

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
NEW DELHI, PRINCIPAL BENCH,  
NEW DELHI**

Original Application No. 914/2022

with

Caveat Application No. 20/2022

**IN THE MATTER OF :**

KAMLESH JONWAL

...APPLICANT

V/s

UDAY PUNJ & ANR.

...RESPONDENTS

**D.O.H:- 31/08/2023**

**INDEX**

<b><u>S.No.</u></b>	<b><u>Particulars</u></b>	<b><u>Pages</u></b>
1.	Status Report on behalf of Respondent/MCD.	1-3
2.	The copy of inventory register / Handing over / Taking over in this regard showing the said 02 patches / portions as received as <b><u>Annexure-A.</u></b>	4
3.	The copy of the complaint / intimation as sent and also the photographs showing the latest status of this portion of land (marked as 'B') as <b><u>Annexure - B (Colly).</u></b>	5-6
4.	The copy of the said complaint / intimation sent and photographs showing the latest status of this portion of land (marked as 'A') as <b><u>Annexure-C (Colly).</u></b>	7-8

Through



Ms. Pujá Kalra  
(Advocate)

Standing Counsel for MCD

Ch. No. 430/431

Delhi High Court, New Delhi.

New delhi  
dated:- 29/08/23

75

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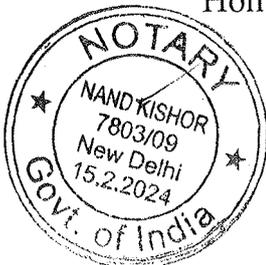
UDAY PUNJ & ANR. ...RESPONDENTS

**STATUS REPORT OF BY WAY OF AFFIDAVIT  
ON BEHALF OF THE RESPONDENT NO. 5 /  
MUNICIPAL CORPORATION OF DELHI (MCD)  
PURSUANT TO ORDER DATED 11/05/2023.**

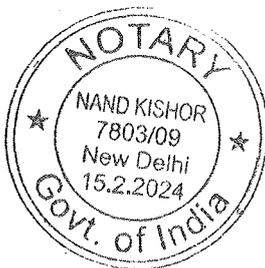
AFFIDAVIT OF PIJUSH KUMAR BENERJEE S/O  
SUNIL KUMAR BENERJEE AGED ABOUT 53  
YEARS, DEPUTY DIRECTOR HORTICULTURE,  
SOUTH ZONE, MUNICIPAL CORPORATION OF  
DELHI, GREEN PARK NEW DELHI:-

I, the deponent above named, do hereby solemnly affirm  
as state as follows:

1. That I am presently posted as Deputy Director Horticulture, South Zone, MCD, Green Park, New Delhi and am conversant with the facts of the case based on the official records maintained by MCD am as such competent to depose thereto.
2. That the instant status report / affidavit is being filed pursuant to order dated 11/05/2023 of this Hon'ble National Green Tribunal.



3. That at the outset, the answering respondent craves leave of this Hon'ble Tribunal to file the instant Status report in response to the instant Original Application (OA ) / Petition concerning the role of the answering respondent, with the liberty to filed detailed para wise reply / counter affidavit if need arises or Hon'ble Tribunal directs to do so.
4. That I have gone through the contents of the present Original Application / OA and denies each and every allegations and contentions made therein concerning respondent – MCD, unless and until the same are admitted herein below specifically.
5. That considering the role of the Horticulture Department of answering respondent / MCD, it is submitted that at the alleged green belt on Kaveri Apartments exit gate road, as per record, 02 patches / portions, one each on either side of the road, marked as 'A' and 'B' were received from DDA by way of Handing Over / Taking Over dated 31/05/2016 for the of purpose maintaining the same as green belt. The copy of inventory register / Handing over / Taking over in this regard showing the said 02 patches / portions as received is annexed herewith as Annexure-A.
6. That as regards, the green patch / portion (marked as 'B') one Sh. Uday Punj, already constructed the boundary wall of approximate 8 feet height claiming this portion / land as private property and also stay of the Hon'ble Court over it, in light of some litigation with DDA. Upon noticing the same,



a complaint / intimation dated 10/01/2023 in this regard was also sent to the concerned SHO PS Vasant Kunj, New Delhi with the copy of the same also endorsed to DDA. The copy of the complaint / intimation as sent and also the photographs showing the latest status of this portion of land (marked as 'B') are annexed herewith as Annexure - B (Colly).

