

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

O.A. NO. 545/2019

In the matter of:

Rohit Yadav President, Resident Welfare Association

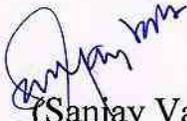
RWA Madipur Village (Regd.) ...Applicant

Versus

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

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Filed by:


(Sanjay Vatts)
Environmental Engineer
(Delhi Pollution Control Committee)
Respondent

New Delhi:
Dated: 12.09.2019

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

O.A. NO. 545/2019

In the matter of:

Rohit Yadav President, Resident Welfare

Association RWA Madipur Village(R) ...Applicant

Versus

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

STATUS REPORT ON BEHALF OF DELHI POLLUTION CONTROL COMMITTEE WITH RESPECT TO ORDER DATED 02.09.2019.

1. That this Hon`ble Tribunal took up the above referred matter on 02.09.2019 and now the matter is listed for hearing before this Hon`ble Tribunal for 13.09.2019.

2. That, Delhi Pollution Control Committee (DPCC) had filed its status report on 30.08.2019, which is available on the records of this Hon`ble Tribunal. This report was filed subsequent to site inspection carried out by DPCC official and issuance of directions under Section 5 of Environment (Protection) Act, 1986 to Deputy Commissioner SDMC and The Chief Engineer, Irrigation & Flood Control Department on 30.08.2019. South Delhi Municipal Corporation was directed to take immediate steps for removal of the Municipal Solid Waste from the site & sent it to authorized site (Waste to energy) within 7 days. The Irrigation & Flood Control Department, Govt of Delhi was directed to take steps for removal of the illegal encroachment and secure the land in question by way of

barricading to avoid the misuse of land by these rag pickers in future and to submit an action taken report.

3. That South Delhi Municipal Corporation vide letter dated 02.09.2019 informed that a special joint encroachment removal action has been fixed on 04.09.2019 to 06.09.2019. Copy of the letter dated 02.09.2019 is enclosed herewith as **Annexure-1.**
4. That South Delhi Municipal Corporation forwarded a copy of notesheet informing that the area under reference comes under the jurisdiction of North Delhi Municipal Corporation (Keshav Puram Zone). Copy of the same is enclosed herewith as **Annexure-2.**
5. That, DPCC subsequent to receiving of the information from South Delhi Municipal Corporation has issued direction under Section 5 of Environment (Protection) Act, 1986 to the Deputy Commissioner NDMC on 04.09.2019. North Delhi Municipal Corporation has been directed to take immediate steps for removal of the Municipal Solid Waste from the site & sent it to authorized site and shall submit an action taken report in this regard within 3 days. Copy of the direction dated 04.09.2019 is enclosed herewith as **Annexure-3.**
6. That during a joint inspection carried out by officials of DPCC, North DMC and Irrigation & Flood Control Department, Govt of Delhi on 04.09.2019 28 rag pickers were identified, who were carrying out the activities of municipal solid waste segregations at the referred site. The land belongs to Irrigation & Flood Control Department. The site is existing in a stretch of approx. 500 metres x 25 metres. Copy of the joint inspection report dated 04.09.2019 is enclosed herewith as **Annexure-4.**
7. That DPCC has imposed Environmental Damages Charges on all 28 Rag Pickers to the tune of Rs. 50,000/- each on 09.09.2019.

8. That the drive for removal of encroachment and lifting of waste lying on site was started from 05.09.2019 by the North Delhi Municipal Corporation and Irrigation & Flood Control Department, which is going on till date. Officials of North Delhi Municipal Corporation had gone on strike with effect from 06.09.2019 to 09.09.2019. Officials of North Delhi Municipal Corporation re-joined the drive on 10.09.2019. As on 12.09.2019 the removal of encroachment is complete and around 90 % of waste has been removed from the site and sent to Waste to Energy Plant, Bawana. The site photographs taken prior to starting of joint drive and as in the morning of 12.09.2019 are enclosed collectively as **Annexure-5** **(Colly)**.



