

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT NEW DELHI
ORIGINAL APPLICATION NO. 1277 OF 2024

IN THE MATTER OF:

Varun Gulati

...Applicant

Versus

CPCB & Ors.

...Respondents

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BSES YAMUNA POWER LTD./RESPONDENT NO. 6

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Date: 14.08.2025

Filed on 21.08.2025

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ORIGINAL APPLICATION NO. 1277 OF 2024

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**ADDITIONAL REPLY ON BEHALF OF RESPONDENT
NO. 6/ BSES YAMUNA POWER LTD. IN COMPLIANCE
WITH THE DIRECTIONS CONTAINED IN THE ORDER
DATED 18.07.2025 PASSED BY THIS HON'BLE
TRIBUNAL.**

I, Varun Kumar, S/o Late Shri Pawan Kumar, aged about 47 years, working with BSES Yamuna Power Ltd./Respondent No. 6 (*"Answering Respondent"*), having its registered office at Shakti Kiran Building, Karkardooma, New Delhi-110032, do hereby solemnly affirm and state that I am competent and duly authorized to swear and depose the present Additional Reply. I have acquainted myself with the facts and circumstances of the present case and state that the facts stated herein are true and correct to the best of my knowledge based on the records maintained by the Answering Respondent in its ordinary course of business and that the legal submissions made therein are based upon information received by and believed to be true.

1. This Hon'ble Tribunal by an Order dated 18.07.2025 was interalia pleased to observe as under: -

- “4. The above disclosure reveals that some of the premises were found to be closed. Therefore, the nature of the activity could not be ascertained.
5. It cannot be disputed that these units in some of the premises may be operating secretly which cannot be ascertained by doing outside inspection. If a unit is operating and consuming electricity for such illegal operations then BSES on the basis of the nature and extent of electricity consumption can ascertain if any such activity is being carried out inside the closed premises. That can be ascertained by the BSES on the basis of the meter reading, the purpose of connection and the variation therein in case, if the electricity is used by the meter connection or by carrying out the surprise check to find out the unauthorized electricity usage. It has been pointed out by the learned counsel for the DPCC that in the cases reflected in the above chart where the units are found to be violating and environmental compensation has been imposed, no action has been taken by the BSES to disconnect electricity.

2. This Hon’ble Tribunal was further pleased to interalia direct BSES Yamuna Power Ltd./Respondent No. 6 (**“Answering Respondent”**) as under: -

“8. The BSES is also directed to file the response disclosing the reason for not undertaking the elaborate exercise for ascertaining the unauthorized use of electricity by these units, if they are found to be operating in the closed premises or are suspected to be operating by unauthorisedly/illegally using the electricity.”

A copy of the Order dated 18.07.2025 passed by this Hon’ble Tribunal is annexed hereto and marked as **Annexure A/1**.

3. It is respectfully submitted that in terms of the Order dated 18.07.2025, the directions passed by this Hon’ble Tribunal on 18.07.2025 are premised on the following observations: -

- (a) Nature of activity within a premises cannot be ascertained if the premises is found closed.

- (b) The activity undertaken within a premises cannot be ascertained by doing outside inspection.
 - (c) The Answering Respondent can ascertain if industrial activity is being undertaken in the premises based on: -
 - (i) the nature and extent of electricity consumption at premises.
 - (ii) meter reading, purpose of connection and variation therein.
 - (iii) conducting surprise checks.
 - (d) Delhi Pollution Control Committee ("**DPCC/ Respondent No. 3**") submitted that in cases where DPCC has imposed Environmental Compensation, the Answering Respondent has not taken action of disconnection of electricity supply.
4. At the outset, it is respectfully submitted that disconnection of existing electricity connections is governed by the provisions of the Electricity Act, 2003 and the Rules and Regulations framed thereunder including the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 ("**DERC Supply Code, 2017**") and the directions issued by the Hon'ble Delhi Electricity Regulatory Commission.
5. It is respectfully submitted that: -
- (a) The Answering Respondent undertakes its activities in accordance with the provisions of the Electricity Act, 2003 and the Rules and Regulations framed thereunder, including the DERC Supply Code, 2017.
 - (b) The Answering Respondent has no statutory authority or the wherewithal to identify and or certify as to whether a

premises is being used in violation of the provisions of the law, except the Electricity Act, 2003 and the Rules and Regulations framed thereunder.

- (c) Disconnection of electricity supply to an offending premises violating the municipal and environmental laws, is done by the DISCOMS, including the Answering Respondent, solely based on the specific directions issued by the competent statutory authorities, including DPCC.
- (d) In terms of the existing statutory regime, the disconnection of electricity supply is done during the joint inspection conducted by the Municipal Corporation of Delhi ("*MCD*") and DPCC, the DISCOMs (including the Answering Respondent), the Delhi Jal Board and the Delhi Police and upon specific directions from DPCC or MCD.

6. It is respectfully submitted that DPCC is the statutory entity which is required to take action against the illegal industrial units.

DPCC in the present case, has failed to follow the process as mandated under the Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 ("*Water Act, 1974*") and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981 ("*Air Act, 1981*") and the Rules framed thereunder. In the absence of such directions, the Answering Respondent could not have proceeded to disconnect the electricity connection of such offending premises. It is pertinent to note that: -

- (a) In terms of the Section 33A of the Water Act, 1974 and Section 31A of the Air Act, 1981 and the Rules framed thereunder, it is mandatory for DPCC to issue specific directions to the DISCOMs for disconnection of electricity

supply to any offending premises. The DISCOMs, including Answering Respondent cannot *suo moto* disconnect electricity supply by ascertaining whether the industrial activity is situated in a “non-conforming” or a “conforming” area and whether the activity undertaken at the premises is permitted or is contrary to the provisions of the environmental or municipal laws.

- (b) In terms of Section 23 of the Water Act, 1974 and Section 24 of the Air Act, 1981, DPCC has a right to enter any place at any time, for the purpose of performing of its functions.
- (c) Although DPCC has issued Show Cause Notices and imposed Environmental Compensation on certain offending units of the Respondents and also to additional units, DPCC has not issued any direction either under Section 33A of the Water Act, 1974 or Section 31A of the Air Act, 1981 to the Answering Respondent regarding disconnection or regulation of electricity connection to such offending premises already found to be violating environmental laws. DPCC has not marked the Orders imposing Environmental Compensation to the Answering Respondent.
- (d) DPCC, by the Orders imposing Environmental Compensation, has failed to issue direction regarding closure of such offending premises. Imposition of Environmental Compensation by DPCC does not automatically result in directions for disconnection of electricity supply or in the closure of the offending premises.

7. It is humbly submitted that the Answering Respondent as a responsible corporate, has always made sincere efforts to ensure

due and prompt compliance with the directions issued by the Hon'ble Court, this Hon'ble Tribunal and the concerned statutory authorities such as DPCC and MCD.

8. However, it is pertinent to note that in the present case, neither DPCC nor MCD, being the concerned statutory authorities have issued any directions to the Answering Respondent to disconnect the electricity connection to the offending premises of Respondents Nos. 7 to 42, including those against whom DPCC has imposed Environmental Compensation or issued Show Cause Notices and MCD has issued sealing orders. It is humbly submitted that neither the Order of imposition of Environmental Compensation issued to the offending premises by DPCC were marked to the Answering Respondent nor was there any direction of closure of such offending premises in such Orders. Therefore, as the Answering Respondent has not received any direction regarding disconnection of electricity to the offending premises by DPCC or MCD, Answering Respondent could not disconnect electricity connection of such premises, on its own.

9. It is humbly submitted that the electricity connection of the offending premises cannot be disconnected merely on the ground of misuse or unauthorized use of electricity. The actual nature and purpose of electricity use can only be accurately determined through a physical inspection of the premises. However, the DISCOMs, including the Answering Respondent, cannot be called upon to determine whether any industrial unit is operating legally or illegally. DPCC and MCD have been statutorily empowered to enter and inspect the premises to ascertain whether any illegal industrial activity is being undertaken.

10. Section 50 of the Electricity Act, 2003 provides for the concerned State Commission to frame a Supply Code to provide for recovery of electricity charges, intervals for billing of electricity charges, disconnection of supply of electricity for non-payment thereof, restoration of supply of electricity; measures for preventing tampering, distress or damage to electrical plant, or electrical line or meter, entry of Distribution Licensee or any person acting on his behalf for disconnecting supply and removing the meter; entry for replacing, altering or maintaining electric lines or electrical plants or meter and such other matters. Accordingly, Hon'ble Delhi Electricity Regulatory Commission has specified the DERC Supply Code, 2017.

11. Regulation 50 of the DERC Supply Code, 2017 contains provisions relating to disconnection of electricity supply, wherein Electricity connection to a premises is disconnected: -

- (a) When a consumer defaults to make payment of electricity consumption charges. This is in terms of Section 56 read with Proviso to Section 43 (2) of the Electricity Act, 2003 and Regulation 50(1) of the DERC Supply Code, 2017.
- (b) If the consumer is found to have indulged in theft of electricity. This is in terms of Section 135 (1A) of the Electricity Act, 2003 and Regulation 50(2) of the DERC Supply Code, 2017.
- (c) If the consumer refuses to allow a Distribution Licensee or any person duly authorized by the Distribution Licensee to enter his premises or land in pursuance of the provisions of sub-section (1) or sub-section (2) of Section 163 of the Electricity Act, 2003 and Regulation 50(3) of the DERC Supply Code, 2017.

- (d) If the Distribution Licensee is entitled to do so under an agreement with the consumer.
- (e) Failure of consumer to comply for taking effective steps for generating harmonics within permissible limits as per Regulation 8 of the DERC Supply Code, 2017.
- (f) Failure of consumer to make meter accessible as per Regulation 31 of the DERC Supply Code, 2017.
- (g) If the Licensee is mandated to do so by an order of a legal authority, competent to issue such a mandate.
- (h) If the supply of electricity to the consumer is liable to be disconnected as per any of the provisions of the Regulations.

12. It is respectfully submitted that unauthorised use of electricity is defined under Section 126 of the Electricity Act, 2003 to mean the usage of electricity: -

- (a) by any artificial means; or
- (b) by a means not authorised by the concerned person or authority or licensee; or
- (c) through a tampered meter; or
- (d) for the purpose other than for which the usage of electricity was authorised; or
- (e) for the premises or areas other than those for which the supply of electricity was authorised.

13. In terms of Section 126 of the Electricity Act, 2003, the electricity Distribution Licensee (“*DISCOM*”) such as the Answering Respondent is not empowered to disconnect electricity supply to a premises where it is found that there is unauthorised

use of electricity. Section 126 of the Electricity Act, 2003 provides as under: -

“126. Assessment. —

- (1) *If on an inspection of any place or premises or after inspection of the equipments, gadgets, machines, devices found connected or used, or after inspection of records maintained by any person, the assessing officer comes to the conclusion that such person is indulging in unauthorised use of electricity, he shall provisionally assess to the best of his judgment the electricity charges payable by such person or by any other person benefited by such use.*
- (2) *The order of provisional assessment shall be served upon the person in occupation or possession or in charge of the place or premises in such manner as may be prescribed.*
- (3) *The person, on whom an order has been served under sub-section (2), shall be entitled to file objections, if any, against the provisional assessment before the assessing officer, who shall, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment within thirty days from the date of service of such order of provisional assessment, of the electricity charges payable by such person.*
- (4) *Any person served with the order of provisional assessment may, accept such assessment and deposit the assessed amount with the licensee within seven days of service of such provisional assessment order upon him:*
- (5) *If the assessing officer reaches to the conclusion that unauthorised use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorised use of electricity has taken place and if, however, the period during which such unauthorised use of electricity has taken place cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection.*
- (6) *The assessment under this section shall be made at a rate equal to twice the tariff applicable for the*

relevant category of services specified in sub-section (5).

Explanation. — For the purposes of this section-

- (a) “assessing officer” means an officer of a State Government or Board or licensee, as the case may be, designated as such by the State Government;*
- (b) “unauthorised use of electricity” means the usage of electricity—*
 - (i) by any artificial means; or*
 - (ii) by a means not authorised by the concerned person or authority or licensee; or*
 - (iii) through a tampered meter; or*
 - (iv) for the purpose other than for which the usage of electricity was authorised; or*
 - (v) for the premises or areas other than those for which the supply of electricity was authorised.”*

[Emphasis Supplied]

14. The Hon’ble Delhi Electricity Regulatory Commission under Regulations 55 to 59 of the DERC Supply Code, 2017 has specified the provisions relating to unauthorised use of electricity. It is humbly submitted that the Regulation 56 (5) of the DERC Supply Code, 2017 also provides as under: -

“56. Inspections of the premises and electrical installations by Assessing Officer: -

...

- (5) No case of unauthorized use of Electricity shall be booked by the Licensee in the following cases:*
 - (i) where consumer has been paying electricity charges for higher tariff category but using electricity for lower tariff category;*
 - (ii) where the consumer is drawing power more than the sanctioned load or contract demand as the case may be within the same category of tariff; and*

- (iii) *where it is incumbent upon the Licensee to suo-motu change the category of supply.*

[Emphasis Supplied]

15. It is further respectfully submitted that in terms of Regulation 17(4) of the DERC Supply Code, 2017, the Hon'ble Delhi Electricity Regulatory Commission has specified revision of sanctioned load/contract demand on an yearly basis based on the Maximum Demand Readings. In the present context, it is noteworthy that:

- (a) In terms of Regulation 2(40) **“Maximum Demand (MD)”** means *“the highest average load measured in kVA or kW at the point of supply of a consumer during a consecutive period of thirty minutes or such other consecutive period as may be notified by the Commission during a billing cycle”*
- (b) Regulation 17 (4) provides as under: -
- “17. Existing connections: -*
- (4) *Review of sanctioned load/contract demand by the Licensee: -*
- (i) *For revision of sanctioned load or contract demand as the case may be, the Licensee shall take the highest of average of Maximum Demand readings recorded as per billing cycle covering any four consecutive calendar months in the preceding financial year i.e. from 1st April to 31st March, rounded off to the lower integer as described in the illustration:*
- Provided that the period for billing cycle shall not exceed the period specified in these Regulations:*
- Provided further that the minimum sanctioned load shall be 1kW.*
- ...
- (ii) *If the computed revised load pursuant to sub-clause (i) above exceeds the sanctioned load or contract demand as the case may be, the Licensee shall issue*

a separate notice to the consumer about the proposed increase in sanctioned load or contract demand. The notice shall contain the details of the exact readings in the consecutive billing cycle(s) taken into consideration along with details of enhanced security deposit and the differential Service Line cum Development (SLD) charges in case of change of service line, if any, for such increase in sanctioned load or the contract demand, as the case may be, in accordance with the Act to be deposited by the consumer within 30 (thirty) days from the date of receipt of notice.

...

- (vi) *The upward or downward revision of sanctioned load or contract demand as the case may be, shall be done once in a financial year and shall be made effective from 1st July of the financial year.”*

Relevant extracts of the provisions of the Electricity Act, 2003 is annexed hereto and marked as **Annexure A/2**.

Relevant extracts of the provisions of the Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017 are annexed hereto and marked as **Annexure A/3**.

16. In view of the above, it is respectfully submitted that the Answering Respondent cannot disconnect electricity supply to a premises where there is unauthorised use of electricity by consumption of electricity beyond the sanctioned electrical load or with abnormal variations in the monthly electricity consumption.

17. It is further respectfully submitted that this Hon'ble Tribunal has been pleased to observe that the nature of activity within a premises cannot be ascertained if the premises is found closed and the activity undertaken within a premises cannot be

ascertained by doing inspection from outside. Thus, it is humbly submitted that the Answering Respondent even after undertaking the elaborate exercise for ascertaining the unauthorized use of electricity by these units cannot determine and ascertain whether the premises is used for undertaking unauthorised/ illegal industrial activity.

18. The Answering Respondent in its Affidavit dated 17.07.2025 has placed on record before this Hon'ble Tribunal the various steps and initiatives taken by the Answering Respondent to curb the menace of rampant theft of electricity in Ghonda and Gamri Villages. The Answering Respondent craves leave of this Hon'ble Tribunal to refer to and rely upon the contents of the Answering Respondent's Affidavit dated 17.07.2025. It is humbly submitted that: -

- (a) The Answering Respondent has taken various steps to mitigate the rampant theft of electricity in the subject area i.e., Ghonda and Gamri Village.
- (b) The Answering Respondent's Enforcement Teams have conducted regular inspections and raids with the assistance of the Delhi Police.
- (c) The Answering Respondent's officials including the Enforcement Team, face constant threats of physical harm and injury and also intimidation from unscrupulous individuals. The owners and local residents often resort to aggressive tactics to prevent inspections of the premises suspected of being involved in electricity theft.
- (d) The Answering Respondent's Inspection teams are routinely obstructed by the local miscreants during Answering

Respondent's efforts to detect and act against the electricity theft by the residents of the Ghonda and Gamri Village.

- (e) During routine site visits and inspections conducted by the Answering Respondent, residents of the Gamri and Ghonda Village, often accompanied by associated goons, resort to misbehavior, verbal abuse and even physical manhandling of the officials of the Answering Respondent.
- (f) On several occasions, the officials have been subjected to direct threats, including warning of being falsely implicated in criminal cases, such as fabricated allegations of molestation, should they attempt to proceed with the inspection or enforcement action.
- (g) The local residents have also lodged false FIRs against the Officials of the Answering Respondent, evidently as a means to obstruct lawful inspection and enforcement actions. In particular, FIR Nos. 98/2025 and 99/2025 dated 18.02.2025 registered at Police Station Bhajanpura, Delhi – 110053 establish the hostile and threatening environment created by the residents. These deliberate disruptions severely hamper enforcement activities aimed at curbing theft of electricity. Copies of the FIR Nos. 98/2025 and 99/2025 dated 18.02.2025 registered at Police Station Bhajanpura, Delhi are annexed hereto and marked as **Annexure A/4 (Colly)**.
- (h) Since the year 2019, the Answering Respondent has filed approximately 434 number of FIRs to the Police in respect of theft of electricity in New Usmanpur, Bhajanpura and Jafrabad villages.

However, in some cases, the Answering Respondent's requests for deployment of an adequate police force have not been accepted by the Delhi Police. It is submitted that these deliberate disruptions severely hamper enforcement activities aimed at curbing theft of electricity. The details of the complaints and FIRs lodged by the Answering Respondents in respect of theft of electricity in the subject area has been mentioned in the Reply filed by the Answering Respondent to the present Application. A brief summary of the FIRs filed by the Answering Respondent is annexed hereto and marked as **Annexure A/5**. Copy of some of the complaints filed by the Answering Respondent with concerned Police Station of the Delhi Police are annexed hereto and marked as **Annexure A/6**.

Statutory framework mandating DPCC to issue directions to DISCOM regarding disconnection of electricity supply of offending premises:

19. It is humbly submitted that in terms of Water Act, 1974, Water (Prevention and Control of Pollution) Rules, 1975 (**"Water Rules, 1975"**), Air Act, 1981, and Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983 (**"Air Rules, 1983"**), DPCC is statutorily mandated and empowered to ensure that the polluting activities without obtaining consent to operate are stopped by way of prohibitory order, to issue direction regarding disconnection of electricity supply and to issue Orders imposing Environmental Compensation. In this context, it is submitted that:

- (a) Section 3 of the Water Act, 1974 and Air Act, 1981 respectively provides for the constitution of Central Pollution Control Board (**"CPCB"**) for the prevention and control of air and water under the respective Acts.

- (b) Section 4(4) of the Water Act, 1974 and Section 6 of the Air Act, 1981 provides that CPCB may delegate all or any of its powers and functions to a State Board in a Union Territory to such person or body of persons as the Central Government may specify. In terms of the said provisions, CPCB has delegated all its powers and functions as a State Board in respect of the Union Territory of Delhi to a committee of Officials as specified by the Central Government vide Notification No. S. O. 198(E) dated 15.03.1991 called Delhi Pollution Control Committee. On 14.06.2002, by a Notification No. B-12015/7/92-AS, DPCC has been reconstituted. Copy of Notification No. B-12015/7/92-AS dated 14.06.2002 is annexed hereto and marked as **Annexure A/7**.

20. In terms of Section 23 of the Water Act, 1974 and Section 24 of the Air Act, 1981, DPCC has a right to enter at any time any place for the purpose of performing any of its functions and for: -

- (a) determining whether any of its notice, order, direction served, made or granted under the said Acts is being or has been complied with,
- (b) for the purpose of examining any plant, record, register, document or any other material object,
- (c) for conducting search of any place in which DPCC has reason to believe that an offence under the said Acts has been or is being or is about to be committed; and
- (d) for seizing any such plant, record, register, document or other material object.

21. In terms of Section 33A of the Water Act, 1974 and Section 31A of the Air Act, 1981 (inserted through Amendment in the year 1988), DPCC has been *inter alia* empowered to issue directions regarding stoppage or regulation of supply of electricity. In this regard, it is noteworthy that: -

(a) 33A of the Water Act, 1974 provides as under:

“33A. Power to give directions.—Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation. —For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

- (a) *the closure, prohibition or regulation of any industry, operation or process; or*
- (b) ***the stoppage or regulation of supply of electricity, water or any other service.”***

[Emphasis Supplied]

(b) The procedure for issuance of directions under Section 33A of the Water Act, 1974, is provided under Rule 34 of the Water Rules, 1975 which states as under:

“34. DIRECTIONS

- (1) *Any direction issued under section 33A shall be in writing.*
- (2) *The direction shall specify the nature of action to be taken and the time within which it shall be complied with by the person, officer or the authority to whom such direction is given.*
- (3) *The person, officer or authority to whom any direction is sought to be issued shall be served with a*

copy of the proposed-direction and shall be given an opportunity of not less than fifteen days from the date of service of a notice to file with an officer designated in this behalf the objections, if any, to the issue of the proposed direction.

- (4) ***Where the proposed direction is for the stoppage or regulation of electricity or water or any other services affecting the carrying on an industry, operation or process and is sought to be issue to an officer or an authority, a copy of the proposed direction shall also be endorsed to the occupier of the industry, operation or process, as the case may be, and objections, if any, filed by the occupier with an officer designed in this behalf shall be dealt with in accordance with the procedures under sub-rules (3) and (5) of this rule:***

Provided that no opportunity of being heard shall be given to the occupier, if he had already been heard earlier and the proposed direction referred to in sub-rule (3) above for the stoppage or regulation of electricity or water or any other service was the resultant decision of the Central Board after such earlier hearing.

- (5) *The Central Board shall within a period of 45 days from the date of receipt of the objections, if any, or from the date up to which an opportunity is given to the person, officer or authority to file objections, whichever is earlier, after considering the objections, if any received from the person, officer or authority sought to be directed and for reasons to be recorded in writing, confirm, modify, or decide not to issue the proposed direction.*
- (6) *In a case where the Central Board is of the opinion that in view of the likelihood of a grave injury to the environment it is not expedient to provide an opportunity to file objections against the proposed direction, it may, for reasons to be recorded in writing, issue directions without providing such an opportunity.”*

[Emphasis Supplied]

- (c) Section 31A of the Air Act, 1981 provides as under:

“31A. Power to give directions.—Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.- For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

- (a) the closure, prohibition or regulation of any industry, operation or process; or*
- (b) the stoppage or regulation of supply of electricity, water or any other service.”*

[Emphasis Supplied]

- (d) The procedure for issuance of directions under Section 31A of the Air Act is provided under Rule 20A of the Air Rules, 1983 which states as under:

“20A Directions

- (1) Any direction issued under section 31A shall be in writing.*
- (2) The direction shall specify the nature of action to be taken and the time within which it shall be complied with by the person, officer or the authority to whom such direction is given.*
- (3) The person, officer or an authority to whom any direction is sought to be issued shall be served with a copy of the proposed direction, and shall be given an opportunity of not less than 15 days from the date of service of a notice to file with an officer designated in this behalf the objections, if any, to the issue of the proposed direction.*
- (4) Where the proposed direction is for the stoppage or regulation of electricity or water or any other service affecting the carrying on of any industry, operation or process and is sought to be issued to an officer or*

an authority, a copy of proposed direction shall also be endorsed to the occupier of the industry, operation or process as the case may be, and objections if any, filed by the occupier with an officer designated now in this behalf shall be dealt with in accordance with the procedure under sub-rule (3) and (5) of this rule.”

[Emphasis Supplied]

- (e) Therefore, in view of the above provisions, it is imperative that DPCC issues direction in respect of the specific electricity connections/ disconnection installed at a particular premises to the DISCOMs, including the Answering Respondent. The Answering Respondent as a regulated entity governed by the provisions of the Electricity Act, 2003 and the Rules and Regulations framed thereunder including the DERC Supply Code, 2017 can disconnect electricity supply to illegally run industrial units only when there is a specific direction in this regard by the DPCC, MCD or the Hon’ble Courts.

A copy of The Water (Prevention and Control of Pollution) Act, 1974 is annexed hereto and marked as **Annexure A/8.**

A copy of The Water (Prevention and Control of Pollution) Rules, 1975 is annexed hereto and marked as **Annexure A/9.**

A copy of The Air (Prevention and Control of Pollution), Act, 1981 is annexed hereto and marked as **Annexure A/10.**

A copy of The Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983 is annexed hereto and marked as **Annexure A/11**.

22. On 04.08.2025, a Bench of the Hon'ble Supreme Court by a Judgement passed in Civil Appeal Nos. 757-760 of 2013 titled as "*Delhi Pollution Control Committee vs. Lodhi Property Co. Ltd. Etc.*" (2025 INSC 923), while adjudicating the issue as to whether the regulatory boards can, in exercise of powers under Section 33A of the Water Act and Section 31A of the Air Act, impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an *ex-ante* measure towards potential environmental damage, has held as under:

- "28. *Having considered the principles that govern our environmental laws and on interpretation of Sections 33A and 31A of the Water and Air Acts, we are of the opinion that that the Division Bench of the High Court was not correct in restrictively reading powers of the Boards. We are of the opinion that these regulators in exercise of these powers can impose and collect, as restitutionary or compensatory damages fixed sum of monies or require furnishing bank guarantees as an ex-ante measure towards potential or actual environmental damage.*
29. *There is no doubt that Section 33A of the Water Act and Section 31A of the Air Act give the State Boards powers to issue necessary directions for environmental restoration, remediation and compensation and for the payment of costs for the same. The National Green Tribunal's judgment in Swastik Ispat correctly identified the Boards powers to issue directions for payment of environmental damages under Section 33A of the Water Act and the Section 31A of the Air Act. A restrictive interpretation which fails to differentiate between environmental damages and punitive action significantly encumbers the Boards ability to discharge its duties.*

30. *The Board's powers under Section 33A of the Water Act and Section 31A of the Air Act have to be read in light of the legal position on the application of Polluter Pays principle as formulated and explained. This means that State Board cannot impose environmental damages in case of every contravention or offence under the Water Act and Air Act. It is only when the State Board has made a determination that some form of environmental damage or harm has been caused by the erring entity, or the same is so imminent, that the State Board must initiate action under Section 33A of the Water Act and Section 31A of the Air Act.*

...

32. *Given their broad statutory mandate and the significant duty towards public health and environmental protection the Boards must have the power and distinction to decide the appropriate action against a polluting entity. It is essential that the Boards function effectively and efficiently by adopting such measures as is necessary in a given situation. The Boards can decide whether a polluting entity needs to be punished by imposition of penalty or if the situation demands immediate restoration of the environmental damage by the polluter or both.*
33. *While we hold that the Boards have the power to direct the payment of environmental damages, we make it clear that this power must always be guided by two overarching principles. First, that the power cannot be exercised in an arbitrary manner; and second, the process of exercising this power must be infused with transparency.*

...

39. *For the reasons stated above:*

- (b) *we direct that the Pollution Control Boards can impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an ex-ante measure towards potential environmental damage in exercise of powers under Sections 33A and 31A of the Water and Air Acts.*
- (c) *it is further directed that the power to impose or collect restitutionary or compensatory damages or the requirement to furnish bank guarantees as an ex-ante measure under Sections 33A and 31A of the Water and Air Acts shall be enforced only after detailing the principle*

and procedure incorporating basic principles of natural justice in the subordinate legislation.”

[Emphasis Supplied]

A copy of Judgement dated 04.08.2025 passed by the Hon’ble Supreme Court in Civil Appeal Nos. 757-760 of 2013 titled as “*Delhi Pollution Control Committee vs. Lodhi Property Co. Ltd. Etc.*” (2025 INSC 923) is annexed hereto and marked as **Annexure A/12.**

23. It is humbly submitted that if a statutory provision provides for a manner and process of exercising a statutory power, such power can be exercised only as per the procedure provided under the statute.

24. It is further submitted that imposition of Environmental Compensation by DPCC does not automatically result in directions for disconnection of electricity supply or in closure of the offending premises. The DISCOMs, including the Answering Respondent can disconnect electricity connection only if a specific direction in this regard is issued by an order of a legal authority (DPCC or MCD in the present case), competent to issue such a direction. This is in terms of Regulation 50(7) read with Regulation 51(1)(iv) of the DERC Supply Code, 2017.

25. It is pertinent to highlight that DPCC, in exercise of the powers conferred upon it under Section 33A of the Water Act and Section 31A of the Air Act, while issuing Show Cause Notices, Orders imposing Environmental Compensation or closure of the offending premises, also issues the following directions as a general practice:

(a) immediate closure of the offending premises

- (b) direction to the Sub-Divisional Magistrate to take all necessary steps to ensure effective closure of such offending premises
- (c) direction to the concerned DISCOM to disconnect electricity connection to the offending premises
- (d) direction to the Delhi Jal Board to disconnect the water supply of the offending premises.

Copies of specimens of Show Cause Notices, Orders imposing Environmental Compensation and Closure Notices issued by DPCC to the offending premises are annexed and marked hereto as **Annexure A/13 (Colly)**.

26. DPCC, as a general practice, has on various occasions while issuing Order for closure under Section 33A of the Water Act, 1974 and Section 31A of the Air Act, 1981 to the offending premises, has also directed the Answering Respondent to disconnect the electricity supply to the offending premises with immediate effect and to submit the compliance report within 15 days of such directions. Copies of specimens of such Notices/ Orders issued by DPCC to the Answering Respondent are attached and marked hereto as **Annexure A/14 (Colly)**.

27. Once DPCC issues such directions, the Answering Respondent disconnects electricity connection to such offending premises. However, in cases where the field team of the Answering Respondent fails to trace the address of such premises, the Answering Respondent requests DPCC to provide the electricity meter number or to plan Joint Inspection along with the Answering Respondent to locate such premises for the purposes of identification and action. It is also pertinent to note that in the

matter of closure of industrial units operating illegally in residential or non-conforming areas, the joint inspection is carried out by the all the authorities including the DPCC, MCD, DISCOM, DJB and the Delhi Police. The DISCOMs including the Answering Respondent acts against the offending properties as and when such a direction is received, and the offending premises are identified during the Joint Inspection and action undertaken by all the stakeholders including the MCD, DPCC, DJB and the Delhi Police. Copies of specimens of Letters issued by the Answering Respondent requesting DPCC for joint inspection are annexed and marked hereto as **Annexure A/15 (Colly)**.

28. However, in facts of the present case, it is pertinent to note that:

- (a) Although DPCC has issued Show Cause Notices and imposed Environmental Compensation on certain offending units of the Respondents and also to additional units, DPCC has not issued any direction to the Answering Respondent regarding disconnection or regulation of electricity connection to such offending premises.
- (b) DPCC has failed to mark the Orders imposing Environmental Compensation to the Answering Respondent.
- (c) DPCC, by the Orders imposing Environmental Compensation, has failed to issue direction under Section 33A of the Water Act, 1974 and Section 31A of the Air Act, 1981 and the Rules framed thereunder, regarding closure of such offending premises.

DPCC in the present case, has not followed the process as mandated under the Section 33A of the Water Act, 1974 and Section 31A of the Air Act, 1981 and the Rules framed thereunder. In the absence of such directions, the Answering Respondent could not have proceeded to disconnect the electricity connection of such offending premises.

29. On 13.09.2018, a meeting was held by the Monitoring Committee constituted by the Hon'ble Supreme Court in WP(C) No. 4677 of 1985 titled as '*M.C. Metha vs. UOI & Ors.*'. This meeting was also attended by the representatives of the DDA, Municipal Corporations of Delhi, DPCC, DISCOMs of Delhi, Secretary of Power, Govt. of Delhi, DJB. The Minutes of Meeting dated 17.09.2018 issued by the Special Commissioner of Industries, Government of NCT of Delhi inter alia record as under:

“8. Secretary (Power) and representatives of DISCOMS informed that they are unable to trace the premises in some cases where electricity supply is to be disconnected for want of complete address. After detailed discussion, it was decided that a joint team comprising of representative of concerned Municipal Corporation and DISCOM should visit the premises for disconnection of electricity supply. ”

A copy of the Minutes of Meeting dated 17.09.2018 of the meeting held on 13.09.2018 by the Monitoring Committee is annexed and marked hereto as **Annexure A/16**.

30. It is pertinent to note that this Hon'ble Tribunal in O.A. No. 46 of 2018 titled as "*Nuggehalli Jayasimha vs. Government of NCT of Delhi*" has passed the following Orders:

(a) **Order dated 01.04.2019:**

“13. DPCC in its affidavit filed on 16.11.2018 has merely stated that the issue in the application relates to solid waste

management which concerns the Municipal authorities. This shows total lack of concern on the part of DPCC for protection of environment and implementation of environment norms, including the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 which are being patently violated.

18. *A joint report submitted by the Central Pollution Control Board (CPCB) and Delhi Pollution Control Committee (DPCC) as well as the affidavits filed by various authorities clearly establish serious violation of law and failure to take due remedial action in the matter. Such attitude is a threat to rule of law and renders it impossible to protect clean environment and cannot be appreciated.*
19. *Accordingly, before considering the matter further, we direct the Chief Secretary, Delhi to call a meeting of all concerned and fix their accountability and also to take appropriate action for their failure so far. Further course of action be prepared consistent with prescribed environment norms... DPCC has particularly failed in performing its statutory duties under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act 1986 and the Rules framed thereunder. Neither polluting activities are being prevented nor prosecution initiated, nor assessment and collection of compensation for restoration of the environment being done. The Municipal Corporations claim to have recovered certain fines but there are no adequate measures in terms of the Rules have been adopted to remedy the polluting activities...*
20. *In view of the above, for failure of the authorities, apart from action which may be taken or suggested by the Chief Secretary, we hold that DPCC, SDMC, EDMC and North Delhi Municipal Corporation are liable to pay a sum of ₹10 Lakhs each as interim compensation for damage to the environment due to failure of the authorities in discharging their duties. They are also held liable to furnish performance guarantee in the sum of ₹10 Lakhs each for taking necessary steps in next three months. The deposit of compensation and furnishing of performance guarantee has to be to the satisfaction of the CPCB within one month. The CPCB will be at liberty to recover the amount and take coercive measures for the purpose. The*

amount may be spent for restoration of environment. The authorities are free to recover the amount from erring officers and polluters.”

[Emphasis Supplied]

A copy of the Order dated 01.04.2019 passed by this Hon’ble Tribunal in O.A. No. 46 of 2018 titled as “*Nuggehalli Jayasimha vs. Government of NCT of Delhi*” is annexed and marked hereto as **Annexure A/17**.

It is also noteworthy that the Hon’ble Supreme Court by an Order dated 16.09.2019 was pleased to dismiss SLP (C) No. [Diary No.27968/2019] titled as “*South Delhi Municipal Corporation vs. Nuggehalli Jayasimha & Ors.*” impugning the directions contained in the Order dated 01.04.2019 passed by this Hon’ble Tribunal. A copy of the Order dated 16.09.2019 passed by the Hon’ble Supreme Court in SLP [Diary No. 27968/2019] titled as “*South Delhi Municipal Corporation vs. Nuggehalli Jayasimha & Ors.*” is annexed and marked hereto as **Annexure A/18**.

(b) **Order dated 08.07.2019:**

- “7. *We find that in spite of observations in the earlier order of this Tribunal as well as repeated orders in large number of cases, the DPCC seems to be avoiding its statutory responsibilities under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and to cover up their inaction, is passing the order of imposition of fines on other statutory bodies, without any jurisdiction. Learned Counsel for the Delhi Government as well as DPCC have not been able to show any legal authority for doing so. While the DPCC may take action on ‘Polluter Pays’ principle against polluting activities of any statutory body, it has no authority to recover compensation for alleged inaction by such statutory authorities. Such authorities are not authorized to enforce the Water (Prevention and Control of Pollution) Act, 1974 or Air (Prevention and Control of Pollution) Act, 1981*

which DPCC itself has to enforce. Even if they have overlapping powers under other statute, the DPCC cannot avoid its obligation under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981. It is undisputed that the dairies are operating in violation of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 as already noted in the order of this Tribunal dated 01.04.2019. The DPCC is required to ensure that the polluting activities, without consent to operate, are stopped by way of prohibitory order, prosecution and recovery of compensation which has not been done. Just as local bodies cannot fine DPCC for its utter failure, DPCC also cannot shift its onus and responsibility to local bodies and absolve from its responsibility. It has to proceed against polluters which it is avoiding to do.”

[Emphasis Supplied]

A copy of the Order dated 08.07.2019 passed by this Hon’ble Tribunal in O.A. No. 46 of 2018 titled as “Nuggehalli Jayasimha vs. Government of NCT of Delhi” is annexed and marked hereto as **Annexure A/19**.

(c) **Order dated 20.05.2020:**

- “6. The matter was further reviewed on 08.07.2019 in the light of the report of the DPCC dated 03.07.2019. **Commenting on the said report, this Tribunal found that DPCC was trying to avoid responsibility by taking untenable plea that only Municipal Corporations or other Departments were to monitor the pollution caused by the dairies. Accordingly, DPCC was directed to enforce its statutory obligation of closing polluting activities, prosecute the polluters and recover compensation on 'Polluter Pays' principle.**”

[Emphasis Supplied]

A copy of the Order dated 20.05.2020 passed by this Hon’ble Tribunal in O.A. No. 46 of 2018 titled as “Nuggehalli

Jayasimha vs. Government of NCT of Delhi” is annexed and marked hereto as **Annexure A/20**.

31. The Answering Respondent can disconnect electricity connection to an offending premises only upon specific direction from statutory authorities (DPCC or MCD in the present case). It is humbly submitted that DPCC has not only failed to issue any direction regarding disconnection of electricity connection to the offending premises but have also failed to mark the Orders imposing Environmental Compensation issued to the offending premises, to the Answering Respondent. Therefore, in absence of such directions, the Answering Respondent was unable to disconnect the electricity connection of the offending premises.

