

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

**Execution Application No.15/2024
In
Original Application No.642/2023**

IN THE MATTER OF:

**Residents Welfare Association
F-Block (West), Vikaspuri**

..... Applicant

Versus

**Horticulture Department of MCD
(West Zone) & Anr**


..... Respondent(s)

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THROUGH



NEW DELHI
DATED 08/11/2024

PUJA KALRA
Chamber No.430, Block-I
Delhi High Court, New Delhi
Mobile No. 9312839323

**IN THE COURT OF NATIONAL GREEN TRIBUNAL
DELHI
Execution Application No.15/2024
In
Original Application No.642/2023**

In the matter of:

**Residents Welfare Association
F-Block (West), Vikaspuri**

..... Applicant

Versus

**Horticulture Department of MCD
(West Zone) & Anr**

..... Respondent(s)

**Status Report in the shape of affidavit on behalf of the
Respondent/Municipal Corporation of Delhi.**

I, Pijush Kumar Banerjee S/o Sh. Sunil Kumar Banerjee, aged about 55 years, Deputy Director(Hort.), West Zone, Municipal Corporation of Delhi, on behalf of Municipal Corporation of Delhi, do hereby solemnly affirm and state as follows:

1. That the Park Dussehra Ground was booked in the month of September 2023 for more than 10 days for religious purpose/function which was as per the policy dated 07.09.2012 of the Municipal Corporation of Delhi.
2. That this Hon'ble Tribunal vide order dated 13.09.2024 has observed that the clauses of that policy appear to be not in consonance with the orders of the Hon'ble Supreme Court of India.
3. That a proposal in this regard for aligning policy in adherence with the directions of Hon'ble Supreme Court of India to allow booking of parks for marriages etc. and religious functions not more than 10 days in a month was already placed before the Corporation, as proposed by Commissioner, erstwhile SDMC (now MCD) vide letter no.F.33/Hort./SDMC/961/C&C dated 18/01/2022, however the same was rejected by the Corporation vide Resolution No.417 dated 09.03.2022.



The copy of Resolution No.417 dated 09.03.2022 is annexed as **Annexure-R1(Colly)**.

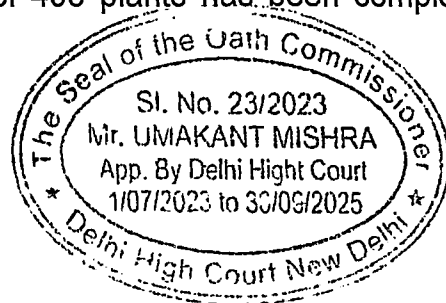
4. That the Horticulture Department, Municipal Corporation of Delhi will ensure strict compliance with the order of Hon'ble Supreme Court of India that the use of Municipal Parks shall not be permitted more than 10 days in a month for marriages, social and religious functions.
5. That in compliance with the directions passed by the Hon'ble National Green Tribunal (NGT) vide order dated 18.10.2023 in O.A. No.642/2023 regarding inspection of site, an inspection of the Park Dussehra Ground was conducted by the then Deputy Director (Horticulture), West Zone. However, he was subsequently transferred to other zone.
6. That based on the inputs received from previous Deputy Director(Hort.), West Zone, the undersigned, being newly transferred to this zone, proposed a departmental note in writing for forfeiture of Security Money deposited by the event organizers on account of violations observed by the previous Deputy Director(Horticulture), West Zone during his inspection. The copy of departmental note is enclosed as **Annexure-R2**.

This proposition in the departmental note was submitted for approval of Dy. Commissioner, West Zone so that after approval, the Security Money will be forfeited as per MCD rules and a compliance report to this effect will be filed with the Hon'ble NGT in compliance of order dated 18/10/2023. However, post approval from Deputy Commissioner, during down movement of file, it did not come to the undersigned, but instead was directly marked by Assistant Director(Hort.) to Sh. Sheesh Pal Tomar, Section Officer(Hort.) [now retired] and Sh. Dharam Prakash, Assistant Section Officer who did not inform the undersigned of its status. The compliance report was required to be filed before the Registrar General of Hon'ble NGT by e-mail on the basis of this departmental note outlining actions taken against the defaulting parties. The non-compliance



was neither deliberate nor intentional. The deponent shall be very careful in future. The deponent has acted in a bona-fide manner.

7. That the compliance report was not submitted due to the aforesaid administrative issues. A warning notice dated 18.10.2024 (ref no.DDH/WZ/MCD/2024/159) in this regard has been issued to the subordinate staff for exercising due caution in future operations. The same is enclosed as **Annexure-R3**.
8. That it is submitted that the undersigned is not just stationed at this single zone (West Zone) but managing the responsibilities of three other zones and headquarters due to shortage of manpower which should ideally be managed by five Deputy Directors(Horticulture). The copy of Assignment of Work Charge is enclosed as **Annexure-R4**.
9. That with regards to the misstatement regarding the park or ground, it is respectfully submitted that there was no deliberate intention to mislead this Hon'ble Tribunal. The subject land is officially referred to as Park Dussehra Ground. The nomenclature of the site led to misinterpretations, as it is frequently referred to simply as Dussehra Ground. That it is pertinent to mention that 13099 sqm area of this park out of total 18,832 sqm has been utilized for hosting marriages and various other functions including religious over the past many years. This Park was handed over by DDA to MCD in the year 1987. That the Handing Over/Taking Over of the concerned park from DDA to MCD and the rough sketch of the park is attached as **Annexure-R5(Colly)**. That one portion of Dussehra Ground is maintained as a Park, with the remaining area divided into 3 sites having ID No.FS/WZ/124/1, FS/WZ/124/2 & FS/WZ/124/3 which are booked for various marriages, social and religious functions.
10. That a portion of the Park (namely Dussehra Ground) at Vikaspuri has already been developed as Green in 5734 sqm area with the planting of 408 plants. Furthermore, during the current monsoon season, a peripheral plantation consisting of 493 plants has been completed, thereby contributing to the local



biodiversity. The list of the plants with photographs is enclosed as Annexure-R6(Colly).

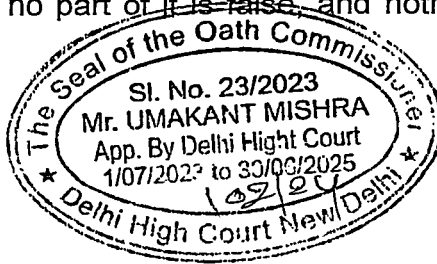
11. That the deponent has duly deposited the cost of Rs. 25,000/- as imposed by the Hon'ble NGT, in compliance with the order dated 13.09.2024. The copy of the same is enclosed as Annexure-R7(Colly).

12. That the Deputy Director (Horticulture), West Zone hereby tenders an unconditional apology for any confusion arising from previous submissions and reaffirms the commitment of the department to comply with the orders of this Hon'ble Tribunal.

13. That the contents of this 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 therein.

By Kalyan

I identify the deponent who has signed/put thumb impression in my presence.



PK Bannirjee
DEPONENT

08 NOV 2024

VERIFICATION:

Verified at Delhi on this ____ day of November, 2024 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.

CERTIFIED THAT THE DEPONENT
Shri/Smt./Km..... *PK Bannirjee*
S/o.W/o.D/o.Sh. *Suman K. Bannirjee*
R/o..... *Kalyan*
identified by *Kalyan*
Has solemnly at _____ ne at Delhi
On..... *10/11/24*
that the contents of the affidavit which have
been read & explained to him are true and
correct to his knowledge *PK*

PK Bannirjee
DEPONENT

Oath Commissioner Delhi High Court

08 NOV 2024

440
ANNEXURE. R-1 (Cally)

S

3722

29/03/22

SOUTH DELHI MUNICIPAL CORPORATION
CORPORATION AND COMMITTEE DEPARTMENT
2ND FLOOR, DR. S.P.M. CIVIC CENTRE,
MINTO ROAD, NEW DELHI.

No.F.33/Corp. Committee/SDMC/1343 /C&C

Dated: 28.03.2022

A copy of the Corporation Resolution No. 47 dated 09.03.2022 received from the Municipal Secretary Office, SDMC is forwarded for further necessary action.

The relevant file in Duplicate of the case is also attached.

[Signature]

Asstt. Commissioner (C&E)/Conslt.

The copy of the documents may please be forwarded to all the respective zones of SDMC i.e. central zone, west zone, south zone & Vajrapark zone for information please.

~~Div/Asst.~~
~~DDH/HQ~~
DA/HQ
30/3
rang

~~DDH/HQ SDMC~~ rang
All Zonal DDAs 11.04.22. *[Signature]*
11/04/2022

TRUE COPY

[Signature]

के प्रस्ताव संख्या
मद संख्या

417

की प्रतिलिपि।

Item No. 6 :— Re-framing/Re-visiting the booking policy for booking of parks for marriages etc. and religious functions in the parks under SDMC.

(i) Commissioner's letter No. F. 33/Hort./SDMC/961/C&C dated 18-1-2022.

The orders of the Hon'ble Supreme Court of India in the matter of M.C. Mehta V/s. Union of India & Ors. in I.A. No. 34 in W.P.(C) No. 4677/1985 wherein it has been directed that :—

- (1) The use of parks by the MCD, the NDMC and the DDA for the purposes mentioned above shall not be permitted more than 10 days in a month. In other words, when any of the Designated Parks is used for such purposes 10 days in a month, no function thereafter shall be permitted during the remaining 20/21 days.
- (2) The MCD, the DDA and the NDMC shall make endeavor to construct community halls for the purpose of marriages etc.
- (3) The number of Parks indicated by the 3 authorities used for marriages etc. shall be reduced by 30% by June 30, 1997. In other words, by the end of December, 1997, the use of the Parks for marriage etc. shall be reduced by 50%. The authorities concerned shall file affidavits stating the progress in the projects for the construction of community halls and also stopping the use of the Parks for marriages etc. by the end of December, 1997. This may be monitored further by this Court in January, 1998.
- (4) We direct that no tree shall be cut from any of the Parks for any purposes, specially to facilitate the holding of these functions etc.

In this regard, it is submitted that the Corporation vide its Resolution No. 64 dated 10-9-2012 regarding Celebration of Durga Puja and other religious functions in Parks of under SDMC resolved that :—

Para No. 4.:— *There will no ground rent for booking upto 15 days (which includes days required for preparation and dismantling of Puja Pandal etc.). Beyond 15 days the concerned society will pay a ground rent of Rs. 4,000/- per day in case of park is not in the list of online booking. In case the park is available in the list of online booking, the rate charges for religious purpose beyond 15 days of booking will be the normal rate of park booking already prescribed for holding private functions. However, in each case of booking following charges will be paid by all :—*

(i) Licence Fee—Rs. 1,000/- (Rs. one thousand only),

(ii) Cleaning Charges towards cleaning after the society leaves the parks—
Rs. 1,000/- (Rs. one thousand only),

(iii) Security Deposit—Rs. 10,000/- (Rs. ten thousand only) (Refundable on successful completion of terms and conditions).

