True Copy of Facilities Plan of Kaveri Apartment is enclosed herewith is **Annexure R2**.
- 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 measuring 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**.
3. That it is specifically denied that physical possession of the subjected land i.e., Khasra nos. 480/396/87 (3-12), 479/396/87 (3-12), 86 (9-12), 88 (9-17) and 67 (4-01) had not been taken, as **stated by concerned Land Acquisition Collection in its counter affidavit filed before the Hon'ble High Court of Delhi**



in civil writ petition 6390/2014. In this regard, copy of possession proceedings dated 21.04.2007 of handing-over/taking-over of Khasra nos. 480/396/87 (3-12), 479/396/87 (3-12), 86 (9-12), 88 (9-17) and 67 (4-01) is relied upon.

4. That the Hon'ble High Court of Delhi vide its Judgment dated 23.02.2015 in WP (C) 6390/2014 passed an order that *the petitioner is entitled to a declaration that the said acquisition proceedings initiated under the 1894 Act in respect of the subject lands are deemed to have lapsed*. The DDA filed a SLP (C) No. 32635/2015 in Civil Appeal No. 4590/2016 against the Judgment dated 23.02.2015 of the Hon'ble High Court of Delhi and the same was dismissed vide order dated 28.04.2016.
5. That the Respondent No. 2/DDA then filed Review petition (C) Diary. no. 27968/2021 in Civil Appeal No. 4590/2016 and the same was dismissed vide order dated 31.03.2022.
6. That after the Award was made by the Collector under Section 11 of Land Acquisition Act 1894 in 1980. Compensation amount of Rs 17,37,385/- and Rs 10,000,00/- was paid by the DDA to Land & Building Department, GNCTD against the said Award vide cheque numbers 908137 and 906691 respectively dated 09-01-1981. As per Judgement dated 06.03.2020 of Hon'ble Supreme Court of India in ***Indore Development Authority V/s Manoharlal & Ors., SLP (c) No. 9036-9038 of 2016:***

The provisions of Section 24(2) providing for a deemed lapse of proceedings are applicable in case authorities have failed due to their inaction to take possession and pay compensation for five years or more before the Act of 2013 came into force, in a proceeding for

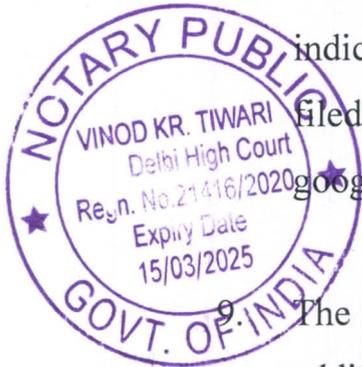


land acquisition pending with concerned authority as on 1.1.2014.

Section 24 applies to a proceeding pending on the date of enforcement of the Act of 2013, i.e., 1.1.2014. It does not revive stale and time-barred claims and does not reopen concluded proceedings nor allow landowners to question the legality of mode of taking possession to reopen proceedings or mode of deposit of compensation in the treasury instead of court to invalidate acquisition.

7. Therefore, in view of the dictat of the Judgment dated 06.03.2020 of Hon'ble Supreme Court of India in **Indore Development Authority V/s Manoharlal & Ors. , SLP (c) No. 9036-9038 of 2016**, there seems to be no lapse of acquisition proceedings initiated under the 1894 Act.

8. That the videography of green-belt, site 01, 02 and 06 as indicated in the the Status report cum affidavit on behalf of DDA filed on 13.12.2023, was carried out and is enclosed herewith as google drive links (**Annexure R3**).



The Respondent/DDA craves leave of this Tribunal to file additional affidavit in case the need so arises.

Identified
I identified the Deponent who has signed/thru my presence before me

08 JAN 2024

[Signature]

DEPONENT
उप निदेशक (ग्राम प्रबंधन) / Dy Director (LM)
नई दिल्ली ज़ोन / New Delhi District
डी डी-ए., ए 303, विकास सदन / DDA, A-303, Vikas Sadan
आई एन-ए., नई दिल्ली-110023 / INA, New Delhi-110023

VERIFICATION: Verified at New Delhi on this the _____ day of _____ 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.

IDENTIFIED THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS DEPOSED DIRECTLY TO UNDERSTAND AFFIRMED & DEPOSED BEFORE ME AT NEW DELHI

08 JAN 2024
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE
VINOD KUMAR TIWARI, Advocate, Reg. No. 21416/2020
NOTARY PUBLIC (NEW DELHI)

[Signature]
1708

DEPONENT
उप निदेशक (ग्राम प्रबंधन) / Dy Director (LM)
नई दिल्ली ज़ोन / New Delhi District
डी डी-ए., ए 303, विकास सदन / DDA, A-303, Vikas Sadan
आई एन-ए., नई दिल्ली-110023 / INA, New Delhi-110023

पुश्क पुठ का शेषः-

इस प्रकार कठज कार्याही मुकुमल दुई/कला
कार्याही की पुठ पुति हलका पटवारी को रि कड माल में काल पराकद
दुई मेज दी जायेगी।

श/प/७ (धर्मवीर) (श/प/१०) (श/प/१०)
काउन्सिल (L&B) पटवारी (LA)/SW NT(LA)/SW

श/प/१० (दिपाराम) (अनग पाल) ATP 21/10/07
काउन्सिल (DDA) पटवारी (DDA)