Statutory framework mandating MCD to issue directions to DISCOM regarding disconnection of electricity supply of offending premises

32. The issues relating to misuse of a property in contravention of the MPD 2021 and the Zonal Development Plans in respect of developed areas are to be dealt with under the Municipal Corporation of Delhi Act, 1957 (“**MCD Act**”). The MCD Act mandates that before any fresh construction or even before modification of an existing building so as to convert the usage, the Applicant has to take prior approval of the Commissioner, MCD.

33. There is specific embargo on any erection of buildings or any commencement of work without obtaining prior approval from the MCD. The Commissioner, MCD is *inter alia* mandated to reject any proposal if the same would contravene the provisions

of any law. The process of seeking approval and other issues relating thereto are extensively dealt with under Chapter XVI of the DMC Act. (Reliance is placed upon Sections 331 to 337, 343, 344, 345, 345A and Section 347 of the DMC Act).

34. If there is any misuse of the premises in contravention of MPD 2021, the MCD is mandated to reject any proposal for construction/conversion. The MCD is further mandated to stop the ongoing construction/conversion and to seal/demolish the already constructed unauthorized construction.

35. MCD under the DMC Act has been empowered to enter and inspect the premises. In this regard, please note that:

- (a) In terms of Section 431 of the DMC Act, the Commissioner or any municipal officer or other municipal employee may enter into or upon any land or building for the purpose of inter alia ascertaining whether there is or has been on or in connection with the land or building any contravention of the provisions of this Act or any bye-law made thereunder, for the purpose of taking any action or executing any work authorised or required by this Act or any bye-law made thereunder, to make any inquiry, inspection, examination, measurement, valuation or survey authorised or required by or under this Act or necessary for the proper administration of this Act, etc.
- (b) In terms of section 433 of the DMC Act, it shall be lawful for the Commissioner or any person authorised by him in this behalf or empowered in this behalf by or, under any provision of this Act, to make any entry into any place, and to open or cause to be opened any door, gate or other barrier if he considers the opening thereof necessary for the purpose

of such entry; and if the owner or occupier is absent or being present refuses to open such door, gate or barrier.

Relevant extracts of provisions of Municipal Corporation of Delhi Act, 1957 are annexed and marked hereto as **Annexure A/21**.

36. In view of the above, it is humbly submitted that DPCC and MCD are statutorily empowered to enter premises, including by breaking open doors or gates for the purpose of inspecting whether any unauthorised or illegal industrial activity is being carried on. However, the DISCOMs, including Answering Respondent possesses no such statutory authority or wherewithal to enter into the premises to ascertain the nature of activities being carried on so as to certify as to whether permitted industrial activity is being undertaken at the premises. Therefore, the Answering Respondent cannot be called upon to determine as to whether any industrial unit is operating legally or illegally. The initiative and responsibility for the same is statutorily cast on DPCC and MCD.

37. It is therefore submitted that DPCC and MCD are the competent statutory authorities which are empowered and competent to determine as to whether any industrial unit is operating legally or illegally and the nature of the Industrial activity. The Answering Respondent has no power to disconnect the electricity connection without any direction from the statutory authorities. DPCC and MCD are competent authorities to issue specific direction of disconnection of electricity to the Answering Respondent. It is also necessary that after the disconnection of power supply at the offending premises, the MCD effectively seals the property so as to make them un-inhabitable. This is essential

to obviate any chance of theft of electricity or misuse of electricity by the occupants of the offending properties.

38. It is respectfully submitted that the Answering Respondent have made earnest efforts to adhere to and enforce the directives issued by the relevant civic authorities and will continue to do so in joint action to ensure compliance and to uphold regulatory standards.

39. It is humbly submitted that BSES Yamuna Power Ltd./Respondent No. 6 is a proforma party as the Applicant has not sought any relief against the Answering Respondent. The Applicant has sought reliefs and directions against the Respondent No.3/ Delhi Pollution Control Committee for seeking closure of the illegally operating units, which are arrayed as Respondents Nos. 7 to 42.

BSES YAMUNA POWER LTD./RESPONDENT NO. 6

Through

Wikhi Sharma

J. Sagar Associates

Advocates for Respondent No. 6

B-303, 3rd Floor, Ansal Plaza

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Phone No.: 9818644755

Place: New Delhi

Date: 14.08.2025

Filed on 21.08.2025

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT NEW DELHI

ORIGINAL APPLICATION NO. 1277 OF 2024

IN THE MATTER OF:

Varun Gulati

...Applicant

Versus

CPCB & Ors.

...Respondents

AFFIDAVIT

I, Varun Kumar, S/o Late Shri Pawan Kumar, aged about 47 years, working with BSES Yamuna Power Limited, having its registered office at Shakti Kiran Building, Karkardooma, New Delhi-110032, do hereby solemnly affirm and declare as under: -

1. I say that I am authorized and competent to affirm this Affidavit for and on behalf of the Answering Respondent No. 6. I say that I am acquainted with the facts and circumstances of the present case and have read and understood the contents of the accompanying Additional Affidavit.
2. I state that the facts stated in the accompanying Additional Affidavit are true and correct based on the records maintained by the Answering Respondent No. 6 in its ordinary course of business and the submissions made therein are based upon information received by me and believed to be true.
3. I state that the present Additional Affidavit has been drafted pursuant to my instructions and its contents are true and correct.



Varun Kumar
DEPONENT

VERIFICATION

14 AUG 2025

I, the Deponent above named, do hereby verify that the contents of my above Affidavit are true and correct, no part of it is false and nothing material has been concealed therefrom.

Verified at New Delhi on this _____ day of _____, 2025.

14 AUG 2025

Varun Kumar
DEPONENT

S. Akshata
5/11/2025
I Identify the Deponent who
has signed in my Presence



CERTIFIED THAT THE DEPONENT
has solemnly affirmed before me at Delhi
on _____ that the contents of the affidavit which
have been read & explained to me are
true and correct to this & knowledge

Notary Public

Akshata Shree
Ashu

Item No. 10

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1277/2024

Varun Gulati

Applicant

Versus

Central Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 18.07.2025

CORAM: **HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON**
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

Applicant: Mr. S.A. Zaidi & Mr. Kapil Sagar, Advs. for Applicant

Respondent: Ms. Suman Arora, Adv. for CPCB
 Mr. Narender Pal Singh, Adv. for DPCC (Through VC)
 Ms. Puja S. Kalra & Mr. Virendra Singh, Advs. with Mr. Virender Kr. Roy,
 ASO/L1 & Mr. Dayal Singh, LI, MCD
 Ms. Jyoti Mendiratta & Ms. Ananya Basudha, Advs. for R - 4
 Mr. Anupam Verma, Mr. Nikhil Sharma & Ms. S. Akshata, Advs. for R - 6

ORDER

1. The Tribunal in this Original Application is examining the grievance of the Applicant that the private Respondents are unauthorizedly and illegally running the red category industrial unit in Village Gamri, East Delhi.

2. In terms of the directions of the Tribunal the officials of the Revenue Department, DPCC, MCD, BSES and Delhi Police have carried out the inspection on 07.04.2025, 16.04.2025, 25.04.2025 and 19.04.2025. The DPCC has disclosed the result of the said inspection as under:-

“

S. No.	Respondent units	Date of re-inspection	Observation/Action taken
1	Rajender Bhati, H. No-	07.04.2025	Unit found vacant and

	104, G/F Khumara Mohalla, Village Ghonda, Delhi 110053 (Respondent no. 35)		no industrial activity observed.
2	Mr. Anand Kumar H. No. 813, G/F, Kh. No. 115, Bhola Nath Gali, Village Ghonda, Delhi-110053 (Respondent no.13)	07.04.2025	Premise is being used for residential purpose. No polluting activity was observed at the premise.
3	Parveen Kumar, H. No-813, G/F, Bhola Nath Gali, Ghonda Delhi:-110053 (Respondent no.14)	07.04.2025	Premise is being used for residential purpose. No polluting activity was observed at the premise.
4	Sagar, 655/A, F/F Kh No-8, Main Gamri Road, Village Ghonda, Delhi:-110053 (Respondent no.16)	07.04.2025	No industrial activity observed. G/F and F/F found vacant and 2 nd floor being used for residential purpose.
5	Naved, T/O Anand S/O Bhup Singh H. No V-1, F/FL Kh No 115, Bhola Nath Gali, Village Ghonda, Delhi: 110053 (Respondent no.18)	07.04.2025	G/F of the premise found vacant, as per MCD officials, they have inspected the premise earlier and found vacant at that time. Rest of the floors couldn't be inspected as tenant (Naved) went to Sambhal (as informed by premise owner Sh. Anand).
6	Lt. Kalu Ram W/O Jagresh (Tenant Samsaad) V-107, Khumra Mohalla Inside Tabela, Village Ghonda, Delhi-110053 (Respondent no.41)	07.04.2025	- Unit found non-operational but machinery related to Powder Coating found kept inside the premise. Bags of Colored powder were also found inside the premise at first floor. - Unit sealed by MCD officials. - A Show Cause Notice for imposing Environmental Compensation of Rs. 2,00,000/- (Rs. Two Lakhs only) has been issued on 23.04.2025. - Order for imposition of EC of Rs. 2,00,000/- issued

			on 13.06.2025.
7	Sourabh, S/O Harmesh H. No. 167. New D-14/211 Kh No-329, Gali No-14, Gamri Extn. Bhajanpura (Respondent no. 25)	16.04.2025	- Unit found locked but as visible through gate, premise owner is using the premise as Godown of Aluminum Hardware Products without any license. - Unit was sealed by MCD officials. - A Show Cause Notice for Environmental Compensation of Rs. 40,000/- (Rs. Forty Thousand only) has been issued on 23.04.2025. - Unit filed response and also deposited EC of Rs. 40,000/-. - A letter dated 13.06.2025 has been issued to MCD for taking further necessary action.
8	Ankur, H No-129, F/F, Gali No 1, Village Gamri, Delhi:- 110053 (Respondent no.29)	29.04.2025	Premise is being used for residential purpose and no industrial activity found in the premise during the inspection,
9	Rahul (Owner) S/O Shokeen, Unit Established At D-165 Gali No. 6, Kh No-328 Gamri Extension, Delhi:- 110053 (Respondent no.7 & 9)	29.04.2025	During the visit, no industrial activity observed in the premise. Some enclosures in the premise are being used for residential purpose.

6. That, action taken against Respondent units (17 and 40) which were inspected earlier on 02.01.2025, 06.01.2025 and 14.02.2025 is as follow:

S. No.	Name and Address	Date of inspection	Action taken
1.	Israfil, T/O Bablu S/O Lt. Jile Singh A - 34/2 F/F Kh No-167, 170, 180, Main Gamri Road Near Govt. Dispansary Delhi 11005 (Respondent no.17)	02.01.2025 and 06.01.2025	• A Show Cause Notice for Environmental Compensation of Rs. 2,00,000/- (Rs. Two Lakhs only) has been issued on 23.04.2025. • Order for imposition of EC of Rs. 2,00,000/- issued on 13.06.2025.
2.	Tarun S/o Lt. Joginder H. No-570, G / F Khumra Mohalla Village Ghonda, Delhi: 110053 (Respondent no.40)	14.02.2025	• A Show Cause Notice for Environmental Compensation of Rs. 10,00,000/- (Rs. Ten Lakhs only) has been issued on 23.04.2025. • Order for imposition of EC of Rs. 10,00,000/- issued on 13.06.2025.

7. That, it is submitted that during joint inspection dated 07.04.2025, 16.04.2025, 25.04.2025 and 29.04.2025, additional 11 Nos. of units (other than Respondent unit in this present matter) were inspected and observation/Action taken are furnished in below table:

S. No.	Additional Units	Date of inspection	Observation / Action taken
1.	M/s Joginder S/o Late Chaman Lal , H. No. 563, Khumra Mohalla, Ghonda, Delhi-1110055	07.04.2025	During the visit, no industrial activity observed in the premise. Premises found vacant.
2.	M/s Dayawati (Chaman Lal) H.No. 563, Shop No. 4. Ambedkar Basti, Ghonda, Delhi-110053.	07.04.2025	During the visit, no industrial activity observed in the premise. Premises found vacant.
3.	M/s Owner/Occupier Near Pole No. 108 H. No. 665 adjacent to Kh. No. 831/3, G/F, Bholanath Gali, Ghonda Village, Delhi-	07.04.2025	• Unit found locked. Therefore, inspection couldn't be conducted. • Meter Connection of the premise found disconnected/

	110053.		removed.
4.	M/s Jaiveer Singh Kh. No. 334, B-429, Gali No. 22, Bhanjanpura, Delhi-110053.	16.04.2025	- Unit found operational and engaged in activity of stitching of Garment and Bags on Ground, 1st and 2nd Floor without any license from regulatory authorities. - A Show Cause Notice for Environmental Compensation of Rs. 40,000/- (Rs. Forty Thousand only) has been issued on 23.04.2025. - Order for imposition of EC of Rs. 40,000/- issued on 13.06.2025.
5.	M/s Gajender Choudhary H.No. 127, G.F, Gali No. 1, Village Gamri, Delhi-110053.	16.04.2025	- Unit found operational and engaged in the activity of making hangers using metal wire. (Light Engineering works) at ground floor without any license from regulatory authorities. - A Show Cause Notice for Environmental Compensation of Rs. 40,000/- (Rs. Forty Thousand only) has been issued on 23.04.2025. - Order for imposition of EC of Rs. 40,000/- issued on 13.06.2025.
6.	M/s Gajender Choudhary H.No. 127, 1 st - 4 th Floor, Gali No. 1, Village Gamri, Delhi-110053.	25.04.2025 and 29.04.2025	- Inspection didn't allowed by unit representative on 25.04.2025. - During inspection on 29.04.2025, storage/ Godown of paper rolls and paper cup and paper found on 1st floor. 2nd floor was found vacant, 3rd floor is being used for residential purpose and 4th floor was also found vacant.

			• A Show Cause Notice for Environmental Compensation of Rs. 40,000/- (Rs. Forty Thousand only) has been issued on 05.05.2025. • Order for imposition of EC of Rs. 40,000/- issued on 13.06.2025.
7.	M/s Gupta Printers and Packers (Prop. Mohit Singh) H. No. 110A, Gali No. 2, Gamri Village, Delhi-110053.	25.04.2025	• Unit found operational and engaged in activity of stitching of cloth bags and Screen printing (Orange Category) over them. • Unit owner was directed to close down the printing activity with immediate effect. • MCD officials were asked to take appropriate action against the unit as per rules. • A Show Cause Notice for Environmental Compensation of Rs. 5,00,000/- (Rs. Five lakhs only) has been issued on 05.05.2025. • Reply dated 22.05.2025 has been received and requested to waive off the EC as he has closed down the operation of the unit. • Order for imposition of EC of Rs. 5,00,000/- issued on 13.06.2025.
8.	M/s Ranveer S/o Mange Ram H. No. 136A, Gali No. 02, Village Gamri, Delhi-110053.	25.04.2025	• Unit was found engaged in Light Engineering Works for metal surface finishing without any license from regulatory authority. (White Category) • A Show Cause Notice for Environmental Compensation of Rs. 40,000/- (Rs. Forty

			thousand only) has been issued on 05.05.2025. • Order for imposition of EC of Rs. 40,000/- (Rs. Forty thousand only) issued on 13.06.2025.
9.	M/s Satbeer S/o Mange Ram H.No. 136-A/1, Ist Floor, Kh.No. 345, Gali No. 02, Gamri Village, Delhi-110053.	29.04.2025	• It was found that unit owner/tenant is engaged in activity of Electroplating. (Red Category) • First floor of the premises was sealed in presence of Joint Inspection Team, where this activity was being carried out. • A Show Cause Notice for Environmental Compensation of Rs. 10,00,000/- (Rs. Ten lakhs thousand only) has been issued on 05.05.2025. • Order for imposition of EC of Rs. 10,00,000/- issued on 13.06.2025.
10	Sh. Om Sain G/F, F/F, H.No. 132, Choudhary Jagram Chowk, Village Gamri, Delhi-110053.	29.04.2025	During the visit, no industrial activity observed in the premise. Premises found vacant.
11.	Sh. Sanjay (Owner)/Sushil (Tenant) H. No. 130, G/F, Gali No. 2. Village Gamri, Delhi-110053.	29.04.2025	• Unit was inspected and machinery related to injection moulding activity and reprocessing of waste plastic without washing observed. (Orange Category) • A Show Cause Notice for Environmental Compensation of Rs. 5,00,000/- (Rs. Five lakhs thousand only) has been issued on 05.05.2025. • Order for imposition of EC of Rs. 5,00,000/- (Rs. Five lakhs thousand only) issued on 13.06.2025.

3. Similarly, the action taken report dated 17.07.2025 has also been filed by the MCD disclosing the action which has been taken against the defaulting units and the status found on inspection as under:-

S. No.	Respondent units	Date of re-inspection	Action taken
1.	Rahul (Owner) S/O Shokeen, Unit Established At D-165 Gali No. 6, Kh No-328 Gamri Extension, Delhi:- 110053 (Respondent no.7 &9)	29.04.2025	During the visit, no industrial activity observed in the premise. Some enclosures in the premise are being used for residential purpose.
2.	Mr.Anand Kumar H.No. 813, G/F, Kh. No. 115, Bhola Nath Gali, Village Ghonda, Delhi-110053 (Respondent no.13)	07.04.2025	Premise is being used for residential purpose. No polluting activity was observed at the premise.
3.	Parveen Kumar, H.No-813, G/F, Bhola Nath Gali, Ghonda Delhi:- 110053 (Respondent no.14)	07.04.2025	Premise is being used for residential purpose. No polluting activity was observed at the premise.
4.	Sagar, 655/A, F/F Kh No-8, Main Gamri Road, Village Ghonda, Delhi:-110053 (Respondent No. 16)	07.04.2025	No industrial activity observed. G/F and F/F found vacant and 2nd floor being used for residential purpose.
5.	Naved, T/O Anand S/O Bhup Singh H. No V-1, F/FL Kh No 115, Bhola Nath Gali, Village Ghonda, Delhi: 110053 (Respondent no.18)	07.04.2025	G/F of the premise found vacant, as per MCD officials, they have inspected the premise earlier and found vacant at that time. Rest of the floors couldn't be inspected as tenant (Naved) went to Sambhal (as informed by premise owner Sh. Anand).
6.	Sourabh, S/O Harmesh H.No. 167, New D-14/211 Kh No-329, Gali No-14, Gamri Extn. Bhajanpura	16.04.2025	Unit found locked but as visible through gate, premise owner is using the premise as Godown of Aluminium

	(Respondent no.25)		Hardware Products without any license. Action Taken: Unit was sealed on 06.04.2025
7.	Ankur, H No-129, F/F, Gali No 1, Village Gamri, Delhi:- 110053 (Respondent no.29)	29.04.2025	Premise is being used for residential purpose and no industrial activity found in the premise during the inspection.
8.	Rajender Bhati, H. No-104, G/F Khumara Mohalla, Village Ghonda, Delhi 110053 (Respondent no.35)	07.04.2025	Unit found vacant and no industrial activity observed.
9.	Lt. Kalu Ram W/O Jagresh (Tenant Samsaad) V-107, Khumra Mohalla Inside Tabela, Village Ghonda, Delhi-110053 (Respondent no.41)	07.04.2025	Unit found non-operational but machinery related to Powder Coating found kept inside the premise. Bags of Colored powder were also found inside the premise at first floor. Action Taken: Unit was sealed. „

4. The above disclosure reveals that some of the premises were found to be closed. Therefore, the nature of the activity could not be ascertained.

5. It cannot be disputed that these units in some of the premises may be operating secretly which cannot be ascertained by doing outside inspection. If a unit is operating and consuming electricity for such illegal operations then BSES on the basis of the nature and extent of electricity consumption can ascertain if any such activity is being carried out inside the closed premises. That can be ascertained by the BSES on the basis of the meter reading, the purpose of connection and the variation therein in case, if the electricity is used by the meter connection or by carrying out the surprise check to find out the unauthorized electricity usage. It has been pointed out by the learned counsel for the DPCC that in the cases reflected in the above chart where the units are found to be violating and

environmental compensation has been imposed, no action has been taken by the BSES to disconnect electricity.

6. In some of the cases, we have noticed that though at the first inspection the unit was found to be violating but no action against the unit has been reflected e.g. at serial no. 11 in the above chart, in the case of Sanjay (Owner)/Sushil (Tenant) in the first inspection the machinery related to injection molding activities and manufacturing toys using waste plastic was found present but no action by the MCD at that time against the units has been disclosed.

7. Learned counsel appearing for the MCD, on instructions from Shri Mr. Virender Kr. Roy, ASO/L1 & Mr. Dayal Singh, LI, MCD, has stated that the show cause notice was issued to the above person found indulging in that activity in first inspection and thereafter in the reinspection the property was found to be vacant. The Commissioner, MCD is directed to file the affidavit disclosing the action which was taken against the above unit found to be violating in first inspection.

8. The BSES is also directed to file the response disclosing the reason for not undertaking the elaborate exercise for ascertaining the unauthorized use of electricity by these units, if they are found to be operating in the closed premises or are suspected to be operating by unauthorisedly/illegally using the electricity.

9. The MCD and BSES are granted four weeks to file the response affidavit keeping in view the observations made above.

10. It will also be open to the Applicant to file objections to the reports of the DPCC dated 24.02.2025 and MCD dated 17.07.2025 within four weeks.

11. List on 17.10.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

July 18, 2025
Original Application No. 1277/2024
A

THE ELECTRICITY ACT, 2003

ACT NO. 36 OF 2003

[26th May, 2003.]

An Act to consolidate the laws relating to generation, transmission, distribution, trading and use of electricity and generally for taking measures conducive to development of electricity industry, promoting competition therein, protecting interest of consumers and supply of electricity to all areas, rationalisation of electricity tariff, ensuring transparent policies regarding subsidies, promotion of efficient and environmentally benign policies, constitution of Central Electricity Authority, Regulatory Commissions and establishment of Appellate Tribunal and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. Short title, extent and commencement. — (1) This Act may be called the Electricity Act, 2003.

(2) It extends to the whole of India ^{1***}.

(3) It shall come into force on such date² as the Central Government may, by notification, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) “Appellate Tribunal” means the Appellate Tribunal for Electricity established under section 110;

(2) “appointed date” means such date as the Central Government may, by notification, appoint;

(3) “area of supply” means the area within which a distribution licensee is authorised by his licence to supply electricity;

(4) “Appropriate Commission” means the Central Regulatory Commission referred to in sub-section (1) of section 76 or the State Regulatory Commission referred to in section 82 or the Joint Commission referred to in section 83, as the case may be;

(5) “Appropriate Government” means,—

(a) the Central Government,—

(i) in respect of a generating company wholly or partly owned by it;

(ii) in relation to any inter-State generation, transmission, trading or supply of electricity and with respect to any mines, oil-fields, railways, national highways, airports, telegraphs, broadcasting stations and any works of defence, dockyard, nuclear power installations;

(iii) in respect of the National Load Despatch Centre and Regional Load Despatch Centre;

(iv) in relation to any works or electric installation belonging to it or under its control;

(b) in any other case, the State Government, having jurisdiction under this Act;

(6) “Authority” means the Central Electricity Authority referred to in sub-section (1) of section 70;

1. The words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

2. 10th June, 2003 (ss. 1 to 120 and ss. 122 to 185), vide notification No. S.O. 669(E), dated 10th June, 2003, see Gazette of India, Extraordinary, Part II, sec. 3(ii).

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Provided also that the manner of payment and utilisation of the surcharge shall be specified by the Appropriate Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.

41. Other business of transmission licensee.—A transmission licensee may, with prior intimation to the Appropriate Commission, engage in any business for optimum utilisation of its assets:

Provided that a proportion of the revenues derived from such business shall, as may be specified by the Appropriate Commission, be utilised for reducing its charges for transmission and wheeling:

Provided further that the transmission licensee shall maintain separate accounts for each such business undertaking to ensure that transmission business neither subsidises in any way such business undertaking nor encumbers its transmission assets in any way to support such business:

Provided also that no transmission licensee shall enter into any contract or otherwise engage in the business of trading in electricity.

PART VI

DISTRIBUTION OF ELECTRICITY

Provisions with respect to distribution licensees

42. Duties of distribution licensee and open access.—(1) It shall be the duty of a distribution licensee to develop and maintain an efficient, co-ordinated and economical distribution system in his area of supply and to supply electricity in accordance with the provisions contained in this Act.

(2) The State Commission shall introduce open access in such phases and subject to such conditions, (including the cross subsidies, and other operational constraints) as may be specified within one year of the appointed date by it and in specifying the extent of open access in successive phases and in determining the charges for wheeling, it shall have due regard to all relevant factors including such cross subsidies, and other operational constraints:

Provided that ²[such open access shall be allowed on payment of a surcharge] in addition to the charges for wheeling as may be determined by the State Commission:

Provided further that such surcharge shall be utilised to meet the requirements of current level of cross subsidy within the area of supply of the distribution licensee:

Provided also that such surcharge and cross subsidies shall be progressively reduced ^{3***} in the manner as may be specified by the State Commission:

Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use:

1. The Third proviso omitted by Act 26 of 2007, s. 6 (w.e.f. 15-6-2007).

2. Subs. by s.7, *ibid.*, for “such open access may be allowed before the cross subsidies are eliminated on payment of a surcharge” (w.e.f. 15-6-2007).

3. The words “and eliminated” omitted by s. 7, *ibid.* (w.e.f. 15-6-2007).

¹[Provided also that the State Commission shall, not later than five years from the date of commencement of the Electricity (Amendment) Act, 2003 (57 of 2003), by regulations, provide such open access to all consumers who require a supply of electricity where the maximum power to be made available at any time exceeds one megawatt.]

(3) Where any person, whose premises are situated within the area of supply of a distribution licensee, (not being a local authority engaged in the business of distribution of electricity before the appointed date) requires a supply of electricity from a generating company or any licensee other than such distribution licensee, such person may, by notice, require the distribution licensee for wheeling such electricity in accordance with regulations made by the State Commission and the duties of the distribution licensee with respect to such supply shall be of a common carrier providing non-discriminatory open access.

(4) Where the State Commission permits a consumer or class of consumers to receive supply of electricity from a person other than the distribution licensee of his area of supply, such consumer shall be liable to pay an additional surcharge on the charges of wheeling, as may be specified by the State Commission, to meet the fixed cost of such distribution licensee arising out of his obligation to supply.

(5) Every distribution licensee shall, within six months from the appointed date or date of grant of licence, whichever is earlier, establish a forum for redressal of grievances of the consumers in accordance with the guidelines as may be specified by the State Commission.

(6) Any consumer, who is aggrieved by non-redressal of his grievances under sub-section (5), may make a representation for the redressal of his grievance to an authority to be known as Ombudsman to be appointed or designated by the State Commission.

(7) The Ombudsman shall settle the grievance of the consumer within such time and in such manner as may be specified by the State Commission.

(8) The provisions of sub-sections (5), (6) and (7) shall be without prejudice to right which the consumer may have apart from the rights conferred upon him by those sub-sections.

43. Duty to supply on request.—(1) ²[Save as otherwise provided in this Act, every distribution] licensee, shall, on an application by the owner or occupier of any premises, give supply of electricity to such premises, within one month after receipt of the application requiring such supply:

Provided that where such supply requires extension of distribution mains, or commissioning of new sub-stations, the distribution licensee shall supply the electricity to such premises immediately after such extension or commissioning or within such period as may be specified by the Appropriate Commission:

Provided further that in case of a village or hamlet or area wherein no provision for supply of electricity exists, the Appropriate Commission may extend the said period as it may consider necessary for electrification of such village or hamlet or area.

³[*Explanation.*—For the purposes of this sub-section, “application” means the application complete in all respects in the appropriate form, as required by the distribution licensee, along with documents showing payment of necessary charges and other compliances.]

1. Ins. by Act 57 of 2003, s. 3 (w.e.f. 27-1-2004).

2. Subs. by Act 26 of 2007, s. 8, for “Every distribution” (w.e.f. 15-6-2007).

3. Ins. by s. 8, *ibid.* (w.e.f. 15-6-2007).

(2) It shall be the duty of every distribution licensee to provide, if required, electric plant or electric line for giving electric supply to the premises specified in sub-section (1):

Provided that no person shall be entitled to demand, or to continue to receive, from a licensee a supply of electricity for any premises having a separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission.

(3) If a distribution licensee fails to supply the electricity within the period specified in sub-section (1), he shall be liable to a penalty which may extend to one thousand rupees for each day of default.

44. Exceptions from duty to supply electricity.—Nothing contained in section 43 shall be taken as requiring a distribution licensee to give supply of electricity to any premises if he is prevented from so doing by cyclone, floods, storms or other occurrences beyond his control.

45. Power to recover charges.—(1) Subject to the provisions of this section, the prices to be charged by a distribution licensee for the supply of electricity by him in pursuance of section 43 shall be in accordance with such tariffs fixed from time to time and conditions of his licence.

(2) The charges for electricity supplied by a distribution licensee shall be—

(a) fixed in accordance with the methods and the principles as may be specified by the concerned State Commission;

(b) published in such manner so as to give adequate publicity for such charges and prices.

(3) The charges for electricity supplied by a distribution licensee may include—

(a) a fixed charge in addition to the charge for the actual electricity supplied;

(b) a rent or other charges in respect of any electric meter or electrical plant provided by the distribution licensee.

(4) Subject to the provisions of section 62, in fixing charges under this section a distribution licensee shall not show undue preference to any person or class of persons or discrimination against any person or class of persons.

(5) The charges fixed by the distribution licensee shall be in accordance with the provisions of this Act and the regulations made in this behalf by the concerned State Commission.

46. Power to recover expenditure.—The State Commission may, by regulations, authorise a distribution licensee to charge from a person requiring a supply of electricity in pursuance of section 43 any expenses reasonably incurred in providing any electric line or electrical plant used for the purpose of giving that supply.

47. Power to require security.—(1) Subject to the provisions of this section, a distribution licensee may require any person, who requires a supply of electricity in pursuance of section 43, to give him reasonable security, as may be determined by regulations, for the payment to him of all monies which may become due to him—

(a) in respect of the electricity supplied to such persons; or

(b) where any electric line or electrical plant or electric meter is to be provided for supplying electricity to such person, in respect of the provision of such line or plant or meter,

and if that person fails to give such security, the distribution licensee may, if he thinks fit, refuse to give the supply of electricity or to provide the line or plant or meter for the period during which the failure continues.

(2) Where any person has not given such security as is mentioned in sub-section (1) or the security given by any person has become invalid or insufficient, the distribution licensee may, by notice, require that person, within thirty days after the service of the notice, to give him reasonable security for the

payment of all monies which may become due to him in respect of the supply of electricity or provision of such line or plant or meter.

(3) If the person referred to in sub-section (2) fails to give such security, the distribution licensee may, if he thinks fit, discontinue the supply of electricity for the period during which the failure continues.

(4) The distribution licensee shall pay interest equivalent to the bank rate or more, as may be specified by the concerned State Commission, on the security referred to in sub-section (1) and refund such security on the request of the person who gave such security.

(5) A distribution licensee shall not be entitled to require security in pursuance of clause (a) of sub-section (1) if the person requiring the supply is prepared to take the supply through a pre-payment meter.

48. Additional terms of supply.—A distribution licensee may require any person who requires a supply of electricity in pursuance of section 43 to accept—

(a) any restrictions which may be imposed for the purpose of enabling the distribution licensee to comply with the regulations made under section 53;

(b) any terms restricting any liability of the distribution licensee for economic loss resulting from negligence of the person to whom the electricity is supplied.

49. Agreements with respect to supply or purchase of electricity.—Where the Appropriate Commission has allowed open access to certain consumers under section 42, such consumers, notwithstanding the provisions contained in clause (d) of sub-section (1) of section 62, may enter into an agreement with any person for supply or purchase of electricity on such terms and conditions (including tariff) as may be agreed upon by them.

¹[**50. The Electricity supply code.**—The State Commission shall specify an electricity supply code to provide for recovery of electricity charges, intervals for billing of electricity charges, disconnection of supply of electricity for non-payment thereof, restoration of supply of electricity, measures for preventing tampering, distress or damage to electrical plant or electrical line or meter, entry of distribution licensee or any person acting on his behalf for disconnecting supply and removing the meter, entry for replacing, altering or maintaining electric lines or electrical plants or meter and such other matters.]

51. Other businesses of distribution licensees.—A distribution licensee may, with prior intimation to the Appropriate Commission, engage in any other business for optimum utilisation of its assets:

Provided that a proportion of the revenues derived from such business shall, as may be specified by the concerned State Commission, be utilised for reducing its charges for wheeling:

Provided further that the distribution licensee shall maintain separate accounts for each such business undertaking to ensure that distribution business neither subsidises in any way such business undertaking nor encumbers its distribution assets in any way to support such business:

Provided also that nothing contained in this section shall apply to a local authority engaged, before the commencement of this Act, in the business of distribution of electricity.

Provisions with respect to electricity traders

52. Provisions with respect to electricity trader.—(1) Without prejudice to the provisions contained in clause (c) of section 12, the Appropriate Commission may, specify the technical requirement, capital adequacy requirement and credit worthiness for being an electricity trader.

(2) Every electricity trader shall discharge such duties, in relation to supply and trading in electricity, as may be specified by the Appropriate Commission.

1. Subs. by Act 26 of 2007, s. 9, for section 50 (w.e.f. 15-6-2007).

- (i) in which one hundred or more persons are ordinarily likely to be assembled; or
- (ii) which is a factory within the meaning of the Factories Act, 1948 (63 of 1948) or a mine within the meaning of the Mines Act, 1952 (35 of 1952); or
- (iii) to which the State Government, by general or special order, declares the provisions of this sub-section to apply,

without giving, before the commencement of transmission or use of electricity, not less than seven days' notice in writing of his intention to the Electrical Inspector and to the District Magistrate or the Commissioner of Police, as the case may be, containing particulars of the electrical installation and plant, if any, the nature and the purpose of supply and complying with such of the provisions of Part XVII of this Act, as may be applicable:

Provided that nothing in this section shall apply to electricity used for the public carriage of passengers, animals or goods, on, or for the lighting or ventilation of the rolling stock of any railway or tramway subject to the provisions of the Railways Act, 1989 (24 of 1989).

(2) Where any difference or dispute arises as to whether a place is or is not one in which one hundred or more persons are ordinarily likely to be assembled, the matter shall be referred to the State Government, and the decision of the State Government thereon shall be final.

(3) The provisions of this section shall be binding on the Government.

55. Use, etc., of meters.—(1) No licensee shall supply electricity, after the expiry of two years from the appointed date, except through installation of a correct meter in accordance with the regulations to be made in this behalf by the Authority:

Provided that the licensee may require the consumer to give him security for the price of a meter and enter into an agreement for the hire thereof, unless the consumer elects to purchase a meter:

Provided further that the State Commission may, by notification, extend the said period of two years for a class or classes of persons or for such area as may be specified in that notification.

(2) For proper accounting and audit in the generation, transmission and distribution or trading of electricity, the Authority may direct the installation of meters by a generating company or licensee at such stages of generation, transmission or distribution or trading of electricity and at such locations of generation, transmission or distribution or trading, as it may deem necessary.

(3) If a person makes default in complying with the provisions contained in this section or the regulations made under sub-section (1), the Appropriate Commission may make such order as it thinks fit for requiring the default to be made good by the generating company or licensee or by any officers of a company or other association or any other person who is responsible for its default.

56. Disconnection of supply in default of payment.—(1) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply, transmission or distribution or wheeling of electricity to him, the licensee or the generating company may, after giving not less than fifteen clear days' notice in writing, to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid, but no longer:

Provided that the supply of electricity shall not be cut off if such person deposits, under protest,—

- (a) an amount equal to the sum claimed from him, or

(b) the electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months,

whichever is less, pending disposal of any dispute between him and the licensee.

(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.

Consumer protection: Standards of performance

57. Standards of performance of licensee.—(1) The Appropriate Commission may, after consultation with the licensees and persons likely to be affected, specify standards of performance of a licensee or a class of licensees.

(2) If a licensee fails to meet the standards specified under sub-section (1), without prejudice to any penalty which may be imposed or prosecution be initiated, he shall be liable to pay such compensation to the person affected as may be determined by the Appropriate Commission:

Provided that before determination of compensation, the concerned licensee shall be given a reasonable opportunity of being heard.

(3) The compensation determined under sub-section (2) shall be paid by the concerned licensee within ninety days of such determination.

58. Different standards of performance by licensee.—The Appropriate Commission may specify different standards under sub-section (1) of section 57 for a class or classes of licensees.

59. Information with respect to levels of performance.—(1) Every licensee shall, within the period specified by the Appropriate Commission, furnish to the Commission the following information, namely:—

(a) the level of performance achieved under sub-section (1) of section 57;

(b) the number of cases in which compensation was made under sub-section (2) of section 57 and the aggregate amount of the compensation.

(2) The Appropriate Commission shall at least once in every year arrange for the publication, in such form and manner as it considers appropriate, of such of the information furnished to it under sub-section (1).

60. Market domination.—The Appropriate Commission may issue such directions as it considers appropriate to a licensee or a generating company if such licensee or generating company enters into any agreement or abuses its dominant position or enters into a combination which is likely to cause or causes an adverse effect on competition in electricity industry.

PART VII

TARIFF

61. Tariff regulations.—The Appropriate Commission shall, subject to the provisions of this Act, specify the terms and conditions for the determination of tariff, and in doing so, shall be guided by the following, namely:—

(a) the principles and methodologies specified by the Central Commission for determination of the tariff applicable to generating companies and transmission licensees;

(b) the generation, transmission, distribution and supply of electricity are conducted on commercial principles;

(2) On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairperson of the Appellate Tribunal may transfer any case pending before one Bench, for disposal, to any other Bench.

123. Decision to be by majority.—If the Members of the Appellate Tribunal of a Bench consisting of two Members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson of the Appellate Tribunal who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members of the Appellate Tribunal and such point or points shall be decided according to the opinion of the majority of the Members of the Appellate Tribunal who have heard the case, including those who first heard it.

124. Right of appellant to take assistance of legal practitioner and of Appropriate Commission to appoint presenting officers.— (1) A person preferring an appeal to the Appellate Tribunal under this Act may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Appellate Tribunal, as the case may be.

(2) The Appropriate Commission may authorise one or more legal practitioners or any of its officers to act as presenting officers and every person so authorised may present the case with respect to any appeal before the Appellate Tribunal, as the case may be.

