

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

IN

O.A.No. 601 of 2018

IN THE MATTER OF

Mayank Manohar & Paras Singh,
Reporter Times of India

... Applicant(s)

Vs.

Govt. of NCT of Delhi & Ors.

... Respondent(s)

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JYOTI MENDIRATTA

Standing Counsel for GNCT of Delhi

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... Applicant(s)

Vs.

Govt. of NCT of Delhi & Ors.

... Respondent(s)

Status Report on behalf of the Govt of NCT of Delhi in terms of order dated 05.08.2019 passed by this Hon'ble Tribunal

1. That the present report is being filed pursuant to order passed on 05th August, 2019 whereby this Hon'ble Tribunal, *inter-alia* directed a status report to be furnished stating the further steps taken in accordance with law and also indicating status of assessment and recovery of compensation on 'polluter pays' principle for the industries which caused the pollution.
2. That pursuant to the above order dated 05/08/2019, Govt. of NCT of Delhi had held a meeting with the officers of the Municipal Corporations on 06th September, 2019 and on 13/11/2019 thereby issuing directions to comply with the order of this Hon'ble Tribunal and to submit action taken report. A meeting on the similar matter of M.C. Mehta Vs. UOI & Ors in WP(C) 4677/1985 before the Hon'ble Supreme court relating to Relocation of industries in Delhi was also held on 25/10/2019. Copies of minutes of the said meetings dated 06.09.2019, 13.11.2019 and 25/10/2019 are attached collectively as **Annexure-I**.
3. That as per information furnished by the three Municipal corporations, the progress of survey and closure of illegal industries operating in residential / non-conforming areas has been compiled and the same is annexed hereto and marked as **Annexure -II**.



4. That for the purpose of calculating the quantum of compensation to be levied on polluting units, details regarding start of operation, manufacturing activity, date of closure/sealing is being compiled by coordinating with the Local Bodies and Delhi Pollution Control Committee. After that the said data would be scrutinized and action would be taken to recover compensation from the errant industries. An action taken report shall be submitted before the Hon'ble Tribunal for which it is respectfully prayed that this Hon'ble Tribunal may be pleased to grant time.



14.11.2019

Dy. Commissioner of Industries,
Govt. of NCT of Delhi,
Udyog Sadan, Patparganj, Delhi.

New Delhi

Dated: 14.11.2019

(T. P. SINGH)
Dy. Commissioner of industries
Industries Department
Govt. of NCT of Delhi

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ANNEXURE - I

SUPREME COURT MATTER / MOST URGENT

OFFICE OF THE COMMISSIONER OF INDUSTRIES
INDUSTRIES DEPARTMENT, GNCT OF DELHI
PLOT NO.419, UDYOG SADAN, PATPARGANJ, DELHI-110092

No.F.24/CI/DCI/CC/2018/ 2351-2352

Dated: 13/09/2019

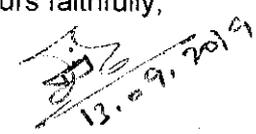
MINUTES OF MEETING

Sub: Minutes of the meeting held on 06th September 2019 at 12.30 Noon under the Chairmanship of Secretary cum Commissioner of Industries regarding progress/action taken in compliance of order dated 05/08/2019 of Hon'ble NGT (in OA No. 601/2018) and Hon'ble Supreme Court (in WP (C) 4677/1985)

Kindly find enclosed herewith a copy of minutes of the meeting held on 06th September 2019 at 12.30 Noon under the Chairmanship of Secretary cum Commissioner of Industries regarding progress/action taken in compliance of order dated 05/08/2019 of Hon'ble NGT (in OA No. 601/2018) and Hon'ble Supreme Court (in WP (C) 4677/1985) for necessary action at your end and to send status report to this office by 18/09/2019.

Encl. As above.

Yours faithfully,


(T.P. SINGH)

Dy. Commissioner of Industries (CC)

1. Commissioner, East Delhi Municipal Corporation, 419, FIE, Patparganj Industrial Area, Delhi-110092.
2. Commissioner, North Delhi Municipal Corporation, 4th Floor, Dr. Shyama Prasad Mukherjee, Civic Centre, Minto Road, New Delhi.
3. Commissioner, South Delhi Municipal Corporation, 9th Floor, Dr. Shyama Prasad Mukherjee, Civic Centre, Minto Road, New Delhi.
4. The Member Secretary, DPCC, 4th & 5th Floor, ISBT Building, Kashmere Gate, Delhi-110006, Mail id, :msdpcc@nic.in.

