

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 678/2023

IN THE MATTER OF:

JANGPURA EXTENSION RESIDENTS FORUM RWA & ORSApplicant

VERSUS

GOVT. OF NCT OF DELHI & ORSRespondent

INDEX

S. No.	Particulars	Page No.
1	Action Taken Report on behalf of MCD in compliance of the order dated 02.07.2024 passed by this Hon'ble NGT, Principal Bench	1-3
2	Show Cause Notice issued to Sh. P.K Rastogi the then EE (DEMS) CNZ vide no. 202/DC/CNZ/2024 dated 06.08.2024. (Copy annexed as Annexure - A).	4
3	Reply of the Show Cause Notice received from Sh. P.K Rastogi on dated 13.08.2024. (Copy annexed as Annexure - B Colly)	5-24

Through



PUJAL KALRA

STANDING COUNSEL, MCD

38/5, BASEMENT, EAST PATEL NAGAR

NEW DELHI

MOBILE: 9312539323

EMAIL: -pujakalra09@gmail.com

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 678/2023

IN THE MATTER OF:

JANGPURA EXTENSION RESIDENTS FORUM RWA & ORS.....Applicant

VERSUS

GOVT. OF NCT OF DELHI & ORS

.....Respondent

ACTION TAKEN REPORT ON BEHALF OF MCD IN COMPLIANCE OF THE ORDER DATED 02.07.2024 OF THE HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH IN THE MATTER OF JANGPURA EXTENSION RESIDENTS FORUM RWA (APPLICANT) VS GOVT. OF NCT OF DELHI (RESPONDENT)**MOST RESPECTFULLY SHOWETH:**

That the present original application has been filed by the applicant with the grievance regarding removal of three dhalaos/garbage dump situated in block H, D & P/Q of Jangpura Extension, New Delhi.

That Hon'ble NGT vide orders dated 02.07.2024 directed Commissioner, MCD to call the explanation from the Execution Engineer MCD for making a misleading statement before the Tribunal, as under: -

"9. We also find that nothing material has been pointed out to show that any change in circumstances has taken place after 18.03.2024 when a statement was made on instructions from the Executive Engineer that the dhalao FCTSs will be set up within a time bound period of 60 days. We strongly deprecate such a practice of making statement before the Tribunal without properly verifying the fact. The Commissioner, MCD is directed to call for an explanation from the Executive Engineer for making such a misleading statement before the Tribunal. If the Commissioner, MCD finds that a deliberate attempt was made by the

Executive Engineer to mislead the Tribunal, then appropriate action will be taken against the said Executive Engineer”.

That pursuant to above directions, the action taken is as under:-

1. A Show Cause Notice was issued to Sh. P.K Rastogi the then EE (DEMS) CNZ vide no. 202/DC/CNZ/2024 dated 06.08.2024.

(Copy annexed as Annexure – A).

2. Reply to the above Show Cause Notice was received from Sh. P.K Rastogi on dated 13.08.2024. **(Copy annexed as Annexure – B)**, vide which he has submitted that during the hearing of the matter on 18.03.2024, he did not stateto the MCD Counsel that dhalaos in Jangpura Extension can be converted into FCTS in 60 days time. He stated that he informed the MCD counsel about requirement of minimum six months time. The Hon’ble bench while dictating orders granted 2 months time for converting Dhalao into FCTS.

3. The matter including the reply has been placed before the Commissioner and has been examined in the light of the order of the Hon’ble Tribunal. It is submitted that a timeline of 6 months is reasonable in view of the following facts: -

- a. For construction of FCTS, there is requirement of floating tender, giving adequate time for competition and then finalizing the tender and award of work.
- b. After award of work, the contractor mobilizes the resources and executes the work.
- c. 2 months time can be assumed for floating and finalizing the tender and 4 months for executing the work i.e. 2-3 months for civil works and 2 months for installation of machinery.
- d. It is submitted that the typical timeline observed in the past for such works is usually more than 6 months.

4. It is submitted that the effect of MCC during the election was not anticipated and because of the election process, the tender could only be floated on 13.06.2024. Due to changes at the level of Executive Engineer and other formalities the work could be awarded only on 28.08.2024. Now the Civil work has been started at the Pant Nagar site. There was public resistance from nearby jhuggis/Dwellers also and as such police assistance was also sought.

5. That the issue of difficulties regarding the conversion of dhalao to FCTS at existing site and the identification of alternate site at Pant Nagar have already been brought to the notice of this Hon'ble Bench vide IA No. 250/2024 filed on 28.05.2024 with prayer seeking extension of time.

6. After the completion of new FCTS at the Pant Nagar site, the existing Dhalaosat H&D block in Jangpurawill be utilized for RRR (Reduce Reuse Recyclable) Centers for collection of Dry waste/E-waste etc or for FCTS in the future based on feasibility.

7. It is respectfully submitted that there has been delay and same is deeply regretted but it is observed that there is no malafide or attempt to mislead on the part of the then EE (DEMS) CNZ.

