

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

O.A. NO. 803/2018

In the matter of:

Yakub

...Applicant

Versus

Yaseen

...Respondent

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

Original Application. NO. 803/2018

In the matter of:

Yakub ... Applicant

Versus

Yaseen ...Respondent

**ADDITIONAL ACTION TAKEN REPORT ON BEHALF OF DELHI  
POLLUTION CONTROL COMMITTEE IN TERMS OF THE ORDER  
DATED 15.04.2019**

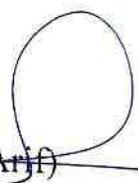
**IT IS MOST RESPECTFULLY SHOWETH:**

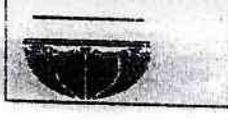
1. That an inspection was conducted by Delhi Pollution Control Committee officials 21/02/2019 and it was observed that unit at A-220 (G.F.) Gali No. 7 has vacated the premises with machinery. Copy of inspection report dated 21.02.2019 is enclosed herewith as **Annexure 1**.
2. That Delhi Pollution Control Committee had requested East Delhi Municipal Corporation vide letter dated 25.02.2019 to take necessary action for effective closure of the unit as it is located in non-confirming/ residential area. Copy of the letter is enclosed herewith as **Annexure 2**.
3. That East Delhi Municipal Corporation furnished Action Taken Report on 18.03.2019 that the site at A-220 Gali no. 7 and A-346, Gali No. 7, Chauhan Bangar, Seelampur, were inspected on 13.03.2019 and found vacant. Copy of the Action Taken Report herewith as **Annexure 3**.
4. That as per local enquiry, unit was a micro/small scale unit engaged in the activity moulding and handicraft work on silver utensils using small hammer

gas. The raw materials used were silver utensils and the manufacturing process involves hammering and moulding of silver utensils. The activity carried out by unit falls under Green Category.

5. That as the unit i.e. M/s Yasin Ahmad, A-220 Gali no. 7 and A-346, Gali No. 7, Chauhan Bangar, Seelampur, Delhi-110053, had been vacated which was previously doing the illegal industrial activities of hammering and moulding, Therefore, Environmental Damage Compensation (EDC) of Rs. 50,000/- had been imposed on the unit vide letter dated 12.04.2019. Copy of the letter is enclosed herewith as **Annexure 4**.
6. That the East Delhi Municipal Corporation officials again conducted inspection and visited the site on 19.06.2019. That the Action Taken Report for the same was furnished on 21.06.2019 and the property was found vacant. Copy of the Action Taken Report is enclosed herewith as **Annexure 5**.
7. That as the unit had not submitted Environmental Damage Compensation, Recovery Certificate for the recovery of EDC as arrears of land revenue were issued on 22.05.2019 and its reminder had been issued 19.06.2019 and 01.07.2019. Copy of the Certificate is enclosed herewith as **Annexure 6**.
8. That launching of prosecution against the units being run from A-220, A-346 is in the process and the complaint would be filed within a week in the designated Competent Court.
9. That the Delhi Pollution Control Committee had inspected the unit on 21.02.2019, 13.03.2019 and 19.06.2019 and the said premises was found vacant. Thus, during several inspections by the DPCC and EDMC in the recent months, the premises were found vacant.

Date: 15/7/2019  
Place: Delhi

  
(Mohd. Arif)  
Environmental Engineer



**Inspection Report**

Annexure - 1

Unique Computer Generated Id.....

1.	Name & Address of the Unit	M/s <u>Yasin Ahmad (owner of unit)</u> <u>A-220 &amp; A-346, Gate no. 7,</u> <u>Chauhan Bangar,</u> <u>Seelampur, Delhi-53.</u>
2.	Owner/ Partner's Name & Contact Details(Phone & E-mail)	.....
3.	Date of Inspection	<u>21/02/19</u>
4.	Time of inspection Start of Inspection	<u>01:40 PM</u>
	End of Inspection	<u>02:20 PM</u>
5.	Name & Designation of the Persons contacted at the industry	<u>Sh. Aasif (9313320766)</u> <u>owner of premises.</u>
6.	Kind of Industry	.....
7.	Product & Capacity	.....
8.	Main Raw Materials	.....
9.	Water Polluting	Yes/No      ETP Installed : Yes/No
10.	Air Pollution	Yes/No      ECS Installed : Yes/No
11.	Details of Stack Height (Furnace/Boilers/Others)	(Above G.L.)..... (Above G.L.).....
12.	Type of Fuel Used	.....
13.	A. Source of Water Supply B. Effluent Discharge	DJB/NDMC/DSIIDC/Borewell/Tankers/Others (a) Domestic/ Trade Effluent (b) Unit connected to Conveyance System: Yes/No (c) Discharging into.....
14.	Status of Consent {If Any}	.....
15.	D.G. Set(s) {if Any}	No....Capacity.....KVA. Acoustic: Yes/No Stack Height.....(Above G.L.).....(Above RL)
16.	Plot Area	.....
17.	Labour	.....
18.	Machinery	.....

