Item No. 01 Court No. 2

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 525/2022
(I.A No. 635/2023, I.A No. 185/2022, I.A No. 57/2023 & I.A. No. 210/2025)

Laxmi Applicant

Versus

Ministry of Environment Forests & Climate Change & Ors. Respondents

Date of hearing: 26.03.2025

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

Applicants: None for the Applicant.

Respondents: Mr. Kumar Rajesh Singh, Advocate for respondent no. 1.
Ms. Jyoti Mendiratta and Ms. Ananya Basudha, Advocates for respondent no. 2 with Ms. Anita Yadav, SDM Saket.
Ms. Puja Kalra and Mr. Virendra Singh, Advocates for respondent no.5.
Mr. Sarwar Raza and Mohd. Waseem Akram, Advocates for respondent no. 7.
Mr. Siddhant Buxy and Mr. Vansh Verma, Advocates for respondents no. 13 and 14 With Mr. S.S. Kandpal, Addl. PCCF, GNCTD.

ORDER

1. In compliance of order dated 18.02.2025 the costs have been deposited by respondent no. 13-Chief Secretary, GNCTD and respondent no. 14-PCCF, GNCTD.

2. Reply dated 18.03.2025 has been filed by Respondent No. 13- Chief Secretary, GNCTD and Reply dated 18.03.2025 has been filed by Respondent No. 14 Chief Secretary- PCCF, GNCTD.

3. **I.A No. 210/2025** has been filed by SDM, Saket for waiver of costs vide email dated 25.03.2025 on the grounds that the costs appear to have been imposed on the presumption of non-compliance but the

status report had already been filed by his predecessor in terms of the order dated 15.12.2023 and the relevant revenue record had been submitted before this Tribunal. The Halka Patwari with revenue record also appeared before this Tribunal on 31.01.2025 and 18.02.2025. Due compliance had been made in letter and spirit. SDM, Saket was unable to submit further detailed report due to being busy in Delhi Legislative Assembly Election, 2025. SDM, Saket has tendered unconditional apology and prayed that the costs imposed may be waived.

4. We have heard learned counsel for the Respondents No. 2, 3, 13 and 14, who is also appearing for SDM, Saket, and we have gone through the relevant record.

5. Vide order dated 28.08.2024, Respondent No.2 was directed to file copies of all relevant revenue record pertaining to the land in question with all relevant details regarding acquisition of title/ownership by Respondents No. 8 to 12 and subsequent mutations/tatimas and also encroachments observed and action taken for removal thereof. On 14.10.2024, adjournment was sought to file copies of relevant revenue record and to furnish relevant particulars regarding Respondents No. 8 to 12. The same were also not furnished on 31.01.2025 and 18.02.2025. The costs were imposed vide order dated 18.02.2025 for detailed reasons mentioned therein. The process of election to Delhi Legislative Assembly was completed by declaration of result on 08.02.2025. Therefore, the explanation given by Respondent No.2- SDM, Saket regarding his inability to file the relevant revenue record and furnish the relevant particulars on 18.02.2025 due to being busy in Delhi legislative Assembly Election, 2025 is also not factually correct. In any case, being busy in election process did not by itself justify neglect of other work and ignoring of filing of relevant revenue record and furnishing of relevant particulars in compliance to orders passed by this Tribunal. No valid ground for

waiver of costs is made out. Consequently, I.A No. 210/2025 filed by SDM, Saket for waiver of costs is dismissed. However, in the peculiar facts and circumstances we direct that the costs will be deposited by the Revenue Department from the State Exchequer within 4 weeks and not by SDM, Saket personally out of his salary.

6. Compliance report dated 24.03.2025 has been filed by Respondent No.2- SDM, Saket. The relevant part of the report reads as under:-

> *"2. That, it is submitted that notice F.No.SDM (Saket)/2023/99 dated 25/01/2024 was issued for Ground Truthing for Khasra Nos. 725, 729, 730, 848, 961, 963, 969 & 954 situated in the revenue estate of Village Bhati, Delhi. Status of title/ ownership of respondent No. 8 to 12 as per Revenue Records is annexed as Annexure-'A'.*
> *3. That, it is humbly submitted that the Revenue Records are annexed as Annexure-'B',*
> *4. That, it is humbly submitted that relevant particulars regarding respondents No. 8 to 12 are annexed as Annexure-'C'.*
> *5. That, the status of encroachment is already submitted by Deputy Conservator of Forest vide compliance report dated 09.05.2023 and it is reflected in the Hon'ble Tribunal order dated 20.08.2024 (page no. 11-14). Further, forest department may apprise about the current status of the encroachment. Any action related to encroachment removal on the forest land may be taken by forest under section 26 of Indian Forest Act, 1927."*

7. It is evident from a bare perusal of the compliance report filed by SDM, Saket that vague and evasive replies have been given in the same and the relevant information as directed by this Tribunal has not been given in the compliance report. Respondent No.2- SDM, Saket is directed to file his report on the basis of the revenue record as to ownership and/or possession of Respondents No. 8 to 12 with all relevant particulars regarding execution of transfer deeds and sanctioning of mutations in their favour. The report be filed by Respondent No.2- SDM, Saket at least one week before the next date of hearing fixed.

8. The Registry is directed to amend memo of party to incorporate the particulars regarding addresses of respondents no. 8 to 12 mentioned by SDM, Saket in the annexure attached with the compliance report and issue notices to Respondents No. 8 to 12 at the said addresses.

9. Notices are ordered to be served on Respondents No. 8 to 12 through the District Magistrate (South), Delhi and for this purpose notices issued to the Respondents No. 8 to 12 may be sent to the District Magistrate (South), Delhi by E-mail for getting service of the same effected on them and sending his report in this regard.

10. Pursuant to service of notices, responses/replies by Respondents no. 8 to 12 may be filed at least one week before the next date of hearing fixed.

11. Mr. S.S. Kandpal, Addl. PCCF, GNCTD has appeared before this Tribunal physically and we have interacted with him regarding compliance with the orders passed by this Tribunal.

12. Further action taken reports may be filed by respondents no. 13 and 14 at least one week before the next date of hearing fixed.

13. List on 23.05.2025 for further consideration.

14. Reports filed by Respondents No. 13 and 14 will also be considered on that date.

15. Mr. S.S. Kandpal, Addl. PCCF, GNCTD is exempted from personal appearance before this Tribunal subject to further orders to the contrary.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 26th, 2025
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