

**BEFORE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
O.A No.697 OF 2023**

**IN THE MATTER OF:
MR. R. M. ASIF**

...APPLICANT

VS.

RAIL LAND DEVELOPMENT AUTHORITY & ORS.

...RESPONDENTS

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NDOH: 28.11.2023

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THROUGH

A. Pundhir

**VISHNU ANAND/ADITI PUNDHIR
COUNSELS FOR THE RESPONDENT NO.1
ZEUS LAW ASSOCIATES
2, Palam Marg, Vasant Vihar,
New Delhi – 110057**

Place: New Delhi
Date: 24.11.2023

BEFORE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

O.A No.697 OF 2023

IN THE MATTER OF:

MR. R. M. ASIF

...APPLICANT

VS.

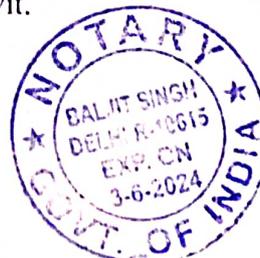
RAIL LAND DEVELOPMENT AUTHORITY & ORS.

...RESPONDENTS

SHORT AFFIDAVIT ON BEHALF OF RESPONDENT NO.1 I.E., RAIL LAND
DEVELOPMENT AUTHORITY.

I, Pratyus Sinha, working as Joint General Manager/P/NDLS at Rail Land Development Authority (hereinafter referred to as “Respondent No.1”), having office at Unit No.702-B, 7th Floor, Konnectus Tower-2, DMRC Building, Ajmeri Gate, New Delhi-110002, do hereby solemnly affirm and states as follows:

1. That I am working as Joint General Manager/P/NDLS with Respondent No.1. I am duly authorised vide Office Order No.1 of 2021 dated 30.04.2021 passed by Respondent No.1. I am well aware of the facts of present case and thus, competent to depose the present affidavit.



2. That I have read and understood the contents of the captioned Application. I state that unless specifically admitted, the averments made by the Applicant in the captioned Application are wrong and vehemently denied. The grounds raised by the Applicant are devoid of any merit and the captioned Application is liable to be dismissed by this Hon'ble Tribunal.
3. The present short affidavit is being filed on behalf of Respondent No.1 to the captioned Application. The Respondent No.1 reserves its right to file a detailed Reply.
4. The Applicant has challenged the Request for Proposal dated 19.12.2022 bearing No.RLDA/RFP/CD-85 of 2022 (hereinafter referred to as "said RFP") issued by Respondent No.1 for grant of lease for mixed use development on combined plot MU4+MU5 +MU6 Railway Land Parcel admeasuring approx. 1,24,000 square meters situated along New Bijwasan Railway Station, Delhi (hereinafter referred to as "Subject Land").

THE PROJECT ON SUBJECT LAND

5. The Ministry of Railways (MoR) decided to re-develop the existing Railway Stations through Indian Railway Stations Development Corporation Limited



(hereinafter referred to as “IRSDC”) as Nodal Agency. In order to reduce the vehicular traffic on Railway network in Delhi and to decongest New Delhi – Delhi Railway Stations, the Master Plan for Delhi (MPD) – 2021 proposed several Directional Metropolitan Passenger Terminals in Delhi at various locations. Two such Directional Metropolitan Passenger Terminals proposed under the Master Plan for Delhi (MPD) – 2021 are Bijwasan (South –West Delhi – Dwarka Project) [hereinafter referred to as “said Project”] and Anand Vihar (East Delhi). The Master Plan of the said Project was developed and got approved from various Civil Authorities including IRSDC, Unified Traffic and Transportation Infrastructure (Planning & Engineering) Centre [hereinafter referred to as “UTTIPEC”]. The approved Master Plan is annexed as ANNEXURE R-1.

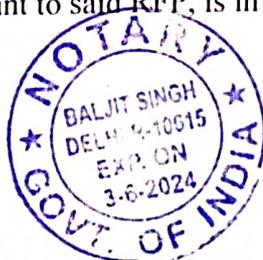
6. It is envisaged that the said Project will also be connected with Delhi Metro for providing easy and last mile connectivity. The said Project will have 09 number of railway tracks. The said Project will ultimately have various railways routes which are currently operating from existing railway stations. The said Project will cater and provide for various trains to States like Rajasthan, Gujarat, Maharashtra etc. The said Project would connect new sub-cities like Dwarka, Gurgaon etc directly with Railways. The said Project is also linked with the redevelopment of New Delhi Railway Station and will bring capacity enhancement and enable passenger safety works at other stations.



7. The said Project is also envisaged as promoting trade and commerce and thus, the said Project would help in generating revenue. Thus, the said Project is of national importance and is in the interest of public at large, directly related with passenger safety and capacity enhancement with a view to decongest existing New Delhi – Delhi Railway Stations and to provide ease to general public in commuting to other states

THE SUBJECT LAND

8. **Ownership** - In order to implement the execution of said Project i.e., Directional Metropolitan Passenger Terminal at Bijwasan (South –West Delhi – Dwarka Project), the Delhi Development Authority (hereinafter referred to as “DDA”) allotted Subject Land admeasuring 110.07 Hectares at Bijwasan, Sector 21, Dwarka vide letter No.F35(61)07/IL/84 dated 21.01.2008 for redevelopment of Bijwasan Railway Station. I state that the Subject Land was handed over by DDA to Ministry of Railways on perpetual lease basis for development of Bijwasan Railway Station Mega Project in Year 2009-10. At the time of handing over, the Subject Land was a barren land and it was neither a notified forest land nor any significant vegetation was existing as shown in Google Earth photograph. Accordingly, a Memorandum of Understanding dated 19.12.2019 (hereinafter referred to as “said MoU”) was also executed between DDA and Respondent No.1. Now the Respondent No.4, being a successful bidder pursuant to said RFP, is in possession of Subject Land.



