

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
NEW DELHI

ORIGINAL APPLICATION NO. 152/2019

ABHAY SINGH

APPLICANT(S)

VERSUS

GOVT. OF NCT OF DELHI

RESPONDENT(S)

NDOH:- 31.10.2019

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(Dr. Chandra Prakash)
Sr. Env. Engineer
(Delhi Pollution Control Committee)

New Delhi:
Dated: 25.10.2019

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH,
NEW DELHI

ORIGINAL APPLICATION NO. 152/2019

ABHAY SINGH

APPLICANT(S)

VERSUS

GOVT. OF NCT OF DELHI

RESPONDENT(S)

ACTION TAKEN REPORT FOR AND ON BEHALF OF DPCC IN
COMPLIANCE OF THE ORDER DATED 15 -04-2019

Respected Sir,

It is submitted as under:-

1. That the above mentioned Original Application was received by the Hon'ble Tribunal and the Hon'ble Tribunal took the cognizance on the same and passed the following order on 15.04.2019:-

"Allegation in this application is causing of pollution by using wood dust, plastic bags and tyres/tubes as a fuel at Sainik Enclave, Vikas Nagar, Uttam Nagar, New Delhi-110059. No action is being taken in spite of representations to the authorities and order of the Hon'ble Supreme Court dated 07.05.2004 in M.C Mehta v. U.O.I (2004) 6SCC 588 requiring closing of industrial activity in nonconforming areas in violation of the Master Plan.

..."

2. That at the out set it is submitted that during survey of the area it was found that a large number of potters were operating and were engaged in making of pottery products from clay. Some potters were also using bhatties for baking potteries.

3. That upon receiving the order of the Hon'ble Tribunal, the DPCC immediately directed the Deputy Commissioner (West Zone), SDMC, vide letters dated 22-06-2019 and 23-07-2019, to take necessary action against the illegal pottery units is annexed herewith as **Annexure-I**.
4. That DPCC received a compliance report dated 11-09-2019 from the Deputy Commissioner SDMC, wherein it was informed that 22 polluting pottery units which were using unapproved fuel in the Bhatti, were effectively closed down. Copy of the letter of Dy. Commissioner, SDMC dated 11-09-2019 is annexed herewith as **Annexure-II**.
5. That Environmental Damage Charges of Rs.2,00,000/- each on these 22 potteries has also been imposed by DPCC on 17-10-2019.

The action taken report may kindly be taken on record and matter may kindly be disposed off.


(Dr. Chandra Prakash)
Sr. Env. Engineer
(Delhi Pollution Control Committee)



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/2018/NGT/OA No. 125/2019/6131-6133

Dated: 22/06/19

To,

The Deputy Commissioner (West Zone),
 South Delhi Municipal Corporation,
 Dr. Sahib Singh Verma Nigam Bhawan,
 Shivaji place Rajouri Garden, New Delhi-110027

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. 152/2019.

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, as per section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended to date, it is mandatory to obtain Consent from Delhi Pollution Control Committee in respect of any industry or operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent in to a stream or on land.

And whereas, the Hon'ble NGT in OA No. 152/2019 titled as. Abhay Singh vs Govt. of NCT of Delhi vide its order dated 15.04.2019, directed as below:

".....Allegation in this application is causing of pollution by using wood dust, plastic bags and tyres/tubes as a fuel at Sainik Enclave, Vikas Nagar, Uttam Nagar, New Delhi-110059. No action is being taken in spite of representations to the authorities and order of the Hon'ble Supreme Court dated 07.05.2004 in M.C Mehta v. U.O.I (2004) 6SCC 588 requiring closing of industrial activity in nonconforming areas in violation of the Master Plan....."

In compliance of the Hon'ble NGT order dated 15.04.2019, an inspection of the area Sainik Enclave, Vikas Nagar, (Uttam Nagar) was carried out by a team of DPCC on 28/5/2019. During inspection a large number of potters were found operating their Bhaties for the preparation of their soil/silt pots using wood and wood burada and causing severe air pollution.

And whereas, these potters are operating there units illegally in non-confirming area in violation of provisions of Master Plan of Delhi-2021.

And whereas, in the meeting held on 08.12.2010, 14.07.2011, 09.12.2011 & 05.06.2015 in the office of Chief Secretary Delhi for implementation of above 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.

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, the following direction is issued to the SDMC (West Zone) for compliance:

1. That you (the addressee) shall take necessary action against all the illegal potters units operating without NOC/Consent/License and ensure effective closure of these potters and submit the **Action Taken Report** to DPCC within 15 days from issuance of the said direction.

This is being issued as per the approval taken by the Competent Authority.


