

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

OA No. 936/2018

**In the matter of:**

Rajesh Kumar

...Applicant

Versus

Govt. of NCT of Delhi & Others

...Respondents

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Filed by:

(Delhi Pollution Control Committee)  
Respondent

New Delhi:

Dated: 16.07.2019

①

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

**Original Application No. 936/2018**

**IN THE MATTER OF:**

Rajesh Kumar

... Applicant

VERSUS

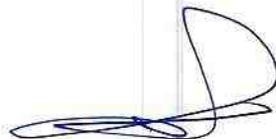
Govt. of NCT of Delhi & Ors.

... Respondents

**ADDITIONAL ACTION TAKEN REPORT ON BEHALF OF DELHI  
POLLUTION CONTROL COMMITTEE IN TERMS OF THE ORDER  
DATED 05.04.2019**

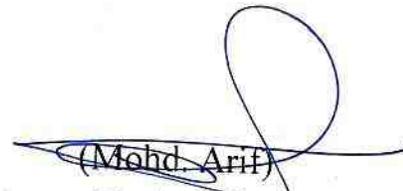
**IT IS MOST RESPECTFULLY SHOWETH:**

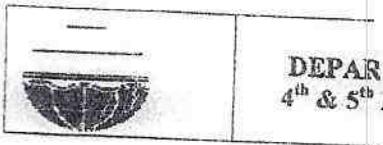
1. That in compliance of the orders passed by this Hon'ble Tribunal, the industrial unit mentioned in the order was inspected by DPCC on 25.01.2019.
2. That during inspection, unit namely M/s Rashid with address House Number E-727, Ground Floor, Chajju Gate Marg, Near Chajju Gate Marg, Babarpur, Delhi- 110032 was found engaged in the activity of manufacturing of Brake lining. That the inspection report dated 25.01.2019 is herewith marked and annexed as **ANNEXURE-A**.
3. That East Delhi Municipal Corporation vide letter dated 26.03.2019 reported that the alleged unit has been sealed on 26.03.2019. That the copy of the letters dated 26.03.2019 is herewith marked and annexed as **ANNEXURE-B (colly)**.
4. That on 12.04.2019 the DPCC had imposed Rs. 50,000/- as Environmental Damage Compensation. The unit has not submitted EDC till date. That the copy of the order dated 12.04.2019 is herewith marked and annexed as **ANNEXURE-C**.



5. That the Recovery Certificate was issued on 10.05.2019 to effect of recovery of Environmental Damage Compensation of Rs. 50,000/- imposed on the unit.
6. That on 19.06.19 and 04.07.19 reminders were sent to the land revenue officials for recovery of the EDC. That the copy of the directions and reminders issued is herewith marked and annexed as ANNEXURE-D.(colly)
7. That the criminal complaint against the unit has been filed before the court of Hon'ble ACMM, Delhi in the 1<sup>st</sup> week of July, 2019.
8. That the electricity connection for the premises has already been disconnected by BSES.
9. That unit is presently lying sealed.

Date: 15/7/2019  
Place: Delhi

  
(Mohd. Arif)  
Environmental Engineer



DEPAR  
4<sup>th</sup> & 5<sup>th</sup>

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

Annexure-A 3  
C/28

**Inspection Report**

Annexure C-2 (Gatto)

Unique Computer Generated Id.....

1. Name & Address of the Unit : M/s Rashid  
E-727, Chhaju gate Marg,  
Near Chhaju gate, Babarpur,  
Delhi-110032.
2. Owner/ Partner's Name & Contact Details(Phone & E-mail) : Sh. Rashid (9891105104)  
Sh.
3. Date of Inspection : 25/02/2019.
4. Time of inspection  
Start of Inspection : 01:40 PM  
End of Inspection : 02:20 PM
5. Name & Designation of the Persons contacted at the industry : Sh. Rashid Alam (owner)
6. Kind of Industry : Mfg. of Break lighting
7. Product & Capacity : job work
8. Main Raw Materials : FD (friction dust), Paper, tape,
9. Water Polluting : Yes/No  ETP Installed : Yes/No N/A
10. Air Pollution : Yes/No  ECS Installed : Yes/No N/A  
(Above G.L.)..... (Above G.L.).....
11. Details of Stack Height (Furnace/Boilers/Others) : Electricity,
12. Type of Fuel Used : DJB/NDMC/DSIIDC/Borewell/Tankers/Others
13. A. Source of Water Supply : (a) Domestic/ Trade Effluent
- B. Effluent Discharge : (b) Unit connected to Conveyance System: Yes/No
- (c) Discharging into..... sewer.
14. Status of Consent (If Any) : Not applied.
15. D.G. Set(s) (if Any) : No. Capacity.....KVA. Acoustic: Yes/No
- Stack Height.....(Above G.L.).....(Above RL)
16. Plot Area : 60 sq. yard.
17. Labour : 01
18. Machinery : Hydraulic press - 01  
drill m/c - 02