Copy to:-

1. PS to Secretary cum Commissioner Industries.

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MINUTES OF THE MEETING HELD ON 06TH September, 2019 at 12:30 P.M. REGARDING PROGRESS/ACTION TAKEN IN COMPLIANCE OF ORDER DATED 05/08/2019 OF HON'BLE NGT (IN OA NO.601/2018) AND HON'BLE SUPREME COURT (IN WP(C) 4677/1985)

A meeting was held on 06th September, 2019 under the Chairmanship of Secretary cum-Commissioner of Industries to discuss the agenda points relating to the order dated 05/08/2019 passed by Hon'ble Supreme Court in the matter of "M.C. Mehta V/s Union of India & Ors." and Hon'ble NGT in the matter of "Mayank Manohar & Paras Singh, Reporter Times of India Vs. Govt. of NCT of Delhi & Ors".

A list of officers of Municipal Corporations and others who attended the meeting is enclosed as "Annexure-1".

At the outset, the agenda of the meeting was read out and response /report thereto from each Municipal Corporation was sought.

In this regard, Addl. Commissioner SDMC informed that action against 92 units which were reported earlier as re-started illegally in Step-2 has been completed and information will be sent within a day. The SDMC also submitted a hard copy of the list of 788 units operating from industrial clusters notified for re-development under Chapter 9.6.2.1 of MPD-2021. Regarding the use of the premises after closing down the non-permissible industries, he informed that action taken report on these points will be sent by 13th September, 2019. Regarding progress of survey and closure action, in respect of Step-3, it was informed that survey work shall be completed/over by 20th September, 2019 and thereafter action of closure will be done by the end of September, 2019.

The officers from East Delhi & North Delhi Municipal Corporations also informed that the details of units operating from notified cluster alongwith report on other points of use of premises after closure of industries in Step-2 will be provided by 13th September, 2019. They also informed that survey work in respect of Step-3 is still going on and the same will be completed by 20th September, 2019.



Further, Secretary-cum-Commissioner Industries, mentioned about the direction dated 05/08/2019 issued by Hon'ble NGT in O.A. No. 601/2018 of "Mayank Manohar & Paras Singh, Reporter Times of India Vs. Govt. of NCT of Delhi & Ors". It was therefore, emphasized upon Municipal Corporation to forward the details of those units to DPCC which have already been closed down in Step-1 & Step-2 during the closure drive carried by them by issuing 48 hr notice to non-permissible industries in order to enable DPCC to assess and recover compensation on "Polluters Pays" principle.

After having discussed the agenda, it was re-iterated to expedite action and to furnish the report on the following within the prescribed time period:-

- i. To furnish details of units operating from industrial clusters notified for re-development alongwith the information/report on other points relating to use of premises after closure of non-permissible units in Step-1 and Step-2. This report/information should be submitted by 13th September, 2019.
- ii. To provide the list of industries to DPCC which were reported by Municipal Corporations as closed/shifted during closure drive upon 48 hrs notice in Step-1 & Step-2 so as to enable DPCC to assess & recover compensation as "Polluters Pays" principle in pursuant to the directions dated 05/08/2019 passed by Hon'ble NGT in OA No. 601/2018 of "Mayank Manohar & Paras Singh, Reporter Times of India Vs. Govt. of NCT of Delhi & Ors".
- iii. To expedite the survey work to identify illegal industrial units still operating in residential & non-conforming areas of Delhi and complete it by 20th September, 2019 followed by final action of closing down such units as surveyed/identified in Step-3 by 30th September, 2019. The action of closure/scaling of such units should be done jointly with DISCOMS & DJB for disconnection of their water and electricity supply in compliance of Hon'ble Supreme court order dated 07/05/2004 passed in WP(C) 4677 of 1985. The progress report alongwith list in respect of action taken in Step-3 should be sent to this office for compilation and for filing the status before the Hon'ble Court.

The meeting ended with a vote of thanks to the chair.



Attendance Sheet

Dated: 06.09.2019

Time:12:30 PM

Sub.-:List of officers who attended the meeting held on 06.09.2019 at 12:30 PM regarding status report of survey/closure of units in Step-3, and Details of Units operating within permissible usage as reported during drive of Step-1 & Step-2.