- 19. Detail of Power Connection : .....
- 20. Whether Unit found in Operation : Yes/No
- 21. Status of Registration under Plastic Waste Management Rules, 2016 : .....
- 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) : .....

Remarks (if Any)

- ① Unit at A-220, ground floor, Gali no. 7, Chauhan Bangar, Seelampur, Delhi, was found locked at the time of inspection.
- ② As reported by Sh. Asif (owner of premises), the unit was on rent and vacated the premises with machinery.
- ③ Unit with address, A-346 was not found in Gali no. 7, of Chauhan Bangar, Seelampur, Delhi.

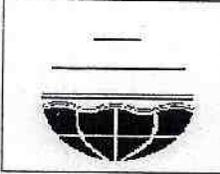
Signatures, Name & Designation of inspecting officials

*Sanjay*  
21/02/19  
TE (DPC)

*Dikshu*  
22/02/19  
(TE, DPC)

Contact Person refuse to sign.

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>

F.No. DPCC/CMC-I/Court Case/2019/ 5404-10

Dated: 25.02.2019

To,

The Deputy Commissioner,(FL)  
East Municipal Corporation of Delhi  
Plot No.419, Udyog Sadan, FIE, Patparganj,  
Delhi-110092

**Subject:** Action taken report in r/o OA No. 803/2018 in Yaqub Versus Yaseen, in compliance of NGT order dated 14.12.2018.

Sir,

Please find enclosed herewith a copy of NGT order dated 14.12.2018 in r/o OA No. 803/2018 in Yaqub Versus Yaseen. This is with regard to unauthorized and illegal industrial activities of foundaries/ moulding units of Silver utensils at A-220, Gali no.7, and A-346, Gali no.7, Chauhan Bangar, Seelampur, Delhi. It is being forwarded for necessary action at your end as the matter pertains to Residential area.

The addressee in question mentioned in the order of Hon'ble NGT dated 14.12.2018 (Copy enclosed) was inspected by DPCC on 21.02.2019.

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.

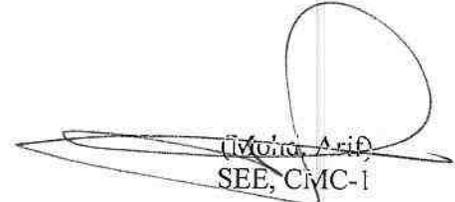
The said complaint was forwarded to The Deputy Commissioner (FL), EDMC, on dated 22.10.2018 vide id no. DPCC/CMC-I/Complaint/2018/3857-58 (copy enclosed) to take necessary action against the complaint as the issue is of non-conforming/residential area.

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.

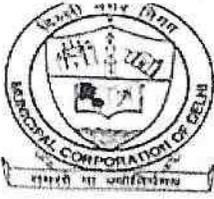
Yours sincerely,

  
(Monica Arid)  
SEE, CMC-I

**Encl: As above**

Copy to:

1. Commissioner EDMC, Plot No. 419, Udyog Sadan, FIE Patparganj, Delhi 110092.
2. The Addl. Deputy Commissioner, (Nodal Officer, PGC, EDMC), East Municipal Corporation of Delhi, Plot No. 419, Udyog sadan, FIE, Parpatganj, Delhi-110092.
3. The Assistant Commissioner, Shahdara South Zone, East Delhi Municipal Corporation, Office of the Assistant Commissioner, Near Karkardooma Court, Shahdara, Delhi-110032.
4. Law officer, EDMC, Plot No. 419, Udyog Sadan, FIE Patparganj, Delhi-110092.
5. Law officer, DPCC, 5<sup>TH</sup> Floor, I.S.B.T, Kashmere Gate, Delhi 110006.
6. Master File.
7. Office copy.



