

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO.73/2019

IN THE MATTER OF:

Sat Narain, Secretary,
Vikas Karya Samiti, Yadav Park Nangloi

Applicant(s)

Versus

Govt. of NCT of Delhi.

Respondent(s)

ND 04 19/07/2019

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(Dr. BMS Reddy)
Environmental Engineer

Delhi

Dated 11 July, 2019

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**FACTUAL AND ACTION TAKEN REPORT
BY DELHI POLLUTION CONTROL COMMITTEE (DPCC).**

To

Hon'ble Chairman and members
Of the National Green Tribunal,
Principal Bench, New Delhi.

MOST RESPECTFULLY SHOWETH:

1. That in the above titled case, this Hon'ble Tribunal vide its order dated 26.02.2019 had directed:

"....The applicant alleges operation of a large number of plastic recycling units in residential areas of Nangloi, Delhi. Let the Delhi Pollution Control Committee (DPCC) and North Municipal Corporation of Delhi look into the matter and take appropriate action in accordance with law and furnish a factual and action taken report to this Tribunal....."

2. That upon the perusal of complaint and the aforesaid direction, it is submitted that that akin issue is already being adjudicated before this Hon'ble Tribunal in the O.A No. 56/2013 Mahavir Singh Vs Govt. of NCT of Delhi and 57/2013 Satish Kumar Vs Govt. of NCT of Delhi. Authorities' actions are constantly being apprised before Hon'ble Tribunal. Furthermore, in pursuant to the order dated 03.12.18 in the O.A No. 56/2013 Mahavir Singh Vs Govt. of NCT of

Delhi and 57/2013 Satish Kumar Vs Govt. of NCT of Delhi, a joint team of officials of North -DMC, South-DMC, Revenue Department and Delhi Police have cleared plastic waste and closed/sealed the illegal units from the area of ten villages including residential area of Nangloi, Delhi as mentioned in O.A 73/2019 by 17.01.2019. The status report has already been filed in Hon'ble NGT. SDM (Punjabi Bagh) has reported that a regular day and night patrolling is being conducted by officials of Revenue Department, North-DMC and Delhi Police to ensure that no activity of recycling/reprocessing of plastic waste and dumping/burning of plastic waste occur in future.

3. That the recent meeting of Monitoring Committee headed by DC-West was held on 03.07.2019 and directions have been issued to officials of Revenue Department and North-DMC that to ensure plastic waste dumping/reprocessing units will not operate illegally in the areas reported in court order in West district. It was also decided to seal the illegal units, if found, during the inspections.

4. That the complainant, in his complaint dated 22.5.2017 has also raised the issue regarding the inconvenience caused due to organization of social functions in Parashu Ram Dharamshala situated at 5/A, Block-C, Yadav Park, Rohtak, Nangloi, Delhi. In this regard, upon asking the status by answering respondent DPCC, the officials of the SDM (Punjabi Bagh) had inspected the site on 23.05.2019 and gave a report dated 31.05.2019 that the addressee is using Ground Floor and First Floor for marriage and other functions wherein DJ is being used resulting noise pollution. The complainant reported that there is no air pollution but problem is due to operation of functions in Dharamshala. Copy of the report submitted by the SDM of Punjabi Bagh is enclosed as **Annexure-A**.

5. That earlier a similar complaint was made to SDM and proceedings under Section 133 Cr PC was initiated for violation of illegal operation Gym in basement of Bhagwan Parashu Ram Dharamshala and accordingly basement was sealed. Later on the same was desealed on 12/03/2019 upon the receipt of affidavit that without getting permission of MCD, they will not run Gym.

6. That seeing the gravity and seriousness, SDM is regularly keeping close watch through its officials. Furthermore, a letter to SHO, Nangloi dated 12.06.2019 has also been written to take immediate action for loud music being played at Party Hall at Plot No. 5/A Block-C, Yadav Park, Rohtak Road. Copy of the SDM letter dated 12.06.2019 to the SHO, Nangloi, Delhi is annexed here with as **ANNEXURE-B.**

7. It is submitted that authorities i.e., SDM, Police as well as North-DMC without shirking their responsibilities, are keeping close watch on this premises. The answering respondent, being the watchdog of pollution submits that as and when authorities come across the reoccurrence of any activities which may cause pollution either at Parashu Ram Dharamshala and/or area, necessary action would certainly be taken against the offender. As the documents reveal, in past too necessary action had been taken by them, simultaneously, for future as well no such activities, which carry potential to cause pollution including reprocessing/burning/dumping of plastic would be allowed to operate either in the premises and/or entire area.



(Dr. BMS Reddy)
Environmental Engineer
Delhi Pollution Control Committee

Delhi

Dated- July, 2019

Annex - A ²⁴

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OFFICE OF THE SUB DIVISIONAL MAGISTRATE (PUNJABI BAGH)
GOVT. OF NCT OF DELHI
MAIN ROHTAK ROAD, NANGLOI DELHI-110041

No. F1 (2)/SDM (PB)/2019/ 2822

Delhi Pollution Control Committee
Dairy No. 44704
14 JUN 2019
CMC-4
Sign. of Receiving Officer

Dated: 31/05/2019

To

Sr. Environment Engineer
DPCC, Govt. of NCT of Delhi
5th floor, Kasmiri Gate, Delhi

2021/10/2019
17/6/2019

Subject: - Report regarding illegal running of a party hall at plot no. 5/A, Block-C, Yadav Park, Rohtak Road, Nangloi, Delhi-110041 known as Parshu Ram Dharamshala.

Sir,

Kindly refer to the order dated 26/02/2019 and 09/05/2019 in the Original Application No. 73/2019 and 365/19 of the Hon'ble NGT on the application of Vikas Karya Samiti, Yadav Park, Block-C, Rohtak Road, nangloi Delhi on the subject cited above.

