

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

M.A. No. 66/2023

IN

Original Application No. 168/2022

IN THE MATTER OF:

Mudit Kumar

..... Applicant

Versus

Govt. of NCT of Delhi & Ors.

..... Respondents

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**THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
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IN THE MATTER OF:

Mudit Kumar Applicant

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Status Report on behalf of PWD, GNCT of Delhi

Most Respectfully Showeth:

1. That the above-mentioned application has been filed by the Applicant in relation to the running of illegal fish market on DDA land at Pahla Pushta, New Usmanpur, Front Road in Yamuna Khadar alleging environmental pollution posing serious health hazards to the local residents besides problems of traffic jams and other unsocial activities.
2. That this Hon'ble Tribunal constituted a Joint Committee comprising of Delhi Pollution Control Committee(DPCC), Delhi Agricultural Marketing Board, Government of NCT of Delhi, and Deputy Commissioner, Shahdara was vide order dated 05.05.2022 with direction to verify the factual position, look into the grievances of the applicant and take remedial action and submit Factual and Action Taken Report.

3. That the Action Taken Report was then submitted by the DPCC, wherein it was mentioned that directions were issued under Section 5 of the Environment (Protection) Act, 1986 to several authorities requiring them to file Action Taken Report and further made the following observation:

“2. PWD/ I&FC Dept Govt of Delhi shall ensure for all adequate measures including raising the height of wall in and around so that no encroachment could take place in 'O' zone of Yamuna River Bed, for carrying out illegal activities.”

4. That on the basis of the abovementioned report, this Hon'ble tribunal vide order dated 28.08.2023 was pleased to direct issuance of notices, *inter-alia*, to PWD, Government of NCT of Delhi requiring it to file Action Taken/Status Report. **(Annexure 1)**

“6. Notices be issued to MCD, PWD, I&FC, Department of Government of Delhi and DPCC requiring them to file Action Taken/Status Reports within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.”

5. That vide order dated 20.12.2023, on the request of the counsel for GNCT of Delhi, this Hon'ble Tribunal was pleased to give another opportunity to file their compliance report. **(Annexure 2)**

“1. The case is fixed for pronouncement of judgement but learned Counsel for GNCT of Delhi and Executive Engineer, PWD and Executive Engineer, I&FCD has submitted that the above respondents may be given opportunity to file their compliance report which could not be filed earlier.”

6. It is most humbly submitted that the road from old G.T. Road to Delhi UP Border (Sabhapur Village) has been handed over to the National Highways Authority of India (NHAI) including the service road in all respects vide the office letter No. 20(Handing over) North-East (B&R) /2281 dated 24.09.2021.(Annexure 3).
7. Therefore, NHAI is the custodian of the stretch of road and all the construction as well as maintenance is being done by the NHAI.

Dinesh Kumar Jaiswal
Executive Engineer
North-East (B&R), M Division
PWD, GNCTD

NEW DELHI

05.02.2024

ANNEXURE 1

Item No.2

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

M.A No. 66/2023

In

Original Application No. 168/2022

Mudit Kumar

Applicant

Versus

Govt. of NCT of Delhi

Respondent

Date of hearing: 28.08.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER****Applicant:** None.**Application is registered based on a complaint received by Post****ORDER**

1. Mr. Mudit Kumar resident of G-326, Karkardooma Court, Delhi filed O.A No. 168/2022 complaining about running of illegal fish market on DDA land at Pahla Pushta, New Usmanpur, Front Road in Yamuna Khadar causing environmental pollution posing serious health hazards to the local residents besides problems of traffic jams and other unsocial activities.

2. In view of the grievances made in the letter petition, a Joint Committee comprising of Delhi Pollution Control Committee (DPCC), Delhi Agricultural Marketing Board, Government of NCT of Delhi, and Deputy Commissioner, Shahdara was constituted vide order dated 05.05.2022 with direction to verify the factual position, look into the grievances of the applicant and take remedial action in accordance with law after following due process within one month from the date of receipt

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Mudit Kumar Vs.
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of a copy of the order and submit Factual and Action Taken Report before Ld. Registrar General of this Tribunal who was directed to put up the matter before the Bench for further directions, if necessary and the application was disposed of accordingly.

