

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 620/2019

VarunApplicant(s)

Versus

Delhi Pollution Control Committee & OrsRespondent(s)

NDOH :-21.10.2019

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Filed by

(Satender Kumar)
Sr. Env. Engineer
(Delhi Pollution Control Committee)

New Delhi:

Dated: 12.10.2019.

(1)

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

Original Application No. 620/2019

In the matter of :

VarunPetitioner

Vs

Delhi Pollution Control Committee & OrsRespondent

**FACTUAL AND ACTION TAKEN REPORT ON BEHALF OF
DELHI POLLUTION CONTROL COMMITTEE**

1. That This Hon'ble Tribunal vide its order dated 31.07.2019 was pleased to pass the following directions:

"Allegation in this letter, dyeing factories using chemicals located in Bawana Industrial Area, Mayapuri Industrial Area, Uttam Nagar and khyala.

"Let a joint committee of Central Pollution Control Board, Delhi Pollution Control Committee and the concerned District Magistrates, furnish a factual and an action taken report"

2. That it is most respectfully submitted that above mentioned order was received in DPCC only on 08.08.2019.
3. That in pursuance and compliance of the order passed by this Hon'ble Tribunal dated 31.07.2019, a letter was sent to the Member Secretary, CPCB, District Magistrate (North District), District Magistrate (West District) and District Magistrate (South West District) with the request to direct concerned

officer/ SDM in respective districts to do the needful as per directions of Hon'ble NGT. Copy of Letter dated 09.08.2019 is annexed as **Annexure-A**.

4. That the 20 units as alleged in the petition were inspected by the teams of DPCC, CPCB and area SDM on 23.08.2019, 27.08.2019 and 29.08.2019.
5. That during inspection 7 dyeing units were found violating the pollution control norms. Accordingly, directions u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 were issued to these 7 units on 13.09.2019/ 17.09.2019 for effective closure. In addition, total Environmental Damages of Rs. six crores has also been imposed on these 7 units. Consequent to the closure directions, these seven units were effectively closed by DPCC by disconnecting electricity and water connections by 17.9.2019. A samples of closure directions is enclosed as Annexure-B. List of seven units against which action was taken is annexed as Annexure-C. It has also been decided to launch persecution against these 7 units.
6. Further Nine (09) units were found complying with the pollution control norms and activity of dyeing of jeans/garments were not found being carried out in remaining 04 units during the inspection.



(SATENDER KUMAR)
Sr. ENV. ENGINEER

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Annex - A
By Speed Post/email

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	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006 visit us at : http://dpcc.delhigovt.nic.in
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No.F.DPCC/CMC-V/NGT/OA 620/2019/7380-83

Dated: 09/08/2019

To,

1. The Member Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Shahdara, Delhi-110032
2. The District Magistrate, North Delhi District, Alipur, Delhi-110036 denorth@nic.in
3. The District Magistrate, West Delhi District, Plot No. 3, Shivaji Place, Raja Garden, Delhi-110027 dcwest@nic.in
4. The District Magistrate, South West Delhi District, Old Tax Terminal Building, Kapashera, Delhi-110037 dcsw@nic.in

Sub: Compliance of the order of Hon'ble NGT in OA No. 620/2019 -reg

Sir/Madam,

Please find enclosed here with the order of Hon'ble NGT dated 31.7.2019 in OA No. 620/2019 wherein the Hon'ble Tribunal has directed a team of officials from CPCB, Revenue department and DPCC to inspect the units figuring in the complaint which are operational in Bawana Industrial Area, Mayapuri Industrial Area, Khyala and Uttam Nagar. The report is to be filed in Hon'ble NGT within 30 days of the order ie by 30.8.2019.

As the area is spread across three Revenue districts ie North, West and South West, you are requested to depute three officials so that the inspection of these units is completed in a time bound manner and ATR is filed before 30.8.2019. The following officers of DPCC will be part of the inspection team in three districts.