125. Appeal to Supreme Court.—Any person aggrieved by any decision or order of the Appellate Tribunal, may, file an appeal to the Supreme Court within sixty days from the date of communication of the decision or order of the Appellate Tribunal, to him, on any one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908 (5 of 1908):

Provided that the Supreme Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

PART XII

INVESTIGATION AND ENFORCEMENT

126. Assessment.— (1) If on an inspection of any place or premises or after inspection of the equipments, gadgets, machines, devices found connected or used, or after inspection of records maintained by any person, the assessing officer comes to the conclusion that such person is indulging in unauthorised use of electricity, he shall provisionally assess to the best of his judgment the electricity charges payable by such person or by any other person benefited by such use.

(2) The order of provisional assessment shall be served upon the person in occupation or possession or in charge of the place or premises in such manner as may be prescribed.

¹[(3) The person, on whom an order has been served under sub-section (2), shall be entitled to file objections, if any, against the provisional assessment before the assessing officer, who shall, after affording a reasonable opportunity of hearing to such person, pass a final order of assessment within thirty days from the date of service of such order of provisional assessment, of the electricity charges payable by such person.]

(4) Any person served with the order of provisional assessment may, accept such assessment and deposit the assessed amount with the licensee within seven days of service of such provisional assessment order upon him:

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³[(5) If the assessing officer reaches to the conclusion that unauthorised use of electricity has taken place, the assessment shall be made for the entire period during which such unauthorised use of electricity

1. Subs. by Act 26 of 2007, s. 11, for sub-section (3) (w.e.f. 15-6-2007).

2. The proviso omitted by s. 11, *ibid.* (w.e.f. 15-6-2007).

3. Subs. by s. 11, *ibid.*, for sub-section (5) (w.e.f. 15-6-2007).

has taken place and if, however, the period during which such unauthorised use of electricity has taken place cannot be ascertained, such period shall be limited to a period of twelve months immediately preceding the date of inspection.]

(6) The assessment under this section shall be made at a rate equal to ¹[twice] the tariff applicable for the relevant category of services specified in sub-section (5).

Explanation.—For the purposes of this section, —

(a) “assessing officer” means an officer of a State Government or Board or licensee, as the case may be, designated as such by the State Government;

(b) “unauthorised use of electricity” means the usage of electricity—

(i) by any artificial means; or

(ii) by a means not authorised by the concerned person or authority or licensee; or

(iii) through a tampered meter; or

²[(iv) for the purpose other than for which the usage of electricity was authorised; or

(v) for the premises or areas other than those for which the supply of electricity was authorised.]

127. Appeal to Appellate Authority.—(1) Any person aggrieved by the final order made under section 126 may, within thirty days of the said order, prefer an appeal in such form, verified in such manner and be accompanied by such fee as may be specified by the State Commission, to an appellate authority as may be prescribed.

(2) No appeal against an order of assessment under sub-section (1) shall be entertained unless an amount equal to ³[half of the assessed amount] is deposited in cash or by way of bank draft with the licensee and documentary evidence of such deposit has been enclosed along with the appeal.

(3) The appellate authority referred to in sub-section (1) shall dispose of the appeal after hearing the parties and pass appropriate order and send copy of the order to the assessing officer and the appellant.

(4) The order of the appellate authority referred to in sub-section (1) passed under sub-section (3) shall be final.

(5) No appeal shall lie to the appellate authority referred to in sub-section (1) against the final order made with the consent of the parties.

(6) When a person defaults in making payment of assessed amount, he, in addition to the assessed amount shall be liable to pay, on the expiry of thirty days from the date of order of assessment, an amount of interest at the rate of sixteen per cent. per annum compounded every six months.

128. Investigation of certain matters.—(1) The Appropriate Commission may, on being satisfied that a licensee has failed to comply with any of the conditions of licence or a generating company or a licensee has failed to comply with any of the provisions of this Act or the rules or regulations made thereunder, at any time, by order in writing, direct any person (hereafter in this section referred to as “Investigating Authority”) specified in the order to investigate the affairs of any generating company or licensee and to report to that Commission on any investigation made by such Investigating Authority:

1. Subs. by Act 26 of 2007, s. 11, for “one-and-half times” (w.e.f. 15-6-2007).

2. Subs. by s. 11, *ibid.*, for sub-clause (iv) (w.e.f. 15-6-2007).

3. Subs. by s. 12, *ibid.*, for “one-third of the assessed amount” (w.e.f. 15-6-2007).

(b) payment of debt or other liabilities of the transferor as may be required by the existing loan covenants.

133. Provisions relating to officers and employees.— (1) The State Government may, by a transfer scheme, provide for the transfer of the officers and employees to the transferee on the vesting of properties, rights and liabilities in such transferee as provided under section 131.

(2) Upon such transfer under the transfer scheme, the personnel shall hold office or service under the transferee on such terms and conditions as may be determined in accordance with the transfer scheme:

Provided that such terms and conditions on the transfer shall not in any way be less favourable than those which would have been applicable to them if there had been no such transfer under the transfer scheme:

Provided further that the transfer can be provisional for a stipulated period.

Explanation.—For the purposes of this section and the transfer scheme, the expression “officers and employees” shall mean all officers and employees who on the date specified in the scheme are the officers and employees of the Board or transferor, as the case may be.

134. Payment of compensation or damages on transfer.—Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or any other law for the time being in force and except for the provisions made in this Act, the transfer of the employment of the officers and employees referred to in sub-section (1) of section 133 shall not entitle such officers and employees to any compensation or damages under this Act, or any other Central or State law, save as provided in the transfer scheme.

PART XIV

OFFENCES AND PENALTIES

135. Theft of electricity.—¹[(1) Whoever, dishonestly,—

(a) taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or service wires, or service facilities of a licensee or supplier, as the case may be; or

(b) tampers a meter, installs or uses a tampered meter, current reversing transformer, loop connection or any other device or method which interferes with accurate or proper registration, calibration or metering of electric current or otherwise results in a manner whereby electricity is stolen or wasted; or

(c) damages or destroys an electric meter, apparatus, equipment, or wire or causes or allows any of them to be so damaged or destroyed as to interfere with the proper or accurate metering of electricity; or

(d) uses electricity through a tampered meter; or

(e) uses electricity for the purpose other than for which the usage of electricity was authorised,

so as to abstract or consume or use electricity shall be punishable with imprisonment for a term which may extend to three years or with fine or with both:

Provided that in a case where the load abstracted, consumed, or used or attempted abstraction or attempted consumption or attempted use—

(i) does not exceed 10 kilowatt, the fine imposed on first conviction shall not be less than three times the financial gain on account of such theft of electricity and in the event of second or subsequent conviction the fine imposed shall not be less than six times the financial gain on account of such theft of electricity;

1. Subs. by Act 26 of 2007, s. 13, for sub-section (1) (w.e.f. 15-6-2007).

(ii) exceeds 10 kilowatt, the fine imposed on first conviction shall not be less than three times the financial gain on account of such theft of electricity and in the event of second or subsequent conviction, the sentence shall be imprisonment for a term not less than six months, but which may extend to five years and with fine not less than six times the financial gain on account of such theft of electricity:

Provided further that in the event of second and subsequent conviction of a person where the load abstracted, consumed, or used or attempted abstraction or attempted consumption or attempted use exceeds 10 kilowatt, such person shall also be debarred from getting any supply of electricity for a period which shall not be less than three months but may extend to two years and shall also be debarred from getting supply of electricity for that period from any other source or generating station:

Provided also that if it is proved that any artificial means or means not authorised by the Board or licensee or supplier, as the case may be, exist for the abstraction, consumption or use of electricity by the consumer, it shall be presumed, until the contrary is proved, that any abstraction, consumption or use of electricity has been dishonestly caused by such consumer.

(1A) Without prejudice to the provisions of this Act, the licensee or supplier, as the case may be, may, upon detection of such theft of electricity, immediately disconnect the supply of electricity:

Provided that only such officer of the licensee or supplier, as authorised for the purpose by the Appropriate Commission or any other officer of the licensee or supplier, as the case may be, of the rank higher than the rank so authorised shall disconnect the supply line of electricity:

Provided further that such officer of the licensee or supplier, as the case may be, shall lodge a complaint in writing relating to the commission of such offence in police station having jurisdiction within twenty-four hours from the time of such disconnection:

Provided also that the licensee or supplier, as the case may be, on deposit or payment of the assessed amount or electricity charges in accordance with the provisions of this Act, shall, without prejudice to the obligation to lodge the complaint as referred to in the second proviso to this clause, restore the supply line of electricity within forty-eight hours of such deposit or payment.]

(2) ¹[Any officer of the licensee or supplier as the case may be, authorised] in this behalf by the State Government may—

(a) enter, inspect, break open and search any place or premises in which he has reason to believe that electricity ²[has been or is being] used unauthorisedly;

(b) search, seize and remove all such devices, instruments, wires and any other facilitator or article which ²[has been, or is being] used for unauthorised use of electricity;

(c) examine or seize any books of account or documents which in his opinion shall be useful for or relevant to, any proceedings in respect of the offence under sub-section (1) and allow the person from whose custody such books of account or documents are seized to make copies thereof or take extracts therefrom in his presence.

(3) The occupant of the place of search or any person on his behalf shall remain present during the search and a list of all things seized in the course of such search shall be prepared and delivered to such occupant or person who shall sign the list:

Provided that no inspection, search and seizure of any domestic places or domestic premises shall be carried out between sunset and sunrise except in the presence of an adult male member occupying such premises.

(4) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to search and seizure shall apply, as far as may be, to searches and seizure under this Act.

1. Subs. by Act 26 of 2007, s. 13, for “Any officer authorised” (w.e.f. 15-6-2007).

2. Subs. by Act 57 of 2003, s. 5, for “has been, is being, or is likely to be,” (w.e.f. 27-1-2004).

(a) as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connection with, the generation, transmission, distribution, supply or use of electricity, or

(b) as to the manner in, and extent to, which the provisions of this Act or rules and regulations made thereunder or of any licence, so far as those provisions affect the safety of any person, have been complied with.

(3) Every Electrical Inspector or other person holding an inquiry under sub-section (2) shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908) for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects, and every person required by an Electrical Inspector be legally bound to do so within the meaning of section 176 of the Indian Penal Code (45 of 1860).

162. Appointment of Chief Electrical Inspector and Electrical Inspector.—(1) The Appropriate Government may, by notification, appoint duly qualified persons to be Chief Electrical Inspector or Electrical Inspectors and every such Inspector so appointed shall exercise the powers and perform the functions of a Chief Electrical Inspector or an Electrical Inspector under this Act and exercise such other powers and perform such other functions as may be prescribed within such areas or in respect of such class of works and electric installations and subject to such restrictions as the Appropriate Government may direct.

(2) In the absence of express provision to the contrary in this Act, or any rule made thereunder, an appeal shall lie from the decision of a Chief Electrical Inspector or an Electrical Inspector to the Appropriate Government or if the Appropriate Government, by general or special order so directs, to an Appropriate Commission.

STATE AMENDMENT

Karnataka

Amendment of section 162.—In section 162 of the Principal Act, after sub-section (2), the following shall be inserted, namely:-

“(3) where no provision is made by Central Government or the Authority in respect of powers and functions and qualifications of Chief Electrical Inspector and Electrical Inspectors, the State Government may by rules prescribe the same.”

[Vide Karnataka Act 39 of 2014, s. 3]

163. Power for licensee to enter premises and to remove fittings or other apparatus of licensee.—(1) A licensee or any person duly authorised by a licence may, at any reasonable time, and on informing the occupier of his intention, enter any premises to which electricity is, or has been, supplied by him, of any premises or land, under, over, along, across, in or upon which the electric supply-lines or other works have been lawfully placed by him for the purpose of—

(a) inspecting, testing, repairing or altering the electric supply-lines, meters, fittings, works and apparatus for the supply of electricity belonging to the licensee; or

(b) ascertaining the amount of electricity supplied or the electrical quantity contained in the supply; or

(c) removing where a supply of electricity is no longer required, or where the licensee is authorised to take away and cut off such supply, any electric supply-lines, meters, fittings, works or apparatus belonging to the licensee.

(2) A licensee or any person authorised as aforesaid may also, in pursuance of a special order in this behalf made by an Executive Magistrate and after giving not less than twenty-four hours notice in writing to the occupier,—

(a) enter any premises or land referred to in sub-section (1) for any of the purposes mentioned therein;

(b) enter any premises to which electricity is to be supplied by him, for the purpose of examining and testing the electric wires fittings, works and apparatus for the use of electricity belonging to the consumer.

(3) Where a consumer refuses to allow a licensee or any person authorised as aforesaid to enter his premises or land in pursuance of the provisions of sub-section (1) or, sub-section (2), when such licensee or person has so entered, refuses to allow him to perform any act which he is authorised by those sub-sections to perform, or fails to give reasonable facilities for such entry or performance, the licensee may, after the expiry of twenty-four hours from the service of a notice in writing on the consumer, cut off the supply to the consumer for so long as such refusal or failure continues, but for no longer.

164. Exercise of powers of Telegraph Authority in certain cases.—The Appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any, as the Appropriate Government may think fit to impose and to the provisions of the Indian Telegraph Act, 1885 (13 of 1885), any of the powers which the telegraph authority possesses under that Act with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by the Government or to be so established or maintained.

165. Amendment of sections 40 and 41 of Act 1 of 1894.—(1) In section 40, sub-section (1) of clause (b) and section 41, sub-section (5) of the Land Acquisition Act, 1894, the term “work” shall be deemed to include electricity supplied or to be supplied by means of the work to be constructed.

(2) The Appropriate Government may, on recommendation of the Appropriate Commission in this behalf, if it thinks fit, on the application of any person, not being a company desirous of obtaining any land for its purposes, direct that he may acquire such land under the provisions of the Land Acquisition Act, 1894 (1 of 1894) in the same manner and on the same conditions as it might be acquired if the person were a company.

PART XVIII

MISCELLANEOUS

166. Coordination Forum.—(1) The Central Government shall constitute a coordination forum consisting of the Chairperson of the Central Commission and Members thereof, the Chairperson of the Authority, representatives of generating companies and transmission licensees engaged in inter-State transmission of electricity for smooth and coordinated development of the power system in the country.

(2) The Central Government shall also constitute a forum of regulators consisting of the Chairperson of the Central Commission and Chairpersons of the State Commissions.

(3) The Chairperson of the Central Commission shall be the Chairperson of the Forum of regulators referred to in sub-section (2).

(4) The State Government shall constitute a Coordination Forum consisting of the Chairperson of the State Commission and Members thereof representatives of the generating companies, transmission licensee and distribution licensees engaged in generation, transmission and distribution of electricity in that State for smooth and coordinated development of the power system in the State.

**(TO BE PUBLISHED IN DELHI GAZETTE EXTRAORDINARY PART)
GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI****Delhi Electricity Regulatory Commission**

Viniyamak Bhawan, C-Block, Shivalik, Malviya Nagar, New Delhi-110017

Notification

Delhi

No. F.17(85)/Engg./DERC/15-16/5109----- In exercise of the powers conferred by Section 46, 50 read with Section 57, Section 181 of the Electricity Act, 2003 (Act 36 of 2003) and all other powers enabling it in this behalf and after previous publication, the Delhi Electricity Regulatory Commission hereby makes the following Regulations, namely Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017.

**CHAPTER - I
GENERAL****1. Short title, extent and commencement:-**

- (1) These Regulations may be called "Delhi Electricity Regulatory Commission (Supply Code and Performance Standards) Regulations, 2017".
- (2) These Regulations shall be applicable to all the Distribution Licensees including Deemed Licensees and all consumers in the National Capital Territory of Delhi.
- (3) These Regulations shall come into force from 1.9.2017.

2. Definitions:-

In these Regulations, unless the context otherwise requires:-

- (1) **"Act"** means the Electricity Act, 2003, as amended from time to time;
- (2) **"Accredited laboratory"** means a laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories (NABL);

line frequency of 50 Hz, causing distortion to pure sinusoidal waveform of voltage or current;

- (36) **"IEEE Standard"** relates to the technical standards issued from time to time by the Institute of Electrical and Electronics Engineers (IEEE), United States of America;
- (37) **"Late Payment Surcharge (LPSC)"** means the monetary charge levied as per provisions of the Tariff Orders, on a consumer, for the period of delay in payment of its bills beyond due date;
- (38) **"Licensed Electrical Contractor (LEC)"** means a contractor licensed by the Government of National Capital Territory of Delhi in accordance with the provisions of Central Electricity Authority (Measures relating to Safety and Electric Supply) Regulations, 2010 as amended from time to time;
- (39) **"Licensee" or "Distribution Licensee"** means a person who has been granted a license under Section 14 of the Act to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply and includes a deemed Licensee;
- (40) **"Maximum Demand (MD)"** means the highest average load measured in kVA or kW at the point of supply of a consumer during a consecutive period of thirty minutes or such other consecutive period as may be notified by the Commission during a billing cycle;
- (41) **"Meter"** means a correct meter suitable for measuring, indicating and recording consumption of electricity, maximum demand, any other parameter or any other information related with electrical system, as may be specified by the Authority or notified by the Commission and shall include, wherever applicable, other equipment such as Current Transformer (CT), Voltage Transformer (VT) or Capacitor Voltage Transformer (CVT) necessary for such purpose and shall include net meter;

Explanation: *It shall also include any seal or sealing arrangement and other measures/ attributes provided by the*

- (5) All consumers, irrespective of the sanctioned load, shall install a suitable device for earth leakage protection within the time period as may be notified by the Commission:

Provided that no new connection shall be energised, unless a suitable earth leakage protection device has been installed.

8. Harmonics dumping:-

- (1) It shall be obligatory for all the consumers to restrict the harmonics dumped by them to the levels as may be notified by the Authority:

Provided that IEEE Standard (STD 519-1992) shall be applicable, till such time the Standards are notified by the Authority.

- (2) If the Licensee detects that the consumer's electrical system is generating harmonics above the permissible limits, the Licensee may require the consumer to take appropriate measures to control harmonics of his installation in accordance with sub regulation (1) above, within six months.
- (3) The Consumer shall inform the Licensee about the measures taken to control harmonics and the Licensee shall inspect within 2 (two) days of getting information, failing which it shall be presumed that the consumer has taken effective measures and have complied with the provisions of this Regulation.
- (4) The Licensee shall inform the consumer about the results of inspection on the spot and if the harmonics are within permissible limits, no further action shall be taken.
- (5) Failure to comply with the permissible limits of Harmonics after inspection as in sub-regulation (3) above may attract penal charges, as may be notified by the Commission from time to time:

Provided that, if after the inspection as in Sub Regulation (3), in the opinion of the Licensee, the high harmonics dumping by a consumer is detrimental to other consumers or to the distribution system, the Licensee may, under intimation to the Commission, disconnect supply of such erring consumer, after

giving notice under Regulation 51(1), and as and when the consumer informs the Licensee about any further measures taken to control harmonics, the Licensee shall make re-inspection within 2 (two) days, and if the results of harmonics during such re-inspection are found within the permissible limits, the supply shall be reconnected within 24 hours from the time of such re-inspection.

9. Distribution of electricity through franchisee:-

- (1) A Licensee may undertake distribution of electricity in a designated area within its area of supply, through a franchisee as per the provisions of the Act:

Provided that a franchisee appointed by the distribution licensee cannot further sub-appoint a franchisee/ sub-franchisee to undertake distribution of electricity.

- (2) Notwithstanding the above, the distribution Licensee shall be solely responsible to the consumer for all matters relating to the distribution of electricity through such franchisee.
- (3) The franchisee shall, on behalf of the Licensee, perform such duties and functions as are assigned to him by the Licensee about distribution of electricity in the designated area.

CHAPTER - III

NEW AND EXISTING CONNECTIONS

10. New and Existing Connections:-

(1) General:-

- (i) The Licensee shall upload all the forms and formats prescribed under these Regulations on its website.
- (ii) The Licensee shall make appropriate arrangements for filing and accepting the application by the applicant both in hard copy as well as online.
- (iii) The applicant may file the application either online or in hard copy:

Provided that where the hard copy of application is submitted by hand, the Licensee shall verify the application on the spot and if found in order, acknowledge through dated receipt, and if found deficient, issue a written note regarding shortcomings in the application:

Provided further that where application is sent by registered post or speed post at correct postal address, the deficiency if any, shall be sent to the applicant within 2(two) days of receipt of application through registered post or speed post at correct postal address or on registered mobile number through SMS:

Provided also that where the application is submitted online, a system generated acknowledgement shall be issued forthwith and in case of any deficiency same shall be intimated to the applicant within 2 (two) days of the receipt of the application on registered mobile number through SMS or registered e-mail address, as the case may be.

- (iv) The Licensee shall prominently display consumer related information at its website and all its offices:

Provided that no other document or the charges, which have not been listed, shall be required from the applicant.

- (v) On the request of applicant, an independent electric connection shall be given to the owner/lawful occupant on each floor of the premises.
- (vi) Wherever, one dwelling unit has been sub-divided and separate kitchen as well as separate entry is available, second electric connection may be given to the lawful occupant.
- (vii) The electricity bill shall be only for electricity supply to the premises occupied by the consumer and shall not be treated as having rights or titles over the premises.

(2) Proof of identity of the applicant:-

Any of the following documents shall be accepted as proof of identity:-

- (i) electoral identity card;
- (ii) passport;
- (iii) driving license;
- (iv) ration card having photograph;
- (v) Aadhar card;
- (vi) PAN card;
- (vii) photo identity card issued by any Government agency;
- (viii) If the applicant is an organization, certificate of incorporation/ registration issued by the Registrar and proof of authorization /resolution of Board for authorizing the person.

(3) Proof of ownership or occupancy of the premises:-

Any of the following documents shall be accepted as the proof of ownership or occupancy of premises:-

- (i) certified copy of title deed;
- (ii) certified copy of registered conveyance deed;
- (iii) General Power of Attorney (GPA);
- (iv) allotment letter/possession letter;

- (v) valid lease agreement alongwith undertaking that the lease agreement has been signed by the owner or his authorized representative;
- (vi) rent receipt not earlier than 3 (three) months alongwith undertaking that the rent receipt has been signed by the owner or his authorized representative;
- (vii) mutation certificate issued by a Government body such as Local Revenue Authorities or Municipal Corporation or land owning agencies like DDA/L&DO;
- (viii) sub-division agreement;
- (ix) For bonafide consumers residing in JJ clusters or in other areas with no specific municipal address, the licensee may accept either ration card or electoral identity card mandatorily having the same address as a proof of occupancy of the premises.

(4) Sub-divided Property:-

- (i) Where property/premises have been legitimately sub-divided, the owner/occupier of the respective portion of such sub-divided property shall be entitled to obtain independent connection in his name.
- (ii) The Licensee shall provide the connection, to the applicant of respective portion of the legitimately sub-divided property, on payment of outstanding dues on pro-rata basis for that portion, based on the area of such sub-division or as mentioned in sub-division agreement, and the Licensee shall not deny connection to such applicant on the ground that dues on the other portion(s) of such premises have not been paid, nor shall the Licensee demand record of last paid bills of other portion(s) from such applicant(s).

(5) Reconstruction of Existing Property:-

In case of complete demolition and reconstruction of the premises or the building following shall apply:

- (i) Supply of electricity from existing connection shall not be allowed to be used and same shall have to be essentially

surrendered by the owner/occupier/developer of the premises.

- (ii) Meter and service line shall be removed, and the agreement shall stand terminated only after realizing all dues payable to the Licensee and thereafter the security deposit of the consumer shall be duly returned by the Licensee as per the Regulations.
- (iii) The owner, occupier, developer of the premises, as the case may be, shall apply for temporary connection and the Licensee shall give such temporary connection subject to Regulation 16:

Provided that temporary connection in all such cases shall be given only after the outstanding dues, if any, for such premises, are fully cleared.

- (iv) Such reconstructed premises or building shall be treated as new premises and the consumer shall be required to apply afresh for a new connection as per these regulations.
- (v) Any new connection to such reconstructed premises shall be given only after the outstanding dues attributed to the premises are duly paid by the applicant:

Provided that in case such reconstructed building is occupied by multiple owners, the treatment for new connection(s) to such multiple owners in the reconstructed building shall be given as if the property is sub-divided as in Regulation 10(4).

(6) Renovation of the Existing Property:-

Subject to Regulation 10 (5), renovation of the existing property being used by the domestic consumer for their own use shall be considered under domestic category connection on fulfillment of following conditions:

- (i) The consumer shall give advance notice to the Licensee;

- (ii) An undertaking to be given by the consumer to the effect that alteration/addition is as per the prevailing Building Bye-Laws;

11. New Electricity Connection:-

The Licensee shall process the application for new connection, within the time frame as specified in these Regulations

(1) Submission of application along with all documents:-

- (i) The Applicant shall make application for new connection to the Licensee in the form notified in the Commission's Orders:

Provided that a non-refundable registration cum processing fee as notified in the Commission's Orders shall be levied on the applicant applying connection at Extra High Tension or High Tension voltage level.

- (ii) The applicant can also make application for new connection online on the website of Licensee:

Provided that the applications for new connection for 50 kVA and above, unless any other lower value as may be notified by the Commission from time to time, shall be submitted through online system only.

- (iii) If the Applicant wishes to provide his own meter of approved specifications, he shall explicitly inform the same to the Licensee at the time of making the application.
- (iv) The Licensee shall indicate all the deficiencies in the application form to the applicant in one go only and shall not raise any new deficiency subsequently.
- (v) In case the Licensee fails to intimate the applicant about any deficiencies in his application on the spot or within the stipulated 2 (two) days in case of online application, as the case may be, the application shall be deemed to have been accepted by the Licensee on the date of receipt of the application.

- (vi) In case the applicant fails to remove such defects or fails to inform the Licensee about removal of deficiencies within 30 (thirty) days from the date of receipt of intimation of deficiencies, the application shall stand lapsed and the applicant will have to apply afresh.
- (vii) The application shall be considered to be accepted only on removal of deficiencies as indicated under this Regulation.

(2) Field Inspection:-

- (i) In case the application form is complete, the Licensee shall, at the time of receipt of application form, stipulate a date and time for inspection of applicant's premises in mutual consultation with the applicant, giving a written acknowledgement.
- (ii) The date of inspection shall be scheduled within 2 (two) days from the date of acceptance of the application:

Provided that if the applicant wishes to have a different date and time for field inspection, which is beyond the stipulated date & time, the excess time taken by the applicant shall neither be considered for computation of total time taken for release of connection nor for the purpose of compensation:

Provided further that if the applicant wishes, he can get the inspection scheduled on a holiday for the Licensee, on payment of an inspection fee as notified in the Commission's Orders.

- (iii) The Licensee shall conduct field inspection of the premises in the presence of the applicant or his representative on the appointed date and time.
- (iv) The Licensee shall not sanction the load, if upon inspection, the Licensee finds that;

- a. the information as furnished in the application is at variance to the actual position, or
 - b. the installation is defective or
 - c. the energisation would be in violation of any provision of the Act, Electricity Rules, Regulations or any other requirement, if so specified or prescribed by the Commission or Authority under any of their Regulations or Orders.
- (v) The Licensee shall give intimation to the applicant on the spot in writing about the defects/deficiencies, if any, observed during the field inspection.
- (vi) The applicant shall ensure that all defects/deficiencies are removed within 30 (thirty) days from receipt of intimation of defects/ deficiencies.
- (vii) On receipt of information from the applicant about removal of defects/deficiencies, the Licensee shall intimate the applicant about date for re-inspection of the premises of the applicant which shall not be later than 2 (two) days of receipt of information from the applicant about removal of defects/deficiencies.
- (viii) In case the applicant fails to remove such defects/deficiencies or fails to inform the Licensee about removal of defects/deficiencies within 30 days from the date of receipt of intimation of defects/deficiencies, the application shall stand lapsed and the applicant will have to apply afresh:

Provided that the Licensee may grant additional time to the applicant for completion of works, in case the applicant submits a written request for the same, within 30 (thirty) days from the date of receipt of intimation of defects/deficiencies.

- (ix) In case the Licensee fails to carry out field inspection/re-inspection within 2 (two) days from the date of acceptance of application or from the date of receipt of intimation of removal of site defects/deficiencies, the load applied for

connection shall be deemed to have been sanctioned after 2 (two) days from the date of acceptance of the application or the date of receipt of information for removal of defects/deficiencies, as the case may be.

(3) Load Sanction and Demand Note:-

- (i) Save as otherwise provided in the Act or these Regulations, the Licensee shall sanction the load as requested by the applicant.
- (ii) The Licensee shall raise the demand note to the applicant, within 2 (two) days of the field inspection subject to rectification of defects/deficiencies, for applicable charges, giving its breakup under the heads such as Service Line cum Development (SLD) charges, Security deposit, security towards pre-payment meter, road restoration charges, reconnection charges, etc. after giving due adjustment for the registration cum processing fee collected, if any, at the time of submission of the application:

Provided that in cases where consumer contribution is required for augmentation of network, the demand note shall be raised by the licensee within 10 (ten) days of the field inspection.

- (iii) The applicant shall make payment within 2 (two) days of the receipt of the demand note.
- (iv) In case the applicant finds difficulty in making the payment within 2(two) days, the applicant may request the Licensee, in writing, for an extension of time for a maximum period of 15 (fifteen) days.
- (v) The Licensee shall be under obligation to energise the connection on receipt of full payment against the demand note subject to the condition that the time extended under sub-regulation (iv) above shall not be counted in working out the total time taken for energisation of connection by Licensee nor the consumer shall be entitled to seek any compensation for such extended period.

(4) Energisation of Connection:-**(i) Where connection is to be provided from existing distribution system in electrified areas:-**

- a. In cases where road cutting permission or right of way is not required, the Licensee shall energize the connection within 1(one) day from the date of receipt of full payment.
- b. In cases where road cutting permission or right of way is required, the Licensee shall energize the connection within 9(nine) days from the date of receipt of full payment:

Provided that if delay in road cutting permission or right of way is beyond 2(two) days from the date of submission of request by the distribution licensee, such delay shall not be counted in working out the total time taken for energisation of connection by Licensee nor the consumer shall be entitled to seek any compensation for such period.

- c. The total time for providing connection from existing distribution system shall not exceed the time schedule specified under these Regulations.
- d. For the purpose of illustration, the total time taken for release of connection in electrified area from the existing distribution system, where there is no deficiency in the application or during field inspection, shall be as under:

Sl. No.	Description	Time period
(i)	Acceptance of Application	Zero date
(ii)	Field Inspection	Within 2 days of Acceptance of Application

(iii)	Load Sanction and demand note	Within 2 days of Field Inspection
(iv)	Payment of demand note	Within 2 days of raising demand note
(v)	Release of connection, where no RoW or road cutting permission is required	Within 1 day of receipt of payment
	Release of connection, where RoW or road cutting permission is required	Within 9 days of receipt of payment
(vi)	Total time for release of connection where no RoW or road cutting permission is required	Within 7 days of acceptance of application
	Total time for release of connection where RoW or road cutting permission is required	Within 15 days of acceptance of application

(ii) Connection where system augmentation is required in electrified areas:-

- a. The Licensee shall not deny new connection as long as the peak load including the load capacity of the new connection on the applicable distribution transformer falls within and up to 90% of the rated capacity of the transformer.
- b. The Licensee shall take appropriate action for augmentation of the capacity, as soon as the peak load on the existing applicable distribution transformer(s) reaches about 70% of its rated capacity.

- c. Subject to sub-clause (a) above, if giving of new connection requires augmentation of distribution system, the Licensee shall inform the applicant about the approximate time frame by which the applied load can be energized. Such time frame shall not exceed the time schedule specified as under:

(i)	Electrified Areas (where extension of line upto five poles is required)	Within 15 days from the date of receipt of full payment against demand note.
(ii)	Electrified Areas (Where extension of lines or augmentation of Distribution Transformation capacity, where peak load of transformer has reached 90% of its rated capacity)	Within 2 months from the date of receipt of full payment against demand note.
(iii)	Electrified Areas (Where new Distribution Transformer is required)	Within 4 months from the date of receipt of payment against demand note
(iv)	Electrified Areas (Where existing 11 KV network needs to be augmented)	Within 6 months from the date of receipt of payment against demand note

(v)	Electrified Areas (Where existing 66/33 kV grid sub-station needs to be augmented)	Within 8 months from the date of receipt of payment against demand note

Provided that the Licensee may approach the Commission for extension of time specified in specific cases, where magnitude of electrification works is such that it requires more time, duly furnishing the details in support of such request for extension.

(iii) Connection in Un-electrified areas:-

- a. The licensee shall upload the updated details of un-electrified areas as on 31st March of every year alongwith the geographical map clearly indicating the boundaries of such areas under its licensed area of supply by the end of April of that year:

Provided that the Licensee for the first time shall upload the details of un-electrified areas as on 31.7.2017 alongwith the geographical map clearly indicating the boundaries of such areas under its licensed area of supply:

Provided further that the details of un-electrified areas as on 31.7.2017 shall be uploaded by the Licensee on its website by 31.8.2017 and shall remain on its website unless reviewed by the Commission.

- b. The Licensee shall submit in the Business Plan, details of un-electrified areas under its area of supply and proposal for its electrification during the control period.
- c. The Licensee shall submit alongwith the filing of tariff petition, the detailed plan for electrification of these areas duly taking into account the number of pending applications for service connections, potential for load growth etc.

- d. The Licensee shall ensure that all relevant laws of the land are complied with.
- e. The Licensee shall complete the electrification of un-electrified areas and release the connection within the time schedule specified as under:

(i)	Where connection from nearby existing network is possible	Within 4 months from the date of receipt of approval from the Commission, wherever required, subject to: (i) receipt of service line cum development charges under Regulation 21 from the developer or the applicant as the case may be; and (ii) availability of right of way & land, wherever required.
(ii)	Where new network is to be laid or grid station needs to be established	Within 12 months from the date of receipt of approval from the Commission, wherever required, subject to: (i) receipt of service line cum development charges under Regulation 21 from the developer or the applicant as the case may be; and (ii) availability of right of way & land, wherever required.

Provided that on request of the licensee, the Commission may allow extension of time for electrification works in specific cases, based on the justification and the details furnished by the Licensee:

Provided further that once electrification of such area is completed, the timelines for energisation of connection shall be in accordance with the provisions of these Regulations for energisation of connection in electrified areas.

(iv) All connections to be energized using bus-bars:-

- a. If more than one connection in a premises/complex are energized using a single service line or a cable, all such connections shall be energized using the bus-bars only without looping with other meters.
- b. Any existing connection, provided through loop connections, energized prior to 18th April, 2007 (date of notification of Delhi Electricity Supply Code and Performance Standards Regulations, 2007), shall be rectified and re-energized using bus-bars within 6 (six) months from the date of applicability of these Regulations.
- c. The consumer shall have the right to check / verify that the neutral of its meter is connected directly from the bus bar and not in any other manner.
- d. Subject to Sub-Clause (b) above, if it is found that the consumer's meter is energized through neutral looping and not directly from the bus bar, the Licensee shall be liable to pay compensation as specified in Schedule-I of the Regulations.

(v) Compensation for delay in energizing connection:-

- a. In case the Licensee fails to provide the connection to an applicant within the prescribed time lines, the Licensee shall be liable to pay the applicant,

compensation as specified in Schedule-I of the Regulations.

- b. For determination of compensation, the time taken for release of connection shall not be considered on account of the following:-
 - (i) If at any stage, additional time period is sought by the applicant for reasons to be recorded in writing; or
 - (ii) If the same is on account of reasons such as right of way, acquisition of land, delay in permission for road cutting etc., or occurrence of any force majeure event, over which Licensee has no control and the reasons for the delay are communicated to the applicant within the period specified for energisation; or
 - (iii) If additional time is allowed by the Commission for completion of work.
- c. In case the Licensee fails to provide connection to an applicant after raising a demand note, the Licensee shall pay the applicant, compensation as per Schedule-I of the Regulations:

Provided that the Licensee shall also refund the amount deposited by the applicant against the demand note along with interest as applicable in case of Security Deposit, within 30 (thirty) days from the date load is not sanctioned:

Provided further that if the connection could not be provided after issuance of the demand note for the reasons attributable to the applicant, no compensation shall be payable and the Licensee shall refund the amount deposited by the applicant against the demand note.

(vi) **Electricity Connection based on occupancy as per Regulation 10 (3)(v & vi):-**

- a. The Licensee shall provide the electricity connection to such applicant only through pre-payment meter by charging a refundable security also as notified in the Commission's Orders towards pre-payment meter:
Provided that if the load demanded by the applicant is more than 45kW, the Licensee may provide the connection through post-paid meter:
- b. The electricity connection shall be valid during the currency of said lease agreement or mutually extended period of lease by the occupier and the owner.
- c. The Licensee shall disconnect the electricity connection on expiry of lease agreement, unless extended.
- d. In case the proof of occupancy is rent receipt alongwith undertaking that the rent receipt is signed by the owner or his authorized representative, the electricity connection shall be disconnected on the request of the owner or his authorized representative:

Provided that notice of at least one month period shall be given by the owner or his authorized representative to the Licensee and the occupier .

- e. At the time of disconnection, if the pre-payment meter is not defective/damaged, the Licensee shall refund the security collected towards pre-payment meter alongwith the balance within 7 (seven) days of disconnection through demand draft or electronic clearance system.

12. Single point supply:

- (1) The Licensee shall, if so requested, give single point supply, to the premises with multiple consumers/beneficiaries such as:
 - (i) Multi-storey buildings.
 - (ii) Residential complex developed by any developer.

17. Existing connections:-**(1) Transfer of connection**

- (i) If any applicant wants transfer of connection due to any reason such as change of consumer's name due to change in ownership or occupancy of property, transfer to legal heir, etc. he shall apply to the Licensee in the prescribed format as notified in the Commission's Orders.
- (ii) Any deficiency in the application shall be intimated in writing. The application shall be accepted only on removal of such deficiencies.
- (iii) The request for transfer of connection shall not be accepted unless all recoverable dues in respect of the concerned connection are fully paid:

Provided that once connection is transferred, no dues / arrears shall be recovered from the new consumer.
- (iv) The change of applicant's name shall be effected within two billing cycles, after acceptance of application or clearing of dues whichever is later.
- (v) If the change of applicant's name is not effected within two billing cycles, the consumer shall be entitled to seek and the Licensee shall be liable to pay the compensation as specified in Schedule-I of the Regulations.

(2) Load Enhancement on the request of consumer:-

- (i) The applicant shall apply for load enhancement in the format notified in the Commission's Orders.
- (ii) The procedure as laid down in Regulation 11 for release of electricity connection shall be followed.
- (iii) If the effective date of load enhancement falls between the billing cycles, the Licensee shall raise the bill on pro-rata basis during that billing cycle.

