

Item No. 04

Court No. 2

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

Original Application No. 311/2022
(I.A. No.534/2024)

Dr. Jeet Singh Yadav

Applicant

Versus

Govt. of NCT of Delhi & Ors.

Respondent(s)

Date of hearing: 02.12.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Rahul Khurana, Advocate alongwith applicant in Person

Respondents: Ms. Jyoti Mendiratta and Ms. Ananya Basudha, Advocates for Respondents no. 1, 5 and 7.
Ms. Puja Kalra and Mr. Virender Singh, Advocates for MCD
Ms. Kritika Gupta, Advocate for DDA with Mr. C. B. Singh EE/DPD-1,
Mr. Navneet Kumar, AE/DPD-1 and Mr. Manish Verma, JE/RPD -3, DDA
Mr. Nitin Kumar, Advocate for DJB
Mr. Narender Pal Singh, Advocate for DPCC
Dr. Swati Jindal, Advocate for MoEF and CC (through VC)

ORDER

1. Dispute relating to restoration of ponds is being considered in this matter. It is said to have been occupied unauthorizedly or otherwise filled in by raising constructions etc;

2. In the order dated 25.10.2024, Tribunal noted that out of 6 ponds in dispute, 5 are in possession of Delhi Development Authority (hereinafter referred to as '**DDA**') i.e. respondent 3 and one is in possession of Delhi State Industrial and Infrastructure Development Corporation (hereinafter referred to as '**DSIIDC**') i.e. respondent 8.

3. On 25.10.2024, a statement was made by Learned Counsel appearing for DDA that for restoration of ponds which are in possession, steps have already been taken, process is undergoing and substantial

progress will be achieved within a month and compliance report will be submitted. However, no compliance report has been submitted till date.

4. From the record, we find that last document placed on record by DDA is a short affidavit dated 21.08.2023. Thereafter, no status report has been filed. Even today, a statement has been made by Learned Counsel appearing for DDA that work is in progress but when we enquired about details, requisite details could not be placed before us.

5. With regard to one pond which is in possession of DSIIDC, which was impleaded as respondent no.8 and notice was issued, none is present and no reply has been filed at all.

6. Applicant has filed its submission dated 07.11.2024 stating that no restoration work is going on at the sites where ponds are situated and on the contrary, encroachment is still going on. He has said that at Guhli Talab recently a wall has been raised and rooms have been constructed which are surrounded by boundary wall and structure so raised is a religious place. Applicant sent a complaint to Sub-Divisional Magistrate in this regard and copy of the said complaint is annexure A/1 at page 487.

7. Applicant has further said that BSES Rajdhani Power Limited has also created a space for itself in the pond area by constructing a fenced room for raising transformer but in this regard also no action has been taken by districts authorities.

8. Under Wetlands (Conservation and Management) Rules, 2017, District Magistrate is the Chairperson of District Wetland Committee and it is his responsibility, besides others, to ensure that a water body is not damaged, encroached or degraded in any manner but it appears that in

the present case no effective action has been taken by concerned authority and atleast nothing has been placed on record to support the submission that steps have been or are being taken for restoration of ponds in question to their original status.

9. In these facts and circumstances, we find no option, particularly, when effective information has not been placed before us, but to direct personal appearance of Vice-Chaiman, DDA; District Magistrate, West Delhi; and Managing Director, DSIIDC before Tribunal on the next date. In the meantime, it will be open to the said authorities to place on record current status with regard to ponds in question and also steps taken by them for restoration/rejuvenation of the said ponds to their original status.

10. List on 13.12.2024

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

December 02, 2024
Original Application No. 311/2022
(I.A. No.534/2024)
JG.