

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH, NEW DELHI**

Original Application No. 306/2019

Vishal Jain

Applicant(s)

Versus

Govt. of NCT of Delhi

Respondent(s)

**NDOH 18.10.2019**

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(SATENDER KUMAR)

Sr. ENV.ENGINEER

(Delhi Pollution Control Committee)

New Delhi:

Dated:1 2.10.2019

1

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 306/2019

In the matter of :

Vishal Jain

.....Petitioner

Vs

Govt. of NCT of Delhi

.....Respondent

**ADDITIONAL ACTION TAKEN REPORT ON BEHALF OF DELHI  
POLLUTION CONTROL COMMITTEE**

1. That This Hon'ble Tribunal vide its order dated 06.05.2019 was pleased to pass the following directions:

*"Allegation in this case, illegal use of heavy generator "Easy Day Shopping Mall" at No. 65/2, Ground Floor, New Rohtak Road, Karol Bagh, New Delhi.*

*"Let DPCC look in the matter, take appropriate action in accordance with law and furnish a factual and action taken report with two months by email at ngt.filing@gmail.com."*

*"List for further consideration on 18.10.2019."*

2. That it is most respectfully submitted that above mentioned order was received in DPCC only on 21.08.2019.
3. That in pursuance and compliance of the order passed by this Hon'ble Tribunal dated 06.05.2019, directions was issued to the owner to remove the DG Set within 15 days and submit the compliance report to DPCC on 26.08.2019. Copy of said directions dated 26.08.2019 is annexed as **Annexure-A**.

4. That M/s Future Retail Limited (Easy Day Store) vide its letter dated 13.09.2019 has informed that they have removed the Diesel Generator Set from their premises. Copy of letter dated 13.09.2019 along with its enclosure is annexed as **Annexure-B**.
5. In view of the above, the present petition may please be disposed off.



(SATENDER KUMAR)  
SR. ENV. ENGINEER (CMC-V)



## DELHI POLLUTION CONTROL COMMITTEE

First Floor, E-Wing, Vikas Bhawan-II,  
Upper Bela Road, Civil Lines, Delhi-110054  
Visit us at : <http://dpcc.delhigovt.nic.in>

Amman - A  
Dated: 26.08.19 (3)

F. No. DPCC/CMC-V/NGT(OA No. 306/2019)/2019/7538-39

**Subject: Directions for Closure u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981, as amended to date.**

Whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention & Control of Pollution) Act, 1974 and under the Air (Prevention & Control of Pollution) Act, 1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee.

And whereas, the whole Union Territory of Delhi has been declared as an Air Pollution Control area, under sub section (1) of section 19 of the Air (Prevention & Control of Pollution) Act, 1981 vide notification no. GSR 106 (E) dated 20.02.1987.

And whereas, it is mandatory provision under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall establish or operate any industrial plant in air pollution control area.

And whereas, Hon'ble NGT in OA No. 306/2019 has given the following directions:

*"Let the Delhi Pollution Control Committee (DPCC) look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within two months by email at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com)".*

And whereas, inspection of M/s Easy Day (A Division of Future Retail Ltd.), 65/2, Ground Floor, New Rohtak Road, Karol Bagh, Delhi-110005 was conducted by DPCC officials on 19.08.2019 and it was observed that you are engaged in the activity of Grocery Shop and have installed a D.G. Set of capacity 25 KVA.


And whereas, during inspection, it was observed that the stack height of said D.G. set is found to be inadequate.

Now therefore, the Competent Authority in Delhi Pollution Control Committee, in exercise of powers conferred upon it, under the provisions of the u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date, hereby issue the following directions:

1. That you (the addressee unit) shall remove the D.G. set from your premises within 10 days & submit the compliance report within 15 days.
2. That the concerned Sub Divisional Magistrate shall take necessary action for the removal of D.G set in case of non-compliance of (1) above.

You shall be liable for penal action under the provision of said Acts in case of violation of above said directions.

This is being issued as per the approval of the Competent Authority, Delhi Pollution Control Committee

  
(Satender Kumar  
Incharge, CMC-V

To,

M/s Easy Day (A Division of Future Retail Ltd.),  
65/2, Ground Floor, New Rohtak Road,  
Karol Bagh, Delhi-110005

21/c

To,  
Satender Kumar  
In charge (CMC-V)  
DPCC 1<sup>st</sup> floor E - wing vikas bhawan - II  
Upper bela road, civil lines Delhi -110054

Annex - B  
④

SUBJECT – DG SET Removed at 65/2 GROUND FLOOR NEW ROHTAK ROAD. letter (DPCC/CMC-V/NGT(OA NO.306/2019)/7538-39)

Dear Sir,

With the reference of your letter (DPCC/CMC-V/NGT(OA NO.306/2019)/7538-39) we removed this Diesel Generator set from our premises. Kindly close this case.

Thanking you,

Easyday new rohtak road

Date :- 07.09.19

**FUTURE RETAIL LIMITED**  
EASY DAY STORE  
GF, 65/2, NEW ROHTAK ROAD,  
DELHI-110005

Attach.  
① Letter copy  
② photo of site

[Signature]  
13/9

CMC-V/2343  
13/9/19

R. [Signature]

M 16/9

See Atk VDC



19/c  
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