8. That it is most humbly prayed before this Hon'ble Tribunal that all out efforts will be made to complete the Civil work of FCTS in next 2-3 months and installation of machinery in next 2 months thereafter to make it functional.



**Superintending Engineer (EMS)
Central Zone**



MUNICIPAL CORPORATION OF DELHI
(OFFICE OF THE DEPUTY COMMISSIONER)
CENTRAL ZONE : LAJPAT NAGAR
 Mail ID : dc-cnz@mcde.nic.in, Phone -011 29815975

No. 202 /DC/CNZ/2024

Dated: 06.08.2024

SHOW CAUSE NOTICE

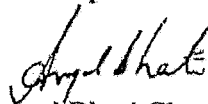
WHEREAS a court case related to operation and maintenance of dhalaos in H, D and P/Q Blocks in Jungpura Extension, New Delhi is sub-judice before the Hon'ble National Green Tribunal (NGT) Principal Bench, New Delhi vide O.A. No. 678/2023 titled as "Jungpura Extension Residents Forum RWA (Applicant) Vs Govt of NCT of Delhi & Ors (Respondent).

And whereas as per your instructions on dated 18.3.24 during the hearing, Municipal Council has submitted that in this dhalaos compact transfer stations will be set up within a time-bound manner for this MCD be granted 60 days time from today and accordingly Hon'ble NGT directed MCD to do the needful within a period of 60 days.

And whereas subsequently via interim reply dt. 28.5.24, you have prayed for extension of time for compliance of the above direction.

And whereas in the orders dated 2.7.24, Hon'ble NGT noted that there is no change in the circumstances that has taken place after 18.3.2024 when the statement was made on instructions from the Ex. Engineer (DEMS) Sh. PK Rastogi that the dhalaos FCTS will be set up within a time bound period of 60 days and Hon'ble NGT deprecated the statement being made without proper verifying the facts.

THEREFORE, Shri P.K. Rastogi, the then EE (DEMS)/ CNZ is hereby directed to explain the reason for making such statement in the above matter within 7 days of the receipt of this show cause notice.


 (Dr. Angel Bhati Chauhan)
 Deputy Commissioner
 Central Zone

Shri P.K. Rastogi,
 the then EE (DEMS)/ CNZ
 presently posted as EE (B)-II/ Civil Line Zone

To, *673*
 14/08/24
 Deputy Commissioner,
 Central Zone, MCD,
 Lajpat Nagar, New Delhi

Municipal Corporation of Delhi
 Office of Dy. Commissioner, Central Zone
 Date No. *PT 6739 DC*
 Date *13/08/2024*

Date: 09/08/2024

5

DC/CNZ
EE (DEM)/CNZ
13/8

Subject: - Reply to the Show-Cause notice issued to me vide no- 202/DC/CNZ/2024 dated 06/08/2024.

Respected Madam,

With due respect, it is to submit that above mentioned Show-Cause notice bearing no- 202/DC/CNZ/2024 dated 06/08/2024 (copy attached) has been issued to me, related to the NGT matter titled as Jangpura Extension Resident Forum (RWA) Applicant Vs Govt. of NCT of Delhi & Ors. (Respondent) vide O.A. No. 678/2023, vide which I have been directed to explain the reason that during the hearing of the matter on 18.03.2024 before the Hon'ble NGT, why I instructed the Municipal Counsel, without proper verifying the facts that Compactor Transfer Station shall be set up at the Jangpura Extension Dhalao within a time bound manner within a period of 60 days and accordingly Hon'ble NGT directed MCD to do the needful within 60 days.

With regard to the reasons of the above mentioned show cause notice, it is to submit that:-

During the hearing of the matter on 18.03.2024, Hon'ble NGT emphasized for implementation of SWM Rules, Bye-Laws & desired to completely abolish the dhalao's by replacing the same by FCTS. During the hearing of the matter, when I was asked by the Municipal Counsel, Puja Kalra, I spoke to the counsel that minimum six month time is required for conversion of dhalaos in to FCTS, as it requires constructions of civil structure and installation of machinery. It was also spoken to her that Parliamentary Elections has also been announced on 16.03.2024 and Model Code of Conduct has also been enforced therefore necessary approvals of the Election Commission are also required for initiation of fresh proposal for the construction of civil structure of FCTS. It is also to submit that I had not instructed the Counsel to submit the NGT that two months time is required for conversion of Dhalao in to FCTS in Jangpura Extension.

Further, with reference NGT orders dated 18/03/2024, an interim reply with due approval of the Competent Authority/Commissioner, MCD, was submitted before the Hon'ble NGT, on 28/05/2024, with the request to grant extension of time to MCD for installation of new FCTS at alternative place i.e. Pant Nagar Dhalao with mentioning all complete facts of the matter and further steps to be taken by MCD for improved MSW services in Jangpura Extension.

