

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI
O.A NO .853/2018

IN THE MATTER OF :

ARVEE ENTERPRISES

APPLICANT

VS.

GOVT. OF NCT DELHI

RESPONDENT

D.O.H 24/10/19

STATUS REPORT ON BEHALF OF HEALTH DEPARTMENT ROHINI ZONE
NORTH DELHI MUNICIPAL CORPORATION.

1. Dr. Hemant Kumar Gohil, Deputy Health Officer , Rohini Zone, North Delhi Municipal Corporation, do hereby solemnly affirm and declare as under:-

1. That the deponent is presently working as Deputy Health Officer , Rohini Zone, North DMC and is well conversant with the facts of the present case.

2. That the aforesaid original application (OA) is pending adjudication before this Hon'ble Tribunal.

3. That in compliance of the direction of this Hon'ble Tribunal vide order dated 02.07.2019 the present affidavit is filed in regards to the action taken against an illegal bore well in Shop No. 13, CSC-7, DDA Market Sec-16 Rohini , Delhi without any valid relevant provisions of the respective authority. The original petition had mentioned an illegal boring in Shop No. 19 and not shop no. 13.

4. That in compliance of the directions of this Hon'ble court, a letter was sent to Delhi Jal Board and to the concerned SDM for a joint inspection to be carried at the property in question and the market as a whole.

5. That there was no illegal bore well in Shop No. 19, CSC-7, DDA Market Sec-16 Rohini , Delhi but in the same DDA market another water-cooling plant in shop no. 13 having a valid HTL on the basis of valid and legal DJB connection was having a hidden bore well in shop no. 13, which was hidden under pucca floor and hence could not be detected earlier.

6. That the relevant Show Cause Notice under Section 417/397 of DMC Act-1957 was given to Smt. Rani, M/s Ganga Water Cooling Plant, Shop No. 13, CSC-7, DDA Market Sec-16 Rohini, Delhi vide No. DHO/RZ/2019/748 dated 04.09.2019 to show cause as to why license issued in favour of Smt. Rani to run the trade of water cooling plant in the name and style M/s Ganga water Cooling Plant should not be revoked and why closure action should not be initiated against the above said unit. The show cause notice is annexed as ANNEXURE-A.

7. That the Health trade license was revoked vide order dated 06.09.2019 for violating the terms and conditions of the Health trade License by indulging in the malpractices of having a bore well in addition to a legal DJB connection which was taken to obtain the HTL but was Hoodwinking the authorities by using the boring.

8. The license had been initially granted because the plant had a legal authorized DJB connection. The license for water cooling plant was renewed on the basis of Delhi Jal Board connection proof and the hidden illegal boring remained undetected due to pucca flooring over it.

9. That upon receipt of the complaint which was for shop no. 19, no illegal bore well was found. However on survey of whole market, the licensed Water cooling plant was found having an hidden bore well, near shop No. 13 of same market.

10. That the concerned SDM office has levied a fine of Rs. 20,000/- on a owner for illegal ground water extraction taking place by setting up of illegal bore well.

11. That in compliance of the direction of this Hon'ble Tribunal vide order dated 02.07.2019, the concerned Public Health Inspector(PHI) Shri Vijay Yadav was served a memo No. DHO/RZ/2019/395 dated 02.07.2019 which has been duly replied. He had earlier focused on Shop No. 19 as mentioned in court case where no boring was found. Later on DJB pointed out that a boring exists near shop No. 13 in same market. It was submitted by the concerned PHI that the boring near shop No. 13 was done in a hidden manner by covering it up with permanent flooring and the same was not VISIBLE on a normal inspection. That an apology has been given by the concerned PHI and he assures that he would be careful and vigilant in future and has diligently carried the necessary compliance of the orders of the hon'ble Tribunal along with SDM & DJB.

12. That Municipal Health Officer, North DMC has issued a Show Cause Notice to Deputy Health Officer, Rohini Zone Dr. H.K Gohil vide No. MHO/2019/181 dated 05.09.2019.

13. The health department issue a Closure Notice vide No. DHO/RZ/2019/759 dated 11.09.19 to the owner Smt. Rani of Ganga Water cooling Plant for violating the terms of HTL.

14. The owner of M/s Ganga Water cooling plant which had done the illegal boring in addition to legal DJB connection, had committed an offense bu causing Public health hazard and hence the department has "SEALED" the WCP on 26.09.2019.