7. That as regards, another portion / green patch (marked as 'A') also, the construction of wall work was undertaken in recent past, however, the same has been abandoned on account of the complaint / intimation sent by Horticulture Department of South Zone / MCD vide dated 26/12/2022 to the concerned, SHO PS Vasant Kunj, New Delhi with copy of the same endorsed to DDA. The copy of the said complaint / intimation sent and photographs showing the latest status of this portion of land (marked as 'A') are also annexed herewith as Annexure-C (Colly).

PK Banejee

DEPONENT  
Deputy Director (Hort.)  
South Zone : MCD

29 AUG 2023

VERIFICATION:

Verified at Delhi on this \_\_\_ day of August-2023, that the contents of the above affidavit are true and correct to my knowledge derived from the official records maintained by the MCD and I believe the same to be true and correct.

*By Kaul*

*I identify the Executant/Dependent who has signed in my presence*

29 AUG 2023

PK Banejee

DEPONENT  
Deputy Director (Hort.)  
South Zone : MCD



CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT/EXECUTANT WHO IS SEEMED PERFECTLY TO UNDERSTAND AFFIRMED & DEPOSED BEFORE ME AT NEW DELHI

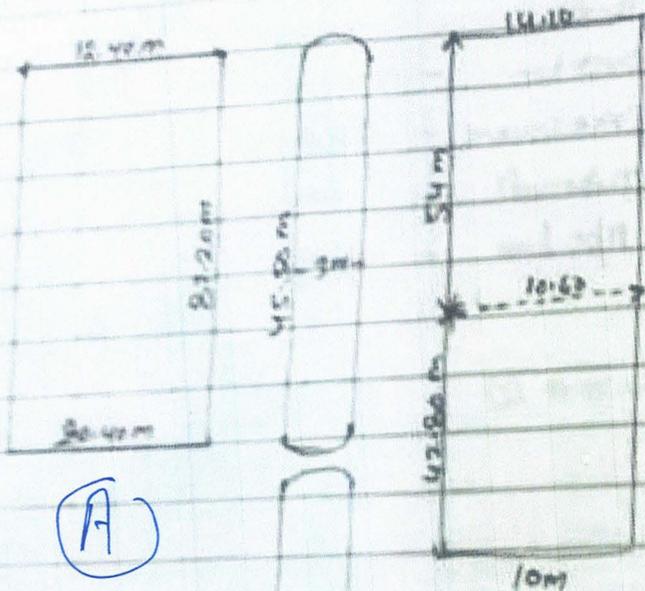
*Pradyumn Kumar*  
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE  
NOTARY PUBLIC (NEW DELHI)  
JAI  
DR AGARWAL Advocate

LINE NO-9



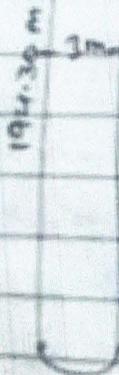
No. 10: M/o BOS DUS Houses Sec D-6 at Vasant Kunj

No. 10: M/o BOS DUS Houses Sec D-6 at Vasant Kunj



(A)

(B)



Total area — 0.20 acre

Tree Guard — 80 Nos

Bench — Nil

Pipe line — Nil

Tubewell — Nil

Handing over

Taken over

(Dharambir Singh)

(Mahendra Singh) 31/5/16

(Virendra Singh) 31/5/16

Asstt Director (Host)

Host. Divn-4/DDA

**MUNICIPAL CORPORATION OF DELHI  
HORTICULTURE DEPARTMENT : SOUTH ZONE GREEN  
PARK, NEW DELHI – 110 016**

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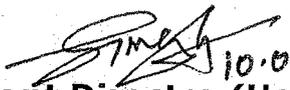
No. DDH/ADH/SZ/MCD/2022-23/ 3131

Dated: 10/10/2023

Subject:- Unauthorized construction carried out at Green Belt Area in front of D-6, Kavari Apartment, Vasant Kunj, New Delhi.

In was come into notice from Subhash chand, Chowdhary, C-3, Vasant Kunj, New Delhi that one person name i.e. Sh. Uday Punj has been carried out unauthorized constructin in shape of boundary wall on 8 feet hight in MCD Green Belt. The Green belt was handed over to MCD by DDA in 2016.

In view of the above, it is requested to stop unauthorized construction at Green belt Area in front of D-6, Kavari Apartment, Vasant Kunj, New Delhi.