It is also to mention that against NGT orders dated 18.03.2024, present concessionaire (DDSIL) was requested vide letter dated 22.03.2024 to convert the dhalaos of H& D blocks Jangpura Extension, however M/S DDSIL vide letter dated 27.03.2024, replied and denied for providing equipment/Machine/FCTS in the additional extended period. It was also not anticipated that present concessionaire shall deny for additional investment for construction of new FCTS in Jangpura Extension, required for compliance of the orders of Hon'ble NGT dated 18/03/2024.

It is also to submit that I have never instructed the Municipal Counsel for any statement before the Hon'ble NGT without proper verifying the facts and have also acted promptly for getting compliance of the Hon'ble NGT in true letter and spirit in favor of the department.

In view of the above mentioned facts and circumstances, it is humbly requested that above mentioned Show-Cause notice issued to me, may please be dropped, as I have not instructed the Municipal Counsel on 18.03.2024 to submit the Hon'ble NGT that dhalao in Jangpura Extension shall be converted in FCTS in a time bound manner of 60 days.

Submitted Please

FBI n. n. H.
ATZ-I
14/8/24

Yours faithfully

P.K. Rastogi
 09/08/24

The then EE (EMS) CNZ



Google

New Delhi, Delhi, India

126/13, Jangpura, Pant Nagar, New Delhi, Delhi 110014, India

Lat 28.585147°

Long 77.244476°

14/09/24 10:28 AM GMT +05:30



GPS Map Camera



Google

GPS Map Camera



Google

New Delhi, Delhi, India

126/13, Jangpura, Pant Nagar, New Delhi, Delhi 110014, India

Lat 28.585132°

Long 77.244463°

14/09/24 10:24 AM GMT +05:30



GPS Map Camera



Google

New Delhi, Delhi, India

H-10, Jangpura, Block H, Jungpura Extension, New Delhi, Delhi 110014, India

Lat 28.582269°

Long 77.242337°

14/09/24 10:44 AM GMT +05:30



GPS Map Camera



Google



GPS Map Camera

New Delhi, Delhi, India

126/13, Jangpura, Pant Nagar, New Delhi, Delhi 110014, India

Lat 28.585142°

Long 77.244483°

14/09/24 10:28 AM GMT +05:30



Google

New Delhi, Delhi, India

126/13, Jangpura, Pant Nagar, New Delhi, Delhi 110014, India

Lat 28.585165°

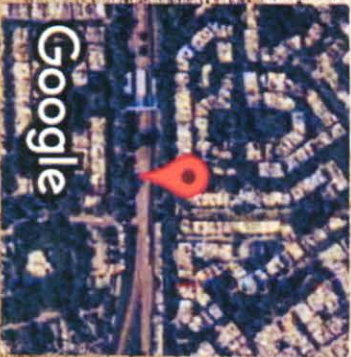
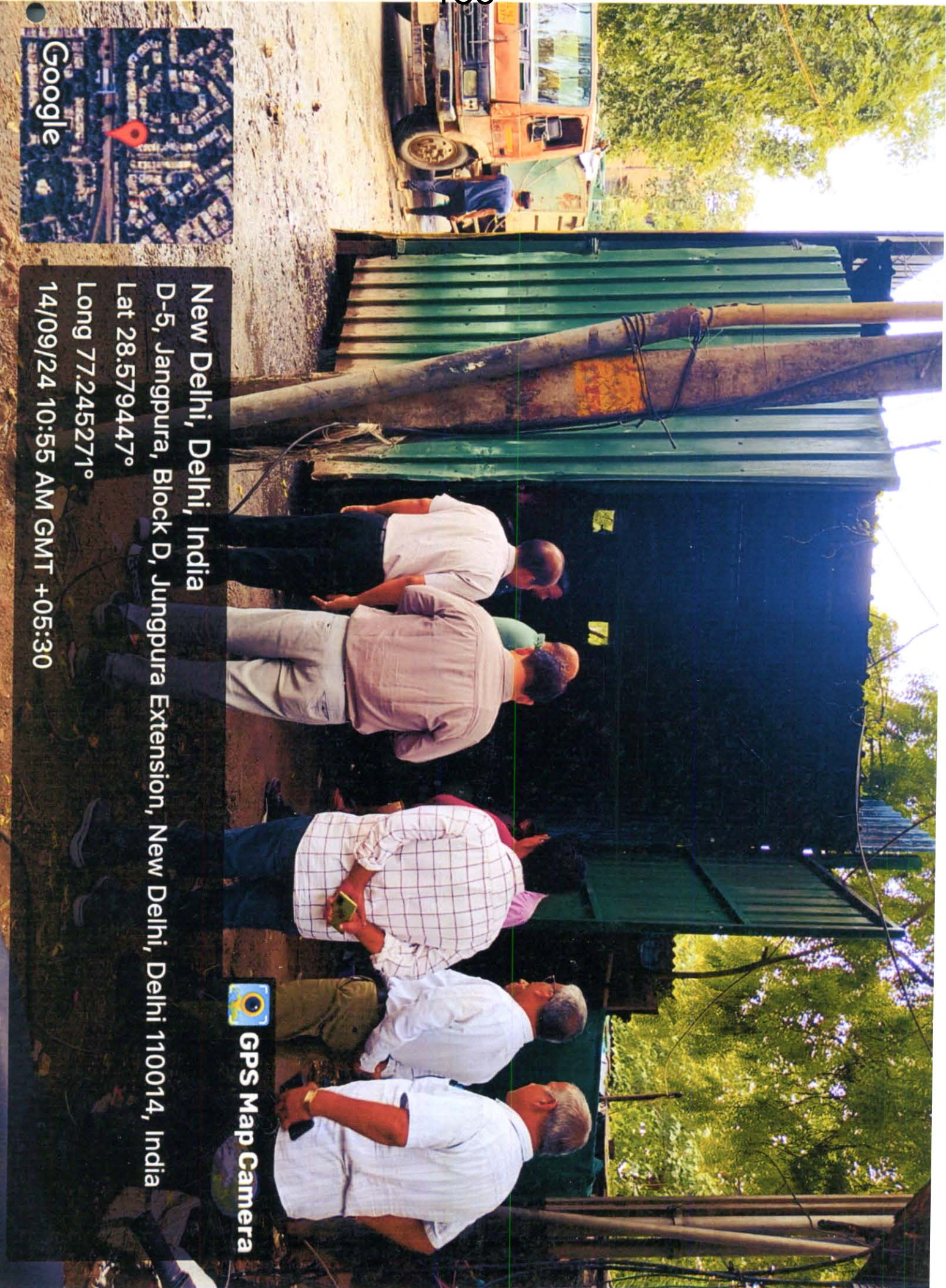
Long 77.244606°

