

Item No. 4

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Execution Application No. 24/2022
In
Original Application No. 60/2022

Alka Jain

...Applicant

Versus

North Delhi Municipal Corporation & Ors.

...Respondents

Date of hearing: 16.12.2022

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

Applicant: Mr. Vikrant Pachnanda and Mr. Mukul Katyal,
Advocates with Ms. Alka Jain, in person.

Respondents: Ms. Jyoti Mendiratta, Standing Counsel, GNCTD with
Ms. Sonika, DM (Central), Delhi (through VC).
Mr. Narender Pal Singh, Advocate for DPCC (through
VC).
Ms. Puja Kalra, Advocate for MCD with Mr. Kumar
Mahendra, Executive Engineer for MCD.

**Application under Section 25 read with Sections 26 and 28 of the
National Green Tribunal Act 2010.**

ORDER

1. The applicant has filed the present Execution Application for execution of **order dated 16.02.2022** passed by this Tribunal in **O.A No. 60/2022 titled as Alka Jain Vs. North Delhi Municipal Corporation and Others.**

2. The applicant-Ms. Alka Jain filed the above said Original Application against Mr. Mohan Singh residing at house no. 420/06, Teacher Lane, Upper Anand Parbat, Delhi complaining that he is

carrying on unauthorized construction and has also kept building material outside his house without taking necessary precautionary measures and the same is causing air pollution.

3. Vide order dated 16.02.2022 passed in above said Original Application, this Tribunal directed the District Magistrate and DCP, Central Zone as well as Commissioner, North Delhi Municipal Corporation to look into the matter and take remedial action within six weeks in accordance with law by following due process and the application was disposed of accordingly.

4. The applicant filed the present execution application claiming that no action has been taken by the above said Authorities in compliance of above said order.

5. Vide order dated 12.09.2022 this Tribunal directed the Member Secretary, DPCC to submit a factual verification and action taken report within six weeks and also directed presence, through Video Conference Facility, of the District Magistrate and Deputy Commissioner of Police, Central Zone and Officer duly authorized by Commissioner, Municipal Corporation of Delhi before this Tribunal.

6. In compliance thereof report of the Joint Committee was filed by DPCC vide email dated 11.10.2022. Copy of Status Report of action taken on behalf of respondent/MCD (North DMC) was sent by DPCC along with its report.

7. In the Status Report, Mr. Rajesh Gupta, Executive Engineer (M)-II, Karol Bagh Zone stated that the Department has taken an encroachment removal action against the building material etc., stacked outside the House No. 420/06, Teacher Lane, Upper Anand Parbat, Central, Delhi on

23.09.2022. During action whatever building material lying was removed completely. The photographs taken during the action were attached with the Status Report as annexure A.

8. The applicant sent photographs of the site taken on 08.10.2022 through email dated 11.10.2022 showing dumping of the construction material on the site in question.

9. In the present case the construction material is stated to have been removed on 23.09.2022 as shown by photographs taken by official of the MCD on that date but subsequently the construction material is stated to be lying there on 08.10.2022 as shown by the photographs taken by the applicant and the same appears to have been again removed as shown by photographs taken by official of the DPCC on 10.10.2022.

10. Ms. Shweta Chauhan, DCP (Central) Delhi and Mr. Deepak Chandra, ACP, Patel Nagar appeared through video conferencing and Ms. Puja Kalra, Advocate appeared on behalf of Municipal Corporation of Delhi with Executive Engineer, MCD who appeared through VC.

11. None appeared on behalf of District Magistrate (Central), Delhi. No application for exemption from appearance was received from the District Magistrate (Central), Delhi. Vide order dated 12.10.2022 costs of Rs. 10,000/- on the District Magistrate, Central Zone which were ordered to be paid to the applicant on the next date of hearing.

12. We interacted with DCP, Central Zone who could not inform us about any action taken in compliance with order dated 16.02.2022 passed by this Tribunal in **O.A No. 60/2022 titled as Alka Jain Vs. North Delhi Municipal Corporation & Others** the Executive Engineer,

MCD could not make any communication to us due to some technical problem on his part.

13. Vide order dated 12.10.2022, presence of the District Magistrate and the DCP (Central Zone) and concerned office/in charge of the concerned branch/division of the MCD was ordered and notice was also ordered to be issued to the respondent no. 4-Project Proponent- Mohan Singh requiring him to file his reply **within three weeks**. The DPCC was directed to verify the facts as to who had dumped the construction/demolition materials on the site in question and take appropriate action for imposition of environmental compensation by issuing notice to the person concern and following due process of law and submit its action taken report within six weeks.

14. In compliance DPCC has filed status report vide email dated 15.12.2022, *inter alia* mentioning therein that show cause notices for imposition of environmental compensation have been issued to M/s. Mohan Singh and M/s. Prem. DCP, Central District, Delhi has also file Action Taken Report vide email dated 14.12.2022. Written submissions have also been filed by the applicant vide email dated 15.12.2022.

15. Mr. Mohan Singh-respondent no. 4, has appeared in person and submitted that he did not store any construction material and did not violate any environmental norms and he seeks time to file reply.

16. Ms. Jyoti Mendiratta, Standing Counsel, GNCTD has appeared for respondent no. 3-SDM and District Magistrate (Central), Delhi and seeks time to file reply on their behalf.

17. Reply/response be filed by respondents no. 3 and 4 and the District Magistrate (Central), Delhi **within three weeks** by email at

judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

18. In the course of hearing we have interacted with Mr. Kumar Mahendra, Executive Engineer for MCD who has undertaken to verify the facts regarding storing of construction material on the road and file report in this regard.

19. Report be filed by Mr. Kumar Mahendra, Executive Engineer for MCD **within three weeks** by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

20. List for consideration on 16.01.2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 16, 2022
AVT