

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

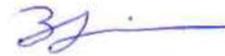
VERSUS

NORTH DELHI MUNICIPAL CORPORATION &  
OTHERS

...RESPONDENTS

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APPLICANT

DELHI

DATED-15/12/2022

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**WRITTEN SUBMISSION BY THE APPLICANT, ALKA  
JAIN**

Most respectfully submitted that: -

A. Submissions of Applicant on the report of D.C.P. Central Delhi.

1. D.C.P. Central Delhi admitted in their status report that  
"No further action was taken after 16/02/2022.

**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.**

Therefore, concerned Police officials be liable u/s 26 &  
28 of NGT Act, 2010, hence they may be punished  
accordingly.

2. D.C.P. concealed material facts from this Hon'ble Tribunal by stating in said report that on the complaint of applicant dated 23/09/2019, police officials took action for encroachment of public property against Mohan Singh vide F.I.R. no.223/2019.

**However, the said complaint of the applicant is still pending before Hon'ble trial court and vide order dated 01/09/2022, the L.D. trial court ordered S.H.O. P.S. Anand Parbat, to register an F.I.R. on the complaint of applicant dated 23/09/2019.**

3. It is relevant to mention here that in said complaint of the applicant dated 23/09/2019, applicant informed that she was threatened by Mohan Singh & one police official who called the applicant from telephone no. 011-28762468 (Telephone no. of P.S. Anand Parbat) and said "No construction work will stop and it will remain as it is and you can not stop this practice.

**B. Submissions of Applicant on the report of MCD: -**

1. MCD confusing this Hon'ble Tribunal in their status report by showing photographs which are not related with the site in question, i.e., CEMENTED ROAD.
2. MCD did not file a single photograph of the site in question, i.e., CEMENTED ROAD.
3. Complaint of the applicant is related with the Cemented Road, Anand Parbat and not about the outside the house of Mohan Singh.
4. DPCC & DCP Central Delhi categorically admitted that site in question is CEMENTED ROAD.

5. Copy of Petition along with documents sent by this Hon'ble Tribunal vide order dated 16/02/2022 to all authorities and in that petition complete address i.e., CEMENTED ROAD & photographs of building material lying openly on CEMENTED ROAD was there. MCD misrepresenting the facts and emphasizing that the site in question is outside the house of Mohan Singh, but in reality, the sit in question is CEMENTED ROAD.
6. In one photograph attached on page no.5 of their report, MCD showed a road by stating that it is near of house of Mohan Singh. However, in reality that is different place in some other direction, as the same is corner of Kyoila (COAL)Taal and hence, MCD placed wrong evidence before this Hon'ble Tribunal.
7. MCD admitted in their status report on page no.9, by stating that "copy of OA has also been received simultaneously from the registry of the Hon'ble court. From the perusal of the same, it transpires that the applicant had earlier written a complaint to S.H.O., P.S. Anand Parbat complaint regarding AIR POLLUTION, due to sale, purchase, storage and supply of building material such as Badarpur, rodi, cement, bricks, etc at the road side at corner of teacher lane to Ramjas day boarding school at CEMENTED ROAD, Anand Parbat, New Delhi.  
So, when complaint is about CEMENTED ROAD, (site in question) then why MCD is emphasizing on outside the house of Mohan Singh is the place.
8. After passing the order dated 16/02/2022 by this Hon'ble Tribunal, MCD did not comply the orders.

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.

Therefore, concerned MCD officials be liable u/s 26 & 28 of NGT Act, 2010, hence they may be punished accordingly.

C. Submissions of Applicant on the report of DPCC: -

1. 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 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. It is admitted fact that after passing the order dated 16/02/2022, passed by this Hon'ble Tribunal & till the filing of present Execution Petition, the concerned MCD/DCP/DPCC/SDM did nothing. Hence liable for strict action u/s 26 & 28 of the NGT Act, 2010.

- b. **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?**

D. Further Submissions by applicant: -

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1. 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 as applicant and her family members were attacked and faced great hardship for the same.

2. Therefore, after passing the order dated 16/02/2022, passed by this Hon'ble Tribunal & till the filing of present Execution Petition, the concerned MCD/DCP/DPCC/SDM did nothing. Hence liable for strict action u/s 26 & 28 of the NGT Act, 2010.



APPLICANT  
(ALKA JAIN)

DELHI

DATED: 15/12/2022