In this regard, it is submitted that Special Leave Petition has been filed in the Hon'ble Supreme Court of India against impugned final judgement and order dated 4-2-2021 in O.A. No. 515/2019 passed by the National Green Tribunal and the matter has been listed on 2-8-2021 and heard in the matter of :—

North Delhi Municipal Corporation (CA D. No. 15182 of 2021) & South Delhi Municipal Corporation (CA D. No. 15754 of 2021) {Petitioner(s)} V/s. President, Budhela Welfare Association & Anr. {Respondent(s)} in Civil Appeal No. 4638/2121:-,

Issue notice to the respondents.

Mr. Tushar Mehta, Learned Solicitor General of India appearing on behalf of appellants submits that the judgement and order under appeal has been passed without notice of the appellants. North Delhi Municipal Corporation (CA D. No. 15182 of 2021) & South Delhi Municipal Corporation (CA D. No. 15754 of 2021). Accordingly, there will be stay of operation of the judgement and order under appeal. It is made clear that the directions of the Court in M.C. Mehta V/s. Union of India reported in (2009) 17 SCC 683 with regard to the use of parks shall strictly be adhered to, and in no circumstances, shall use of parks for the purposes as mentioned in the said judgement be permitted for more than 10 days in a month.

Sh. Parveen Swarup, Mpl. Senior Advocate for North & South Delhi Municipal Corporations has given the legal opinion and stands upon the orders/directions of Hon'ble Supreme Court of India issued on dated 2-8-2021.

In this regard, it is submitted that the matter has also been got examined by the Chief Law Officer/SDMC and it has been opined that :—

The proposal of Director (Horticulture) at Point 'A' may kindly be perused. The use of park for marriages and religious functions etc. for 10 days only in a month has been proposed.

The proposal of the department is in conformity with order dated 6-12-1996 passed by the Hon'ble Supreme Court in the case of M.C. Mehta V/s. Union of India. Para 1 at page 4/C is being reproduced for ready reference :—

"The use of park by MCD, the NDMC and the DDA for the purposes mentioned above shall not be permitted more than 10 days in a month. In other words, when any of the Designated Parks is used for such purposes 10 days in a month, no function thereafter shall be permitted during the remaining 20/21 days."

It is also significant to mention here that the Hon'ble Supreme Court expressed requirement of reduction of use of park as follows :—

30% by June 30, 1997 and further 20% by December 31, 1997. In other words, the Hon'ble Court directed that beyond December, 1997, more than 50% parks shall not be used for marriages etc.

Subsequently, the NGT's order dated 4-12-2021 in O.A. No. 515/2019 created a legal impediment for use of the parks for the aforesaid purposes. However, in the Special Leave Petitions filed by the North DMC as well as South DMC, the Hon'ble Court stayed operation of judgement and order of the NGT dated 4-2-2021 and reiterated that the directions of the Court in M.C. Mehta V/s. Union of India (SUPRA) with regard to the use of parks shall strictly be adhered to and in no circumstances the park shall be used for more than 10 days in a month.

The Municipal Counsel, Sh. Praveen Swarup in his opinion has opined (page 32/C) that the order dated 2-8-2021 passed by the Hon'ble Supreme Court will hold the field till further orders. Therefore, the Corporation may use the park as per the direction of the Hon'ble Supreme Court.

In these circumstances, I am of the considered opinion, "that the proposal of the department at Point 'A' is in conformity with the Court Order but at the same time the department may like to use the caveat that the permission for use shall be subject to the compliance of DDMA and DPCC orders in this regard or any other law for the time being in force".

In this regard, it is further submitted that the Minutes of the Meeting of Delhi Development Authority, Institutional Land Branch, 'A' Block, Vikas Sadan, INA, New Delhi-110023 issued under the signatures of Dy. Director (IL) vide No. F.8(18)15/IL/Pt./2237 dated 7-10-2021 held under the Chairmanship of Vice-Chairman, DDA on 1-10-2021 at 10-30 A.M. and took cognizance on the matter under Ref. :- *DPCC Circular No. DPCC/CMC-II/NGT/OA No. 515/2019/9842-44 dated 13-12-2019, Directions U/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 & U/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and U/s of Environment (Protection) Act, 1986, in the matter of OA No. 515/2019 titled "President, Budhlata Welfare Association V/s. GNCTD".*

Sub. :- Regarding booking of DDA open Spaces/Parks with respect to order of Hon'ble NGT and Hon'ble Supreme Court.

and which has been received by the office of Horticulture Department (HQ)/SDMC vide Diary No. DOH/Hort./HQ/SDMC/1782 dated 21-10-2021.

It is reiterated that the matter has been discussed, decided and action points have also been set in the aforesaid meeting held on 1-10-2021 and are as under:

Discussion, Decision and Action points :-

1. DDA to seek clarification from DPCC whether Circular dated 13-12-2019 includes sites other than parks and green (Action by : Director (IL), DDA).
2. DDMA order dated 30-9-2021 prescribing "Fair/Melas/Food Stalls (inside & outside the venues)/Jhoolas/Rallies/Processions will not be permitted during Festivals in Delhi" to be complied with while allowing booking of open spaces. Moreover, while booking the function sites of DDA, the applicant will not be allowed to do any activities of cooking of food and dish washing leading to liquid discharge and the organizers/applicants to make arrangement for mobile toilets facilities during the booking period in view of the DPCC Circular dated 13-12-2019 (Action by : CE/NZ/RZ/ES/SZ/Dwarka/HQ, DDA).

Keeping in view of the above, the department proposed the following :-

1. To continue to adhere with the directions of the Hon'ble Supreme Court of India that the use of parks for marriages etc. and religious functions may be allowed for 10 days in a month only so that the aesthetic uses of the Parks cannot be curtailed but at the same time the department may like to use the caveat that the permission for use shall be subject to the compliance of DDMA and DPCC orders in this regard or any other law for the time being in force.
2. To comply and incorporate the DDMA guidelines issued vide DDMA order dated 30-9-2021 into Municipal Park Booking Guidelines prescribing "Fair/Melas/Food Stalls (inside & outside the venues)/Jhoolas/Rallies/Processions will not be permitted during Festivals in Delhi" to be complied with while allowing booking of open spaces. Moreover, while booking the function sites of SDMC, the applicant will not be allowed to do any activities of cooking of food and dish washing leading to liquid discharge and the organizers/applicants to make arrangement for mobile toilets facilities during the booking period in view of the DPCC directions & minutes dated 13-12-2019.

In view of the above, the preamble may be placed before the Corporation through Standing Committee for accord of approval please.

(ii) Resolution No. 182 of the Standing Committee dated 23-2-2022.

Resolved that it be recommended to the Corporation that the proposal of the Commissioner as contained in his letter No. F.33/Hort./SDMC/961/C&C dated 18-1-2022 regarding re-framing/re-visiting the booking policy for booking of parks for marriages etc. and religious functions in the parks under SDMC, as detailed in aforesaid letter, be rejected.

March-2022/SDMC [22]

Resolution No. 417 Resolved that as recommended by the Standing Committee vide its Resolution No. 182 dated 23-2-2022 the proposal of the Commissioner as contained in his letter No. F 33/Hon./SDMC/961/C&C dated 18-1-2022 regarding Re-framing/re-visiting the booking policy for booking of parks for marriages etc. and religious functions in the parks under SDMC, as detailed in aforesaid letter, be rejected.

The motion was carried.

[Handwritten signature]

SOUTH DELHI MUNICIPAL CORPORATION
HORTICULTURE DEPARTMENT (HQ)
3RD FLOOR, CIVIC CENTRE,
J.L. NEHRU MARG, NEW DELHI-02



No. DDH/HQ/SDMC/²⁰²¹⁻²²~~2019-20~~/1493

Dated 18/1/2022.

Sub:- Re-framing/re-visiting the booking policy for booking of parks for marriages etc. and religious functions in the parks under SDMC.

Please find enclosed herewith six sets of Fair Copies of preamble duly approved by the Competent Authority regarding the subject cited above for further necessary action

Encl.: As Above


DDH (HQ)/SDMC
Deputy Director (Hort.)/HQ
South Delhi Municipal Corporation

AO(C & C)

Req. ID. - PBL/2022/0074

Date- 18/01/2022

967

446
SOUTH DELHI MUNICIPAL CORPORATION

No. P.33/SDMC/96/JC&C

11
Dated: ..12.1.20..

From:-

The Commissioner,
South Delhi Municipal Corporation,
Dr. S.P.M. Civic Centre,
Delhi-110002.

To

The Municipal Secretary,
South Delhi Municipal Corporation,
Dr. S.P.M. Civic Centre,
Delhi-110002.

Sub.:- Re-framing/re-visiting the booking policy for booking of parks for marriages etc. and religious functions in the parks under SDMC.

The orders of the Hon'ble Supreme Court of India in the matter of M.C. Mehta V/s. Union of India & Ors. in I.A No. 34 in W.P.(C) No. 4677/1985 wherein it has been directed that:-

- (1) The use of parks by the MCD, the NDMC and the DDA for the purposes mentioned above shall not be permitted more than 10 days in a month. In other words, when any of the Designated Parks is used for such purposes 10 days in a month, no function thereafter shall be permitted during the remaining 20/21 days.
- (2) The MCD, the DDA and the NDMC shall make endeavor to construct community halls for the purpose of marriages etc.
- (3) The number of Parks indicated by the 3 authorities used for marriages etc. shall be reduced by 30% by June 30, 1997. In other words, by the end of December 1997, the use of the Parks for marriage etc. shall be reduced by 50%. The authorities concerned shall file affidavits stating the progress in the projects for the construction of community halls and also stopping the use of the Parks for marriages etc. by the end of December 1997. This may be monitored further by this Court in January, 1998.
- (4) We direct that no tree shall be cut from any of the Parks for any purposes, specially to facilitate the holding of these function etc.

In this regard, it is submitted that the Corporation vide its Resolution No. 64 dated 10/09/2012 regarding Celebration of Durga Puja and other religious functions in Parks of under SDMC resolved that:-

Para No. 4:- There will no ground rent for booking upto 15 days(which includes days required for preparation and dismantling of Puja Pandal etc.). Beyond 15 days the concerned society will pay a ground rent of Rs. 4000/- per day in case of park is not the list of online booking. In case the park is available in the list of online booking, the rate charges for religious purpose beyond 15 days of booking will be the normal rate of park booking already prescribed for holding private functions. However, in each case of booking following charges will be paid by all:-

- 447
- 12
- (i) Licence Fee – Rs. 1,000/- (Rs. One thousand only),
 - (ii) Cleaning Charges towards cleaning after the society leaves the parks – Rs.-1,000/- (Rs. One thousand only),
 - (iii) Security Deposit – Rs, 10,000/- (Rs. Ten thousand only) (Refundable on successful completion of terms and conditions).

In this regard, it is submitted that Special Leave Petition has been filed in the Hon'ble Supreme Court of India against impugned final judgment and order dated 04-02-2021 in O.A. No. 515/2019 passed by the National Green Tribunal and the matter has been listed on 02/08/2021 and heard in the matter of:-

North Delhi Municipal Corporation (CA D. No. 15182 of 2021) & South Delhi Municipal Corporation (CA D. No. 15754 of 2021) {Petitioner(s)} V/s. President Budhela Welfare Association & Anr. {Respondent(s)} in Civil Appeal No. 4638/2121:-,

Issue notice to the respondents.