(3) Load Reduction on the request of consumer:-

- (i) The Application for load reduction shall be accepted only after six months from original energisation for connections up to 100 KW, and 1 (one) year from original energisation for connections above 100 KW. Subsequent application for load reduction shall be accepted once in six-months or after lock-in period of 6 (six) months pursuant to Regulation 17(4)(vii), as the case may be.
- (ii) The applicant shall apply for load reduction to the Licensee in the format prescribed in the Commission's Orders.
- (iii) The Licensee, after verification, shall sanction the reduced load within 10 (ten) days from the date of acceptance of such application.
- (iv) The load reduction shall be reflected from next billing cycle.
- (v) If the effective date of load reduction falls between the billing cycles, the Licensee shall raise the bill on pro-rata basis during that billing cycle.
- (vi) The reduction of load shall be limited to the highest of average of any 4 (four) consecutive months maximum demand readings of last 12 (twelve) months.
- (vii) If the load reduction is not sanctioned within the said period, the consumer shall be entitled to seek and the Licensee shall be liable to pay the compensation as specified in Schedule-I of the Regulations.

(4) Review of sanctioned load/contract demand by the Licensee:-

- (i) For revision of sanctioned load or contract demand as the case may be, the Licensee shall take the highest of average of Maximum Demand readings recorded as per billing cycle covering any four consecutive calendar months in the preceding financial year i.e. from 1st April to 31st March, rounded off to the lower integer as described in the illustration:

Provided that the period for billing cycle shall not exceed the period specified in these Regulations:

Provided further that the minimum sanctioned load shall be 1kW.

Illustration (a):-

- Sanctioned load in preceding financial year : 4kW
- Highest of Average of MD readings : > 4kW and < 5 kW
- Rounding off for revised sanctioned load : 4 kW

Illustration (b): -

- Sanctioned load in preceding financial year : 4kW
- Highest of Average of MD readings : > 6kW and < 7 kW
- Rounding off for revised sanctioned load : 6 kW

Illustration (c): -

- Sanctioned load in preceding financial year : 4kW
- Highest of Average of MD readings : > 3kW and < 4 kW
- Rounding off for revised sanctioned load : 3 kW

- (ii) If the computed revised load pursuant to sub-clause (i) above exceeds the sanctioned load or contract demand as the case may be, the Licensee shall issue a separate notice to the consumer about the proposed increase in sanctioned load or contract demand. The notice shall contain the details of the exact readings in the consecutive billing cycle(s) taken into consideration along with details of enhanced security deposit and the differential Service Line cum Development (SLD) charges in case of change of service line, if any, for such increase in sanctioned load or the contract demand, as the case may be, in accordance with the Act to be deposited by the consumer within 30 (thirty) days from the date of receipt of notice.

- (iii) In case of domestic category consumers, if the computed load pursuant to sub-clause (i) above is less than the sanctioned load or contract demand as the case may be of the consumer, the Licensee shall seek the consent of the consumer for load reduction through a separate notice to the consumer, giving details and information that his maximum demand is less than the sanctioned load or contract demand:

Provided that for domestic category consumers, having the sanctioned load upto 5kW in the last billing cycle of preceding financial year, if no communication is received from them within expiry of 30 (thirty) days from the date of the receipt of notice, the load shall be reduced automatically; and for domestic consumers having sanctioned load more than 5kW in the last billing cycle of preceding financial year, the load shall be reduced only on receipt of consent from the consumer.

- (iv) A separate notice for upward or downward revision of sanctioned load or contract demand as the case may be, shall be issued by 31st May of the financial year. No notice for upward revision shall be issued thereafter during the year.
- (v) In case a notice for downward revision pursuant to sub clause (iv) is not issued by 31st May, the Licensee shall pay compensation to the affected consumer as specified in Schedule – I of the Regulations, without prejudice to the right of consumer to reduce the load which shall be effective as per sub clause (vi) below.
- (vi) The upward or downward revision of sanctioned load or contract demand as the case may be, shall be done once in a financial year and shall be made effective from 1st July of the financial year.
- (vii) If the load is enhanced by the Licensee pursuant to sub-clause (ii), the request for any load reduction shall be entertained only after expiry of 6 (six) months from the date of enhancement of load.

(5) Change of category on the request of consumer:-

- (i) The applicant shall apply for change of category in the format prescribed in the Commission's Orders.
- (ii) The Licensee shall conduct site inspection to verify within 7 (seven) days from the receipt of application and shall record the meter reading at the time of inspection.
- (iii) If on inspection, the request of the consumer for change of category is found genuine, change of category shall be made effective from the date of inspection and the same shall be reflected in next billing cycle.
- (iv) Arrear or excess charges shall be determined based on the actual period of earlier classification based on documentary evidence provided by the Licensee or the consumer as the case may be, limited to a period of 12 (twelve) months and the account of the consumer shall be suitably adjusted.
- (v) In case change to such category is not permitted under any law in force, the Licensee shall inform the consumer within 7(seven) days from the date of application.
- (vi) If the category is not changed within the said period, the consumer shall be entitled to seek and the Licensee shall be liable to pay the compensation as specified in Schedule-I of the Regulations.

(6) Suo-motu reclassification of consumer category by the Licensee:-

- (i) If it is found that a consumer has been wrongly classified in a particular category or the purpose of supply as mentioned in the agreement has changed or the consumption of power has exceeded the limit of that category as per the tariff order of the Commission or the category has changed consequent to a revision of tariff order, the Licensee shall suo-motu reclassify the consumer under appropriate category.

- (ii) The consumer shall be informed of the proposed reclassification through a notice with a notice period of 30 (thirty) days to file objections, if any.
 - (iii) The Licensee after due consideration of the reply of the consumer, if any, may reclassify the consumer appropriately.
 - (iv) Arrear or excess charges shall be determined based on the actual period of wrong classification limited to a period of 12 (twelve) months or a period from the date of last inspection of the installation of the consumer by the Licensee whichever is shorter and the account of the consumer shall be suitably adjusted.
- (7) **Conversion from single phase to three phase LT and from LT to HT; and vice-versa:**
- (i) All applications for change from single phase to three phase Low Tension and from Low Tension to High Tension; and vice-versa, as the case may be, shall be dealt as per the procedure laid down at Regulation 11.
 - (ii) The consumer shall, in case of increase in load, pay the differential security deposit and Service Line cum Development charges at the prevailing rates, and the Licensee shall, in case of decrease in load, refund the excess security deposit.

31. Consequence of making the meter inaccessible for reading:-

- (1) If the meter is rendered inaccessible on any meter reading date, the Licensee shall issue a 7 (seven) days prior notice to the consumer, specifying the date and time of the meter reading for the next billing cycle, to keep the meter accessible on such date and the time:

Provided that the consumer may request the Licensee to fix another date and time for such meter reading.

- (2) If meter is not made accessible even on the date specified in the notice or as mutually agreed, the Licensee shall issue a second 7 (seven) days prior notice to the consumer, specifying the date and time of the meter reading for the next billing cycle, to keep the meter accessible on such date and the time.

- (3) If meter is not made accessible even on the date specified in the notice or as mutually agreed, the Licensee shall serve 15 (fifteen) days clear disconnection notice to the consumer:

Provided that the consumer may send the picture of the meter indicating the meter reading and date of meter reading through registered mobile or through e-mail.

- (4) If the consumer fails to provide access for the meter reading even during such notice period, the Licensee may disconnect the supply after expiry of the notice period and reconnection of supply shall be effected only after taking the reading and payment of all the dues by the consumer.

- (5) The provisions of the above sub-regulations shall not apply in all such cases where the consumer whose payment is up to date and has given an advance intimation to the Licensee of the inaccessibility of his meter for reading, specifying the reason, and has also deposited fixed charges for such period in advance:

Provided that, in all such cases, as and when the meter is made accessible by the consumer for taking the meter reading, the

entire consumption shall be taken as if the consumption was for the period excluding the intimated period of inaccessibility.

32. Testing of meter:-

(1) Periodical Testing of meters by the Licensee:-

- (i) It shall be the responsibility of the Licensee to satisfy itself regarding the accuracy of the meter before it is installed and, if he feels so necessary, shall get them tested in an accredited laboratory.
- (ii) Wherever the consumer opts to procure the meter, the Licensee shall receive it and, if he so desires, get it tested in an accredited laboratory notified by the Commission:

Provided that in the absence of an accredited laboratory notified by the Commission, the meter shall be tested in any accredited laboratory other than that of the Licensee:

Provided further that, subject to fulfillment of conditions and completion of procedural requirements under Regulation 11, in all such cases the meter shall be installed and service connection be given within a maximum of 15 (fifteen) days from the date of receipt of meter.

- (iii) The Licensee shall, at no cost to the consumer, conduct periodical inspection or testing or both and calibration of the meters, as notified in the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time, at site, and as per the following schedule:

Railways, DMRC	At-least once in every six months
HT or EHT meters	At-least once in every year
LT 3-phase meters	At-least once in every five years
single phase meters	At-least once in every five years

CHAPTER - VI

DISCONNECTION AND RECONNECTION

50. Grounds for disconnection:-

The Licensee shall not disconnect the supply of electricity to any consumer except on any one or more of the following grounds:-

- (1) If the consumer defaults in payment of the dues payable to the Licensee within the period stipulated in the notice.
- (2) If the consumer is found to have indulged in theft of electricity.
- (3) If the consumer refuses to allow a licensee or any person duly authorized by the licensee to enter his premises or land in pursuance of the provisions of sub-section (1) or sub-section (2) of Section 163 of the Act.
- (4) If the Licensee is entitled to do so under an agreement with the consumer.
- (5) Failure of consumer to comply for taking effective steps for generating harmonics within permissible limits as per Regulation 8.
- (6) Failure of consumer to make meter accessible as per Regulation 31.
- (7) If the Licensee is mandated to do so by an order of a legal authority, competent to issue such a mandate.
- (8) If the supply of electricity to the consumer is liable to be disconnected as per any of the provisions of the Regulations.

51. Procedure for Disconnection:-

- (1) Save as provided otherwise in these Regulations, the Licensee shall not disconnect electricity supply to any consumer without issuing him a disconnection notice, in writing, giving him at least 15 (fifteen) clear days, to be reckoned from the date of serving the same, intimating the consumer about the grounds for disconnection:

Provided that in the case of detection of theft of electricity, the supply of electricity shall be disconnected immediately as provided in subsection (1A) of Section 135 of the Act:

Provided further that in the case of disconnection under:

- (i) Regulation 50 (1), the Licensee may disconnect the supply of electricity on expiry of the notice period.
 - (ii) Regulation 50(5), the provisions of Regulation 8 shall be applicable.
 - (iii) Regulation 50(6), the provisions of Regulation 31 shall be applicable.
 - (iv) Regulation 50(7), the provisions of the Order of the Legal authority shall be applicable.
- (2) The supply shall be disconnected only if the grounds of the disconnection as specified in the notice are not removed or rectified within the notice period.
- (3) The supply under Regulation 50(1), 50(4), 50(5), 50(6), 50(7) shall not be disconnected on bank holidays or after 12 noon.

52. Prevention from Unauthorized Reconnection:-

- (1) The consumer shall not reconnect its supply unauthorizedly from the system of the Licensee or from the live connection of any other consumer.
- (2) In case the consumer indulges in unauthorized reconnection from the system of the Licensee directly, the Licensee may initiate action as per provisions of Section 138 of the Act.
- (3) In case the consumer indulges in unauthorized reconnection from the supply of any other consumer, the Licensee may initiate action as per provisions of unauthorized use of electricity against such consumer who has provided the supply:

CHAPTER - VII**UNAUTHORISED USE, THEFT AND OTHER IRREGULARITIES****55. General:-**

- (1) The Licensee shall undertake proceedings against unauthorized use of electricity, theft and other irregularities committed by the consumer in accordance with the relevant provisions as laid down in Part XII, XIV, XV of the Act, the Regulations and the procedure in Commission's Orders.
- (2) The Licensee shall publish on its website, the list of the Assessing officers under section 126 of the Act, the Authorized officers under sub-section (2) of section 135 of the Act and the officers authorized by the Commission to disconnect supply under sub-section (1A) of Section 135 of the Act and shall display such list at prominent locations in its local offices.
- (3) The Licensee shall issue photo identity cards to all the Assessing officers and Authorized officers specifically indicating their designation and details of authorisation.
- (4) During the inspection of premises, in all cases, the assessing officer or the authorized officer as the case may be, shall cause to videograph the entire proceedings, till the completion of inspection at the premises:

Provided that the videograph shall include acceptance or denial by the consumer of photo visiting card, signing of inspection report, signing of seizure memo etc.
- (5) The Licensee shall maintain and submit record of all cases booked under Section 126 of the Act and Section 135 of the Act to the Commission on monthly basis.
- (6) If a consumer is found indulging in unauthorized use and also in theft of electricity, the consumer shall be booked under theft of electricity.
- (7) In case the unauthorized use of electricity is finally established, the Licensee shall change the category of supply of the

consumer from the date of inspection and shall raise the bill as per normal applicable tariff.

Unauthorized Use of Electricity under Section 126 of the Act

56. Inspections of the premises and electrical installations by Assessing Officer:-

- (1) The Assessing officer shall promptly conduct inspection of any premises either suo-moto or on receipt of information regarding unauthorized use of electricity thereat:

Provided that the Assessing officer may avail the assistance of employees of the Licensee for conducting inspection.

- (2) The Assessing officer shall carry his visiting card bearing his photograph and photo identity card issued under Regulation 55(3).
- (3) Photo ID shall be shown and the visiting card bearing his photograph shall be handed over to the consumer before entering the premises.
- (4) The Assessing officer shall prepare an inspection/site report as per the provisions under these Regulations.
- (5) No case of unauthorized use of Electricity shall be booked by the Licensee in the following cases:
 - (i) where consumer has been paying electricity charges for higher tariff category but using electricity for lower tariff category;
 - (ii) where the consumer is drawing power more than the sanctioned load or contract demand as the case may be within the same category of tariff; and
 - (iii) where it is incumbent upon the Licensee to suo-motu change the category of supply.

57. Preparation of Report by Assessing officer:-

- (1) In the event of detection of unauthorized use of electricity, the Assessing officer shall prepare a detailed Report at site, in the manner as prescribed in the Commission's Orders.
- (2) All the material evidences such as tampered meter, etc. and the documentary evidence, which are relevant to the case found during the inspection, shall be seized under a seizure memo and sealed in the presence of the consumer or his representative and be kept as a proof along with photography and video recording of the premises.
- (3) A detailed description of the material seized, including date, time and place and name & address of witnesses to the seizure shall be recorded on the exterior of the cover and signatures of all witnesses shall be affixed on the sealing points:

Provided that if the witness refused to sign, the same shall be recorded in the report and captured in the videograph.

- (4) The Inspection Report shall be signed by the Assessing officer and a copy of the same shall be handed over to the consumer or his representative at the site immediately under proper acknowledgement. The other persons present at site may also sign the inspection report.
- (5) If consumer or his representative at site refuses to acknowledge and/or accept the copy of the report, a copy of the report shall be pasted at a conspicuous place in or outside the premises and photographed and video recorded. Another copy of the same report shall be sent to the consumer under Registered Post or Speed Post or electronically on the same day or on the next day of the inspection.
- (6) The Inspection report shall form the basis for further action as per the provisions contained in Regulations.

58. Procedure for dealing the case of Unauthorized Use of Electricity (UUE):-**(1) Provisional assessment and Notice:-**

If the Assessing officer on the basis of Inspection Report and other materials comes to the conclusion that it is prima facie a case of unauthorised use of electricity, he shall:

- (i) make provisional assessment based on the best of his judgement which is reasonable in the given circumstances and is based on all the available evidence and records. While doing so the Assessing officer shall compute the amount payable by the person benefited by the unauthorized use of electricity as per provision laid down in sub-section (5) read with sub-section (6) of Section 126 of the Act:

Provided that if the period of unauthorized use of electricity can be conclusively established, the assessment shall be done for the entire period for which the unauthorized use was taking place and if the period of such unauthorized use is not known or cannot be conclusively established, the period of assessment shall be limited to 12 (twelve) months immediately preceding the date of inspection:

Provided further that period of unauthorized use of electricity shall be assessed based on the following factors:-

- a. actual period from the date of commencement of supply to the date of inspection;
- b. actual period from the date of replacement of component of metering system in which the evidence is detected to the date of inspection;
- c. actual period from the date of preceding checking of installation by the assessing officer to date of inspection;
- d. data recorded in the energy meter memory wherever available;

e. based on the document being relied upon by the accused person.

(ii) Serve a notice along-with a provisional assessment bill and copy of videography of inspection, within 7 (seven) days from the date of inspection or date of receipt of meter testing report, if required, whichever is later, to the consumer giving reasons as to why a case of unauthorised use of electricity is being initiated against him. The notice should clearly state the time, date and place at which the reply has to be submitted and the designation of the person to whom it should be addressed.

(2) Objection against notice along-with provisional assessment:-

The consumer, on whom notice along-with a provisional bill of assessment has been served, may file objections, if any, before the Assessing officer, within 7 (seven) days from the date of receipt of notice.

(3) Personal Hearing:-

(i) The Assessing officer shall arrange a personal hearing with the consumer or his authorized representative within 7 (seven) days from the date of filing of consumer's objections.

(ii) At the request of the consumer, the hearing may be arranged for a future date but not later than 10 (ten) days from the date of filing of the objections by the consumer.

(4) Final assessment Order:-

(i) The Assessing officer shall pass a final assessment order within 30 (thirty) days from the date of service of the order of provisional assessment of the electricity charges payable by such person.

(ii) The final order of assessment shall clearly show as to whether the case of unauthorized use of electricity is established or not. Such Order shall contain the brief of

inspection report, submissions, oral or written, made by consumer and reasons for acceptance or rejections of the same.

- (iii) If no unauthorized use of electricity is established, the Assessing officer shall pass an Assessment Order dropping the case immediately and the consumer shall be informed accordingly with a copy to the next higher officer.
- (iv) In case the unauthorized use of electricity is established, the Assessing officer shall assess the electricity charges as per provisions contained in sub-section (5) read with sub-section (6) of the Section 126 of the Act and shall pass the final Assessment Order under sub-section (3) of Section 126 of the Act.
- (v) The assessment of energy in the final order shall be made as per the formula prescribed in Appendix-I to the Regulations:

Provided that if unauthorized use of electricity is on account of wrong usage of tariff category or for the premises or areas other than for which supply of electricity was authorised, the Assessing officer shall take assessment of energy as recorded in the meter for the period of assessment.

- (vi) While making the assessment bill, the Licensee shall give credit to the consumer for the amount already paid by the consumer for the period of the assessment bill.
- (vii) The Final Assessment Order, shall clearly mention that the Order is appealable by the consumer before the Appellate Authority (name, designation and address to be mentioned) within 30 (thirty) days of serving the said order as per provisions of sub-section (1) of Section 127 of the Act.

(5) Billing & payment based on final assessment Order:-

- (i) The Licensee shall serve the bill to the consumer for charges of unauthorized use of electricity as per the final assessment order issued by the Assessing Officer.
- (ii) The bill shall be payable by the consumer within 30 (thirty) days from the date of service. The Licensee may extend the last date of payment of the assessed amount or allow the payment in installments subject to payment of interest on the unpaid amount for the extended period beyond 30 (thirty) days at the rate of 16 (sixteen) percent per annum compounded every 6 (six) months.
- (iii) The consumer shall accept the bill and deposit the assessed amount within the time lines and manner as per sub-regulation (5) (ii) or prefer an appeal against it before the Appellate Authority in accordance with the Act and the Regulations.

59. Appeal before Appellate Authority under Section 127 of the Act:-

- (1) If the consumer is aggrieved by the final assessment order issued by the Assessing officer, he may after depositing half of the assessed amount as specified under sub-section (2) of Section 127 of the Act, file an appeal before the Appellate Authority under Section 127 of the Act, within 30 (thirty) days from the date of issuance of such order, in the form and manner as prescribed in Commission's Orders:

Provided that no appeal shall lie to the appellate authority against the final assessment order of the Assessing officer, if same is passed with the consent of the parties.

- (2) The Appellate Authority, based on the evidence and the facts presented and after hearing the parties shall pass an appropriate speaking order and send a copy of the order to the Assessing officer and the appellant.
- (3) The order passed by the Appellate Authority shall be final.

- (4) In case the Appellate Authority holds that no case of unauthorized use of electricity is established, no further proceedings shall be initiated or continued by the Licensee in this regard and the amount deposited by the appellant shall be refunded along with interest at the rate of 16 (sixteen) percent per annum compounded every 6 (six) months for the period from the date of deposit till the amount is refunded.
- (5) In case the Appellate Authority holds that a case of unauthorized use of electricity is established, the Licensee shall serve the revised bill to the consumer for charges of unauthorized use of electricity as per the final order issued by the Appellate Authority.
- (6) The bill so prepared based on the final order issued by the Appellate Authority shall be payable by the consumer within 30 (thirty) days from the date of service. The Licensee may extend the last date of payment of the assessed amount or allow the payment in installments subject to payment of interest on the unpaid amount for the extended period beyond 30 (thirty) days at the rate of 16 (sixteen) percent per annum compounded every 6 (six) months as per sub-section (6) of Section 127 of the Act.
- (7) In case the amount payable as determined by the Appellate Authority is less than the amount already deposited by the consumer at the time of filing the appeal, the excess amount shall be refunded by the Licensee within 30 (thirty) days:

Provided that if the refund is delayed by the Licensee, interest at the rate of 16 (sixteen) percent per annum compounded every 6 (six) months shall be paid for the delayed period.

Theft of Electricity under Section 135 of the Act

60. Inspections of the premises and electrical installations by Authorized officer:-

- (1) The Authorized officer shall promptly conduct inspection of any premises either suo-moto or on receipt of information regarding theft of electricity:

ANNEXURE A/4 (Colly)

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FIRST INFORMATION REPORT

(Under Section 173 B.N.S.S.)

(प्रथम सूचना रिपोर्ट)

(धारा 173 वी. एन. एस. के अन्तर्गत)

1. District (ज़िला): NORTH EAST (DELHI) Year(वर्ष): 2025 P.S.(थाना): BHAIJAN PURA
FIR No(प्र.सू.रि.सं.): 0098 Date & Time of FIR (व दिनांक की प्रसूप्): 18/02/2025
2. Act(s)(अधिनियम): Section(s)(धारा(एँ)):
- THE BHARATIYA NYAYA SANHITA (BNS), 2023 132/221/351/3(5)
3. Occurrence of Offence (अपराध की घटना):
(a) Day(दिन): TUESDAY Date From(दिनांक से): 18/02/2025 Date To(दिनांक तक): 18/02/2025
Time Period (समय) Time From (समय से): 12:00 hrs Time To (समय तक): 12:00 hrs
(b) Information received at P.S.(थाना जहाँ सूचना प्राप्त हुई Date(दिनांक): 18/02/2025 Time 21:50 hrs
(c) General Diary Reference (रोजानामा Entry No.(प्रविष्टि) 121A Date/Time 18/02/2025 22:06
4. Type of Information (सूचना का Written
5. Place of Occurrence (घटनास्थल):
(a) Direction and Distance from P.S (थाना से दूरी और SOUTH-EAST, 2 Km(s) Beat No(बीट सं.): NA
(b) Address(पता): A-25, MAIN GAMDI RAOD, NEAR DISPENSARY, GAAON GHONDA DELHI
(c) In case, Outside the limit of the Police Station (यदि थाना सीमा के बाहर है):
Name of P.S(थाना का नाम): District(ज़िला):
6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):
(a) Name(नाम): VARUN KUMAR
(b) Date/Year of Birth (जन्म तिथि Nationality (राष्ट्रियता): INDIA
(c) Passport No.(पासपोर्ट सं.): Date of Issue (जारी करने की तिथि Place of Issue (जारी करने का
(d) Occupation OTHERS
(e) Address(पता): (ASVP, OPERATION AND MAINTENANCE), BSES DIVISION YAMUNA VIHAR, DELHI, SHAHDARA, DELHI, INDIA, 9350261457, ABC123@GMAIL.COM
7. Details of Known/Suspect/Unknown accused with full particulars(attach separate sheet if necessary)(ज्ञात/संदिग्ध/अज्ञात का पूरे विवरण सहित वर्णन
8. Reason for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देते से दर्ज कराने के कारण):
NO DELAY
9. Particulars of the properties stolen/Involved (attach separate sheet if necessary):
Sl.No. (क्र.सं.) Property Type(Description) Est. Value(Rs.)(मूल्य (रु में))
- 10 Total value of property stolen (चोरी हुई सम्पत्ति का कुल
- 11 Inquest Report / U.D. Case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण नं., यदि कोई

District NORTH EAST (DELHI)

P.S. BHAJAN PURA

Year: 2025

FIR No: 0098

Date: 18/02/2025

12 F.I.R. Contents (attach separate sheet, if required)(प्रथम सूचना रिपोर्ट तथ्य):

The Station House Officer, Police Station Bhajan Pura, Delhi Date : 18.02.2025 SUBJECT: COMPLAINT AGAINST ANAND KUMAR, PARVEEN KUMAR, JATIN, BILAL ALL S/O NOT KNOWN, ALL R/O: BHOLA NATH GALI, ARVIND NAGAR, DELHI-53 AND THEIR OTHER GOONS ASSOCIATES FOR AN OFFENCE OF OBSTRUCTING PUBLIC SERVANT IN DISCHARGE OF PUBLIC FUNCTIONS AND THREATING TO DIRE CONSEQUENCES & IMPLICATING IN THE FALSE MOLESTATION CASE TO THE BSES YPL OFFICERS/INSPECTED TEAM MEMBERS. Sir, BSES Yamuna Power Limited is a company duly incorporated under the companies act 1956 having a joint venture with Government of NCT of Delhi, having its registered office at Shakti Kiran Building Karkardooma Delhi and engaged in the distribution business of electricity in the area falling under the jurisdiction of East and Central District of NCT of Delhi in accordance with terms and condition of license issued by the Delhi Regulatory Commission. That for smooth and effective functioning of the distribution business of electricity, BSES Yamuna Power limited has to maintain and operate distribution assets like electric lines, transformers, installations etc. and have to augment the existing electricity supply system to meet out the load growth of electric supply. That under section 135 (2) of the Electricity Act 2003 the officer of BSES Yamuna Power Ltd. is authorized to inspect and search any place or premises situated under the area of its distribution of electricity where it has reason to believe that the electricity is being used unauthorisedly or dishonestly. On 18.02.2025 at about 12.00 noon BSES YPL inspection team consisted of Sh. Varun Kumar (AsVP), Kuldeep Mandal (A.M.), Sadashiv (L/M), Mr. Om Babu (L/M), Rajesh Pal Singh (L/M), Mr. Nafees (L/M), Amit Pundhir (Helper), Sompal (Helper), and Mr. Saleem (Supervisor) were on routine checking for removing illegal wires/Cables, when the said inspection team reached at Bhola Nath Gali, Arvind Nagar, Delhi -53. The inspected team found an illegal cable which was going from BSES Pole No. YVR C-145 to the illegal factory which was being running by Jeetu. When on the instruction of Mr. Varun Kumar (AsVP), lineman namely Nafees I removed the said illegal wire from the pole, then immediately abovesaid accused persons namely Anand Kumar, Parveen Kumar, Jatin, Bilal came at site and also called their other goons associates at site and all the accused persons started misbehaving with all the said team members/BSES YPL officers. When said Kuldeep Mandal (A.M.) was started video of said incident then accused Jatin forcefully snatched the mobile phone from the hand of Kuldeep Mandal and all the accused persons did not allow videography of the said incident to Mr. Kuldeep Mandal. All the abovesaid accused persons threatened to the abovesaid BSES Officers/team members to dire consequences and implicating in the false molestation case, At the time of said incident their goons associates also misbehaved with abovesaid BSES Officers/inspected team members who were performing their duty as per rules and regulation of DERC Act being public servant. That all the abovesaid accused persons are habitual to theft of electricity by direct theft and having good relation with the local political persons as well as unsocial elements of the area. All the accused persons created hindrance in the work of the team members and did not allow them to perform their duty by misbehaving, giving threat to the said BSES Officials/inspected team members to dire consequences and implication them in molestation case when they were performing their official duty being public servant. Thus all the accused persons have committed the offence under section 221 of BNS, 2023 by obstructing public servant in discharge of public functions and under section 351 of BNS, 2023 by criminal intimidation. That the accused wants to create terror in the mind of the BSES Officers, so that due to fear BSES Officers not visit in his area for checking in future and he can steal electricity freely without any hindrance. It is for this reason now the BSES Officers//inspected team members are feeling unsafe and unable to do their work free mind in the abovesaid area. That if immediate appropriate action will not be taken against the accused persons then they can

give the colour their illegal act at any point of time and can harm life and limb to the BSES Officers//inspected team members at any point of time as the accused and his associates also given threat to the inspected team members for dire consequences and implicating them in false molestation case if they would take any legal action against them. It is therefore, requested that appropriate necessary legal action may kindly be initiated against the abovesaid accused persons namely Anand Kumar, Parveen Kumar, Jatin, Bilal and their other goons associates for their illegal act, as per Bharatiya Nyaya Sanhita, 2023 and safety and security may also be provided to the BSES YPL employees at the time of inspecting in the area/conducting the raid so that such type incident not repeat again. Thanking You SD English Varun Kumar With Regards Varun Kumar (AsVP), Operation and Maintenance Division Yamuna Vihar Mob. 9350261457 Copy Enclosed :- (i) Complaint against Anand dt. 3.01.25, FIR No. 420/24, FIR No. 392/24, FIR No. 421/24, Fir No. 102/25. (ii) ID Card of Mohd Saleem. (iii) Notification U/s 26 dt 8/3/2004 & 7/4/2005. (iv) Release Permission of Electricity Act for Public Servant U/s 168 & 169 & Electricity Act. (v) Copy of Entry Register श्री मान DO साहब थाना भजनपुरा बकार सरकार निवेदन है कि इमरोज मन PSI दौरान Emergency duty थाना हजा मे मौजूद था जो दौरान emergency duty मन PSI को PCR CALL vide DD No. 61A बराए दरयाफ्त मौसूल हुई थी जो PCR CALL की मौसुलगी पर मन PSI मय हमराही staff जाय मौका पहुँचा था जहाँ पर पता चला की H.N. A-25 main Gamdi Road Near Dispensary Goan Ghonda Delhi कुछ BSES के कर्मचारी रैड डालने के लिए आये थे जहाँ पर मकान मे रहने वाले लोगो व BSES कर्मचारियों के बीच झगडा हुआ था जो आस पास पूछताछ करने पर पता चला कि शिकायतकर्ता व अन्य सभी लोग भजनपुरा थाने चले गये है। जिसके बाद मन SI मय हमराही Staff थाना हाजिर आया जहाँ शिकायतकर्ता Varun Kumar (As VP, Operation and maintenance) Division Yamuna Vihar ने मन PSI को एक लिखित शिकायत पेश की जो PCR CALL से हालात से शिकायत से अपराध U/s 132/221/351/3(5) BNS सरजद होना पाया जाता है लिहाजा तहरीर हजा बगर्ज कायमी मुकदमा दरपेश है मुकदमा दर्ज CCTNS कर मुकदमा हजा की आईन्दा तफ्तीश बाहुकूम SHO साहब मन PSI हवाले की जावे मन PSI थाना हजा मे मौजूद हूँ। तारीख व वक्त बकुआ - 18/2/2025 at 12:00 PM, जाय बकुआ - H.N. A-25 main Gamdi Road near Dispensary Ghonda Delhi, तारीख व वक्त दरपेशगी तहरीर - 18/02/2025 at 09.50 PM, SD English PSI Pankaj Kumar D-3199 PS Bhajan Pura Date - 18/02/2025 पुलिस कार्यवाही हेतु एक English शिकायतपत्र/प्रलेख संजेय अपराध सूचना PSI Pankaj Kumar द्वारा मुझ कर्तव्य अधिकारी को मुकदमा दर्ज कराने हेतु दरपेश प्राप्त हुई जो संजेय अपराध सूचना प्रलेख की प्राप्ति पर FIR No. 98/2025 U/S 132/221/351/3(5) BNS का CCTNS operator HC Anita No. 1731/NE द्वारा पंजीकृत कराकर मूल प्रलेख व Computerized Copy of FIR, PSI Pankaj Kumar के सुपुर्द की जा रही है। जो उपरोक्त FIR मे आगे का अनुसंधान करेंगे। सम्बन्धित प्रतियाँ उच्च अधिकारियों की सेवा मे डाक द्वारा प्रस्तुत होंगे। ASI/DO

13 Action Taken Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2:

(की गयी कार्यवाही: चूंकि उपरोक्त जानकारी से पता चलता है कि किया गया अपराध मद सं.2 में उल्लेख धारा के तहत है):

(i) Registered the case and took up the

OR (या)

(प्रकरण दर्ज किया गया और जांच के लिए लिया)

(ii) Directed (Name of the I.O.) (जांच अधिकारी का नाम PANKAJ KUMAR

Rank (पद):

SI (SUB-INSPECTOR)

No(s): 16230242

to take up the investigation (को जांच आपने पास में लेने के लिए निर्देश दिया गया) OR

(iii) Refused investigation due to (जांच के

OR (के कारण इकार किया था)

(iv) Transferred to P.S.(name)(थाना):

District(ज़िला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित)

F.I.R read over to the complainant/informant, admitted to be correctly recorded and a copy given to the

free of cost : (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी) :

R.O.A.C.(आर.ओ.ए.सी.):

District NORTH EAST (DELHI)

P.S. BHAJAN PURA

Year: 2025

FIR No. 0099

Date: 18/02/2025

12 F.I.R. Contents (attach separate sheet, if required) (प्रथम सूचना रिपोर्ट (पंच) :

सेवा में, श्रीमान SHO साहब थाना भजनपुरा दिल्ली- 110053, विषय- शिकायत विरुद्ध वरुण कुमार कुलदीप मण्डल, एवं सलीम के खिलाफ मेरी अश्लील विडियो बनाने के संदर्भ में।, महोदय मेरा नाम राबिया W/o श्री सिबले हसन पता A-25 मेन गावडी रोड नियर डिसपैन्सरी गावें घोंडा दिल्ली - 53 पर अपने परिवार के साथ रहती हूँ। आज दिनांक 18/02/2025 की करीब 12.15 PM को जब मे नहा रही थी तो अचानक एक व्यक्ति ने बाथरूम का पर्दा हटाया और मुझसे अश्लील बात करने लगा। इसी बीच मेरी नजर नीचे खड़े एक व्यक्ति पर पड़ी जिसने मेरी विडियो बनानी शुरू कर दी जो कि मैंने शोर मचाया तभी पति और अन्य लोग वहाँ पर आ गये। महोदय जो व्यक्ति विडियो बना रहा था उसको साथ दो लोग और खड़े थे महोदय जिस व्यक्ति ने बाथरूम का पर्दा हटाया था उसकी मे सामने आने पर पहचान सकती हूँ और उस व्यक्ति ने मेरी कमर पर हाथ लगाया और दबाया। चूँकि बाथरूम तिरपाल से बना हुआ है। महोदय एक व्यक्ति ने (जोकि) विडियो बना रहा था उसने मुझसे अश्लील बात बोली और कहने लगा कि अगर किसी को बताया तो यह विडियो नेट डाल दूंगा अतः आपसे अनुरोध है कि इन सभी लोगों के फोन जब्त करे जाए जिससे कि मेरी विडियो का गलत इस्तेमाल न हो पाए व इन सभी लोगों के खिलाफ उचित कार्यवाही की जाए व इन सभी को मे सामने आने पर पहचान सकती हूँ SD Hindi राबिया W/o सिबले हसन (7042900894) श्रीमान DO साहब थाना भजनपुरा बकार सरकार निवेदन है कि इमरोज मन PSI दौरान Emergency Duty थाना हजा मे मौजूद था जो दौरान Emergency Duty मन PSI को PCR Call vide DD No. 54A बराये दरयाफ्त तफ्तीश मौसूल हुयी थी जो PCR काल की मौसूलागी पर मन PSI मय हमराही staff जाय मौफा पहुचा था जहाँ पर पता चला की H.No. A-25 main Gamdi Raod near Dispensary Gaaon Ghonda Delhi कुछ BSES के कर्मचारी रेड डालने के लिए आये थे जहाँ पर मकान मे रहने वाले लोगो व BSES कर्मचारियों के बीच झगडा हुआ था जो आसपास पूछताछ करने पता चला की शिकायतकर्ता व अन्य सभी लोग भजनपुरा थाने चले गए है। जिसके बाद मन SI मय हमराही स्टाफ थाना हाजिर आया जहाँ शिकायतकर्ता Rabiya W/o Shible Hasan R/o H.N. A-25 Main Gamdi Road Near Dispensary Gaaon Ghonda Delhi ने मन PSI एक लिखित शिकायत पेश की जो PCR काल से हालात शिकायत से अपराध U/s 75/77/3(5) BNS का सरजट होना पाया जाता है। लिहाजा तहरीर हजा बगर्ज कायमी मुकदमा दर्पेश है मुकदमा दर्ज CCTNS कर मुकदमा हजा की आइन्दा तफ्तीश बाहुकुम SHO साहब HC Ashwani No. 1351/NE के हवाले की जावे मन PSI थाना हजा मे मौजूद है। तारीख व वक्त बकुआ - 18/2/2025 at 12.15PM, जाय बकुआ - H.No. A-25 main Gamdi Road near Dispensary Gaaon Ghonda Delhi, तारीख व वक्त दर्पेशगी तहरीर - 18/2/2025 at 09.55 PM, SD English PSI Pankaj Kumar D-3199 PS Bhajanpura Date - 18/02/2025 पुलिस कार्यवाही हेतु एक हिन्दी शिकायतपत्र/प्रलेख संजैय अपराध सूचना PSI Pankaj Kumar द्वारा मुझ कर्तव्य अधिकारी को मुकदमा दर्ज कराने हेतु दर्पेश प्राप्त हुई। जो संजैय अपराध सूचना प्रलेख की प्राप्ति पर FIR No. 99/2025 U/S 75/77/3(5) BNS का CCTNS operator HC Anita No. 1731/NE द्वारा पंजीकृत कराकर मूल प्रलेख व Computerized Copy of FIR, बाहुकुम जनाब SHO साहब बराये आइन्दा तफ्तीश HC Ashwani No. 1351/NE के सुपुर्द की जा रही है। जो उपरोक्त FIR मे आगे का अनुसंधान करेगा। सम्बन्धित प्रतियाँ उच्च अधिकारियों की सेवा में डाक द्वारा प्रस्तुत होगी। ASI/DO

13 Action Taken Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2:

(की गयी कार्यवाही: चूंकि उपरोक्त जानकारी से पता चलता है कि किया गया अपराध मद् सं.2 में उल्लेख धारा के तहत है):