3. Action Taken Report was sent by the DPCC vide email dated 29.12.2022.

4. In the above said Action Taken Report, it has been mentioned that directions were issued under Section 5 of the Environment (Protection) Act, 1986 to EDMC, SHO, Shastri Park, PWD and I & FC, Department of Government of Delhi requiring them to file Action Taken Report within 15 days. The relevant part of the above said Action Taken Report reads as under:-

“X X X X X X

In view of above the Competent Authority in Delhi Pollution Control Committee and as decided, in exercise of powers conferred upon its u/s 5 of The Environment Protection Act, 1986 as amended to date, hereby issue the following directions for the area under your jurisdiction:

1. EDMC and SHO Shastri Park shall ensure that no illegal market operates a DDA land at Pahla Pushta, New Usmanpur, Front Road in Yamuna Khadar.

2. PWD/ I&FC Dept Govt of Delhi shall ensure for all adequate measures including raising the height of wall in and around so that no encroachment could take place in 'O' zone of Yamuna River Bed, for carrying out illegal activities.

You are requested to submit the Action taken report within 15 days from date of issuance of these directions.

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in O.A No. 168/2022

Mudit Kumar Vs.
Govt. Of NCT of Delhi

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*Compliance/non-compliance report shall be submitted to
Hon'ble NGT for further directions..."*

5. Since no Action Taken Report in compliance with the directions issued by the DPCC has been submitted by the above said Authorities, the matter has been put up before this Bench for further directions.

6. Notices be issued to MCD, PWD, I&FC, Department of Government of Delhi and DPCC requiring them to file Action Taken/Status Reports **within two months** at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

7. List for further consideration on 02.11.2023.

8. A copy of this order, along with a copy of the Action Taken Report filed by the DPCC be forwarded to the MCD, PWD, I&FC, Department of Government of Delhi and DPCC by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

August 28th 2023
AG

ANNEXURE 2

Item No.3

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

M.A. No. 66/2023

IN

Original Application No. 168/2022

Mudit Kumar

Applicant

Versus

Govt. of NCT of Delhi & Ors.

Respondents

Date of hearing: 20.12.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the Applicant.

Respondents: Ms. Jyoti Mendiratta Standing Counsel for GNCT of Delhi,
Executive Engineer, PWD and Executive Engineer, I&FCD
(Through VC).**Application is registered based on a complaint received by Post****ORDER**

1. The case is fixed for pronouncement of judgement but learned Counsel for GNCT of Delhi and Executive Engineer, PWD and Executive Engineer, I&FCD has submitted that the above respondents may be given opportunity to file their compliance report which could not be filed earlier.
2. Compliance report be filed within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

3. List on for further consideration on 06.02.2024.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 20, 2023
N

40 ANNEXURE 3

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सत्यमेव जयते

राष्ट्रीय राजधानी क्षेत्र दिल्ली सरकार
GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI

कार्यालय कार्यपालक अभियन्ता
उत्तर पूर्व सड़क अनु० मंडल
लो०नि० वि० शास्त्री पार्क
नजदीक आई टी पार्क, दिल्ली-110053

Office of Executive Engineer
North East Road Maintenance
PWD Shastri Park,
Near I.T. Park Delhi-110053



फोन न० 22565497, ईमेल:- eeppwddelhim213@gmail.com

संख्या:-20(Handing Over) सि. स. अनु. मंडल (उत्तर पूर्व) सड़क/दि०स०/228/ दिनांक 24/9/2021

सेवा में,

Sh. Mudit Garg,
Project Director, NHAI,
Ministry of Road Transport & Highways, Govt. of India,
Project Implementation Unit, Ghaziabad,
Under CWG Flyover, at Km. 2+000 of NH-9 (Old NH-24),
Near Akshardham Temple,
Delhi 110092

Subject:- Handing over of roads from Akshardham to Khajuri Khas and beyond along pusta presently under PWD jurisdiction.

Ref.:- Your office letter No. NHAI/PIU-GZB/709B-1/12032/PWD/2021/E-1623 dated 06.09.2021

महोदय,

With reference to above noted subject, it is informed that the road from Old Iron Bridge to Sabhapur village is under the jurisdiction of this office. The desired details for the said road attached herewith for your information and necessary action please.