In this regard the submissions are as under:-

1. That revenue field staff Sub-Division Punjabi Bagh was directed to visit the site and submit the report in the matter. As per report dated 23/05/2019 (copy of the report alongwith photographs of the site enclosed) the Bhagwan Parshu Ram Dharamshala situated at 5-yadav Park Nangloi, Delhi is being used for marriage and other functions wherein D.J. etc. are being used resulting noise pollution. The complainant was also enquired and he is stated that there is no air pollution, however, they have problem from Dharamshala which is built up in basement, Ground Floor and First Floor. The basement is being used for Gym and Ground and First Floor are being used as Dharamshala.

ABE (RWS)

17/6/19

2. That earlier also on the basis of the complaint of the complainant a Kalandra from SHO, PS-Nangloi was received and proceedings under section 133 Cr.P.C was initiated for violation of illegal operating Gym in basement of Pashu Ram Dharamshala and accordingly the sealing order was issued for restraining the activity and further on receipt of affidavit that they will not run Gym without obtaining permission from MCD authority and accordingly De-sealing order was issued vide No. SDM(PB)/133/2019/1714-1715 dated 12/03/2019 (copy enclosed).
3. That Assistant Commissioner of NDMC, Narela Zone was informed vide our letter no. F1 (2)/SDM (PB)/2019/2742 dated 27/05/2019 to take necessary action against the functioning of Gym at the basement of Pashu Ram Dharamshala at 5/A, Block-C, Yadav Park, Rohtak Road, Nangloi, Delhi-110041. As well as other ACs of MCD have also been informed to make a survey of their respective areas where illegal Gyms are running without any permission and necessary action as deem fit as per law may be taken against the defaulters.(copy of the letter dated 27/05/2019 is also enclosed)

In view of the above, the status report is being sent to you for your information and kind consideration for apprising the Hon'ble NGT.

Encl. As above.

akriti
(AKRITI SAGAR), IAS
SDM: PUNJABI BAGH

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OFFICE OF THE SUB-DIVISIONAL MAGISTRATE: PUNJABI BAGH
GOVERNMENT OF N.C.T. OF DELHI
MAIN ROHTAK ROAD, NANGLOI, DELHI-110041.

NO. SDM (PB)/133/2019/ 1714-1715

Dated: 12/03/19

DE-SEALING ORDER
Under Section 133 Cr. P.C.

Whereas a Kalandra/ report vide D.D. No. 33A dated 22.01.2018 was received from PS-Nangloi, wherein it is reported that you are carrying out illegal/ unauthorized activity by way of illegal Gym in the basement of Parsuram Dhamrshala at No.5 and Old Plot No. B-10, Kh. No. 38/4/2 and its was narrated by the neighbors that parties are being organized in the above said premises by using Generator. Loud music is also being played during the night parties/ function resulting lot of inconvenient to the nearby people.

Whereas Conditional Order u/s 133 Cr. P.C dated 28.03.2018 issued to you for restrained from doing such types of activity and also directed to remove the such activity. Further, also directed to appear before this court on 16.04.2018 to file reply and to show cause as to why this order be not made absolute and

Whereas you have not yet responded to the Conditional Order and failed to appear in person neither any reply/ submission filed by you before the undersigned. This show clear cut violation of the aforesaid Conditional Order resulting Sealing the Gym on 11.02.2019 to make a Conditional Order absolute.

Whereas gym owner present before this Court after sealing the Gym on 18.02.2019. The Gym owner wants to apply for license in MCD. Permission. He submitted an affidavit the he will not operate the Gym without licensed from NDMC

In view of the above, I hereby order to temporary de-seal above mentioned units with the direction to ensure the undertaking given by the unit owner has been full filled, subject to the following conditions:-

1. Premises shall be liable to be sealed again in case it is revealed that de-sealing is obtained by the applicant on misrepresentation of facts and/ or by furnishing false affidavit.
2. If any nuisance to the public in any manner is being created by the applicant in future

Given under my hand and seal of this court on this 12th day of March, 2019.



akriti
(AKRITI SAGAR), IAS
SDM: PUNJABI BAGH

Copy to:

1. Satyanarayan Mudgal R/o H.No B-27 Extn-2, Block-D, Nangloi, Delhi
2. Gym Owner

Per [Signature]
9873800350

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OFFICE OF THE SUB DIVISIONAL MAGISTRATE (PUNJABI BAGH)
GOVT. OF NCT OF DELHI
MAIN ROHTAK ROAD, NANGLOI DELHI-110041

No. F1 (2)/SDM (PB)/2019/2789

Dated: 27/05/19

To

Assistant Commissioner
NDMC/SDMC
Narela Zone/Rohini Zone/West Zone/Keshav Puram Zone
Delhi.

Subject: - Regarding illegal functioning of Gyms at various localities under
Sub-Division Punjabi Bagh.

Sir,

It has been brought to the notice of the undersigned that illegal Gym is running in the basement of the Bhagwan Parshu Ram Dharamshala situated at 5/A, Block-C, Yadav Park, Rohtak Road, Nangloi, Delhi without any permission from the concerned MCD authority. In this regard, it is submitted that necessary action as deem fit as per rule may be taken against the defaulter.

Besides it has also been noticed that in various other places the Gyms centers are being operated without any permission from the concerned MCD authorities, creating lot of nuisance/problems to the nearby residents.

In view of the above, it is requested that necessary survey may be conducted by the level of concerned Zonal authorizes of MCDs and suitable action as deem fit as per law may be taken against the defaulter if any.