(i) Registered the case and took up the

OR (या)

(प्रकरण दर्ज किया गया और जांच के लिए लिया)

(ii) Directed (Name of the I.O.) (जांच अधिकारी का नाम ASHWANI CHAUHAN

Rank (पद):

HC (HEAD CONSTABLE)

No.(सं.): 28061286

to take up the investigation (को जांच आगने पास में लेने के लिए निर्देश दिया गया) OR

(iii) Refused investigation due to (जांच के

OR (के कारण इन्कार किया या)

(iv) Transferred to P.S.(name)(थाना):

District(जिला):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित)

F.I.R read over to the complainant/informant, admitted to be correctly recorded and a copy given to the

free of cost : (शिकायतकर्ता / सूचनाकर्ता को प्राथमिकी पढ़ कर सुनाई गयी, सही दर्ज हुई माना और एक कॉपी निशुल्क शिकायतकर्ता को दी गयी) :

R.O.A.C.(आर.ओ.ए.सी.):

Sr. No	FIR No.	Police Station Details	Charge Sheet Filing	Status Of Case.
1	134/2017	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
2	137/2017	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
3	141/2017	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
4	143/2017	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
5	384/2017	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
6	395/2017	JAFRABAD	NOT FILED	UNDER INVESTIGATION
7	414/2017	JAFRABAD	NOT FILED	UNDER INVESTIGATION
8	434/2017	JAFRABAD	NOT FILED	UNDER INVESTIGATION
9	45/2017	JAFRABAD	NOT FILED	UNDER INVESTIGATION
10	454/2017	JAFRABAD	NOT FILED	UNDER INVESTIGATION
11	458/2017	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
12	472/2017	JAFRABAD	NOT FILED	UNDER INVESTIGATION
13	483/2017	JAFRABAD	NOT FILED	UNDER INVESTIGATION
14	486/2017	JAFRABAD	NOT FILED	UNDER INVESTIGATION
15	487/2017	JAFRABAD	NOT FILED	UNDER INVESTIGATION
16	514/2017	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
17	524/2017	JAFRABAD	NOT FILED	UNDER INVESTIGATION
18	533/2017	JAFRABAD	NOT FILED	UNDER INVESTIGATION
19	58/2017	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
20	582/2017	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
21	727/2017	JAFRABAD	NOT FILED	UNDER INVESTIGATION
22	748/2017	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
23	749/2017	JAFRABAD	NOT FILED	UNDER INVESTIGATION
24	82/2017	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
25	778/2018	JAFRABAD	FILED	NOTICE
26	008/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
27	123/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
28	127/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
29	133/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
30	149/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
31	151/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
32	153/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
33	154/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
34	161/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
35	176/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
36	23/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
37	351/2018	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
38	368/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
39	377/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
40	41/2018	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
41	46/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
42	57/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
43	62/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
44	686/2018	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
45	697/2018	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
46	712/2018	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
47	724/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
48	725/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION

49	741/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
50	78/2018	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
51	79/2018	JAFRABAD	NOT FILED	UNDER INVESTIGATION
52	887/2018	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
53	888/2018	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
54	925/2018	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
55	113/2019	BHAJANPURA	FILED	NOTICE
56	354/2019	NEW USMANPUR	FILED	NON BAILABLE WARRANTS
57	366/2019	JAFRABAD	FILED	Prosecution Evidence
58	455/2019	JAFRABAD	FILED	NON BAILABLE WARRANTS
59	456/2019	JAFRABAD	FILED	BAILABLE WARRANT
60	459/2019	JAFRABAD	FILED	BAILABLE WARRANT
61	460/2019	JAFRABAD	FILED	FURTHER PROCEEDING
62	476/2019	JAFRABAD	FILED	Prosecution Evidence
63	480/2019	NEW USMANPUR	FILED	Prosecution Evidence
64	500/2019	BHAJANPURA	FILED	Prosecution Evidence
65	502/2019	BHAJANPURA	FILED	Prosecution Evidence
66	507/2019	BHAJANPURA	FILED	NON BAILABLE WARRANTS
67	522/2019	NEW USMANPUR	FILED	BAILABLE WARRANT
68	523/2019	NEW USMANPUR	FILED	BAILABLE WARRANT
69	527/2019	NEW USMANPUR	FILED	BAILABLE WARRANT
70	537/2019	NEW USMANPUR	FILED	BAILABLE WARRANT
71	555/2019	JAFRABAD	FILED	NOTICE
72	557/2019	JAFRABAD	FILED	BAILABLE WARRANT
73	591/2019	JAFRABAD	FILED	Prosecution Evidence
74	606/2019	JAFRABAD	FILED	NOTICE
75	710/2019	JAFRABAD	FILED	82 & 83 CR. P. C
76	711/2019	JAFRABAD	FILED	82 & 83 CR. P. C
77	716/2019	JAFRABAD	FILED	Prosecution Evidence
78	722/2019	JAFRABAD	FILED	Prosecution Evidence
79	728/2019	JAFRABAD	FILED	NOTICE
80	006/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
81	007/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
82	011/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
83	111/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
84	112/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
85	124/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
86	14/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
87	15/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
88	155/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
89	163/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
90	17/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
91	177/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
92	184/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
93	213/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
94	216/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION

95	227/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
96	253/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
97	277/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
98	278/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
99	279/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
100	28/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
101	28/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
102	285/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
103	288/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
104	31/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
105	32/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
106	33/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
107	344/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
108	354/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
109	365/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
110	367/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
111	381/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
112	382/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
113	384/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
114	385/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
115	386/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
116	398/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
117	41/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
118	419/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
119	42/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
120	43/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
121	43/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
122	435/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
123	45/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
124	452/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
125	455/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
126	458/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
127	461/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
128	462/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
129	469/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
130	472/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
131	474/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
132	475/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
133	486/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
134	49/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
135	491/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
136	51/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
137	525/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
138	53/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
139	539/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
140	554/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
141	555/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
142	577/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
143	589/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION

144	595/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
145	597/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
146	599/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
147	61/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
148	635/2019	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
149	64/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
150	66/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
151	664/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
152	67/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
153	712/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
154	713/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
155	719/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
156	72/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
157	72/2019	JAFRABAD	NOT FILED	UNDER INVESTIGATION
158	748/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
159	749/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
160	899/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
161	91/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
162	911/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
163	919/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
164	922/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
165	926/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
166	927/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
167	93/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
168	931/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
169	949/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
170	95/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
171	95/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
172	951/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
173	954/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
174	96/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
175	97/2019	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
176	601/2020	NEW USMANPUR	FILED	BAILABLE WARRANT
177	626/2020	BHAJANPURA	FILED	NON BAILABLE WARRANTS
178	115/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
179	120/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
180	121/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
181	19/2020	JAFRABAD	NOT FILED	UNDER INVESTIGATION
182	19/2020	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
183	20/2020	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
184	383/2020	JAFRABAD	NOT FILED	UNDER INVESTIGATION
185	385/2020	JAFRABAD	NOT FILED	UNDER INVESTIGATION
186	391/2020	JAFRABAD	NOT FILED	UNDER INVESTIGATION
187	492/2020	JAFRABAD	NOT FILED	UNDER INVESTIGATION
188	495/2020	JAFRABAD	NOT FILED	UNDER INVESTIGATION
189	497/2020	JAFRABAD	NOT FILED	UNDER INVESTIGATION
190	521/2020	JAFRABAD	NOT FILED	UNDER INVESTIGATION
191	56/2020	JAFRABAD	NOT FILED	UNDER INVESTIGATION

192	561/2020	JAFRABAD	NOT FILED	UNDER INVESTIGATION
193	62/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
194	633/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
195	634/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
196	64/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
197	64/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
198	65/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
199	651/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
200	657/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
201	667/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
202	67/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
203	677/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
204	693/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
205	70/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
206	747/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
207	75/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
208	768/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
209	769/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
210	78/2020	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
211	80/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
212	83/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
213	835/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
214	90/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
215	92/2020	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
216	142/2021	NEW USMANPUR	FILED	BAILABLE WARRANT
217	206/2021	NEW USMANPUR	FILED	BAILABLE WARRANT
218	31/2021	NEW USMANPUR	FILED	BAILABLE WARRANT
219	366/2021	NEW USMANPUR	FILED	NON BAILABLE WARRANTS
220	369/2021	NEW USMANPUR	FILED	BAILABLE WARRANT
221	48/2021	NEW USMANPUR	FILED	BAILABLE WARRANT
222	52/2021	NEW USMANPUR	FILED	BAILABLE WARRANT
223	006/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
224	009/2021	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
225	011/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
226	113/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
227	113/2021	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
228	129/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
229	129/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
230	14/2021	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
231	173/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
232	174/2021	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
233	197/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
234	21/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
235	276/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
236	277/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
237	321/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
238	326/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
239	337/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION

240	36/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
241	368/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
242	381/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
243	393/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
244	45/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
245	456/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
246	461/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
247	466/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
248	468/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
249	469/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
250	522/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
251	525/2021	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
252	53/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
253	531/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
254	535/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
255	569/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
256	575/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
257	59/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
258	599/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
259	61/2021	JAFRABAD	NOT FILED	UNDER INVESTIGATION
260	623/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
261	65/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
262	67/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
263	672/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
264	673/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
265	679/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
266	721/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
267	733/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
268	74/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
269	75/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
270	77/2021	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
271	781/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
272	821/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
273	822/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
274	84/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
275	841/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
276	98/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
277	99/2021	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
278	280/2022	JAFRABAD	FILED	BAILABLE WARRANT
279	281/2022	JAFRABAD	FILED	BAILABLE WARRANT
280	316/2022	JAFRABAD	FILED	NOTICE
281	320/2022	JAFRABAD	FILED	NOTICE
282	368/2022	BHAJANPURA	FILED	PROSECUTION EVIDENCE
283	125/2022	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
284	126/2022	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
285	127/2022	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
286	128/2022	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
287	129/2022	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION

288	136/2022	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
289	144/2022	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
290	167/2022	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
291	23/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
292	235/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
293	237/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
294	238/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
295	239/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
296	241/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
297	248/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
298	258/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
299	266/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
300	271/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
301	286/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
302	288/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
303	291/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
304	295/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
305	299/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
306	311/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
307	312/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
308	331/2022	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
309	333/2022	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
310	338/2022	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
311	341/2022	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
312	345/2022	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
313	35/2022	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
314	364/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
315	365/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
316	366/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
317	368/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
318	369/2022	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
319	37/2022	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
320	379/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
321	38/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
322	421/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
323	435/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
324	447/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
325	453/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
326	454/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
327	464/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
328	468/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
329	475/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
330	476/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
331	477/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
332	478/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
333	516/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
334	517/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
335	54/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
336	55/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION

337	55/2022	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
338	554/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
339	555/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
340	556/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
341	557/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
342	573/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
343	576/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
344	589/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
345	615/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
346	616/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
347	618/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
348	619/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
349	623/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
350	625/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
351	626/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
352	627/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
353	628/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
354	633/2022	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
355	717/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
356	728/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
357	737/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
358	753/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
359	755/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
360	759/2022	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
361	76/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
362	764/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
363	766/2022	JAFRABAD	NOT FILED	UNDER INVESTIGATION
364	782/2022	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
365	001/2023	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
366	008/2023	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
367	458/2023	JAFRABAD	NOT FILED	UNDER INVESTIGATION
368	47/2023	JAFRABAD	NOT FILED	UNDER INVESTIGATION
369	521/2023	JAFRABAD	NOT FILED	UNDER INVESTIGATION
370	522/2023	JAFRABAD	NOT FILED	UNDER INVESTIGATION
371	528/2023	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
372	531/2023	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
373	542/2023	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
374	543/2023	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
375	552/2023	JAFRABAD	NOT FILED	UNDER INVESTIGATION
376	554/2023	JAFRABAD	NOT FILED	UNDER INVESTIGATION
377	555/2023	JAFRABAD	NOT FILED	UNDER INVESTIGATION
378	559/2023	JAFRABAD	NOT FILED	UNDER INVESTIGATION
379	568/2023	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
380	569/2023	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
381	65/2023	JAFRABAD	NOT FILED	UNDER INVESTIGATION
382	651/2023	JAFRABAD	NOT FILED	UNDER INVESTIGATION
383	667/2023	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
384	773/2023	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
385	968/2023	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION

386	969/2023	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
387	973/2023	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
388	117/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
389	119/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
390	16/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
391	198/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
392	211/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
393	212/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
394	23/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
395	248/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
396	319/2024	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
397	325/2024	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
398	331/2024	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
399	332/2024	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
400	334/2024	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
401	359/2024	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
402	394/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
403	399/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
404	412/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
405	413/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
406	414/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
407	51/2024	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
408	515/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
409	519/2024	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
410	525/2024	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
411	533/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
412	534/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
413	54/2024	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
414	573/2024	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
415	58/2024	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
416	58/2024	JAFRABAD	NOT FILED	UNDER INVESTIGATION
417	59/2024	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
418	619/2024	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
419	643/2024	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
420	645/2024	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
421	647/2024	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
422	717/2024	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
423	74/2024	BHAJANPURA	NOT FILED	UNDER INVESTIGATION
424	74/2024	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
425	012/2025	JAFRABAD	NOT FILED	UNDER INVESTIGATION
426	161/2025	JAFRABAD	NOT FILED	UNDER INVESTIGATION
427	162/2025	JAFRABAD	NOT FILED	UNDER INVESTIGATION
428	163/2025	JAFRABAD	NOT FILED	UNDER INVESTIGATION
429	164/2025	JAFRABAD	NOT FILED	UNDER INVESTIGATION
430	17/2025	JAFRABAD	NOT FILED	UNDER INVESTIGATION
431	19/2025	JAFRABAD	NOT FILED	UNDER INVESTIGATION
432	219/2025	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
433	220/2025	NEW USMANPUR	NOT FILED	UNDER INVESTIGATION
434	92/2025	BHAJANPURA	NOT FILED	UNDER INVESTIGATION

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ANNEXURE A/6

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To,
The SHO,
Police Station Jafrabad,
Delhi.

Dated: 11.02.2025

SUBJECT: - COMPLAINT AGAINST the accused persons namely (i) Sumit, (II) DEEPAK, (III) NITIN, (IV) KISHAN PAL, (V) TARUN, (VI) KUNAL, (VII) YOGESH AND OTHER THEIR GOONS ASSOCIATES ALL R/O KHUMRA MOHALLA, AMBDEDKAR BASTI GHONDA, DELHI 110053 FOR AN OFFENCE OF MANHANDLING, ABUSING, THREAT FOR DIRE CONSEQUENCES AND OBSTRUCTING PUBLIC SERVANT IN DISCHARGE OF PUBLIC FUNCTIONS.

R/Sir,

BSES Yamuna Power Limited is a company duly incorporated under the companies act 1956 having a **joint venture with Government of NCT of Delhi**, having its registered office at Shakti Kiran Building Karkardooma Delhi and engaged in the distribution business of electricity in the area falling under the jurisdiction of East and Central District of NCT of Delhi in accordance with terms and condition of license issued by the Delhi Regulatory Commission.

That for smooth and effective functioning of the distribution business of electricity, BSES Yamuna Power limited has to maintain and operate distribution assets like electric lines, transformers, installations etc. and have to augment the existing electricity supply system to meet out the load growth of electric supply.

That under section 135 (2) of the Electricity Act 2003 the officer of BSES Yamuna Power Ltd. is authorized to inspect and search any place or premises situated under the area of its distribution of electricity where it has reason to believe that the electricity is being used unauthorisedly or dishonestly.



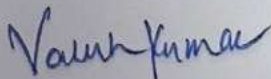
11/2/25

Varun Kumar
Er. Varun Kumar
AsVP
(O&M) YVR
Emp. No. 40137520
BSES Yamuna Power Limited
(A Joint Venture with Govt. of NCT of Delhi)

The complainant Varun Kumar, AsVP (O & M), Division Yamuna Vihar Dehi, being head of the said office maintaining and supervising smooth supply of electricity in the said area.

On receipt of vide letter dated 22.01.2025 from DC, SNZ, MCD. On 11.02.2025 the complainant alongwith Sh. Kuldeep Mandal (Asstt. Manager), Mr. Prshant Patel (Eng.), Mr. Saleem (Supervisor) & lady guard namely Sarita Devi joined the joint team of officers of CPCB, MCD, DPCC, Tehsildar Seelampur and Police officials of Police Station Jafrabad. On 11.02.2025 at about 1.30 PM a joint raid was conducted, when the complainant alongwith the abovesaid joint team reached at Khumra Mohalla Ambedkar Basti Ghonda Village for re-inspection. During the visit joint team inspected the 02 alleged addresses/units i.e. (i) Rajender Bhati R/o H. No. 104, G/F Khumara Mohalla, Village Ghonda Delhi-110053 & (ii) Tarun S/o Lt. Joginder H. No. 570, G/F Khumara Mohalla, Village Ghonda Delhi-110053 and said houses were found locked. During joint visit, unit owners and residents of Ghonda Village gathered and misbehaved with the joint team. Further unit owners and residents of Ghonda Village thrashed and threatened the BSES team. Due to obstruction by the units owners and local residents, inspection could not be completed. One official of the BSES YPL taken videography of the said inspection. Joint inspection report dated 11.02.2025 prepared by the joint team members is annexed herewith.

During the joint inspection the accused persons namely Sumit, Deepak Nitin Kishan Pal, Tarun, Kunal, Yogesh and other their goons associates all S/o not known and their other goons associates gathered there and started misbehaving and manhandling with the complainant and his other BSES officials. Somehow the complaint flee from the clutches of the accused persons. The accused persons also threaten to the complainant and his other BSES Official for dire consequences and implicating in false criminal molestation case. The accused namely Deepak and his brother were in alcoholic condition and misbehaved and manhandling with the complainant.



Er. Varun Kumar
AsVP
(O&M) YVR
Emp. No. 40137520
BSES Yamuna Power Limited
(A Joint Venture with Govt. of NCT of Delhi)

It is pertinent to mention here that at the time of said incident the complainant was performing his duty as per rules and regulation of DERC Act being public servant.

It is pertinent to mention here that the abovesaid accused namely Sumit , Deepak, Nitin, Kishan Pal, Tarun, Kunal, Yogesh and other their goons associates are the habitual offender of theft of electricity and number of time BSES YPL Enforcement team booked him for his illegal act/theft of electricity.

That if immediate appropriate action will not be taken against the accused persons then they can give the colour their illegal act at any point of time and can harm life and limb to the complainant at any point of time as the accused persons also given threat to the complainant for dire consequences if he would take any legal action against them.

It is therefore, requested that appropriate necessary legal action may kindly be initiated against the accused persons and their other goons associates for their illegal act, as per Bharatiya Nyaya Sanhita, 2023 and safety and security may also be provided to the complainant at the time of inspecting in the area/conducting the raid so that such type incident not repeat again.

Thanking You

Varun Kumar

With Regards

Varun Kumar

ASVP, Operation and Maintenance)

Division, Ym Np, a Vibha Limited

Mob: 9955020145

(A Joint Venture with Govt. of NCT of Delhi)

Copy enclosed: i. Inspection Noitces dated 10.01.2025.
ii. Joint inspection report dated 11.02.2025 prepared by the joint team members .

ANNEXURE A/7

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Notifications under the Water (Prevention and Control of Pollution) Act, 1974

DELEGATION OF POWERS AND FUNCTIONS BY THE CENTRAL BOARD TO CERTAIN COMMITTEES IN UNION TERRITORIES

CENTRAL POLLUTION CONTROL BOARD

(Ministry of Environment and Forests)

NOTIFICATION

New Delhi, the 14th June, 2002

DELHI

S.O. 640(E).- In exercise of the powers conferred by Section 3, Clause(4) of the Water (Prevention and Control of Pollution) Act, 1974 (Act No. 6 of 1974) and Section 6 of the Air (Prevention and Control of Pollution) Act, 1981 (Act No. 14 of 1981), as specified by the Central Government, the Central Pollution Control Board hereby re-constitutes the Committee whose constitution was notified by a notification published in the Gazette of India vide S.O. No. 198(E), dated 15-3-1991 in respect of the Union Territory of Delhi (known as National Capital Territory of Delhi). The reconstituted Committee is as follows:

1. Secretary (Environment) Govt. of National Capital Territory of Delhi	Chairman
2. Secretary, Urban Development Govt. of National Capital Territory of Delhi	Member
3. Commissioner, Transport Govt. of National Capital Territory of Delhi	Member
4. Commissioner, Industries Govt. of National Capital Territory of Delhi	Member
5. Secretary, Health Govt. of National Capital Territory of Delhi	Member
6. Member Secretary Central Pollution Control Board, Delhi	Member
7. Dr.G.K. Pandey, Adviser Ministry of Environment and Forests, New Delhi	Member
8. Prof. A.K. Moitra, Director School of Planning and Architecture, New Delhi	Member
9. Dr. P.C. Chaubey, Additional Prof. Hospital Admn All India Institute of Medical Sciences, New Delhi	Member
10. Prof. H.B. Mathur, Prof. Emeritus Delhi College of Engineering, Delhi	Member
11. Shri. S.P. Singhal, Retd. Scientist National Physical Laboratory, 7-A, DDA Flats, Saket, New Delhi.	Member
12. Director, Environment Govt. of National Capital Territory of Delhi	Member Secretary

And,

- (i) This Committee may be called as the Delhi Pollution Control Committee.
- (ii) This notification shall come into force with immediate effect.
- (iii) The notification published in the Gazette of India vide S.O. No. 198(E), dated 15-3-1991 stands rescinded.

[F No : B-12015/7/92-AS]
DILIP BISWAS, Chairman

MINISTRY OF ENVIRONMENT AND FORESTS

(Central Pollution Control Board)

NOTIFICATION

New Delhi, the 14th June, 2002

S.O. 640(E).-In exercise of the powers conferred by Section 4, Clause 4) of the Water (Prevention and Control of Pollution) Act, 1974 (Act No. 6 of 1974) and Section 6 of the Air (Prevention and Control of Pollution) Act, 1981 (Act No. 14 of 1981) as specified by the Central Government, the Central Pollution Control Board hereby re-constitutes of the Committee whose constitution was notified by a notification published in the Gazette of India vide S.O. No. 198(E), dated 15-3-1991 in respect of the Union Territory of Delhi (known as National Capital Territory of Delhi). The reconstituted Committee is as follows:

1. Secretary (Environment) Govt. of National Capital Territory of Delhi.	Chairman
2. Secretary, Urban Development Govt. of National Capital Territory of Delhi.	Member
3. Commissioner, Transport Govt. of National Capital Territory of Delhi.	Member
4. Commissioner, Industries Govt. of National Capital Territory of Delhi.	Member
5. Secretary, Health Govt. of National Capital Territory of Delhi.	Member
6. Member Secretary Central Pollution Control Board, Delhi.	Member
7. Dr. G.K. Pandey, Adviser Ministry of Environment and Forests, New Delhi.	Member
*8. Prof. Subir Saha, Director School of Planning and Architecture, New Delhi.	Member
*9. Medical Superintendent and Professor and Head of Hospital Administration. All India Institute of Medical Science, New Delhi.	Member
*10. Prof. P.B. Sharma, Principal Delhi College of Engineering, Delhi.	Member
11. Shri S.P. Singhal, Retd. Scientist National Physical Laboratory, 7-A, DDA Flats, Saket, New Delhi.	Member
12. Director, Environment Govt. of National Capital Territory of Delhi.	Member Secretary

And,

- (i) This Committee may be called as the Delhi Pollution Control Committee.
- (ii) This notification shall come into force with immediate effect.
- (iii) The notification published in the Gazette of India vide S.O. No. 198(E), dated 15-3-1991 stands rescinded.

[F.No. B-12015/7/92-AS]
DILIP BISWAS, Chairman

* as per the revised notification of Ministry of Environment & Forest, dated 17 December, 2004

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THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

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THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT, 1974

ACT NO. 6 OF 1974

[23rd March, 1974.]

An Act to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.

WHEREAS it is expedient to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution and for conferring on and assigning to such Boards powers and functions relating thereto;

AND WHEREAS Parliament has no power to make laws for the States with respect to any of the matters aforesaid except as provided in articles 249 and 250 of the Constitution;

AND WHEREAS in pursuance of clause (1) of article 252 of the Constitution resolutions have been passed by all the Houses of the Legislatures of the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal to the effect that the matters aforesaid should be regulated in those States by Parliament by law.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, application and commencement.—(1) This Act may be called the Water (Prevention and Control of Pollution) Act, 1974.

(2) It applies in the first instance to the whole of the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and the Union territories; and it shall apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution.

(3) It shall come into force, at once in the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and in the Union territories, and in any other State which adopts this Act under clause (1) of article 252 of the Constitution on the date of such adoption and any reference in this Act to the commencement of this Act shall, in relation to any State or Union territory, mean the date on which this Act comes into force in such State or Union territory.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “Board” means the Central Board or a State Board;

¹[(b) “Central Board” means the Central Pollution Control Board constituted under section 3;]

(c) “member” means a member of a Board and includes the chairman thereof;

²[(d) “occupier”, in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises, and includes, in relation to any substance, the person in possession of the substance;]

1. Subs. by Act 53 of 1988, s. 2, for clause (b) (w.e.f. 29-9-1988).

2. Subs. by s. 2, *ibid.*, for clause (d) (w.e.f. 29-9-1988).

¹[(*dd*) “outlet” includes any conduit pipe or channel, open or closed, carrying sewage or trade effluent or any other holding arrangement which causes, or is likely to cause, pollution;]

(*e*) “pollution” means such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or is likely to, create a nuisance or render such water harmful or injurious to public health or safety, or to domestic, commercial, industrial, agricultural or other legitimate uses, or to the life and health of animals or plants or of aquatic organisms;

(*f*) “prescribed” means prescribed by rules made under this Act by the Central Government or, as the case may be, the State Government;

(*g*) “sewage effluent” means effluent from any sewerage system or sewage disposal works and includes sullage from open drains;

¹[(*gg*) “sewer” means any conduit pipe or channel, open or closed, carrying sewage or trade effluent;]

²[(*h*) “State Board” means a State Pollution Control Board constituted under section 4;]

(*i*) “State Government” in relation to a Union territory means the Administrator thereof appointed under article 239 of the Constitution;

(*j*) “stream” includes—

(*i*) river;

(*ii*) water course (whether flowing or for the time being dry);

(*iii*) inland water (whether natural or artificial);

(*vi*) sub-terranean waters;

(*v*) sea or tidal waters to such extent or, as the case may be, to such point as the State Government may, by notification in the Official Gazette, specify in this behalf;

(*j*) “trade effluent” includes any liquid, gaseous or solid substance which is discharged from any premises used for carrying on any ³[industry, operation or process, or treatment and disposal system], other than domestic sewage.

CHAPTER II

THE CENTRAL AND STATE BOARDS FOR PREVENTION AND CONTROL OF WATER POLLUTION

2. Constitution of Central Boards.—(*1*) The Central Government shall, with effect from such date (being a date not later than six months of the commencement of this Act in the States of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal and in the Union territories) as it may, by notification in the Official Gazette, appoint, constitute a Central Board to be called the ⁴[Central Pollution Control Board] to exercise the powers conferred on and perform the functions assigned to that Board under this Act.

(*2*) The Central Board shall consist of the following members, namely:—

(*a*) a full-time chairman, being a person having special knowledge or practical experience in respect of ⁵[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;

1. Ins. by Act 44 of 1978, s. 2 (w.e.f. 12-12-1978).

2. Subs. by Act 53 of 1988, s. 2, for clause (*h*) (w.e.f. 29-9-1988).

3. Subs. by s. 2, *ibid.*, for “trade or industry” (w.e.f. 29-9-1988).

4. Subs. by s. 3, *ibid.*, for “Central Board for the Prevention and Control of Water Pollution” (w.e.f. 29-9-1988).

5. Subs. by Act 44 of 1978, s. 3, for “matters relating to the use and conservation of water resources or the prevention and control of water pollution” (w.e.f. 12-12-1978).

(b) ¹[such number of officials, not exceeding five,] to be nominated by the Central Government to represent that Government;

(c) such number of persons, not exceeding five, to be nominated by the Central Government, from amongst the members of the State Boards, of whom not exceeding two shall be from those referred to in clause (c) of sub-section (2) of section 4;

(d) ²[such number of non-officials, not exceeding three,] to be nominated by the Central Government, to represent the interests of agriculture, fishery or industry or trade or any other interest which, in the opinion of the Central Government, ought to be represented;

(e) two persons to represent the companies or corporations owned, controlled or managed by the Central Government, to be nominated by that Government;

³(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the Central Government.]

(3) The Central Board shall be a body corporate with the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may, by the aforesaid name, sue or be sued.

4. Constitution of State Board.—(1) The State Government shall, with effect from such date ^{4***} as it may, by notification in the Official Gazette, appoint, constitute a ⁵[State Pollution Control Board], under such name as may be specified in the notification, to exercise the powers conferred on and perform the functions assigned to that Board under this Act.

(2) A State Board shall consist of the following members, namely:—

(a) a ^{6***} chairman, being a person having special knowledge or practical experience in respect of ⁷[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the State Government ⁸[in such manner as may be prescribed by the central Government]:

⁹[Provided that the chairman may be either whole-time or part-time as the State Government may think fit;]

(b) ¹⁰[such number of officials, not exceeding five,] to be nominated by the State Government to represent that Government;

(c) ¹¹[such number of persons, not exceeding five,] to be nominated by the State Government from amongst the members of the local authorities functioning within the State;

(d) ¹²[such number of non-officials, not exceeding three,] to be nominated by the State Government to represent the interests of agriculture, fishery or industry or trade or any other interest which, in the opinion of the State Government, ought to be represented;

(e) two persons to represent the companies or corporations owned, controlled or managed by the State Government, to be nominated by that Government;

1. Subs. by Act 44 of 1978, s. 3, for “five officials” (w.e.f. 12-12-1978).

2. Subs. by s. 3, *ibid.*, for “three non-officials” (w.e.f. 12-12-1978).

3. Subs. by Act 53 of 1988, s. 3, for clause (f) (w.e.f. 29-9-1988).

4. The brackets and words “(being a date not later than six months of the commencement of the Act in the State)” omitted by Act 44 of 1978, s. 4 (w.e.f. 12-12-1978).

5. Subs. by Act 53 of 1988, s. 4, for “State Board” (w.e.f. 29-9-1988).

6. The word “full-time” omitted by Act 44 of 1978, s. 4 (w.e.f. 12-12-1978).

7. Subs. by s. 4, *ibid.*, for certain words (w.e.f. 12-12-1978).

8. Ins. by Act 5 of 2024, s. 2 (w.e.f. 15-2-2024).

9. The proviso ins. by Act 44 of 1978, s. 4, (w.e.f. 12-12-1978).

10. Subs. by s. 4, *ibid.*, for “five officials” (w.e.f. 12-12-1978).

11. Subs. by s. 4, *ibid.*, for “five persons” (w.e.f. 12-12-1978).

12. Subs. by s. 4, *ibid.*, for “three non-officials” (w.e.f. 12-12-1978).

¹[(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the State Government.]

(2) Every State Board shall be a body corporate with the name specified by the State Government in the notification under sub-section (1), having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may, by the said name, sue or be sued.

(3) Notwithstanding anything contained in this section, no State Board shall be constituted for a Union territory and in relation to a Union territory, the Central Board shall exercise the powers and perform the functions of a State Board for that Union territory:

Provided that in relation to any Union territory the Central Board may delegate all or any of its powers and functions under this sub-section to such person or body of persons as the Central Government may specify.

5. Terms and conditions of service of members.—(1) Save as otherwise provided by or under this Act, a member of a Board, other than a member-secretary, shall hold office for a term of three years from the date of his nomination:

Provided that a member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

²[(2) The term of office of a member of a Board nominated under clause (b) or clause (e) of sub-section (2) of section 3 or clause (b) or clause (e) of sub-section (2) of section 4 shall come to an end as soon as he ceases to hold the office under the Central Government or the State Government or, as the case may be, the company or corporation owned, controlled or managed by the Central Government or the State Government, by virtue of which he was nominated.]

(3) The Central Government or, as the case may be, the State Government may, if it thinks fit, remove any member of a Board before the expiry of his term of office, after giving him a reasonable opportunity of showing cause against the same.

(4) A member of a Board, other than the member-secretary, may at any time resign his office by writing under his hand addressed—

(a) in the case of the chairman to the Central Government or, as the case may be, the State Government; and

(b) in any other case, to the chairman of the Board,

and the seat of the chairman or such other member shall thereupon become vacant.

(5) A member of a Board, other than the member-secretary, shall be deemed to have vacated his seat if he is absent without reason, sufficient in the opinion of the Board, from three consecutive meetings of the Board, ³[or where he is nominated under clause (c) or clause (e) of sub-section (2) of section 3 or under clause (c) or clause (e) of sub-section (2) of section 4, if he ceases to be a member of the State Board or of the local authority or, as the case may be, of the company or corporation owned, controlled or managed by the Central Government or the State Government and such vacation of seat shall, in either case, take effect from such date as the Central Government or, as the case may be, the State Government may, by notification in the Official Gazette, specify].

(6) A casual vacancy in a Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member in whose place he was nominated.

(7) A member of a Board ⁴[shall be eligible for renomination].

1. Subs. by Act 53 of 1988, s. 3, for clause (f) (w.e.f. 29-9-1988).

2. Subs. by Act 44 of 1978, s. 5, for sub-section (2) (w.e.f. 12-12-1978).

3. Subs. by s. 5, *ibid.*, for certain words, brackets, letters and figures (w.e.f. 12-12-1978).

4. Subs. by Act 53 of 1988, s. 5, for “shall not be eligible for renomination for more than two terms” (w.e.f. 29-9-1988).

(8) The other terms and conditions of service of a member of a Board, other than the chairman and member-secretary, shall be such as may be prescribed.

(9) The other terms and conditions of service of the chairman shall be such as may be prescribed ¹[by the Central Government].

6. Disqualifications.—(1) No person shall be a member of a Board, who—

(a) is, or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the Central Government or, as the case may be, of the State Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has directly or indirectly by himself or by any partner, any share or interest in any firm or company carrying on the business of manufacture, sale or hire of machinery, plant, equipment, apparatus or fittings for the treatment of sewage or trade effluents, or

(f) is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contract with the Board, or with the Government constituting the Board, or with a local authority in the State, or with a company or corporation owned, controlled or managed by the Government, for the carrying out of sewerage schemes or for the installation of plants for the treatment of sewage or trade effluents, or

(g) has so abused, in the opinion of the Central Government or as the case may be, of the State Government, his position as a member, as to render his continuance on the Board detrimental to the interest of the general public.

(2) No order of removal shall be made by the Central Government or the State Government, as the case may be, under this section unless the member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-sections (1) and (7) of section 5, a member who has been removed under this section shall not be eligible for renomination as a member.

7. Vacation of seats by members.—If a member of a Board becomes subject to any of the disqualifications specified in section 6, his seat shall become vacant.

8. Meetings of Board.—A Board shall meet at least once in every three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed:

Provided that if, in the opinion of the chairman, any business of an urgent nature is to be transacted, he may convene a meeting of the Board at such time as he thinks fit for the aforesaid purpose.

9. Constitution of committees.—(1) A Board may constitute as many committees consisting wholly of members or wholly of other persons or partly of members and partly of other persons, and for such purpose or purposes as it may think fit.

(2) A committee constituted under this section shall meet at such time and at such place, and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(3) The members of a committee (other than the members of the Board) shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board as may be prescribed.

10. Temporary association of persons with Board for particular purposes.—(1) A Board may associate with itself in such manner, and for such purposes, as may be prescribed any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

1. Ins. by Act 5 of 2024, s. 3, (w.e.f. 15-2-2024).

(2) A person associated with the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relevant to that purpose, but shall not have a right to vote at a meeting of the Board, and shall not be a member for any other purpose.

¹[(3) A person associated with the Board under sub-section (1) for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board, as may be prescribed.]

11. Vacancy in Board not to invalidate acts or proceedings.—No act or proceeding of a Board or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board or such committee, as the case may be.

²[11A. **Delegation of powers to Chairman.**—The Chairman of a Board shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him by the Board.]

12. Member-secretary and officers and other employees of Board.—(1) The terms and conditions of service of the member-secretary shall be such as may be prescribed.

(2) The member-secretary shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him by the Board or its chairman.

(3) Subject to such rules as may be made by the Central Government or, as the case may be, the State Government in this behalf, a Board may appoint such officers and employees as it considers necessary for the efficient performance of its functions ^{3***}.

⁴[(3A) The method of recruitment and the terms and conditions of service (including the scales of pay) of the officers (other than the member-secretary) and other employees of the Central Board or a State Board shall be such as may be determined by regulations made by the Central Board or, as the case may be, by the State Board:

Provided that no regulation made under this sub-section shall take effect unless,—

(a) in the case of a regulation made by the Central Board, it is approved by the Central Government; and

(b) in the case of a regulation made by a State Board, it is approved by the State Government.]

⁵[(3B) The Board may, by general or special order, and subject to such conditions and limitations, if any, as may be specified in the order delegate to any officer of the Board such of its powers and functions under this Act as it may deem necessary.]

(4) Subject to such conditions as may be prescribed, a Board may from time to time appoint any qualified person to be a consulting engineer to the Board and pay him such salaries and allowances and subject him to such other terms and conditions of service as it thinks fit.

CHAPTER III

JOINT BOARDS

12. Constitution of Joint Board.—(1) Notwithstanding anything contained in this Act, an agreement may be entered into—

(a) by two or more Governments of contiguous States, or

(b) by the Central Government (in respect of one or more Union territories) and one or more Governments of States contiguous to such Union territory or Union territories,

1. Ins. by Act 44 of 1978, s. 6 (w.e.f. 12-12-1978).

2. Ins. by s. 7, *ibid.* (w.e.f. 12-12-1978).

3. Certain words omitted by s. 8, *ibid.* (w.e.f. 12-12-1978).

4. Ins. by s. 8, *ibid.* (w.e.f. 12-12-1978).

5. Ins. by Act 53 of 1988, s. 6 (w.e.f. 29-9-1988).

to be in force for such period and to be subject to renewal for such further period, if any, as may be specified in the agreement to provide for the constitution of a Joint Board,—

(i) in a case referred to in clause (a), for all the participating States, and

(ii) in a case referred to in clause (b), for the participating Union territory or Union territories and the State or States.