Mr. Tushar Mehta, learned solicitor General of India appearing on behalf of appellants submits that the judgment and order under appeal has been passed without notice of the appellants. North Delhi Municipal Corporation (CA D. No. 15182 of 2021) & South Delhi Municipal Corporation (CA D. No. 15754 of 2021). Accordingly, there will be stay of operation of the judgment and order under appeal. It is made clear that the directions of the Court in M.C. Mehta Vs. Union of India reported in (2009) 17 SCC 683 with regard to the use of parks shall strictly be adhered to, and in no circumstances, shall use of parks for the purposes as mentioned in the said judgment be permitted for more than 10 days in a month.

Sh. Parveen Swarup, Mpl. Senior Advocate for North & South Delhi Municipal Corporation has given the legal opinion and stands upon the orders/directions of Hon'ble Supreme Court of India issued on dated 02/08/2021.

In this regard, it is submitted that the matter has also been got examined by the Chief Law Officer/SDMC and it has been opined that:-

The proposal of Director (Horticulture) at point 'A' may kindly be perused. The use of park for marriages and religious functions etc. for 10 days only in a month has been proposed.

The proposal of the department is in conformity with order dated 06/12/1996 passed by the Hon'ble Supreme Court in the case of M.C.Mehta Vs Union of India. Para 1 at page 4/C is being reproduced for ready reference:

"The use of part by MCD, the NDMC and the DDA for the purposes mentioned above shall not be permitted more than 10 days in a month. In other works, when any of the Designated Parks is used for such purposes 10 days in a month, no function thereafter shall be permitted during the remaining 20/21 days".

It is also significant to mention here that the Hon'ble Supreme Court expressed requirement of reduction of use of park as follows:

30% by June 30, 1997 and further 20% by December 31, 1997. In other words, the Hon'ble Court directed that beyond December 1997, more than 50% parks shall not be used for marriages etc.

Subsequently, the NGT's order dated 04/12/21 in O.A. No. 515/2019 created a legal impediment for use of the parks for the aforesaid purposes. However, in the Special Leave Petitions filed by the North DMC as well as South DMC, the Hon'ble Court stayed operation of judgment and order of the NGT dated 04/02/21 and reiterated that the directions of the Court in M.C. Mehta Vs. Union of India (SUPRA) with regard to the use of parks shall strictly be adhered to and in no circumstances the park shall be used for more than 10 days in a month.

The Municipal Counsel, Sh. Praveen Swarup in his opinion has opined (page 32/C) that the order dated 02/08/21 passed by the Hon'ble Supreme Court will hold the field till further orders. Therefore, the Corporation may use the park as per the direction of the Hon'ble Supreme Court.

In these circumstances, I am of the considered opinion "that the proposal of the department at point 'A' is in conformity with the Court Order but at the same time the department may like to use the caveat that the permission for use shall be subject to the compliance of DDMA and DPCC orders in this regard or any other law for the time being in force".

In this regard, it is further submitted that the Minutes of the Meeting of Delhi Development Authority, Institutional Land Branch, 'A' Block, Vikas Sadan, INA, New Delhi-110023 issued under the signatures of Dy. Director(IL) vide No. F.8(18)15/IL/Pt./2237 dated 07/10/2021 held under the Chairmanship of Vice Chairman, DDA on 01/10/2021 at 10:30 A.M. and took cognizance on the matter under Ref: *DPCC Circular No. DPCC/CMC-II/NGT/OA No. 515/2019/9842-44 dated 13/12/2019, Directions u/s 31(A) of the Air(Prevention & Control of Pollution) Act, 1981 & u/s 33(A) of the Water(Prevention & Control of Pollution) Act, 1974 and u/s of Environment(Protection) Act, 1986, in the matter of OA No. 515/2019 titled "President, Budhela Welfare Association Vs. GNCTD"*.

Sub: Regarding booking of DDA open Spaces/Parks with respect to order of Hon'ble NGT and Hon'ble Supreme Court,

and which has been received by the office of Horticulture Department(HQ)/SDMC vide Diary No. DOH/Hort./HQ/SDMC/1782 dated 21/10/2021.

It is reiterated that the matter has been discussed, decided and action points have also been set in the aforesaid meeting held on 01.10.2021 and are as under:-

Discussion, Decision and Action points:-

1. LD to seek clarification from DPCC whether Circular dated 13/12/2019 includes sites other than parks and green(Action by : Director(IL), DDA.
2. DDMA order dated 30.09.2021 prescribing "Fair/Melas/Food Stalls(inside & outside the venues)/Jhoolas/Rallies/Processions will not be permitted during Festivals in Delhi" to be complied with while allowing booking of open spaces. Moreover, while booking the function sites of DDA, the applicant will not be allowed to do any activities of cooking of food and dish washing leading to liquid discharge and the organizers/applicants to make arrangement for mobile toilets facilities during the booking period in view of the DPCC Circular dated 13/12/2019(Action by: CE(NZ/RZ/ES/SZ/Dwarka/HQ, DDA).

Keeping in view of the above, the department proposed the following:-

1. To continue to adhere with the directions of the Hon'ble Supreme Court of India that the use of parks for marriages etc. and religious functions may be allowed for 10 days in a month only so that the aesthetic uses of the Parks cannot be curtailed but at the same time the department may like to use the caveat that the permission for use shall be subject to the compliance of DDMA and DPCC orders in this regard or any other law for the time being in force.
2. To comply and incorporate the DDMA guidelines issued vide DDMA order dated 30.09.2021 into Municipal Park Booking Guidelines prescribing "*Fair/Melas/Food Stalls(inside & outside the venues)/Jhoolas/Rallies/Processions will not be permitted during Festivals in Delhi*" to be complied with while allowing booking of open spaces. Moreover, while booking the function sites of SDMC, the applicant will not be allowed to do any activities of cooking of food and dish washing leading to liquid discharge and the organizers/applicants to make arrangement for mobile toilets facilities during the booking period in view of the DPCC directions & minutes dated 13/12/2019.

In view of the above, the preamble may be placed before the Corporation through Standing Committee for accord of approval please.


Addl. Commissioner(Hort.)
For Commissioner

TRUE COPY



दक्षिणी दिल्ली नगर निगम

As desired by the Deputy Commissioner, West Zone, MCD:-

In the instant case, it is to submit that as per the detailed note of the concerned Section Officer(Hort.), West Zone, MCD and its self explanatory and placed at page 1/N-03/N of the file. As per the report, the Horticulture Department, West Zone, MCD has an option of forfeiting of Security Money only of both the booking parties namely:-

- i) Sh. Mool Chand, Trustee, Gyan Sarovar Charitable Trust, DG-3/145, Vikaspuri, New Delhi,
- ii) Sh. Sat Narayan, Lok Jan Kalyan Sewa Samiti(Regd.), M-431, Shakurpur, Anandvas, New Delhi-110034.

In this regard, it is further submitted that the Hon'ble National Green Tribunal in its Order dated 18.10.2023 in O.A.No.642/2023 (I.A No.781/2023) directed and it is reiterated as under that:-

1. In this original application, the Residents Welfare Association of FBlock of Vikas Puri has made the complaint that the permission for various functions at Smt. Bharpai Devi Jindal Vatika, also known as Dussehra Ground, located in the vicinity of F-Block, Vikas Puri, New Delhi is being granted by the authorities in violation of environmental laws and the orders passed by the Hon'ble Supreme Court and NGT.
2. As per the allegation, the respondent authorities are permitting various functions including marriage functions in the park wherein the function organizers/tent owners takeover the entire park thereby restricting the right of the residents to use the park. After the function, no cleaning of the park is done.
3. It is also alleged that no measures have been taken to follow the guidelines in respect of solid waste management, water pollution, air pollution, etc. and that the function so organized in the park create noise pollution disturbing the life of the nearby residents. It is disclosed in the application that even the Superintendent of the MCD park has filed a complaint with the Vikas Puri Police Station alleging that the park does not get vacated from the grip of the function organizers and no action is taken.
4. The submission of Counsel for the applicant is that in terms of judgment of the Hon'ble Supreme Court in the case of M.C. Mehta vs. Union of India & Ors. reported in (2009) 17 SCC 683, the use of parks by MCD, NDMC and DDA for the purpose specified in the said judgment should not be permitted more than 10 days in a month and no function thereafter should be permitted during the remaining 20/21 days. In this regard, he has also placed reliance upon the interlocutory order of the Hon'ble Supreme Court dated 02.08.2021 passed in Civil Appeal Diary No(s) 15182 of 2021, North Delhi Municipal Corporation vs. President Budhela Welfare Association & Anr. The submission of Counsel for the applicant is that though repeated complaints were made to different authorities but till now, no action has been taken.

S.D.M.C.

TRUE COPY

- 5. The allegation made in the OA clearly reveals that a substantial issue relating to environment is involved and authorities are required to take appropriate action in accordance with the judgment of the Hon'ble Supreme Court as well as the existing rules and regulations of the MCD.
- 6. Hence, we direct the Director, Horticulture Department of MCD (West Zone) i.e. Respondent No. 1 to carry out the spot inspection of the park in question, ascertain the correct position in respect of allotment of the park and its use for different functions on the basis of the record as also the other material collected during the spot inspection and take appropriate remedial measures to ensure due compliance of the judgment of the Hon'ble Supreme Court and the applicable rules and regulations of the MCD. Let this exercise be completed within a period of three months from today.
- 7. Respondent No. 1 will submit the action taken report before the Registrar General of this Tribunal by e-mail at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If found necessary, the matter will be listed before the Bench for consideration.
- 8. OA is accordingly disposed off.
- 9. A copy of this order be forwarded to the Director, Horticulture Department of MCD (West Zone) by e-mail for compliance. A inspection was carried out on dt.25.10.2023 by the then Dy. Director (Hort.) at Bharpai Devi Jindal Park, F Block Vikas Puri and found commercial activity in the park.

Keeping in view of the above, it is proposed that the security money {Rs. 30,000/- + 30,000/- respectively = Rs. 60,000/- (Rupees Sixty Thousand Only)} be forfeited from the both the booking parties namely:-

- i) Sh. Mool Chand, Trustee, Gyan Sarovar Charitable Trust, DG-3/145, Vikaspuri, New Delhi,
- ii) Sh. Sat Narayan, Lok Jan Kalyan Sewa Samiti(Regd.), M-431, Shakurpur, Anandvas, New Delhi-110034.
- iii) The Action Taken Report be submitted within 03 months by the Dy. Director(Hort.), West Zone, MCD through e-mail be complied with accordingly.

Submitted for kind information pl.

Singh 12/12/23
SUBINUS SINGH
 Asstt. Director (Hort.)
 West Zone, MCD

PK BANERJEE
 Dy. Director (Hort.)
 West Zone/ MCD

DC/WZ/MCD

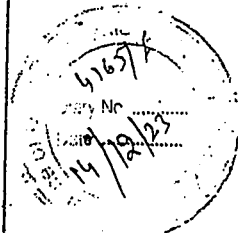
PK Banerjee
 12.12.2023

As proposed.

