

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

Original Application No. 529/2019

In the matter of:

Mohd. Inshtikhar

...Applicant

Versus

Govt. of NCT of Delhi.

...Respondents

NDOH:-22.11.2019

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Copy of the joint inspection report dated 06.09.2019 alongwith Photographs.
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Copy of the letter dated 07.10.2019 issued to Commissioner, South DMC.
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Filed by:

(Dr. Chandra Prakash)
Sr. Environmental Engineer

New Delhi:

Dated: __.11.2019.

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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In the matter of:

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**ACTION TAKEN REPORT ON BEHALF OF DELHI
POLLUTION CONTROL COMMITTEE WITH RESPECT TO
ORDER DATED 05.08.2019.**

1. That this Hon'ble Tribunal took up the above referred matter on 05.08.2019 and pleased to issue following directions:

"Grievance in this letter, which has been treated as an application is that air pollution is being caused by use of diesel operated engines for extraction of sugarcane juice for Delhi.

....."

2. That, in order to comply with the orders of Hon'ble NGT, DPCC issued a letter dated 23.08.2019 to SDM (Dwarka) for a joint inspection on 06.09.2019. Copy of the letter dated 23.08.2019 is enclosed herewith as **Annexure-1**.
3. That, a joint inspection was carried out by Delhi Pollution Control Committee alongwith representative of concerned SDM (Dwarka) on 06.09.2019. But, during inspection, no sugarcane juice seller was observed in the area. However one shop in the name of Saba Juice was observed, belongs to Sh. Mohd. Iftikhar who was also present at the time of inspection (Mob. No. 9990122168). The shop is located on footpath (Opposite Health Scheme Wellness Centre). Copy of the

inspection report dated 27.08.2019 alongwith Photographs are enclosed herewith as Annexure-2. (2)

4. That, DPCC has issued a letter dated 07.11.2019 to The Commissioner, SDMC to take necessary action against sugarcane juice sellers in their area. Copy of the letter dated 07.11.2019 is enclosed herewith as Annexure-3.
5. That, DPCC has issued direction u/s 31 (A) of the (prevention & Control of Pollution) Act, 1981 dated 13.11.2019 to all the Deputy Commissioners of East DMC, North DMC and South DMC to take necessary action for effective closure of all the sugarcane juice sellers in their respective jurisdiction area and submit the Action Taken Report in the matter. One exemplary copy of the direction dated 13.11.2019 is enclosed herewith as Annexure-4.

The action taken report may kindly be taken on record. The DPCC further undertakes to abide by the decision of This Hon`ble Tribunal in this regard.


(Dr. Chandra Prakash)
Sr. Environmental Engineer

Annexure-1
By Speed Post (3)



F.No.DPCC/CMC-II/NGT/2019/ 699-20

Dated: 23/8/19

To,

SDM (Dwarka)
Sector-10, Dwarka,
New Delhi-110075

Sub:- Orders passed by Hon'ble NGT dated 05.08.2019 in OA No. 529/2019 "Mohd. Ishtikhar" Versus "Govt. of NCT of Delhi".

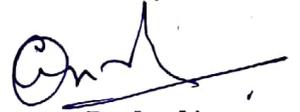
Sir,

This has reference to orders of Hon'ble NGT dated 05.08.2019 in OA No. 529/2019 "Mohd. Ishtikhar" Versus "Govt. of NCT of Delhi" (copy enclosed) regarding air pollution is being caused by use of diesel operated engines for extraction of sugarcane juice for Delhi.

As directed by Hon'ble NGT, a joint inspection is proposed on 06.09.2019 at 11.00 AM by the representatives of DPCC and SDM (Dwarka).

You are therefore, requested to participate in the joint inspection as mentioned above. For further detail, you may contact Sh. K. Kumar, Asstt. Env. Engineer (9717593539).

Yours faithfully.



(Dr. Chandra Prakash)
Incharge, (CMC-II)

Encl: As above

Copy for information to :-

1. The District Magistrate (South-West), Old Terminal Tax Building, Kapashera, New Delhi-110037

d/c

Inspection Report of The Sadh Nagar, Balam ^{Annexure-2} (4)
w.r.t. Sugar Cane juice, pollution caused by Engine (diesel)
OA No. 528/2019

Inspection of the above said area by
was carried out by a team of DECC and
SDM Dwaraka officials, in front of Central Govt.
Health Scheme Wellness Centre No. 66, Balam Colony
Sadh Nagar-II, New Delhi-45.

