

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

ORIGINAL APPLICATION NO. 929 OF 2018

IN THE MATTER OF:

Shahid Khan ...APPLICANT

VERSUS

Govt. of NCT of Delhi & Ors. ...RESPONDENTS

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Filed by:

Dr. Chander Prakash (SEE)
(Delhi Pollution Control Committee)
Respondent

New Delhi
Dated: 17/07/2019

Ms. Sakshi Popli
Chamber No. 614,
Patiala House Courts
New Delhi
9811222660
D-1168/1995

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**COMPLIANCE AFFIDAVIT ON BEHALF OF DPCC IN
TERMS OF ORDER DATED 04.04.2019**

1. That in the above captioned matter, the Hon'ble Tribunal vide order dated 21.12.2018 directed the answering respondent/DPCC as follows:

"Allegation in this letter, which has been treated as an application, is that illegal business of water supply is going on at House No. 7A, Joga Bai near public library, Jamia Nagar, New Delhi-110025.

Let the DPCC and jurisdictional SDM look into the matter and take appropriate action in accordance with law and furnish a factual and action taken

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report to this Tribunal within month from the date of receipt".

2. That the DPCC on 05.02.2019 issued a letter to SDM (Defence Colony) for joint inspection of the site.

3. That the inspection of the alleged site was carried out on 12.02.2019 by the representatives of SDM (Defence Colony) and DPCC. Following was observed during the joint inspection:

- (i) Water treatment plant/water filter plant installed in the premises front side of ground floor. As informed by the owner, plant was not in operation due to mechanical error.
- (ii) One bore well outside the building observed and connected to the above said water treatment plant for extraction of ground water.
- (iii) 2 tank of 500 litres observed for the storage of the water.

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4. That after the inspection, order dated 25.03.2019 and Reminder order dated 03.04.2019 were issued to the owner in which he was directed to deposit the Environmental Compensation of Rs. 50,000/- by way of demand draft in favour of DPCC for extraction of ground water without taking permission from CGWA/DJB. However, the owner failed to deposit the same within stipulated time.

5. That the matter came up for hearing before this Hon'ble Tribunal on 04.04.2019, whereby the Hon'ble Tribunal passed following directions:

"... A report has been filed by DPCC on 25.02.2019 merely stating that the SDM has been asked to take action and compensation of Rs. 50,000/- was assessed.

Affidavit of further steps be filed showing action and not mere proposal or recommendation..."

6. That thereafter another Inspection was carried out by the officials/representative of DPCC on

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05.07.2019 at the premises/borewell at House no. 7A, Joga Bai near public library, Jamia Nagar, New Delhi-10025. Copy of the same is annexed herewith as **Annexure R-1.**

7. That during the inspection it was found that at present no Water Treatment plant/ water filter plant was found installed, in the premises. As informed by Sh. Hem Raj (owner) the water treatment plant was removed/closed due to death of elder brother and his wife.

8. That one Borewell of the unit was found sealed by the SDM (Defence Colony).

9. That it is informed by the owner of the premises that they have earlier installed electric motor of capacity 0.5 HP alongwith pump for extraction of ground water through borewell and before sealing of the said borewell, they had been running the business of water treatment plant for about 6 months in single shift. However no documentary proof for the same is provided.



10. That thereafter the competent authority of DPCC has imposed Environmental Compensation of Rs. 10,12,500/- on the owner of the unit vide letter dated 11.07.2019 with copy to the concerned Deputy Commissioner to recover the amount of Rs. 10,12,500/- from the owner of the water treatment plant/ borewell as an arrear of land revenue. The copy of the said letter is annexed as **Annexure R-2** and the copy of the formula applied for the imposing of compensation is annexed as **Annexure R-3**.

Respondent

Through



(Dr. Chandra Prakash)
Sr. Environmental Engineer

Inspection report

Subject: - Inspection report in reference to NGT O.A No. 929/2018 in matter of "Shahid khan Vs govt. of NCT of Delhi".

Hon'ble NGT in its order dated 04.04.2019 noted that "The compensation to be recovered must take into account the value of the ground water extracted and must be deterrent so as to discourage violation. It should be adequate to recover the cost of restoration. If these factors have been considered, the same be now considered and the amount revised. Basic for determination be indicated".

In this matter another inspection of premises/borewell at house No.-7A, Joga Bai near public library, Jamia Nagar, New Delhi-10025 was carried out by the officials/representative of DPCC on 05.07.2019 and following observations were made:-

1. At present no Water treatment plant/water filter plant was found installed, in the premises. As informed by Shri Hem Raj (owner) the water treatment plant was removed/closed, due to death of elder brother and his wife.
2. The one Borewell of the unit was found, sealed by the SDM (Defence colony).
3. As informed, they have earlier installed, electric motor of capacity 0.5 HP along with pump for extraction of ground water through borewell and before sealing of the said borewell, they had been running the business of, water treatment plant for about 6 months in single shift. However no documentary proof for the same provided.
4. During inspection Sh. Hem Raj informed, that the family is struggling through financial problems, due to death of elder brother and his wife and they are, also not in the position to pay any amount to DPCC.



