

**BEFORE THE PRINCIPAL BENCH,
NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION No. 720/2019**

IN THE MATTER OF:

Ramesh Kumar

... Applicant

VERSUS

Govt. Of NCT of Delhi

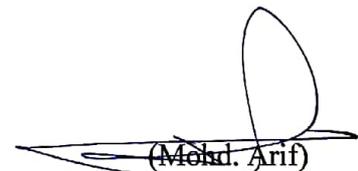
... Respondents

NDOH:- 03.01.2020

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Filed by


(Mohd. Arif)
Sr. Env. Engineer
(Delhi Pollution Control Committee)

New Delhi:
Dated: 30.12.2019

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

Original Application No. 720/2019

IN THE MATTER OF:

Ramesh Kumar

... Applicant

VERSUS

Govt. Of NCT of Delhi.

... Respondents

**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE IN TERMS OF THE ORDER DATED 16.09.2019**

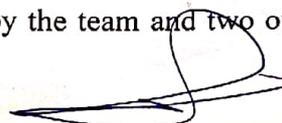
IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 18.09.2019 and pleased to issue following directions:

".....Grievance in this application is against illegal factory in Village Suleman Nagar, Kh. No. 24/28 near Sukhi Nahar, 40 foota road, Delhi-110086.

Let the Delhi Pollution Control Cmmittee (DPCC) and the North Delhi Municipal Corporation (North DMC) jointly look into the matter, take appropriate action in accordance with law and furnish a factual action taken report in the matter..... "

2. That Directions were issued to North Delhi Municipal Corporation on 04.11.2019 and its reminder on 20.12.2019 to take necessary action for effective closure of the units mentioned in complaint. Copy of the Directions are enclosed herewith marked and annexed as **Annexure 1 (colly)**.
3. That the area mentioned in the order was inspected by DPCC and North Delhi Municipal Corporation officials along with complainant on 19.12.2019 & 24.12.2019. During the inspection, three units were inspected by the team.
4. That with the coordinated efforts of DPCC, one unit namely; M/s Pratap Awadh, Village Nithari, Suleman Nagar, Khasra no. 24/28, Plot no. 114, Near Sukhi Nahar, 40 foota road, engaged in the activity of Processing of Bio-medical Waste (glassware) was sealed by the team and two other units



namely; M/s The Owner/ Occupier, Village Nithari, Suleman Nagar, Khasra no. 24/28, Plot no. 114, Near Sukhi Nahar, 40 foota road, engaged in the activity of Manufacturing of Helmets and M/s The Owner/ Occupier, Village Nithari, Suleman Nagar, Khasra no. 24/28, Plot no. 114, Near Sukhi Nahar, 40 foota road, engaged in the activity of Dairy (buffalo) have closed down. Copy of the Action taken report of NDMC dated 24.12.2019 is enclosed herewith marked and annexed as **Annexure – 2**.

5. That, TPDDL had taken action for disconnection of electric connections of all these three units.
6. That the Environmental Damage Compensation of Rs. 2,81,250/- was imposed each on three units namely; M/s Pratap Awadh, M/s The Owner/ Occupier of Helmets manufacturing units and M/s The Owner/ Occupier of Dairy unit operating at Village Nithari, Suleman Nagar, Khasra no. 24/28, Plot no. 114, Near Sukhi Nahar, 40 foota road, Delhi – 110086. Copy of the orders dated 27.12.2019 are enclosed herewith marked and annexed as **Annexure – 3(colly)**.
7. That the launching of prosecution against all three units is in the process and complaint would be filed in the designated court of ACMM.

Date: 30/12/2019
Place: Delhi


(Mohd. Arif)

Sr. Environmental Engineer



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110 006
visit us at : <http://dpcc.delhigovt.nic.in>

28

3

F.No. DPCC/CMC-III/2019/ 7064-65

Dated: 04/11/19

To,
The Dy. Commissioner (Rohini),
MCD North,
North Building, Sec-5,
Rohini, Delhi-85

Annexure - 1 (Copy)

Subject: OA no. 720/2019 "Ramesh Kumar Vs. Govt. Of NCT of Delhi"

Sir,

Please find enclosed herewith a copy of the order passed by the Hon'ble NGT on 18.09.2019 with regard to factories operating in village Nithari, Sulaeman Nagar, Khasra no. 24/28 near Sukhi Nahar 40 feet Road, Delhi-110086.