AS 12/12/23
 Section Officer(Hort.),
 West Zone, MCD
 Section Officer (Hort.)
 West Zone, MCD

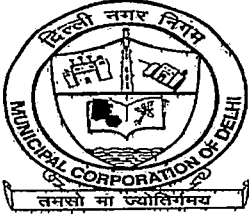
19/12/23

AD/102
SM Singh
SA
12/12/23
DD/WZ

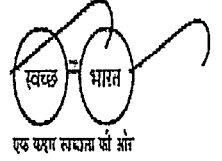


412/DDH/WZ
12/12/23
19/12/23

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452
R-3 17
MUNICIPAL CORPORATION OF DELHI
HORTICULTURE DEPARTMENT WEST ZONE
4th FLOOR, NIGAM BHAWAN,
RAJA GARDEN, NEW DELHI -110027



No. DDH/WZ/MCD/2024/ 159

Date: 18/10/2024

Warning Notice

This letter serves as a formal warning regarding the handling of compliance matters related to the Hon'ble National Green Tribunal (NGT), specifically concerning the Bharpai Devi Jindal Vatika (also known as Dussehra Ground) in F-Block, Vikas Puri in O.A. No.642/2023 and Execution Application No.15/2024.

Despite the timely initiation of the proposal on 12th December, 2023, for the forfeiture of security money following the inspection of Bharpai Devi Jindal Vatika, also known as Dussehra Ground, on 25th October, 2023, as part of the action taken report in compliance with the Hon'ble NGT order dated 18.10.2023, the file remained unaddressed by you after receiving the necessary approval from the Dy. Commissioner, West Zone. The undersigned was not informed of the file's return after approval. Furthermore, the action taken report was neither filed before the Hon'ble NGT through the Registrar General of the Tribunal at judicialngt@gov.in nor it was provided to the undersigned, despite the explicit directions provided by the Hon'ble NGT.

This negligence has resulted in filing of Execution Application No.15/2024 by the applicant RWA due to non-filing of action taken/ compliance report and also led to significant repercussions from the Hon'ble Court, including stern admonishments and financial costs imposed on the undersigned, despite the department's good intentions to adhere to the Hon'ble NGT's directives. Also, it has been noticed that none of you appeared/attended the hearing in the abovestated execution application on 28/05/2024. Also, the Municipal Counsel was not properly briefed in the matter which led to the misstatement regarding park/ground before the Hon'ble NGT.

You are hereby cautioned that further lapses in managing court-related matters will lead to serious consequences for the officers involved, including potential disciplinary action without further notice. A written explanation for these oversights must also be submitted to the undersigned within 2 days from the date of this notice.

Director (Hort.)-II C.D.
Copy No. 281
Date 22/10
No. of Files 33

PK Bamejee
Dy. Director(Hort.)
West Zone: MCD

1. Sh. Surender Singh, Asstt. Director(Hort.), West Zone
2. Sh. Dharam Prakash, Asstt. Section Officer

Seen
22/10
DDH West Zone

Copy to:

1. Deputy Commissioner, West Zone for kind information.
2. Director-in-Chief(Hort.) for kind information.
3. Director(Hort.)-II for kind information.

1489/DDH/WZ
24/10/24

ADH/WZ

TRUE COPY

453
Anil Kumar R-4

18



MUNICIPAL CORPORATION OF DELHI
HORTICULTURE HEADQUARTER
E-1 BLOCK, 16TH FLOOR, DR. S.P.M. CIVIC CENTRE
J.L. NEHRU MARG, NEW DELHI-110002



ONE EARTH • ONE FAMILY • ONE FUTURE

No. AC(Hort.)/HQ/MCD/ 2023-24/ 128

Dated 19.10.2023

OFFICE ORDER

In order to streamline the Horticulture Department following transfer posting of Dy. Director (Horticulture) are made with immediate effect:

S. No.	Name of DDH	Present Assignment	New Assignment / Charge	Salary from
1.	Sh. V. Sathish Kumar	1. West Zone 2. Najafgarh Zone 3. Rohini Zone 4. Narela Zone 5. HQ-I 6. All Projects under Dir(Hort)I 7. Planning Section of Horticulture Deptt.	1. Rohini Zone 2. Narela Zone 3. Civil Line Zone 4. City S. P. Zone	Civil Line Zone
2.	Sh. P. K. Banerjee	1. South Zone 2. Central Zone 3. HQ -II 4. All Projects under Dir.(Hort.)-II 5. Quality Control of Horticulture Department	1. South Zone 2. Central Zone 3. West Zone 4. Najafgarh Zone 5. HQ -II 6. All Projects under Dir.(Hort.)-II 7. Quality Control of Horticulture Department	HQ
3	Sh. K. P. Sharma	1. Karol Bagh Zone 2. Keshav Puram Zone 3. City S. P. Zone 4. Civil Line Zone	1. Karol Bagh Zone 2. Keshav Puram Zone 3. Shahdara (North) Zone 4. HQ-I 5. All Projects under Dir(Hort)-I, 6. Planning Section of Horticulture Department	Karol Bagh Zone
4	Sh. Keshav Lal	1. Shahdara (North) Zone 2. Shahdara (South) Zone	1. Shahdara (South) Zone	Shahdara (South) Zone

This issues with the approval of the competent authority.

K. P. Sharma
19.10.2023
Asstt. Commissioner(Hort.)HQ

All Concerned.

Copy to:

1. Additional Commissioners (Hort.) for kind information please.
2. PS to Commissioner, MCD for information of Commissioner, MCD.
3. Director-In-Chief for information please.
4. All Zonal Dy. Commissioners
5. Director (Horticulture)-I
6. Director (Horticulture)-II
7. B & F C/MCD
8. D.C.A. (F&G)
9. DCA (HQ)
10. All Asstt. Directors (Horticulture)
11. Accounts Officer (HQ)
12. A.A.O. (Hort.)HQ
13. A.S.O. (Hort.)HQ.

TRUE COPY

Annexure R-8

The services of Badliya village from DDA
Infrastructure Div 3 to MCD. Hosticulture West Zone
Division II. vide letter No DPH/AB/T/23/2958 dt 19.8.87
has been taken over therecharge detail as under:-

Abstract

1. No of Posts = 572
2. Area of Posts = 9.94 Hect
3. No of Grills = 808 nos
4. No of M.C. gates = 29 nos
5. No of Trees = 820
6. No of Shrubs = 377
7. No of Tree guards = 183 - Broken Condition
8. No of Angle Iron = 65 Nos
9. No of Tubewell = 3 nos 2 nos in working condition
1 no out of order.
10. Area of Green strip = 797.65 Sq m
11. Encroachment = Tugger of labour of contractor
Area = 2255 sq m
12. Pipe line in the posts = 474 mt

Taken over ^{18.9.87}
(Shri. Keemji Lal Jais) S.O. M.C.D.

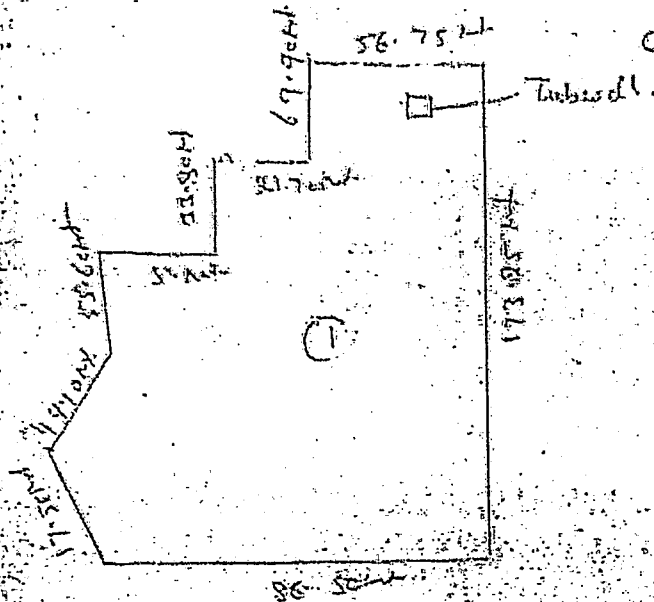
Handed over ^{18/9/87}
(Shri. Praag) S.O. DDA

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TRUE COPY

Detail of Panchayat Badalla Village

37
D



Opposed to Billa Vikaspur

Area - 14077.14 Sqm

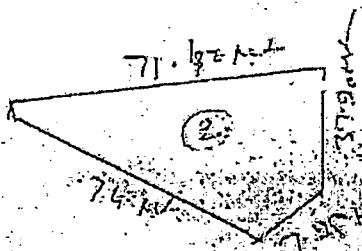
Gravel - 3100

Trees - 6135

Shrub - 1100

Mud grill - 415

Tubewell - 1 No.



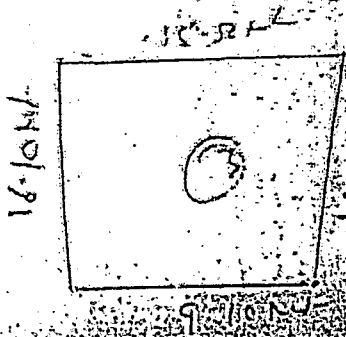
Opposed to Billa Vikaspur

Area - 2186.19 Sqm

Gravel - 93 M

Trees - 210

Mud grill - 2 M



Opposed to Billa Vikaspur

Area - 174.46 Sqm

Gravel - 32 M

Trees - 215

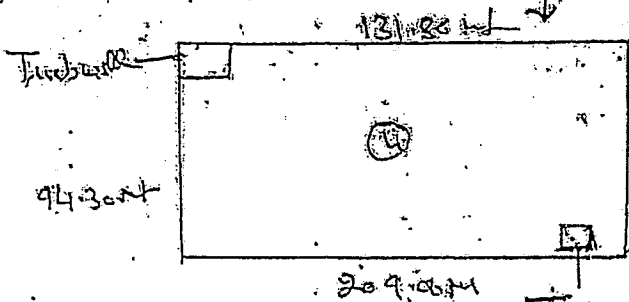
Shrub - 135

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Handed over DDA To MCD on dt. 18-9-1987