Encl:- As above

भवदीय

कार्यपालक अभियन्ता
लो. नि. वि. (उ.पू०)एम सड़क
शास्त्री पार्क नियर आई टी पार्क
दिल्ली 110053
फोन न० 22565497

प्रतिलिपि:-

1. अधीक्षण अभियन्ता, लो. नि. वि. परि. (उ०पू०) एम, द्वितीय निजामुद्दीन पुल पूर्वी तट, दिल्ली को सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
2. उपनिदेशक (उद्यान), लो. नि. वि. मंडल (पू०), जी०एस० मिहिर भोज वाटिका, द्वितीय निजामुद्दीन पुल पूर्वी तट, दिल्ली को इस अनुरोध के साथ कि आपके मंडल में उक्त सड़क से सम्बन्धित जानकारी सीधे श्री मुदित गर्ग, प्रोजेक्ट डायरेक्टर (एन०एच०ए०आई०) को भिजवाने का कष्ट करें।
3. कार्यपालक अभियन्ता (वै०), उ०पू० एवं शाहदरा वैद्युत मंडल, एल०एम० बंध रोड, रमेश पार्क, नियर शकरपुर पुलिस स्टेशन, दिल्ली 110092 को इस अनुरोध के साथ कि आपके मंडल में उक्त सड़क से सम्बन्धित जानकारी सीधे श्री मुदित गर्ग, प्रोजेक्ट डायरेक्टर (एन०एच०ए०आई०) को भिजवाने का कष्ट करें।
4. सहायक अभियन्ता, लो. नि. वि. स. अनु. उपमंडल एम-2134, दिल्ली को आपके पत्र संख्या 328 दिनांक 24.09.2021 के संदर्भ सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
5. गार्ड फाईल

कार्यपालक अभियन्ता

- (1) Structural drawing of flyovers, rail over bridges, foot over bridges, culverts, any others structure etc. in the said stretch, so that the widening of structure under the said project can be designed and planned accordingly.

(Structural drawing of Shastri Park flyover is attached and Khajuri Chowk flyover structural drawing is not available)

(As per annexure-B)

- (2) The date of construction, flushing date, contract agreement for maintenance of rain water harvesting recharge wells, drains disposal point for disposal of drainage on Pusta Road is also required.

Drainage on Pusta Road with disposal point

S.No	Name of Road	Length of Drain (in mtr)	Section of drain	Disposal point
1	Old Iron Bridge to Police Chowki	300	W- 1.60 H-1.50	Drain no. 1
2.	Police Chowki to Shastri Park Length	600	No drain	-
3	Shastri Park to Khajuri chowk	3750	W- 0.75 H- 0.75	Through MCD drain in Drain no. 1
4	Khajuri Chowk to Sabhapur Village	3650	It is pertains to Irrigation & Flood Control Department	-

- (3) Details of unauthorized occupation/encroachment to be provided in the following format:

From km Tokm	Type of encroachment	Extent of encroachment from centre line of existing median LHS/RHS	No. of huts in slum area & no. of families in slum	Encroachment in from of temporary construction	Unauthorized occupation in form of permanent construction	Religious structure
Sub Division M2134						
-	Soft Encroachment	Old G.T. Road to Sabhapur	Approx 1400 Mtr. Length on footpath	Temporary construction	NIL	Temples on service Road at MB Road

- (4) The details of electrical poles, electrical sub-station and horticulture details may also be provided by concerned divisions of PWD Delhi.

(Pertains to PWD Electrical Division M-251

L.M. Bund Road, Ramesh Park near Sakarpur Police station, Delhi 110092

- (5) Linear plan of Pusta Road, revenue record such as Titima, Sajra and acquisition details shall be provided.

(Linear plan is attached)

(As per annexure-C)

- (6) Details of court cases are mentioned "Nil" in Sr. No. (4), but in introduction, it is mentioned that one court case is pending. The details of same is also required.

NIL

- (7) Details of encroachment as mentioned in Sr. No. 6(a) shall be provided in format as mentioned in para (c) above.

From km Tokm	Type of encroachment	Extent of encroachment from centre line of existing median LHS/RHS	No. of huts in slum area & no. of families in slum	Encroachment in from of temporary construction	Unauthorized occupation in form of permanent construction	Religious structure
Sub Division M2134						
-	Soft Encroachment	Old G.T. Road to Sabhapur	Approx 1400 Mtr. Length on footpath	Temporary construction	NIL	Temples on service Road at MB Road

- (8) The details of NOC/permission issued to the utility owing agency for laying of utilities in the ROW of Pusta Road i.e. NH-709 B is also required.