K.Kumar
AEE (CMC-II)



Ravinder Joshi
Trainee

Most Urgent, NGT Matter*By Speed Post*

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 4th, 5th & 6th FLOOR, ISBT BUILDING, KASHMERE GATE,
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F. No. DPCC/CMC-II/2019 / 6378-80

Dated: 11-7-19

To,

M/s Shri Hem Raj (Owner),
House No. 7A, Joga Bai, Near Public Library,
Jamia Nagar, New Delhi-110025.

Subject: - Compliance of Orders passed by Hon'ble NGT Dated 21.12.2018 in O.A No. 929/2018 in matter of "Shahid Khan Vs Govt. of NCT of Delhi".

Whereas, Hon'ble NGT vide its order dated 21.12.2018 regarding complaint/letter from Shahid Khan regarding illegal business of water supply at House No. 7A, Joga Bai, Near Public Library, Jamia Nagar, New Delhi-110025 directed DPCC and Jurisdictional SDM to look into the matter and take appropriate action in accordance with law and furnish a factual and action taken report to tribunal.

And whereas, as per Notification dated 12.07.2010, in the whole of the National Capital Territory of Delhi, no person, group, authority, association or institution shall draw ground water through bore-well or tube-well (both new as well as existing and drawing ground water without permission of Central Ground Water Authority) for domestic, commercial, agricultural and or industrial uses without the prior permission of the "Competent Authority" that is to say, the Delhi Jal Board or the New Delhi Municipal Council as the case may be.

And whereas, as decided by the Competent Authority, you were directed vide letter dated 25.03.2019, 03.04.2019 & 10.04.2019 to deposit the Environmental Compensation of Rs. 50,000 (Fifty Thousand) by way of demand draft in favour of Delhi Pollution Control Committee for extraction of ground water without permission from CGWA/DJB within stipulated time. However, you have failed to deposit the same within the stipulated time.

And whereas, The Hon'ble NGT has passed the order on 04.04.2019 noted that "The compensation to be recovered must take into account the value of the ground water extracted and must be deterrent so as to discourage violation. It should be adequate to recover the cost of restoration. If these factors have been considered, the same be now considered and the amount revised".

In compliance of order of NGT dated 04.04.2019, Competent Authority in DPCC has decided deterrent amount to be recovered of Rs.10, 12,500/- as an Environmental Compensation.

Contd....

Now therefore, you are directed to deposit the Environmental Compensation of Rs.10, 12,500/- (Ten lakh twelve thousand five hundred) in the form of demand draft in favour of Delhi Pollution Control Committee for extraction of ground water without permission from CGWA/DJB within 03 days of issue of this direction.

This is being issued as per the approval of the Competent Authority of Delhi Pollution Control Committee. Non deposition of Environmental Compensation within 03 days may attract penal action against you.


(Dr. Chandra Prakash)
Incharge (CMC-II)

Copy to:

1. **The Deputy Commissioner (South-East District), Old Gargi College Building, Lajpat Nagar - IV, New Delhi-110024** - to recover the amount of Rs.10, 12,500/- (Ten lakh twelve thousand five hundred) from the owner of the water treatment plant/borewell as an arrears of Land Revenue and send a compliance report to DPCC urgently so that NGT may informed accordingly. **Next date of hearing is 19.07.2019.**
2. **Office Copy**
3. **Master File, CMC- II**

o/c

3. Environmental Compensation for extracting ground water through bore-well illegally

A committee decided to adopt a formula as envisaged in Chapter-1 for deciding compensation on industrial unit with additional multiplication factor of HP that is Horse Power of the pump installed for extraction of water, and BW that is no. of Borewell.

The simplified formula is as below:

S.No.	Category of Industries	Calculation ($EC=PI \times N \times R \times S \times LF_1 \times LF_2 \times HP \times BW$)	Simplified Formula*
1.	Red	$80 \times 250 \times 2 \times N \times S \times LF_2 \times HP \times BW$	$40,000 \times N \times S \times LF_2 \times HP \times BW$
2.	Orange	$50 \times 250 \times 2 \times N \times S \times LF_2 \times HP \times BW$	$25,000 \times N \times S \times LF_2 \times HP \times BW$
3.	Green	$30 \times 250 \times 2 \times N \times S \times LF_2 \times HP \times BW$	$15,000 \times N \times S \times LF_2 \times HP \times BW$

*The above compensation is applicable for the units operating in single shift

S. No.	Activity	S Factor
1.	Micro/Small Scale	0.5
2.	Medium Scale	1.0
3.	Large Scale	1.5

S.No.	Type of area as per Master Plan	Location Factor (LF ₂)
1.	Notified industrial area	1.0
2.	Industrial cluster notified for re-development	1.25
3.	Non-conforming to the land use	1.5