

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 781/2019

Vishal Jain

.....Applicant(s)

Versus

Govt. of NCT of Delhi

.....Respondent(s)

NDOH:-19.11.2019

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(Satender Kumar)

Sr. Environmental Engineer

New Delhi:

Dated: 15.11.2019.

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

Original Application No. 781/2019

In the matter of :

Ramlal Verma

.....Petitioner

Vs

Govt. of NCT of Delhi

.....Respondent

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

1. That This Hon'ble Tribunal vide its order dated 16.10.2019 was pleased to pass the following directions:

"Allegation in this case, illegal operation of Plastic factory at Street No. 12, Chetan Basti, Anand Parvat, New Delhi by Parasnath Gupta.

"Let the Delhi Pollution Control Committee (DPCC) look into the mater, take appropriate action in accordance with law and furnish a factual and action taken report in the matter with one month by email at ngt.filing@gmail.com."

"List for further consideration on 19.11.2019."

2. That it is most respectfully submitted that above mentioned order was received in DPCC only on 31.10.2019.

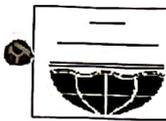
3. That in pursuance and compliance of the order passed by this Hon'ble Tribunal dated 16.10.2019, an inspection of alleged site i.e. M/s Parasnath Gupta (P.P. Industries), J-102, Ground Floor, Gali No. 12, Chetan Basti, Anand Parbat, Delhi – 110005 was conducted by the officials on 31.10.2019. During the inspection



it was observed that the unit namely M/s Parasnath Gupta (P.P. Industries) engaged in the activity of manufacturing of Plastic Products (by Hand moulding machine) and found operating in non-confirming/ residential area in approx. 12 Sq. Yards without having valid Consent to Operate from DPCC. Copy of Inspection Report dated 31.10.2019 is annexed as **Annexure-A**.

4. That consequent to the deficiencies observed during the inspection, Directions for closure was issued to the alleged unit on 13.11.2019. Further, Environmental Damages Compensation of Rs.1,00,000/- has also been imposed on the alleged unit. Copy of said directions dated 13.11.2019 is annexed as **Annexure-B**.
5. In view of the above, the present petition may please be disposed off.


(SATENDER KUMAR)
SR. ENV. ENGINEER



Inspection Report

Unique Computer Generated Id.....

1. Name & Address of the Unit : M/s Parasnath Gupta (PP Industries)
J-102, Ground Floor, Gali No. 12,
Chetan Basti, Anand Parbat, Delhi-05
2. Owner/ Partner's Name & Contact Details(Phone & E-mail) : Mr. Parasnath Gupta (9582347063)
3. Date of Inspection : 31.10.2019
4. Time of inspection
 Start of Inspection : 4:15 PM
 End of Inspection : 4:30 PM
5. Name & Designation of the Persons contacted at the industry : Mr. Parasnath Gupta (9582347063)
6. Kind of Industry : Mfg. of Plastic Product [By Hand Moulding Machine]
7. Product & Capacity : 12 Brushes / Day
8. Main Raw Materials : Plastic Granules (Fresh)
9. Water Polluting : Yes/No No ETP Installed : Yes/No No } N.A.
10. Air Pollution : Yes/No No ECS Installed : Yes/No No }
11. Details of Stack Height (Furnace/Boilers/Others) : (Above G.L.) — (Above R.L.) —
12. Type of Fuel Used : Electricity
13. A. Source of Water Supply : DJB/NDMC/DSIIDC/Borewell/Tankers/Others
 B. Effluent Discharge : (a) Domestic/ Trade Effluent
 (b) Unit connected to Conveyance System: Yes/No
 (c) Discharging into Sewer
14. Status of Consent {If Any} : Not Applied
15. D.G. Set(s) {if Any} : No. — Capacity — KVA. Acoustic: Yes/No
 Stack Height — (Above G.L.) — (Above RL)
16. Plot Area : Approx. 10-12 sq. yards
17. Labour : 2
18. Machinery : 1. Hand Moulding M/c - 01 Nos.