EAST DELHI MUNICIPAL CORPORATION  
OFFICE OF THE ASSISTANT COMMISSIONER  
SHAHDARA (NORTH) ZONE  
Zonal Office Near Shyam Lal College  
Keshav Chowk Shahdara Delhi-110053.  
Phone-011-22824647.



No. AC/SH/N/2019/D-2065

Dated :- 18/2/2019

Sub:- Regarding action taken report in Hon'ble NGT Cases with OA No-936/2018, 955/2018, 27/2019, 24/2019, 803/2018 pertaining to Shahdara North Zone EDMC.

With reference to the above mentioned cases and in response to letter No. FL/EDMC(HQ)/2019/D-1381 dated 13.03.2019, case wise Interim and final reply is as under:-

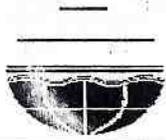
S. No	Address of Premises/Greivance	Action
01	M/s Rashid, H No- E-727 Chajju Gate Marg Near Chajju Gate Babarpur Delhi	Show cause notice was issued and served to M/s Rashid, sealing action will be taken in due course of time as per DMC Act.
02	M/s Deepak Weilding works, B-1/27 Nand Nagri Delhi-93	Show cause notice was issued and served to M/s Deepak Weilding works, sealing action will be taken in due course of time as per DMC Act.
03	Khasra No-12/21/2 Main Road New Mandoli Phase-I Delhi-93.	The property in question falls under Industrial area of Mandoli /Saboli hence action is to be taken by SDM Concern.
04	37 industrial units were found in residential area the survey of Mandoli/Saboli area New Mandoli Re-development area.	Survey work has been completed, actual list of 36 units were received instead of 37 units, wherein 21 units were found running and rest 15 units was found vacant, address not traceable and locked. Show cause notice has been prepared for those 21 units, will we served in due course of time.
05	Main Road, Koyla Tall Opposite Transport Authority village Gokulpuri Delhi-94.	The property in question was sealed on 08.03.2019 by this department.
06	A-220 Gali No-7 and A-346 Gali No- 7 Chauhan Bangar Seelampur Delhi	The site was inspected on 13.03.2019 and found vacant.

  
Admin. Officer  
Shahdara(North)Zone

AS/FL/EDMC.

Copy to:-

1. DC/Shahdara(N) Zone for kind info pl.
2. AC/Shahdara(N) Zone.
3. Sh Rajender Sharma and Sh Anil Singh for necessary action please.
4. Office Copy.



F.No. DPCC/CMC-I/NGT /2019/ 283 - 284

Dated: 12/4/19

To

Annexure-4

The Deputy Commissioner, Shahdara (North) Zone  
East Delhi Municipal Corporation,  
Room No. 106, First Floor, Zonal Office  
Near Shyam Lal College, Keshav Chowk Shahdara,  
Delhi-110053

**Sub: Hon'ble National Green Tribunal (NGT) Matter in case of Yaqub Vs Yaseen, O.A.  
No. 803/2018**

And whereas, a complaint was filed in Hon'ble NGT which has directed in matter OA No. 803/2018 vide order dated 14.01.2018, to take necessary action against the complaint.

And whereas, an inspection was conducted by DPCC officials on 21.02.2019 and it was observed that unit namely **M/s Yasin Ahmed A-220 and A-346, Gali No. 7, Chauhan Bangar, Seelampur, Delhi-110053**, is engaged in the activities of foundries/moulding units of silver utensils.

And whereas, **M/s Yasin Ahmed A-220 and A-346, Gali No. 7, Chauhan Bangar, Seelampur, Delhi-110053**, is operating in residential/non-conforming area in violation of Hon'ble Supreme Court order dated 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 with respect to closure of illegal units from residential/Non-conforming areas.

And whereas, subsequently, on directions of DPCC, EDMC has inspected unit on 13.03.2019 and premises is found vacant.

And whereas, in view of Hon'ble NGT directions/orders towards levying Environmental damages in the matter of O.A. No. 807/2018 and 996/2018, Competent Authority of DPCC keeping in view the 'Polluter Pays' principle has decided and approved to levy Environmental Damages Compensation (EDC) of Rs. 50,000/- (Rupees Fifty Thousand only) upon you.