Copy of Letter issued by DDA handing over of possession of Subject Land is annexed herewith and marked as ANNEXURE R-2. The Google Earth photographs at the time of handing over is placed as ANNEXURE R-3. Copy of the MoU dated 19.12.2019 is annexed herewith and marked as ANNEXURE R-4.

Location- The Subject Land is a part of planned development as per Master Plan for Delhi (MPD) – 2021. I state that the neighbourhood of the Subject Land is a densely populated areas. The Subject Land is located close to the Indira Gandhi International Airport and various Sectors of Dwarka, including Sector 21 of Dwarka. All nearby areas of the Subject Land are densely populated areas.

SUBJECT LAND - NOT A FOREST LAND OR DEEMED FOREST

9. I state that the Subject Land is nether a Forest Land nor a deemed Forest. The Subject Land is not forest as per the Master Plan of Delhi nor as per municipal revenue records. In the year 2012, when the Subject Land was handed over by DDA to Ministry of Railways it was a completely barren land with no tree(s) nor any significant vegetation. Over a period of time, some trees and shrubs have grown on the Subject Land, however, the Subject Land is not even a park or a designated park.



10. As the Subject Land has some trees which are required to be taken care of during the planning and/or development stage, the Respondent No.1 vide clause 30 of the special conditions of Lease Agreement, in the said RFP expressly mentions that the successful bidder (Respondent No.4 in the present case) shall obtain all necessary approvals, permissions from all concerned Authorities as per applicable law. Thus, the Respondent No.4 in the present case shall take all approvals and permissions, if any, in relation to the Subject Land under the applicable law.

Clause 1.1.12 of RFP Part-III i.e. Instructions to Bidders and Bid Forms is reproduced below which states:

“The Forest/ Tree Clearances will be required to be obtained as per the Development requirements and as per Unified Building Bye-laws 2016 for Delhi (amended up to date), which will be the sole responsibility of the Bidder including providing land for mandatory transplantation/ compensatory plantation as required by applicable laws. RLDA will provide all possible official support in the processing of Forest/ tree felling clearance. However, RLDA will not be responsible for any delay whatsoever it may be on this account.”



RELIANCE ON SURVEY CONDUCTED BY FAILED BIDDER

11. The Applicant, on the basis of some survey conducted by one failed bidder, has alleged that the Subject Land has about 1100 trees. I state that admittedly the

Subject Land comprises of area admeasuring 1,24,000/- square meter, which is approximately 31 acres. Even assuming the allegation of Applicant to be true for the sake of arguments, without admitting the same, the Subject Land has an average of 35 trees per acre ($35 \times 31 = 1085$) and as per the affidavit filed by Conservator of Forest, for a land to be considered as deemed forest land, there should be a minimum of hundred (100) trees per acre. Thus, the Subject Land is not a deemed forest. The captioned Application seems to be motivated or a proxy litigation to disrupt the entire project to decongest New Delhi – Delhi Railway Stations.

RELIANCE ON T.N GODAVARMAN CASE

12. It has been alleged by the Applicant in the captioned Application that the Subject Land is a deemed forest land on the basis of the criteria prescribed in the Affidavit filed by Conservator of Forest, Government of NCT of Delhi in the case of *T.N Godavarman Thirumulkpad vs. Union of India India* [W.P(C) No.202 of 1995]. As per the said Affidavit, the criteria prescribed for a deemed forest land is an area of at least 2.5 acres land, having density of hundred (100) trees per acre.
13. I state the criteria prescribed in *T.N Godavarman Thirumulkpad case* was never intended to bifurcate the entire available land bank area, into small land parcels of one (1) acre each to determine if the land parcel is forest or not. The rationale



of the Judgement was/is always to see the proposed land in its entirety as a whole contiguous land. Thus, even as per the criteria in *T.N Godavarman* case, the Subject Land is not a Forest Land. I state that the Subject Land is neither a notified forest land nor a deemed forest land.

NO FELLING OF TREES ON SUBJECT LAND BY RESPONDENT

NO.1

14. I state that there has been no felling of trees on the Subject Land by Respondent No.1 till date. Further, even the development work and/or the Project work has not yet commenced on the Subject Land. All the allegations made by the Applicant in the captioned Application are baseless and without any cogent evidence.

**ADVERTISEMENT RELIED UPON BY APPLICANT DOES NOT
PERTAIN TO SUBJECT LAND**

15. The Applicant has relied on a News Article, as Annexure A-3 of the captioned Application, to allege that the Forest Department has already initiated action against the Respondent No.1 regarding felling of trees on the Subject Land. The



said News Article pertains to a land parcel admeasuring 4 hectares, which is equivalent to 9 acres, whereas the area of Subject Land is approximately 31 acres.

PERMISSION OF CENTRAL GOVERNMENT NOT REQUIRED FOR RAILWAYS LANDS

16. Without prejudice, prior permission of Central Government under Section 2 of Forest (Conservation) Act, 1980 is not required for works on Railways Lands. The Ministry of Environment, Forest and Climate Change vide its letter dated 10.03.2022 has clarified that the need for obtaining approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 will not arise for execution or maintaining of Railway works on the Railway owned land. Thus, prior permission of Central Government as alleged in the captioned Application is not required in relation to the Subject Land. Copy of letter dated 10.03.2022 is annexed herewith and marked as ANNEXURE R-5.
17. I state that the contents of above paras are true and correct. Nothing material has been concealed from this Hon'ble Tribunal.