Akruti
(AKRITI SAGAR), IAS
SDM:PUNJABI BAGH

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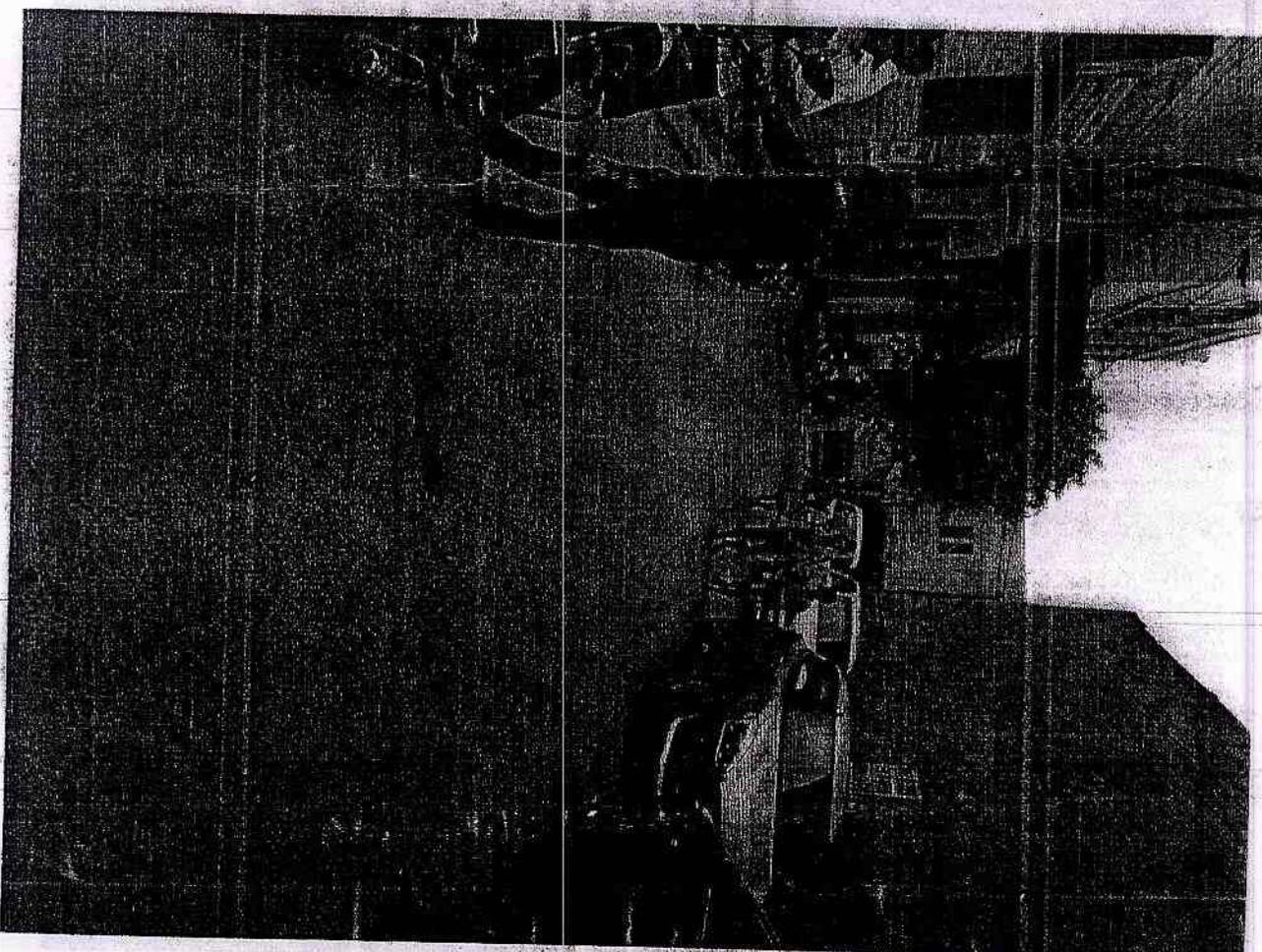
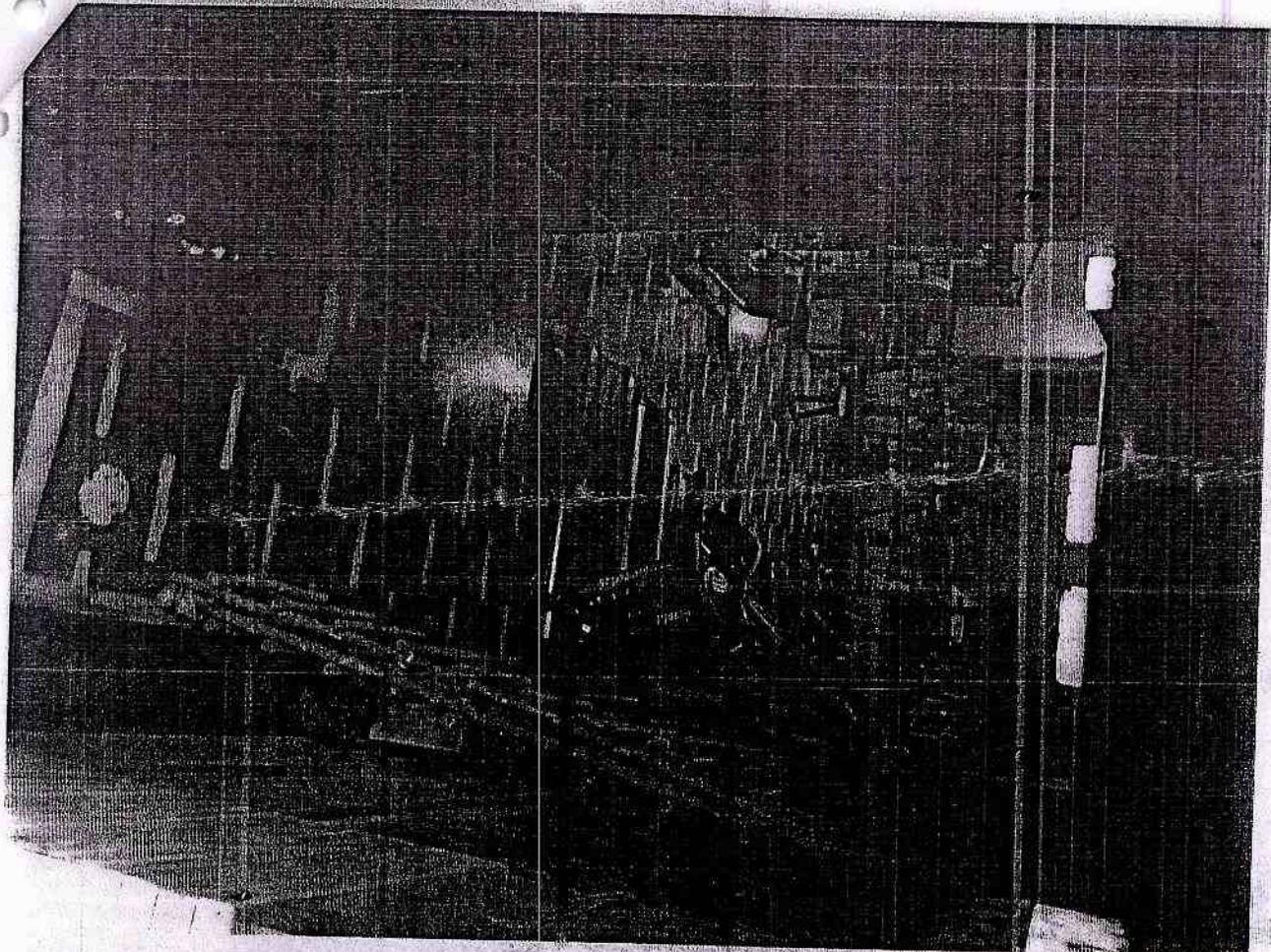
श्री मान जी,