The details of NOC letter issued by this office are as under:-

S. No	Utility & dimension	Whether overhead / underground	Whether crossing or going longitudinally	Length (M)	Whether Provisional NOC Granted	Whether Final NOC granted	Address/contract details of utility owing agency.
1	Wazirabad Road at Khajuri Chowk	Underground	Crossing	450 Mtr.	App. ID 201910011654298 dt. 10.12.2019	Final NOC	DJB
2	Shastri Park	Underground	longitudinally	1950 Mtr.	App. ID 201909271728022 dt. 18.10.2019	Final NOC	BSES
3	Service Road Biharipur	Underground	longitudinally	326 Mtr.	App. ID 20191101133390 dt. 10.12.2019	Final NOC	DJB
4	SBS colony Gali no. 12 to G1 G2 SVR	Underground	longitudinally		App. ID 201910301136123 dt. 21.01.2020	Final NOC	BSES
5	Shastri park to Nala no. 5 SLM to Mazarwala	Underground	Crossing	800 Mtr.	App. ID 2019092717215 dt. 11.11.2020	Final NOC	BSES
6	Shastri park to 3 rd pusta	Underground	longitudinally	1350 Mtr.	App. ID 201810101356252 dt. 01.01.2019	Final NOC	BSES

(NOC letter attached)
(As per annexure-D)

Point wise reply as per record is as under:-

Handing Over of Pusta Road (Marginal Bundh Road) from RD-0.000 to RD- 8.300 (From Railway line near Old Iron Bridge to Sabhapur Village via Shastri Park, Khajuri Chowk) by PWD, Delhi to National Highway Authority of India (NHAI)

- i. Linear plan showing chainage-wise ROW width, ROW boundary, Plan, Profile and cross section of highway of each km.:-

(Drawing attached)

- ii. Bar chart showing the pavement width, paved shoulders, earthen shoulders, crust thickness & composition, treatment done (IRQP, Strengthening PR, SR) in last 5-6 years showing legends:-

S.No	Name of Road (Location)	Length (in Mtr.)	ROW (in Mtr.)	Last Strengthening
1	Old G.T. Road	900	30.00	2020
2	Shastri Park to Khajuri Chowk	3750	45.00	2018
3	Khajuri Chowk to Sabhapur	3650	45.00	2015

- iii. Sheet showing extent of ROW from existing center line of median at every 100mtr interval. Further tatima (ROW depicted on sijra map) for the all the villages shall be appended. Land records such as notification for acquisition of land, details of compensation paid to land owners, possession & mutation paper, village wise.:

(Same drawing attached as per S. No. (i) for reply related to PWD)

- iv. Documents related to any court case, disputes etc. with details & pendency status:- Sub Division M-2134

-NIL-

- v. Authorized & unauthorized access to highway of private/Govt. agencies with name & location, type along with NOC papers & for unauthorized access to highway what action has been taken in last 10 years:-

-NIL-

- vi. Details of illegal occupation & encroachment with in ROW of MB Road following performa.

From km Tokm	Type of encroachment	Extent of encroachment from centre line of existing median LHS/RHS	No. of huts in slum area & no. of families in slum	Encroachment in from of temporary construction	Unauthorized occupation in form of permanent construction	Religious structure
Sub Division M2134						
-	Soft Encroachment	Old G.T. Road to Sabhapur	Approx 1400 Mtr. Length on footpath	Temporary construction	NIL	Temples on service Road at MB Road

vii. The details of utilities laid the highway ROW along with a copy of NOC issued by PWD till date as per format.

S. No	Utility & dimension	Whether overhead / underground	Whether crossing or going longitudinally	Length (M)	Whether Provisional NOC Granted	Whether Final NOC granted	Address/contract details of utility owing agency.
1	Wazirabad Road at Khajuri Chowk	Underground	Crossing	450 Mtr.	App. ID 201910011654298 dt. 10.12.2019	Final NOC	DJB
2	Shastri Park	Underground	longitudinally	1950 Mtr.	App. ID 201909271728022 dt. 18.10.2019	Final NOC	BSES
3	Service Road Biharipur	Underground	longitudinally	326 Mtr.	App. ID 20191101133390 dt. 10.12.2019	Final NOC	DJB
4	SBS colony Gali no. 12 to G1 G2 SVR	Underground	longitudinally		App. ID 201910301136123 dt. 21.01.2020	Final NOC	BSES
5	Shastri park to Nala no. 5 SLM to Mazarwala	Underground	Crossing	800 Mtr.	App. ID 2019092717215 dt. 11.11.2020	Final NOC	BSES
6	Shastri park to 3 rd pusta	Underground	longitudinally	1350 Mtr.	App. ID 201810101356252 dt. 01.01.2019	Final NOC	BSES

viii. The details of PWD division, who is the custodian of the Highway.