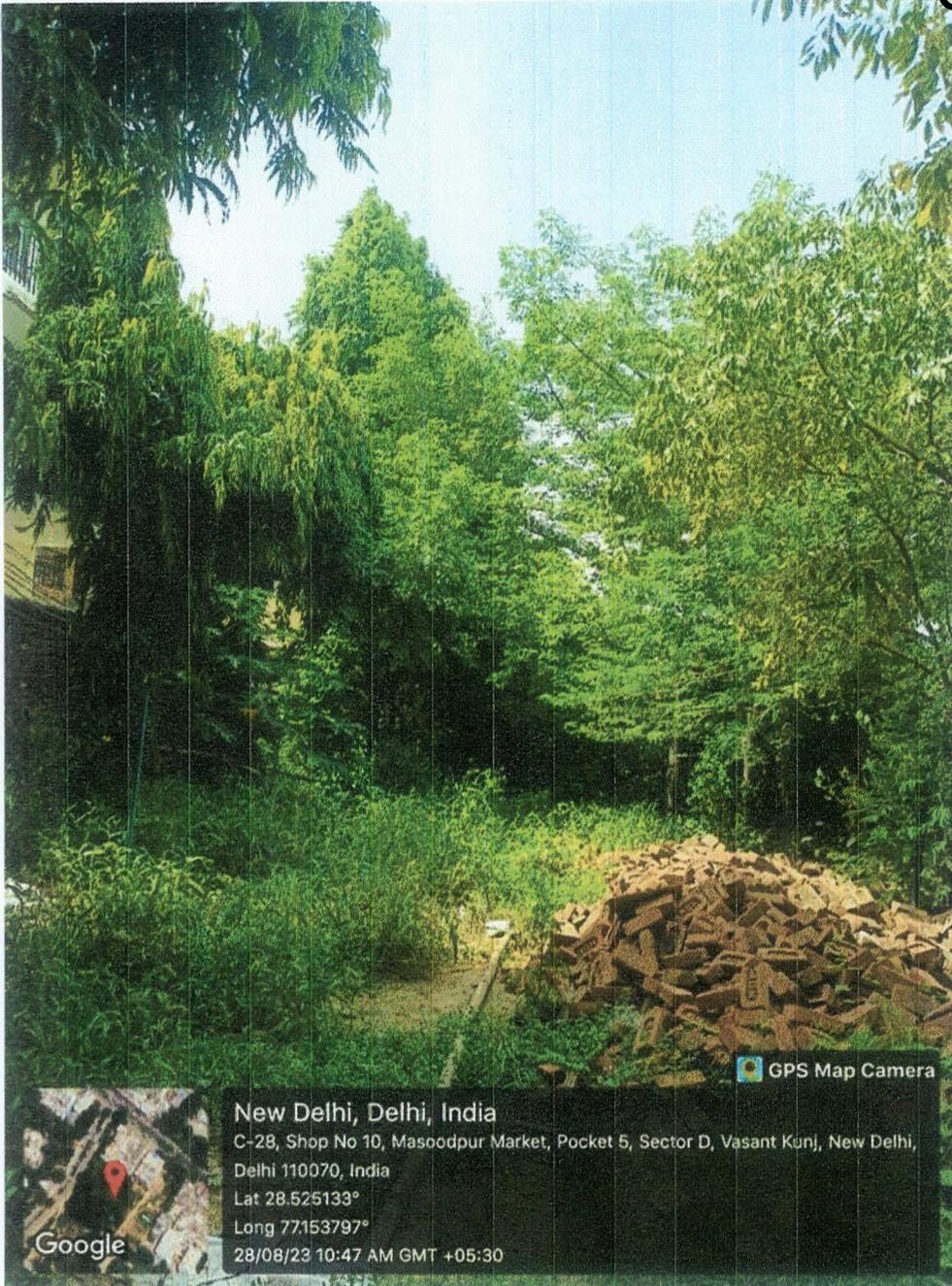
  
Assistant Director (Hort.)  
South Zone : MCD

S.H.O./ Vasant Vihar

Copy to :-

1. Exen. South Zone (EE-Building-I)
2. Horticulture Div.-4/DDA for providing file in this regard.

2





**81**  
**MUNICIPAL CORPORATION OF DELHI**  
**HORTICULTURE DEPARTMENT: SOUTH ZONE**  
**GREEN PARK, NEW DELHI-110016**

*Annexure-C (copy)* 7



No.DDH/ADH/SZ/SDMC/2022-23/3001

Dated: 26.12.2022

Subject: - Unauthorized construction carried out at Green Belt Area in front of D-6, Kavari Apartment, Vasant Kunj, New Delhi.

It was come into notice from Subash Chand, Chaudhary, C-3, Vasant Kunj, New Delhi that one person name i.e. Sh. Rajender Puri has been carried out unauthorized construction in shape of boundary wall on 8 feet height in MCD Green Belt. The Green belt was handed over to MCD by DDA in 2016.