Pratys

DEPONENT

प्रत्युष सिन्हा / Pratyus Sinha
 संयुक्त महाबिद्यक / निविदा / Joint General Manager/Tender
 रेल भूमि विकास प्राधिकरण / Rail Land Development Authority
 रेल भूमि विभाग, भारत सरकार का सांविधिक प्राधिकरण
 A Statutory Authority under Ministry of Railways
 नई दिल्ली / New Delhi

VERIFICATION

I, Pratyus Sinha, the deponent above-named, do hereby verify that the statement of facts contained in the present Affidavit are true and correct to my knowledge on the basis of records maintained by Respondent No.1 in the ordinary course of business.



DEPONENT

प्रत्युष सिन्हा / Pratyus Sinha
संयुक्त महाप्रबंधक / निदेशा / Joint General Manager/Tender
रेल भूमि विकास प्राधिकरण / Rail Land Development Authority
रेल मंत्रालय, भारत सरकार का चांसेलर प्राधिकरण
A Statutory Authority under Ministry of Railways
नई दिल्ली / New Delhi

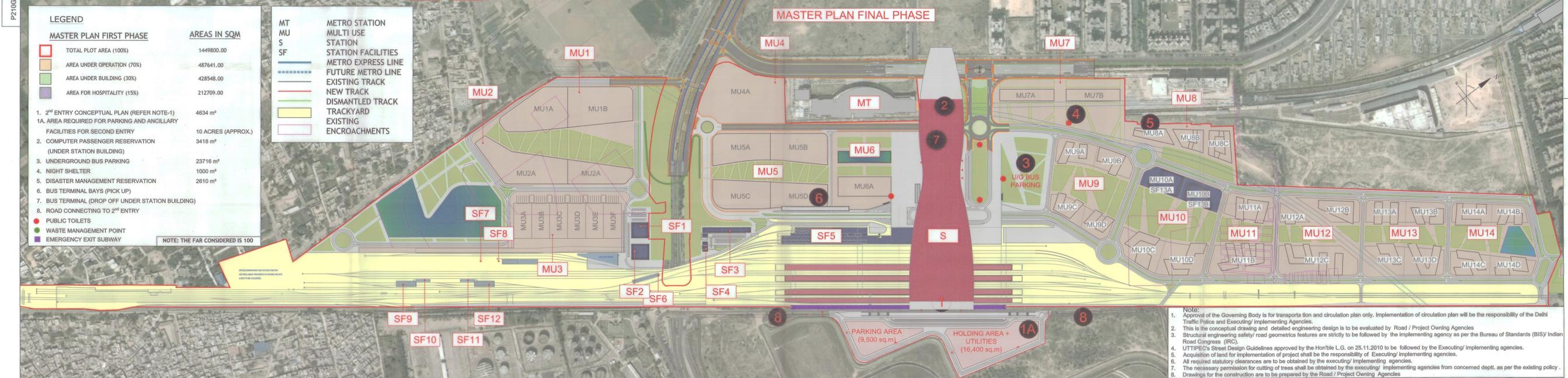
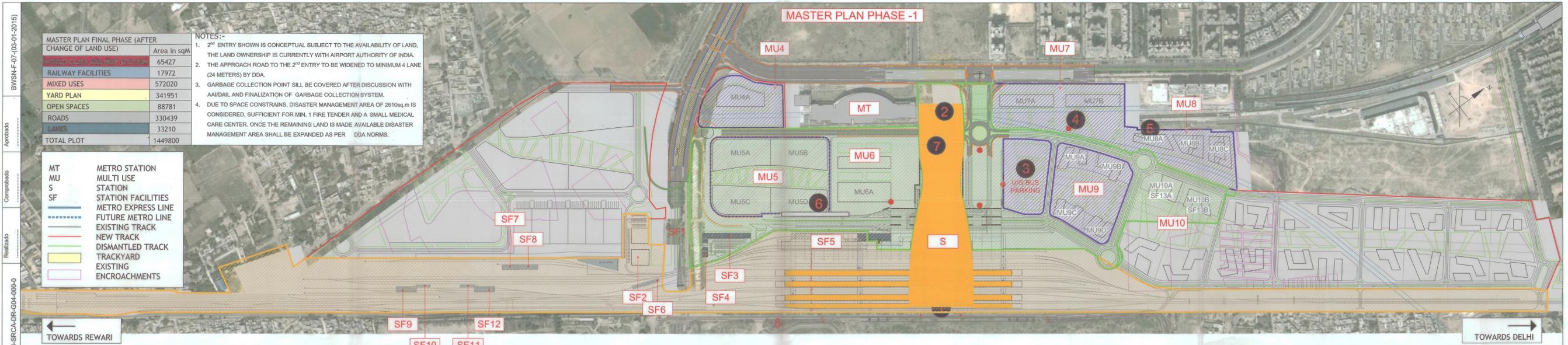