आज की तारीख 24/11/81 नं. 90/80-81

आज की तारीख 24/11/81

829-4

आज की तारीख 24/11/81 नं. 90/80-81
 P.S. (LA) का पत्र संख्या 22/81/24/11/81
 नं. 90/80-81 का पत्र संख्या 22/81/24/11/81
 राज के वन विभाग की ओर से श्री जी. एस. राजवाल नामक
 तहसीलदार और श्री रमजान सिंह पटवारी श्री राज
 कान विभाग द्वारा लिखे गए पत्रों की संख्या सी. डी. ए. की संख्या
 श्री जी. एस. राजवाल नामक तहसीलदार, श्री रमजान सिंह नामक
 तहसीलदार (Horti) द्वारा श्री रमजान सिंह पटवारी द्वारा
 श्री मन्सूर सिंह नामक और ए. एस. एस. द्वारा लिखे गए पत्रों पर
 कार्यवाही के लिए आदेश जारी किया गया है।

- अनुसूची (चक्र) 380
 13/81, 382/14, 15-16, 17, 18
 6-01, 7-05, 12-9, 13-15, 9-6, 5-5
- 19, 20, 366, 365, 22, 23, 25, 26, 28
 10-10, 10-16, 21, 21, 1, 2-6, 4-2, 3-6, 5-08, 9-11, 8-11
 2-79
- 30, 354/33, 34, 460/368/36, 461/368/36, 315
 11-13, 4-04, 4-14, 2-13, 5-08, 1-1
- 316, 317, 40, 41, 43, 44, 370, 371
 39, 39, 5-10, 6-2, 10-19, 10-17, 46, 46
 1-01, 1-01, 4-8, 11-16

Sol - Khar Singh
N-T(LA)

Sol - S. Aggarwal
NT(L+B)

26
29 | 12
80

29.12.80

Sol - Bharam Pal Patel
K90(LA)

Sol - Khar Singh Patwari
(L+B)

26
29 | 12
80

29/12/80

Sol - Mand Rop Singh P.S
(LA)

Sol - Raj Bahadur N-T(DDA)

29/12/80

Sol - Mathura Dutt
Jannadai(DDA)

Sol - Bhagat Singh M.T.
(Hosti)

29.12.80

29/12/80

Sol - Bhim Singh
Pardhan

Sol - Niranjam Singh Patwari
(DDA)

panchayat seal

29/12/80

Sol - Bhagwan Singh

Sol - Mangelam

Sol - Munshi Kam

LT Chhotu Kam Lambardar

Attested.

Belugani
N-T(LA)

29.12.80



Note: The Respondent No. 2/DDA craves leave of this Hon'ble Tribunal to rely upon the hard copy of this plan during the hearing of the matter.

DDA

20/10

SOUTH ZONE

AREA STATEMENT

- TOTAL AREA OF VACANT SITE 21175 sqm.
- AREA UNDER FACILITIES 3430 sqm.
- AREA UNDER ROAD 9360 sqm.
- AREA UNDER GREEN 3665 sqm.
- REMAINING AREA 10920 sqm.

DETAILED AREA STATEMENT OF FACILITIES

G.S.C.

- PLOT AREA 1100 sqm.
- PERM. GR. COVRD. @ 40% (as per 75190 sqm. LNO 2001) 660 sqm.
- PERM. FAR @ 60
- PARKING REQD. @ 1.55 EGS/100sqm 9 EGS.
- PROPOSED GROUND COVERAGE 405 sqm (37%)
- PROPOSED FAR 6917 (46%)
- NO. OF PLATFORMS 7
- PARKING PROVIDED 12 EGS.

COMMUNITY HALL

- PLOT AREA 1700 sqm.
- PERM. GR. COVRD. @ 35% (as per 11702 sqm. LNO 2001) 595 sqm.
- PERM. FAR @ 100 1700 sqm.
- PROPOSED GR. COVRD. 195 sqm.
- PROPOSED FAR 250.75 sqm.
- PARKING PROVIDED 18 EGS.

PUMP HOUSE & UGR

- PLOT AREA 630 sqm.

Approved by 28/10/09

Checked by 26/10/09

By: AKG 28/10/09

DELHI DEVELOPMENT AUTHORITY
HUPW COORDINATION UNIT
VERIFIED
This proposal was considered in the
28/10/09 Screening Committee
Meeting held on 26/10/09
vide Item no. 148/2009
By: Director (Arch.) Coord

RELOCATION OF FACILITIES FOR 800 DU
(2 ROOM + LOUNGE HEATING) AT
SECTOR D PKE 6 VASANT KINJ

DATE	DATE	SOH NO	DRWG NO
28/10/09	OCT 09	6514	L1P2
ARCH. ASSTT	ASSTT ARCH	ARCHITECT	
SR ARCHITECT	ADD. CH ARCH	CHIEF ARCHITECT	

HOUSING & URBAN PROJECTS WING
VIKAS MANAR, NEW DELHI-110002

ANNEXURE R3
VIDEOS

Video of Site -1

<https://drive.google.com/file/d/1m-QN7Dk6bGn9ECRwrMaghXfQuqNmJRgK/view?usp=sharing>

Videos of Site -2

<https://drive.google.com/file/d/1h-dHJ69FM19JdMeIX5CQ7jQIYXOIgvWt/view?usp=sharing>

<https://drive.google.com/file/d/1cDxc24YBeJ6btcszo6aybIv19LBxM5UT/view?usp=sharing>

Video of Site -6

https://drive.google.com/file/d/1hns1FNJiJ4Va3-K_5WmtFZ09v6mfk-2M/view?usp=sharing

Note: Sites marked as per the Demarcation Report and Site plan (Page 190) filed with Status Report cum Affidavit on behalf of Respondent No. 2/ DDA filed on 13-12-2023

PHOTOGRAPHS

SITE 01



SITE 5



SITE 6