(Sanjay Vatts)
Environmental Engineer
(Delhi Pollution Control Committee)



Recd on WhatsApp

SOUTH DELHI MUNICIPAL CORPORATION
OFFICE OF THE ASSTT. COMMISSIONER/WEST ZONE
Dr. Sahib Singh Verma Nigam Bhawan, Shivaji Enclave,
Raja Garden, New Delhi - 110027



No.: AC/WZ/2019/D- 1184

Dated: 2/9/19

To,

The SHO
PS Punjabi Bagh,
New Delhi

Subject: A Special Joint encroachment removal action Near Ganda Nala Paschim Puri and surrounding area Ward No. 015.

A special joint encroachment removal action has been fixed on 04-09-2019 to 06-09-2019 at 11.00 A.M. onwards in the aforesaid area under the direction of NGT vide order No. O.A. No. 545/2019/2280.

You are requested to provide immediate (Male/Female) police force to protect the staff and Govt. vehicle during the encroachment removal action for compliance of NGT Orders.


Admin Officer
West Zone

Copy to:-

1. **DC/WZ** :- For info pls.
2. **AC/WZ** :- For info pls.
3. **Environment Engineer (CMC-6)** DPCC to provide concerned staff for compliance.
4. **SS/WZ**:- To directed the concerned SI/ASI long with truck and labour.
5. **DHO**:- Please provide truck and labour.
6. **EE(M-1)**:- Please provide truck and labour.
7. **E.E. (Disaster Management Center/WZ)** with request to provide JCB for the aforesaid action.
8. **APRO**:- Please provide truck and labour.

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In reference to OA No 545/2019/2280 Rohit Yadav RWA Madipur Village Vs GNCTD it is submitted that the undersigned, II of Ward No.15 inspected the area and found that the area mentioned in the complaint of RWA i.e. near Paschim Puri Shamsan Bhoomi where scrap dealer/rag pickers segregate the scrap/Garbage (where fire incidence had taken place) comes under the jurisdiction of Ward No.67-N, Paschim Vihar, name of the councillor Mr. Vineet Vohra under Keshav Puram Zone, North DMC.

In view of above this reference may be sent to the Keshav Puram Zone, North DMC.

Submitted Please

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3/9/19

AO/WZ 
3/9/19

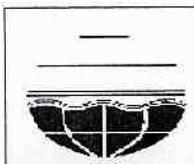
AC/WZ ~~signature~~ on leave

DLO/WZ

शाखा परिष्कार वि
1993
3/9/19
नगर निगम

D.M.C.

LAW OFFICER
715
3/9/19
ZONE M.C.D.



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-6
visit us at : <http://dpcc.delhigovt.nic.in>

F.No. DPCC/CMC-VI/2019/20

Dated: 04/09/2019

To,
The Deputy Commissioner, Keshav Puram Zone,
North Delhi Municipal Corporation,
Room No. 107, A-1 Block, Keshav Puram
Delhi - 110085

Subject: Direction u/s 5 of Environment Protection Act, 1986 read with Solid Waste Management Rules 2016 as amended to date

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 Central Government has notified the Solid Waste Management Rules 2016 (here after refereed as SWM Rules, 2016) notified under Environment (Protection) Act, 1986 for proper management and handling of Solid Wastes.

And whereas, duties and responsibilities of local authorities have been mentioned in Rule (15) of Solid Waste Management Rules, 2016 which includes:

- The local authorities shall transport segregated bio-degradable waste to the processing facilities like compost plant, bio-methanation plant or any such facility. Preference shall be given for on site processing of such waste;
- The local authorities shall transport non-bio-degradable waste to the respective processing facility or material recovery facilities or secondary storage facility;

And whereas, Hon'ble NGT in OA No. 545/2019 Titled Rohit Yadav President Welfare association RWA Madipur Village (Regd. Vs Govt. of NCT of Delhi) has passed the following order on 08.08.2019