(Dr. Chandra Prakash)
Incharge, CMC-II,
Delhi Pollution Control Committee

Copy to:

1. PA to MS, DPCC
2. Master File, CMC-II
3. Office Copy, CMC -II

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REMINDER

By Speed Post

	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
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F. No. DPCC/CMC-II/2018/NGT/OA No. 152/2019/126-129

Dated: 23.07.2019

To,

**The Deputy Commissioner (West Zone),
South Delhi Municipal Corporation,
Dr. Sahib Singh Verma Nigam Bhawan,
Shivaji place, Rajouri Garden,
New Delhi-110027**

Sub: - Directions u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date in the matter of OA No. 152/2019.

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 (1) 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, as per section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974, as amended to date, it is mandatory to obtain Consent from Delhi Pollution Control Committee in respect of any industry or operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent in to a stream or on land.

And whereas, the Hon'ble NGT in OA No. 152/2019 titled as Abhay Singh vs Govt. of NCT of Delhi vide its order dated 15.04.2019, directed as below:

".....Allegation in this application is causing of pollution by using wood dust, plastic bags and tyres/tubes as a fuel at Sainik Enclave, Vikas Nagar, Uttam Nagar, New Delhi-110059. No action is being taken in spite of representations to the authorities and order of the Hon'ble Supreme Court dated 07.05.2004 in M.C Mehta v. U.O.I (2004) 6SCC 588 requiring closing of industrial activity in nonconforming areas in violation of the Master Plan....."

In compliance of the Hon'ble NGT order dated 15.04.2019, an inspection of the area Sainik Enclave, Vikas Nagar, (Uttam Nagar) was carried out by a team of DPCC on 28/5/2019. During

inspection a large number of potters were found operating their Bhaties for the preparation of their soil/silt pots using wood and wood burada and causing severe air pollution.

And whereas, directions u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981, as amended to date was issued to you on 22.06.2019 vide No. DPCC/CMC-II/2018/NGT/OA No. 125/2019/6131-6133.

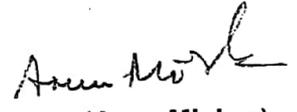
And whereas, these potters are operating there units illegally in non-confirming area in violation of provisions of Master Plan of Delhi-2021.

And whereas, it has been decided by the Hon'ble Supreme Court of India in WP (C) 4677 of 1985 in the M.C. Mehta Vs U.O.I. & Ors., industries operating in non-confirming area not to be allowed to operate.

And whereas, no Action Taken Report has been received in this office till date.

Now therefore, in view of above, you are once again directed to take necessary action against all the illegal potteries units operating without NOC/Consent/License and ensure effective closure of these potteries and submit the **Action Taken Report** to DPCC within 10 days from issuance of the said direction as the Next DOH in this case is **30.07.2019**.

This is being issued as per the approval taken by the Competent Authority.


(Arun Mishra)
Member Secretary

Copy for information & necessary action to:

1. District Magistrate, (South-West), Old Terminal Tax Building, Kapashera, Delhi-110037.
2. Dy. Commissioner of Police (Outer District), DCP Office, Pushpanjali Enclave, Pitampura, Delhi
3. Master File, CMC-II
4. Office Copy, CMC -II



SOUTH DELHI MUNICIPAL CORPORATION
OFFICE OF THE DY. COMMISSIONER
WEST ZONE



(7)

Dr. Sahib Singh Verma Nigam Bhawan
Near Shivaji College, Shivaji Palace, Raja Garden, New Delhi-110027
(Email ID:)

No.D-140 /DC /WZ/2019-20

Dated: 11/09/2019

The Member Secretary
Delhi Pollution Control Committee,
5th & 6th Floor, ISBT Building,
Kashmere Gate,
Delhi-110006.

Subject: Action Taken Report in response to Notice bearing F.No.DPCC/6957-6958 dated 28.8.2019 - reg.

Sir,

Kind attention is invited to the order dated 15.4.2019 of Hon'ble NGT whereby Hon'ble NGT directed Delhi Pollution Control Committee (DPCC) to furnish a factual and action taken report on the units causing pollution by using wood dust, plastic bags and tyres/ tubes as a fuel at Sainik Enclave, Vikas Nagar, Uttam Nagar, New Delhi.

Further, reference is also invited to the Notice bearing F.No.DPCC/6957-6958 dated 28.8.2019 of DPCC issued u/s 37 of the Air (Prevention and Control of Pollution) Act, 1981 and u/s 41 of the Water (Prevention and Control of Pollution) Act, 1974 whereby South DMC was directed to take necessary action against all the illegal pottery units operating without NOC/Consent/Lisence and ensure effective closure of these potters and submit Action Taken Report by 13.9.2019.