(2) An agreement under this section may—

(a) provide, in a case referred to in clause (a) of sub-section (1), for the apportionment between the participating States and in a case referred to in clause (b) of that sub-section, for the apportionments between the Central Government and the participating State Government or State Governments, of the expenditure in connection with the Joint Board;

(b) determine, in a case referred to in clause (a) of sub-section (1), which of the participating State Governments and in a case referred to in clause (b) of that sub-section, whether the Central Government or the participating State Government (if there are more than one participating State, also which of the participating State Governments) shall exercise and perform the several powers and functions of the State Government under this Act and the references in this Act to the State Government shall be construed accordingly;

(c) provide for consultation, in a case referred to in clause (a) of sub-section (1), between the participating State Governments and in a case referred to in clause (b) of that sub-section, between the Central Government and the participating State Government or State Governments either generally or with reference to particular matters arising under this Act;

(d) make such incidental and ancillary provisions, not inconsistent with this Act, as may be deemed necessary or expedient for giving effect to the agreement.

(3) An agreement under this section shall be published, in a case referred to in clause (a) of sub-section (1), in the Official Gazette of the participating States and in a case referred to in clause (b) of that sub-section, in the Official Gazette of the participating Union territory or Union territories and participating State or States.

14. Composition of Joint Boards.—(1) A Joint Board constituted in pursuance of an agreement entered into under clause (a) of sub-section (1) of section 13 shall consist of the following members, namely:—

(a) a full-time chairman, being a person having special knowledge or practical experience in respect of ¹[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;

(b) two officials from each of the participating States to be nominated by the concerned participating State Government to represent that Government;

(c) one person to be nominated by each of the participating State Governments from amongst the members of the local authorities functioning within the State concerned;

(d) one non-official to be nominated by each of the participating State Governments to represent the interests of agriculture, fishery or industry or trade in the State concerned or any other interest which, in the opinion of the participating State Government, is to be represented;

(e) two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the participating State Governments;

²(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the Central Government.]

1. Subs. by Act 44 of 1978, s. 9, for certain words (w.e.f. 12-12-1978).

2. Subs. by Act 53 of 1988, s. 7, for clause (f) (w.e.f. 29-9-1988).

(2) A Joint Board constituted in pursuance of an agreement entered into under clause (b) of sub-section (1) of section 13 shall consist of the following members, namely:—

(a) a full-time chairman, being a person having special knowledge or practical experience in respect of ¹[matters relating to environmental protection] or a person having knowledge and experience in administering institutions dealing with the matters aforesaid, to be nominated by the Central Government;

(b) two officials to be nominated by the Central Government from the participating Union territory or each of the participating Union territories, as the case may be, and two officials to be nominated, from the participating State or each of the participating States, as the case may be, by the concerned participating State Government;

(c) one person to be nominated by the Central Government from amongst the members of the local authorities functioning within the participating Union territory or each of the participating Union territories, as the case may be, and one person to be nominated, from amongst the members of the local authorities functioning within the participating State or each of the participating States, as the case may be, by the concerned participating State Government;

(d) one non-official to be nominated by the Central Government and one person to be nominated by the participating State Government or State Governments to represent the interests of agriculture, fishery or industry or trade in the Union territory or in each of the Union territories or the State or in each of the States, as the case may be, or any other interest which in the opinion of the Central Government or, as the case may be, of the State Government is to be represented;

(e) two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the Central Government and situate in the participating Union territory or territories and two persons to be nominated by the Central Government to represent the companies or corporations owned, controlled or managed by the participating State Governments;

²[(f) a full-time member-secretary, possessing qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control, to be appointed by the Central Government.]

(3) When a Joint Board is constituted in pursuance of an agreement under clause (b) of sub-section (1) of section 13, the provisions of sub-section (4) of section 4 shall cease to apply in relation to the Union territory for which the Joint Board is constituted.

(4) Subject to the provisions of sub-section (3), the provisions of sub-section (3) of section 4 and sections 5 to 12 (inclusive) shall apply in relation to the Joint Board and its member-secretary as they apply in relation to a State Board and its member-secretary.

(5) Any reference in this Act to the State Board shall, unless the context otherwise requires, be construed as including a Joint Board.

15. Special provision relating to giving of directions.—Notwithstanding anything contained in this Act where any Joint Board is constituted under section 13,—

(a) the Government of the State for which the Joint Board is constituted shall be competent to give any direction under this Act only in cases where such direction relates to a matter within the exclusive territorial jurisdiction of the State;

(b) the Central Government alone shall be competent to give any direction under this Act where such direction relates to a matter within the territorial jurisdiction of two or more States or pertaining to a Union territory.

1. Subs. by Act 44 of 1978, s. 9, for certain words (w.e.f. 12-12-1978).

2. Subs. by Act 53 of 1988, s. 7, for clause (f) (w.e.f. 29-9-1988).

CHAPTER IV

POWERS AND FUNCTIONS OF BOARDS

16. Functions of Central Board.—(1) Subject to the provisions of this Act, the main function of the Central Board shall be to promote cleanliness of streams and wells in different areas of the States.

(2) In particular and without prejudice to the generality of the foregoing function, the Central Board may perform all or any of the following functions, namely:—

(a) advise the Central Government on any matter concerning the prevention and control of water pollution;

(b) co-ordinate the activities of the State Boards and resolve disputes among them;

(c) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;

(d) plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of water pollution on such terms and conditions as the Central Board may specify;

(e) organise through mass media a comprehensive programme regarding the prevention and control of water pollution;

¹[(ee) perform such of the functions of any State Board as may be specified in an order made under sub-section (2) of section 18;]

(f) collect, compile and publish technical and statistical data relating to water pollution and the measures devised for its effective prevention and control and prepare manuals, codes or guides relating to treatment and disposal of sewage and trade effluents and disseminate information connected therewith;

(g) lay down, modify or annul, in consultation with the State Government concerned, the standards for a stream or well:

Provided that different standards may be laid down for the same stream or well or for different streams or wells, having regard to the quality of water, flow characteristics of the stream or well and the nature of the use of the water in such stream or well or streams or wells;

(h) plan and cause to be executed a nation-wide programme for the prevention, control or abatement of water pollution;

(i) perform such other functions as may be prescribed.

(3) The Board may establish or recognise a laboratory or laboratories to enable the Board to perform its functions under this section efficiently including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.

17. Functions of State Board.—(1) Subject to the provisions of this Act, the functions of a State Board shall be—

(a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;

(b) to advise the State Government on any matter concerning the prevention, control or abatement of water pollution;

(c) to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof;

1. Ins. by Act 53 of 1988, s. 8 (w.e.f. 29-9-1988)

(d) to encourage, conduct and participate investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;

(e) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating, to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;

(f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;

(g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;

(h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;

(i) to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;

(j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;

(k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;

(l) to make, vary or revoke any order—

(i) for the prevention, control or abatement of discharges of waste into streams or wells;

(ii) requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or to adopt such remedial measures as are necessary to prevent, control or abate water pollution;

(m) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sillage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;

(n) to advise the State Government with respect to the location of any industry the carrying on of which is likely to pollute a stream or well;

(o) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.

(2) The Board may establish or recognise a laboratory or laboratories to enable the Board to perform its functions under this section efficiently, including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.

18. Powers to give directions.—¹[(1)] In the performance of its functions under this Act—

(a) the Central Board shall be bound by such directions in writing as the Central Government may give to it; and

(b) every State Board shall be bound by such directions in writing as the Central Board or the State Government may give to it:

1. S. 18 renumbered as sub-section (1) thereof by Act 53 of 1988, s. 9 (w.e.f. 29-9-1988).

Provided that where a direction given by the State Government is inconsistent with the direction given by the Central Board, the matter shall be referred to the Central Government for its decision.

¹[(2) Where the Central Government is of the opinion that any State Board has defaulted in complying with any directions given by the Central Board under sub-section (1) and as a result of such default a grave emergency has arisen and it is necessary or expedient so to do in the public interest, it may, by order, direct the Central Board to perform any of the functions of the State Board in relation to such area, for such period and for such purposes, as may be specified in the order.

(2) Where the Central Board performs any of the functions of the State Board in pursuance of a direction under sub-section (2), the expenses, if any, incurred by the Central Board with respect to the performance of such functions may, if the State Board is empowered to recover such expenses, be recovered by the Central Board with interest (at such reasonable rate as the Central Government may, by order, fix) from the date when a demand for such expenses is made until it is paid from the person or persons concerned as arrears of land revenue or of public demand.

(3) For the removal of doubts, it is hereby declared that any directions to perform the functions of any State Board given under sub-section (2) in respect of any area would not preclude the State Board from performing such functions in any other area in the State or any of its other functions in that area.]

CHAPTER V

PREVENTION AND CONTROL OF WATER POLLUTION

19. Power of State Government to restrict the application of the Act to certain areas.—

(1) Notwithstanding anything contained in this Act, if the State Government, after consultation with, or on the recommendation of, the State Board, is of opinion that the provisions of this Act need not apply to the entire State, it may, by notification in the Official Gazette, restrict the application of this Act to such area or areas as may be declared therein as water pollution, prevention and control area or areas and thereupon the provisions of this Act shall apply only to such area or areas.

(2) Each water pollution, prevention and control area may be declared either by reference to a map or by reference to the line of any watershed or the boundary of any district or partly by one method and partly by another.

(3) The State Government may, by notification in the Official Gazette,—

(a) alter any water pollution, prevention and control area whether by way of extension or reduction; or

(b) define a new water pollution, prevention and control area in which may be merged one or more water pollution, prevention and control areas, or any part or parts thereof.

20. Power to obtain information.—(1) For the purpose of enabling a State Board to perform the functions conferred on it by or under this Act, the State Board or any officer empowered by it in that behalf, may make surveys of any area and gauge and keep records of the flow or volume and other characteristics of any stream or well in such area, and may take steps for the measurement and recording of the rainfall in such area or any part thereof and for the installation and maintenance for those purposes of gauges or other apparatus and works connected therewith, and carry out stream surveys and may take such other steps as may be necessary in order to obtain any information required for the purposes aforesaid.

(2) A State Board may give directions requiring any person who in its opinion is abstracting water from any such stream or well in the area in quantities which are substantial in relation to the flow or volume of that stream well or is discharging sewage or trade effluent into any such stream or well, to give such information as to the abstraction or the discharge at such times and in such form as may be specified in the directions.

¹ Ins. by Act 53 of 1988, s. 9 (w.e.f. 29-9-1988).

(3) Without prejudice to the provisions of sub-section (2), a State Board may, with a view to preventing or controlling pollution of water, give directions requiring any person in charge of any establishment where any ¹[industry, operation or process, or treatment and disposal system] is carried on, to furnish to it information regarding the construction, installation or operation of such establishment or of any disposal system or of any extension or addition thereto in such establishment and such other particulars as may be prescribed.

21. Power to take samples of effluents and procedure to be followed in connection therewith.—

(1) A State Board or any officer empowered by it in this behalf shall have power to take for the purpose of analysis samples of water from any stream or well or samples of any sewage or trade effluent which is passing from any plant or vessel or from or over any place into any such stream or well.

(2) The result of any analysis of a sample of any sewage or trade effluent taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3), (4) and (5) are complied with.

(3) Subject to the provisions of sub-sections (4) and (5), when a sample (composite or otherwise as may be warranted by the process used) of any sewage or trade effluent is taken for analysis under sub-section (1), the person taking the sample shall—

(a) serve on the person in charge of, or having control over, the plant or vessel or in occupation of the place (which person is hereinafter referred to as the occupier) or any agent of such occupier, a notice, then and there in such form as may be prescribed of his intention to have it so analysed;

(b) in the presence of the occupier or his agent, divide the sample into two parts;

(c) cause each part to be placed in a container which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent;

(d) send one container forthwith,—

(i) in a case where such sample is taken from any area situated in a Union territory, to the laboratory established or recognised by the Central Board under section 16; and

(ii) in any other case, to the laboratory established or recognised by the State Board under section 17;

(e) on the request of the occupier or his agent, send the second container,—

(i) in a case where such sample is taken from any area situated in a Union territory, to the laboratory established or specified under sub-section (1) of section 51; and

(ii) in any other case, to the laboratory established or specified under sub-section (1) of section 52.

²(4) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3) and the occupier or his agent wilfully absents himself, then,—

(a) the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for analysis to the laboratory referred to in sub-clause (i) or sub-clause (ii), as the case may be, of clause (e) of sub-section (3) and such person shall inform the Government analyst appointed under sub-section (1) or sub-section (2), as the case may be, of section 53, in writing about the wilful absence of the occupier or his agent; and

(b) the cost incurred in getting such sample analysed shall be payable by the occupier or his agent and in case of default of such payment, the same shall be recoverable from the occupier or his agent, as the case may be, as an arrear of land revenue or of public demand:

1. Subs. by Act 53 of 1988, s. 10, for “industry or trade” (w.e.f. 29-9-1988).

2. Subs. by Act 44 of 1978, s. 10, for sub-section (4) (w.e.f. 12-12-1978).

Provided that no such recovery shall be made unless the occupier or, as the case may be, his agent has been given a reasonable opportunity of being heard in the matter.]

(5) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent a notice under clause (a) of sub-section (3) and the occupier or his agent who is present at the time of taking the sample does not make a request for dividing the sample into two parts as provided in clause (b) of sub-section (3), then, the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for analysis to the laboratory referred to in sub-clause (i) or sub-clause (ii), as the case may be, of clause (d) of sub-section (3).

22. Reports of the result of analysis on samples taken under section 21.—(1) Where a sample of any sewage or trade effluent has been sent for analysis to the laboratory established or recognised by the Central Board or, as the case may be, the State Board, the concerned Board analyst appointed under sub-section (3) of section 53 shall analyse the sample and submit a report in the prescribed form of the result of such analysis in triplicate to the Central Board or the State Board, as the case may be.

(2) On receipt of the report under sub-section (1), one copy of the report shall be sent by the Central Board or the State Board, as the case may be, to the occupier or his agent referred to in section 21, another copy shall be preserved for production before the court in case any legal proceedings are taken against him and the other copy shall be kept by the concerned Board.

(3) Where a sample has been sent for analysis under clause (e) of sub-section (3) or sub-section (4) of section 21 to any laboratory mentioned therein, the Government analyst referred to in that sub-section shall analyse the sample and submit a report in the prescribed form of the result of the analysis in triplicate to the Central Board or, as the case may be, the State Board which shall comply with the provisions of sub-section (2).

(4) If there is any inconsistency or discrepancy between, or variation in the results of, the analysis carried out by the laboratory established or recognised by the Central Board or the State Board, as the case may be, and that of the laboratory established or specified under section 51 or section 52, as the case may be, the report of the latter shall prevail.

(5) Any cost incurred in getting any sample analysed at the request of the occupier or his agent shall be payable by such occupier or his agent and in case of default the same shall be recoverable from him as arrears of land revenue or of public demand.

23. Power of entry and inspection.—(1) Subject to the provisions of this section, any person empowered by a State Board in this behalf shall have a right at any time to enter, with such assistance as he considers necessary, any place—

(a) for the purpose of performing any of the functions of the Board entrusted to him;

(b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder of any notice, order, direction or authorisation served, made, given, or granted under this Act is being or has been complied with;

(c) for the purpose of examining any plant, record, register, document or any other material object or for conducting a search of any place in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such plant, record, register, document or other material object, if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder:

Provided that the right to enter under this sub-section for the inspection of a well shall be exercised only at reasonable hours in a case where such well is situated in any premises used for residential purposes and the water thereof is used exclusively for domestic purposes.

(2) The provisions of ¹[the Code of Criminal Procedure, 1973 (2 of 1974)], or, in relation to the State of Jammu and Kashmir*, the provisions of any corresponding law in force in that State, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under ²[section 94] of the said Code, or, as the case may be, under the corresponding provisions of the said law.

Explanation.—For the purposes of this section, “place” includes vessel.

24. Prohibition on use of stream or well for disposal of polluting matter, etc.—(1) Subject to the provisions of this section,—

(a) no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any ³[stream or well or sewer or on land]; or

(b) no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.

(2) A person shall not be guilty of an offence under sub-section (1), by reason only of having done or caused to be done any of the following acts, namely:—

(a) constructing, improving or maintaining in or across or on the bank or bed of any stream any building, bridge, weir, dam, sluice, dock, pier, drain or sewer or other permanent works which he has a right to construct, improve or maintain;

(b) depositing any materials on the bank or in the bed of any stream for the purpose of reclaiming land or for supporting, repairing or protecting the bank or bed of such stream provided such materials are not capable of polluting such stream;

(c) putting into any stream any sand or gravel or other natural deposit which has flowed from or been deposited by the current of such stream;

(d) causing or permitting, with the consent of the State Board, the deposit accumulated in a well, pond or reservoir to enter into any stream.

(3) The State Government may, after consultation with, or on the recommendation of, the State Board, exempt, by notification in the Official Gazette, any person from the operation of sub-section (1) subject to such conditions, if any, as may be specified in the notification and any condition so specified may by a like notification be altered, varied or amended.

25. Restrictions on new outlets and new discharges.—⁴[(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board,—

(a) establish or take any steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage); or

(b) bring into use any new or altered outlet for the discharge of sewage; or

(c) begin to make any new discharge of sewage:

⁵[Provided that the Central Government may in consultation with the Central Board, by notification in the Official Gazette, exempt certain categories of industrial plants from the provisions of this sub-section.]

1. Subs. by Act 44 of 1978, s. 11, for “the Code of Criminal Procedure, 1898 (5 of 1898)” (w.e.f. 12-12-1978).

2. Subs. by s. 11, *ibid.*, for “section 98” (w.e.f. 12-12-1978).

3. Subs. by Act 53 of 1988, s. 11, for “stream or well” (w.e.f. 29-9-1988).

4. Subs. by s. 12, *ibid.*, for sub-sections (1) and (2) (w.e.f. 29-9-1988).

*. *Vide* Notification No. S.O. 3912 (E), dated 30th October, 2019, this Act is made applicable to the Union territory of Jammu and Kashmir and the Union territory of Ladakh.

5. Subs. by Act 5 of 2024, s. 4, for the proviso (w.e.f. 15-2-2024).

(2) An application for consent of the State Board under sub-section (1) shall be made in such form, contain such particulars and shall be accompanied by such fees as may be prescribed.]

(3) The State Board may make such inquiry as it may deem fit in respect of the application for consent referred to in sub-section (1) and in making any such inquiry shall follow such procedure as may be prescribed.

¹[(4) The State Board may—

(a) grant its consent referred to in sub-section (1), subject to such conditions as it may impose, being—

(i) in cases referred to in clauses (a) and (b) of sub-section (1) of section 25, conditions as to the point of discharge of sewage or as to the use of that outlet or any other outlet for discharge of sewage;

(ii) in the case of a new discharge, conditions as to the nature and composition, temperature, volume or rate of discharge of the effluent from the land or premises from which the discharge or new discharge is to be made; and

(iii) that the consent will be valid only for such period as may be specified in the order,

and any such conditions imposed shall be binding on any person establishing or taking any steps to establish any industry, operation or process, or treatment and disposal system of extension or addition thereto, or using the new or altered outlet, or discharging the effluent from the land or premises aforesaid; or

(b) refuse such consent for reasons to be recorded in writing.

(5) Where, without the consent of the State Board, any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, is established, or any steps for such establishment have been taken or a new or altered outlet is brought into use for the discharge of sewage or a new discharge of sewage is made, the State Board may serve on the person who has established or taken steps to establish any industry, operation or process, or any treatment and disposal system or any extension or addition thereto, or using the outlet, or making the discharge, as the case may be, a notice imposing any such conditions as it might have imposed on an application for its consent in respect of such establishment, such outlet or discharge.

(6) Every State Board shall maintain a register containing particulars of the conditions imposed under this section and so much of the register as relates to any outlet, or to any effluent, from any land or premises shall be open to inspection at all reasonable hours by any person interested in, or affected by such outlet, land or premises, as the case may be, or by any person authorised by him in this behalf and the conditions so contained in such register shall be conclusive proof that the consent was granted subject to such conditions.]

(7) The consent referred to in sub-section (1) shall, unless given or refused earlier, be deemed to have been given unconditionally on the expiry of a period of four months of the making of an application in this behalf complete in all respects to the State Board.

(8) For the purposes of this section and sections 27 and 30,—

(a) the expression “new or altered outlet” means any outlet which is wholly or partly constructed on or after the commencement of this Act or which (whether so constructed or not) is substantially altered after such commencement;

(b) the expression “new discharge” means a discharge which is not, as respects to nature and composition, temperature, volume, and rate of discharge of the effluent substantially a continuation of a discharge made within the preceding twelve months (whether by the same or a different outlet), so

1. Subs. by Act 53 of 1988, s. 12, for sub-sections (4), (5) and (6) (w.e.f. 29-9-1988).

however that a discharge which is in other respects a continuation of previous discharge made as aforesaid shall not be deemed to be a new discharge by reason of any reduction of the temperature or volume or rate of discharge of the effluent as compared with the previous discharge.

26. Provision regarding existing discharge of sewage or trade effluent.—Where immediately before the commencement of this Act any person was discharging any sewage or trade effluent into a ¹[stream or well or sewer or on land], the provisions of section 25 shall, so far as may be, apply in relation to such person as they apply in relation to the person referred to in that section subject to the modification that the application for consent to be made under sub-section (2) of that section ²[shall be made on or before such date as may be specified by the State Government by notification in this behalf in the Official Gazette].

27. Refusal or withdrawal of consent by State Board.—³[(1) A State Board shall not grant its consent under sub-section (4) of section 25 for the establishment of any industry, operation or process, or treatment and disposal system or extension or addition thereto, or to the bringing into use of a new or altered outlet unless the industry, operation or process, or treatment and disposal system or extension or addition thereto, or the outlet is so established as to comply with any conditions imposed by the Board to enable it to exercise its right to take samples of the effluent.]

⁴[(2) A State Board may from time to time review—

⁵[(a) any condition imposed under section 25 or section 26 and may serve on the person to whom a consent under section 25 or section 26 is granted a notice making any reasonable variation of or revoking any such condition;]

(b) the refusal of any consent referred to in sub-section (1) of section 25 or section 26 or the grant of such consent without any condition, and may make such orders as it deemed fit.]

(3) Any condition imposed under section 25 or section 26 shall be subject to any variation made under sub-section (2) and shall continue in force until revoked under that sub-section.

⁶[**27A. Power to issue guidelines.**—(1) Notwithstanding anything in this Act, the Central Government in consultation with the Central Board, may, by notification in the Official Gazette, issue guidelines on the matters relating to the grant, refusal or cancellation of consent by any State Board for establishment of any industry, operation or process, or treatment and disposal system or to bringing into use of a new or altered outlet including the mechanism for time-bound disposal of the application made under section 25 or period of validity of such consent.

(2) Every State Board, in discharge of its functions for the purposes of grant, refusal or cancellation of consent under section 25 or section 27 shall act in accordance with the guidelines issued under sub-section (1).]

28. Appeals.—(1) Any person aggrieved by an order made by the State Board under section 25, section 26 or section 27 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the appellate authority) as the State Government may think fit to constitute:

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

⁷[(2) An appellate authority shall consist of a single person or three persons, as the State Government may think fit, to be appointed by that Government.]

1. Subs. by Act 44 of 1978, s. 13, for “stream or well” (w.e.f. 12-12-1978).

2. Subs. by s. 13, *ibid.*, for certain words (w.e.f. 12-12-1978).

3. Subs. by Act 53 of 1988, s. 13, for sub-section (1) (w.e.f. 29-9-1988).

4. Subs. by Act 44 of 1978, s. 14, for sub-section (2) (w.e.f. 12-12-1978).

5. Subs. by Act 53 of 1988, s. 13, for clause (a) (w.e.f. 29-9-1988).

6. Ins. by Act 5 of 2024, s. 5, (w.e.f. 15-2-2024).

7. Subs. by Act 44 of 1978, s. 15, for sub-section (2) (w.e.f. 12-12-1978).

(3) The form and manner in which an appeal may be preferred under sub-section (1), the fees payable for such appeal and the procedure to be followed by the appellate authority shall be such as may be prescribed.

(4) On receipt of an appeal preferred under sub-section (1), the appellate authority shall, after giving the appellant and the State Board an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(5) If the appellate authority determines that any condition imposed, or the variation of any condition, as the case may be, was unreasonable, then,—

(a) where the appeal is in respect of the unreasonableness of any condition imposed, such authority may direct either that the condition shall be treated as annulled or that there shall be substituted for it such condition as appears to it to be reasonable;

(b) where the appeal is in respect of the unreasonableness of any variation of a condition, such authority may direct either that the condition shall be treated as continuing in force unvaried or that it shall be varied in such manner as appears to it to be reasonable.

29. Revision.—(1) The State Government may at any time either of its own motion or on an application made to it in this behalf, call for the records of any case where an order has been made by the State Board under section 25, section 26 or section 27 for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it may think fit:

Provided that the State Government shall not pass any order under this sub-section without affording the State Board and the person who may be affected by such order a reasonable opportunity of being heard in the matter.

(2) The State Government shall not revise any order made under section 25, section 26 or section 27 where an appeal against that order lies to the appellate authority, but has not been preferred or where an appeal has been preferred such appeal is pending before the appellate authority.

30. Power of State Board to carry out certain works.—¹[(1) Where under this Act, any conditions have been imposed on any person while granting consent under section 25 or section 26 and such conditions require such person to execute any work in connection therewith and such work has not been executed within such time as may be specified in this behalf, the State Board may serve on the person concerned a notice requiring him within such time (not being less than thirty days) as may be specified in the notice to execute the work specified therein.]

(2) If the person concerned fails to execute the work as required in the notice referred to in sub-section (1), then, after the expiration of the time specified in the said notice, the State Board may itself execute or cause to be executed such work.

(3) All expenses incurred by the State Board for the execution of the aforesaid work, together with interest, at such rate as the State Government may, by order, fix, from the date when a demand for the expenses is made until it is paid, may be recovered by that Board from the person concerned, as arrears of land revenue, or of public demand.

30. Furnishing of information to State Board and other agencies in certain cases.—²[(1) If at any place where any industry, operation or process, or any treatment and disposal system or any extension or addition thereto is being carried on, due to accident or other unforeseen act or event, any poisonous, noxious or polluting matter is being discharged, or is likely to be discharged into a stream or well or sewer or on land and, as a result of such discharge, the water in any stream or well is being polluted, or is likely to be polluted, then the person incharge of such place shall forthwith intimate the occurrence of such accident, act or event to the State Board and such other authorities or agencies as may be prescribed.]

(2) Where any local authority operates any sewerage system or sewage works, the provisions of sub-section (1) shall apply to such local authority as they apply in relation to the person in charge of the place where any industry or trade is being carried on.

1. Subs. by Act 53 of 1988, s. 14, for sub-section (1) (w.e.f. 29-9-1988).

2. Subs. by s. 15, *ibid.*, for sub-section (1) (w.e.f. 29-9-1988).

32. Emergency measures in case of pollution of stream or well.—⁽¹⁾ Where it appears to the State Board that any poisonous, noxious or polluting matter is present in ¹[any stream or well or on land by reason of the discharge of such matter in such stream or well or on such land] or has entered into that stream or well due to any accident or other unforeseen act or event, and if the Board is of opinion that it is necessary or expedient to take immediate action, it may for reasons to be recorded in writing, carry out such operations as it may consider necessary for all or any of the following purposes, that is to say,—

(a) removing that matter from the ²[stream or well or on land] and disposing of it in such manner as the Board considers appropriate;

(b) remedying or mitigating any pollution caused by its presence in the stream or well;

(c) issuing orders immediately restraining or prohibiting the person concerned from discharging any poisonous, noxious or polluting matter ³[into the stream or well or on land], or from making insanitary use of the stream or well.

(2) The power conferred by sub-section (1) does not include the power to construct any works other than works of a temporary character which are removed on or before the completion of the operations.

33. Power of Board to make application to courts for restraining apprehended pollution of water in streams or wells.—⁴[(1) Where it is apprehended by a Board that the water in any stream or well is likely to be polluted by reason of the disposal or likely disposal of any matter in such stream or well or in any sewer or on any land, or otherwise, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class, for restraining the person who is likely to cause such pollution from so causing.]

(2) On receipt of an application under sub-section (1) the court may make such order as it deems fit.

(3) Where under sub-section (2) the court makes an order restraining any person from polluting the water in any stream or well, it may in that order—

(i) direct the person who is likely to cause or has caused the pollution of the water in the stream or well, to desist from taking such action as is likely to cause pollution or, as the case may be, to remove from such stream or well, such matter, and

(ii) authorise the Board, if the direction under clause (i) (being a direction for the removal of any matter from such stream or well) is not complied with by the person to whom such direction is issued, to undertake the removal and disposal of the matter in such manner as may be specified by the court.

(4) All expenses incurred by the Board in removing any matter in pursuance of the authorisation under clause (ii) of sub-section (3) or in the disposal of any such matter may be defrayed out of any money obtained by the Board from such disposal and any balance outstanding shall be recoverable from the person concerned as arrears of land revenue or of public demand.

⁵[**33A. Power to give directions.**—Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.]

1. Subs. by Act 53 of 1988, s. 16, for “any stream or well” (w.e.f. 29-9-1988).

2. Subs. by s. 16, *ibid.*, for “stream or well” (w.e.f. 29-9-1988).

3. Subs. by s. 16, *ibid.*, for “into the stream or well” (w.e.f. 29-9-1988).

4. Subs. by s. 17, *ibid.*, for sub-section (1) (w.e.f. 29-9-1988).

5. Ins. by s. 18, *ibid.* (w.e.f. 29-9-1988).

¹[33B. **Appeal to National Green Tribunal.**—Any person aggrieved by,—

(a) an order or decision of the appellate authority under section 28, made on or after the commencement of the National Green Tribunal Act, 2010; or

(b) an order passed by the State Government under section 29, on or after the commencement of the National Green Tribunal Act, 2010; or

(c) directors issued under section 33A by a Board, on or after the commencement of the National Green Tribunal Act, 2010,

may file an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.]

CHAPTER VI FUNDS, ACCOUNTS AND AUDIT

34. Contributions by Central Government.—The Central Government may, after due appropriation made by Parliament by law in this behalf, make in each financial year such contributions to the Central Board as it may think necessary to enable the Board to perform its functions under this Act.

35. Contributions by State Government.—The State Government may, after due appropriation made by the Legislature of the State by law in this behalf, make in each financial year such contributions to the State Board as it may think necessary to enable that Board to perform its functions under this Act.

36. Fund of Central Board.—(1) The Central Board shall have its own fund, and all sums which may, from time to time, be paid to it by the Central Government and all other receipts (by way of gifts, grants, donations, benefactions ²[, fees] or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

(2) The Central Board may expend such sums as it thinks fit for performing its functions under this Act, ²[and, where any law for the time being in force relating to the prevention, control or abatement of air pollution provides for the performance of any function under such law by the Central Board, also for performing its functions under such law] and such sums shall be treated as expenditure payable out of the fund of the Board.

37. Fund of State Board.—(1) The State Board shall have its own fund, and the sums which may, from time to time, be paid to it by the State Government and all other receipts (by way of gifts, grants, donations, benefactions ³[, fees] or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

(2) The State Board may expend such sums as it thinks fit for performing its functions under this Act, ³[and, where any law for the time being in force relating to the prevention, control or abatement of air pollution provides for the performance of any function under such law by the State Board, also for performing its functions under such law] and such sums shall be treated as expenditure payable out of the fund of that Board.

⁴[37A. **Borrowing powers of Board.**—A Board may, with the consent of, or in accordance with, the terms of any general or special authority given to it by the Central Government or, as the case may be, the State Government, borrow money from any source by way of loans or issue of bonds, debentures or such other instruments, as it may deem fit, for the performance of all or any of its functions under this Act.]

38. Budget.—The Central Board or, as the case may be, the State Board shall, during each financial year, prepare, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipt and expenditure, and copies thereof shall be forwarded to the Central Government or, as the case may be, the State Government.

⁵[39. **Annual report.**—(1) The Central Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the Central Government within four

1. Ins. by Act 19 of 2010, s. 36 and Schedule III (w.e.f. 18-10-2010).

2. Ins. by Act 44 of 1978, s. 16 (w.e.f. 12-12-1978).

3. Ins. by s. 17, *ibid.* (w.e.f. 12-12-1978).

4. Ins. by Act 53 of 1988, s. 19 (w.e.f. 29-9-1988).

5. Subs. by s. 20, *ibid.*, for section 39 (w.e.f. 29-9-1988).

months from the last date of the previous financial year and that Government shall cause every such report to be laid before both Houses of Parliament within nine months from the last date of the previous financial year.

(2) Every State Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the State Government within four months from the last date of the previous financial year and that Government shall cause every such report to be laid before the State Legislature within a period of nine months from the last date of the previous financial year.]

40. Accounts and audit.—(1) Every Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government or, as the case may be, the State Government.

(2) The accounts of the Board shall be audited by an auditor duly qualified to act as an auditor of companies under section 226 of the Companies Act, 1956 (1 of 1956).

(3) The said auditor shall be appointed by the Central Government or, as the case may be, the State Government on the advice of the Comptroller and Auditor General of India.

(4) Every auditor appointed to audit the accounts of the Board under this Act shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(5) Every such auditor shall send a copy of his report together with an audited copy of the accounts to the Central Government or, as the case may be, the State Government.

(6) The Central Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before both Houses of Parliament.

(7) The State Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before the State Legislature.

CHAPTER VII

PENALTIES AND PROCEDURE

¹41. Failure to comply with provisions of section 20 or directions issued thereunder.—(1) Whoever contravenes or does not comply with the directions given under sub-section (2) or sub-section (3) of section 20, within such time as may be specified in the direction, shall, in respect of each such contravention or non-compliance, be liable to pay a penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.

41A. Failure to comply with provisions of section 32, or directions issued under section 33 or section 33A.— (1) Whoever contravenes or does not comply with any order or direction issued under clause (c) of sub-section (1) of section 32 or any direction issued by a court under sub-section (2) of section 33 or any direction issued under section 33A, shall, in respect of each such contravention or noncompliance, be liable to pay the penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.

(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.]

42. Penalty for certain acts.—(1) Whoever—

(a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board, or

(b) obstructs any person acting under the orders or directions of the Board from exercising his

1. Subs. by Act 5 of 2024, s. 6, for section 41, (w.e.f. 15-2-2024).

powers and performing his functions under this Act, or

(c) damages any works or property belonging to the Board, or

(d) fails to furnish to any officer or other employee of the Board any information required by him for the purpose of this Act, or

(e) fails to intimate the occurrence of any accident or other unforeseen act or event under section 31 to the Board and other authorities or agencies as required by that section, or

(f) in giving any information which he is required to give under this Act, knowingly or wilfully makes a statement which is false in any material particular, or

(g) for the purpose of obtaining any consent under section 25 or section 26, knowingly or wilfully makes a statement which is false in any material particular,

¹[shall be liable to pay penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.]

²[(2) Where any person continues contravention or non-compliance under sub-section (1), he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.]

³**[43. Penalty for contravention of provisions of section 24.]**—Whoever contravenes the provisions of section 24, shall be liable to pay the penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees and where such contravention continues, he shall be liable to pay an additional penalty of ten thousand rupees every day during which such contravention continues.

44. Penalty for contravention of section 25 or section 26.—Where for the purpose of grant of a consent in pursuance of the provisions of section 25 or section 26, the use of a meter or gauge or other measure or monitoring device is required and such device is used for the purposes of those provisions, any person who knowingly or wilfully alters or interferes with that device so as to prevent it from monitoring or measuring correctly shall be liable to pay penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.]

[45. Enhanced penalty after previous conviction.]—*Omitted by the Water (Prevention and Control of Pollution Amendment) Act, 2024 (5 of 2024), s. 9 (w.e.f. 15-2-2024).*

⁴**[45A. Penalty for contravention of certain provisions of Act.]**—If any person contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been provided for in this Act, shall be liable to pay the penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees, and where such contravention continues, he shall be liable to pay an additional penalty which may extend to ten thousand rupees for every day during which such contravention continues.

45B. Adjudicating officer.—(1) The Central Government, for the purposes of determining the penalties under the provisions of this Act shall appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit under the provisions of this Act:

Provided that no such penalty shall be imposed without giving the person concerned an opportunity of being heard in the matter.

1. Subs. by Act 5 of 2021, s. 7, for long line (w.e.f. 15-2-2024).

2. Subs. by s. 7, *ibid.*, for sub-section (2) (w.e.f. 15-2-2024).

3. Subs. by s. 8, *ibid.*, for section 43 and 44 (w.e.f. 15-2-2024).

4. Subs. by s. 10, *ibid.*, for section 45A (w.e.f. 15-2-2024).

(3) The amount of penalty imposed under the provisions of sections 41, 41A, 42, 43, 44, 45A and 48, shall be in addition to the liability to pay relief or compensation under section 15 read with section 17 of the National Green Tribunal Act, 2010 (19 of 2010).

45C. Appeal.— (1) Any person aggrieved by the order passed by the adjudicating officer under section 45B may prefer an appeal to the National Green Tribunal established under section 3 of the National Green Tribunal Act, 2010 (19 of 2010).

(2) Every appeal under sub-section (1) shall be filed within sixty days from the date on which the copy of the order made by the adjudicating officer is received by the aggrieved person.

(3) The National Green Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such order as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) Where an appeal is preferred against any order of the adjudicating officer under sub-section (1), such appeal shall not be entertained by the Tribunal unless such person has deposited with the Tribunal ten per cent. of the amount of the penalty imposed by the adjudicating officer.

45D. Penalty amount to be credited to Environmental Protection Fund.—Where an adjudicating officer imposes penalty or additional penalty, as the case may be, under the provisions of this Act, the amount of such penalty shall be credited to the Environmental Protection Fund established under section 16 of the Environment (Protection) Act, 1986 (29 of 1986).

45E. Offences for failure to comply with provisions of section 25 or 26 and for failure to pay penalty.—(1) Whoever fails to comply with the provisions of section 25 or section 26, in respect of each such failure, shall be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to fifty thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.

(3) Where any person fails to pay the penalty or the additional penalty, as the case may be, imposed under the provisions of this Act within ninety days of such imposition, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to twice the amount of the penalty or additional penalty so imposed or with both.

(4) Where any offence under sub-section (1) or sub-section (2) or sub-section (3) has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of such offence and he shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in sub-section (1) or sub-section (2) or sub-section (3), if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(5) Notwithstanding anything in sub-section (4), where an offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” includes body corporate, firm, trust, society and any other association of individuals;

(b) “director”, includes director of the company, partner of the firm, members of the society or trust or member of any association of individuals, as the case may be.]