S.No.	Name of officer & designation	Department	Phone No. & e-mail	Signature
1.	Vikas Anand, CE	Industries	22-15701-2	-
2.	Rakesh Kumar	AC/FL North MED	9650798704	RK
3.	Izhar Ahmed	SO/FL	901549450	(Signature)
4.	Jameem Venu Addl. In-charge	SDMC	8929028742	(Signature)
5.	Praveen Kumar Sachan Addl. DC	SDMC	9899205209	Sachan
6.	SANJAY KUMAR	SO/FL/DC	9999198769	(Signature)
7.	Vedutha Reddy	DC North MED	9999301391	Vedutha
8.	E. RAJA BABU	SP. In-charge	-	(Signature)
9.	K.D. Verma	ADC/FL EDMC	981070250	(Signature)
10.	Amar Dajpat	AC/FL EDMC	-	(Signature)

06/09/19

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Subject: Fwd: Minutes 25-10-2019 to review the status of closure of illegal units in pursuance of orders passed by honble Supreme Court in the matter of M.C.Mehta Vs. UOI & Ors. WP(C) no.4677/1985.

To:

commissioner EDMC <commissioner-edmc@mcd.gov.in>, commissioner SDMC <commissioner-sdmc@mcd.gov.in>, Commisioner North Delhi MCD <commissioner-ndmc@mcd.gov.in>

Cc:

MD DSIIDC <mddsiidc@gmail.com>, ed dsiidc <eddsiidc@gmail.com>, T P singh <tp.singh49@gmail.com>

Date:

25/10/19 06:13 PM.

From:

"Office of the Commissioner of Industries" <comind@sansad.nic.in>
Minutes_1.PDF (208kB)

Sir,

I am directed to forward herwith Minutes of the Metting held on 25.10.2019 at 4:00pm under the chairmanship of Secretary cum commissioner of Industries with the officers of Factory Licensing departments of the three Municipal Corporations of delhi to review the status of closure of illegal units in pursuance of orders passed by honble Supreme Court in the matter of M.C.Mehta Vs. UOI & Ors. WP(C) no.4677/1985.

kindly ensure compliance and submit action taken report to this office so that the same could be submitted before the Hon'ble Court.

with regards

T.P.Singh
Dy.C.I.(CC)

Minutes of the Meeting held on 25.10.2019 at 4.00 PM under the Chairmanship of Secy-Cum-Commissioner of Industries with the officers of Municipal Corporation in the Matter of M.C.Mehta Vs UOI writ petition (C) 4677/1985 before the Hon'ble Supreme Court.

Secy-Cum-Commissioner of Industries had held a Meeting on 25.10.2019 at 4.00 PM with the officers of the Municipal Corporation to review the status of Closure of Non-Permissible units in Residential and Non-Conforming areas of Delhi in the Matter of M.C. Mehta Vs UOI writ petition (C) 4677/1985 before the Hon'ble Supreme Court. The list of officers who attended the meeting is attached as **Annexure-1**.

In the beginning, status of 49 units of Step-2 given by the SDMC was reviewed. It was noticed that there is some anomaly in the report submitted earlier and as given today. It was reported by the SDMC that 14 units sealed and 35 premises are lying vacant which were found running illegal units in the report of July 2019. The Commissioner of Industries directed the SDMC that the directions/orders of Supreme Court should be complied with by ensuring closure/sealing of such illegal units/premises.

Further, the status of Action Taken in respect of units identified in the survey, as part of Step-3, was also reviewed. The present status as provided by the 3 Municipal Corporations as on 25.10.2019 is as under:-

	UNITS SURVEYED	SCN ISSUED	UNIT CLOSED SEALED
EDMC	2978	537	75
SDMC	4159	1641	162
NDMC	2346	1350	606
TOTAL	9483	3528	843

The Commissioner of Industries has shown his displeasure about the Action Taken Report which is showing a huge gap in no. of identified units in survey and final action of closure/sealing thereof. The Commissioner of Industries directed the officials of Municipal Corporation to expedite the closure/sealing Action and to submit the report so that the Hon'ble Apex court could be informed about the compliance of their order. Further, the **POLLUTING UNITS** even in the Industrial clusters notified for re-development need to be acted against to abate any rise in pollution level and Delhi Pollution Control Committee be intimated for further penal action.

The meeting ended with a vote of thanks to the chair.

Attendance Sheet

Dated: ^{25.10.2019} 06.09.2019

Time: 12:30 PM

Sub.: List of officers who attended the meeting held on ^{25.10.2019} 06.09.2019 at ^{4:00} 12:30 PM regarding status report of survey/closure of units in Step-3, and Details of Units operating within permissible usage as reported during drive of Step-1 & Step-2.