In this regard, it is submitted that the area of Sainik Enclave, Vikas Nagar, Uttam Nagar, New Delhi-110059 was inspected by the then Deputy Commissioner, West Zone alongwith the then Assistant Commissioner, West Zone and concerned Assistant Engineer and Junior Engineer of Building Department on 26.7.2019. During the inspection, it was noticed that a Kumhar Colony is existing in the above area wherein Bhatties are being used for baking Potteries.

It is relevant to mention here that as per provisions of the MPD-2021, only preparation of Pottery can be carried out without Bhatti in residential area. During the above survey, 22 numbers of properties were identified wherein Bhatti is being used for baking of the Pottery in Sainik Enclave, Vikas Nagar, Uttam Nagar, New Delhi-110059. Accordingly, Show Cause Notices under section 345-A of the DMC Act were issued to all 22 Potteries for stopping the misuse within 48 hours as per the directions of the Hon'ble Supreme Court of India in the matter of M.C. Mehta Vs Union of India. The owner/occupier of these Bhatti failed to stop the misuse within the stipulated time; therefore, a sealing programme was fixed for 11.9.2019 to seal all the 22 units. Accordingly, all the 22 Potteries are sealed today, i.e., on 11.9.2019. The list of above 22 units is given below:-

S.No.	Owner/Occupier Name	Property No.	Action
1	Shri Ram Babu	A-135, Gall No. 5, New Sainik Vihar, Kumhar Colony, New Delhi	Sealed
2	Shri Rajender Kr.	H. No. 4-B, FF, Sainik Enclave, Gall No. 7, Vikas Nagar, New delhi	Sealed

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3	Shri Ramesh	Plot No. 142, Sainik Vihar, Mohan Garden, Uttam Nagar, New Delhi	Sealed
4	Shri Ramji Lal	H. No. 65-66, Sainik Vihar, Vikas Nagar, New Delhi	Sealed
5	Shri Prahlad	Plot No. B-3, Sainik Vihar, Mohan Garden, Vikas Nagar, New Delhi	Sealed
6	Shri Jormal	Plot No. 142, Sainik Vihar, Mohan Garden, Vikas Nagar, New Delhi	Sealed
7	Shri Sukhdev Pandit	H. No. 9, Sainik Vihar, Gali No. 1 Mohan Garden, Uttam Nagar, New Delhi	Sealed
8	Shri Ram Kishore	Plot No. 74, Gali No. 1, Panchsheel Enclave, Hastal, Uttam Nagar, New Delhi	Sealed
9	Shri Rajinder	H. No.117, New Sainik Enclave, Gali No. 1, Mohan Garden, Uttam Nagar, New Delhi	Sealed
10	Shri Mittal Ram	Plot No. 9-B, Gali No. 1, Panchsheel Enclave, Vikas Nagar, New Delhi	Sealed
11	Shri Parshu Ram	Plot No.119-A, Sainik Enclave, Gali No. 1, Vikas Nagar, New Delhi	Sealed
12	Shri Birju	Plot No.119-B, New Sainik Enclave, Gali No. 1, Mohan Garden, Uttam Nagar, New Delhi	Sealed
13	Shri Kalu Ram	Plot No.119-B, Sainik Enclave, Gali No. 1, Mohan Garden, Uttam Nagar, New Delhi	Sealed
14	Shri Bhagwan Singh	A-143, New Sainik Vihar, Mohan Garden, Uttam Nagar, New Delhi	Sealed
15	Shri Ramjit Lal	Plot No.119, Sainik Vihar, Mohan Garden, Uttam Nagar, New Delhi	Sealed
16	Shri Prahlad Kumar	H. No. 143, Sainik Vihar, Mohan Garden, Uttam Nagar, New Delhi	Sealed
17	Shri Suhk Ram	Plot No. 120-D, Sainik Vihar, Mohan Garden, Uttam Nagar, New Delhi	Sealed
18	Shri Giriraj	Plot No. 93, sainik Vihar, Mohan Garden, Uttam Nagar, New Delhi	Sealed
19	Shri Mahavir	Plot No. 101-B, New Sainik Vihar, Mohan Garden, Uttam Nagar, New Delhi	Sealed
20	Shri Ami Chand	Plot No. 130, New Sainik Enclave, Mohan Garden, New Delhi	Sealed
21	Shri Mange Lal	H.No. 44, New Sainik Enclave, Mohan Garden, Uttam Nagar, New Delhi	Sealed
22	Shri Bhandari Prajapati	Plot No. 82, New Sainik Vihar, Mohan Garden, Uttam Nagar, New Delhi	Sealed

The above Action Taken Report submitted for information and further necessary action.

Shay
Dy. Commissioner
West Zone

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