

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

APPLICATION NO. 697/2018

In the matter of:

Resident Welfare Association, Laxmi Nagar ...Applicant

Versus

Govt. of NCT of Delhi & Others ...Respondents

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NDOH. 25.03.2019.

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Filed by:

(Delhi Pollution Control Committee)

Respondent

New Delhi:

Dated: 05.02.2019

(1)

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PRINCIPAL BENCH, NEW DELHI**

APPLICATION NO. 697/2018

In the matter of:

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**ADDITIONAL COMPLIANCE AFFIDAVIT ON BEHALF OF
DELHI POLLUTON CONTROL COMMITTEE WITH
RESPECT TO ORDER DATED 16.01.2019.**

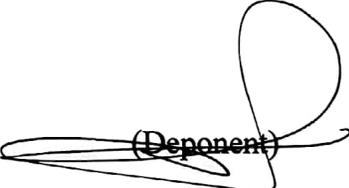
I, Mohd Arif, aged about 51 years, Sr. Environmental Engineer(CDC), Delhi Pollution Control Committee, 5th -6th Floor, ISBT Building, Kashmere Gate, Delhi, do hereby solemnly affirm and state as under:

1. That, I am presently working as Sr. Environmental Engineer(CDC) of the respondent, the Delhi Pollution Control Committee (hereinafter referred to as 'DPCC'). I am competent and authorized to depose and swear the present compliance affidavit for and on behalf of DPCC on the basis of the official records maintained and available in the office of DPCC.
2. That DPCC filed a compliance report via email in this case, via email on 15.01.2019, which is available on the records of this Hon`ble Tribunal.



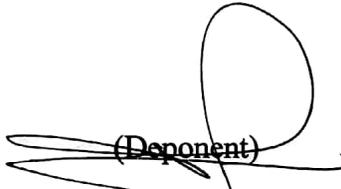
3. That DPCC on 07.02.2019 issued a letter to EDMC (East Delhi Municipal Corporation) asking them to take for effective closure against the unit. Copy of the letter dated 07.02.2019 is enclosed herewith as Annexure-1.
4. That in response to letter of DPCC dated 07.02.2019, EDMC provided compliance report alongwith present photographs of the site. The report of EDMC was based on site inspection of the site on 15.02.2019. The inspection shows that no industrial activity was observed during the inspection. Report shows that EDMC has taken Rs. 1,25,000/- as misuse charges from the owner of the unit.
5. That in the inspection dated 15.02.2019 by EDMC, no industrial activity observed in the premises.

In view of the above, it is most respectfully prayed that the Hon'ble Tribunal may take this report on record and matter may be disposed off.


(Deponent)

Verification:

I, the above named Deponent verify at Delhi on the ___ day of February 2019 that the contents of the above affidavit are true to the best of my knowledge and as borne out of the official records. Nothing material has been concealed therefrom.


(Deponent)

By Speed Post

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110 006 visit us at : http://dpcc.delhigovt.nic.in
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F.No. DPCC/CMC-I/Court Case/2019/ 5352

Dated: 07/02/19

To,
 The Assistant Commissioner,
 Shahdara South Zone,
 East Delhi Municipal Corporation,
 Office of the Assistant Commissioner,
 Near Karkardooma Court, Shahdara,
 Delhi-110032

Subject: Action taken report in r/o OA No. 697/2018 in Resident Welfare Association, Laxmi Nagar Versus Govt. of NCT of Delhi, in compliance of NGT order dated 16.01.2018

Sir,

Please find enclosed herewith a copy of NGT order dated 16.01.2018 in r/o OA No. 697/2018 in Residents Welfare Association, Laxmi Nagar Versus Govt. of NCT of Delhi. It is being forwarded for necessary action at your end as the matter pertains to Residential area.

The address in question mentioned in the order of Hon'ble NGT dated 25/10/2018 (Copy enclosed) was inspected by DPCC on 15/01/2019.

During inspection one unit namely M/s Ankur Kapoor/Daksh Engineering with address House number 164, Block-2016-B, Mangal Bazar near Bal Bhawan school, Laxmi Nagar operating at ground floor was engaged in the activity of manufacturing of steam sterilizer.

With regard to closure of the illegal units from the residential / non-conforming areas, Hon'ble Supreme Court has passed an order on 07.05.2004 in I.A. No 22 in WP(C) No. 4677 of 1985 titled as M.C. Mehta Vs. Union of India & Others.

