

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 462/2019**

In the matter of:

Mohd. Parvez Khan ...Applicant

Versus

State of NCT of Delhi & Ors. ...Respondents

NDOH 02.08.2019

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Filed by:

(Dr. Chandra Prakash)
Sr. Env. Engineer
(Delhi Pollution Control Committee)

Respondent

New Delhi:
Dated: 31.07.2019

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 462 OF 2019**

IN THE MATTER OF:

Mohd. Parvez Khan ...APPLICANT

VERSUS

State of NCT of Delhi & Ors. ...RESPONDENTS

**ACTION TAKEN REPORT ON BEHALF OF DPCC IN
TERMS OF ORDER DATED 17.05.2019**

1. That in the above captioned matter, the Hon'ble Tribunal vide order dated 17.05.2019 directed the answering respondent/DPCC as follows:

"Grievance in this application is that iron and roof stone shop is being run by Shri Miyan Jaan and Mohd. Yusuf, resulting in noise pollution of iron sounds at B-151, Jaitpur Extn. Part -II, Khadda Colony, New Delhi.

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 to this Tribunal within two months from the date of receipt

of copy of this order by e-mail at ngt.filing@gmail.com".

2. That the inspection of the alleged site was carried out on 24.07.2019 by the representatives of DPCC. Copy of inspection report dated 24.07.2019 is annexed herewith as **Annexure A-1**.

3. That during the inspection unit found in operation and engaged in the activity of trading of iron rods and red stone and cutting of iron rods by gas/oxygen cutter.

4. That one gas/oxygen cutter found lying in the premises. As informed, the same is used for cutting the iron rods in size as required by the customer and causing Air/Noise pollution.

5. That the unit operating illegally in non-confirming area is violation of provisions of Master Plan of Delhi-2021.

6. That in the meeting held on 08.12.2010, 14.07.2011, 09.12.2011 and 05.06.2015 in the office of Chief Secretary Delhi for implementation of above order, it has been decided that action on industries operating in non-confirming areas and violation Master Plan of Delhi will be taken under the

Delhi Development Act by DDA in development areas and MCD in other areas.

7. That in view of the observations made during inspection and in exercise of powers conferred under section 31(A) of the Air (Prevention & Control of Pollution) Act,1981, as amended to date , the office letter dated 26.07.2019 with following directions is issued to the SDMC (Central Zone) for compliance:

“That you shall take necessary action against the illegal unit operating without NOC/Consent/License and ensure effective closure of the said unit.”

The copy of the office letter dated 26.07.2019 issued to SDMC is annexed herewith and marked as **Annexure A-2**.

8. Also, Direction has been issued u/s 31(A) of the Air (Prevention & Control of Pollution) Act,1981, as amended to date, to the unit on 31.07.2019 to deposit environmental compensation of Rs. 1,00,000 (One lakh only) by the way of demand draft in favour of DPCC for violating the Environmental norms within 15 days.

The copy of the letter dated 31.07.2019 issued to unit is annexed herewith and marked as **Annexure A-3**.

New Delhi
Dated: 29 /07/2019


(Dr. Chandra Prakash)
Incharge, CMC-II
Delhi Pollution Control Committee



DELHI POLLUTION CONTROL COMMITTEE
 DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
 4TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
 visit us at : <http://dpcc.delhigovt.nic.in>

INSPECTION REPORT

1. Name & Address of the Unit : M/s Malik Traders
B-151, Jaitpur Extn.
Part - II, Khasda Colony
New Delhi
2. Owner/Partner's Name : Mr Md. Yusuf
3. Contact Details (Phone & Email) :
4. Date of inspection : 24/07/2019
5. Time of inspection: a) Start of Inspection: 3:00 PM
 b) End of Inspection: 3:30 PM
6. Name & Designation of the Persons contacted at the industry: Mr Md. Yusuf
(Owner)
7. Kind of Industry : Trading & Iron Rods & Red Stones & cutting of Iron Rods by Gas Oxygen cutter.
8. Product & Capacity : Trading
9. Main Raw Materials :
10. Water Polluting : Yes/No Yes No ETP Installed : Yes/No Yes No
11. Air Pollution : Yes/No Yes No ECS Installed : Yes/No Yes No
12. Details of Stack Height : (Above G.L.).....(Above R.L.).....
13. Type of Fuel Used : Gas
14. Effluent Discharged (a) Domestic/Trade Effluent
 (b) Unit Connected to Conveyance System: Yes/No Yes No
 (c) Discharging in to Drain
15. Status of Consent (If Any) : Not applied for consent
16. D.G. Set (s) (If Any) : No.....Capacity.....KVA.....Acoustic: Yes/No
 : Stack Height.....(Above G.L.).....(Above R.L.).....
17. Plot Area : 150 sq. yard (Approx.)
18. Labor : 1
19. Machinery : Gas Oxygen Cutter - 1
20. Power Connection : C.A:-.....KW:-
BSES
21. Source of water :
22. Whether Unit Found in Operation : Yes/No Yes No

23. Whether Generating HW : Yes/No

24. (a) Status of Authorization (IF Any):

- (b) Display Board Provided: Yes/No
- (c) Whether HW 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 HW is being stored on pucca floor & in covered area: Yes/No
- (g) Whether date on which Storage began indicated on each Container: Yes/No
- (h) Whether daily record of HW Maintained in HW-3: Yes/No

Not Applicable

Details about Hazardous Waste

S.No.	Category of Hazardous Waste as per the Schedules I, II and III of these rules	Authorized mode of disposal or recycling or utilization or co-processing etc.	Quantity (Ton/annum)

Remarks, If Any:

- Unit found in operation & engaged in the activity of trading of Iron rods & red stone & cutting of Iron rods by oxygen cutter.
- No engraving work observed at the unit.
- Only one oxygen cutter found lying. As performed, same is used for cutting the Iron rods in sizes required by the customers.