19.	Detail of Power Connection	:	.....
20.	Whether Unit found in Operation	:	Yes/No ✓
21.	Status of Registration under Plastic Waste Management Rules, 2016	:	..... N/A
22.	Whether Generating Hazardous Waste	:	Yes/No ✓
23.	<u>Details about Hazardous Waste</u>	:	
(a)	Status of Authorization (if any)	:	.....
(b)	Display Board Provided	:	Yes/No
(c)	Whether Hazardous Waste is stored in Leak proof container	:	Yes/No
(d)	Whether container marked with specified label	:	Yes/No
(e)	Whether container stored kept in an isolated area	:	Yes/No
(f)	Whether Hazardous Waste is being stored on pucca floor & in covered area	:	Yes/No
(g)	Whether date on which storage began indicated on each container	:	Yes/No N/A
(h)	Whether daily record of Hazardous Waste maintained in Form-3	:	Yes/No
(i)	Category of Hazardous Waste as per the Schedules I, II and III of these rules	:	
(j)	Authorized mode of disposal or recycling or utilization or co-processing etc.	:	
(k)	Quantity (Ton/Annum)	:	

Remarks (if Any)

- ① Unit found in non-operational condition.
- ② As reported by Sh. Rashid (owner), they are shifting the unit to other industrial area within 3 months.
- ③ At present no work has been observed.
- ④ However plant and machinery exist and only packing of material is going on.

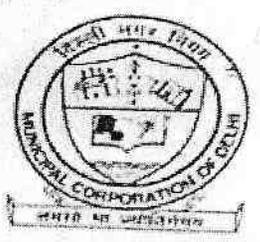
~~Rashid~~  
~~25/01/19~~

Rashid Alam  
 (owner)

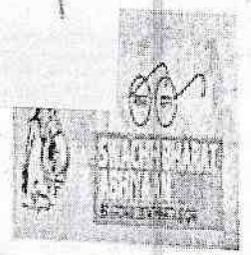
Signatures, Name & Designation of inspecting officials

Moukher  
 25/01/19

Divesh Singh  
 25/01/2019  
 (TEDP)



EAST DELHI MUNICIPAL CORPORATION  
OFFICE OF THE ASSISTANT COMMISSIONER  
SHAHDARA (NORTH) ZONE  
Zonal Office Near Shyam Lal College  
Keshav Chowk Shahdara Delhi-110053.  
Phone-011-22824647.



No. AC/SH/N/2019/D- 2287

Dated :- 26/8/19

Mohd Arif,  
SEE, CMC-I,  
Delhi Pollution Control Committee,  
Department of Environment ( Govt of NCR of Delhi)  
5<sup>th</sup> Floor, ISBT Building Kashmere Gate, Delhi-110006.

Sub:- Action taken report in r/o OA No-936/2018 Rajesh Kumar Vs Govt of NCT of Delhi in compliance of NGT order dated 21.12.2018.

Sir,

With reference to above mentioned case, it is submitted that General Branch Shahdara North Zone has taken sealing action on 26.03.2019 with help of local police of PS Welcome at property No- Sh. Rashid ,E-727 Chajju Gate Marg Near Chajju Gate Babarpur , Delhi.

An watch and ward letter has also been sent to SHO Welcome to keep strict vigil on the sealed premises.

Admin. Officer  
Shahdara(N) Zone

Copy forwarded to :-

1. Nodal officer, PGC EDMC.
2. AC/SNZ
3. AO( General Branch) SNZ.
4. Office Copy.

	<p>DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110 006 visit us at : <a href="http://dpcc.delhigovt.nic.in">http://dpcc.delhigovt.nic.in</a></p>
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F.No. DPCC/CMC-I/NGT /2019/ 285 - 286

Dated: 12/04/19

To,

The Deputy Commissioner, Shahdara (North) Zone  
East Delhi Municipal Corporation,  
Room No. 106, First Floor, Zonal Office  
Near Shyam Lal College, Keshav Chowk Shahdara,  
Delhi-110053

**Sub: Hon'ble National Green Tribunal (NGT) Matter in case of Rajesh Kumar Vs Govt. of NCT of Delhi, O.A. No. 936/2018**

And whereas, a complaint was filed in Hon'ble NGT, Hon'ble NGT has directed in matter OA No. 936/2018 vide order dated 21.12.2018, to take necessary action against the complaint.