आज दिनांक 23/05/2019 को NCT
 Court matter को चारु पाई पञ्चराम व्यसिआला
 से सम्बन्धित है उसका मौका देकरे मौका पर पहुँचा
 मौका पर शिकायत करी हाउस मिला उससे इस
 बारे में बात है गई बताया कि सारात पञ्चराम
 व्यसिआला 5-चारु पाई, नानालोई से शाली-विण्ड
 के प्रोग्राम होते है उससे पट बनता है उससे लकड़ी
 प्रदूषण होता है। शिकायत करी ने बताया कि मुझे
 air-pollution कि की है परेशानी नहीं है सारा व्यसिआला
 से परेशानी है। व्यसिआला 1/1305 व इस प्लॉट
 पर बना है तथा Basement पर इस चलता है।
 मौका के ली की साथ सम्मान है।

(Signature)
 23/05/2019

leader to sam (PB)

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!! શ્રી ગણેશાય નમઃ !!

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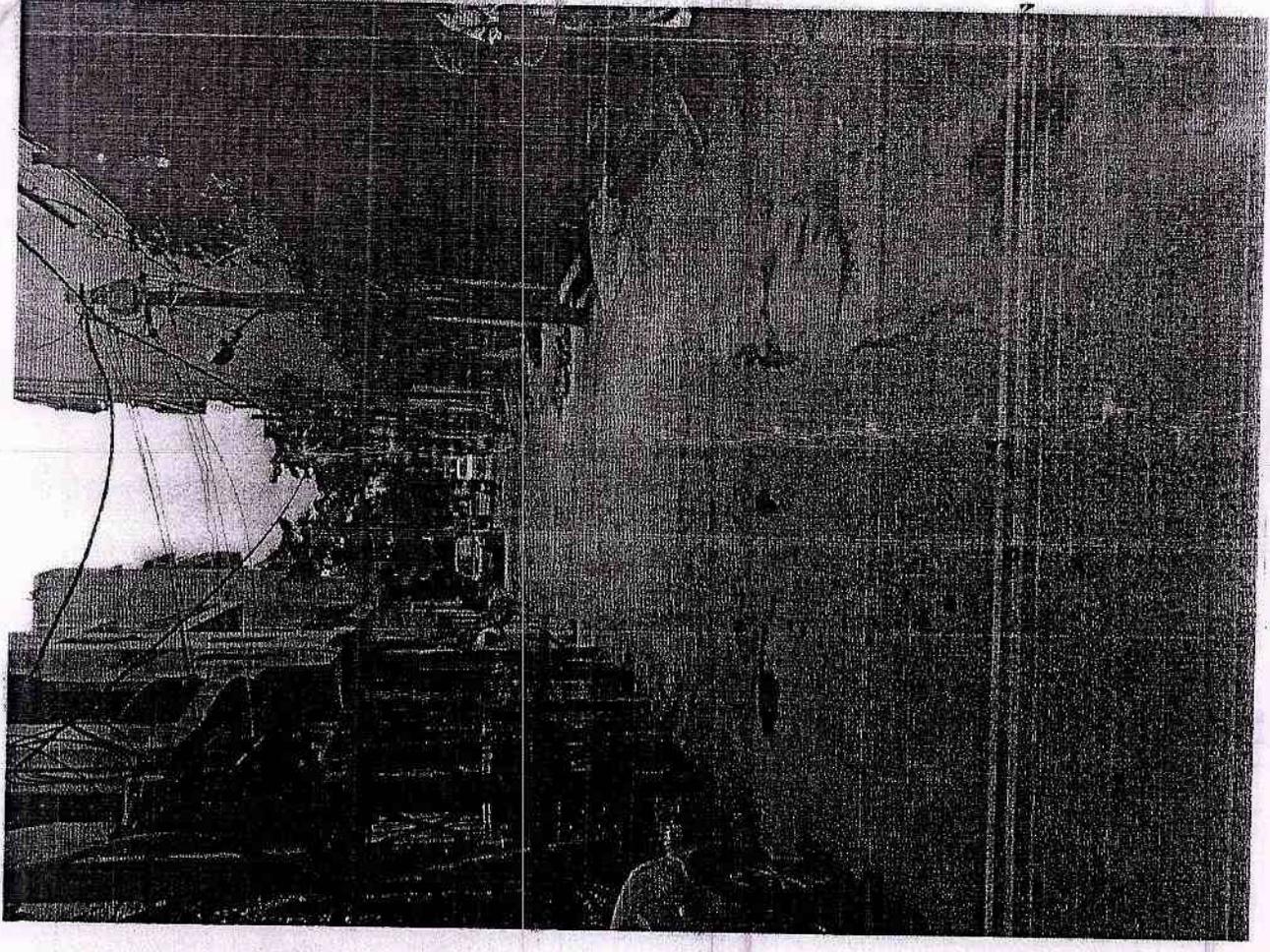
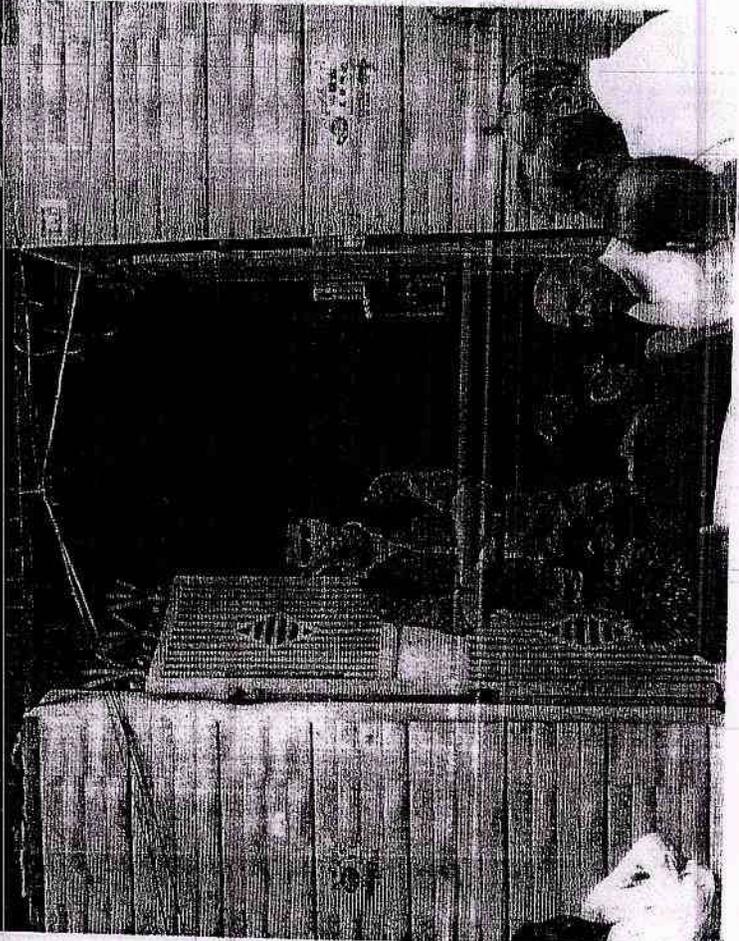
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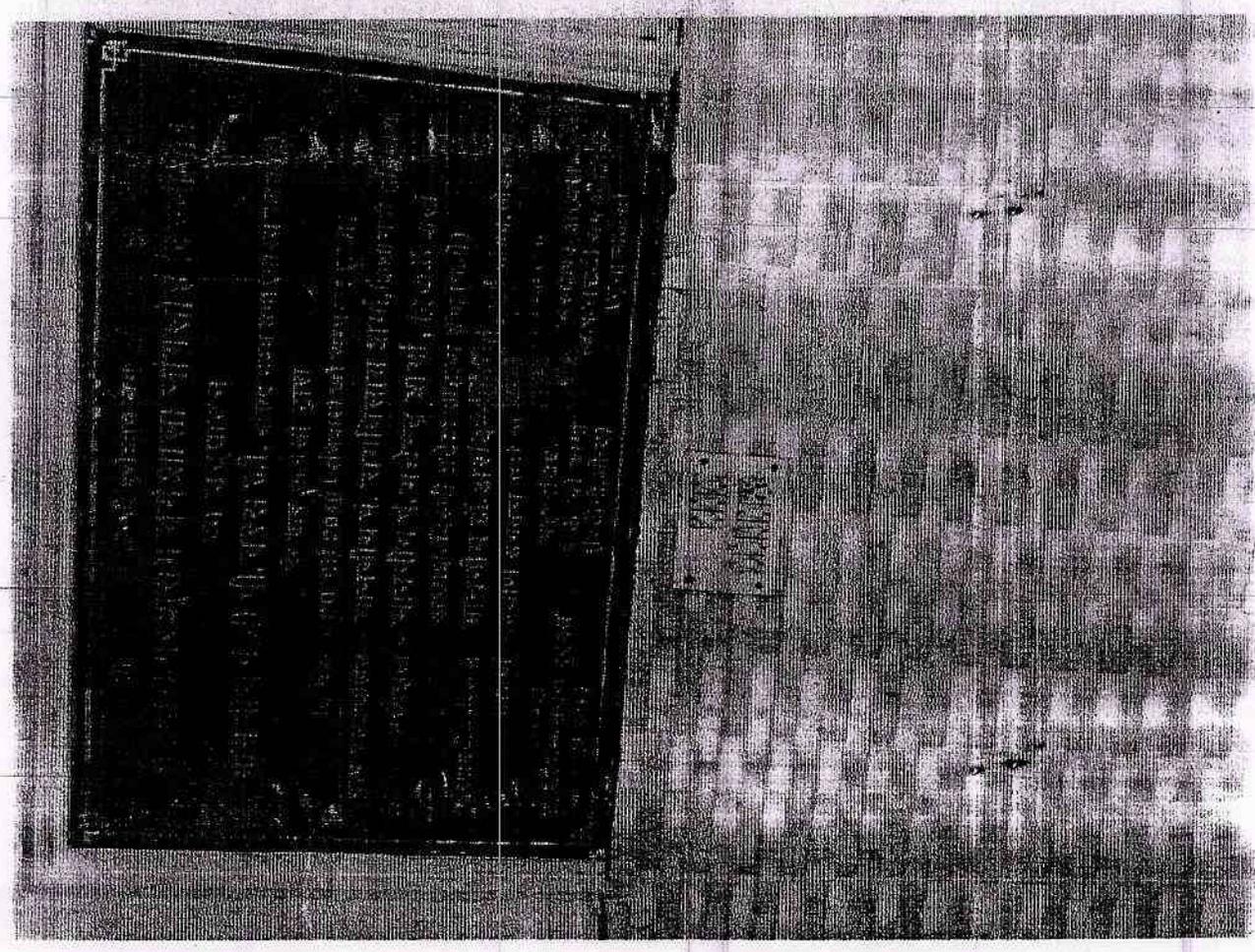
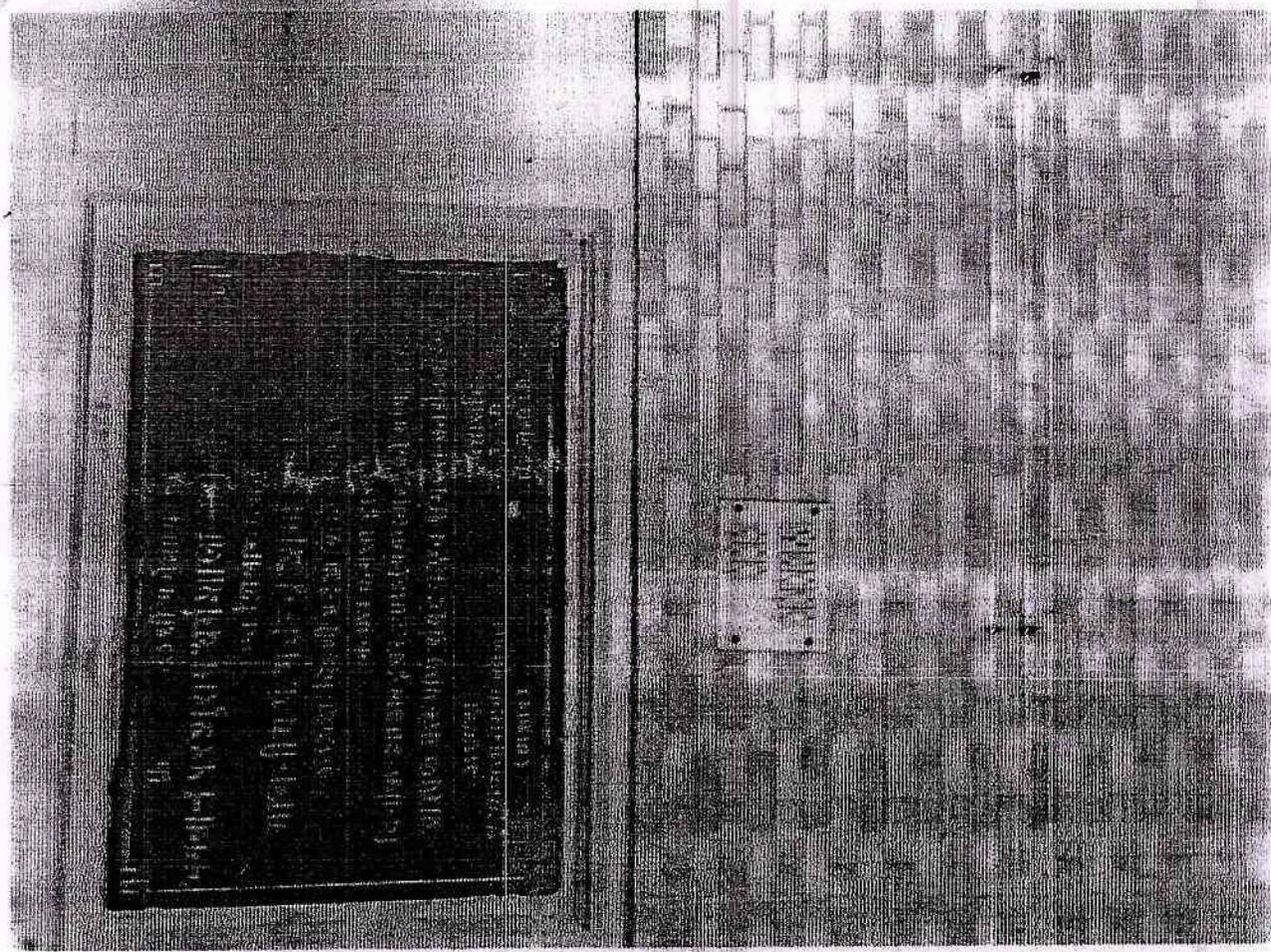
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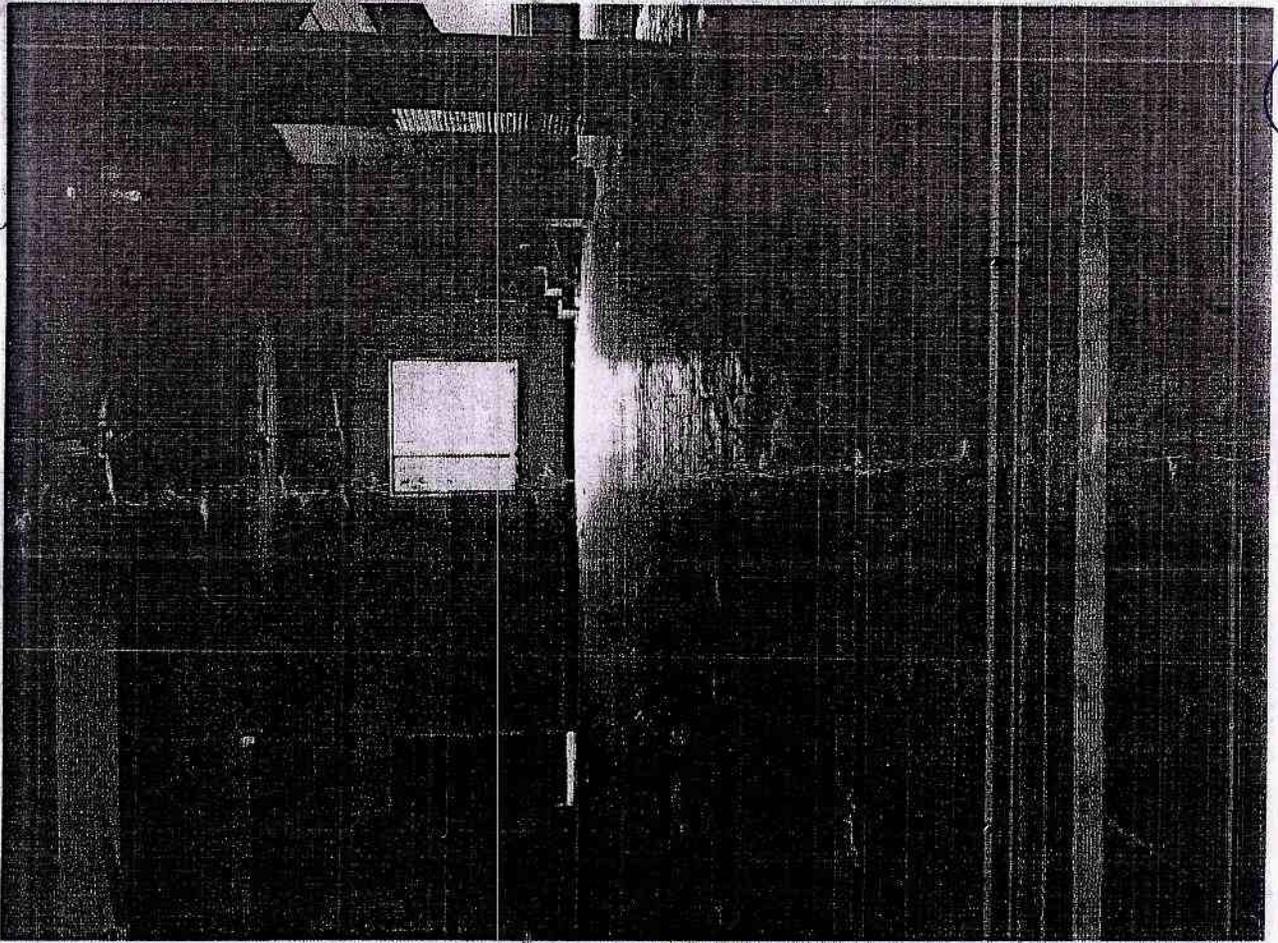