Hon'ble NGT has passed the following order:

"Let the Delhi Pollution Control Committee (DPCC) and the North Delhi Municipal Corporation (North DMC) jointly look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within one month by e-mail at judicial-ngt@gov.in. The DPCC will be the nodal agency for compliance and coordination."

You are therefore, requested to depute a team for inspection of the units and further action. Inspection of the units shall be conducted from 04.11.2019 onwards jointly by DPCC and North DMC.

Yours faithfully

(B.L. Chawla)
Sr. Env. Engineer

Encl. : As above

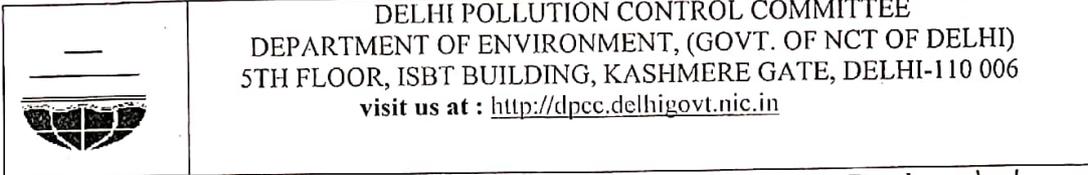
Copy to:

1. Master file
2. Office copy

(Amit Chaudhary)
Env. Engineer

Reminder
Hon'ble NGT Matter

c/9
④



F.No. DPCC/CMC-III/2019/7064-65 72-28-32

Dated: 20/12/2019

To,

The Deputy Commissioner (Rohini)
MCD North,
North Building, Sec-5,
Rohini, Delhi-85

Sub: - Action to be taken in w.r.t. OA no. 720/2019 "Ramesh Kumar Vs. Govt. of NCT of Delhi"

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Please find enclosed herewith a copy of the order passed by the Hon'ble NGT on 18.09.2019 with regard to factories operating in village Nithari, Sulaeman Nagar, Khasra no. 24/28 near Sukhi Nahar 40 feet Road, Delhi- 110086.

Hon'ble NGT has passed the following order:

"Let the Delhi Pollution Control Committee [DPCC] and the North Delhi Municipal Corporation [North DMC] jointly look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within one month by e-mail at judicial-ngt@govt.n. The DPCC will be the nodal agency for compliance and coordination."

In this regard, DPCC has written a letter to Deputy Commissioner (Rohini) on 4/11/19 (copy enclosed). However, no compliance report is received from North Delhi Municipal Corporation so far.

And whereas, with regard to closure of the illegal units from the residential/ non-conforming areas, Hon'ble Supreme Court had passed judgment on 07.05.2004 in L.A. No 22 in WP(C) No. 4677 of 1985 titled as M.C. Mehta Vs. Union of India & Others. As per the said judgment, all industrial units that have come up in residential / non-conforming areas in Delhi on or after 1st August, 1990 shall close down. In this order a Monitoring Committee was constituted comprising of a) Chief Secretary of Delhi ii) Commissioner of Police, Delhi (iii) Commissioner, Municipal Corporation of Delhi and (iv) Vice Chairman of DDA to oversee and ensure compliance of the directions contained in the judgment dated 7th May, 2004. This Committee was constituted on 25/05/2004.

And whereas, the Chief Secretary, Delhi has taken a meeting on 08.12.2010, wherein it was decided that action on industries operating in non-conforming areas and violating Master Plan will be taken under the Delhi Development Act by DDA in development area and MCD in other areas.

And whereas, in compliance to the above mentioned judgment, progress reports have been regularly filed from time to time by the Department of Industries on behalf of the Monitoring Committee.

And whereas, the Monitoring Committee, in the meeting held on 13th September, 2018, under the Chairmanship of Chief Secretary, Delhi reiterated and decided that DDA would identify and close down such non-permissible industries in residential and non-conforming areas under their jurisdiction and respective Municipal Corporations in the rest of the areas including rural areas. The action was to be taken in three steps viz. Step-1. Step-2 and Step-3.

