

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

E.A. NO. 24 OF 2022

IN

O.A. NO. 60/2022

IN THE MATTER OF: -

ALKA JAIN

...APPLICANT

VERSUS

NORTH DELHI MUNICIPAL CORPORATION & OTHERS

...RESPONDENTS

DATE OF HEARING: 16/01/2023

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APPLICANT

DELHI

DATED-16/01/2023

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WRITTEN SUBMISSION BY THE APPLICANT, ALKA JAIN

Most respectfully submitted that: -

1. That MCD submitting that now they have removed all building materials from cemented road or adjoining places and now no building material lying there.

However, the Considerable point/question raised by applicant before this Hon'ble Tribunal through present execution application is not that at present building material lying on cemented road or not. **But the question is no authority did anything in compliance of order dated 16/02/2022, passed by this Hon'ble Tribunal till the filing of this present execution petition, despite the fact that all authorities was time bond (06 WEEKS) by said order.**

2. That as per the prayer clause no.2 of the present execution petition, the applicant prays humbly that the concerned Authorities be punished under section 26 and 28 of NGT Act, 2010 for failing to comply the order dated 16/02/2022 passed by this Hon'ble Tribunal in O.A. no. 60/2022, as after passing the said order and till the filing of the present

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execution petition no authority did anything in compliance of the said order. (This is admitted fact by the concerned authorities).

However, applicant filed photographs before this Hon'ble Tribunal showing that after 16/02/2022, Building Materials still lying openly on Cemented Road (public land) in huge quantity causing Air Pollution & Obstruction, even after filing of present execution petition the building material was dumped on site in question on dated 08/10/2022.

Therefore, concerned authorities must be punished u/s 26 & 28 of NGT Act, 2010 accordingly.

3. That vide order dated 12/10/2022, passed by this Hon'ble Tribunal at serial no.17, this Hon'ble Tribunal directed to verify the facts as who had dumped the construction materials on the site in question on 08/10/2022 and take appropriate action against him.

IN RESPONSE DPCC SUBMITTED: - That the construction materials which was dumped on cemented road side was been removed by MCD on 23/09/2022.

- a. **However, How the dumped building materials on dated 08/10/2022, as photographs filed by the Applicant on cemented road can be removed on 23/09/2022?**
 - b. No authority filed any single photograph which can show that any authority removed the said material of dated 08/10/2022 lying/dumped on cemented road, Anand Parbat.
 - c. No entry in any official record is placed on court record by any authority which can prove that the said building material was seized/removed by any government authority.
4. That MCD officials submitted orally on last date of hearing before this Hon'ble tribunal that "no construction work is carried out on cemented road ever and only small repair work is carried out there".



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- a. However, the applicant placing the recent order of Hon'ble Delhi High Court, dated 05/09/2022 in which **UNAUTHORIZED CONSTRUCTION** stated to be carried out **at PLOT NO. 2 & 3, LANE NO.4, CEMENTED ROAD ANAND PARBAT.**
- b. Complaint of the applicant was not only for building materials lying openly on public land at CEMENTED ROAD but also for UNAUTHORIZED CONSTRUCTIONS carried out on Cemented Road, but authorities did not place any proof that what they did about unauthorized construction activities going on cemented road.
5. That respondent no.4 namely Mohan Singh submitted orally on last date of hearing before this Hon'ble tribunal that he is not doing any work of construction material.

However, **he himself admitted in his own ITR of assessment year 2022-23, that he is doing work of WHOLESALE-RETAIL OF CONSTRUCTION MATERIAL.**

6. **Final Submission by applicant: -**

Applicant a senior citizen of the country was threatened and forced to leave her permanent residential premises and from 2019, till date applicant is living in a rented accommodation due to raising voice against AIR POLLUTION and till date facing fear, humiliations and pain from the same.

Hence, applicant with folded hands seeks justice from this Hon'ble court by taking action u/s 26 & 28 of NGT Act, 2010.