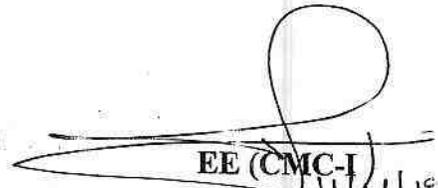
**And whereas, Competent Authority, Delhi Pollution Control Committee has decided to impose Environmental Damages Compensation (EDC) of Rs. 50,000/- (Rupees Fifty Thousand only) each on the unit and EDMC.**

In view of above, EDMC is requested to deposit Environmental Damages Compensation (EDC) of Rs. 50,000/- (Rupees Fifty Thousand only) which is to be deposit in the office of Delhi Pollution Control Committee in the form of Demand Draft (DD) in favour of Delhi Pollution Control Committee, within 15.days of issuance of this order.

8

Non-compliance of the above shall be treated as contempt of Hon'ble NGT order(s) and necessary action will be initiated as per the provisions of law.

This issues with the approval of the Competent Authority, Delhi Pollution Control Committee.

  
EE (CMC-I)  
11/4/11

Copy to:-

The Commissioner, (EDMC)  
East Delhi Municipal Corporation  
Plot No. 419, Udyog Sadan FIE, Patparganj  
Delhi-110092

  
AEE(CMC-I)

o/c



**EAST DELHI MUNICIPAL CORPORATION  
OFFICE OF THE ASSISTANT COMMISSIONER  
SHAHDARA (NORTH) ZONE**

Zonal Office Near Shyam Lal College  
Keshav Chowk Shahdara Delhi-110053.  
Phone-011-22824647.



22/c

Delhi Pollution Control Committee  
Dairy No. 45917  
21 JUN 2019  
CMC-I  
Sign. of Receiving Officer

Dated :- 19 Jun 19

No. AC/SH/N/2019/D- 347

✓ Mohd Arif,  
SEE, CMC-I,  
Delhi Pollution Control Committee,  
Department of Environment ( Govt of NCR of Delhi)  
5<sup>th</sup> Floor, ISBT Building Kashmere Gate, Delhi-110006.

**Sub:- Action taken report in r/o OA No-803/2018 in Yaqub Vs Yaseen in  
Compliance of Hon'ble NGT order dated 15.04.2019.**

With reference to above mentioned case , it is intimated that as per inspection carried out on 19.06.2019, property No- A 220 Gali No- 7 and A-346 Gali No7 Chauhan Banger Delhi is found vacant.

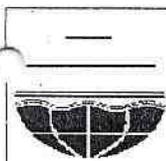
Assistant Commissioner  
Shahdara(N) Zone

**Copy forwarded to :-**

1. Addl-Cmr- II and III for kind info.
2. DC/Shahdara(N) Zone.
3. Nodal officer, PGC EDMC.
4. AO/FL/EDMC.
5. AO( General Branch) SNZ.
6. Office Copy.

A22(wskv)  
1058/CMC-I  
24/6/19

24/6/19



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>

F.No. DPCC/CMC-I/NGT/Sonia Vihar /2019/ 1770

Dated: 07/07/2019

**REMINDER**

To,

The Sub-Divisional Magistrate (Seelampur)  
Seelampur Court, G.T. Road, Seelampur,  
Delhi -110053

**Sub: Recovery Certificate of DPCC toward Recovery of Environmental Compensation, as arrears of land revenue in r/o M/s Silver Utensils, Prop. – Sh. Yaseen , A-220, Gali No. 7 and A-346, Gali No. 7, Chauhan Bangar, Seelampur, Delhi-110053.**

Whereas, Hon'ble National Green Tribunal (NGT) vide order dated 15.04.2019 in O.A. No. 803/2018 in the matter of "Yaquub Vs Yassen." directed as under:-

*"Vide order dated 14.12.2018, this Tribunal sought a report from the Delhi Pollution Control Committee (DPCC). The report has been furnished vide email dated 27.03.2019 which is not complete or satisfactory. Learned Counsel for the DPCC seeks time to file further report in the matter.*

*Let further action taken report be filed by the DPCC within two months by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com)".*

And whereas, during the inspection dated 21.02.2019, it was observed that unit namely M/s Silver Utensils, Prop. – Sh. Yaseen , A-220, Gali No. 7 and A-346, Gali No. 7, Chauhan Bangar, Seelampur, Delhi-110053, is engaged in the activities of foundries/moulding units of silver utensils.

And whereas, the unit was operating without obtaining Consent to Establish/Operate in non-conforming/residential area.

