

Item No. 6

Court No. 1

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

Original Application No. 03/2020

(With affidavit of DDA dated 27.10.2020)

R. P. Singhal

Applicant

Versus

Govt. of Delhi NCT & Ors.

Respondent(s)

Date of hearing: 03.12.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Ms. Meera Gopal, Advocate

ORDER

1. Grievance in this application is that Sanjay Lake and Sanjay Lake Park near Mayur Vihar, Delhi are being polluted for which the Delhi Development Authority (DDA) and Delhi Tourism and Transport Development Corporation (DTTDC) have to take necessary steps. Concretization around the trees is taking place in violation of orders of this Tribunal. The applicant has made a representation for the purpose but the same has not been acted upon. The applicant has relied upon in article "Sanjay lake – dying silently".

2. Vide order dated 07.08.2020, DDA was required to file a response.

Accordingly, the DDA has filed an affidavit dated 27.10.2020 as follows:

“ xxx xxx xxx
4. It is submitted that the answering Respondent has not carried out any concretization of trees. The answering Respondent is aware and in compliant of the order dated 23.4.2013 passed in OA 82 of

2013 titled *Aditya Prasad vs U01 &Ors.*. It is submitted that the answering respondent is maintaining 1 meter radius around trunk of trees, as directed by this Hon'ble Tribunal.

5. It is further submitted that the tiles are being placed in an interlocking way, which allows the water to seep through. The park is being developed for the convenience of the people. The footpath, cycle track, children play equipment etc. are being provided in the park. Water-tank and sprinklers are being installed for irrigation purpose at the site, however, no concretization is being done.

6. It is submitted that the Landscape scheme is so designed to integrate the existing trees and 335 no. of trees are proposed to be planted in Phase —I (22.0 Acre out of 111.0 Acres total green area) and more than 90 no. have been already planted additionally in Phase-I alone.

7. It is submitted the Open Theatre in park was designed as stepped lawn terraces to minimize the constructed area and allow complete percolation of water into the ground as well as providing for the socio-cultural need of the users, which was highlighted by various users especially to conduct socio cultural activities for school children. The Food Court within EOD restricted and is tecketed.

8. It is submitted planting of indigenous trees has been proposed in the landscape scheme to increase the number of plants that are ecologically beneficial. In addition to that there are duck houses where 450 no. Of ducks are maintained. Also the edges of the lake have not been reduced, hence it would be, baseless to say that the lake is shrinking.

9. It is submitted all the pedestrian pathways in the park are proposed in Murram (Kachcha) finish to allow water percolation into the ground. Also the paved plazas are proposed in permeable eco-friendly materials with sand as sub-base that does not reduce the water recharge area of the park. Some of the entrances are paved in stone material with PCC as sub base as the foot fall are huge and needs durability. In comparison to the area of the park, these areas are negligible. The recharge area of the park has rather been increased by creating large green mounds which was originally unkempt or under haphazard planting, an ecological restoration is being undertaken by answering respondent in the park.

10. It is submitted the area where the Food kiosks are proposed used to be a neglected & deserted zone of the park which made it a hub for all sorts of anti-social activities in that area. The plaza was proposed to invite the users to that zone to increase the footfall in that area, plaza has already made a difference and no, anti-social activities happen there anymore. Also, Sanjay Lake is a huge park, largest in the East-Zone of Delhi, it is necessary to provide various facilities O.A.T., Food court, multipurpose ground etc. to the different socio-economic group of users. As per MPD-2021, District Park, Theme park, Recreational Club, National Memorial, Open-air food court, Children Park, Orchard, Plant Nursery, Area for water harvesting, Archaeological Park, Specialized Park, Amusement Park, Children Traffic Park, Sports activity, Playground, Amenity structures

may be proposed in District parks. A true copy of the relevant extract of MPD-2021 is annexed hereto and marked as ANNEXURE R-2/1.”