District	Name of the Officer	Contact Details
North	Sh. MS Rawat	9717593509
South West	Sh. K. Kumar	9717593539
West	Dr Siddhartha Gautam (Mayapuri Ind Area)	9717593535
	Sh. RK Sharma, Khyala	9717593532

You are requested to kindly ask the concerned officer/SDM in respective districts to contact the above listed officers of DPCC to complete the task on priority.

Yours sincerely,



(Satender Kumar)
Incharge, CMC-V & VII

O/c

Encl: As above



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By Speed Post

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Amun - B

DELHI POLLUTION CONTROL COMMITTEE
GOVERNMENT OF NCT OF DELHI
4th and 5th Floor, ISBT Building, Kashmere Gate, Delhi-110006
visit us at : <http://dpcc.delhigovt.nic.in>

F.No. DPCC/CMC-VI/2019/NGT O.A No. 620/2019/ 201-05

Dated: 13/9/19

Subject: - Direction u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date.

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 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, in OA No. 620/2019 dated 31.06.2019 titled "Varun Vs Delhi Pollution Control Committee & Ors". Hon'ble NGT has directed that to submit an action taken report.

And whereas, you, **M/s Pankaj Bhushan, RZ-101, 1st and 2nd Floor, Near Jai Durga Dharam Kanta, Narsingh Garden, Delhi-110018** (herein after referred as addressee) are operating your unit at the above said address & engaged in the activity of **Washing and Dyeing of Jeans**.

And whereas, a Show Cause Notice u/s 33(A) of Water (Prevention and Control of Pollution) Act, 1974 and u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 was issued on 02.04.2019 for operating without obtaining consent from DPCC.

And whereas, an inspection of joint team comprising officials from DPCC and CPCB was conducted on 29.08.2019 for the compliance of the orders of Hon'ble NGT in O.A. No. 620/2019 Titled Varun Vs DPCC & Ors. and following observations were made:-

- 1) During inspection unit was found operational and engaged in the activity of Jeans washing and dying at 1st and 2nd Floor of the building.
- 2) It has been informed by owner Sh. Pankaj Bhushan that unit is operating since last one year..
- 3) Mr. Subhash yadav (landlord) informed that unit is operating since approx last 8.5 Months.
- 4) The waste water/trade effluent generated by unit is discharged into the drain without any effluent treatment.
- 5) The G.F is being used by landlord from Dharm Kanta namely Jai Durga Dharam Kanta .
- 6) Unit is operating without obtaining Consent under Air & Water Act from DPCC.

And whereas, the addressee unit is operating without obtaining any Consent from DPCC which is a clear violation of the provisions of the Environmental Laws leading to unchecked pollution control mechanism and thereby damaging the environment.

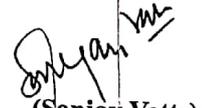
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the provisions of the above said Acts, Competent Authority of DPCC keeping in view the 'Polluter Pays' principle has decided and approved to levy Environmental Compensation (EC) of Rs 91,25,000 (Rupees Ninety one Lakhs Twenty Five Thousands Only) on the addressee unit for causing damage to the environment.

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Now therefore, in view of the above and as decided by the Competent Authority in DPCC and in exercise of the powers conferred upon Delhi Pollution Control Committee, u/s 33(A) of Water (Prevention and Control of Pollution) Act, 1974 and u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 as amended to date following directions are being issued:-

1. That the addressee i.e M/s Pankaj Bhushan, RZ-101, 1st and 2nd Floor, Near Jai Durga Dharam Kanta, Narsingh Garden, Delhi-110018 shall stop operations of the unit with immediate effect.
2. That you, the addressee shall deposit Environmental Compensation (EC) of Rs 91,25,000 (Rupees Ninety one Lakhs Twenty Five Thousands Only) in the form of Demand Draft (DD) in favour of Delhi Pollution Control Committee within 15 days from the date of issue of this order.
3. That the concerned in BSES Rajdhani Power Ltd shall disconnect the electricity supply to the addressee unit with immediate effect.
4. That Delhi Jal Board shall disconnect the water supply to the aforementioned addressee unit with immediate effect.
5. That the concerned SDM shall ensure the effective closure of the unit with immediate effect.