46. Publication of names of offenders.—If any person convicted of an offence under this Act commits a like offence afterwards it shall be lawful for the court before which the second or subsequent conviction takes place to cause the offender's name and place of residence, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the court may direct and the expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine

[47. Offences by companies.]— *Omitted by the Water (Prevention and Control of Pollution Amendment) Act, 2024 (5 of 2024), s. 11, (w.e.f. 15-2-2024).*

¹[48. Penalty for contravention by Government Department.]— (1) Where contravention of any provision of this Act has been committed by any Department of the Central Government or State Government, the Head of the Department shall be liable to pay the penalty equal to one month of his basic salary:

Provided that such Head of the Department shall not be liable for such contravention, if he proves that the contravention was committed without his knowledge or instructions or that he exercised all due diligence to prevent such contravention.

(2) Where any contravention under sub-section (1) is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall be liable to pay the penalty equal to one month of his basic salary:

Provided that such officer shall not be liable for the contravention, if he proves that he exercised all due diligence to avoid such contravention.]

49. Cognizance of offences.—²[(1) No court shall take cognizance of any offence under this Act except on a complaint made by—

(a) a Board or any officer authorised in this behalf by it; or

³[(aa) the adjudicating officer or any officer authorised by him in this behalf; or]

(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Board or officer authorised as aforesaid,

and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.]

⁴[(2) Where a complaint has been made under clause (b) of sub-section (1), the Board shall, on demand by such person, make available the relevant reports in its possession to that person:

Provided that the Board may refuse to make any such report available to such person if the same is, in its opinion, against the public interest.]

⁵[(3)] Notwithstanding anything contained in ⁶[section 29 of the Code of Criminal Procedure, 1973 (2 of 1974)], it shall be lawful for any ⁷[Judicial Magistrate of the first class or for any Metropolitan Magistrate] to pass a sentence of imprisonment for a term exceeding two years or of fine exceeding two thousand rupees on any person convicted of an offence punishable under this Act.

50. Members, officers and servants of Board to be public servants.—All members, officers and servants of a Board when acting or purporting to act in pursuance of any of the provisions of this Act and the rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

1. Subs. by Act 5 of 2024, s. 12, for section 48, (w.e.f. 15-2-2024).

2. Subs. by Act 53 of 1988, s. 26, for sub-section (1) (w.e.f. 29-9-1988).

3. Ins. by Act 5 of 2024, s. 13, (w.e.f. 15-2-2024).

4. Ins. by Act 53 of 1988, s. 26, (w.e.f. 29-9-1988).

5. Sub-section (2) renumbered as sub-section (3) thereof by s. 26, *ibid.* (w.e.f. 29-9-1988).

6. Subs. by Act 44 of 1978, s. 19, for "section 32 of the Code of Criminal Procedure, 1898 (5 of 1898)" (w.e.f. 12-12-1978).

7. Subs. by s. 19, *ibid.*, for "Magistrate of the first class or for any Presidency Magistrate" (w.e.f. 12-12-1978).

CHAPTER VIII

MISCELLANEOUS

51. Central Water Laboratory.—(1) The Central Government may, by notification in the Official Gazette,—

- (a) establish a Central Water Laboratory; or
 - (b) specify any laboratory or institute as a Central Water Laboratory, to carry out the functions entrusted to the Central Water Laboratory under this Act.
- (2) The Central Government may, after consultation with the Central Board, make rules prescribing—
- (a) the functions of the Central Water Laboratory;
 - (b) the procedure for the submission to the said laboratory of samples of water or of sewage or trade effluent for analysis or tests, the form of the laboratory's report thereunder and the fees payable in respect of such report;
 - (c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

52. State Water Laboratory.—(1) The State Government may, by notification in the Official Gazette,—

- (a) establish a State Water Laboratory; or
 - (b) specify any laboratory or institute as a State Water Laboratory, to carry out the functions entrusted to the State Water Laboratory under this Act.
- (2) The State Government may, after consultation with the State Board, make rules prescribing—
- (a) the functions of the State Water Laboratory;
 - (b) the procedure for the submission to the said laboratory of samples of water or of sewage or trade effluent for analysis or tests, the form of the laboratory's report thereon and the fees payable in respect of such report;
 - (c) such other matters as may be necessary or expedient to enable that laboratory to carry out its functions.

53. Analysts.—(1) The Central Government may, by notification in the Official Gazette, appoint such persons as it thinks fit and having the prescribed qualifications to be Government analysts for the purpose of analysis of samples of water or of sewage or trade effluent sent for analysis to any laboratory established or specified under sub-section (1) of section 51.

(2) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit and having the prescribed qualifications to be Government analysts for the purpose of analysis of samples of water or of sewage or trade effluent sent for analysis to any laboratory established or specified under sub-section (1) of section 52.

(3) Without prejudice to the provisions of sub-section (3) of section 12, the Central Board or, as the case may be, the State Board may, by notification in the Official Gazette, and with the approval of the Central Government or the State Government, as the case may be, appoint such persons as it thinks fit and having the prescribed qualifications to be Board analysts for the purpose of analysis of samples of water or of sewage or trade effluent sent for analysis to any laboratory established or recognised under section 16, or, as the case may be, under section 17.

54. Reports of analysts.—Any document purporting to be a report signed by a Government analyst or, as the case may be, a Board analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

55. Local authorities to assist.—All local authorities shall render such help and assistance and furnish such information to the Board as it may require for the discharge of its functions, and shall make available to the Board for inspection and examination such records, maps, plans and other documents as may be necessary for the discharge of its functions.

56. Compulsory acquisition of land for the State Board.—Any land required by a State Board for the efficient performance of its functions under this Act shall be deemed to be needed for a public purpose and such land shall be acquired for the State Board under the provisions of the Land Acquisition Act, 1894 (1 of 1894), or under any other corresponding law for the time being in force.

57. Returns and reports.—The Central Board shall furnish to the Central Government, and a State Board shall furnish to the State Government and to the Central Board such reports, returns, statistics, accounts and other information with respect to its fund or activities as that Government, or, as the case may be, the Central Board may, from time to time, require.

58. Bar of jurisdiction.—No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an appellate authority constituted under this Act is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

59. Protection of action taken in good faith.—No suit or other legal proceedings shall lie against the Government or any officer of Government or any member or officer of a Board in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

60. Overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

61. Power of Central Government to supersede the Central Board and Joint Boards.—(1) If at any time the Central Government is of opinion—

(a) that the Central Board or any Joint Board has persistently made default in the performance of the functions imposed on it by or under this Act; or

(b) that circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification in the Official Gazette, supersede the Central Board or such Joint Board, as the case may be, for such period, not exceeding one year, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (a), the Central Government shall give a reasonable opportunity to the Central Board or such Joint Board, as the case may be, to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Central Board or such Joint Board, as the case may be.

(2) Upon the publication of a notification under sub-section (1) superseding the Central Board or any Joint Board,—

(a) all the members shall, as from the date of supersession vacate their offices as such;

(b) all the powers, functions and duties which may, by or under this Act, be exercised, performed or discharged by the Central Board or such Joint Board shall, until the Central Board or the Joint Board, as the case may be, is reconstituted under sub-section (3) be exercised, performed or discharged by such person or persons as the Central Government may direct;

(c) all property owned or controlled by the Central Board or such Joint Board shall, until the Central Board or the Joint Board, as the case may be, is reconstituted under sub-section (3) vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may—

(a) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary; or

(b) reconstitute the Central Board or the Joint Board, as the case may be, by fresh nomination or appointment, as the case may be, and in such case any person who vacated his office under clause (a) of sub-section (2) shall not be deemed disqualified for nomination or appointment:

Provided that the Central Government may at any time before the expiration of the period of supersession, whether originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

62. Power of State Government to supersede State Board.—(1) If at any time the State Government is of opinion—

(a) that the State Board has persistently made default in the performance of the functions imposed on it by or under this Act; or

(b) that circumstances exist which render it necessary in the public interest so to do,

the State Government may, by notification in the Official Gazette, supersede the State Board for such period, not exceeding one year, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (a), the State Government shall give a reasonable opportunity to the State Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the State Board.

(2) Upon the publication of a notification under sub-section (1) superseding the State Board, the provisions of sub-sections (2) and (3) of section 61 shall apply in relation to the supersession of the State Board as they apply in relation to the supersession of the Central Board or a Joint Board by the Central Government.

63. Power of Central Government to make rules.—(1) The Central Government may, simultaneously with the constitution of the Central Board, make rules in respect of the matters specified in sub-section (2):

Provided that when the Central Board has been constituted, no such rule shall be made, varied, amended or repealed without consulting the Board.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the terms and conditions of service of the members (other than the chairman and member-secretary) of the Central Board under sub-section (8) of section 5;

¹[(aa) the manner of nomination of the chairman of the State Board and the terms and conditions of service of the chairman of the State Board under clause (a) of sub-section (2) of section 4 and under sub-section (9) of section 5;]

(b) the intervals and the time and place at which meetings of the Central Board or of any committee thereof constituted under this Act, shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business under section 8, and under sub-section (2) of section 9;

(c) the fees and allowances to be paid to such members of a committee of the Central Board as are not members of the Board under sub-section (3) of section 9;

²[(d) the manner in which and the purposes for which persons may be associated with the Central Board under sub-section (1) of section 10 and the fees and allowances payable to such persons;]

(e) the terms and conditions of service of the chairman and the member-secretary of the Central Board under sub-section (9) of section 5 and under sub-section (1) of section 12;

(f) conditions subject to which a person may be appointed as a consulting engineer to the Central Board under sub-section (4) of section 12;

(g) the powers and duties to be exercised and performed by the chairman and the member-secretary of the Central Board;

³* * * *

(j) the form of the report of the Central Board analyst under sub-section (1) of section 22;

1. Ins. by Act 5 of 2024, s. 14, (w.e.f. 15-2-2024).

2. Subs. by Act 44 of 1978, s. 20, for clause (d) (w.e.f. 12-12-1978)

3. Clauses (h) and (i) omitted by s. 20, *ibid.* (w.e.f. 12-12-1978).

(*h*) the form of the report of the Government analyst under sub-section (3) of section 22;

¹[(*l*) the form in which and the time within which the budget of the Central Board may be prepared and forwarded to the Central Government under section 38;

(*ll*) the form in which the annual report of the Central Board may be prepared under section 39;]

(*m*) the form in which the accounts of the Central Board may be maintained under section 40;

²[(*ma*) the manner of holding inquiry and imposing penalties by the adjudicating officer under section 45B;]

³[(*mm*) the manner in which notice of intention to make a complaint shall be given to the Central Board or officer authorised by it under section 49;]

(*n*) any other matter relating to the Central Board, including the powers and functions of that Board in relation to Union territories;

(*o*) any other matter which has to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, ⁴[before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

64. Power of State Government to make rules.—(*1*) The State Government may, simultaneously with the constitution of the State Board, make rules to carry out the purposes of this Act in respect of matters not falling within the purview of section 63:

Provided that when the State Board has been constituted, no such rule shall be made, varied, amended or repealed without consulting that Board.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the terms and conditions of service of the members (other than the chairman and the member-secretary) of the State Board under sub-section (8) of section 5;

(*b*) the time and place of meetings of the State Board or of any committee of that Board constituted under this Act and the procedure to be followed at such meeting, including the quorum necessary for the transaction of business under section 8 and under sub-section (2) of section 9;

(*c*) the fees and allowances to be paid to such members of a committee of the State Board as are not members of the Board under sub-section (3) of section 9;

(*d*) the manner in which and the purposes for which persons may be associated with the State Board under sub-section (1) of section 10 ⁵[and the fees and allowances payable to such persons];

(*e*) the terms and conditions of service of ⁶[the member-secretary of the State Board] under sub-section (1) of section 12;

(*f*) the conditions subject to which a person may be appointed as a consulting engineer to the State Board under sub-section (4) of section 12;

(*g*) the powers and duties to be exercised and discharged by the chairman and the member-secretary of the State Board;

1. Subs. by Act 53 of 1988, s. 27, for clause (*l*) (w.e.f. 29-9-1988).

2. Ins. by Act 5 of 2024, s. 14, (w.e.f. 15-2-2024).

3. Ins. by Act 53 of 1988, s. 27, (w.e.f. 29-9-1988)

4. Subs. by Act 44 of 1978, s. 20, for certain words (w.e.f. 12-12-1978).

5. Ins. by s. 21, *ibid.* (w.e.f. 12-12-1978).

6. Subs. by Act 5 of 2024, s. 15, *ibid.*, for certain words (w.e.f. 15-2-2024).

- (h) the form of the notice referred to in section 21;
- (i) the form of the report of the State Board analyst under sub-section (1) of section 22;
- (j) the form of the report of the Government analyst under sub-section (3) of section 22;
- (k) the form of application for the consent of the State Board under sub-section (2) of section 25, and the particulars it may contain;
- (l) the manner in which inquiry under sub-section (3) of section 25 may be made in respect of an application for obtaining consent of the State Board and the matters to be taken into account in granting or refusing such consent;
- (m) the form and manner in which appeals may be filed, the fees payable in respect of such appeals and the procedure to be followed by the appellate authority in disposing of the appeals under sub-section (3) of section 23;
- ¹[(n) the form in which and the time within which the budget of the State Board may be prepared and forwarded to the State Government under section 38;
- (nn) the form in which the annual report of the State Board may be prepared under section 39;]
- (o) the form in which the accounts of the State Board may be maintained under sub-section (1) of section 40;
- ²[(oo) the manner in which notice of intention to make a complaint shall be given to the State Board or officer authorised by it under section 49;]
- (p) any other matter which has to be, or may be, prescribed.

1. Subs. by Act 53 of 1988, s. 28, for clause (n) (w.e.f. 29-9-1988).

2. Ins. by s. 28, *ibid.* (w.e.f. 29-9-1988).

ANNEXURE A/9

THE WATER (PREVENTION AND CONTROL OF POLLUTION)

RULES, 1975

(As amended to date)

THE WATER (PREVENTION AND CONTROL OF POLLUTION) RULES, 1975

[Dated the 27th February, 1975]

¹[G.S.R. 58(E).-In exercise of the powers conferred by section 63 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) the Central Government after consultations with ²[Central Pollution Control Board], hereby makes the following rules, namely:-

CHAPTER 1

PRELIMINARY

1. SHORT TITLE AND COMMENCEMENT.

(1) These rules may be called the Water (Prevention and Control of Pollution) Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. DEFINITIONS.

In these rules unless the context otherwise requires:

- (a) "Act" means the Water (Prevention and Control of Pollution) Act, 1974
- (b) "Chairman" means the Chairman of the Central Board;
- (c) "Central Board Laboratory" means a laboratory established or recognised as such under sub-section (3) of section 16;
- (d) "Central Water Laboratory" means a laboratory established or specified as such under sub-section (I) of section 51;
- (e) "Form" means a form set out in Schedule I;

¹ **Source:** Gazette of India, Extraordinary, 1975, Pt. II-Section 3, sub-section (i) Page 293.

² Substituted by Act 53 of the 1988, Section 2.

- (f) "Member" means a member of the Central Board and includes the Chairman thereof;
- (g) "Member-Secretary" means the Member-Secretary of the Central Board;
- (h) "Section" means a section of the Act;
- (i) "Schedule" means a schedule appended to these rules;
- (j) "Year" means the financial year commencing on the first day of April.

CHAPTER 2

TERMS AND CONDITIONS OF SERVICE OF THE MEMBERS OF THE CENTRAL BOARD AND OF COMMITTEES OF CENTRAL BOARD

3. SALARIES, ALLOWANCES AND OTHER CONDITIONS OF SERVICE OF THE CHAIRMAN.

(1) The Chairman shall be paid a fixed monthly salary of Rs. 3000.

¹[(2) (a) in addition to the salary specified in sub-rule (1), the chairman shall be entitled to city compensatory allowance and house rent allowance as admissible to a Central Government servant in terms of Ministry of Finance (Department of Expenditure) O.M. No. 2(3)-E. II(B)/64, dated the 27th November, 1965.

Provided that where the Chairman is allotted an accommodation by the Central Government, he shall not be entitled to house rent allowance and shall be required to pay ten per cent of the emoluments drawn by him as house rent or license fee.

(b) in respect of journeys undertaken by the Chairman in connection with his duties as Chairman, he shall be entitled to travelling allowance and daily allowance at the rates permissible in the case of a government officer of equivalent rank under the Supplementary Rules of the Central Government:

(c) the Central Board shall provide to the Chairman, medical facilities as admissible to an officer of the Central Government drawing salary of Rs. 3000/- per mensem.]

(3) Notwithstanding anything contained in sub-rules (1) and (2), where a Government servant is appointed as Chairman, the terms and conditions of his service shall be such as may be specified by the Central Government from time to time.

¹ Substituted by G.S.R. 515 (E), dated 30.10.1978.

4. SALARIES, ALLOWANCES AND OTHER CONDITIONS OF SERVICE OF MEMBER-SECRETARY.

(1) The Member-Secretary shall be paid a monthly pay in the scale of Rs. 2250-125-2500.

(2) (a) In addition to the salary specified in sub-rule (1) the Member-Secretary shall be entitled to city compensatory allowance and house rent allowance as admissible to a Central Government servant in terms of Ministry of Finance (Department of Expenditure) O.M. No. 2(3)-E. II(b)/64, dated the 27th November, 1965:

Provided that where the Member-Secretary is allotted an accommodation by the Central Government he shall not be entitled to house rent allowance and shall be required to pay ten per cent-of the emolument drawn by him as house rent or license fee.

(b) in respect of journeys undertaken by the Member-Secretary in connection with his duties as Member-Secretary he shall be entitled to travelling allowance and daily allowance at the rates permissible in the case of a Government Officer of equivalent rank under the Supplementary Rules of the Central Government;

(c) the Central Board shall provide to the Member-Secretary, medical facilities as admissible to an officer of the Central Government drawing salary in the scale of Rs. 2250-2500 per mensem.

(d) the other terms and conditions of service of the Member-Secretary including allowances payable to him, shall be, as far as may be, the same as are applicable to a Grade I Officer of corresponding status of the Central Government.

(3) Notwithstanding anything contained in sub-rules (1) and (2) where a Government servant is appointed as Member-Secretary, the terms and conditions of his service shall be such as may be specified by the Central Government from time to time.

5. TERMS AND CONDITIONS OF SERVICE OF MEMBERS OF THE CENTRAL BOARD.

(1) Non-official members of the Central Board resident in Delhi shall be paid an allowance of rupees seventy five per day for each day of the actual meetings of the Central Board.

(2) Non-official members of the Central Board, not resident in Delhi shall be paid an allowances of rupees ¹[seventy five] per day (inclusive of daily allowance) for each

¹ Substituted by G.S.R. 352, dated 21.2.1976.

day of the actual meetings of the Central Board and also travelling allowance at such rate as is admissible to a Grade I officer of the Central Government.

Provided that in case of a member of Parliament who is also a member of the Central Board, the said daily and travelling allowance will be admissible when the Parliament is not in session and on production of a certificate by the member that he has not drawn any such allowance for the same journey and halts from any other Government source.

6. FEES AND ALLOWANCES TO BE PAID TO SUCH MEMBERS OF A COMMITTEE OF THE CENTRAL BOARD AS ARE NOT MEMBERS OF THE BOARD UNDER SUB-SECTION (3) OF SECTION 9.

A member of a committee of the Central Board shall be paid in respect of meetings of the committee travelling and daily allowances, if he is a non-official, at the rates specified in rule 5, as if he were a member of the Central Board and, if he is a Government servant, at the rates, admissible under the relevant rules of the respective government under whom he is serving.

CHAPTER 3

POWERS AND DUTIES OF THE CHAIRMAN AND MEMBER SECRETARY AND APPOINTMENTS OF OFFICERS AND EMPLOYEES

7. POWERS AND DUTIES OF THE CHAIRMAN.

(1) The Chairman shall have overall control over the day-to-day activities of the Central Board.

(2) (i) The Chairman may undertake tours within India for carrying out the functions of the Central Board:

Provided that he shall keep the Central Government (Secretary to the Ministry of Works and Housing) and the Central Board, informed of his tours.

(ii) The Chairman may, with the prior approval of the Central Government, visit any country outside India.

(3) * * * * ¹

(4) In the matter of acceptance to tenders, the Chairman shall have full powers subject to the concurrence of the Central Board:

¹ Omitted by G.S.R. 36 (E) dt. 29-1-81.

Provided that no such occurrence is required for acceptance of tenders upto an amount of rupees one thousand in each case.

(5) Subject to overall sanctioned budget provision, the Chairman shall have full powers to administratively approve and sanction all estimates.

8. CREATION AND ABOLITION OF POSTS.

The Central Board may create such posts as it considers necessary for the efficient performance of its functions and may abolish any post, so created:

Provided that for the creation of, and appointment to, posts, the maximum of the scale of which is above Rs. 1,600 per month, the Central Board shall obtain prior sanction of the Central Government.

9. POWERS AND DUTIES OF THE MEMBER-SECRETARY.

The Member-Secretary shall be subordinate to the Chairman and shall, subject to the control of the Chairman, exercise the following powers, namely:-

(1) The Member-Secretary shall be in charge of all the confidential papers of the Board and shall be responsible for preserving them.

(2) The Member-Secretary shall produce such papers whenever so directed by the Chairman or by the Central Board.

(3) The Member-Secretary shall make available to any member of the Central Board, for his perusal, any record of the Board.

(4) The Member-Secretary shall be entitled to call for the services of any officer or employee of the Central Board, and files, papers and documents for study from any department of the Board, as also to carry out inspection of any department at any time including checking of accounts, vouchers, bills and others records and stores pertaining to the Board or regional offices thereunder.

(5) The Member-Secretary may withhold any payment:

Provided that as soon as may be ¹[and in any case not later than three months] after such withholding of payment the matter shall be placed before the Central Board for its approval:

(6) The Member-Secretary shall make all arrangements for holding meetings of the Central Board and meetings of the Committees constituted by the Central Board.

¹ Subs. by G.S.R. 352 dated 21-2-1976.

(7) All orders or instructions to be issued by the Central Board shall be over the signature of the Member-Secretary or of any other officer authorised in this behalf by the Chairman.

(8) The Member-Secretary shall authorise, sanction or pass all payments against allotments made or estimates sanctioned.

(9) The Member-Secretary shall write and maintain confidential reports of all Class I and Class II officers of the Central Board and shall get them countersigned by the Chairman.

(10) The Member-Secretary shall countersign the confidential reports of all the Class III employees of the Central Board.

(11) (i) The Member-Secretary shall sanction the annual increments of the Class I and Class II officers of the Central Board:

Provided that the increment of Class I and Class II officers shall be withheld only with the approval of the Chairman.

(ii) The annual increment of other employees of the Central Board not referred to in clause (i) shall be sanctioned by officers authorised in this behalf by the Member-Secretary.

(12) The Member-Secretary shall have full powers for according technical sanction to all estimates.

(13) The Member-Secretary shall exercise such other powers and perform such other functions as may be delegated to him from time to time either by the Board or by the Chairman.

CHAPTER 4

TEMPORARY ASSOCIATION OF PERSONS WITH CENTRAL BOARD

10. MANNER AND PURPOSE OF ASSOCIATION OF PERSONS WITH CENTRAL BOARD.

(1) The Central Board may invite any persons, whose assistance or advice it considers useful to obtain in performing any of its functions, to participate in the deliberations of any of its meetings.

(2) If the person associated with the Board under sub-rule (1) happens to be a non-official, resident in Delhi, he shall be entitled to get an allowance of ¹[rupees seventy five] per day for each day of actual meeting of the Central Board in which he is so associated.

¹ Sub. by G.S.R. 352, dated 21-2-1976.

(3) If such person is non-resident in Delhi, he shall be entitled to get an allowance of rupees seventy-five per day (inclusive of daily allowance) for each day of actual meeting of the Central Board in which he is so associated and also to travelling allowance at such rates as admissible to a Grade I Officer of the Central Government.

(4) Notwithstanding anything in sub-rule (2) and (3), if such person is Government servant or an employee in a Government undertaking he shall be entitled to travelling and daily allowances only at the rates admissible under the relevant rules applicable to him.

CHAPTER 5

CONSULTING ENGINEER

11. APPOINTMENT OF CONSULTING ENGINEER.

For the purpose of assisting the Central Board in the performance of its functions, the Board may appoint a consulting engineer to the Board for a specified period not exceeding four months:

Provided that the Board may, with the prior approval of the Central Government extend the period of the appointment from time to time:

Provided further that if at the time of the initial appointment the Central Board had reason to believe that the services of the consulting engineer would be required for a period of more than four months, the Central Board shall not make the appointment without the prior approval of the Central Government.

12. POWER TO TERMINATE APPOINTMENT.

Notwithstanding the appointment of a consulting engineer for a specified period under rule 11, the Central Board shall have the right to terminate the services of the consulting engineer before the expiry of the specified period, if, in the opinion of the Board, the consulting engineer is not discharging his duties properly or to the satisfaction of the Board or such a course of action is necessary in the public interest.

¹[Provided that the services of a consulting engineer shall not be terminated under this rule by the Central Board except after giving him a reasonable opportunity of showing cause against the proposed action.]

¹ Sub. by G.S.R. 352, dated 21-2-1976.

13. EMOLUMENTS OF THE CONSULTING ENGINEER.

The Central Board may pay the consulting engineer suitable emoluments or fees depending on the nature of work, and the qualifications and experience of the consulting engineer.

Provided that the Central Board shall not appoint any person as consulting engineer without the prior approval of the Central Government if the emoluments or fees payable to him exceeds rupees two thousand per month.

14. TOURS BY CONSULTING ENGINEER.

The consulting engineer may undertake tours within the country for the performance of the duties entrusted to him by the Central Board and in respect of such tours he shall be entitled to travelling and daily allowances as admissible to a Grade I officer of the Central Government. He shall, however, get the prior approval of the Member-Secretary to his tour programme.

15. CONSULTING ENGINEER NOT TO DISCLOSE INFORMATION.

The consulting engineer shall not disclose any information either given by the Central Board or obtained during the performance of the duties assigned to him either from the Central Board or otherwise, to any person other than the Central Board without the written permission of the Board.

16. DUTIES AND FUNCTIONS OF THE CONSULTING ENGINEER.

The consulting engineer shall discharge such duties and perform such functions as are assigned to him, by the Central Board and it will be his duty to advise the Board on all technical matters referred to him by the Board.

CHAPTER 6

BUDGET OF THE CENTRAL BOARD

17. FORM OF BUDGET ESTIMATES.

(1) The budget in respect of the year next ensuing showing the estimates receipts and expenditure of the Central Board shall be prepared in Forms I, II, III and IV and submitted to the Central Government.

(2) The estimated receipts and expenditure shall be accompanied by the revised budget estimates for the current year.

(3) The budget shall, as far as may be, based on the account heads specified in Schedule II.

18. SUBMISSION OF BUDGET ESTIMATES TO THE CENTRAL BOARD.

(1) The budget estimates as compiled in accordance with rule 17 shall be placed by the Member-Secretary before the Central Board by the 5th October each year for approval.

(2) After approval of the budget estimates by the Central Board, four copies of the final budget proposals incorporating therein such modifications as have been decided upon by the Central Board shall be submitted to the Central Government by the 15th October each year.

19. ESTIMATES OF ESTABLISHMENT EXPENDITURE AND FIXED RECURRING CHARGES.

(1) The estimates of expenditure on fixed establishment as well as fixed monthly recurring charges on account of rent, allowances, etc., shall provide for the gross sanctioned pay without deductions of any kind.

(2) To the estimates referred to in sub-rule (1) shall be added a suitable provision for leave salary based on past experience with due regard to the intention of the members of the staff in regard to leave as far as the same can be ascertained.

(3) If experience indicates that the total estimate for fixed charges referred to in sub-rules (1) and (2) is not likely to be fully utilised, a suitable lump deduction shall be made from the total amount estimated.

20. RE-APPROPRIATIONS AND EMERGENT EXPENDITURE.

No expenditure which is not covered by a provision in the sanctioned budget estimates, or which is likely to be in excess over the amount provide under any head, shall be incurred by the Central Board without provision being made by re-appropriation from some other head under which saving are firmly established and available.

21. POWER TO INCUR EXPENDITURE.

The Central Board shall incur expenditure out of the funds received by it in accordance with the instructions laid down under the General Financial Rules of the Central Government and other instructions issued by that Government from time to time.

22. OPERATION OF FUND OF THE CENTRAL BOARD.

The fund of the Central Board shall be operated by the Member-Secretary of the Central Board or in his absence by any officer of the Central Board who may, subject to the approval of the Central Government, be so empowered by the Central Board.

23. SAVING.

Nothing in this Chapter shall apply to a budget already finalised before the commencement of these rules.

CHAPTER 7

ANNUAL REPORT OF THE CENTRAL BOARD

24. FORM OF THE ANNUAL REPORT.

The annual report in respect of the year last ended giving a true and full account of the activities of the Central Board during the previous financial year shall contain the particulars specified in the ¹[Schedule III].

CHAPTER 8

ACCOUNT OF THE CENTRAL BOARD

25. FORM OF ANNUAL STATEMENT OF ACCOUNTS OF THE CENTRAL BOARD.

The annual statement of accounts of the Central Board shall, be in Forms V to IX.

CHAPTER 9

REPORT OF CENTRAL BOARD ANALYST ²[AND THE QUALIFICATIONS OF ANALYSTS]

26. FORM OF REPORT OF CENTRAL BOARD ANALYST.

When a sample or any water, sewage or trade effluent has been sent for analysis to a laboratory established or recognised by the Central Board, the Central Board analyst appointed under sub-section (3) of section 53 shall analyse the sample and submit to the Central Board a report in triplicate in Form X of the result of such analysis.

¹ Omitted by G.S.R. 717(E) dt. 27-7-89.

² Subs. by G.S.R. 377(E) dt 20-7-78.

¹[26A. QUALIFICATIONS OF ANALYSTS.

Persons possessing the following qualifications are eligible for appointment as Government analysts or as Board analysts under sub-section (I) or sub-section (3), as the case may be, of section 53, namely:

- Essential:-**
- (i) M.Sc. Degree in Chemistry or equivalent or Bachelor Degree in Chemical Engineering or Bio-chemical Engineering; and
 - (ii) 10 years' experience in analysis of water, sewage or industrial wastes in teaching, research or Government Laboratory.
- Desirable.-**
- (i) Doctorate Degree in Chemistry or Bio-chemistry or Master's Degree in Chemical Engineering or Bio-chemical Engineering;
 - (ii) Evidence of published papers in the field.]

CHAPTER 10**CENTRAL WATER LABORATORY****27. FUNCTIONS OF THE CENTRAL WATER LABORATORY.**

The Central Water Laboratory shall cause to be analysed any samples of water, sewage or trade effluent received by it from any officer authorised by the Central Board for the purpose, and the findings shall be recorded in triplicate in Form XI.

²[28. FEE FOR REPORT.

The fees payable in respect of each report of the Central Water Laboratory on any analysis or test mentioned in column (2) of Schedule IV shall be at the rates specified in the corresponding entry in column (3) thereof.]

CHAPTER 11**POWERS AND FUNCTIONS OF THE CENTRAL BOARD IN RELATION TO UNION TERRITORIES****29. CENTRAL BOARD TO ACT AS STATE BOARD FOR UNION TERRITORIES.**

The Central Board shall act as State as State Board for Union territories under sub-section (4) of section 4.

¹ Instituted by G.S.R. 1260 dt. 17-8-76.

² Sub. by G.S.R. 377(E) dt. 20-7-78.

30. POWER TO TAKE SAMPLES.

The Central Board or any officer empowered by it in this behalf. Shall have power to take for the purpose of analysis samples of water from any stream or well or samples of sewage or trade effluent which is passing from any plant or vessel or from or over any place into any such stream or well in any Union territory.

31. FORM OF NOTICE.

A notice under clause (a) of sub-section (3) of section 21 shall, in the case of a Union territory, be in Form XII.

¹[32. APPLICATION OF CONSENT.

An application for obtaining the consent of the Central Board for establishing or taking any steps to establish any industry, operation or process or any treatment and disposal system or any extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or well or sewer or on land (such discharge being hereinafter in this Rule referred to as discharge of sewage); or for bringing into use any new or altered outlet for the discharge of sewage or beginning to make any new discharge of sewage under section 25 or for continuing an existing discharge of sewage under section 26 shall be made to the Central Board in Form XIII.]

33. PROCEDURE FOR MAKING INQUIRY INTO APPLICATION FOR CONSENT.

(1) On receipt of an application for consent under section 25 or section 26, the Central Board may depute any of its Officers, accompanied by as many assistants as may be necessary, to visit to the premises of the applicant, to which such application relates, for the purpose of verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information as such officer may consider necessary. Such officer may for that purpose inspect any place where water or sewage or trade effluent is discharged by the applicant, or treatment plants, purification works or disposal systems of the applicant and may require the applicant to furnish to him any plans, specifications and other data relating to such treatment plants, purification works or disposal systems or any part thereof, that he considers necessary.

(2) Such officer shall before visiting any premises of the applicant for the purpose of inspection under sub-rule (1) above, give notice to the applicant of his intention to do so in Form XIV. The applicant shall furnish to such officer all facilities that such officer may legitimately require for the purpose.

¹ Subs. by G.S.R. 717(E) dt. 27-7-89.

(3) An officer of the Central Board may, before or officer carrying out an inspection under sub-rule (1) above, require the applicant to furnish to him, orally or in writing such additional information or clarification, or to produce before him such documents, as he may consider necessary for the purpose of investigation of the application and may, for that purpose, summon the applicant or his authorised agent to the office of the Central Board.

¹[34. DIRECTIONS.

(1) any direction issued under section 33A shall be in writing.

(2) The direction shall specify the nature of action to be taken and the time within which it shall be complied with by the person, officer or the authority to whom such direction is given.

(3) The person, officer or authority to whom any direction is sought to be issued shall be served with a copy of the proposed-direction and shall be given an opportunity of not less than fifteen days from the date of service of a notice to file with an officer designated in this behalf the objections, if any, to the issue of the proposed direction.

(4) Where the proposed direction is for the stoppage or regulation of electricity or water or any other services affecting the carrying on an industry, operation or process and is sought to be issue to an officer or an authority, a copy of the proposed direction shall also be endorsed to the occupier of the industry, operation or process, as the case may be, and objections, if any, filed by the occupier with an officer designed in this behalf shall be dealt with in accordance with the procedures under sub-rules (3) and (5) of this rule:

Provided that no opportunity of being heard shall be given to the occupier, if he had already been heard earlier and the proposed direction referred to in sub-rule (3) above for the stoppage or regulation of electricity or water or any other service was the resultant decision of the Central Board after such earlier hearing.

(5) The Central Board shall within a period of 45 days from the date of receipt of objections, if any, or from the date upto which an opportunity is given to the person, officer or authority to file objections whichever is earlier, after considering the objections, if any, sought to be directed and for reasons to be recorded in writing, confirm, modify or decide not to issue the proposed direction.

(6) In a case where the Central Board is of the opinion that in view of the likelihood of the grave injury to the environment it is not expedient to provide an opportunity to file objections against the proposed direction, it may, for reasons to be recorded in writing, issue directions without providing such an opportunity.

¹ Ins. by G.S.R. 717(E) 27-7-89.

(7) Every notice or direction required to be issued under this rule shall be deemed to be duly served:-

- (a) Where the person to be served is a company, if the document is addressed in the name of the company and its registered office or at its principal office or place of business and is either-
 - (i) sent by registered post; or
 - (ii) delivered at its registered office or at the principal office or place or business;
- (b) Where the person to be served is an officer serving Government, if the document is addressed to the person and a copy thereof is endorsed to his Head of the Department and also to the Secretary to the Government as the case may be, in charge of the Department in which for the time being the business relating to the Department in which the officer is employed is transacted and is either:-
 - (i) sent by registered post, or
 - (ii) is given or tendered to him;
- (c) in any other case, if the document is addressed to the person to be served and-
 - (i) is given or tendered to him, or
 - (ii) if such persons cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult members of his family or is affixed on some conspicuous part or the land or building, if any, to which it relates, or
 - (iii) is sent by registered post to that person.

Explanation:- For the purpose of this sub-rule:-

(a) "company" means by body corporate and includes a firm or other association of individuals;

(b) "a servant" is not a member of the family.]

¹[35. MANNER OF GIVING NOTICE.

The manner of giving notice under clause (b) of sub-section (1) of section 49 shall be as follows, namely:-

(1) The notice shall be in writing in Form XV;

(2) If the alleged offence has taken place in a Union Territory, the person giving notice may send notice to:-

(i) the Central Board, and

(ii) the Ministry of Environmental and Forests (represented by the Secretary to the Government of India);

(iii) the Administrator of the Union Territory (represented by the Secretary Head in charge of Environment).

(3) The notice shall be sent by registered post acknowledgement due; and

(4) The period of sixty days mentioned in clause (b) of sub-section (1) of section 49 of the Act, shall be reckoned from the date it is first received by one of the authorities mentioned in sub-rule (2).]

-----*-----

Ministry of Works and Housing, Q. 15015/49/74/PC] Gazette of India, Extraordinary
1915 Pt-II Section 3(i) P 293.

¹ Ins. by G.S.R. 717(E) dL 27-7-89.

**SCHEDULE I****FORM I****CENTRAL POLLUTION CONTROL BOARD**

DETAILED BUDGET ESTIMATES FOR THE YEAR 19__

(See rule 17)

ADMINISTRATION

(Expenditure)

Head of Account	Actuals for the past three years			Sanctioned estimate for the current year 19__	Actuals of last six months i.e., year 19__-19__	Actuals of last six months of the current year 19__	Revised estimate for the current year 19__	Budget estimate for the next year	Variations between columns 5 and 8	Variations between columns 8 and 9	Explanation for columns 10 and 11
	19__	19__	19__								
1	2	3	4	5	6	7	8	9	10	11	12



FORM II
CENTRAL POLLUTION CONTROL BOARD
ESTABLISHMENT

Statement of details of provisions proposed for pay of officers/Establishment for the year 19-19

(See rule 17)

1	2	3	4	5			6	7
Name and designation	Reference to page of estimate form	Sanctioned Pay of the Post	Amount of provision for the year at the rate in column 3(c)	Increment falling due within the year			Total provision for the year, i.e., total of columns 4&5 (c)	Remarks
		Min. Max-Actual pay of the person concerned due on 1st April Next year		Date of increment (a)	Rate of increment (b)	Amount of increment for the year (c)		
		(a) (b) (c)						



FORM III
CENTRAL POLLUTION CONTROL BOARD
NOMINAL ROLLS
 (See rule 17)

R.E. 19__19__ /B.E. 19__19__									
Name and designation	Pay	Dearness allowance	City Compensatory	House rent Allowance	Over-time Allowance	Children Educational	Leave travel concession	Other Allowance	Total
1	2	3	4	5	6	7	8	9	10
TOTAL									



FORM IV
CENTRAL POLLUTION CONTROL BOARD
ABSTRACT NOMINAL ROLLS
(See rule 17)

Actual sanctioned strength as on 1st March, 19	Particulars of posts	Sanctioned Budget		Revised Estimates		Budget Estimates		Explanation for the difference between sanctioned Budget Grant Revised Estimates and Budget Estimates
		Grant 19	-19	19	-19	19	-19	
		No. of posts included	Pay and allowances	No. of posts included	Pay and allowances	No. of posts included	Pay and allowances	
1	2	3	4	5	6	7	8	9
	<i>I Officers</i>							
	(a) Posts filled							
	(b) Posts vacant							
	Total I Officers							
	<i>II Establishment</i>							
	(a) Posts filled							
	(b) Posts vacant							
	Total II Establishment							
	<i>III Class IV</i>							
	(a) Posts filled							
	(b) Posts vacant							
	Total III Class IV							
GRAND TOTAL -- I, II and III.								