"We have perused the letter petition sent by resident welfare association, RWA Madipur Village. Issue notice to Delhi Pollution Control Committee and South Delhi Municipal Corporation who shall look into the matter and sent a report before next date of hearing.....List this matter on 2nd September, 2019"

And whereas, officials of DPCC inspected the above site on 28.08.2019 and it was observed that:

1. The site is a piece of land along bank of Najafgarh Drain and is located behind Paschim Puri Shamshan Ghat. The site is existing in a stretch of approx. 500 metres. After inspecting the whole site, it was found that most of the area is encroached by Rag Pickers who are engaged in sorting domestic solid waste which includes plastic waste, paper/cardboard waste, glass waste etc. collected from surrounding residential areas.

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2. Garbage/waste sorted/handled by these Rag pickers found dumped in the area and huge heaps of waste seen at the site.
3. Sign of burning of garbage/waste were observed at some spots but no burning was observed during inspection.
4. The rag pickers have encroached the Govt. land as well as public road.
5. The land in question belongs to Irrigation and Flood Control Deptt., Govt of Delhi.
6. The Rag Pickers were found sorting the domestic solid waste by bare hands without any gloves or any safety equipment's.

And whereas. Directions u/s 5 of Environment Protection Act, 1986 read with Solid Waste Management Rules 2016 as amended to date were issued to SDMC and Irrigation & Flood Control Department, Govt. of Delhi on 30.08.2019.

And whereas, SDMC had fixed a special joint encroachment removal action on 04.09.2019 to 06.09.2019 as informed vide letter No. AC/WZ/2019/D-1184 dated 02.09.2019.

And whereas, the drive of SDMC was cancelled as SDMC has conveyed that the land in question belongs to North Delhi Municipal Corporation.

And whereas North Delhi Municipal Corporation have not taken any steps to implement the provisions of Solid Waste Management Rules 2016 as amended to date

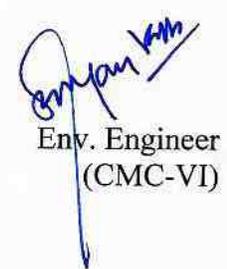
And whereas, the Competent Authority in Delhi Pollution Control Committee in exercise of powers conferred upon it, u/s 5 of Environment Protection Act, 1986 as amended to date, has decided to issue the following directions:

- (i) That North Delhi Municipal Corporation shall take immediate steps for removal of the Solid Municipal Waste from the site & sent it to authorized site and shall submit an action taken report in this regard within 03 days.

You shall be liable for penal action under the provisions of the EPA 1986 as amended to date in case of violation at the above site continues.

This is being issued as per the approval of the Competent Authority in Delhi Pollution Control Committee.

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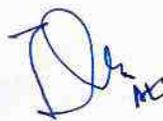

Env. Engineer
(CMC-VI)

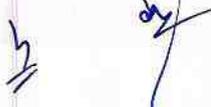
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Inspection Report w.r.t. O.A. No 545/2019 dated 02.09.2019 of Hon'ble National Green Tribunal titled as Rohit Yadav, President, Resident Welfare Association, RWA Madipur Village (Regd.) v/s Govt of NCT of Delhi

A Joint inspection was carried out by officials of DPCC, North DMC and Irrigation & Flood Control Department of the site on 04.09.2019 in pursuance of orders in O.A. No 545/2019 dated 02.09.2019 of Hon'ble National Green Tribunal titled as Rohit Yadav, President, Resident Welfare Association, RWA Madipur Village (Regd.) v/s Govt of NCT of Delhi and it was observed that following rag pickers/ Kabaris near Shaheed **Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri** were carrying out the activities of municipal solid waste segregation at the land of Irrigation & Flood Control Department. After extracting the valuable material, the remaining non valuable solid waste material are dumped at the land of Irrigation & Flood Control Department.