②

Dust long ground



Oppost. P. Block Vikaspur

① Area - 18837.72 Sq mt

② Gravel - 284 M

③ MS grill - 14

④ Trees - 60

⑤ Slab - 241 M

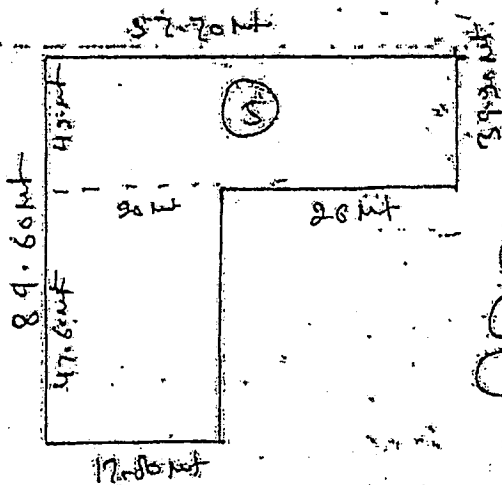
⑥ Tree guard - 53 M 800 Ka

⑦ Encroachment - 2255 Sq mt
L = 41 mt, W = 55 mt

⑧ Trench - 2 mt

1 Month working is done with one team
1 Mo. only. Bore without team, 0

15.30 mt



Oppost P-Block Vikaspur

① Area - 2951.83 Sq mt

② Gravel - 84 M

③ MS grill - 2 M

④ Length without = 107.90 mt
Energy

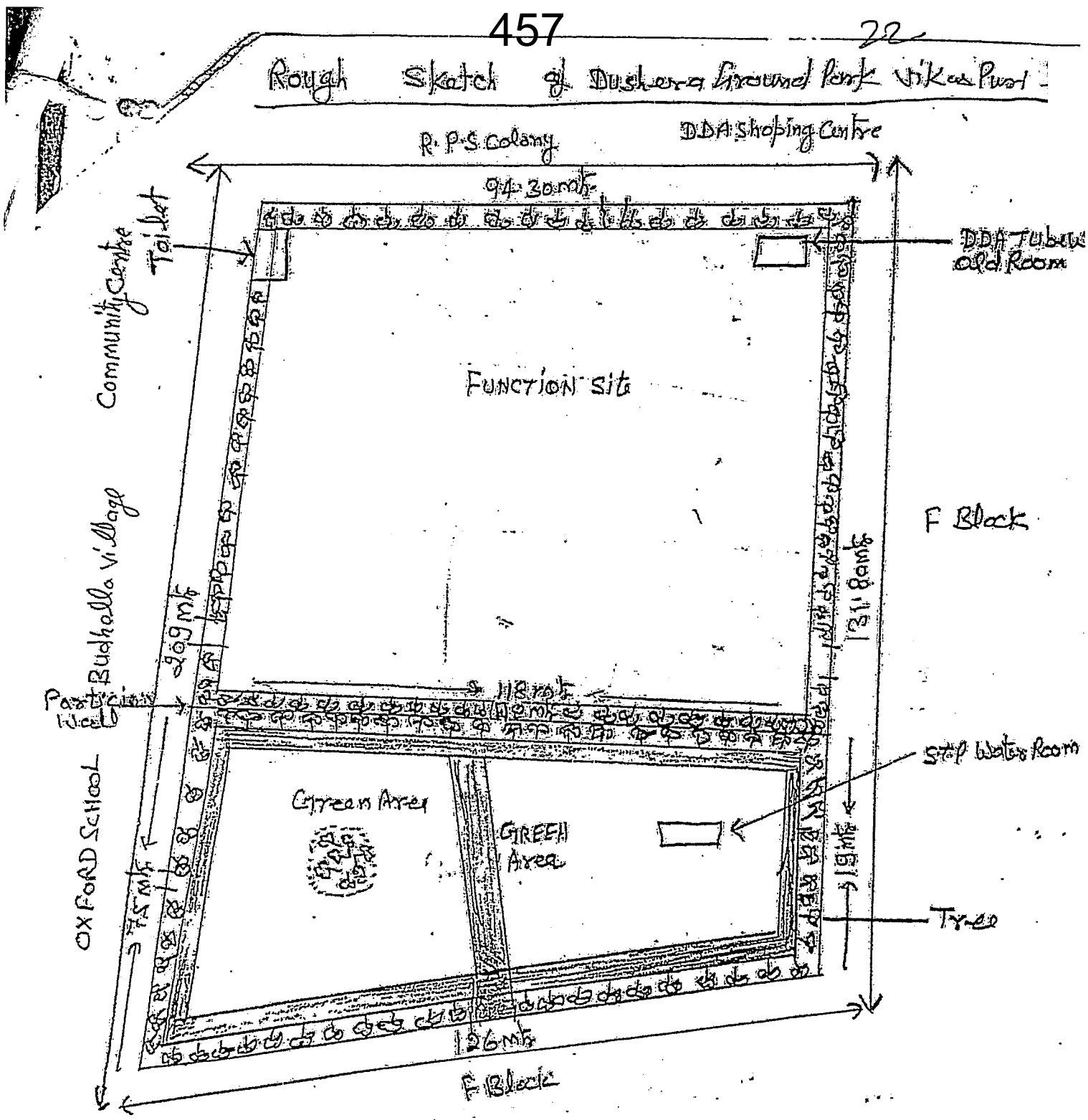
⑩ Trench
18-9-87

J
10/15
18/9/87

(S.C. Plaster)

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Rough Sketch of Dushera Ground Park Vikas Pur



Total Park Area = 18,832.92 Sqm

Function Site Area = 13098.91 m²

Green Area = 5,734 m²

Function Site Area = Periferi Plantation done.


TRUE COPY

15/7/024
Sb/110

Details of Plantation Carried out in Dussehra Park during Monsoon Season 2024

S.No.	Name of Plant	Qty.
1.	Cactus	30
2.	Papdi	121
3.	Bougainvillea	8
4.	Sehjan	13
5.	Pilkhan	37
6.	Neem	12
7.	Vernonia	54
8.	Bargad	5
9.	Peepal	21
10.	Jamun	5
11.	Acacia	13
12.	Kachnar	23
13.	Arjun	4
14.	Aam	10
15.	Alstonia	2
16.	Nimbu	4
17.	Gudhal	13
18.	Gulmohar	7
19.	Jhatroopa	8
20.	Ashok	3
21.	Champa	15
22.	Bakayan	17
23.	Dracaena	3
24.	Kaner	14
25.	Molasri	28
26.	Harsingar	1
27.	Sheesham	1
28.	Safeda	11
29.	Kikar	3
30.	Sehtoot	1
31.	Imli	4
32.	Jangal Jalebi	1
33.	Amrood	1
Total:		493 nos.


PK Banejee
DDA/WZ/MCD.


SOH/WZ/MCD

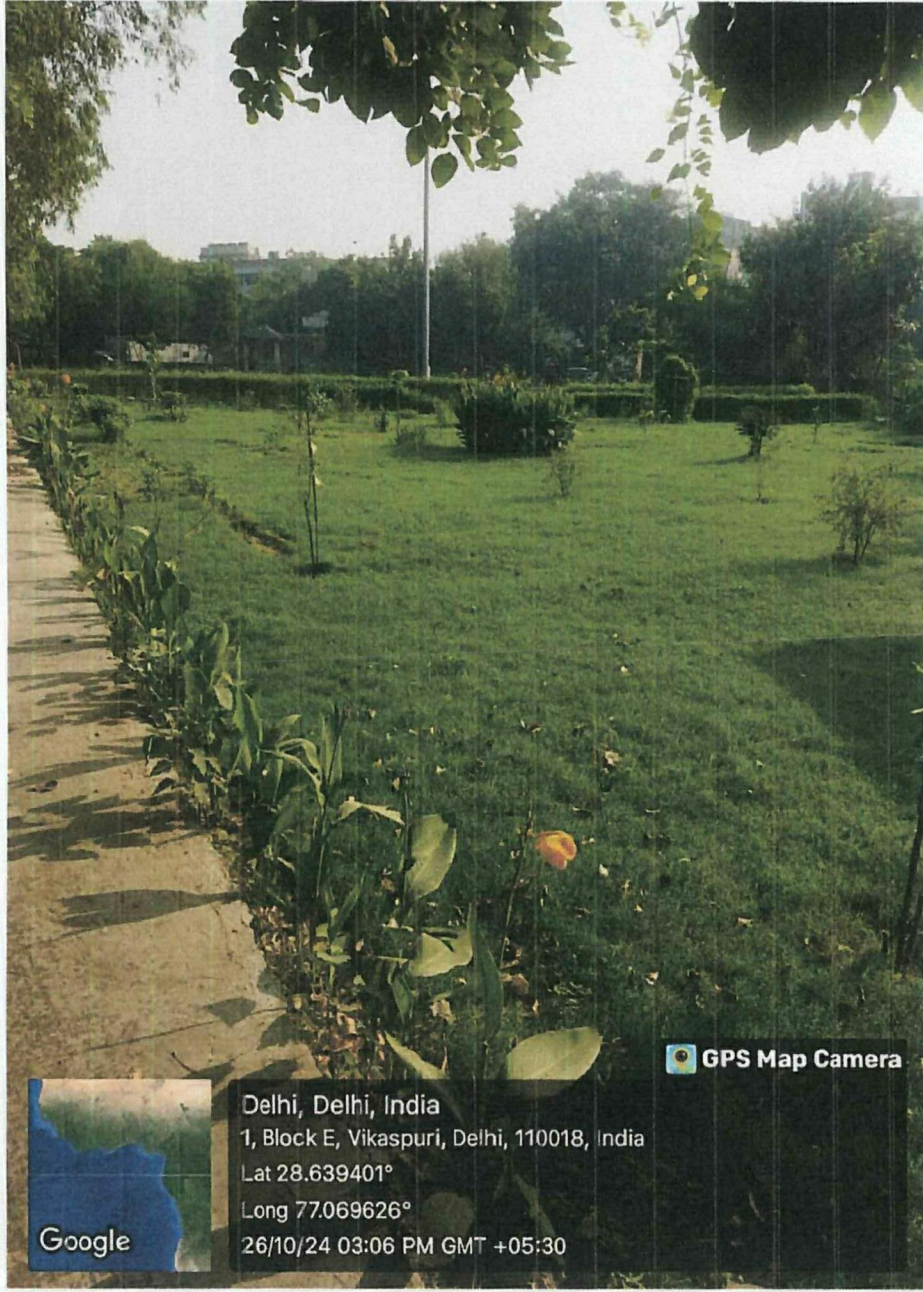
Details of Plants in Tikona Portion within Dussehra Park maintained as Green

S.No.	Name of Plant	Qty.
1.	Bargad	5
2.	Neem	21
3.	Gudhal	69
4.	Kaner	16
5.	Jatropha	30
6.	Papdi	45
7.	Jangal Jalebi	7
8.	Marod fali	4
9.	Safeda	8
10.	Kadam	1
11.	Bakayan	6
12.	Sheesham	1
13.	Ashoka	5
14.	Hamelia	12
15.	Sehtoot	3
16.	Kachnar	4
17.	Vernonia	11
18.	Semal	1
19.	Alstonia	2
20.	Gulab	23
21.	Champa	31
22.	Chandni	19
23.	Ficus	3
24.	Calliandra	1
25.	Muraiya	32
26.	Motiya	13
27.	Cactus	8
28.	Pilkhan	3
29.	Aam	6
30.	Kikar	1
31.	Belpattar	1
32.	Narangi	2
33.	Harsingar	1
34.	Mor Pankhi	1
35.	Raat Rani	5
36.	Dracenea	1
37.	Khajoor	1
38.	Amrud	1
39.	Palm	1
40.	Anar	2
41.	Shami	1
Total:		408 nos.