And whereas, in view of Hon'ble NGT directions/orders towards levying Environmental damages in the matter of O.A. No. 803/2018, Competent Authority of DPCC keeping in view the 'Polluter Pays' principle has decided and approved to levy **Environmental Damages Compensation (EDC) of Rs. 50,000/- (Rupees Fifty Thousand only)** on M/s Silver Utensils, Prop. – Sh. Yaseen , A-220, Gali No. 7 and A-346, Gali No. 7, Chauhan Bangar, Seelampur, Delhi-110053.

And whereas, letter for seeking Environmental Damages Compensation (EDC) of **Rs. 50,000/- (Rupees Fifty Thousand only)** was issued to the unit on 12.04.2019 with a copy to you (copy of letter dated 12.04.2019 is enclosed herewith).

This issues with the approval of the Competent Authority, Delhi Pollution Control Committee.

Encl.: As above



(Mohd. Arif)  
In-charge (CMC-I)



# DELHI POLLUTION CONTROL COMMITTEE

DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)

1<sup>st</sup> Floor, E Block, VikasBhawan-II, Upper Bela Road, Civil Line, Delhi-54

visit us at : <http://dpcc.delhigovt.nic.in>

11

F. No. DPCC/CMC-1/NGT/Yaseen/2019/ 1672 - 1673

Dated: 19/06/2019

**REMINDER-I**

To,

The Sub-Divisional Magistrate (Shahdara)  
D.C. Office Complex, Nand Nagri,  
Opposite Gagan Cinema,  
Delhi-110093.

**Sub.: Regarding Recovery of Environmental Damages Compensation from M/s Silver Utensils, Prop. – Sh. Yaseen , A-220, Gali No. 7 and A-346, Gali No. 7, Chauhan Bangar, Seelampur, Delhi in pursuance of Hon'ble National Green Tribunal order dated 15.04.2019 in Original Application No. 803/2018 in the matter of Yaqub Vs Yaseen.**

**Whereas**, Central Pollution Control Board is the State Board for all the Union Territories to exercise powers and perform functions under the Water (Prevention & Control of Pollution) Act, 1974 and under Air (Prevention & Control of Pollution) Act, 1981.

**And 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**, Hon'ble National Green Tribunal (NGT) vide its order dated 15.04.2019 in O.A. No. 803/2018 in the above matter has ordered as under:-

“Vide order dated 14.12.2018, this Tribunal sought a report from the Delhi Pollution Control Committee (DPCC). The report has been furnished vide email dated 27.03.2019 which is not complete or satisfactory. Learned Counsel for the DPCC seeks time to file further report in the matter.”

Let further action taken report be filed by the DPCC within two months by e-mail at [ngt.filing@gmail.com](mailto:ngt.filing@gmail.com).

**And whereas**, the unit namely M/s Silver Utensils, Prop. – Sh. Yaseen , A-220, Gali No. 7 and A-346, Gali No. 7, Chauhan Bangar, Seelampur, Delhi was operating in violation of order of Hon'ble Supreme Court and causes damage to the Environment and is liable to pay Environmental Damage Compensation and accordingly, letters for seeking Environmental Compensation of Rs.50,000/- (Rupees Fifty Thousand Only) was issued on 12.04.2019 with a copy to you (copy of letter dated 12.04.2019 is enclosed here with) in compliance of Hon'ble NGT order. However, the Environmental Damage Compensation of Rs.50,000/- (Rupees Fifty Thousand Only) is still awaited from the unit.

And whereas, a letter was issued to you regarding recovery of Environmental Damages Compensation on 22.05.2019 (copy enclosed).

**And whereas**, the unit M/s Silver Utensils, Prop. – Sh. Yaseen , A-220, Gali No. 7 and A-346, Gali No. 7, Chauhan Bangar, Seelampur, Delhi has not submitted Environmental Damages Compensation till date.

**Now therefore**, in view of above, you are once again requested to take appropriate action for recovery of Rs.50,000/- (Rupees Fifty Thousand Only) from the unit namely M/s Silver Utensils, Prop. – Sh. Yaseen , A-220, Gali No. 7 and A-346, Gali No. 7, Chauhan Bangar, Seelampur, Delhi as arrears of land revenue so as to comply with order of Hon'ble NGT dated 15.04.2019 and the same may be remitted to DPCC and submit compliance report in this regard to DPCC immediately.

This issues with the approval of the Competent Authority, Delhi Pollution Control Committee.

Encl.: As above

o/c

  
(Mohd. Arif)  
In-charge (CMC-1)