Now that the court orders have been fully complied with and concerned officials have undertaken to be more careful in future, it is humbly submitted that the Hon'ble court be requested to close the matter.



RESPONDENT
DY. HEALTH OFFICER/ ROHINI ZONE
NORTH DELHI MUNICIPAL CORPORATION.

9/25

NORTH DELHI MUNICIPAL CORPORATION
(Office of Dy. Health Officer, Rohini Zone)
Public Health Department
Sector 5 Rohini Delhi - 85

NO: DHO/RZ/2019/ 553

Date: 31-7-19

One Court case No. O.A No. 853/18 titled as ARVEE ENTERPRISES Vs GNCTD & Ors. was taken up by the NGT on 02.07.2019. The case pertains to an illegal boring and extraction of ground water in Shop No. 19, CSC-VII, DDA Mkt. Sec-16 Rohini, Delhi which was being carried out without any permission from MCD or any other authority.

The NGT has passed an order (copy enclosed) according to which a joint Action taken report has to be submitted at the earliest. The reply has to be compiled by this office after the concerned authority of DJB and office of SDM take action as appropriate in the matter and submit the report to this office.

The copy of order of NGT is enclosed with this letter for suitable punitive action as desired by Hon'ble Court against the person who had illegally carried out boring and illegal drawing of water at Shop No. 19, CSC-VII, DDA Mkt. Sec-16 Rohini, Delhi and then submit the report along with the documents to the office of undersigned for compilation of the report and submission to the hon'ble NGT.

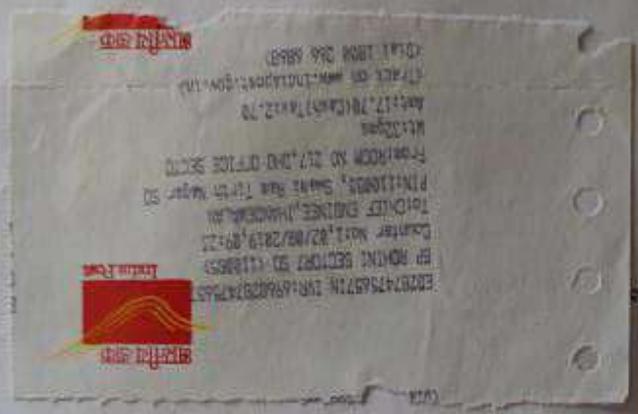
The matter may be treated MOST URGENT and given priority so that the NGT does not take any adverse view on the Next date of hearing in the 1st week of September.

The reply may please be submitted latest by 21st August-2019.

Dy. Health Officer
Rohini Zone

Distribution:-

- 1. SDM/Alipur
- 2. Ex.Engg(DJB)-Sec-15 Rohini
- 3. Chief Engineer DJB Head Office Jhandewalan Delhi-110055



श्रीमान् श्री.
 आशुतोष खोसला ससो FNO/PH/COM/ISO/ST/...
 Borewell [2019] 11/24 दिनांक 19/01/19 के अनुसार मीटर
 कुंआ मीटर पर सडकमा विन्नी जल बंड के हवा
 JE श्री. आशाप खोसला का गलतमा m.c.d रोडिंग गीला
 के लव से श्री बिनाम माधव शीखर आर उपरोक्त
 लोके हाइड्रान की हाइड्रो से SHOP NO-13 CEC-
 Sector-16 DDA माडेर में आरबेल का सौदा
 किया। सोमिंग के दिनें ठाक सार सिलेन के

✓
 20/8/19
 17/2/19

✓
 20/8/19
 JE (DWB)

✓
 20/8/19
 (Bartwan)
 (com/HP)





North Delhi Municipal Corporation
(Office of Dy. Health Officer: Rohini Zone)
Public Health Department
Sec-5, Rohini, Delhi-85

9/37

NO.DHO/RZ/2019/.....748..

Dated:- 4-9-19

Smt. Rani
M/S Ganga Water Cooling Plant
Shop No. 13, CSC-7, Sec-16
Rohini, Delhi

SHOW CAUSE NOTICE U/S 417/397 OF THE DMC ACT, 1957

WHEREAS it is stated that you were granted Health Trade License for running the trade of Water Cooling Plant under the name and style of **M/S Ganga Water Cooling Plant at Premises No. 13, CSC-7, Sec-16 Rohini, New Delhi** which is valid upto 31/03/2020.

WHEREAS it has been brought to my notice that you are using an illegal borewell which is injurious to public health.