PKP Banerjee
 DDA/WZ/MCD


 SOH/WZ/MCD

विमिना पार्क विकासपुरी



460



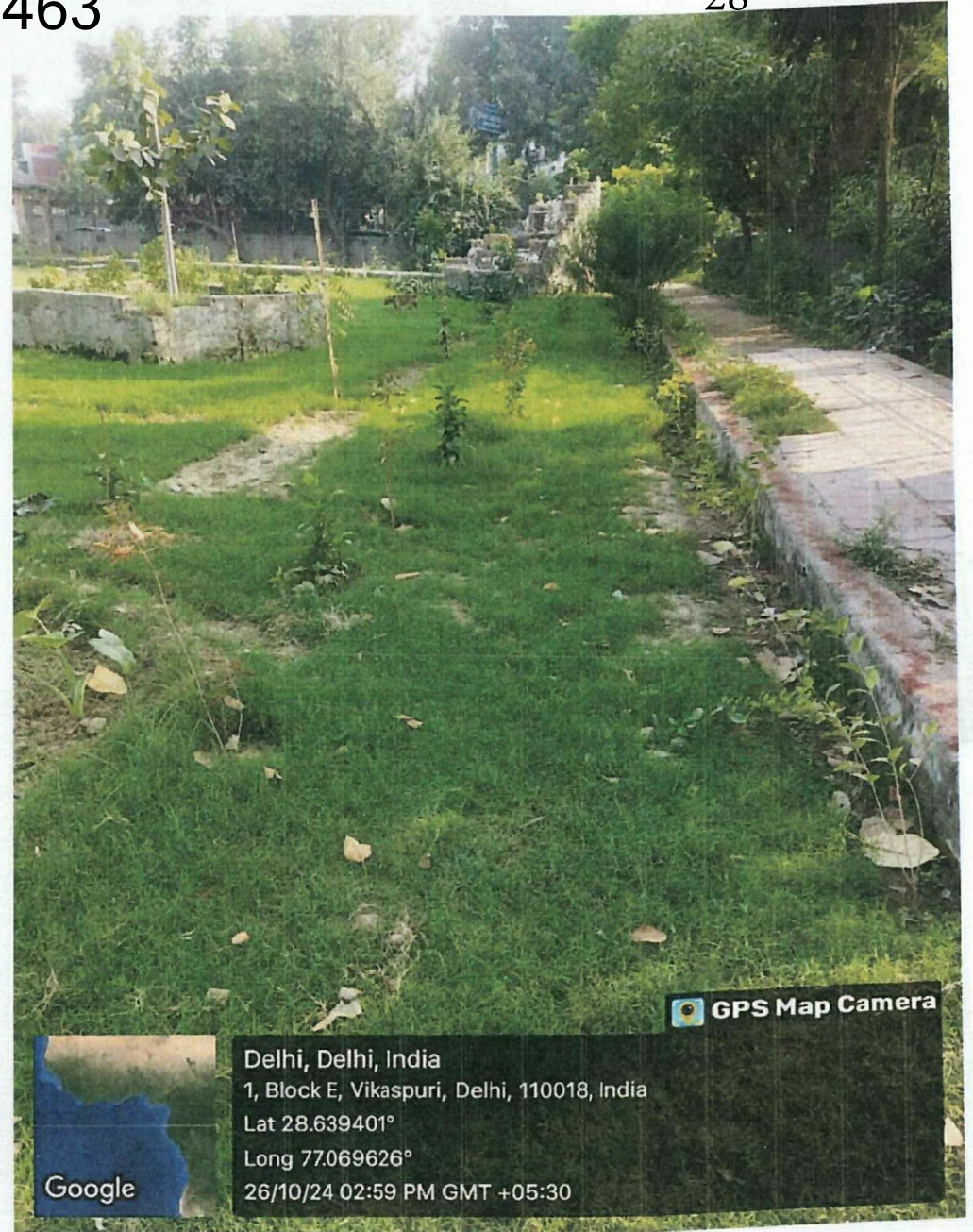
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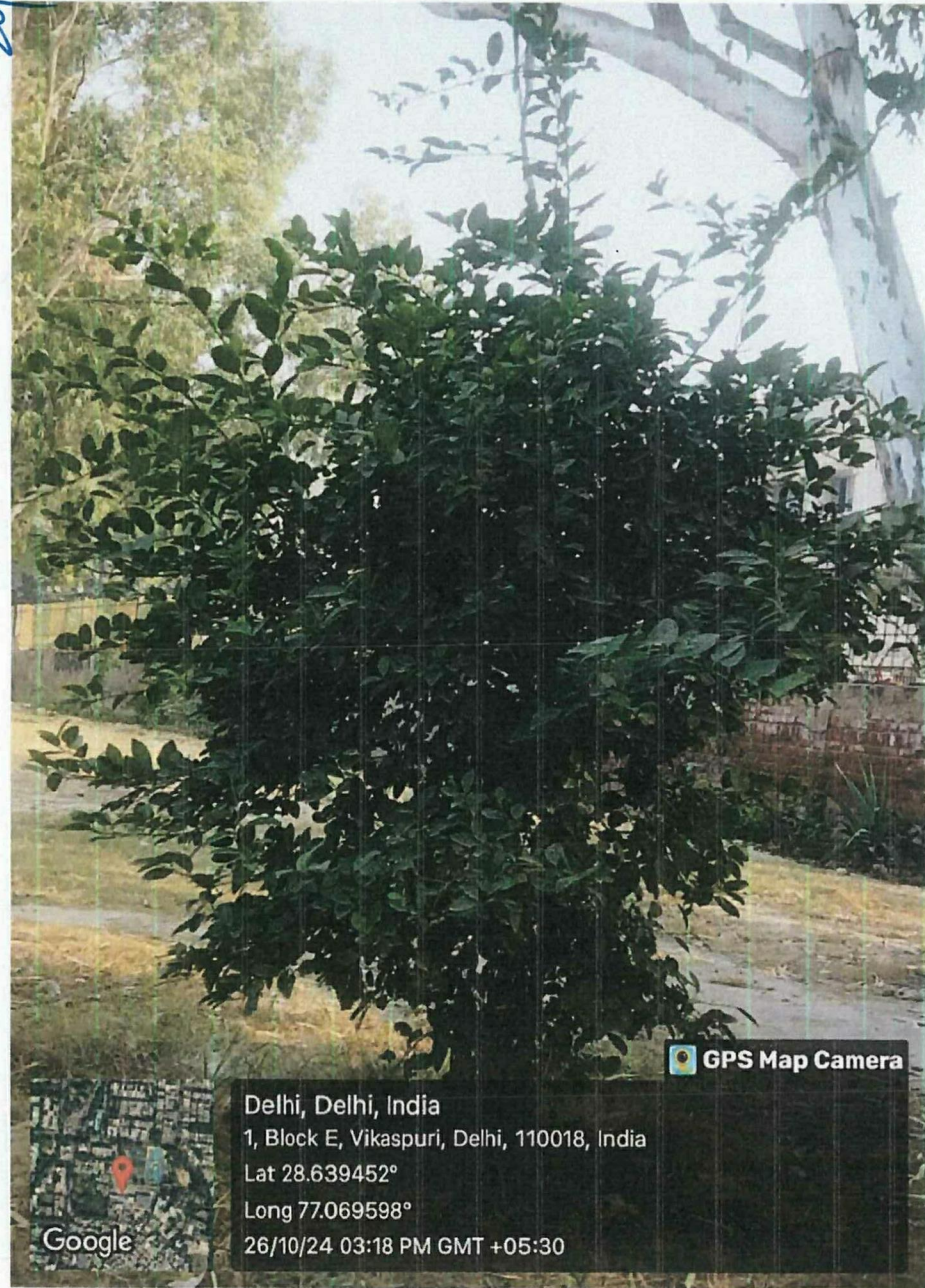