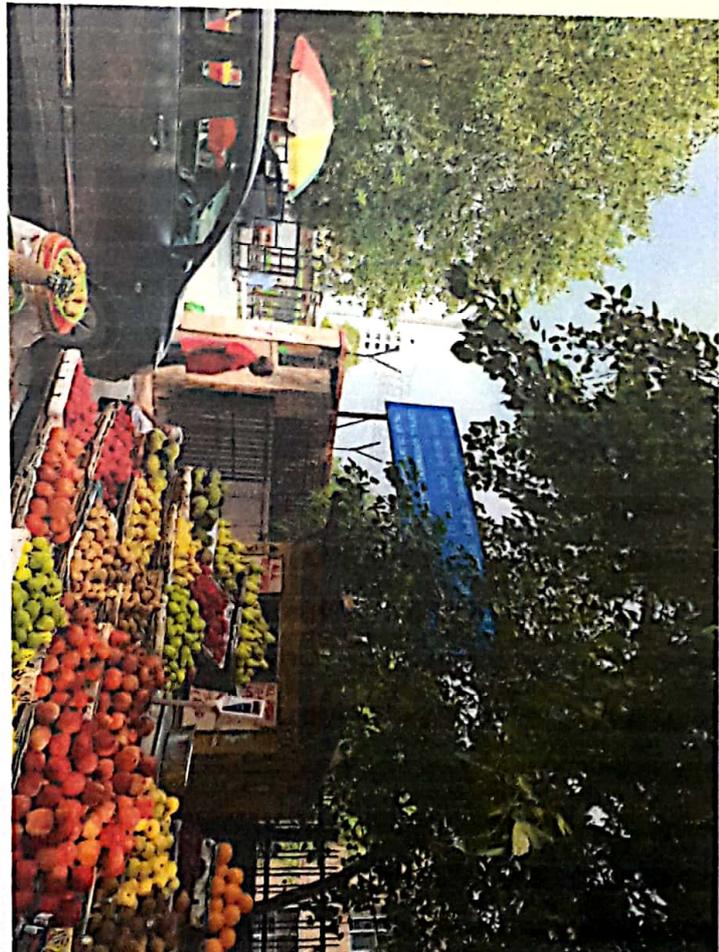
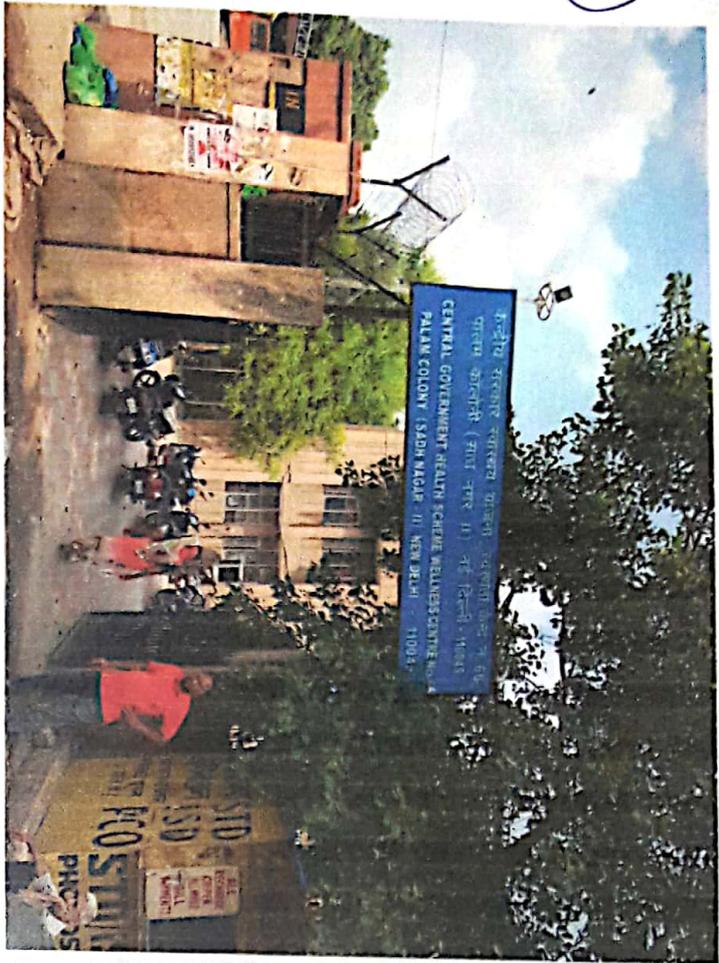
It was observed during inspection that no
sugar cane juice seller was observed
in the area / said premises.

