

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 691/2019

In the matter of:

Ajay Sharma

.....Applicant(s)

Versus

Govt. of NCT of Delhi

.....Respondent(s)

NDOH :-13.12.2019

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Filed by

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

New Delhi:

Dated: 04.12.2019.

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

Original Application No. 691/2019

In the matter of :

Ajay SharmaPetitioner

Vs

Govt. of NCT of DelhiRespondent

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

1. That this Hon'ble Tribunal vide its order dated 16.09.2019 was pleased to pass the following directions:

"Grievance in this letter, which has been treated as an application, is against melting of hazardous material at Qutab Nagar, Sadar Bazaar, Delhi by Naresh Kumar & Rakesh Kumar in violation of law causing pollution and having potential for damage to the public health.

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."

2. That in pursuance and compliance of the order passed by this Hon'ble Tribunal dated 16.09.2019, an inspection of alleged site at Ground Floor, 1533, Gali Lallu Missar, Qutab Road, Sadar Bazar, Delhi - 110006 was conducted by the officials on 08.11.2019. During the inspection it was observed that the said unit found engaged in the activity of melting of scrap metal using LPG burner and was operating in non-confirming/residential area in approx. 25 Sq. Feet without having valid Consent to Operate from DPCC.



3. That consequent to the deficiencies observed during the inspection, Directions for closure was issued to the alleged unit on 03.12.2019. Further, Environmental Damages Compensation of Rs.2,00,000/- has also been imposed on the alleged unit. Copy of said directions dated 03.12.2019 is annexed as **Annexure-A.**
4. That the above status report/ Action Taken Report may please be taken on record.


(SATENDER KUMAR)
SR. ENV. ENGINEER



DELHI POLLUTION CONTROL COMMITTEE

First Floor, E-Wing, Vikas Bhawan-II, Upper Bela Road, Civil Lines, Delhi-110054

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F. No. DPCC/CMC-V/NGT(OA No. 691/2019)/2019/12272-278

Dated: 03/12/2019

Subject: Directions for Closure u/s 31 (A) of Air (Prevention & Control of Pollution) Act, 1981 as amended to date.

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 (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, it is mandatory provision under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall establish or operate any industrial plant in air pollution control area.

And whereas, it is a mandatory provision under u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, that no person without the previous consent of the DPCC shall establish or take any steps to establish any industry, operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land or operate any industrial plant in air pollution control area.

And whereas, you **M/s M/s Naresh Kumar/ Rakesh Kumar/ Owner/ Occupier of the Premises, Ground Floor, 1533, Gali Lallu Missar, Qutab Road, Sadar Bazaar, Delhi-110006** (hereinafter referred as the addressee) is engaged in the activity of melting of scrap metal items.

And whereas, Hon'ble NGT vide its order dated 16.09.2019 in the matter of Ajay Sharma Vs. Govt. of NCT of Delhi directed DPCC to take appropriate action in the matter.

And whereas, inspection of your unit was conducted by the officials of DPCC on 08.11.2019 and found that Addressee unit is engaged in the activity of melting of scrap metal items, using a LPG Burner in a small pan, operating without Consent/ License.

Your unit is operating in non-conforming/ residential area without having a valid Consent to Operate from DPCC and in violations of the provisions of the Water Act and the Air Act and also no permission from MCD obtained.

And whereas, Hon'ble Supreme Court in the matter regarding "Shifting of Industries from non-conforming/ residential areas" has passed the order dated 07.05.2004 and directed that all industrial units operating in non-conforming/ residential areas of the Delhi in violation of Master Plan of Delhi have to be closed down/ shifted.

And whereas, you (the addressee unit)/ occupier is required to pay Environmental Damages Compensation on Polluters Pay Principal as per directions of Hon'ble Supreme Court.

And whereas, no industry in the residential /non-conforming area for the industrial activities is allowed to operate, if there is no permission of High Power Committee constituted by Hon'ble Supreme Court vide order dated 19.04.1996 and you are operating your unit in violation of order of Hon'ble Supreme Court.

Now therefore, the Competent Authority in Delhi Pollution Control Committee, in exercise of powers conferred upon it u/s 31 (A) of Air (Prevention & Control of Pollution) Act, 1981 as amended to date, hereby issue the following directions:

1. That you (the addressee unit) shall close your unit with immediate effect.
2. That landlord/ premises owner shall not allow to establish/ operate any industrial activity at the above said premises without obtaining statutory clearances as applicable.
3. That you (the addressee unit)/ Occupier shall deposit the Environmental Compensation of **Rs. 2,00,000/- (Rs. Two Lacs Only/-)** through Demand Draft in favour of "Delhi Pollution Control Committee" payable at Delhi within 15 days of issuance of these directions.
4. That the concerned Sub Divisional Magistrate shall take necessary action for the effective closure of the addressee unit with immediate effect.
5. That the concerned authority in BSES shall disconnect the electricity/ power supply connection of the addressee unit with immediate effect.

- 6. That the concerned authority in DJB shall disconnect the water supply connection of the addressee unit with immediate effect.
- 7. That the concerned authority in MCD shall take necessary action for the effective closure of the addressee unit with immediate effect and also cancel the permission/ license for the operation of the addressee unit (if any) with immediate effect.

You shall be liable for penal action under the provision of said Acts in case of violation of above said directions.

This is being issued as per the approval of the Competent Authority, Delhi Pollution Control Committee.


 (Satender Kumar)
 SEE, CMC-V

To,

**M/s Naresh Kumar/ Rakesh Kumar/
 Owner/ Occupier of the Premises,
 Ground Floor, 1533,
 Gali Lallu Missar, Qutab Road,
 Sadar Bazaar, Delhi-110006**

Copy for necessary compliance to:

- 1. The District Magistrate (Central). 14, Darya Ganj, New Delhi-110002 for information please.
- 2. The Sub Divisional Magistrate (Kotwali), 14, Daryaganj, New Delhi-110002 to ensure the effective closure of the Addressee unit with immediate effect and shall recover the EDC of Rs. 2,00,000/- (Two Lacs) as land revenue arrears if the unit fails to deposit within stipulated time and send the compliance report to this office within 15 days.
- 3. The Member (Water), Delhi Jal Board, Varunalaya Phase-II, Jhandewalan, New Delhi-110055- to disconnect water supply connection to the Addressee unit with immediate effect & send the compliance report within 15 days of issuance of these directions.
- 4. The General Manager (Commercial), BSES Yamuna Power Limited, 54-A, Sadar Bazar, C MIG, Motia Khan, Paharganj, Delhi-110055- to disconnect the electricity/power supply of the Addressee unit with immediate effect && send the compliance report within 15 days of issuance of these directions.
- 5. The Deputy Commissioner (FL) (North), Factory Licensing Department, Municipal Corporation of Delhi, 14th Floor, Civic Centre, Minto Road, Delhi- 110002 - with request to cancel the permission/ license for the operation of the said unit (if any) with immediate effect & send the compliance report within 15 days of issuance of these directions
- 6. Master File, CMC-V, DPCC.

o/c


 EE, CMC-V