APPLICANT
(ALKA JAIN)

DELHI

DATED: 11/01/2023

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 12802/2022, CM APPL. 38930/2022

SAURABH JAIN

..... Petitioner

Through: Mr. Vineet Rana and Ms. Jyoti
Nambiar, Advocates.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Achal Gupta, Advocate for
respondent Nos.1, 3, 4 and 7.

Mr. Ajay Dignpaul, Standing Counsel
with Mr. Kamal Dignpaul and Ms.
Swati Kwatra, Advocates for MCD.

Ms. Manika Tripathy, Standing
Counsel with Mr. Shubham Hasija,
Advocate for DDA.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

05.09.2022

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1. By way of present petition filed under Article 226 of the Constitution of India, the petitioner seeks directions to Corporation for initiation of action against unauthorised construction stated to be carried out at the subject property i.e., *Plot bearing nos. 2 and 3, Lane No.4, Cemented Road, Anand Parbat, Delhi.*

2. Issue notice.

3. Mr. Ajay Dignpaul, learned Standing Counsel for Corporation/respondent No.1 accepts notice and submits that a site inspection would be carried out at the subject property within seven days from today and in case any unauthorised construction is noticed, requisite

Validity unknown

 Digitally Signed
By: SANGEETA ANAND
Signing Date: 06.09.2022
13:07:03

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action in accordance with law would be taken. He seeks some time to file a Status Report. Let the same be filed before the next date of hearing.

4. Learned counsel for the petitioner submits that the subject land belongs to DDA.

5. Ms. Manika Tripathy, learned Standing Counsel for respondent No.2/DDA accepts notice and seeks some time to file Status Report. Let the same be filed before the next date of hearing.

6. Mr. Achal Gupta, learned counsel for respondent Nos. 3 to 7 accepts notice and submits that necessary police assistance shall be provided to the Corporation as and when the same is requested.

7. Renotify 06.12.2022.

8. In the meantime, notice be issued to respondent No. 8 through all permissible modes.

9. Needless to state that in the meantime, respondent No. 1 and 2 shall ensure that no construction is carried out at the subject property unless in accordance with law.

MANOJ KUMAR OHRI, J

SEPTEMBER 5, 2022

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Validity unknown

 Digitally Signed
By: SANGEETA ANAND
Signing Date: 06.09.2022
13:07:03



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Name of Assessee
 Partner's Name
 Address
 Status
 Ward
 PAN
 Residential Status
 Nature of Business
 A.O. Code
 Filing Status
 Last Year Return Filed On
 Last Year Return Filed w/s
 Bank Name
 Tele:

Individual
 YARD 5 (1) DELHI
 BMUPS00492
 Resident
 WHOLESALE AND RETAIL TRADE-Wholesale of construction
 Material (0001)
 DEL-W-003-03
 Original
 18/08/2021
 Normal
 Bank of Baroda, C-46, NEW ROHTAK ROAD NEW DELHI, A/C
 NO:35840100001860, Type: Saving, IFSC: BARBDNEWROH
 Mob: 8178132274

Assessment Year: 2022-2023
 Year Ended: 31.3.2022
 Date of Birth: 13/08/1972
 Gender: Male

Acknowledgement No. 314893800180021

Computation of Total Income (As per Normal Provisions)

Caution

- 1. AIS report not imported
- 2. TIS summary not imported

Income from Business or Profession (Chapter IV D)

018499

Profit as per Profit and Loss a/c
 Total 686737

Loss:
 Depreciation as per Chart (u/s 32) 48238
48238

018490

Profit as per Profit and Loss a/c 0

Income from Other Sources (Chapter IV F)

2696

Interest From Savings Bank A/c 2696

Gross Total Income 621106

Less: Deductions (Chapter VI-A)

u/s 80C
 L.I.P. 50142
 Tuition Fee 45000
 Tuition Fee 32000
 Total 127142

127142

u/s 80TTA (Interest From Saving Bank Account) 2696

129838

Total Income 401367

Round off u/s 280 A 401360

Adjusted total income (ATI) is not more than Rs. 20 lakh hence AMT not applicable

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