IDENTIFIED BY



ATTESTED
BALJIT SINGH
NOTARY DELHI-R-10615
Govt. of India
NEW DELHI

24 NOV 2023



Sl. No.	Observations of the WB- II A	Action Taken by IRSDC/Consultant
1	Due to the issue of land acquisition and relocation of existing village, school, farm houses etc. It was suggested to accommodate all essential activities in Phase-I only so that the station operation will not be restricted due to future land acquisition proposal. Phase-II development will accommodate the later expansion of station that is also required like Disaster Management facilities, etc.	Noted. Disaster Management facilities etc. will be accommodated in full scale as part of phase-2 development of station, once the complete land is made available. In phase-1, these facilities shall be accommodated at a small scale.
2	The proposed rotary at UER-II has to be redesigned as per the approved cross section of UERs. Split rotary or underpass to be explored. DDA's approved proposal for the Dwarika Expressway showing the interchanges with UERs is to be referred to and integrated with the proposal. An underpass is also introduced at the main access for the regular traffic, thereby, separating the station traffic from the regular traffic.	The proposed rotary at UER-II has been removed and flyover is proposed, to ease the traffic flow on UER-II road towards Dwarika Expressway and the same is shown in the attached drawings. An underpass is also introduced at the main access for the regular traffic, thereby, separating the station traffic from the regular traffic.
3	Suggested to segregate the levels and direction of traffic movement for arrival and departure of passenger vehicles.	Traffic movement for the arrival and departing passenger are at different level, this will be elucidated in the next UTTIPEC meeting.
4	To explore the proposal of western access to airport through proper entry/ exit to airport.	Due to insufficient space and land acquisition issue this was not proposed in the Master Plan, however our station design is flexible and 2nd entry can be planned if space is made available by AAU/DDA/DIAL.
5	All the traffic circulation movement of various modes surrounding the station area have to be relooked at and shown clearly in the drawings, as per the UTTIPEC format for submission.	The various traffic movements were shown in the attached drawings.
6	In view of the Master Plan future proposal of IFC, ISBT, and Convention Centre etc. along with the upcoming regional level connectivity of Dwarika Expressway, UER etc. integrations of modes and circulations/ interchange has to be demarcated clearly.	This movements were shown in the attached drawings.
7	Road cross-sections and details of traffic/transport infrastructure being provided is to be shown as per UTTIPEC guidelines.	The details were incorporated in the attached drawings.
8	To refer Technical Committee minutes of DDA regarding the details of land allotted to SPG, Defence etc. in the vicinity of the site.	MOM's obtained from DDA.
9	Provision of Disaster Management Facilities as per Disaster Management Act.	Provision of Disaster Management Facilities as per the provisions of Disaster Management Act shall be complied with on making the complete land available to Railways.
10	Provision of Night Shelters, complex for coolies, public conveniences, Police Assistance, Fire Brigade, Primary Medical facilities, Short stay facilities, etc. to be provided.	Noted and the details were shown in the attached drawing.

PROJECT: TECHNICAL FEASIBILITY STUDY AND MASTER PLAN FOR DEVELOPMENT OF BIJWASAN NEW DELHI RAILWAY STATION OF THE INDIAN RAILWAY NETWORK

APPROVED

Architect / Consultant: IRSDC, UTTIPEC

DATE: 13-09-13, 02-01-15, 08-01-15

REV: 00, 01, 02

Team Leader: [Signature]

Plg. Asstt., Dy. Dir. (Arch.-II), Director (Plg.)

CLIENT: Indian Railway Stations Development Corporation Limited (A JV of IRCON International Ltd & Rail Land Development Authority)

TITLE: MASTER PLAN PHASE - 1. FINAL PHASE

Scale: 1 : 3,500

Status: KD 4

Number: 7

Sheet: 1 of 1

AREA IN SQM		AREA IN SQM		AREA IN SQM	
PLOT NUMBER	TOTAL AREA	PLOT NUMBER	TOTAL AREA	PLOT NUMBER	TOTAL AREA
MU1A	14588.00	MU8B	3322.00	MU14A	4733.00
MU1B	15256.00	MU8C	3911.00	MU14B	3818.00
MU2A	16134.00	MU9A	5587.00	MU14C	5547.00
MU2B	9101.00	MU9B	4830.00	MU14D	4826.00
MU3A	24300.00	MU9C	4055.00	SF1	1799.00
MU3B	4055.00	MU9D	4088.00	SF2	1799.00
MU3C	4055.00	MU10A	5230.00	SF3	1729.00
MU3D	4055.00	MU10B	5499.00	SF4	325.00
MU3E	4055.00	MU10C	7763.00	SF5	8904.00
MU3F	4055.00	MU10D	9023.00	SF6	630.00
MU4A	5368.00	MU11A	7246.00	SF7	426.00
MU5A	10482.00	MU11B	11905.00	SF8	597.00
MU5B	10557.00	MU12A	1947.00	SF9	697.00
MU5C	10181.00	MU12B	6730.00	SF10	213.00
MU5D	8991.00	MU12C	14107.00	SF11	218.00
MU5A	6650.00	MU13A	5462.00	SF12	632.00
MU7A	4092.00	MU13B	5125.00	SF13A	5230.00
MU7B	4089.00	MU13C	4647.00	SF13B	5499.00
MU8A	2607.00	MU13D	6764.00	S	65427.00



DELHI DEVELOPMENT AUTHORITY

OFFICE OF THE DIRECTOR (PLANNING)
DWARKA PROJECT
MANGLA PURI, NEW DELHI-16

No. F.11(S-27)/2008/PIQ/DWK.

Date _____

Subject :- Handing-over of possession of Plot for INTEGRATED METROPOLITAN PASSENGER
In Sector-21, Phase _____ Dwarka Project. TERMINAL (MPT)

In accordance with the Dy. Director (IL) DDA letter No. F34(G)07/IL/1452
dated 22.7.08, the possession of the above said plot has been handed-over by
Asst. Director (Survey)/Dwk on 01.07.09 to the authorized representative of the
NORTHERN RAILWAY measuring a total area of 110.571162 sq. mtr.