In view of the above, it is requested to stop unauthorized construction at Green Belt Area in front of D-6, Kavari Apartment, Vasant Kunj, New Delhi.

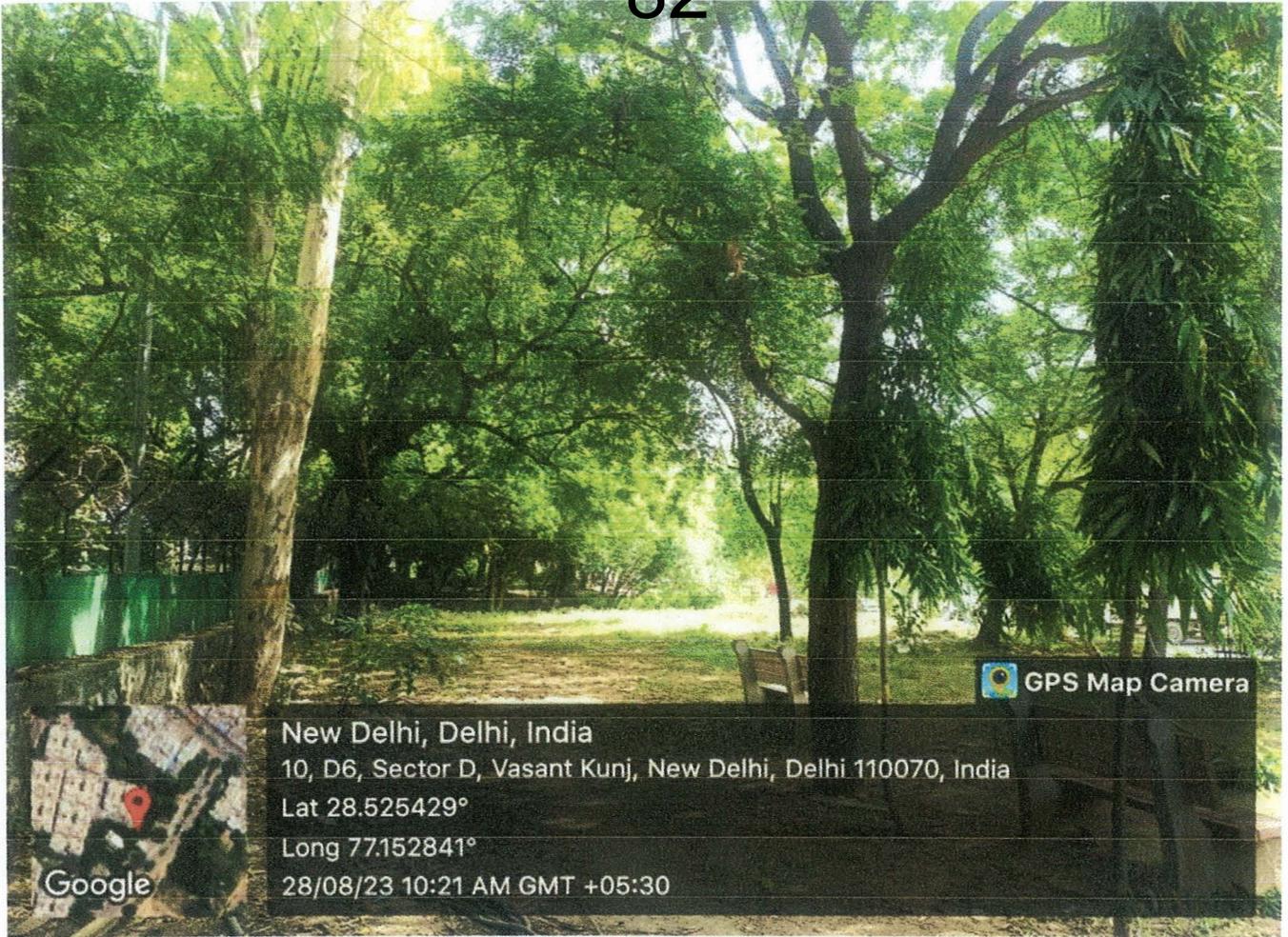
  
**Assistant Director(Hort.)**  
**South Zone, MCD**  
**Assistant Director (Hort.)**  
**South Zone : MCD**

**S.H.O/ Vasant Kunj**

**Copy to:-**

1. Exen South Zone
2. Horticulture Div-4/DDA for providing file in this regard.

S



*[Handwritten signature]*