And whereas, as per the affidavit filed by Department of Industries on 27th February, 2019 in Supreme Court of India, the action on Step-1 and Step-2 has been completed.

And whereas, action on Step-3 is under progress in which respective Municipal Corporations and the Delhi Development Authority have to carry out a comprehensive mapping/ survey to find out details of industries functioning without obtaining proper Municipal License in respect of their

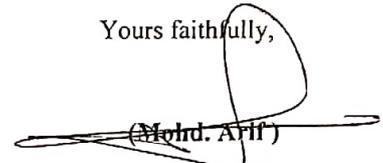
respective jurisdiction within a period of 2 months. Once the non-permitted industries are identified during the mapping exercise/ survey of residential areas/ non-conforming areas, such impermissible identified industries are to be sealed. Municipal Commissioners and VC, DDA are to review the progress on fortnightly basis.

And whereas, DPCC using its power under the Environmental Legislation has also issued direction(s) on 22.12.2017 and 12.11.2018 to all the Municipal Corporations and DDA regarding closure of non-conforming industries in entire Delhi.

In view of above and in pursuance of Hon'ble Supreme Court Order and policy of NCT of Delhi, you are requested to take necessary action for effective closure of defaulting units at the above said area and submit compliance report to this office immediately so that report may be filed in the Hon'ble NGT and order of Hon'ble NGT be complied in true letter and spirit.

This issue with the approval of Competent Authority, DPCC.

Yours faithfully,



(Mohd. Arif)

SEE, CMC-III

+91-9717593510

Encl: As above

Copy to:

1. The Commissioner, North MCD, 4th Floor, Dr. S.P.M. Civic Center, Delhi-110002-for necessary action please.
2. The Dy. Commissioner (Factory Licensing), 11th Floor, Dr. S.P.M. Civic Center, Delhi-110002-for necessary action please.
3. The Additional Commissioner, 11th Floor, Dr. S.P.M. Civic Center, Delhi-110002-for necessary action please.
4. Master File.

o/c



(Amit Chaudhary)

EE, CMC-III

+91-9717593537

कार्यालय अतिरिक्त उपायुक्त
उत्तरी दिल्ली नगर निगम
रोहिणी क्षेत्र, सेक्टर-05, रोहिणी
दिल्ली-110085
दूरभाष संख्या: 011-27052103



Office of the Addl.Dy.Commissioner
North Delhi Municipal Corporation
Rohini Zone, Sector-V, Rohini
Delhi-110085
E-mail ID: acrohinizone@gmail.com

e/10

6

No.AC/RZ/2019/D-1571

Dated: 24-12-2019

To

✓ Mohd. Arif
Senior Environmental Engineer
CMC, DPCC
ISBT, Kashmiri Gate, Delhi-110006

Annexure-2

Sub: Compliance of order dated 18-09-2019 of Hon'ble NGT in O.A.No.720/2019.

In compliance to Hon'ble NGT order mentioned above, the inspection of Village Nithari Suleman Nagar, Kh.No.24/28 near Sukhi Nahar, 40 foota road, Delhi-110086 was carried out on 19-12-2019 by the field staff of this office alongwith the official of DPCC and the Complainant.

On inspection, the complainant showed following three polluting premises/units;

Sr. No.	Name of owner/occupier	Location/address	Activity found
1.	Sh. Pratap Awadh	Village Nithari Suleman Nagar, Kh.No.24/28, Plot No.114, near Sukhi Nahar, 40 foota road, Delhi-110086	Processing of Biomedical waste (glass wares)
2.	The owner/occupier	Village Nithari Suleman Nagar, Kh.No.24/28 near Sukhi Nahar, 40 foota road, Delhi-110086	Mfg. of Helmet
3.	The owner/occupier	Village Nithari Suleman Nagar, Kh.No.24/28 near Sukhi Nahar, 40 foota road, Delhi-110086	Dairy (buffalo)

The area in question was again visited by the field staff on 24-12-2019 for taking sealing action in the presence of Police force & official of DPCC. While visiting, it was found that the units/premises mentioned at Sr. No.02 & 03 have been vacated by the owner/occupier of the premises. The unit mentioned at 01 above (Processing of Biomedical waste (glass wares)) was sealed by the team on 24-12-2019.