14/09/24 10:31 AM GMT +05:30



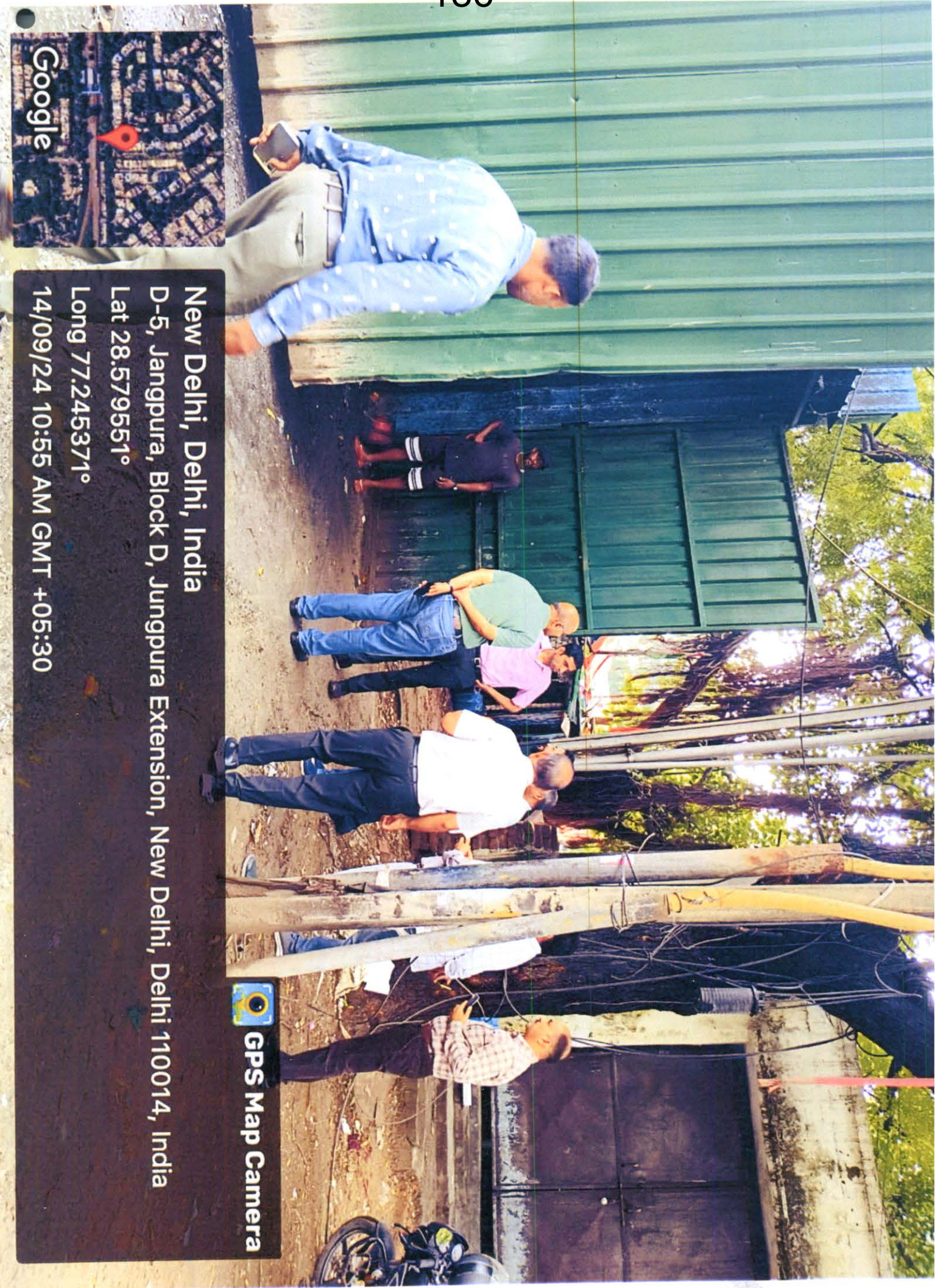
GPS Map Camera





New Delhi, Delhi, India
 D-5, Jangpura, Block D, Jungpura Extension, New Delhi, Delhi 110014, India
 Lat 28.579447°
 Long 77.245271°
 14/09/24 10:55 AM GMT +05:30





Google

New Delhi, Delhi, India