One copy of the possession plan (in original) along with photocopy of the Authority letter given
by Sri. SURYA KANT (Asst. Engineer) enclosed for information & necessary action.
NORTHERN RAILWAY

End :

- 1. Possession Plan (in original)
- 2. Photocopy of Authority letter.
- 3. Photocopy of Identity Card.

[Handwritten signature]
for Jt. Director (Survey)/Dwk

To :

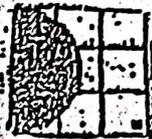
Dy. Director (IL),
Vikas Sadak, New Delhi.

Copy forwarded for information and necessary action to :

- 1. Supdt. Engineer/CC-2, Dwarka Project.
- 2. Director (Bldg.), DDA
- 3. Jt. Director (S)/Dwk for office record.
- 4. E.E. WD. S.W.D. 7
- 5. Dwarka Office record

Along with photocopy of
the possession plan

Jt. Director (Survey)/Dwk



DWARKA PROJECT

▼ Search

Sector 25 Metro Station, Sector 25 Dwarka, Bharthal, Delhi

Get Directions History

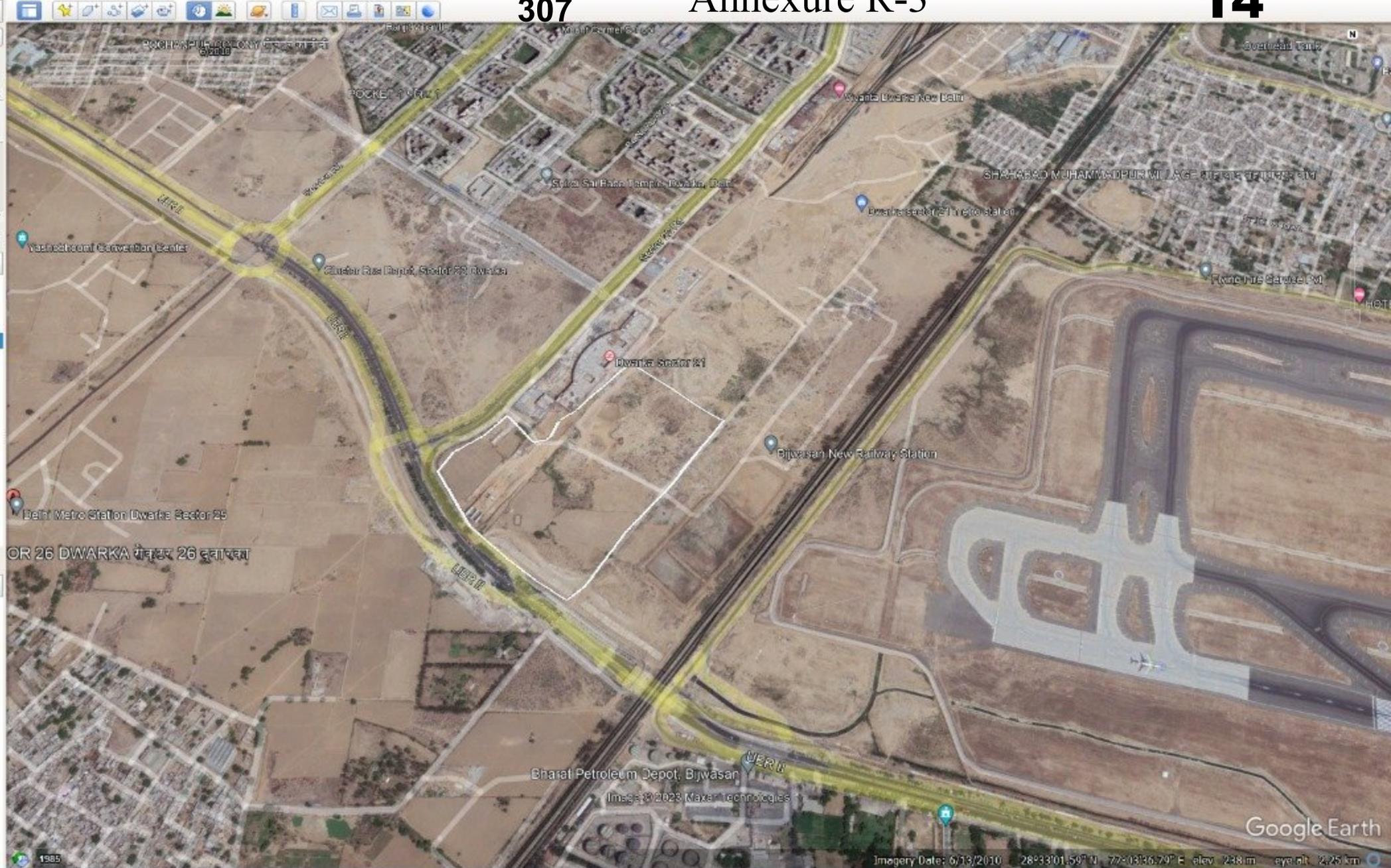
A Yashobhoomi Dwarka Sector 25 Metro Station
G2XW+PV8 Dwarka, Sector 25 Dwarka, Bharthal, Delhi

▼ Places

- My Places
- Sightseeing Tour
Make sure 3D Buildings layer is checked
- Untitled Polygon
- Temporary Places

▼ Layers

- Primary Database
- Announcements
- Borders and Labels
- Places
- Photos
- Roads
- 3D Buildings
- Weather
- Gallery
- More
- Terrain



MEMORANDUM OF UNDERSTANDING (MOU)

This Memorandum of Understanding ("MOU") is made at New Delhi on this 19th day of December' 2019 between RAIL LAND DEVELOPMENT AUTHORITY (RLDA), a statutory authority constituted under the Railways (Amendment) Act, 2005 (No 47 of 2005) for development of vacant Railway Land for commercial use for the purpose of generating revenue by non-tariff measures, having its office near Safdarjung Railway Station, Moti Bagh-1, New Delhi - 110021, acting through its Vice Chairman (hereinafter referred to as "RLDA", which expression shall unless repugnant to the context include its successors and assigns) of the First Party.