WHEREAS the said illegal borewell was sealed on 20.08.2019 by the SDM Office during the joint inspection with DJB and Public Health department Rohini Zone.

WHEREAS the Health Trade License has been issued to you for running the permitted trade within the parameters of certain terms & conditions of the license and also without contravention of any of the provisions of DMC Act. However, you have not only committed gross violation of the terms and conditions of Health Trade License but also contravened other relevant provisions of DMC Act.

Now, THEREFORE, I **Dy. Health Officer, Rohini Zone**, North DMC call upon you to show cause as to why license issued in favor of **Smt. Rani** to run the trade of **Water Cooling Plant** in the name and style **M/S Ganga Water Cooling Plant** situated at **Shop No. 13, CSC-7, Sec-16 Rohini, Delhi** should not be revoked and why closure action should not initiated against the above said unit as per the provisions of the DMC Act for violation of the terms and conditions of License.

REPLY to this Show Cause Notice must reach the undersigned within **24 hours** of receipt of this notice, otherwise it will be presumed that you have nothing to say in this regard and action as deemed fit will be initiated without any correspondence.


Dy. Health Officer
Rohini Zone

NO: PS to MHO/2019/181

Date: 05-09-19

SHOW CAUSE NOTICE

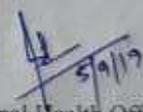
It has been brought to my notice that there was a court case OA No. 853/2018 in NGT regarding an illegal ground water boring in CSC-VII, DDA Mkt, Sec-16, Rohini. Your PHI Sh. Vijay Yadav of this particular ward submitted a reply in the Court on 02.07.2019 which was not satisfactory.

The Hon'ble Court has viewed the matter seriously and has passed an adverse order in this particular case for filing irresponsible report before the Tribunal. You have not taken action for preventing and remedying the illegality by coordinating with the concerned authorities. You have failed to appreciate the seriousness of the matter which is not correct.

Now, therefore I the undersigned call upon you to show cause as to why action may not be initiated against you. You are further directed to take immediate action in compliance to the instructions passed by the Hon'ble court.

Your explanation along with the action taken report should be submitted within seven days in the office of the undersigned.

Dr. H.K Gohil, DHO/RZ


Municipal Health Officer
North DMC

NORTH DELHI MUNICIPAL CORPORATION
(Office of Dy. Health Officer: Rohini Zone)
Public Health Department
Sector 5 Rohini Delhi -85

NO: DHO/RZ/2019/ 754

Date: 6-9-19

To,
Smt. Rani
M/s Ganga Water Cooling Plant,
Shop No. 13, CSC-VII, Sec-16 Rohini
Delhi-110085

Sub- Information regarding Cancellation/Revocation of trade license.

It is to inform you that the undersigned vide order dated 06.09.2019 has revoked the health trade license of M/s Ganga Water Cooling Plant at Shop No. 13, CSC-VII, Sec-16 Rohini, Delhi-110085 for violation of terms and conditions of health trade license. You are hereby asked to close down the trade willfully otherwise legal action under the provision of DMC Act 1957 will be initiated against you.

(Dist: 1100 266 2866)



EN3307155751H 17A:6048203715575
OF ROHINI SECTOR 5 SO (110085)
Counter No: 07/09/2019, 09:21
To: SMT RANI, SHOP NO 13 SEC 16
PIN: 110085, Rohini Sector 5 SO
From: DHO OFFICE, ROOM NO 217 SEC 5
Wt: 20gm
Net: 17.70 (Cash) Tax: 2.70

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Dy. Health Officer
Rohini Zone

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GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE DISTRICT MAGISTRATE (NORTH)
D.M. NORTH OFFICE COMPLEX, G.T. KARNAL ROAD, ALI PUR

NO. PA (Misc)/SDM/ALP/Borewell/2019/ 11111

SEALING MEMO

Whereas various complaints have been received through different channels regarding illegal water boring in Ali Pur Sub Division and it was found that the an illegal borewell being used/run at premises/property Plot No 13, Sector 13, Ali Pur

And whereas, the owner/occupier of the above mentioned property has not submitted any satisfactory documents/permission for the said water borewell, existing on the premises.

Therefore, the borewell at Plot No 13, Sector 13, Ali Pur is hereby sealed in accordance of the directions issued by the Hon'ble National Green Tribunal (under the Environment Protection Act, 1986).