And whereas, the said unit M/s Ankur Kapoor/Daksh Engineering with addresses House number 164, Block-2016-B, Mangal Bazar near BAL Bhawan School, Laxmi Nagar has not obtained permission/NOC from High Powered Committee constituted for this purpose.

As per the meeting held before Chief Secretary, Govt. of NCT of Delhi on 05.06.2015, it has been decided that action against industries operating in residential /non-conforming areas and violating the Master Plan of Delhi will be taken under the Delhi Development Act by the Delhi Development Authority in development areas and Municipal Corporation of Delhi in all other areas.

In view of above, you are requested to take necessary action for effective closure of the unit under intimation to this office.

This issues with the approval of Competent Authority, DPCC.

Encl:as above

Yours sincerely,


 (Mshd. Arif)
 SEE, CMC-1

Copy to:

1. Law officer, DPCC, 5TH Floor, I.S.B.T, Kashmere Gate, Delhi 110006.
2. Master File
3. Office copy

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**East Delhi Municipal Corporation
Office of the Assistant Commissioner
Shahadra South Zone
Near Karkardooma Court, Shahadra, Delhi**

No 7399 AC/SHD(S)/2019

Dated.....18/2/19.....

To
Shri Mohd Arif
SEE, DPCC,
5th floor, ISBT Building Kashmere Gate,
Delhi, 110066.

Subject: Action taken report in compliance of NGT order dated 16.01.2018 in OA No 697/2018 in Resident Welfare Association, Laxmi Nagar Vs Govt of NCT of Delhi-reg

Sir,

I am directed to refer to your letter dated 07.02.2019 on the above mentioned subject and to say that a show cause notice was issued to M/s Ankur Kapoor/Daksh Engineering, House No 164, F-206 B, Mangal Bazar, near Bal Bhawan School, Laxmi Nagar as to why unlicensed/impermissible factory/trade industrial unit at the above address should not be sealed closed down within 3 days of issue of SCN. The owner of property has replied that industrial unit has been closed since one month and property is totally vacant. An inspection of the property was made by the area inspector of EDMC on 15.02.2019 and it was found that the industrial activity is closed down and property is vacant. The owner of property Shri Ankur Kapoor has also declared on an affidavit that he will not run any unit/trade in the premises in violation of MPD-2021 and DMC Act 1957 and he will carry out any unit/trade after obtaining the valid municipal licence. (Photographs of the vacant property are enclosed). It is also informed that the owner has submitted Rs 1,25,000/- as misuse charge.

This issues with the approval of DC/SSZ.

This is for information and necessary action at your end.

Encl: As above.


18/2/19
Administrative Officer
Shahadra South Zone
East Delhi Municipal Corporation

Copy to for information:

- DC/SSZ
- CLO, EDMC (HQ)
- Shri Balendu Shekhar, Mpl Counsel EDMC.
- AO (FL), EDMC
- AC/SSZ
- Office copy



दिल्ली नगर निगम
MUNICIPAL CORPORATION OF DELHI

Form CI-1

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नाम/Name: Mr Ankur Kapoor S/o Pawan Kapoor
पता/Address: H.No. 164/F-206B Laxmi Nagar Major Road Delhi-110012
सम्पर्क/Contact No.:
उद्देश्य/Purpose: Below mentioned amount received, will be credited to the concerned accounts.

रसीद/RECEIPT No.: DN 48117
दिनांक/Date: 18/2/19
विभाग/Department: T.S. Branch
क्षेत्र/Zone: ShriDara

लेखाशीर्ष/Head of A/c	विवरण/Particulars	राशि/Amount
76.0131	MISUSE CHARGES for property No. H.No. 164/F-206B Laxmi Nagar Delhi-110012 Major Road	1,25.00/-

राशि (शब्दों में)/Amount (in words): N. one lakh twenty five
कुल/Total: 1,25.00/-

नकद/चेक/डी.डी. नं./Cash/Cheque/DD No.:
बैंक/Bank: the Punjab & ...
शाखा/Branch:

चैक मुगतान स्वीकृत होने की स्थिति में।
Cheque subject to realisation/authorisation.
Signature of Personnel Issuing Receipt with Name & Designation