And

DELHI DEVELOPMENT AUTHORITY, an Authority created by the central Govt. under Sec 3(1) of the DDA Act 1957, a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable having its registered office at Vikas Sadan, INA Colony, New Delhi, 110023, acting through its Vice Chairman (hereinafter referred to as "DDA", which expression shall unless repugnant to the context include its successors and assigns) of the Second Party.

- A. WHEREAS, Ministry of Railways (MoR), has decided Redevelopment of Railway Stations through Indian Railway Stations Development Corporation Limited (IRSDC) as the Nodal Agency, by adopting various financial models and for longer lease tenure in consonance with Section 11 of the Railway Act 1989.
- B. WHEREAS, redevelopment/development of all Railway stations is to be done through IRSDC as the nodal agency. IRSDC is also the main project development agency (PDA) for development/redevelopment of the Railway stations over Indian Railways.
- C. WHEREAS, Rail Land Development Authority (RLDA) vide their letter No. RLDA/2011/Project/Stations/SPV dated 10.07.2012 had entrusted five stations including Anand Vihar and Bijwasan for Development/redevelopment, through IRSDC.
- D. WHEREAS, it is noted that as per approval of the Union Cabinet, "Railways/RLDA/IRSDC, are to consult urban local bodies/other statutory authorities while approving its plans in consonance with the powers conferred to it, as per Section 11 of the Railways Act, 1989 so as to ensure that the development in Railway land is harmonious with the surrounding development, generally following the National Transit Oriented Development Policy (TOD). Further, no change in land use is required PAN INDIA by Railways for developing the Railway land for commercial use".
- E. WHEREAS, as per approval of the Union Cabinet, Central Govt. Agencies/Deptt. may consider to transfer any central Govt. land to Railways (including land already given to Railways on lease hold basis) on free hold basis only, on a token payment as conversion

Tanu Katar

DRS

charges. Railways shall be free to utilize that land for any development including commercial and residential under the provisions of Railway Act, 1989, without any need for change of land use.

- F. WHEREAS, as per approval of the Union Cabinet, wherever the land is so transferred/ given on perpetual lease basis by Central Govt. Agency/Deptt., redevelopment of stations would be done on revenue sharing basis by Railways or by the PDA with Central Govt. Agency as per mutually agreed terms and conditions, by signing a specific MoU between them with the approval of the concerned Ministries.
- G. WHEREAS, Delhi Development Authority (DDA) is mandated by Delhi Development Act, 1957 to prepare the Master Plan for entire NCTD (National Capital Territory of Delhi). The Master Plan for Delhi (MPD)-2021, has proposed several Directional Metropolitan Passenger Terminals in Delhi at various locations, in order to reduce the vehicular traffic on Railway network in Delhi and to decongest New Delhi-Delhi Railway stations. Two such Directional Metropolitan Passenger Terminals proposed by the Master Plan Delhi-2021, are Bijwasan (South West Delhi-Dwarka Project) and Anand Vihar (East Delhi).
- H. WHEREAS, in order to implement the execution of Directional metropolitan passenger terminals, DDA/IL Branch vide their letter No. F34(61)07/IL/84 Dated 21.1.2008 had allotted a plot of land measuring 111.70 Ha to Railways. (out of which 110.07 Ha was handed over to Railways) on permanent perpetual lease hold basis at Bijwasan, Dwarka Sector-21, at a cost of Rs. 210.55 crores, which had already been deposited by the Railways. Further, Dy. Director/DDA (IL) vide their letter No. F.32(19)/88/Inst. dated 1990 have also allotted a plot of land admeasuring 30.35 Ha to Northern Railway(out of which 28.65 Ha was handed over to Railways) on permanent perpetual lease basis at Anand Vihar for the purpose of development of directional terminal at Anand Vihar at a cost of Rs.18.44 crores, which had also been deposited by Railways with DDA(IL). The updated estimated cost for development of Anand Vihar and Bijwasan terminals is capped at Rs 313 Cr and Rs 761 Cr respectively.
- I. Whereas, looking into the facts that these station development projects are for public utility, both the parties have mutually agreed and after detailed deliberations have decided that the gross revenue from the commercial development of land for these projects would be shared in the ratio of 66.666(2/3rd):33.333 (1/3rd) between Railways/RLDA and DDA.

Now this MoU witnesseth and it is agreed between the parties as under:-

1. That the land for development/redevelopment of Directional Metropolitan Passenger Terminals at Bijwasan and Anand Vihar has been allotted to Railways by DDA on permanent perpetual lease basis. Therefore, as agreed, gross receipt from commercial

exploitation of Railway land (excluding Railway station area portion) u/s 11 of the Railways Act less any GST and Cess, if any, would be shared in the ratio of 2/3rd (66.666):1/3rd (33.333) between Railways/RLDA and DDA. There will be no further payment to DDA for land use conversion charges, ground rent etc. as the commercial development is being done on revenue sharing basis.