S.No.	Name of officer & designation	Department	Phone No. & e-mail	Signature
1	Vikas Anand, CC	Industries	22157022	-
2	Rakesh Kumar	AC/FL NRI/5 MCP	9650798704	Rb.
3	Izhar Ahmad	SO/FL 4	9015419450	(Signature)
4	Garneth Venu Addition	same	8929026742	(Signature)
5	Praveen Kumar Sachan	Asst DC SMC	9899205209	Sachan
6	Sanjay Kumar	SO/FL/DC	9999189269	(Signature)
7	Veditha Reddy	DC NRI/5 MCP	9999201391	Veditha
8	E. RAJA BABU	SP. Comm. UM	-	(Signature)
9	K.D. Verma	ADC/FL EDMC	9810702500	(Signature)
10	Aman Rajput	AC/FL EDMC	-	(Signature)
10	Sh. Shiva Kumar	SO EDMC	-	

06/09/19

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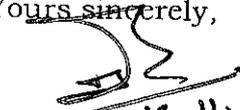
**OFFICE OF THE COMMISSIONER OF INDUSTRIES
GOVT. OF NCT OF DELHI : UDYOG SADAN
419, FIE, PATPARGANJ INDUSTRIAL AREA, DELHI-110092**

No.F. CI/53/DCI/CC/Oversight Committee/2019/2815-29 dated:13/11/2019

Sub: Minutes of the meeting held on 13th November, 2019 at 01:30 p.m. regarding progress/action taken in compliance of order dated 05/08/2019 of Hon'ble NGT (IN OA NO.601/2018) AND order dated 04/11/2019 of the Hon'ble Supreme Court IN WP(C) 4677/1985).

Kindly find enclosed herewith Minutes of the Meeting held on 13th November, 2019 at 01:30 p.m. regarding progress/action taken in compliance of order dated 05/08/2019 of Hon'ble NGT (IN OA NO.601/2018) AND order dated 04/11/2019 of the Hon'ble Supreme Court IN WP(C) 4677/1985) for your kind perusal and necessary action.

Yours sincerely,


13.11.2019
(T.P. Singh)

Dy Commissioner of Industries (CC)

Encl: As above.

To

1. Commissioner, East Delhi Municipal Corporation, 419, FIE, Patparganj Industrial Area, Delhi-110092.
2. Commissioner, North Delhi Municipal Corporation, 4th Floor, Dr. Shyama Prasad Mukherjee, Civic Centre, Minto Road, New Delhi.
3. Commissioner, South Delhi Municipal Corporation, 9th Floor, Dr. Shyama Prasad Mukherjee, Civic Centre, Minto Road, New Delhi.
4. The Member Secretary, DPCC, 4th & 5th Floor, ISBT Building, Kashmere Gate, Delhi-110006. Mail i.d.:msdpcc@nic.in.
5. Chief Executive Officer, Delhi Jal Board, Varunalaya, Phase-II, Karol Bagh, New Delhi.
6. Chief Executive Officer, BRPL, BSES Bhawan, Nehru Place, New Delhi
7. Chief Executive Officer, BYPL, Shakri Kiran Building, New Delhi.
8. Chief Executive Officer, TPDDL, Hadsun Lane, Kingsway Camp, Delhi

Copy to:

PS to Secretary cum Commissioner Industries.

MINUTES OF THE MEETING HELD ON 13TH November, 2019 at 01:30 P.M. REGARDING PROGRESS/ACTION TAKEN IN COMPLIANCE OF ORDER DATED 05/08/2019 OF HON'BLE NGT (IN OA NO.601/2018) AND HON'BLE SUPREME COURT order dated 04/11/2019 (IN WP(C) 4677/1985)

A meeting was held on 13TH November, 2019 at 01:30 P.M. under the Chairmanship of Secretary cum-Commissioner of Industries to review the status of action taken in compliance of the order dated 05/08/2019 passed by Hon'ble NGT (IN OA NO.601/2018) and by Hon'ble Supreme Court in the matter of "M.C. Mehta V/s Union of India & Ors."

A list of officers of Municipal Corporations, DISCOMS, DJB and DPCC who attended the meeting is enclosed as "Annexure-1".

Secretary-cum-Commissioner Industries, mentioned about the direction dated 05/08/2019 issued by Hon'ble NGT in O.A. No. 601/2018 of "Mayank Manohar & Paras Singh, Reporter Times of India Vs. Govt. of NCT of Delhi & Ors". It was therefore, emphasized upon Municipal Corporation to provide the current status of action taken in respect of Step-3. The progress report along with list in respect of action taken in Step-3 should be sent to this office by today evening i.e. 13/11/2019 for compilation and for filing the status before the Hon'ble Court.

The representative from DPCC informed that the details of units indicating address, Mfg. activity, date of start of operation, date of closure/sealing, of Step-1 and Step-2, are required as directed by the oversight committee in its meeting held on 26/08/2019 and DO dated 20/09/2019 from Principle Secretary cum Chairman (DPCC).