Further the owner of the above said premises/property is hereby held responsible for the illegal extraction of ground water without any permission from the competent authority.

CHITRA SINGH
SUE DIV SIKHA, ALI PUR
ALI PUR

Signature
Signature
Signature

228/C

**NORTH DELHI MUNICIPAL CORPORATION
HEALTH DEPARTMENT: ROHINI ZONE
SECTOR-V: ROHINI: DELHI-110085**

NO: DHO/RZ/HLT/2019/ 877

DATE: 26-9-19

**SEALING ORDER UNDER SECTION
419,423 OF DMC ACT**

WHEREAS it has been brought to my notice that Smt. Rani has been running the trade of Water Cooling Plant in the name and style M/S Ganga Water Cooling Plant at Premises No. Shop No. 13, CSC-7, DDA Mkt. Sec-16 Rohini, Delhi violating the terms & Conditions of license.

AND WHEREAS a Closure notice has been served upon Smt. Rani **Vide No. DHO/RZ/2019/759 dated 11.09.19** which has not been complied with.

AND WHEREAS upon carefully considering the reports before me and having gone through the file and all relevant papers, I am satisfied that it would be essential to order sealing of the aforesaid premises for the purpose of carrying out the provision of North DMC Act and for preventing any impending public health hazard for violation U/s **419/423 of North DMC Act**

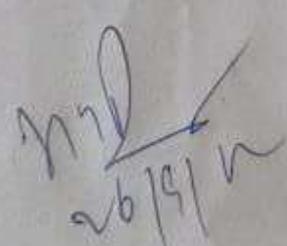
NOW, THEREFORE, I, **A. Gopi Krishan, DC/RZ** North Delhi Municipal Corporation, in exercise of the power vested in me U/s **419/423** of the Act and the rules made there under, do hereby, direct that the aforesaid premises be sealed forthwith.

I, do hereby authorize **Dr. Hemant Gohil, Dy. Health Officer, Rohini Zone** to execute the above order and shall exercise of the power delegated under the rules and to report immediate compliance to the undersigned.

The premises shall be sealed with the seal of North Delhi Municipal Corporation and no person shall remove the seal except under the orders of the Competent Authority.

Issued under my hand and seal on this 26th day of Sept 2019.


**Dy. Commissioner
Rohini Zone**



280/c

Dt. 11/09/19

NORTH DELHI MUNICIPAL CORPORATION
OFFICE OF DEPUTY HEALTH OFFICER
PUBLIC HEALTH DEPARTMENT: ROHINI ZONE:
SECTOR-V: ROHINI: DELHI-110085

NO: DHO/RZ/2019/759

Smt. Rani
M/s Ganga Water Cooling Plant,
Shop No. 13, CSC-VII, Sec-16
Rohini, Delhi-110085

CLOSURE NOTICE U/S 417/397 OF THE DMC ACT, 1957

Whereas it has been brought to my notice that you are running the trade of Water Cooling Plant under the name and style M/S Ganga Water Cooling Plant at Shop No. 13, CSC-VII, Sec-16, Rohini, Delhi having municipal health trade license.

Whereas a Show Cause Notice has been issued to you vide letter No. DHO/RZ/2019/748 dated 04.09.2019 for violating the terms & condition of Health trade license i.e running an illegal borewell.

Whereas, the Health trade license of the said cooling plant has been revoked vide order No. DHO/RZ/2019/754 dated 06.09.19 with the direction to close the trade immediately. But you failed to submit any compliance to the said revocation letter till date.

Now, therefore, I **DY. Health Officer, Rohini Zone, North DMC** do hereby direct that the said trade at **Shop No. 13, CSC-VII, Sec-16, Rohini, Delhi** be closed within **48 hours** and vacate the premises after receipt of this notice which is being issued U/S 417/397 of North DMC Act, failing which the premises will be got sealed by Health Deptt. Rohini Zone without giving any further notice.

Track at www.intelnet.gov.in
(Dial 1800 266 6868)

भारतीय डाक
India Post

EDGB391944614 IQR:6968383919446
SP ROHINI SECTOR 5 SO (110085)
Counter No: B, 12/09/2019, 09:47
To: SMT RANI, SHOP NO 13
PIN: 110085, Rohini Sector 5 SO
From: DHO OFFICE, SEC 5
Wt: 28gms
Amt: 17.70 (Cash) / Tax: 2.70

To: _____
Del: _____
By: _____
Date: _____


Dy. Health Officer
Rohini Zone