D-5, Jangpura, Block D, Jungpura Extension, New Delhi, Delhi 110014, India

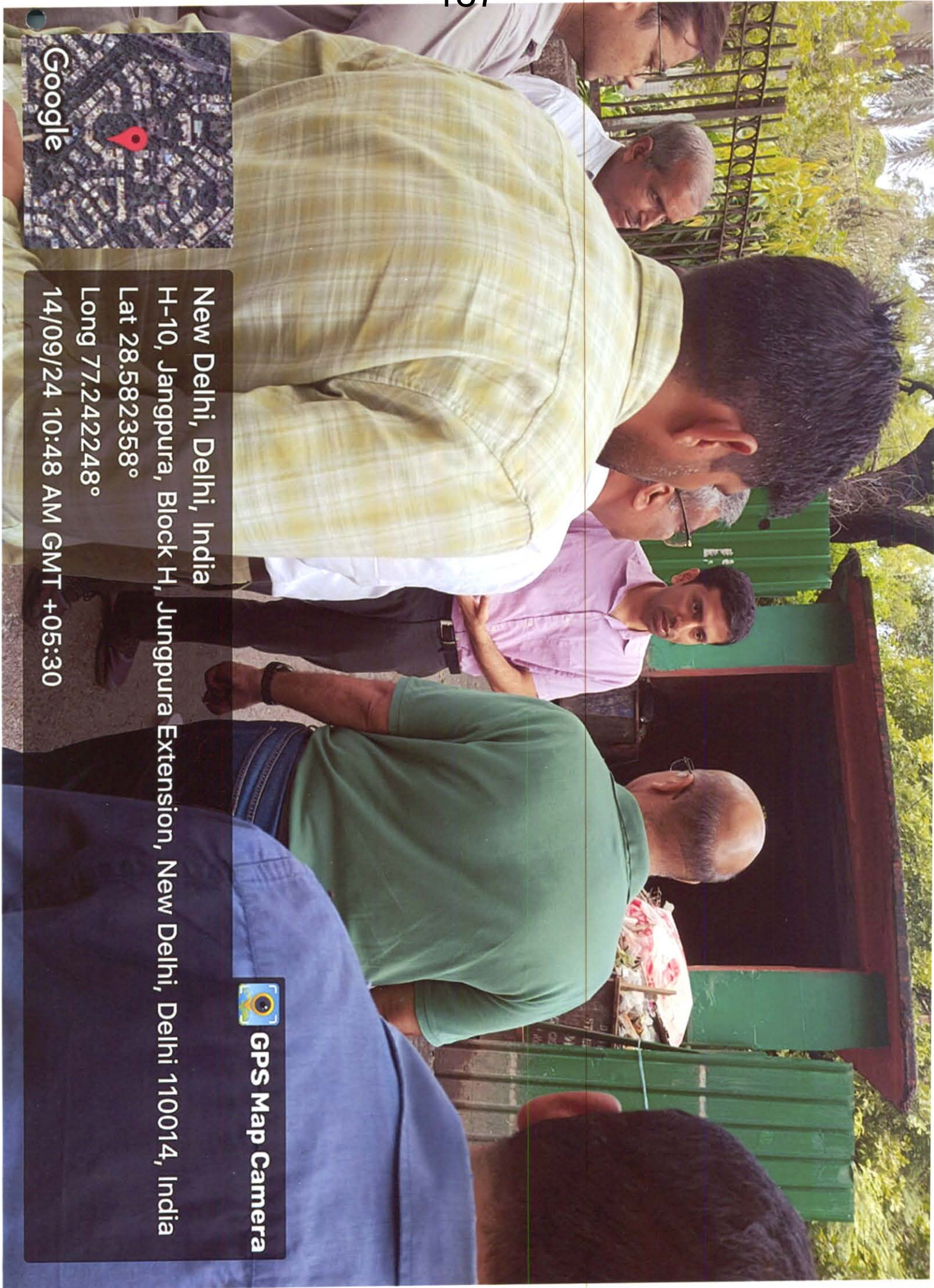
Lat 28.579551°

Long 77.245371°

14/09/24 10:55 AM GMT +05:30



GPS Map Camera



Google

New Delhi, Delhi, India
H-10, Jangpura, Block H, Jungpura Extension, New Delhi, Delhi 110014, India
Lat 28.582358°
Long 77.242248°
14/09/24 10:48 AM GMT +05:30