The officers from each Delhi Municipal Corporations informed that survey work in respect of Step-3 is still going on in some wards and the same shall be completed at the earliest. The action taken report as provided in the meeting on 13.11.2019 in r/o closure of industries in residential and non-conforming areas of Delhi is as under:

Name of Corporation	Units surveyed	Wards completed	Remaining wards	SCN Issued	Closed on 48 Hrs Notice	Units Sealed
EDMC	3321	53	11	657	147	101
SDMC	4204	98	06	1586	192	47
NDMC	4447	92	12	2531	438	326
TOTAL	11972	243	29	4774	777	474

After having discussed the progress of action taken by the concerned agencies, the following directions were issued by the Secretary -cum-commissioner of Industries:-

1. East DMC shall complete the survey of remaining wards by December 15, 2019.
2. North DMC shall complete the survey of remaining wards by December 15, 2019.
3. South DMC shall complete the survey of remaining wards by November 30, 2019.
4. The Municipal Corporations will share the list of sealed units of step-3 with DISCOMS and DJB by today evening. i.e., 13.11.2019. Wherever, disconnection of water and electricity is not done the DISCOMS and DJB will disconnect water and electricity supply within ten days in respect of units sealed as above.
5. Respective Municipal Corporations shall issue the Show Cause Notices to the units already surveyed by November 30, 2019. For the remaining units, show cause notices shall be issued within not more than 15 days after unit is surveyed.
6. The final action of closure / disconnection against the non-permissible units where show cause notice has already been issued shall be completed by 15th December 2019 by all concerned agencies.
7. Final closure/sealing, disconnection of water and electricity supply in the non-permissible units shall be done simultaneously by the joint team of MCD, DISCOMS and DJB within not more than 15 days of issuance of 48 hours notice by respective Municipal Corporations.
8. Municipal Corporations will also furnish the list of units sealed in step-1 & step-2 with details of date of start of operation, closure /scaling, Mfg. activity to the DPCC for calculating the quantum of compensation to be levied on the units on polluters pays principle. DSIIDC shall also check the availability of such information and confirm by today evening.

The meeting ended with a vote of thanks to the chair.

Attendance Sheet

Dated:-13/11/2019

Time 01.30 PM

Sub.-:Review meeting to discuss agenda items 1, 2 and 3 of Step-1, Step-2 and Step-3 relating to closure of non-permissible industries operating in residential and non-confirming areas of Delhi.

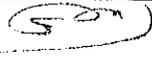
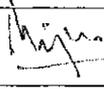
Sl. No.	Name of officer & designation	Department	Phone No. & E-mail	Signature
1.	Sh. Vihag Anand Secy- cum - CE	Industrie	comind @mic.in	in Chair
2.	K. D. Verma ADC/FL	EDMC	kverma.edmc@gmail.com	
3.	Rachey Shyam S. C. GAUR	DJB BRBL	9650291118 rjb see @gmail.com 9350261414 sachin.gaur@brbl.com	
4.	A. NEDUNCHEZHIAN R	DC (Sh. South)		
5.	Rajen Kumar	DC SH (W)	8500899488	
6.	Brem Supt.	BYP	9350130399	
7.	Dr. Chandro brekesh	DCC	9717593508	
8.	Sunil K. Bahadur	TPDP	9958698438	

Attendance Sheet

Dated:-13/11/2019

Time 01.30 PM

Sub.: - Review meeting to discuss agenda items 1, 2 and 3 of Step-1, Step-2 and Step-3 relating to closure of non-permissible industries operating in residential and non-confirming areas of Delhi.

Sl. No.	Name of officer & designation	Department	Phone No. & E-mail	Signature
9.	Anil Sharma HOD, Govt. Offices	Yata Power DDI	9250206910 anilk.sharma@ delhipower.dell.com	
10.	Izhar Ahnna D SO/FL	fact. En. North MCD	9015449150	
11.	Rakesh Kumar	Ac. of Ash. DM Factory Building	9650790004	
12.	Praveen Kumar Sachan ADC	SDMC	9899205209	
13	Nareeh Tamwar AO/FLD	SDMC	98588802346	
14.	Rajagopalan	DJ B	9650291415	
15	SANJAY KUMAR	SO/FLD	9999199769	
16.				

Annexure-II

Action taken report received from three Municipal Corporations as on 13.11.2019 in respect of closure of Industries in residential and non-conforming areas of Delhi.

Name of Corporation	Units surveyed	Wards completed	Remaining wards	SCN Issued	Closed on 48 Hrs Notice	Units Sealed
EDMC	3321	53	11	657	147	101
SDMC	4204	98	06	1586	192	47
NDMC	4447	92	12	2531	438	326
TOTAL	11972	243	29	4774	777	474