S.No.	Name	Address	Contact No.
1	Hari	43, Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	-
2	Ram Pratab	118, Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	-
3	Raju	20, Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	8377930143
4	Raju	19, Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	8377930143
5	Dharmendra Madhesia	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	-
6	Hari Rao	163, Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	-
7	Ashok Kumar	200, Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	-
8	Ms Gunjan	218, Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	-
9	Rajender Mondle	205, Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	7669799698
10	Dukhi Ram	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	-

4. 
2. 

3. 


11	Ramesh	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	-
12	Bal Kumar	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	-
13	Panday Ji	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	-
14	Arun	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	-
15	Jeete	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	
16	Allauddin	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	
17	Ramcharan	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	
18	Dharam	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	
19	Mewalal	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	
20	Sonu Malhotra	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	
21	Bhola	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	
22	Bhagwan	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	
23	Ram Vachan	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	
24	Shankar	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	
25	Janardhan	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	
26	Badri	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	
27	Rajneesh	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	
28	Ram Pratap	Shaheed Bhagat Singh Camp, Near Shamshan Ghat, Paschimpuri, Delhi	

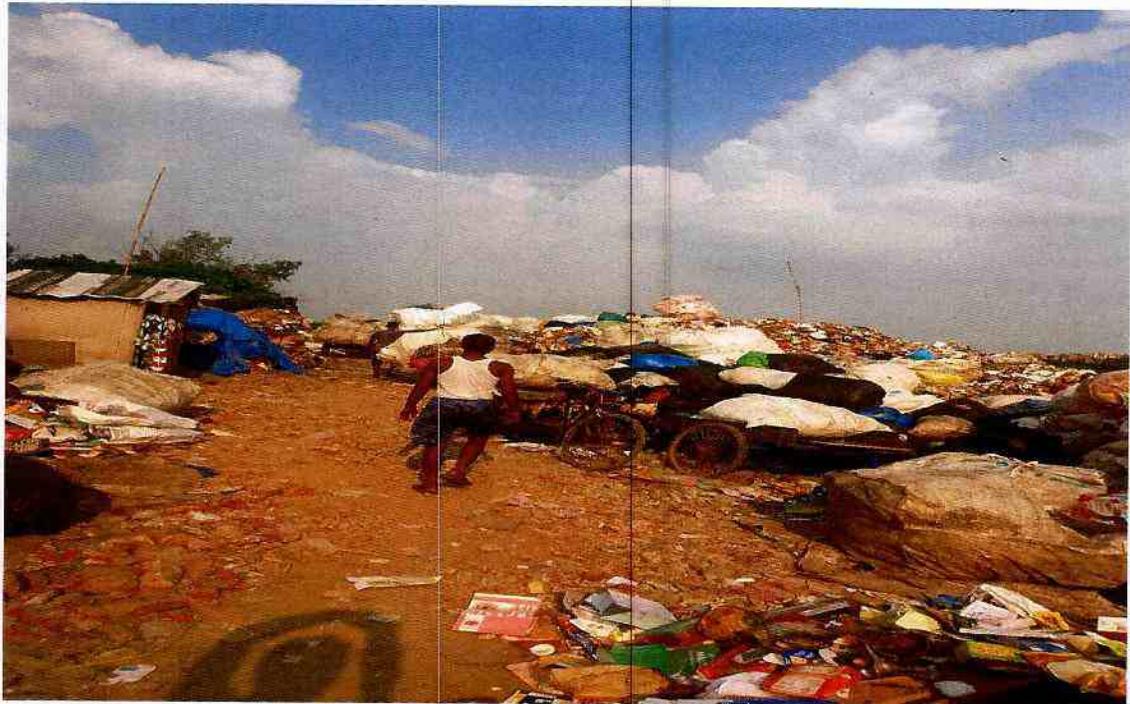
1. KAUSHAL KUMAR AE (I & EC) 9891620080
2. Rajeev Singh 31/67/ME (Mech) 9013248119
3. S.K. Gupta, AEE, DPCC HL
4. Sanjay Kumar, SE, DPCC


 04/09/19
 AE

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Photographs of the site prior to drive



Photographs of the site as on 12.09.2019