Dn 24/12/19

(Dinesh Sharma)
Administrative Officer
Rohini Zone

Copy to:

1. AC/Rohini Zone for kind information.
2. SHO/PS- Prem Nagar with the request to keep vigil on above mentioned premises so that no activity mentioned above should re-start.

4/13
⑦



LAT 28°42'20" N

TUESDAY 12.24.2019

LONG 77°3'23" E

LOCAL TIME 14:08:05

Unnamed Road, Nithari, Kirari Suleman Nagar,
Delhi, 110086, India, Delhi, Delhi, India, 110086

8



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
visit us at : <http://dpcc.delhigovt.nic.in>

F.No. DPCC/CMC-III/2019/7233-35

Dated: 27/12/2019

To,

The Owner/ Occupier,
Village Nithari,
Suleman Nagar, Khasra no. 24/28,
Plot no. 114,
Near Sukhi Nahar, 40 foota road,
Delhi-110086

Annexure-3 (Copy)

Subject: Environment Damages Compensation for violations observed during inspection u/s 33 (A) of the Water Prevention and Control of Pollution) Act, 1974 and u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981.

Whereas, Hon'ble Tribunal took up the above referred matter on 18.09.2019 and pleased to issue following directions:

".....Grievance in this application is against illegal factory in Village Suleman Nagar, Kh. No. 24/28 near Sukhi Nahar, 40 foota road, Delhi-110086....."

And whereas, in pursuance and compliance of the order passed by this Hon'ble Tribunal, a team consisting of officials of DPCC and North Delhi Municipal Corporation officials along with complainant on 19.12.2019 & 24.12.2019

And whereas, with regard to closure of the illegal units from the residential/ non-conforming areas, Hon'ble Supreme Court had passed judgment on 07.05.2004 in I.A. No 22 in WP(C) No. 4677 of 1985 titled as M.C. Mehta Vs. Union of India & Others. As per the said judgment, all industrial units that have come up in residential / non-conforming areas in Delhi on or after 1st August, 1990 shall close down. In this order a Monitoring Committee was constituted comprising of a) Chief Secretary of Delhi ii) Commissioner of Police, Delhi (iii) Commissioner, Municipal Corporation of Delhi and (iv) Vice Chairman of DDA to oversee and ensure compliance of the directions contained in the judgment dated 7th May, 2004. This Committee was constituted on 25/05/2004.

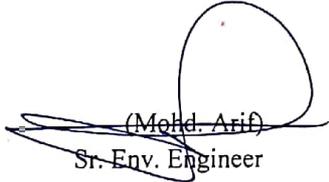
And whereas, you the Owner/ Occupier, Village Nithari, Suleman Nagar, Khasra no. 24/28, Plot no. 114, Near Sukhi Nahar, 40 foota road, Delhi-110086 (herein after referred as addressee) is engaged in the activity of Manufacturing of Helmets without obtaining Consent to Establish and Operate from DPCC.

And whereas, in view of Hon'ble NGT orders towards levying Environmental damages, Competent Authority of DPCC keeping in view the 'Polluter Pays' principle has decided and approved to levy Environmental Damages Compensation (EDC) of Rs. 2,81,250/- (Rs. Two Lakh Eighty One Thousand Two Hundred Fifty only) on the Owner/ Occupier, Village Nithari, Suleman Nagar, Khasra no. 24/28, Plot no. 114, Near Sukhi Nahar, 40 foota road, Delhi-110086

And whereas, you (the addressee) shall deposit an amount of Rs. 2,81,250/- (Rs. Two Lakh Eighty One Thousand Two Hundred Fifty only) as Environmental Damage Compensation (EDC) by way of demand draft in favour of DPCC within 07 days.

You shall also be liable for penal action under the provisions of Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 in case of non-compliance of the above said directions.

This is being issued as per the decision taken by the Competent Authority.


(Mohd. Arif)
Sr. Env. Engineer

Copy for necessary action to:

1. The Sub-Divisional Magistrate (Rohini), O/o Dy. Commissioner, North-West District Kanjhawala, Delhi-110081- with a request to recover the above said Environmental Compensation for damages by way of demand draft in favour of DPCC.
2. Master File.