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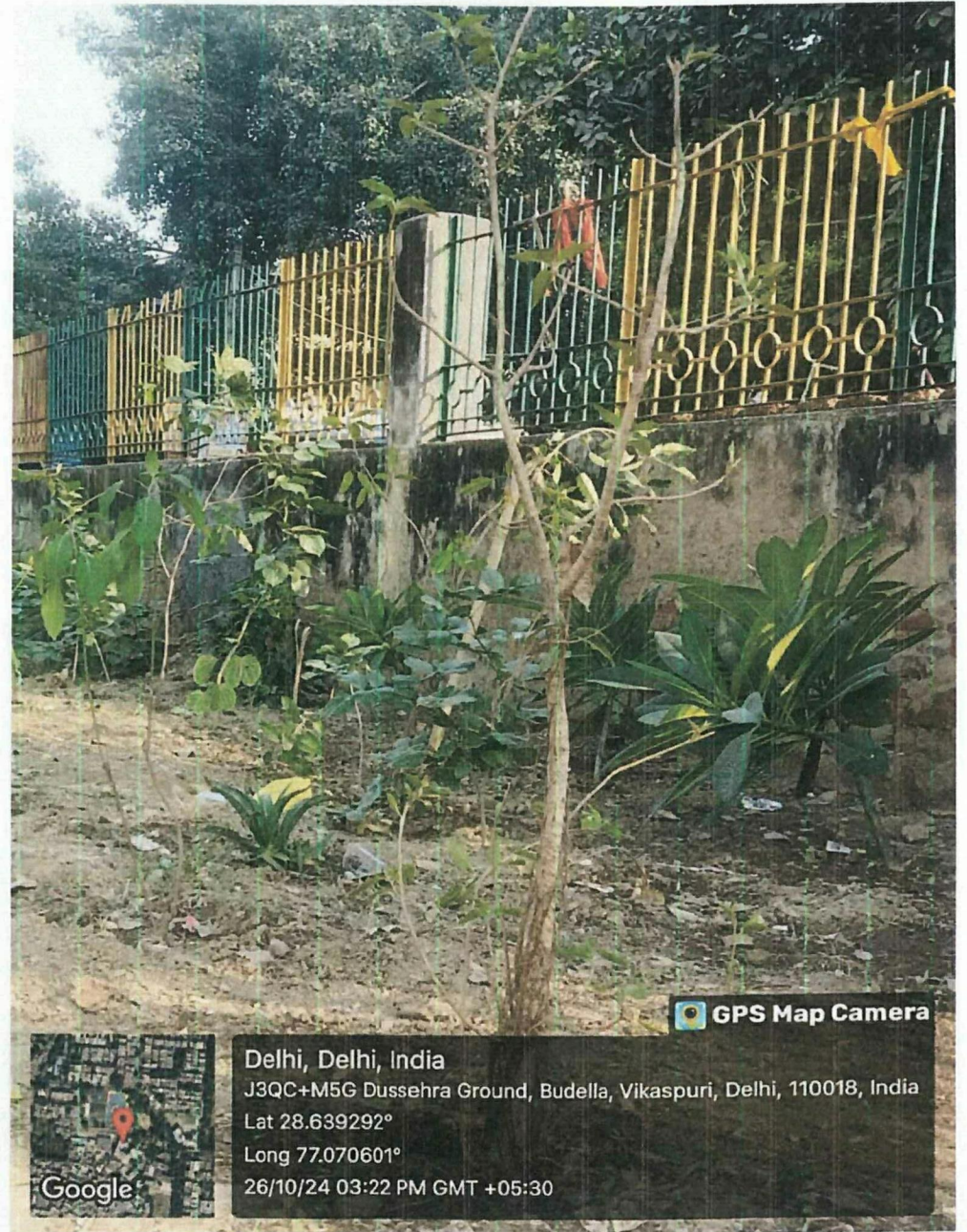
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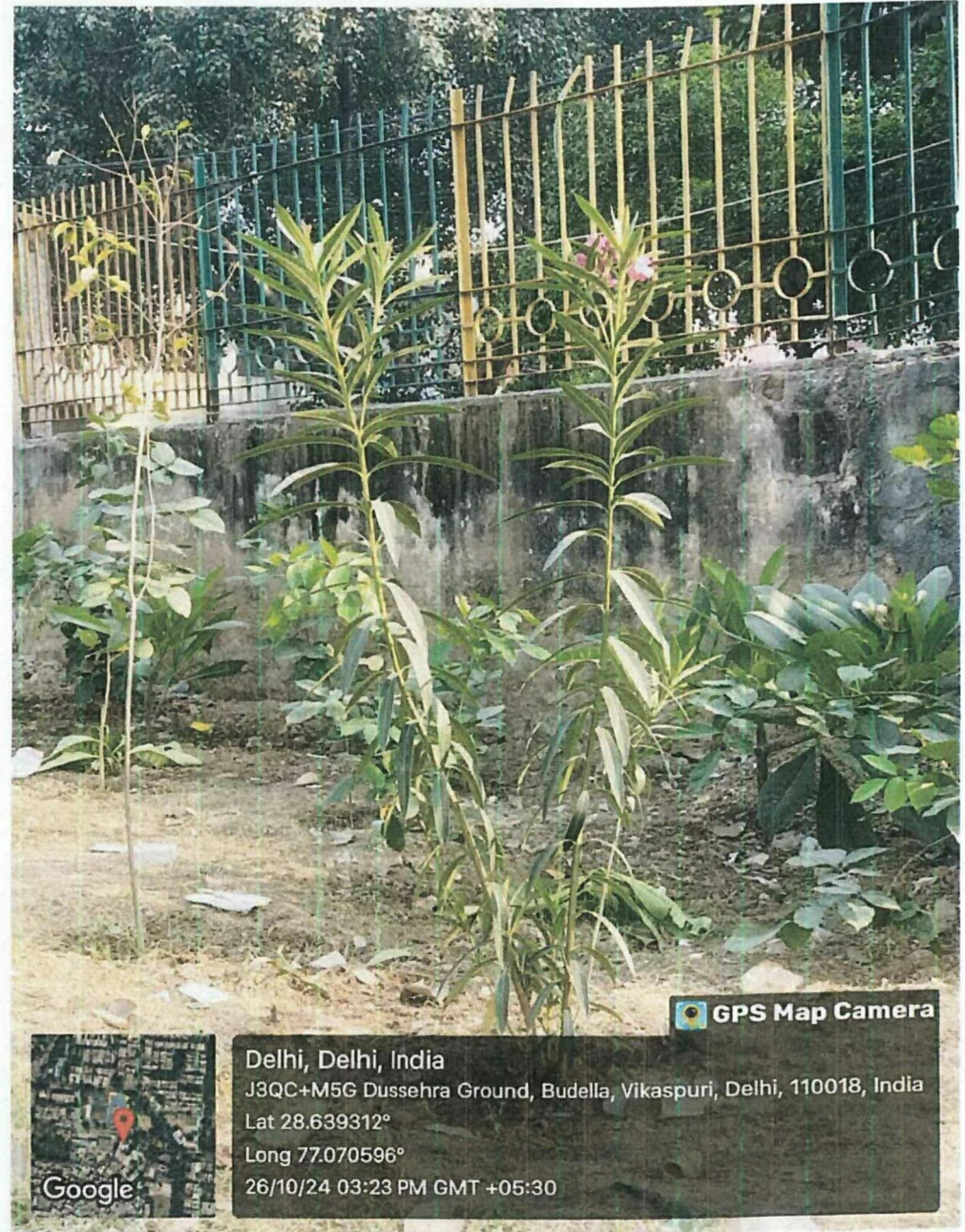
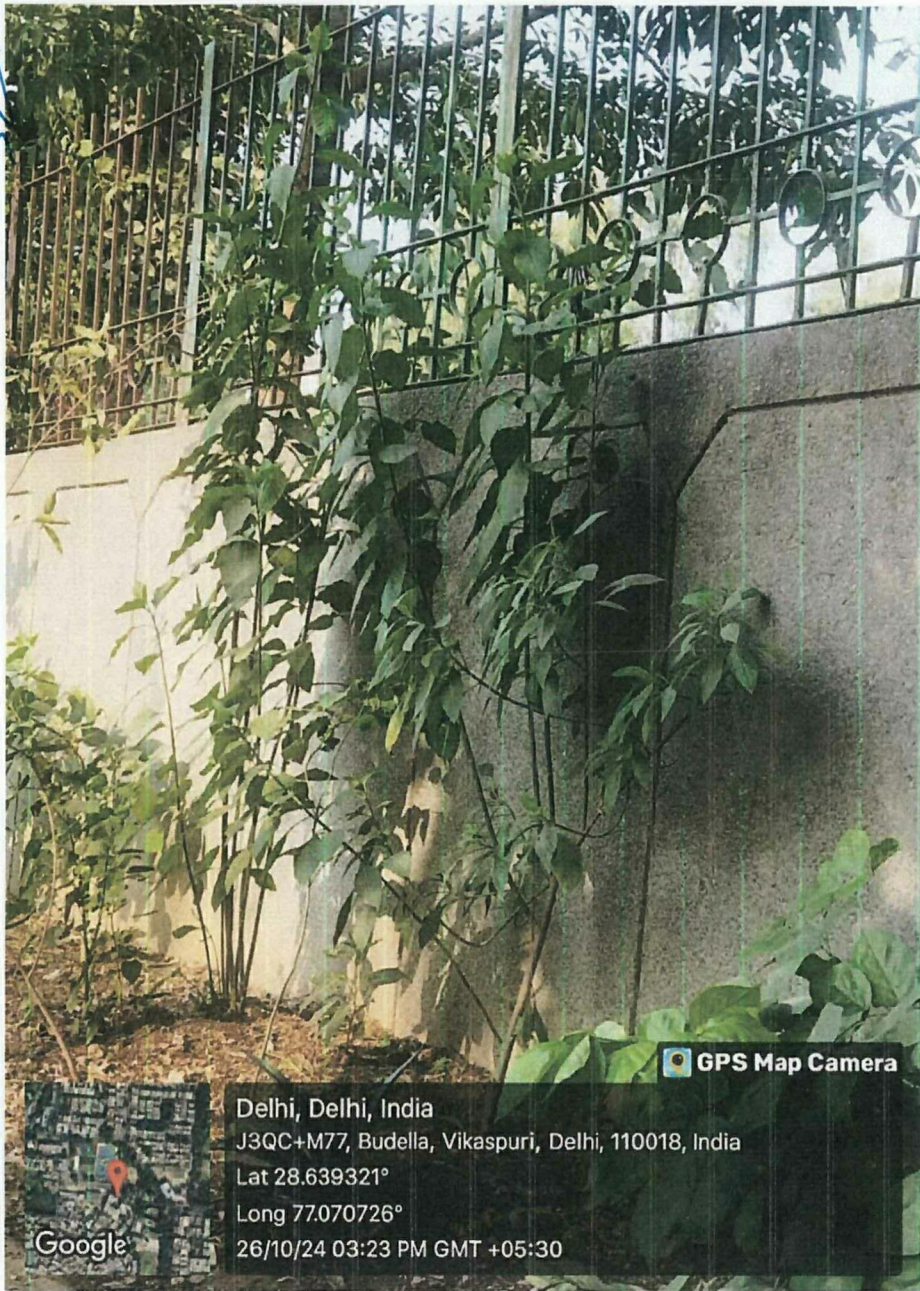


पार्क F ब्लॉक दशहरा ग्राउंड विक्रमपुरी

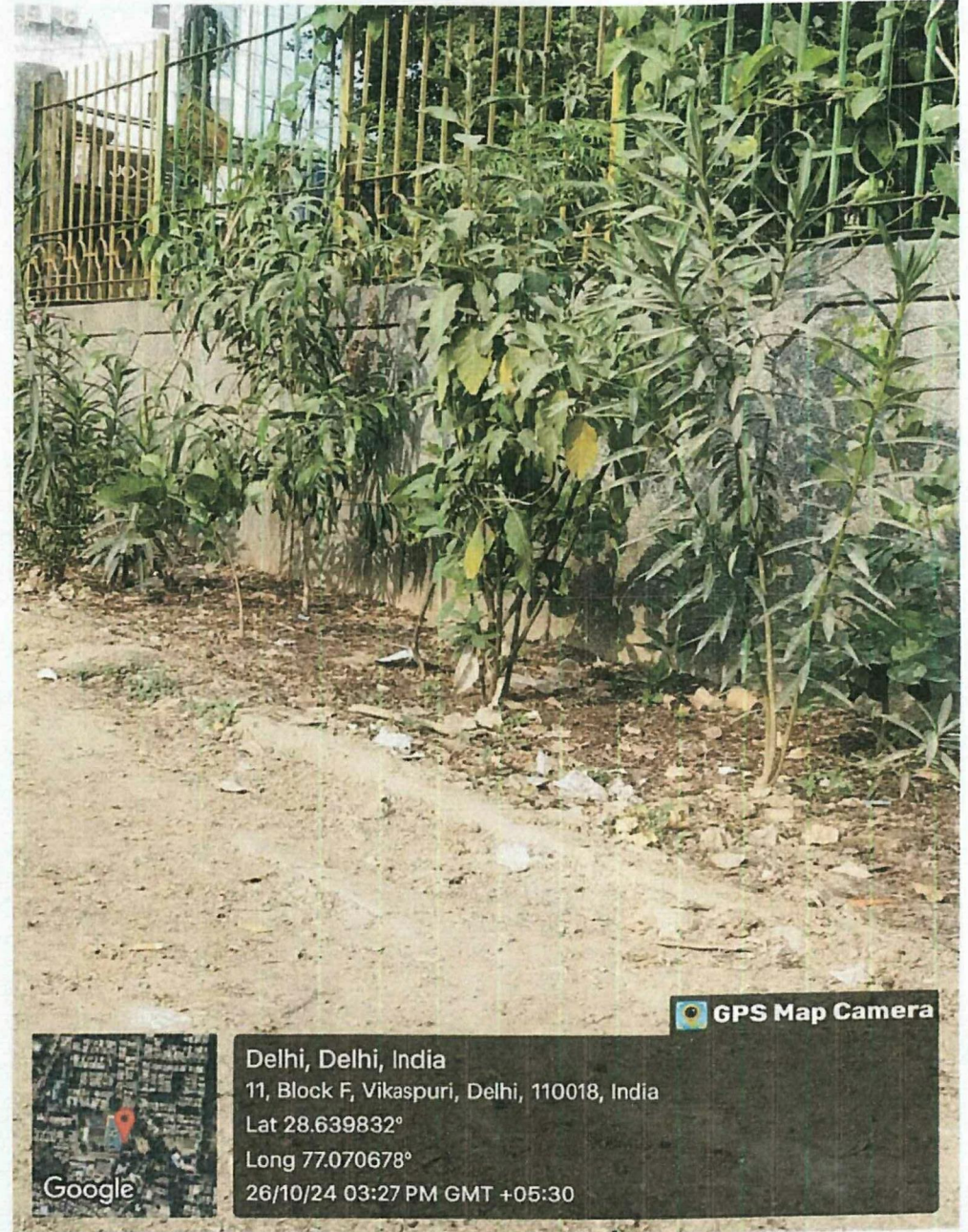
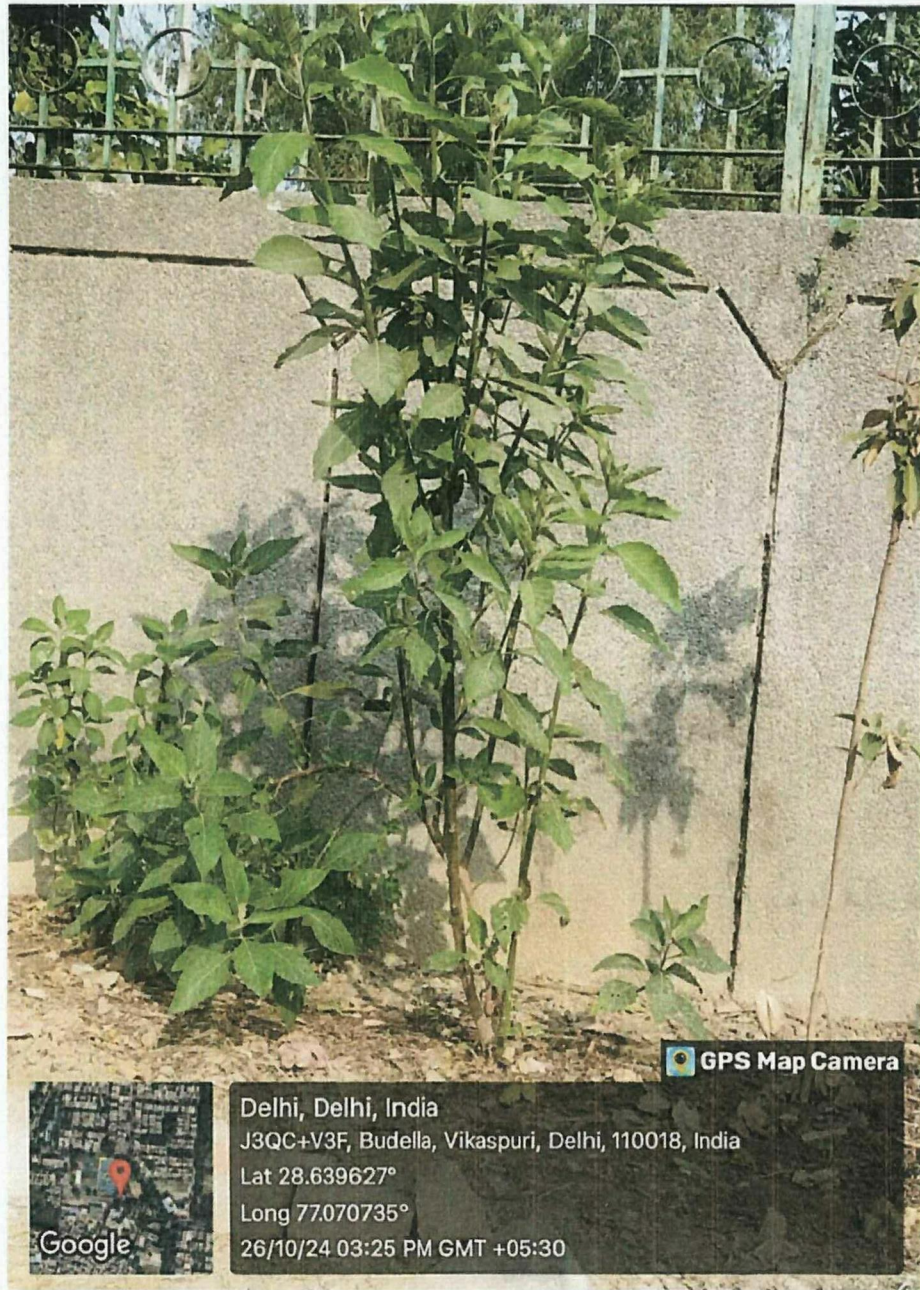