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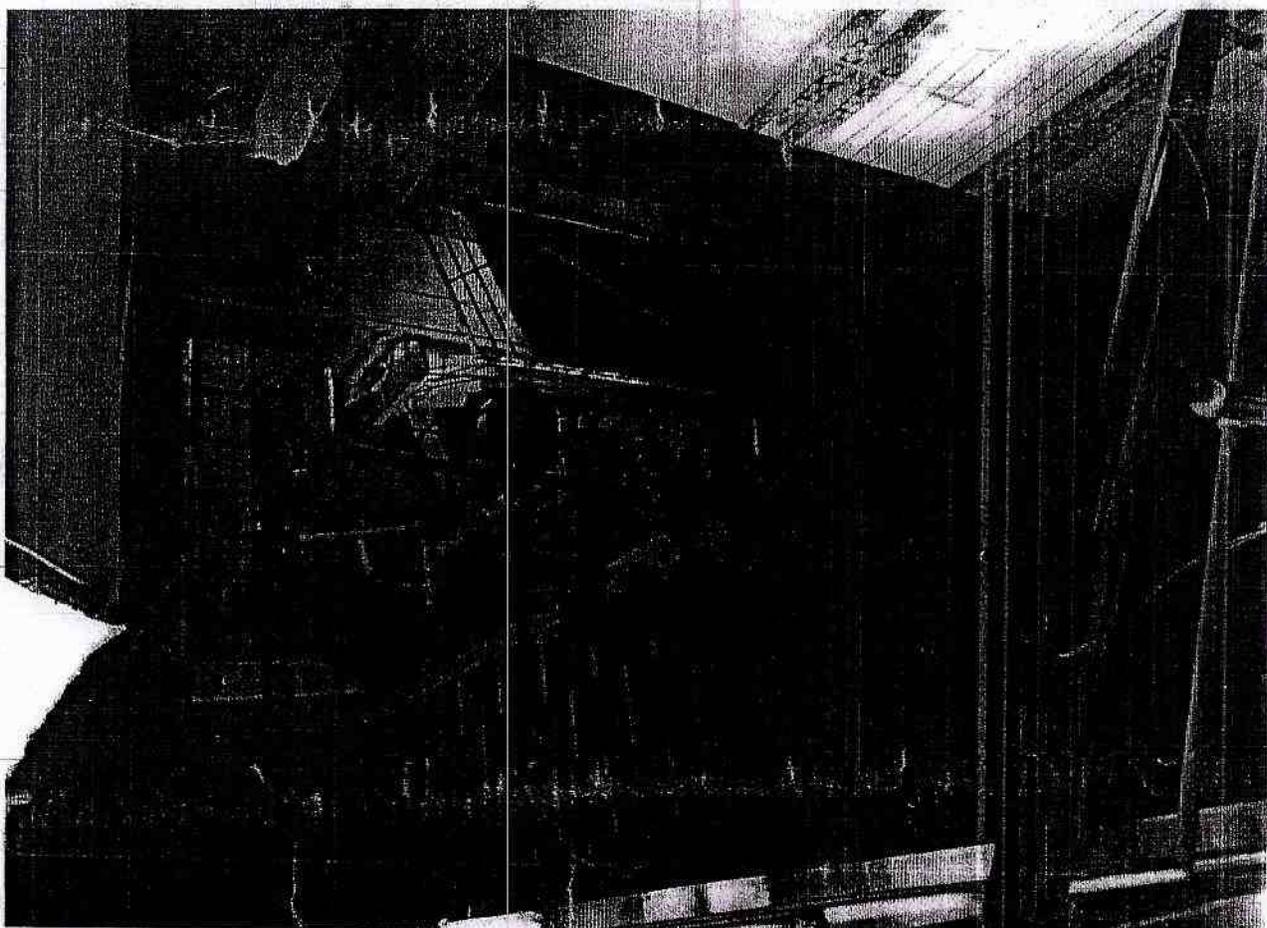
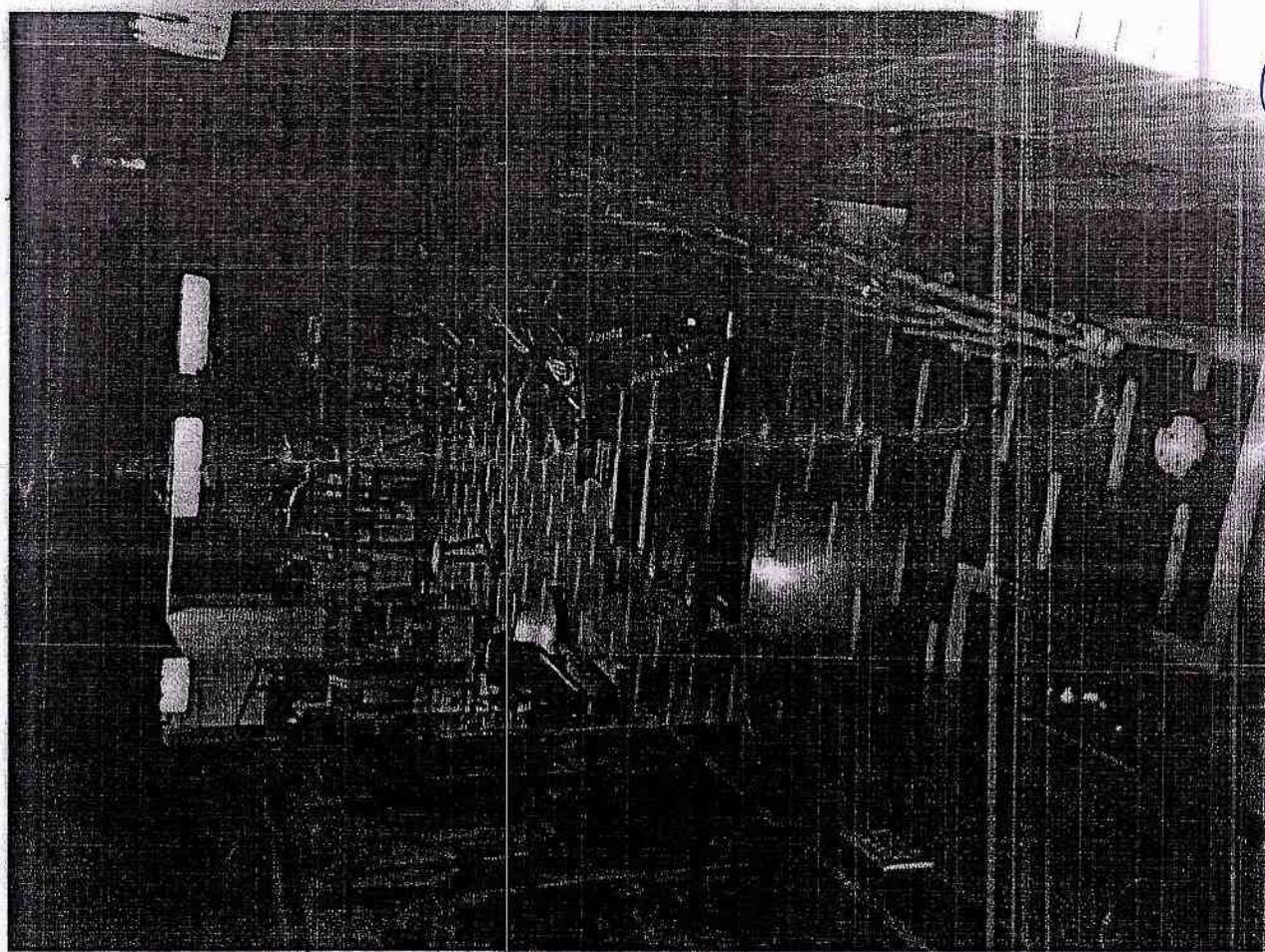
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Annexure-B

