

Item No.1

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.522/2022

Bhushan Kumar

...Applicant

Versus

Govt. of NCT of Delhi & Ors.

...Respondents

Date of hearing: 13.12.2023

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

Applicant: None for the applicant.

Respondents: Ms. Jyoti Mendiratta Advocate for Respondents no. 1
and 2.
Mr.Gi. Gi.C. George Advocate for Respondent No. 5.
Mr. Virendra Singh, Advocate for Respondent No. 6.
None for respondents no. 3 and 4.

Application is registered based on a letter petition received by Post.

ORDER

1. Status report has been filed by Mr. Rajesh Kumar Bansal, Administrative Officer, Karol Bagh Zone, MCD on behalf of respondent no. 6-MCD vide email dated 12.12.2023.
2. We have gone through the status report filed and we find that no mention has been made regarding compliance with the direction issued by the DPCC on 27.12.2022 as mentioned in DPCC report dated 05.01.2023.
3. Learned Counsel for the respondent no. 6 seeks time to file additional status report.

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4. Learned Counsel for the respondent no. 5 also seeks time to file response with reference to the allegations of encroachment made on CPWD land and also the recommendations made by DPCC regarding preventing any such further encroachment on the same.

5. A perusal of order dated 24.01.2023 passed by the SDM (Karol Bagh) shows that by the above said order penalty of Rs. 1 lakh was imposed on respondent no. 4 in pursuance of order passed by this Tribunal but no such order imposing penalty of Rs. 1 lakh on respondent no. 4 has been passed by this Tribunal. The above order does not show that any opportunity of being heard was granted to respondent no. 4 before passing of the same SDM (Karol Bagh) ought to have passed order imposing such penalty after giving opportunity of being heard to respondent no.4 in compliance with principles of natural justice. It may be added here that after imposition of penalty the amount of Rs. 1 Lakh has not been fully recovered and there is no mention as to what steps have been taken for the recovery of the amount of penalty. SDM (Karol Bagh) is directed to look into these aspects and pass appropriate orders in this regard.

6. Response by respondent no. 4, additional status report by respondent no. 6 and further action taken report by SDM (Karol Bagh), and response by respondent no. 5 be filed **within two months** through **E-filing portal (not through E-mail)** in the **form of searchable PDF/OCR Support PDF** (not in the form of Image PDF).

7. List for further consideration on 23.02.2024.

Arun Kumar Tyagi, JM

A. Senthil Vel, EM

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Dr. Afroz Ahmad, EM

December 13th, 2023
AG