(Amit Chaudhary)
Env.Engineer

	<p style="text-align: center;"> DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6 visit us at : http://dpcc.delhigovt.nic.in </p>
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F.No. DPCC/CMC-III/2019/ 7233 - 35

Dated: 27/12/2019

To,

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 Village Nithari,
 Suleman Nagar, Khasra no. 24/28,
 Plot no. 114,
 Near Sukhi Nahar, 40 foota road,
 Delhi-110086

Subject: Environment Damages Compensation for violations observed during inspection u/s 33 (A) of the Water Prevention and Control of Pollution Act, 1974 and u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981.

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And whereas, with regard to closure of the illegal units from the residential/ non-conforming areas, Hon'ble Supreme Court had passed judgment on 07.05.2004 in I.A. No 22 in WP(C) No. 4677 of 1985 titled as M.C. Mehta Vs. Union of India & Others. As per the said judgment, all industrial units that have come up in residential / non-conforming areas in Delhi on or after 1st August, 1990 shall close down. In this order a Monitoring Committee was constituted comprising of a) Chief Secretary of Delhi ii) Commissioner of Police, Delhi (iii) Commissioner, Municipal Corporation of Delhi and (iv) Vice Chairman of DDA to oversee and ensure compliance of the directions contained in the judgment dated 7th May, 2004. This Committee was constituted on 25/05/2004.

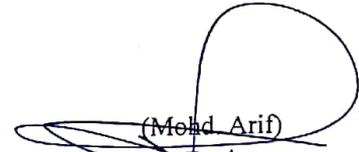
And whereas, you M/s Pratap Awadh, Village Nithari, Suleman Nagar, Khasra no. 24/28, Plot no. 114, Near Sukhi Nahar, 40 foota road, Delhi-110086 (herein after referred as addressee) is engaged in the activity Processing of Bio-medical Waste (glassware) without obtaining Consent to Establish and Operate from DPCC.

And whereas, in view of Hon'ble NGT orders towards levying Environmental damages, Competent Authority of DPCC keeping in view the 'Polluter Pays' principle has decided and approved to levy Environmental Damages Compensation (EDC) of Rs. 2,81,250/- (Rs. Two Lakh Eighty One Thousand Two Hundred Fifty only) on M/s Pratap Awadh, Village Nithari, Suleman Nagar, Khasra no. 24/28, Plot no. 114, Near Sukhi Nahar, 40 foota road, Delhi-110086

And whereas, you (the addressee) shall deposit an amount of Rs. 2,81,250/- (Rs. Two Lakh Eighty One Thousand Two Hundred Fifty only) as Environmental Damage Compensation (EDC) by way of demand draft in favour of DPCC within 07 days.

You shall also be liable for penal action under the provisions of Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 in case of non-compliance of the above said directions.

This is being issued as per the decision taken by the Competent Authority.


(Mohd. Arif)
Sr. Env. Engineer

Copy for necessary action to:

1. The Sub-Divisional Magistrate (Rohini), O/o Dy. Commissioner, North-West District Kanjhawala, Delhi-110081- with a request to recover the above said Environmental Compensation for damages by way of demand draft in favour of DPCC.
2. Master File.


(Amit Chaudhary)
Env. Engineer

12

	<p>DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6 visit us at : http://dpcc.delhigovt.nic.in</p>
---	---

F.No. DPCC/CMC-III/2019/ 7235-35

Dated: 27/12/2019

To,

The Owner/ Occupier,
Village Nithari,
Suleman Nagar, Khasra no. 24/28,
Plot no. 114,
Near Sukhi Nahar, 40 foota road,
Delhi-110086

Subject: Environment Damages Compensation for violations observed during inspection u/s 33 (A) of the Water Prevention and Control of Pollution) Act, 1974 and u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981.

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You shall also be liable for penal action under the provisions of Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 in case of non-compliance of the above said directions.

This is being issued as per the decision taken by the Competent Authority.

(Mohd. Arif)
Sr. Env. Engineer

Copy for necessary action to:

1. The Sub-Divisional Magistrate (Rohini), O/o Dy. Commissioner, North-West District Kanjhawala, Delhi-110081- with a request to recover the above said Environmental Compensation for damages by way of demand draft in favour of DPCC.
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(Amit Chaudhary)
Env.Engineer