2. That IRSDC, in its capacity as the nodal agency for development of Railway stations for Indian Railways would approve the plans for such development/ redevelopment under the powers conferred under section 11 of the Railway Act, 1989 and will endeavour that the development in the Railway land is harmonious with the surrounding development.

3. That it is agreed between the parties that IRSDC, has already commenced the process for the development/redevelopment of Directional Metropolitan Passenger Terminals at Bijwasan and Anand Vihar, including commercial development, under section 11 of the Railways Act, 1989. At Anand Vihar area TOD would be applicable along with Karkardooma area so as to have integrated transit oriented development and to maximise revenue realisation.

4. That the cost of station development/ redevelopment subject to capping mentioned in recital herein above shall have the first charge on the receivables from the Commercial Development of the respective station and thereafter the DDA's share shall be passed on to DDA, till it reaches 33.333% of the gross receipts provided that nothing shall be payable from any other source of receipts except the receivables from commercial development of land at that station.

5. That the provisions made in this MOU shall override any provision(s), which is contrary in the land allotment letters or any past agreements or correspondence between the Parties in relation to the subject matter hereof, and the said receipts from these two projects shall be deposited in an ESCROW account for each station separately for transparency with operational flexibility to IRSDC. All expenditure against these two projects shall be met out of these receipts.

6. The Parties agree and acknowledge that in the event of any disagreement or other dispute under or pursuant to this MoU (including its interpretation or the rights and obligations of the parties hereunder), the parties shall cooperate to efficaciously resolve such dispute through mutual discussions. Where the same cannot be so resolved within a period of 30 days, the said dispute shall be referred, for resolution, to a conciliation committee consisting of MD & CEO/IRSDC or Vice Chairman/RLDA and Vice Chairman/DDA. Both members may appoint an independent person as the chairman of the committee, who is a retired Secretary to the Govt. of India.

Travin Kuper

[Signature]

35/4

7. This MOU shall be governed by the laws of India, and subject to the aforesaid provisions and the courts at New Delhi, shall have exclusive jurisdiction in relation to this MOU, and any such dispute.

Each of the parties have entered into and executed this MOU, through their authorized signatories, on the date first above written.

For Rail Land Development Authority, For Delhi Development Authority (DDA) (RLDA)

Name: VED PARKASH

Designation VC / RLDA

वेद पार्काश डूडेजा / VED PARKASH DUDEJA
उपाध्यक्ष / Vice Chairman
रेल भूमि विकास प्राधिकरण
Rail Land Development Authority
रेल मंत्रालय, भारत सरकार का सांविधिक प्राधिकरण
A Statutory Authority under Ministry of Railways
नई दिल्ली / New Delhi

In the presence of:

Name: SANJEEV KUMAR LOHIA

Designation: MD & CEO / IRSDC

संजीव कुमार लोहिया / Sanjeev Kumar Lohia
प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी
Managing Director and Chief Executive Officer
Indian Railway Station Development Corporation Limited
(A Joint Venture of IRCON & Rail Land Development Authority)
7th Floor, Tower-1, Connaught Building,
Easvihar Marg, New Delhi-110002

Name:

Designation

टारुन कापूर
TARUN KAPOOR
उपाध्यक्ष
Vice Chairman
दिल्ली विकास प्राधिकरण
Delhi Development Authority

Name:

Designation:

K. VINAYAK RAO

के. विनायक राव / K. Vinayak Rao
वित्त सदस्य / Finance Member
दिल्ली विकास प्राधिकरण / Delhi Development Authority
विकास सदन, आई.एन.ए. / Vikas sudan, INA
नई दिल्ली-110023 / New Delhi-110023

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi – 110 003
Dated: 10th March, 2022

To

The Secretary (Forests),
All State Governments/UT Administrations

Sub: Clarification on applicability of the Forest (Conservation) Act, 1980 on Railways land - reg.

Sir,

I am directed to refer to this Ministry's letter of even number dated 21st May, 2019 on the above subject forwarding a clarification on the applicability of the Forest (Conservation) Act, 1980 in respect of railways lands. In this connection, it is to inform that the issue related to applicability of the Forest (Conservation) Act, 1980 on the lands within RoW acquired by the Indian Railway was examined in consultation with the Attorney General of India and Ministry of Law and Justice, Government of India. As per such opinion received received from the Ministry of Law & Justice, Government of India, it is now clarified that:

- i. For execution or maintaining of Railway works on Railway owned land within Railway's right of way under Section 11 of Railways Act 1989, notwithstanding the directions of Hon'ble Supreme Court given in the judgment in TN Godavarman Thirumalpad v. Union of India, (W.P. (C) 202/1995), the need for obtaining the approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 will not arise.
- ii. Section 11 of the Railways Act would also operate for execution or maintaining of Railway works on Railway owned land within Railway's right of way, notwithstanding anything to the contrary in the Wildlife (Protection) Act, 1972.
- iii. Moreover, the construction of crossings, bridges, culverts and passages over, under or by the sides of, or leading to or from a railway, would also include passages for wild animals, elephant corridors and the like. These would be necessarily provided, wherever required as per the advice of the concerned wildlife authorities in the State Government. In terms of Section 16(2) of the Railways Act, 1989, the cost of construction of all such crossings or pathways to be used by wild animals would be borne by the Railway Administration.