 GPS Map Camera



 **GPS Map Camera**

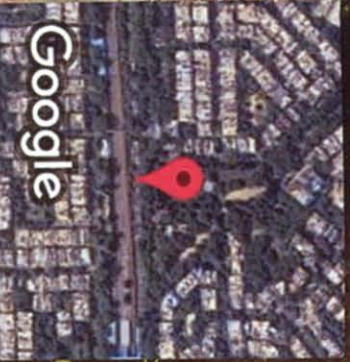
New Delhi, Delhi, India

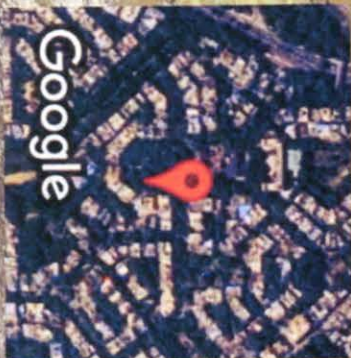
E-174, E-174, Hakikat Rai Marg, Jangpura, Lajpat Nagar, New Delhi, Delhi 110014, India

Lat 28.579578°

Long 77.241995°

14/09/24 11:08 AM GMT +05:30





Google

New Delhi, Delhi, India

H-10, Jangpura, Block H, Jungpura Extension, New Delhi, Delhi 110014, India

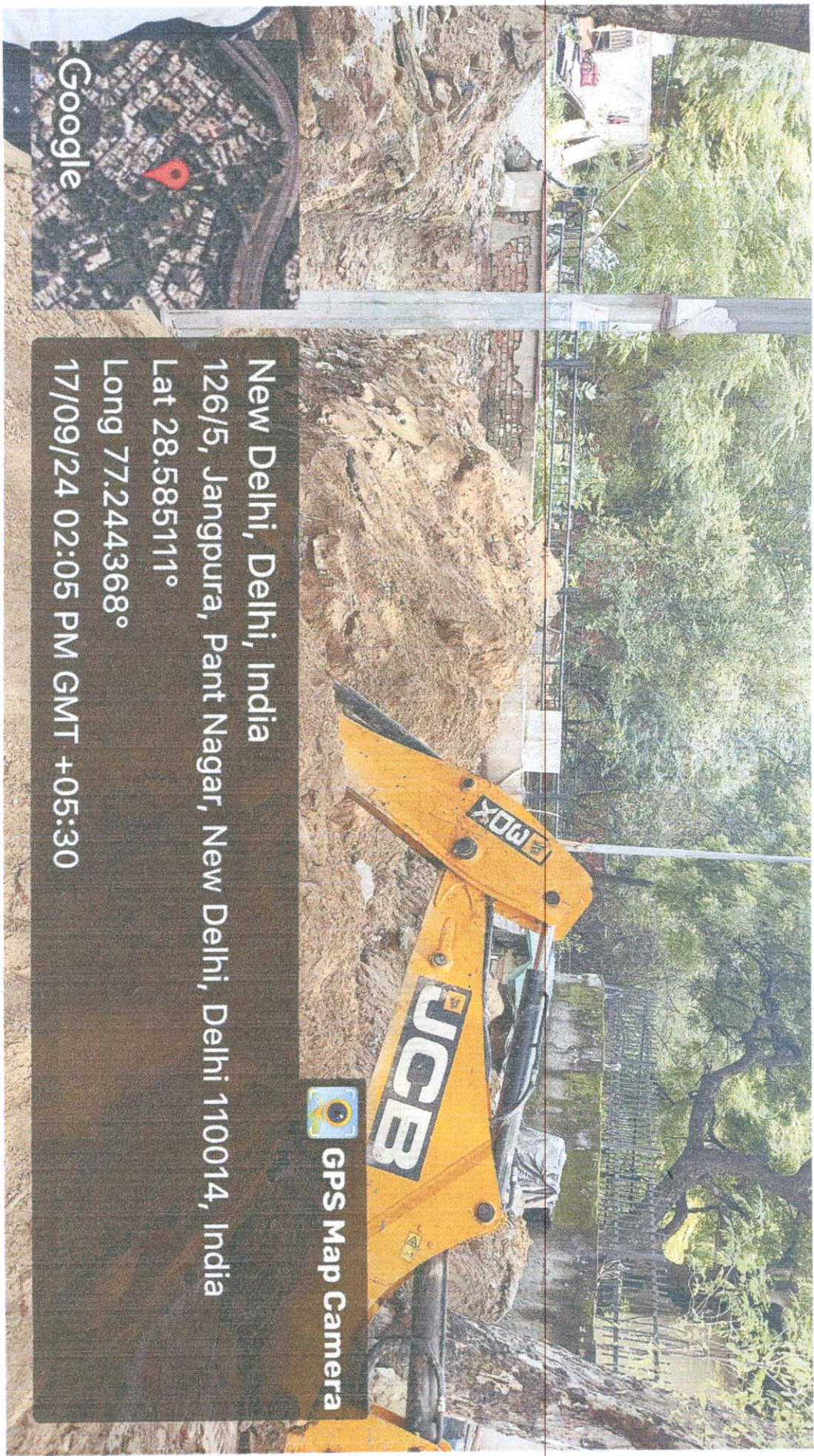
Lat 28.582379°

Long 77.242262°

14/09/24 10:48 AM GMT +05:30



GPS Map Camera



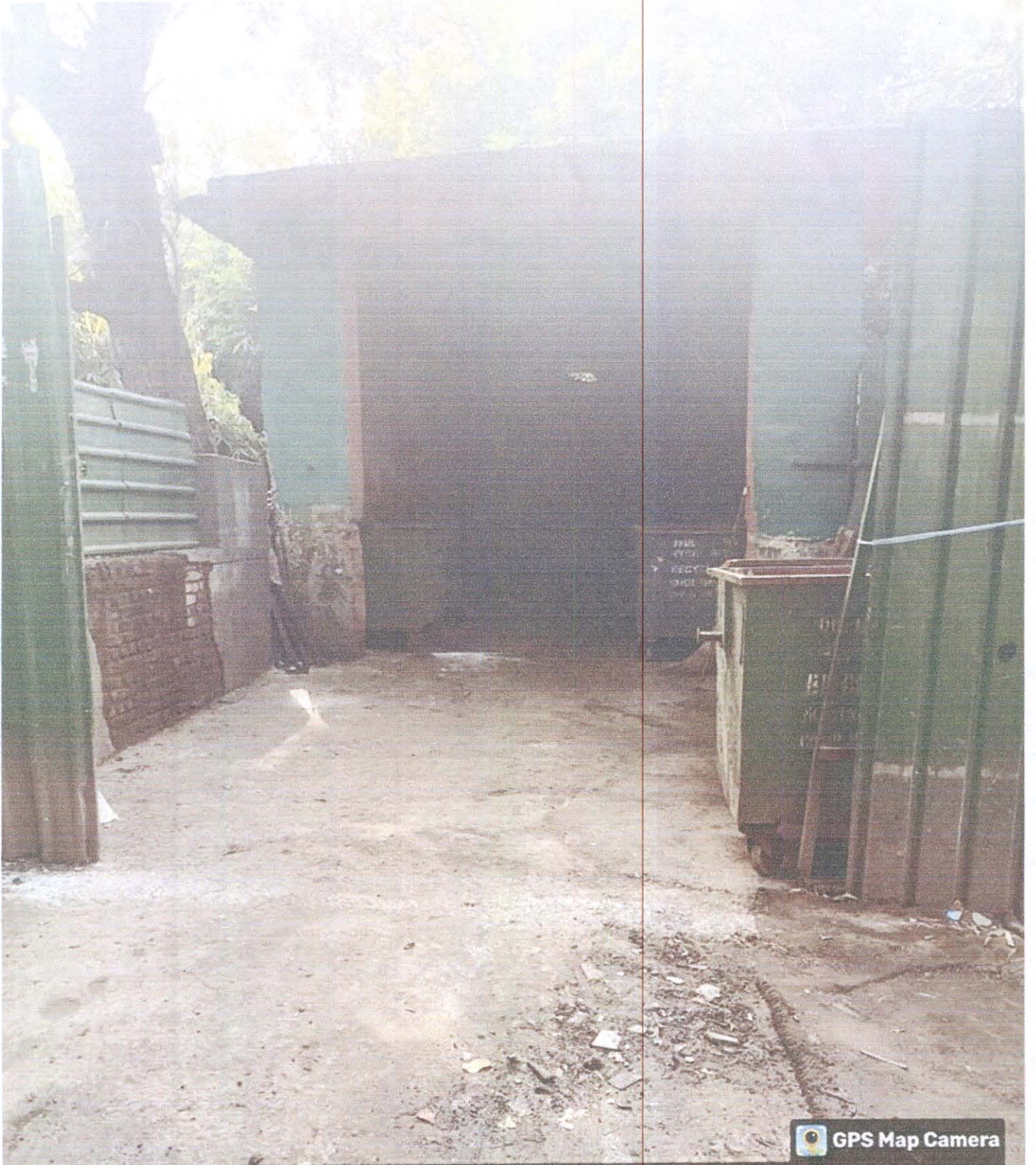
New Delhi, Delhi, India
 126/5, Jangpura, Pant Nagar, New Delhi, Delhi 110014, India
 Lat 28.585111°
 Long 77.244368°
 17/09/24 02:05 PM GMT +05:30