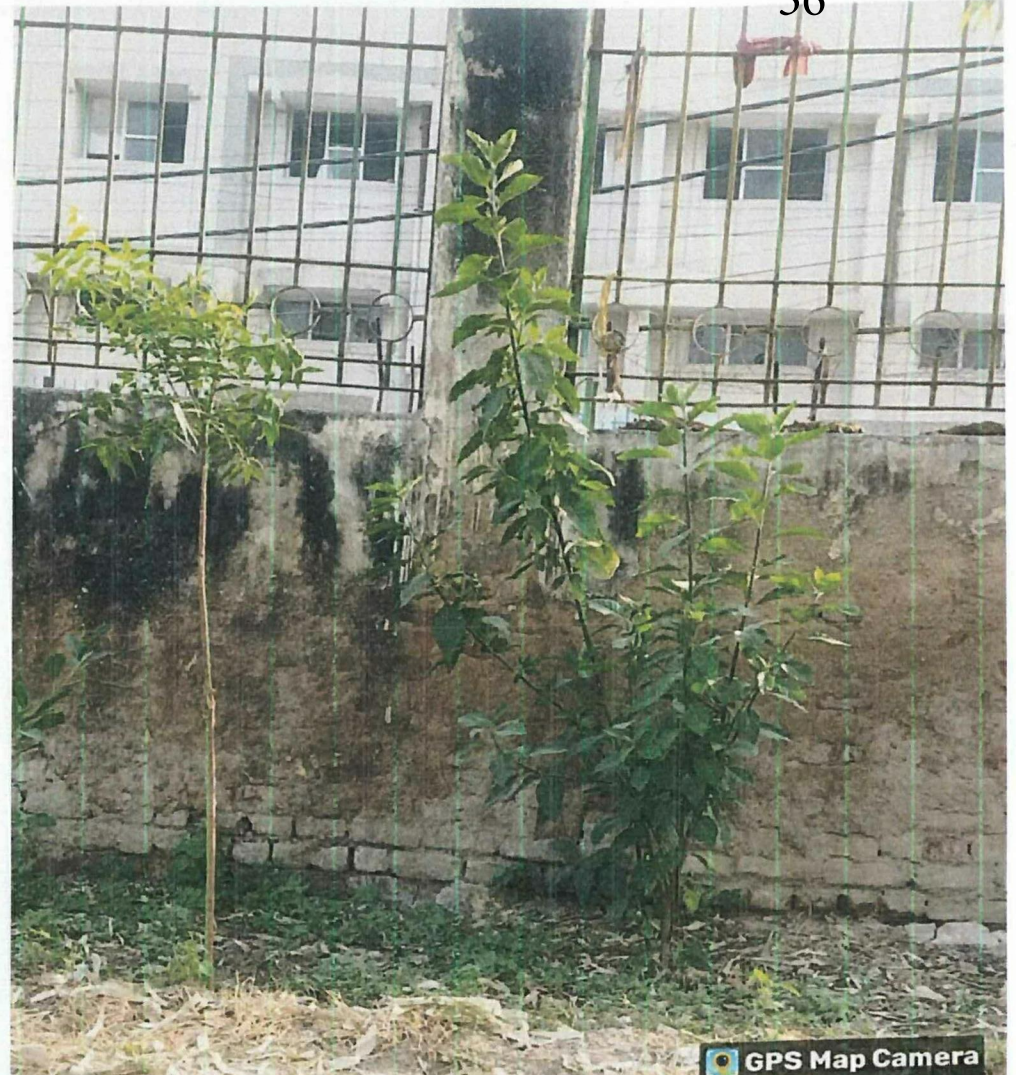




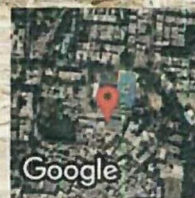
GPS Map Camera



Delhi, Delhi, India
 J3QC+M77, Budella, Vikaspuri, Delhi, 110018, India
 Lat 28.639364°
 Long 77.070745°
 26/10/24 03:24 PM GMT +05:30



GPS Map Camera



Delhi, Delhi, India
 305, Third Floor, LSC DDA, E-BLOCK, near Dussehra Ground, Budella, Vikaspuri,
 Delhi, 110018, India
 Lat 28.63934°
 Long 77.069959°
 26/10/24 03:21 PM GMT +05:30

472

Annexure R-7

37

To

The Registrar General
National Green Tribunal
Principal Bench
Faridkot House, Copernicus Marg
New Delhi – 110001

Subject: Submission of Bank Demand Draft in Compliance with Order dated 13.09.2024 in Execution Application No. 15/2024.

Respected Sir/Madam,

I, Pijush Kumar Banerjee, Deputy Director Horticulture, West Zone, Municipal Corporation of Delhi (MCD), am submitting herewith a Demand Draft of Rs. 25,000/- (Rupees Twenty-Five Thousand only) in compliance with the order dated 13.09.2024, passed by the Hon'ble Tribunal in Execution Application No. 15/2024, arising out of Original Application No. 642/2023.

The details of the Demand Draft are as follows:

Draft No.: 269382

Date: 27/09/2024

Bank Name: CANARA BANK

Amount: Rs. 25,000/- (Rupees Twenty-Five Thousand only)

In favour of: REGISTRAR GENERAL NATIONAL GREEN TRIBUNAL NEW DELHI

Kindly acknowledge the receipt of the same.

Thanking you,

Sincerely,

PK Banerjee

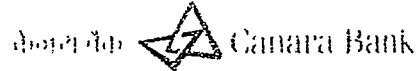
(PIJUSH KUMAR BANERJEE)
Deputy Director Horticulture
West Zone, Municipal Corporation of Delhi (MCD)
Contact No.+91-9717787494
Date: 27/09/2024



TRUE COPY

✓

587 / 35,322



DELHI PUSA CAMPUS BRANCH (19029)
NEW DELHI, NCT OF DELHI - 110012
IFSC CODE : CNRB0019029

यह लिखत जारी करने की तारीख से तीन महीने तक वैध है।
Valid for three months only from the date of instrument

27/09/2024

190293043979 269382

SHREE KORN SECURE PRINT PVT. LTD. - HYD/CTS - 2019

मांगने पर On Demand Pay REGISTRAR GENERAL NATIONAL GREEN TRIBUNAL NEW DELHI को या उनके आदेश पर Or Order प्राप्त मूल्य के लिए

रुपये Rupees TWENTY FIVE THOUSAND ONLY *

* अदा करें For Value Received ₹ ***25,000.00

Purchaser Name: PIJUSHI KUMAR BANERJEE
*****NOT OVER Rs.25,000.00

कृते केनरा बैंक For Canara Bank

केनरा बैंक Canara Bank

कृष्ण कुमार / Krishan Kumar

ज्येष्ठ प्रबन्धक / Sr. Manager

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NEW DELHI ACCOUNTS SECTION(1745)
DRAWEE BRANCH, D.P. CODE

प्राधिकृत हस्ताक्षर कर्ता नाम पदनाम ह.अ.स.
AUTH SIGNATORY NAME DESIGNATION S.P. No

प्राधिकृत हस्ताक्षर कर्ता नाम ह.स. पदनाम ह.अ.स.
AUTH. SIGNATORY NAME DESIGNATION S.P. No

₹ एक लाख और ऊले अधिक होमड ड्राफ्ट के लिए दो प्राधिकृत हस्ताक्षरकों को हस्ताक्षर चाहिए।
Demand Drafts of ₹1 Lakh and above require signature of two authorised signatories.
Please sign above

⑈ 269382⑈ 11001539⑈ 319029⑈ 16

TRUE COPY