- iv. A Civil Appeal 3166/2014 which involves the interpretation of Section 11 of Indian Railways Act 1989 and Section 2 of the Forest (Conservation) Act, 1980, is pending in the Hon'ble Supreme Court. The above clarification/opinion is subject to the final judgment of the Hon'ble Supreme Court in the said Civil Appeal.
- v. These directions are applicable **ONLY** for **execution or maintaining of Railway works on Railway owned land within Railway's right of way** under Section 11 of Railways Act 1989. **Rest of the cases will be dealt with relevant provisions under Forest (Conservation) Act, 1980.**

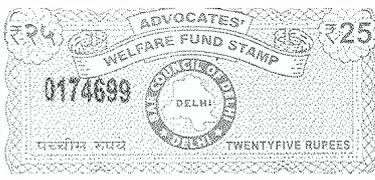
Yours faithfully,


(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

1. The Chairman, Railway Board, Ministry of Railways, Government of India
2. The Principal Chief Conservator of Forests, All State Governments/UT Administrations
3. The Chief Wildlife Wardens, All State Governments/UT Administrations
4. The Nodal Officer, FCA, 1980 O/o PCCF, All State Governments/UT Administrations
5. The Regional Officers, All Integrated Regional Offices of the MoEF&CC.
6. Guard File.



VAKALATNAMA

CASE NO-
BEFORE- THE HON'BLE NATIONAL GREEN TRIBUNAL (P.B.), New Delhi
IN THE COURT OF

PLAINTIFF/APPELLANT- R.M. Asif

Versus

RESPONDENT /DEFENDANT- Rail Land Development Authority

The president of India do hereby appoint and authorize to appear ,act, 'apply plead in and prosecute the above described suit appeal /proceeding on behalf of union of India to file and take back documents ,to accept processes of the Court to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying, Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceeding, against all or any defendants/respondents/ appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby he suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said leader/Advocate or Counsel may enter into any agreement settlement or compromise whereby the suit/appeal/proceeding is are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise

The President hereby agree to ratify all act done by the aforesaid ADVOCATE..in pursuance of this authority.

IN WITNESS WHERE OF these presents are duly executed for and on behalf of the President of India this the... 24.11.2023

Dated-. 24.11.2023

U/Anu
D/1568/09

[Handwritten signatures]
D/2574/119
04/10/2024

[Handwritten signature]

(रंजन कुमार श्रीवास्तव/Ranjan Kumar Srivastava)
उप महाप्रबंधक/विधि/Dy. General Manager/Law
रेल भूमि विकास प्राधिकरण
Rail Land Development Authority
रेल मंत्रालय, भारत सरकार का सांविधिक प्राधिकरण
(A Statutory Authority under Ministry of Railways)
नई दिल्ली/New Delhi

Signature of the Executive Officer/Applicant

Accepted

Rail Land Development Authority
LAW WING

No. RLDA/2021/Law/O.O/2364

Date: 30.04.2021

Office Order No. 1 of 2021

Sub: Specific authorisation of 'Nodal Officer' for the purpose of dealing in Court Cases.

With the kind approval of competent authority, this office order is being issued, containing as under:-

- ✓ A. Following officers are authorized to swear the affidavit on behalf of RLDA.
- i. Joint General Manager of the concerned project.
 - ii. Dy. General Manager of the concerned project.
 - iii. Managers of concerned project, working independently.
- B. So far vakalatanama is concerned, DGM/Law is authorized to issue.
- C. Main claim/counter claim/counter statement of facts or law should be got approved at the level of VC, whether in arbitration tribunal or a Court of law.

✓ (Authority: VC/RLDA's approval at Note# file no. RLDA/2021/Court Cases/ Computer no. 3350491 dated.30.04.2021)


(Ranjan Kumar Srivastava)
Dy. General Manager/Law

Copy to :-

- I. PPS to VC for kind information of VC, sir please.
- II. PPS to M/Revenue, M/Project, and M/BD for kind information please.
- III. ED/CC, ED/NBD & SD, ED/Finance and GMs/CPMs for kind information please.
- IV. All JGMs /DGMs/Managers for kind information.
- V. AM/IT for uploading on RLDA Internet.



Roshan Thakre <roshanthakre95810@gmail.com>

ADVANCE SERVICE - SHORT AFFIDAVIT IN R.M ASIF VS RLDA & ORS [OS. 697 OF 2023]

1 message

Aditi Pundhir <aditi.pundhir@zeus.firm.in>

Mon, Nov 27, 2023 at 5:27 PM

To: "advasif087@gmail.com" <advasif087@gmail.com>

Cc: Sunil Tyagi <sunil.tyagi@zeus.firm.in>, Vishnu Anand <vishnu.anand@zeus.firm.in>, Naman Dutt <naman.dutt@zeus.firm.in>, Deepti Babel <deepti.babel@zeus.firm.in>, Roshan Thakre <roshanthakre95810@gmail.com>

Dear Sir,

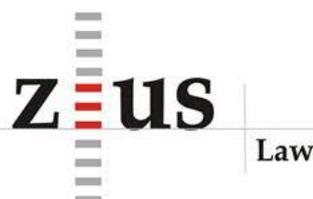
Please find attached the Scan of Short Affidavit being filed on behalf of RLDA i.e., Respondent No.1 in the captioned matter.

Kindly treat the present email as effective service of the same. This is for your information and records.

Regards,

Aditi Pundhir

Associate



Contact: 2 Palam Marg, Vasant Vihar, New Delhi - 110057, India.

Phone: +91 11 4173 3090 Fax: +91 11 4173 3094

Website: www.zeus.firm.in



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