 GPS Map Camera

Google



19220



GPS Map Camera



नई दिल्ली, दिल्ली, भारत

11, जंगपुरा, ब्लॉक H, जंगपुरा एक्सटेंशन, नई दिल्ली, दिल्ली 110014, भारत

Lat 28.582276°

Long 77.24238°


17/09/24 02:49 PM GMT +05:30

का



New Delhi, Delhi, India
D-5, Jangpura, Block D, Jungpura Extension, New Delhi, Delhi 110014, India
Lat 28.579414°
Long 77.245292°
17/09/24 04:55 PM GMT +05:30



 GPS Map Camera



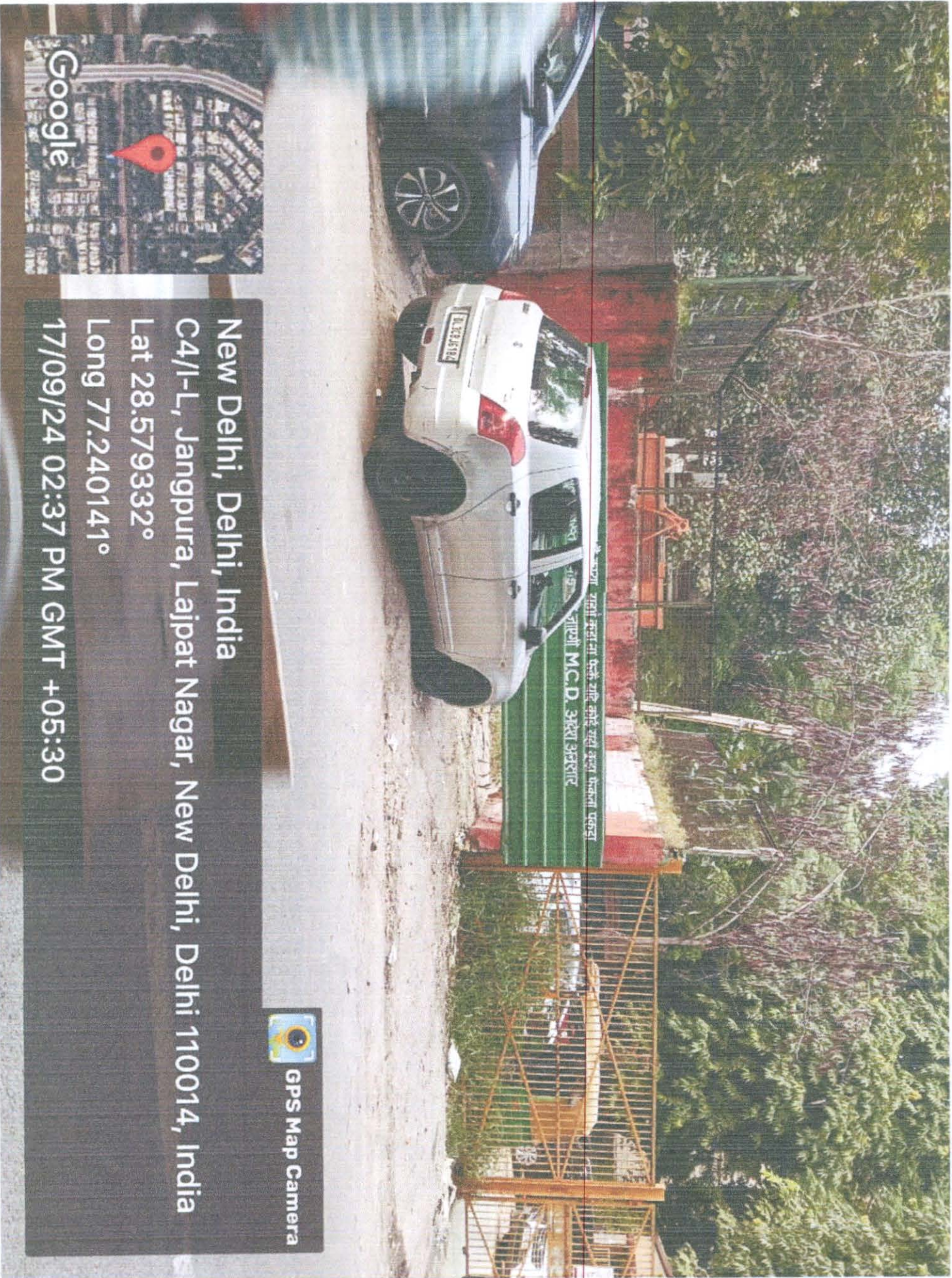
New Delhi, Delhi, India
D-5, Jangpura, Block D, Jungpura Extension, New Delhi, Delhi 110014, India
Lat 28.579435°
Long 77.245377°
17/09/24 04:56 PM GMT +05:30



New Delhi, Delhi, India
H-10, Jangpura, Block H, Jungpura Extension, New Delhi, Delhi 110014, India
Lat 28.582377°
Long 77.242264°
17/09/24 02:46 PM GMT +05:30



GPS Map Camera



New Delhi, Delhi, India
C4/I-L, Jangpura, Lajpat Nagar, New Delhi, Delhi 110014, India
Lat 28.579332°
Long 77.240141°
17/09/24 02:37 PM GMT +05:30