And whereas, an inspection was conducted by DPCC officials on 25.01.2019 and it was observed that unit namely M/s Rashid, H.No. E-727, Chajju Gate Marg, Near Chajju Gate, Babarpur, Delhi-110032, is engaged in the activity of manufacturing of Break Lining.

And whereas, M/s Rashid, H.No. E-727, Chajju Gate Marg, Near Chajju Gate, Babarpur, Delhi-110032, is operating in residential/non-conforming area in violation of Hon'ble Supreme Court order dated 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, with respect to closure of illegal units from residential/Non-conforming areas.

And whereas, subsequently, on directions of DPCC, EDMC has sealed/enforce effective closure of the said unit on 26.03.2019 as per the report received from DPCC.

And whereas, in view of Hon'ble NGT directions/orders towards levying Environmental damages in the matter of O.A. No. 807/2018 and 996/2018, Competent Authority of DPCC keeping in view the 'Polluter Pays' principle has decided and approved to levy Environmental Damages Compensation (EDC) of Rs. 50,000/- (Rupees Fifty Thousand only) upon you.

**And whereas, Competent Authority, Delhi Pollution Control Committee has decided to impose Environmental Damages Compensation (EDC) of Rs. 50,000/- (Rupees Fifty Thousand only) each on the unit and EDMC.**

In view of above, EDMC is requested to deposit Environmental Damages Compensation (EDC) of Rs. 50,000/- (Rupees Fifty Thousand only) which is to be deposit in the office of Delhi Pollution Control Committee in the form of Demand Draft (DD) in favour of Delhi Pollution Control Committee, within 15 days of issuance of this order.

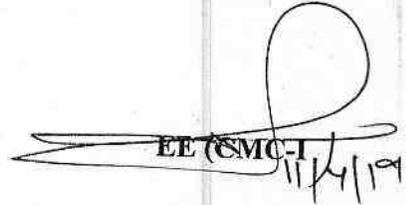
7

Non-compliance of the above shall be treated as contempt of Hon'ble NGT order(s) and necessary action will be initiated as per the provisions of law.

This is issued with the approval of the Competent Authority, Delhi Pollution Control Committee.

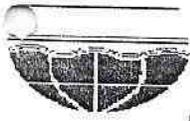
**Copy to:-**

The Commissioner, (EDMC)  
East Delhi Municipal Corporation  
Plot No. 419, Udyog Sadan FIE, Patparganj  
Delhi-110092

  
EE (CMC-I)  
11/4/19

  
AEE (CMC-I)

o/c



# DELHI POLLUTION CONTROL COMMITTEE

DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)

1<sup>st</sup> Floor, E Block, Vikas Bhawan-II, Upper Bela Road, Civil Line, Delhi-54

visit us at : <http://dpec.delhigovt.nic.in>

Annexure-1 (8)

F. No. DPCC/CMC-1/NGT/Rajesh Kumar/2019/1670-1671

Dated: 19/06/2019

To,

REMINDER-1

The Sub-Divisional Magistrate (Shahdara)  
D.C. Office Complex, Nand Nagri,  
Opposite Gagan Cinema,  
Delhi-110093.

**Sub.:** Hon'ble National Green Tribunal order dated 05.04.2019 in Original Application No. 936/2018 in the matter of Rajesh Kumar Vs. Govt. of NCT of Delhi regarding causing of air pollution by M/s Brake Lining Factory, Prop. – Sh. Rashid, H.No-727, Chajju Gate Marg, Babarpur, Delhi-110032.

Whereas, Central Pollution Control Board is the State Board for all the Union Territories to exercise powers and perform functions under the Water (Prevention & Control of Pollution) Act, 1974 and under Air (Prevention & Control of Pollution) Act, 1981.

And 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, Hon'ble National Green Tribunal (NGT) vide its order dated 05.04.2019 in O.A. No. 936/2018 in the above matter, ordered the following:-

*"...The report does not show any steps for prosecution or recovery of compensation for damage to the environment on "polluter Pays" principle..."*

And whereas, the unit namely M/s Brake Lining Factory, Prop. – Sh. Rashid, H.No-727, Chajju Gate Marg, Babarpur, Delhi-110032 was operating in violation of order of Hon'ble Supreme Court and causes damage to the environment and is liable to pay environmental compensation and accordingly, letters for seeking Environmental Compensation of Rs.50,000/- (Rupees Fifty Thousand Only) was issued on 12.04.2019 with a copy to you (copy of letter dated 12.04.2019 is enclosed here with) in compliance of Hon'ble NGT order dated 05.04.2019. However, the Environmental Damage Compensation of Rs.50,000/- (Rupees Fifty Thousand Only) is still awaited from the unit.