S. No	PWD Division	Name of officer	Office address	Contract number/Email ID	Stretch under jurisdiction	Remarks
1.	North East Road/M2 13 PWD	Er. V.K. Singh, EE	North East Road Maintenance Division, Shastri Park, near IT Park, Delhi 110053	eepwddelhim213@gmail.com	NIL	
2.	Sub Division M2134	Er. Kiran Ajabrao Ambhore, AE	Sub Division M2134, PWD, 5 th pusta MB Road, near Transco, Delhi 110053	aem2134@gmail.com	NIL	

ix. Road features, such as bridges, culverts underpass flyover, overpass, viaducts, pedestrian underpass/overpass etc. and their plan & profile, cross section, construction GADs and year of construction, rehabilitation done if any and when and what sort and other relevant details, along with defect liability period of contractor:-

(Details as per annexure-A)

- x. Existing drainages system for drainage of storm water on highway in from of culverts, longitudinal drain, their size, shape and distance from centre line of present median and any other relevant details:-

S.No	Name of Road	Length of Drain (in mtr)	Section of drain	Disposal point
1	Old Iron Bridge to Police Chowki	300	W- 1.60 H-1.50	Drain no. 1
2	Police Chowki to Shastri Park Length	600	No drain	-
3	Shastri Park to Khajuri chowk	3750	W- 0.75 H- 0.75	Through MCD drain in Drain no. 1
4	Khajuri Chowk to Sabhapur Village	3650	It is pertains to Irrigation & Flood Control Department	-

- xi. Any history of major road damages in form of caving of road, bridge/structure failure, bearing replacement:-

NIL

- xii. Details of existing highway lighting arrangement and its custodian:-

(Pertains to PWD Electrical Division M-251
L.M. Bund Road, Ramesh Park near Sakarpur Police station,
Delhi 110092

- xiii. Accidents records during last 10 years showing persons injured including fatal and location:-
(No such record available)

- xiv. HFL data and other relevant information relevant to project highway:-

NIL

Details of Roads

S.No	Name of Roads and Road no.	Road ID	Starting Point	End Point	Via	ROW (M)	Length (in KM)
1	Marginal Bund Road	182	Railway line near Old Iron Bridge	Sabhapur Village	Shastri Park, Khajuri Chowk	45	3.300

List of Flyover

S.No	Location	Nos.
1	Shastri Park flyover	01
2	Khajuri Chowk Flyover	01

List of ROB (NIL)

S.No	Location	Nos.
NIL		

List of FOB (NIL)

S.No	Location	Nos.
NIL		

List of Signage board & Over head Signage board

S.No	Location	Nos.
1	'U' gantries	08 Nos. (Both sides) Photograph attached.
2	'L' gantries	09 Nos. (Both side) photograph attached.
3	Over head signage board (informatory board & cautionary board)	72 Nos. (Both side)



Annexure - 'A'

Handing over/Taking over of Marginal Bundh Road from Old G.T. Road to Delhi UP Border (Sabhapur Village)

Ref:- (i) NHA/PIU-GZB/709B-1/12032/PWD/2022/B-1575 dated 21.06.2022
(ii) NHA/PIU-GZB/709B-1/12032/PWD/2022/B-1589 dated 23.06.2022

In reference to the above cited letters and instruction of Executive Engineer, PWD NE (B&R) Maintenance Division (M-213) the Marginal Bundh Road from Old G.T. Road to Delhi UP Border (Sabhapur Village) is being handed over to National Highway Authority of India (NHAI) with following details:-

S. No.	Details of Road		Remarks
1	Name of Road	Marginal Bundh Road	From today the maintenance of this road & Service Road in all respect will be done by NHAI.
2	Stretch of Road	From Old G.T. Road to Delhi UP Border (Sabhapur Village)	
3	Length of Road	8.001 Km	
4	Carriageway	06 Lane divided carriageway having 03 lane on each side	
5	Right of way (ROW)	45 Mtr.	
6	Condition	Motorable	
7	Central verge	Yes	
8	Footpath	Yes (Both Side)	
9	Service Road	Yes (City Side)	
10	Drain	SW drain along service Road (City Side)	
11	Street Light	Yes (Electric Pole on Central verge)	
12	Toe Wall	Yes	
13	Gantries	Yes	
14	Signage Board	Yes	

Handed Over By

Ankit Kumar
23/06/22
(Ankit Kumar)
Junior Engineer,
PWD Sub Division M-2134

Taken Over By

Balram Tanwar
Inventory & Drawings to be handed over. Siting may be continued for the season
29/6/22
(Balram Tanwar)
National Highway Authority of India (NHAI)

Balram Tanwar
Drawings & Inventory list handed over
7/7/22