NGT MATTER

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**OFFICE OF THE SUB DIVISIONAL MAGISTRATE (PUNJABI BAGH)
GOVT. OF NCT OF DELHI
MAIN ROHTAK ROAD, NANGLOI DELHI-110041**

No. F1 (2)/SDM (PB)/2019/ 2947



12/06/19

To

The SHO P.S- Nangloi
Delhi

2019/come IV
17/6/2019

Subject: Forwarding of Order dated 09.05.2019 passed by Hon'ble NGT in OA No. 365/2019 in violation of Loud Music is played at Party hall at Plot No. 5/A Block-C, Yadav Park, Rohtak Road Known as Parshu Ram Dharamshala

Please find enclosed herewith an order dated 09.05.2019 passed by Hon'ble NGT in OA No. 365/2019 in violation of Loud Music is played at Party hall at Plot No. 5/A Block-C, Yadav Park, Rohtak Road Known as Parshu Ram Dharamshala.

In this regard, you are hereby directed to ensure compliance of Order of Hon'ble NGT and take necessary action for violation of noise pollution if found at the aforesaid site.

Encl. As above.

(AKRITI SAGAR), IAS
SDM: PUNJABI BAGH

Copy for information to:-

1. Sr. Environment Engineer, DPCC, Govt. of NCT of Delhi, 5th Floor, Kashmiri Gate, Delhi

(AKRITI SAGAR), IAS
SDM: PUNJABI BAGH