M.D. Yusuf

24/10/19 (TE)

Name & Sign of the Persons

Signature, Name & Designation of Inspecting Officials

	<p style="text-align: center;">DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 4th, 5th & 6th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006 visit us at : http://dpcc.delhigovt.nic.in</p>
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F. No. DPCC/CMC-II/NGT/OA No. 462/2019 / 6471-74

Dated: 26/7/19

To,
The Deputy Commissioner, SDMC(Central Zone),
G-1, Shiv Mandir Marg, Block G,
Lajpat Nagar-II, Jal Vihar,
New Delhi, Delhi 110024.

Subject: - Directions u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date in the matter of OA No. 462/2019.

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

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) vide notification Dated 15.03.1991.

And 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, as per section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended to date, it is mandatory to obtain Consent from Delhi Pollution Control Committee in respect of any industry or operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent in to a stream or on land.

And whereas, the Hon'ble NGT in OA No. 462/2019 titled as Mohd. Parvez Khan vs state of NCT of Delhi & other vide its order dated 17.05.2019, directed as below:

".....grievance in this application is that iron and roof stone shop is being run by Shri Miyan Jaan and Mohd. Yusuf, resulting in noise pollution of iron sounds at B-151, Jaitpur Extn. Part-II, Khadda colony, New Delhi

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 to this tribunal within two months from the date of receipt of copy of this order by email at Judicial-ngt@gov.in....."

And whereas, In compliance of the Hon'ble NGT order dated 17.05.2019, an inspection of the iron and roof stone shop at B-151, Jaitpur Extn. Part- II, Khadda Colony, New Delhi was carried out by Representative of DPCC on 24.07.2019. During inspection unit found in operation and engaged in the activity of trading of iron rods and red stone and cutting of iron rods by gas/oxygen cutter. One gas/oxygen cutter found lying in the premises. One gas/oxygen cutter found lying in the premises. As informed, same is used for cutting the iron rods in size as required by the costumer and causing Air/Noise pollution.

And whereas, the unit is operating illegally in non-confirming area is violation of provisions of Master Plan of Delhi-2021.

Contd...2..

And whereas, in the meeting held on 08.12.2010, 14.07.2011, 09.12.2011 & 05.06.2015 in the office of Chief Secretary Delhi for implementation of above order, it has been decided that action on industries operating in non-conforming areas and violating Master Plan of Delhi will be taken under the Delhi Development Act by DDA in development areas and MCD in other areas.

Now therefore, in view of the observations made during inspection and in exercise of powers conferred u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981, as amended to date, the following direction is issued to the SDMC (Central Zone) for compliance:

1. That you (the addressee) shall take necessary action against the illegal unit operating without NOC/Consent/License and ensure effective closure of the said unit and submit the **Action Taken Report** to DPCC within 7 days from issuance of the said direction.

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


(Dr. Chandra Prakash)
Incharge, CMC-II,
Delhi Pollution Control Committee

Copy to:

1. PA to MS, DPCC
2. Master File, CMC-II
3. Office Copy, CMC -II



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
 4th, 5th & 6th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
 visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-II/NGT/OA No. 462/2019 / 6492-93

Dated: 31/7/19

Subject: - Directions u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date in the matter of OA No. 462/2019.

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

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981, in respect of Union Territory of Delhi to Delhi Pollution Control Committee (DPCC) vide notification Dated 15.03.1991.

And 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, you, M/s Malik Traders (Owner-Mohd. Yusuf), B-151, Jaitpur Extn. Part- II, Khadda Colony, New Delhi (hereinafter referred as the Addressee) is engaged in the activity of trading of iron rods and red stone and cutting of iron rods by gas/oxygen cutter.

And whereas, In compliance of the Hon'ble NGT order dated 17.05.2019, an inspection of the iron and roof stone shop at B-151, Jaitpur Extn. Part- II, Khadda Colony, New Delhi was carried out by Representative of DPCC on 24.07.2019. During inspection unit found in operation and engaged in the activity of trading of iron rods and red stone and cutting of iron rods by gas/oxygen cutter. One gas/oxygen cutter found lying in the premises. One gas/oxygen cutter found lying in the premises. As informed, same is used for cutting the iron rods in size as required by the costumer and causing Air/Noise pollution.

And whereas, the unit is operating illegally in non-confirming area is violation of provisions of Master Plan of Delhi-2021.

And whereas, Competent Authority has decided to issue for imposing Environment Compensation of Rs.100000/- (Rupees 1 Lakh only) upon for causing damage to the Environment.

Now, therefore in view of the above and as decided by the Competent Authority in DPCC, the following directions u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981, as amended to date.

Contd...

1. That you (the addressee) shall deposit the environment compensation of Rs.100000/- (Rupees One lakh only) by the way of demand draft in favour of Delhi Pollution Control Committee for violating the Environmental Norms within 15 days from the date of issue of this direction.

Non Compliance w.r.t. aforementioned Directions shall attract penal action under the provisions of the said Acts and Rules.

This is being issued as per the decision taken by the Competent Authority in Delhi Pollution Control Committee.

To,
M/s Malik Traders (Owner-Mohd. Yusuf),
B-151, Jaitpur Extn. Part- II,
Khadda Colony,
New Delhi


(Dr. Chandra Prakash)
Incharge, CMC-II,
Delhi Pollution Control Committee

Copy to:

1. Master File, CMC-II
2. ✓ Office Copy, CMC -II