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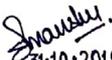
- 19. Detail of Power Connection : CA No.: 152288692.....
- 20. Whether Unit found in Operation : Yes/No (Commencement since 1 Year)
- 21. Status of Registration under Plastic Waste Management Rules, 2016 : N.A.....
- 22. Whether Generating Hazardous Waste : Yes/No
- 23. Details about Hazardous Waste :
 - (a) Status of Authorization {if any} :
 - (b) Display Board Provided : Yes/No
 - (c) Whether Hazardous Waste 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 Hazardous Waste 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 Hazardous Waste maintained in Form-3 : Yes/No
 - (i) Category of Hazardous Waste as per the Schedules I, II and III of these rules :
 - (j) Authorized mode of disposal or recycling or utilization or co-processing etc. :
 - (k) Quantity (Ton/Annum) :

N.A.

Remarks (if Any)

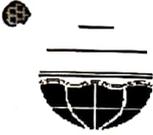
1. Unit found operational, engaged in the activity of mfg. of plastic products using hand moulding machine.
2. Electricity is used as source of fuel.
3. As informed, unit is commissioning since last one year. However, no documents shown in this regard.
4. It was also informed by the proprietor that there is a dispute with the complainant since last 8-10 years.

Refused to sign


 31.10.2019
 Himanshu Sharma
 (TE, DPCE, CPC-V)


 31.10.2019
 Sachin Kumar
 (TE, CPC-V)

Signatures, Name & Designation of inspecting officials.



DELHI POLLUTION CONTROL COMMITTEE

First Floor, E-Wing, Vikas Bhawan-II, Upper Bela Road, Civil Lines, Delhi-110054
Visit us at : <http://dpcc.delhigovt.nic.in>

By Speed Post

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F. No. DPCC/CMC-V/(NGT OA No. 781/2019)/2019/10069-75

Dated: 13/11/2019

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 Parasnath Gupta (P.P. Industries), J-102, Ground Floor, Gali No. 12, Chetan Basti, Anand Parbat, Delhi-110005** (hereinafter referred as the addressee) is engaged in the activity of Mfg. of Plastic Products (by Hand Moulding Machine).

And whereas, Hon'ble NGT vide its order dated 16.10.2019 in the matter of Ramlal Verma Vs. Govt. of NCT of Delhi directed DPCC to take appropriate action in the matter.

And whereas, an inspection of your unit was conducted by the officials of DPCC on 31.10.2019 and found that premises is used for the activity of Mfg. of Plastic Products (by Hand Moulding Machine). 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-confirming/residential areas" has passed the order dated 07.05.2004 and directed that all industrial units operating in non-confirming/ residential areas of the Delhi in violation of Master Plan of Delhi have to be closed down/ shifted.

And whereas, in pursuance of the said order dated 07.05.2004, meetings were 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 said 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.

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 you (the addressee unit) shall deposit the Environmental Compensation of **Rs. 1,00,000/- (Rs. One Lacs Only)** through Demand Draft in favour of "Delhi Pollution Control Committee" payable at Delhi within 15 days of issuance of these directions.
3. That the Sub Divisional Magistrate (Darya Ganj) shall take necessary action for the effective closure of the addressee unit with immediate effect.
4. That the concerned authority in TPDDL shall disconnect the electricity/power supply connection of the addressee unit or used by the unit of the addressee unit with immediate effect.
5. That the concerned authority in DJB shall disconnect the water supply connection of the addressee unit with immediate effect.
6. 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.

Contd...2...

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)
Incharge, CMC-V

To,
M/s Parasnath Gupta (P.P. Industries),
J-102, Ground Floor,
Gali No. 12, Chetan Basti,
Anand Parbat, Delhi-110005

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 with request to ensure effective closure of the addressee unit with immediate effect & also take necessary action for recovery of Rs. 1,00,000/- (as arrear of Land revenue) & remitted the same to DPCC, if not submitted by the addressee unit within stipulated time period.
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), Tata Power Delhi distribution Limited, Grid Sub Station Building, Hudson Lane, Kingsway Camp, Delhi-110009- 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 the directions to cancel the permission/ license for the operation of the Addressee unit (if any) with immediate effect & send the compliance report within 15 days of issuance of these directions.
6. Master File, CMC-V, DPCC.

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