Failure to comply with the above directions will attract penal action under the provisions of the Water Act, 1974 and Air Act, 1981.

This is being issued as per the approval of Chairman, DPCC.


(Sanjay Vatts)
EE, CMC-VI

To,

M/s M/s Pankaj Bhushan,
RZ-101, 1st and 2nd Floor,
Near Jai Durga Dharam Kanta, Narsingh Garden,
Delhi-110018

Copy to:

1. The Member (Water), Delhi Jal Board, Varunalaya Phase-II, Jhandewalan, New Delhi-110055/ New Delhi Municipal Council: to disconnect the water supply and sealing of borewell to the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of the direction.
2. The Chief Operating Officer, BSES Rajdhani Power Ltd., BSES Bhawan, Near Nehru Place Bus Terminus, Nehru Place, Delhi-110019: to disconnect the power supply of the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of the direction.
3. The Sub Divisional Magistrate (Patel Nagar) Plot No.3, Shivaji Place, Raja Garden, Delhi-110027: to ensure the effective closure of the unit with immediate effect and submit the compliance report within 15 days of issuance of the direction.
4. Master File.


(S.K/Goyal)
AEE, CMC-VI

all

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Annexure - G

Compiled status of Action Taken against alleged dyeing factories using chemicals located in Bawana Industrial Area, Mayapuri Industrial Area, Uttam Nagar and khyala etc. is as under:-

Sl. No.	Name & Address of Unit	Activity	Action Taken/ Remarks
1	M/s Pankaj Bhushan, RZ-101, First Floor, Jai Durga Dharam Kanta, Narshing Garde, Khyala, New Delhi-18	Washing & dyeing of jeans/ garments	Directions u/s 31(A) & 33(A) issued and EDC of Rs.91.25 Lakhs imposed
2.	M/s Uday Kumar/ Sanjay Kumar Jha, RZ C-127, First Floor, Gali No.1, Vishnu Garden, Khyala, Near Jai Durga Dharam Kanta, New Delhi	Washing & dyeing of jeans/ garments	Directions u/s 31(A) & 33(A) issued and EDC of Rs.2,73,75,000/- Lakhs imposed
3.	M/s Parveen Bansal, I-93, Sector-5, DSIIDC, Bawana Industrial Area, New Delhi-39	Unit found locked and the activity of Jeans Dyeing observed outside	Directions u/s 31(A) & 33(A) issued and EDC of Rs.47.00 Lakhs imposed
4.	M/s Vaibhav Gulati, J-277 (Actual I-277), Sector-2, DSIIDC, Bawana Industrial Area, New Delhi-39	Jeans Dyeing & Washing with Spray Painting	Directions u/s 31(A) & 33(A) issued and EDC of Rs.47.00 Lakhs imposed
5.	M/s Arun, I-34, Sector-4, DSIIDC, Bawana Industrial Area, New Delhi-39	Unit found locked and the activity of Jeans Dyeing observed outside	Directions u/s 31(A) & 33(A) issued and EDC of Rs.47.00 Lakhs imposed
6.	M/s Arun Jain, G-80, Sector-4, DSIIDC, Bawana Industrial Area, New Delhi-39	Unit found locked and the activity of Jeans Dyeing observed outside	Directions u/s 31(A) & 33(A) issued and EDC of Rs.47.00 Lakhs imposed
7.	M/s Shri Balaji Wash (Mr. Shailesh), D-290, Sector-5, DSIIDC, Bawana Industrial Area, New Delhi-39	Jeans dyeing, washing & spray painting	Directions u/s 31(A) & 33(A) issued and EDC of Rs.47.00 Lakhs imposed