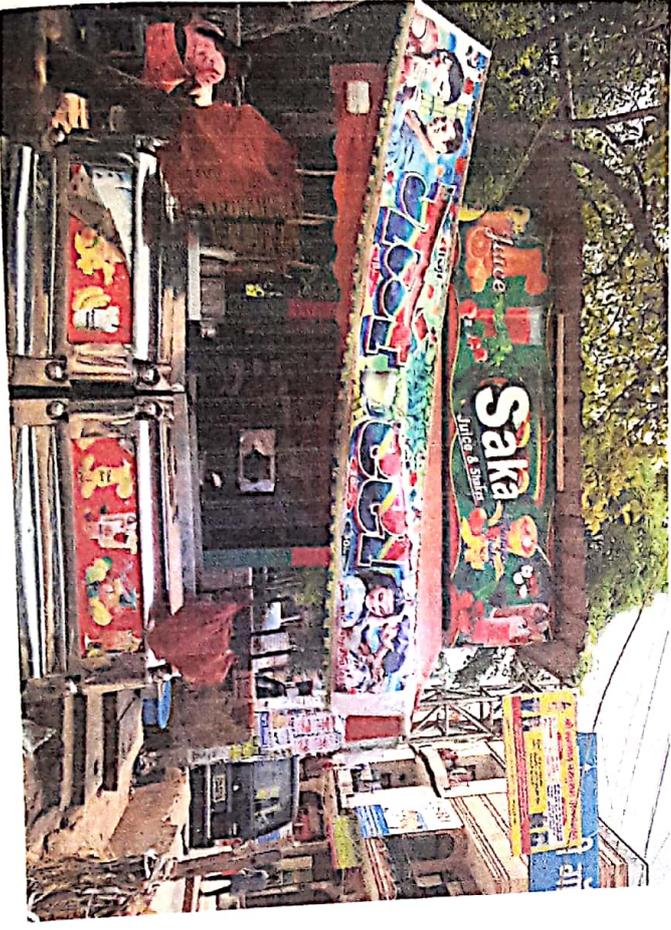
However one shop in the name of Saba juice
and Sakes, opposite the Centre was observed and
owner Sh. Moh. Sabbar was also present at the
time of inspection (☎ 9990122168). The shop is
located on footpath. (Opp. Health Scheme Wellness Centre)
(Photo Enclosed)


06-08-19
(Manoj Kumar) Pst.
9213961042


6/9/19
(K. KUMAR)
DECC

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Annexure-3

By Speed Post

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	<p style="text-align: center;">DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-06 visit us at : http://dpcc.delhigovt.nic.in</p>
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F.No.DPCC/CMC-II/NGT/2019/ 9546

Dated: 7-11-19

To,

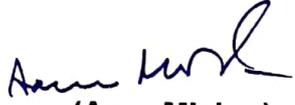
**The Commissioner,
South Delhi Municipal Corporation,
14th Floor, Dr. S.P.M. Civic Centre,
Minto Road, Delhi – 110002**

Sub:- Orders passed by Hon'ble NGT dated 05.08.2019 in OA No. 529/2019 "Mohd. Ishtikhar" Vs " Govt. of NCT of Delhi".

Sir,

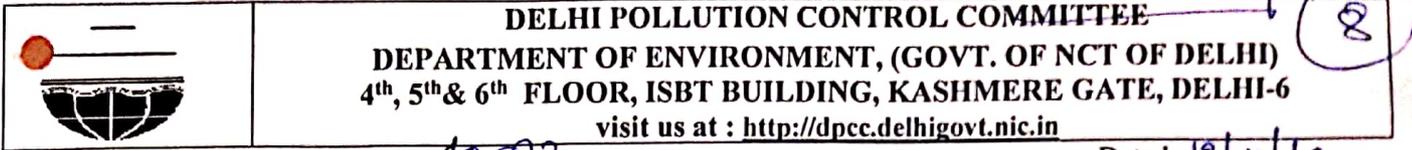
This has reference to orders of Hon'ble NGT dated 05.08.2019 in OA No. 529/2019 "Mohd. Ishtikhar" Vs Govt. of NCT of Delhi" (**copy enclosed**) regarding air pollution being caused by use of diesel operated engines for extraction of sugarcane juice for Delhi. Vide said order, the Hon'ble NGT directed "Let the Delhi Pollution Control Committee (DPCC) in coordination with concerned SDM look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within three month". Subsequently, an inspection was conducted by DPCC alongwith representative of concerned SDM on 06.09.2019. But, during inspection, no sugarcane juice seller was observed in the area.

In view of above, you are requested to direct all concerned officers to take action against sugarcane juice sellers in their area and submit Action Taken Report to this office so that Hon'ble NGT could be informed. Next DOH is **22.11.2019**.


(Arun Mishra)
Member Secretary

Encl: As above

o/c



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

F. No. DPCC/CMC-II/NGT/2019/19573

Dated: 13/11/19

To,

Dy. Commissioner (Shahdara North Zone),
East Delhi Municipal Corporation,
Keshav Chowk, G.T. Road,
Near Shyamlal College,
Shahdara, Delhi 110053

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. 529/2019, "Mohd. Ishtikhar Vs. GNCTD"

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.

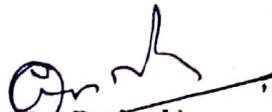
And whereas, the Hon'ble NGT vide its order dated 05.08.2019, in the above matter directed as below:

"..... Let the Delhi Pollution Control Committee (DPCC) in coordination with concerned SDM look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within three months by e-mail at judicial-ngt@gov.in."

In compliance of the Hon'ble NGT order dated 05.08.2019, an inspection was conducted by DPCC alongwith representative of concerned SDM on 06.09.2019. But, during inspection, no sugarcane juice seller was observed in the area/said premises.

Now therefore, in view of the observations made by the inspection team and in exercise of powers conferred u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date, you are hereby directed to take necessary action for effective closure of all the sugarcane juice sellers in your jurisdiction area and submit the action taken report to this office within 07 days from issuance of the said direction, so that the Hon'ble NGT could be informed accordingly during the next date of hearing i.e. 22.11.2019.

This issues with the approval of Competent Authority.


(Dr. Chandra-Prakash)
Incharge (CMC-II)