3. As against the above, applicant has filed a note on 02.12.2020 with the following grievances:

“ xxx xxx xxx
6. That the DDA has completely failed to respond to the serious issues relating to garbage burning as well as discharge of untreated sewage into the lake as well as the Park. It may be noted that the Delhi Development Authority is the landowning agency and therefore responsible for ensuring that such violation of law does not take place. It is requested that appropriate directions may be passed by this Hon’ble Tribunal to ensure that such a blatant violation of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 do not occur and direct DDA to take effective steps towards the restoration of the Lake and the Park.

7. That in this regard, it is reiterated that untreated sewage from Pocket C, Mayur Vihar Phase-II and other unauthorized colonies in adjoining Trilokpuri is directly discharged into the lake which is not only polluting the lake, but also posing a serious health hazard to the people who visit the park.

MISLEADING STATEMENTS REGARDING THE FOOD COURT AND ADVENTURE PARK, NAMELY EOD:

8. That it is submitted that the DDA has stated that such activities are permissible under the Master Plan of Delhi 2021. That the Applicant has perused the MPD 2021, while it may be permissible to have such activities in a district park, the same must be done in an ecofriendly manner. In the present case, it is submitted that the food court has been made on lush green park and after felling full grown trees. The Applicant has already placed on record the photographs of the construction of the food court which clearly shows that concretization has taken place. It may be noted that the site of the food court is surrounded by unauthorized liquor shops in Trilokpuri, Kalyanpuri and Patparganj resettlement colonies, which is the prime reason for “anti-social” activities that have been taking place as claimed by the DDA. Unless, those unauthorized shops are not removed, no improvement will take place. The construction of the Food Court will not make any difference to such activities which are already taking place within the Sanjay Lake Park.

FOOD COURT IS BEING SET UP IN VIOLATION OF THE WETLAND (CONSERVATION AND MANAGEMENT) RULES, 2017:

9. That it is pertinent to note that the lake is barely twenty feet from the food court. No buffer has been maintained. The noise and the activities at the Food court. will cause damage not only to the lake but also adversely affect the habitat of migratory birds in the lake. Further, there is a large likelihood that the waste and discharge from the food court would be directly dumped into the lake itself.

Such constructions on the zone of direct influence is also in violation of the Wetland (Conservation and Management) Rules, 2017 which have been promulgated under the Environment (Protection) Rules, 1986.

10. Therefore, it is submitted that this Hon'ble Tribunal may be pleased to apply the precautionary principle under Section 20 of the National Green Tribunal Act, 2010 and hold that the Food Court cannot be illegally established by the DDA and its agencies as it will completely destroy the Sanjay lake ecosystem and adversely impact the large number of migratory birds who visit the lake. The DDA may be directed to remove all such permanent structures which have been constructed in the name of food court, adventure park, etc. and restore the park and lake to its original condition.

11. That it may be noted that the DTTDC in its counter has stated that they have entered into an agreement with DDA, whereby the DTTDC shall be permitted to use the Sanjay Lake for recreational boating and water sports purposes. (Refer Annexure 1 of the counter). However, the DTTDC has also admitted that they have developed an "adventure park". The photographs annexed at Annexure II of the counter would clearly show permanent structures being built within the park. Thus, it is clear that the open space of the park has been used for construction purposes which ought not to have been done. In fact, it is pertinent to note that as per the Terms and Conditions for boating at Sanjay Lake (Annexure I of the Counter), Para 6 clearly states that:

"That the Delhi Tourism and Transportation Development Corporation Ltd. would carry out no construction at the Lake, In case any construction is required to be carried out by the DTTDC then prior approval of the DDA would be obtained"

The DTTDC has not put on record any such prior approval from DDA on record for the construction activities carried out as shown in the photographs."

4. The above grievances may be looked into by the DDA expeditiously.

The Vice Chairman, DDA may ensure further action accordingly.

The application is disposed of.

A copy of this order be forwarded to the Vice Chairman, DDA by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

December 03, 2020
Original Application No. 03/2020
DV

Dr. Nagin Nanda, EM