And whereas, a letter was issued to you regarding recovery of Environmental Damages Compensation on 11.05.2019 (Copy enclosed).

And whereas, the unit M/s Brake Lining Factory, Prop. – Sh. Rashid, H.No-727, Chajju Gate Marg, Babarpur, Delhi-110032 has not submitted Environmental Damages Compensation till date.

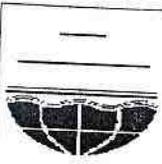
Now therefore, in view of above, you are once again requested to take appropriate action for recovery of Rs.50,000/- (Rupees Fifty Thousand Only) from the unit namely M/s Brake Lining Factory, Prop. – Sh. Rashid, H.No-727, Chajju Gate Marg, Babarpur, Delhi-110032 as arrears of land revenue so as to comply with order of Hon'ble NGT dated 21.12.2018 and 05.04.2019, the same may be remitted to DPCC and submit compliance report in this regard to DPCC immediately.

This issues with the approval of the Competent Authority, Delhi Pollution Control Committee.

Encl.: As above.

o/c

(Mhd. Arif)  
Incharge (CMC-1)



**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>

F.No. DPCC/CMC-I/NGT/ Rajesh Kumar /2019/ 1783

Dated: 04/07/19

**REMINDER-II**

To,

**The Sub-Divisional Magistrate (Shahdara)**  
**D.C. Office Complex, Nand Nagri,**  
**Opposite Gagan Cinema,**  
**Delhi-110093.**

**Sub: Recovery Certificate of DPCC toward Recovery of Environmental Compensation, as arrears of land revenue in r/o M/s Brake Lining Factory, Prop. – Sh. Rashid, H.No-727, Chajju Gate Marg, Babarpur, Delhi-110032.**

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

And whereas, as per section 21(1) of the Air (Prevention & Control of Pollution) Act, 1981, as amended to date no person shall, without the previous consent of the State Pollution Control Board (DPCC in case of Delhi), establish or operate any industrial plant in an Air Pollution Control Area.

And whereas, Hon'ble National Green Tribunal (NGT) vide order dated 05.04.2019 in O.A No. 936/2018 in the matter of "Rajesh Kumar Vs. Govt. of NCT of Delhi." directed as under:-

*"...The report does not show any steps for prosecution or recovery of compensation for damage to the environment on "polluter Pays" principle..."*

And whereas, during the inspection dated 25.01.2019, it was observed that unit namely M/s Brake Lining Factory, Prop. – Sh. Rashid, H.No-727, Chajju Gate Marg, Babarpur, Delhi-110032, is engaged in the activity of manufacturing of Break Lining.

And whereas, the unit was operating without obtaining Consent to Establish/Operate in non-conforming/residential area.

And whereas, in view of Hon'ble NGT directions/orders towards levying Environmental damages in the matter of **O.A. No. 936/2018**, Competent Authority of DPCC keeping in view the 'Polluter Pays' principle has decided and approved to levy **Environmental Damages Compensation (EDC) of Rs. 50,000/- (Rupees Fifty Thousand only)** on **M/s Brake Lining Factory, Prop. – Sh. Rashid, H.No-727,Chajju Gate Marg, Babarpur, Delhi-110032**.

And whereas, letter for seeking Environmental Damages Compensation (EDC) of **Rs. 50,000/- (Rupees Fifty Thousand only)** was issued to the unit on **12.04.2019** with a copy to you (copy of letter dated **12.04.2019** is enclosed herewith).

And whereas, **SDM (Shahdara)** was also requested for Recovery of Environmental Damage Compensation(EDC) of **Rs. 50,000/- (Rupees Fifty Thousand only)** vide this officer letter dated **19.06.2019 & 11.05.2019** (copies of letter dated **19.06.2019 & 11.05.2019** are enclosed herewith).

And whereas, the unit has not deposited the Environmental Damage Compensation of **Rs. 50,000/- (Rupees Fifty Thousand only)** till date.

**Now therefore**, in view of above, you are requested to take appropriate action for **Recovery of Rs.50,000/- (Rupees Fifty Thousand Only)** from the unit namely **M/s Brake Lining Factory, Prop. – Sh. Rashid, H.No-727,Chajju Gate Marg, Babarpur, Delhi-110032** as arrears of land revenue so as to comply with order of Hon'ble NGT dated **21.12.2018** and **05.04.2019** and the same may be remitted to DPCC. You are also requested to submit compliance report to DPCC within **07 days** as **the case is listed on 19.07.2019 in Hon'ble NGT**.

This issue with the approval of the Competent Authority, Delhi Pollution Control Committee.

(Mohd. Arif)  
Incharge, CMC-I

Encl. : As Above

master file