FORM V
CENTRAL POLLUTION CONTROL BOARD

Receipts and Payments for the year ended

(See rule 25)

Previous year (1)	Receipts (2)	Previous year (3)	Payments (4)
Opening Balance _____		1. Capital Expenditure____	
I. Grants received _____		(i) Works _____	
(a) from Government _____		(ii) Fixed Assets _____	
(b) from other agencies _____		(iii) Other Assets _____	
II. Fees _____		(a) Laboratory Equipment	
		(b) Vehicles	
		(c) Furniture and Fixtures	
		(d) Scientific Instruments and	
		(e) Tools and Plant	
		2. Revenue Expenditure _____	
III. Fines and Forfeitures.		(A) Administrative _____	
IV. Interest of investments.		(i) Pay of Officers _____	
V. Miscellaneous Receipts.		(ii) Pay of Establishment	
VI. Miscellaneous Advances.		(iii) Allowances and Honoraria	
VII. Deposits		(iv) Leave Salary and Pension	
		Contributions _____	
		(v) Contingent Expenditure _____	
		Deduct Recoveries _____	
Total			

(B) (i) Board Laboratory.

(ii) Charges to be paid to the
Central Water Laboratory.

(C) Running and Maintenance
of vehicles _____

(D) Maintenance and Repairs

(i) Building and land Drainage
including rents, if any _____

(ii) Works _____

(iii) Furniture and Fixtures

(iv) Scientific Instruments and Office
Appliance and repairs)

(v) Tools and Plants_

(vi) Temporary works (including
maintenance and repairs)

(E) Fees to Consultants and

Specialists _____

(F) Law charges _____

(G) Miscellaneous _____

(H) Fees for Audit ____

3. Purchases _____

4. Miscellaneous _____

5. Advances _____

6. Deposits _____

Closing Balance _____

Total _____

Accounts Officer

Member Secretary

Chairman



FORM VI
CENTRAL POLLUTION CONTROL BOARD
ANNUAL STATEMENT OF ACCOUNT

Income and Expenditure Account for the year ended 31st March, 19
(See rule 25)

Previous year	Expenditure Details	Total of sub- head	Total of major head	Previous year	Income Details	Total of sub- head	Total of major head
1	2	3	4	5	6	7	8
Rs.		Rs.	Rs.	Rs.		Rs.	Rs.
To REVENUE EXPENDITURE (A) Administrative: (i) Pay of Officers (ii) Pay of establishment (iii) Allowances & Honoraria (iv) Leave salary and Pension Contributions (v) Board's Contributions to the staff Provident Fund (vi) Contingent expenditure Deduct Recoveries (B) Running expenses of Laboratories: (i) Main Laboratory (ii) Payments to be made to Central Water Laboratory (C) Running and Maintenance of Vehicle (D) Maintenance and Repairs:				By (1) GRANTS RECEIVED (a) From Govt. (b) From other agencies. Total : Less: Amount utilized for Capital expenditure net grant available for Revenue expenditure (II) Fees:- (III) Service Rental charges. (IV) Fines and Forfeitures (V) Interest on investments (VI) Miscellaneous Receipts (VII) Excess of expenditure over income			



(i) Building and Land Drainage (ii) Works (iii) Furniture and Fixtures (iv) Scientific instruments and office appliances. (v) Tools and plant. (E) Temporary works (including Maintenance and Repairs) (F) Fees to Consultants and Specialists (G) Law Charges. (H) Depreciation: (i) Buildings. (ii) Laboratory Equipment. (iii) Vehicles. (iv) Furniture and Fixtures. (v) Scientific instruments and office appliances. (vi) Tools and plants. (I) Miscellaneous: (i) Write off of losses (as per details in the statement attached). (ii) Other miscellaneous expenditure. (J) Fees for Audit. (K) Excess of Income over expenditure. Total:	Total:	
Accounts Officer	Member-Secretary	Chairman



FORM VII
CENTRAL POLLUTION CONTROL BOARD
ANNUAL STATEMENT OF ACCOUNTS

Balance Sheet as at 31st March, 19. ..

(See rule 25)

Capital and Liabilities				Property and Assets			
Previous year	Details	Total of sub-head	Total of major head	Previous year	Details	Total of sub-head	Total of major head
1	2	3	4	5	6	7	8
(A) Capital Fund				1. Works-			
(i) Grants received from Govt. for				(As per Form VIII)			
Capital expenditure.				2. Fixed Assets			
(a) Amount utilised upto 31st March 19_.				(As per Form IX)			
(b) Unutilised balance on 31st March 19				(a) Value of land provided by Govt.			
				(at cost).			
(ii) Grant from other agencies for				(b) Buildings-			
Capital expenditure				Balance as per last			
(a) Amount utilised upto 31st March 19_				Balance sheet			
(b) Unutilised balance on 31st March 19_				Additions during the year			
				Total			
				Less:			
				Depreciation during the year			
(iii) Value of land provided by Govt.				Total :			
(per contra)							
(B) Capital Receipts-				3. Other Assets			
				(As per Form IX)			
(C) (i) Deposits received for works from outside bodies-				(a) Laboratory Equipment as per last			
Expenditure-							



(iii) Other deposits- (D) Amounts due- (i) Purchases (ii) Others (E) Excess of income over expenditure ____ (i) upto 31st March 19. . . (ii) Add for the year (iii) Deduct-Excess of Expenditure over income.	Balance sheet--additions during the year Total: _____ Less: _____ Depreciation during the year _____ Total _____ (b) Vehicles as per last balance sheet Additions during the year. Total: _____ Less: _____ Depreciation during the year _____ Total _____ c) Furniture and Fixture as per last balance sheet. Additions during the year Total: _____ Less: _____ Depreciation during the year _____ Total _____ (d) Scientific Instruments and Office Appliances- As per last Balance Sheet. Additions during the year Total: _____ (e) Tools and Plants- As per last Balance Sheet Additions during the year



	Total: _____ Less: _____ Depreciation during the year. _____ Total: _____ 4. Sundry Debtors- _____ (i) Amounts due from outside bodies for expenditure incurred – _____ Expenditure _____ Less amount received _____ (ii) Other Sundry Debtors _____ 5. Advances- _____ (a) Miscellaneous Advances _____ (b) Other amount recoverable. _____ Cash- _____ (a) Notice/Short Term Deposits _____ (b) Cash at Bank _____ (c) Cash in hand _____ (d) Cash in transit _____ Total: _____
Total _____ _____	
Accounts Officer	Member Secretary Chairman



FORM VIII
CENTRAL POLLUTION CONTROL BOARD

ANNUAL STATEMENT OF ACCOUNT

Expenditure on works as on 31st March, 19

(Item I-Assets of the Balance Sheet)

(See Rule 25)

Sl. No.	Name of work	Upto 31 st March 19			During the year 19			Upto 31 st March 19		
		Direct Expenditure	Overhead Charges	Total Expenditure	Direct Expenditure	Overhead Charges	Total Expenditure	Direct Expenditure	Overhead Charges	Total Expenditure



FORM IX
CENTRAL POLLUTION CONTROL BOARD

Annual Statement of Accounts

Fixed Assets as on 31st March, 19__ (Item 2 Assets of the Balance Sheet)

Other Assets as on 31st March, 19__ (Item 3 Assets of the Balance Sheet)

(See Rule 25)

Sl. No.	Particulars of Assets	Balance as on 31 st March 19	Additions during the years	Total	Depreciation during the year	Sales of write off during the year	Balance as on 31 st March 19	Cumulative Depreciation as on 31 st March 19
Accounts Officer			Member-Secretary			Chairman		

FORM X
REPORT BY THE CENTRAL BOARD ANALYST
(See Rule 26)

Report No. _____
Dated the _____ 19 _____

I hereby certify that I, (I) _____ Central Board analyst duly appointed under sub-section (3) of section 53 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) received on the (II) _____ day of _____ 19__ from (III) _____ a sample of _____ for analysis. The sample was in a condition fit for analysis reported below;

I further certify that I have analysed the aforementioned sample on (IV) _____ and declare the result of the analysis reported below;

I further certify that I have analysed the aforementioned sample on (IV) _____ and declare the result of the analysis to be as follows :

(V) _____

The condition of the seals, fastening and container on receipt was as follows:-

signed this _____ day of _____ 19__.

(Signature)
Central Board analyst.

Address _____

To _____

- (I) Here write the full name of the Central Board-analyst.
- (II) Here write the date of receipt of the sample.
- (III) Here write the name of the Board or person or body of persons or officer from whom the sample was received.
- (IV) Here write the date of analysis.
- (V) Here write the details of the analysis and refer to the method of analysis. If the space is not adequate the details may be given on a separate sheet of paper.

FORM XI
REPORT BY THE GOVERNMENT ANALYST
 (See rule 27)

Report No _____

Dated the _____ 19

I hereby certify that I, (I) _____ Government analyst duly appointed under sub-section (I) of section 53 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) received on the (II) _____ day of _____ 19_____ from (III) a sample of _____ for analysis. The sample was in a condition for analysis reported below:

I further certify that I have analysed the aforementioned sample, on (IV) _____ and declare the result of the analysis to be as follows:-

(V) _____

The condition of the seals, fastening and container on receipt was as follows:-

signed this _____ day of _____ 19

(Signature)
 (Government analyst)

Address _____

To

- (I) Here write the full name of the Government analyst.
 (II) Here write the date of receipt of the sample.
 (III) Here write the name of the Board or person or body of persons or officer from whom the sample was received.
 (IV) Here write the date of analysis.
 (V) Here write the details of the analysis and refer to the method of analysis. If the space is not adequate and details may be given on a separate sheet of paper.

FORM XII**CENTRAL POLLUTION CONTROL BOARD**

Notice of intention to have sample analysed

(See Rule 31)

To

Take notice that it is intended to have analysed the sample of water/sewage effluent/trade effluent which is being taken today the _____ day of _____ 19__ from (1)

Name and designation of the
person who takes the sample

(I) Here specify the stream, well, plant, vessel or place from where the sample is taken.

To

¹[FORM XIII

Application for consent for establishing or taking any steps for establishment of Industry operation process or any treatment disposal system for discharge, continuation of discharge under section 25 or section 26 of the Water (Prevention and Control of Pollution) Act, 1974.

(See Rule 32)

Date _____

From

To

The Member Secretary,
Central Pollution Control Board.

Sir,

I/We hereby apply for Consent/Renewal of Consent under section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) for establishing or taking any steps for establishment of Industry/operation process or any treatment/disposal system to bring into use any new/alterd outlet for discharge of *sewage/trade effluent* to continue to discharge* sewage/trade effluent* from land/premises owned by_____.

The other relevant details are below:-

1. Full Name of the applicant _____
2. Nationality of the applicant _____
3. (a) Individual
 - (b) Proprietary concern
 - (c) Partnership firm
(whether registered or unregistered)
 - (d) Joint family concern
 - (e) Private Limited Company
 - (f) Public Limited Company
 - (g) Government Company
 - (1) State Government
 - (2) Central Government
 - (3) Union Territory
 - (h) Foreign Company
(if a foreign company, the details of registration, incorporation, etc.).
 - (i) Any other Association or Body

¹ Substituted by G.S.R.717(E), dated 27.7.1989

4. Name, Address and Telephone Nos. of Applicant.

(the full list of individuals partners persons Chairman (full-time or part-time Managing Directors, Managing Partners Directors (Full time or part-time) other kinds of office bearers are to be furnished with their period of tenure in the respective office with telephone Nos. and address).

5. Address of the Industry:

(Survey No. Khasra No. location as per the revenue records Village Firka Tehsil District. Police Station or SHO jurisdiction of the First-Class Magistrate).

6. Details of commissioning etc.:-

- (a) Approximate date of proposed commissioning of work.
- (b) Expected date of production:

7. Total number of employee expected to employed.

8. Details of licence, if any obtained under the provisions of Industrial Development Regulations Act, 1951.

9. Name of the person authorised to sign this form (the original authorisation except in the case of individual proprietary concern is to be enclosed).

- 10. (a) attach the list of raw materials and chemicals used per month.
- (b) Licence Annual Capacity of the Factory/Industry.

11. State daily quantity of water in kilolitres utilised and its source (domestic/industrial process boiler Cooling others).

12. (a) State the daily maximum quantity of effluents quantity and mode of disposal (sewer or drains or river). Also attach analysis report of the effluents. Type of effluent quantity in kilolitres Mode of disposal.

- (i) Domestic
- (ii) Industrial.

(b) Quality of effluent currently being the discharged or expected to be discharged.

(c) What monitoring arrangement is currently there or proposed.

13. State whether you have any treatment plant for industrial, domestic or combined effluents.

Yes/No

If yes attach the description of the process of treatment in brief. Attach information on the quality of treated effluent vis-a-vis the standards.

14. State details of solid wastes generated in the process or during waste treatment.
Description Quantity Method Method of disposal
15. I/We further declare that the information furnished above is correct to the best of my/our knowledge.
16. I/We hereby submit that in case of change either of the point of discharge or the quantity of discharge or its quality a fresh application for CONSENT shall be made and until such CONSENT is granted no change shall be made.
17. I/We hereby agree to submit to the Central Board an application for renewal of consent one month in advance of the date of expiry of the consented period for outlet/discharge if to be continued thereafter.
18. I/We, undertake to furnish any other information within one month or its being called by the Central Board.
19. I/We, enclose herewith cash receipt No./bank draft No. _____ dated _____ for Rs. _____ (Rupees _____) in favour of the Central Pollution Control Board, New Delhi, as fees payable under section 25 of the Act.

Yours faithfully,
signature of the applicant

Note: * Strike out which is not relevant.

FORM XIV
CENTRAL POLLUTION CONTROL BOARD

NOTICE OF INSPECTION

[See Rule 33(2)]

Chairman
Shri _____

Member-Secretary

Shri _____

No. _____

Dated _____

To _____

TAKE NOTICE that for the purpose of enquiry under sections 25/26 the following officers Or the Central Board namely:-

(i) Shri _____

(ii) Shri _____

(iii) Shri _____

and the persons authorised by the Board to assist them shall inspect the

(a) Water works

(b) Sewage Works

(c) Waste treatment Plant

(d) Factory

(e) Disposal system

(f) Any other parts thereof or pertaining thereto under management/control on date(s) _____ between _____ hours

when all facilities requested by them for such inspection should be made available to them on the site. Take Notice that refusal or denial to above stated demand made under the functions of the Central Board shall amount to obstruction punishable under section 42 of the Act.

By order of the Board.
Member-Secretary.

Copy to:

1. _____

2. _____

3. _____

SCHEDULE II
BUDGET AND ACCOUNT HEADS
 [(See Rule 17(3))]
ADMINISTRATION

Heads of Accounts (Expenditure)

1. Salaries.
2. Wages.
3. Travel Expenses.
4. Office Expenses.
 - (a) Furniture.
 - (b) Postage
 - (c) Office Machines/Equipment
 - (d) Liveries
 - (e) Hot and cold weather charges
 - (f) Telephones
 - (g) Electricity and Water charges
 - (h) Stationery
 - (i) Printing
 - (j) Staff car and other vehicles
 - (k) Other items.
5. Fee and Honoraria.
6. Payment for professional and special services.
7. Rents, Rates and Taxes/Royalty.
8. Publications.
9. Advertising Sales and Publicity Expenses.
10. Grants in aid/Contributions/Subsidies.
11. Hospitality Expenses/Sumptuary Allowances etc.
12. Pensions/Gratitudes.
13. Write off/Losses.
14. Suspenses.
15. Expenses in connection with the setting up and maintenance of the Board Laboratory.
16. Other charges (A residuary head, this will also include rewards and prizes).

Heads of Account (Receipts)

1. Payments by Central Government.
2. Fees.
3. Fines and other receipts.

¹[SCHEDULE III]

(See Rule 24)

CENTRAL POLLUTION CONTROL BOARD
ANNUAL REPORT FOR THE FINANCIAL YEAR
APRIL 19... TO MARCH 31, 19...

CHAPTER-I	Introduction
CHAPTER-2	Constitution of the Board including changes therein.
CHAPTER-3	Meetings of the Board with major decisions taken therein.
CHAPTER-4	Committees constituted by the Board and their activities.
CHAPTER-5	Monitoring Network for air, water and soil quality.
CHAPTER-6	Present state of environment, environmental problems and counter measures.
CHAPTER-7	Environmental Research.
CHAPTER-8	Environmental Training.
CHAPTER-9	Environmental Awareness and Public Participation.
CHAPTER-10	Environmental Standards including time schedule for their enforcement.
CHAPTER-11.1	Prosecutions launched and convictions secured for environmental pollution control.
CHAPTER-11.2	Directions given for closure of polluting industrial units.
CHAPTER-12	Finance and accounts of the Board.
CHAPTER-13	Annual Plan of the following year.
CHAPTER-14	Any other important matter dealt with by the Central Board.

ANNEXURES

1. Members of the Board.
2. Organisation Chart.
3. Staff Strength including recruitment.
4. Publications.
5. Training Courses/Seminars/Workshops organised or attended.
6. Consents to establish industries, operations & processes-issued/refused.
7. Consents to operate industries operations & process-issued/refused.

[No. 2-20013/4/91-C.P.W.]
MUKUL SANWAL, Jt. Secy.

¹ Substituted by Rule 2 of the Water (Prevention and Control of Pollution) Amendment Rules, 1992 notified vide G.S.R. 107(E) dated 18-2-1992.

¹SCHEDULE IV

(See rule 28)

Rates of fees payable in respect of a report of the Central Water Laboratory

S.No.	Nature of analysis	Rates of fees
1	2	3
I	Chemical Analysis of Water	
	(a)	Rs. 56/- (for all the tests)
	Dissolved solids (at 103°-105°C)	
	P-alkalinity, as CaCO ₃	
	M-alkalinity, as CaCO ₃	
	Total hardness, as CaCO ₃	
	Alkaline hardness, as CaCO ₃	
	Non-alkaline hardness, as CaCO ₃	
	Calcium, as Ca	
	Magnesium, as Mg	
	Chlorides, as Cl	
	Sulphates, as SO ₄	
	Turbidity Units	
	pH	
	Appearance and colour in units (visual)	
	(b)	Rs. 100/- (for all the tests)
	Dissolved solids (at 103°-105°C)	
	asP-alkalinity, as CaCO ₃	
	M-alkalinity, as CaCO ₃	
	Total hardness, as CaCO ₃	
	Alkaline hardness, as CaCO ₃	
	Non-alkaline hardness, as CaCO ₃	
	Calcium, as Ca	
	Magnesium, as Mg	
	Sodium as Na	
	Potassium, as K	
	Iron as Fe	

¹ Inserted by G.S.R.377(E), dated 20.7.1978

Manganese, as Mn	
Chlorides, as Cl	
Sulphates, as SO ₄	
Fluorides as F	
Nitrates, as N	
Phosphates, as PO ₄	
Turbidity, units	
pH	
Appearance and colour units (visual)	
(c)	Rs. 174/- (for all the tests)
Dissolved solids	
P-alkalinity, as CaCO ₃	
M-alkalinity, as CaCO ₃	
Free CO ₂ as CaCO ₃	
Total hardness, as CaCO ₃	
Alkaline hardness, as CaCO ₃	
Non-alkaline hardness, as CaCO ₃	
Calcium, as Ca	
Magnesium, as Mg	
Sodium as Na	
Potassium, as K	
Iron as Fe	
Manganese, as Mn	
Chlorides, as Cl	
Sulphates, as SO ₄	
Fluorides as F	
Nitrates, as N	
Phosphates, as PO ₄	
Silica as SiO ₂	
Turbidity, units	
pH	
Langelier Index	
Conductivity micromhos/cm	

	Appearance and colour (visual)				
	Probable composition of residue				
	CaCO ₃ MgCO ₃ Na ₂ CO ₃ K ₂ CO ₃		CaSO ₄ MgSO ₄ Na ₂ SO ₄ K ₂ SO ₄	CaCl MgCl ₂ NaCl KCl	SiO ₂ Fe ₂ O ₃ Mn ₂ O ₂ Al ₂ O ₃
II	Chemical Analysis of Irrigation Waters	Rs. 72/- (for all the tests)			
	Dissolved solids				
	PH				
	Boron, as B				
	Calcium, as Ca				
	Chloride, as Cl				
	Conductivity, micromohs/cm				
	Magnesium, as Mg				
	Potassium, as K				
	Sodium, as Na				
	Sulphates as SO ₄				
	Oil and Grease				
III	Bacteriological Analysis of Potable Waters Rs. 50/- (for all the tests).	Rs. 50/- (for all the tests)			
	Standard Plate Count				
	Coliform				
	EE Coli.				
	Fecal streptococci				
IV	Distilled Water (as IS: 1070-1960)	Rs. 120/- (for each tests)			
V	Sewage and Trade effluent	Rs. 60/- (for all the tests)			
	BOD 20°C 5 day pH				
	COD suspended solids (103°-105°C)				
	Colour (visual) units.				
VI	Tests of water, sewage or trade effluent	Rs. 6/- (for each tests)			
	(a) Albuminoid nitrogen, as N				
	Ammoniacal nitrogen, as N				
	Carbon dioxide. as CO ₂				

Conductivity, micromhos/cm	
Chlorides, as Cl	
Chlorine demand	
Dissolved Oxygen	
Fluoride, as F	
Langelier Index	
Nitrate, N	
Nitrate, as N	
Permanganate value	
Residual chlorine	
Sodium, as Na	
Sulphate (as SO ₄)	
Dissolved solids (at 103°-105°C)	
Total solids	
Turbidity, as units	
Volatile solids	
pH	
(b)	Rs. 12/- (for each tests)
Coliform MPN presumptive for waste effluents only.	
Acids solubility test for sand and gravel	
Available chlorine in bleaching powder	
Boron, as B	
Calcium (titrimetric), as Ca	
Iron, as Fe	
Kjeldahl nitrogen, as N	
Loss on ignition	
Magnesium (Titrimetric), as Mg	
Manganese, as Mn	
Silica, as SiO ₄	
Potassium in sludge and waste water, as K	
Sodium in sludge and waste waters, as Na	
Soluble phosphate, as PO ₄	
Sulphides, as S	

Suspended solids	
Total phosphorous	
Volatile acids	
Alkalinity (P&M)	
Specific gravity	
(c) heavy Metals (qualitative test)	Rs. 24/- (for each tests)
Aluminium (gravimetric)	
Arsenic	
Barium	
Calcium	
COD	
Chromium	
Copper	
Cynide	
Insecticides	
Lead	
Magnesium (gravimetric)	
Mercury	
Nickel	
Selenium	
Silver	
Sulphate (gravimetric)	
Zinc	
Percent Sodium	
Oil and Grease	
Phenolic Substances.	
(d)	Rs. 36/- (for each tests)
BOD	
Air Samples - analysis for:-	
(i) Carbon dioxide	
(ii) Carbon monoxide	
(iii) Methane and	
(iv) Oxygen	

Total fluorides by distillation	
(e)	Rs. 40/- (for each tests)
Sieve analysis	
Conventional Marble Test	
The Enslow Stability Indicator Test.	
(f)	Rs. 60/- (for each tests)
Alum dose determination by jar test in water treatment	
Alumino non-ferric (as per IS: 260- 1960)	
Bioassay tests without chemical analysis (Tim value)	
Plain settlement test of solution containing fines	
Filter sand and gravel	
Including sieve analysis, solubility in dilute HCL, loss on ignition, and specific gravity.	
(g)	Rs. 96/- (for each tests)
Alum	
Jar test to evaluate optimum coagulant and coagulant aid doses in water treatment	
Alumino ferric (as per IS: 299-1962)	
Lime	
Detailed analysis	
(h)	Rs. 180/- (for each tests)
Lead extraction test on UPVC pipe as per IS: 4985- 1963	
(i)	Rs. 240/- (for each tests)
Scale deposits (detailed analysis)	
(j)	Rs. 40/- (for each tests)
Attrition Test	
(k)	Rs. 60/- (for each tests)
To find out correlation between Jackson Candle Turbidity and Gravimetric Units.	

FORM XV
(See Rule 35)
FORM OF NOTICE

(1)

By registered post
Acknowledgement due

From

To

Notice under section 49 of the Water (Prevention and Control of Pollution) Act, 1974.

Whereas an offence under the Water (Prevention and Control of Pollution) Act, 1974, has been committed/ is being committed by _____

(2) I/We hereby give notice of 60 days under section 49 of the Water (prevention and Control of Pollution) Act, 1974 of my/our intention to file a complaint in the court against _____

(2) for violation of section _____ of the Water (Prevention and Control of Pollution) Act, 1974.

In support of my/our notice, I am/we are enclosing the following documents (3) as evidence of proof of violation of the Water (Prevention and Control of pollution) Act, 1974.

Signature(s)

Place _____

Date _____

Explanation:-

(1) In case the notice is given in the name of a company, documentary evidence authorising the person to sign the notice on behalf of the company shall be enclosed to this notice. Company for this purpose means a company defined in Explanation to section 47 of the Act.

(2) Here give the name and address of the alleged offender. In case of manufacturing processing operating unit, indicate the name/location/nature of activity, etc.

(3) Documentary evidence shall include photographs/technical reports/health reports of the area etc. for enabling enquiry into the alleged violation/offence.

[No. Q-15011/3/88-CPW]

G. SUNDARAM, Jt. Secy.

{Gazette of India, 1989, Extraordinary Pt. II Sec 3(I) p. 81}

ANNEXURE A/10

THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

ARRANGEMENT OF SECTIONS

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PRELIMINARY

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2. Definitions.

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CENTRAL AND STATE BOARDS FOR THE PREVENTION AND CONTROL OF AIR POLLUTION

3. Central Pollution Control Board.
4. State Pollution Control Boards constituted under section 4 of Act 6 of 1974 to be State Boards under this Act.
5. Constitution of State Boards.
6. Central Board to exercise the powers and perform the functions of a State Board in the Union territories.
7. Terms and conditions of service of members.
8. Disqualifications.
9. Vacation of seats by members.
10. Meetings of Board.
11. Constitution of committees.
12. Temporary association of persons with Board for particular purpose.
13. Vacancy in Board not to invalidate acts or proceedings.
14. Member-secretary and officers and other employees of State Boards.
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POWERS AND FUNCTIONS OF BOARDS

16. Functions of Central Board.
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- 23. Furnishing of information to State Board and other agencies in certain cases.
- 24. Power of entry and inspection.
- 25. Power to obtain information.
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THE SCHEDULE [*Omitted.*].

THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

ACT NO. 14 OF 1981

[29th March, 1981.]

An Act to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held in Stockholm in June, 1972, in which India participated, to take appropriate steps for the preservation of the natural resources of the earth which, among other things, include the preservation of the quality of air and control of air pollution;

AND WHEREAS it is considered necessary to implement the decisions aforesaid in so far as they relate to the preservation of the quality of air and control of air pollution;

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Air (Prevention and Control of Pollution) Act, 1981.

(2) It extends to the whole of India.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “air pollutant” means any solid, liquid or gaseous substance² [(including noise)] present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment;

(b) “air pollution” means the presence in the atmosphere of any air pollutant;

(c) “approved appliance” means any equipment or gadget used for the bringing of any combustible material or for generating or consuming any fume, gas or particulate matter and approved by the State Board for the purposes of this Act;

(d) “approved fuel” means any fuel approved by the State Board for the purposes of this Act;

(e) “automobile” means any vehicle powered either by internal combustion engine or by any method of generating power to drive such vehicle by burning fuel;

(f) “Board” means the Central Board or a State Board;

(g) “Central Board” means the³ [Central Pollution Control Board] constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

(h) “chimney” includes any structure with an opening or outlet from or through which any air pollutant may be emitted;

(i) “control equipment” means any apparatus, device, equipment or system to control the quality and manner of emission of any air pollutant and includes any device used for securing the efficient operation of any industrial plant;

1. 16th May, 1981, vide notification No. G.S.R. 351(E), dated 15th May, 1981, see Gazette of India, Extraordinary, Part II, sec. 3 (i).

2. Ins. by Act 47 of 1987, s. 2 (w.e.f. 1-4-1988).

3. Subs. by s. 2, *ibid.*, for “Central Board for the Prevention and Control of Water Pollution” (w.e.f. 1-4-1988).

(j) “emission” means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet;

(k) “industrial plant” means any plant used for any industrial or trade purposes and emitting any air pollutant into the atmosphere;

(l) “member” means a member of the Central Board or a State Board, as the case may be, and includes the Chairman thereof;

¹[(m) “occupier”, in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises, and includes, in relation to any substance, the person in possession of the substance;]

(n) “prescribed” means prescribed by rules made under this Act by the Central Government or, as the case may be, the State Government;

(o) “State Board” means,—

(i) in relation to a State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is in force and the State Government has constituted for that State a ²[State Pollution Control Board] under section 4 of that Act, the said State Board; and

(ii) in relation to any other State, the State Board for the Prevention and Control of Air Pollution constituted by the State Government under section 5 of this Act.

CHAPTER II

CENTRAL AND STATE BOARDS FOR THE PREVENTION AND CONTROL OF AIR POLLUTION

³[**3. Central Pollution Control Board.**—The Central Pollution Control Board constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the Central Pollution Control Board for the prevention and control of air pollution under this Act.

4. State Pollution Control Boards constituted under section 4 of Act 6 of 1974 to be State Boards under this Act.—In any State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is in force and the State Government has constituted for that State a State Pollution Control Board under section 4 of that Act, such State Board shall be deemed to be the State Board for the Prevention and Control of air Pollution constituted under section 5 of this Act, and accordingly that State Pollution Control Board shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the State Board for the prevention and control of air pollution under this Act.]

5. Constitution of State Boards.—(1) In any State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is not in force, or that Act is in force but the State Government has not constituted a ⁴[State Pollution Control Board] under that Act, the State Government shall, with effect from such date as it may, by notification in the Official Gazette, appoint, constitute a State Board for the Prevention and Control of Air Pollution under such name as may be specified in the notification, to exercise the powers conferred on, and perform the functions assigned to, that Board under this Act.

(2) A State Board constituted under this Act shall consist of the following members, namely:—

(a) a Chairman, being a person, having special knowledge or practical experience in respect of matters relating to environmental protection, to be nominated by the State Government:

Provided that the Chairman may be either whole-time or part-time as the State Government may think fit;

1. Subs. by Act 47 of 1987, s. 2, for clause (m) (w.e.f. 1-4-1988).

2. Subs. by s. 2, *ibid.*, for “State Board for the Prevention and Control of Water Pollution” (w.e.f. 1-4-1988).

3. Subs. by s. 3, *ibid.*, for sections 3 and 4 (w.e.f. 1-4-1988).

4. Subs. by s. 4, *ibid.*, for “State Board for the Prevention and Control of Water Pollution” (w.e.f. 1-4-1988).

(b) such number of officials, not exceeding five, as the State Government may think fit, to be nominated by the State Government to represent that Government;

(c) such number of persons, not exceeding five, as the State Government may think fit, to be nominated by the State Government from amongst the members of the local authorities functioning within the State;

(d) such number of non-officials, not exceeding three, as the State Government may think fit, to be nominated by the State Government to represent the interest of agriculture, fishery or industry or trade or labour or any other interest, which, in the opinion of that Government, ought to be represented;

(e) two persons to represent the companies or corporations owned, controlled or managed by the State Government, to be nominated by that Government;

¹[(f) a full-time member-secretary having such qualifications knowledge and experience of scientific, engineering or management aspects of pollution control as may be prescribed, to be appointed by the State Government:]

Provided that the State Government shall ensure that not less than two of the members are persons having special knowledge or practical experience in respect of matters relating to the improvement of the quality of air or the prevention, control or abatement of air pollution.

(3) Every State Board constituted under this Act shall be a body corporate with the name specified by the State Government in the notification issued under sub-section (1), having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and dispose of property and to contract, and may by the said name sue or be sued.

6. Central Board to exercise the powers and perform the functions of a State Board in the Union territories.—No State Board shall be constituted for a Union territory and in relation to a Union territory, the Central Board shall exercise the powers and perform the functions of a State Board under this Act for that Union territory:

Provided that in relation to any Union territory the Central Board may delegate all or any of its powers and functions under this section to such person or body of persons as the Central Government may specify.

7. Terms and conditions of service of members.—(1) Save as otherwise provided by or under this Act, a member of a State Board constituted under this Act, other than the member-secretary, shall hold office for a term of three years from the date on which his nomination is notified in the Official Gazette:

Provided that a member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The terms of office of a member of a State Board constituted under this Act and nominated under clause (b) or clause (e) of sub-section (2) of section 5 shall come to an end as soon as he ceases to hold the office under the State Government or, as the case may be, the company or corporation owned, controlled or managed by the State Government, by virtue of which he was nominated.

(3) A member of a State Board constituted under this Act, other than the member-secretary, may at any time resign his office by writing under his hand addressed,—

(a) in the case of the Chairman, to the State Government; and

(b) in any other case, to the Chairman of the State Board,

and the seat of the Chairman or such other member shall thereupon become vacant.

(4) A member of a State Board constituted under this Act, other than the member-secretary, shall be deemed to have vacated his seat, if he is absent without reason, sufficient in the opinion of the State Board, from three consecutive meetings of the State Board or where he is nominated under clause (c) of sub-section (2) of section 5, he ceases to be a member of the local authority and such vacation of seat

1. Subs. by Act 47 of 1987, s. 4, for clause (f) (w.e.f. 1-4-1988).

shall, in either case, take effect from such date as the State Government may, by notification in the Official Gazette, specify.

(5) A casual vacancy in a State Board constituted under this Act shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated.

(6) A member of a State Board constituted under this Act shall be eligible for re-nomination ^{1***}

(7) The other terms and conditions of service of the Chairman and other members (except the member-secretary) of a State Board constituted under this Act shall be such as may be prescribed.

8. Disqualifications.—(1) No person shall be a member of a State Board constituted under this Act, who—

(a) is, or at any time has been, adjudged insolvent, or

(b) is of unsound mind and has been so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has directly or indirectly by himself or by any partner, any share or interest in any Firm or company carrying on the business of manufacture, sale, or hire of machinery, industrial plant, control equipment or any other apparatus for the improvement of the quality of air or for the prevention, control or abatement of air pollution, or

(f) is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contract with the Board, or with the Government constituting the Board or with a local authority in the State, or with a company or corporation owned, controlled or managed by the Government, for the carrying out of programmes for the improvement of the quality of air or for the prevention, control or abatement of air pollution, or

(g) has so abused, in the opinion of the State Government, his position as a member, as to render his continuance on the State Board detrimental to the interest of the general public.

(2) The State Government shall, by order in writing, remove any member who is, or has become, subject to any disqualification mentioned in sub-section (1).

Provided that no order of removal shall be made by the State Government under this section unless the member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (6) of section 7, a member who has been removed under this section shall not be eligible to continue to hold office until his successor enters upon his office, or, as the case may be, for re-nomination as a member.

9. Vacation of seats by members.—If a member of a State Board constituted under this Act becomes subject to any of the disqualifications specified in section 8, his seat shall become vacant.

10. Meetings of Board.—(1) For the purposes of this Act, a Board shall meet at least once in every three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed:

Provided that if, in the opinion of the Chairman, any business of an urgent nature is to be transacted, he may convene a meeting of the Board at such time as he thinks fit for the aforesaid purpose.

(2) Copies of minutes of the meetings under sub-section (1) shall be forwarded to the Central Board and to the State Government concerned.

1. The words “but not for more than two terms” omitted by Act 47 of 1987, s. 5 (w.e.f. 1-4-1988).

11. Constitution of committees.—(1) A Board may constitute as many committees consisting wholly of members or partly of members and partly of other persons and for such purpose or purposes as it may think fit.

(2) A committee constituted under this section shall meet at such time and at such place, and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(3) The members of a committee other than the members of the Board shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board as may be prescribed.

12. Temporary association of persons with Board for particular purpose.—(1) A Board may associate with itself in such manner, and for such purposes, as may be prescribed, any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relevant to that purpose, but shall not have a right to vote at a meeting of the Board and shall not be a member of the Board for any other purpose.

(3) A person associated with a Board under sub-section (1) shall be entitled to receive such fees and allowances as may be prescribed.

13. Vacancy in Board not to invalidate acts or proceedings.—No act or proceeding of a Board or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board or such committee, as the case may be.

14. Member-secretary and officers and other employees of State Boards.—(1) The terms and conditions of service of the member-secretary of a State Board constituted under this Act shall be such as may be prescribed.

¹[(2) The member-secretary of a State Board, whether constituted under this Act or not, shall exercise such powers and perform such duties as may be prescribed, or as may, from time to time, be delegated to him by the State Board or its Chairman.]

(3) subject to such rules as may be made by the State Government in this behalf, a State Board, whether constituted under this Act or not, may appoint such officers and other employees as it considers necessary for the efficient performance of its functions under this Act.

(4) The method of appointment, the conditions of service and the scales of pay of the officers (other than the member-secretary) and other employees of a State Board appointed under sub-section (3) shall be such as may be determined by regulations made by the State Board under this Act.

(5) Subject to such conditions as may be prescribed, a State Board constituted under this Act may from time to time appoint any qualified person to be a consultant to the Board and pay him such salary and allowances or fees, as it thinks fit.

15. Delegation of powers.—A State Board may, by general or special order, delegate to the Chairman or the member-secretary or any other officer of the Board subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary.

CHAPTER III POWERS AND FUNCTIONS OF BOARDS

16. Functions of Central Board.—(1) Subject to the provisions of this Act, and without prejudice to the performance, of its functions under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the main functions of the Central Board shall be to improve the quality of air and to prevent, control or abate air pollution in the country.

1. Subs. by Act 47 of 1987, s. 6, for sub-section (2) (w.e.f. 1-4-1988).

(2) In particular and without prejudice to the generality of the foregoing functions, the Central Board may—

(a) advise the Central Government on any matter concerning the improvement of the quality of air and the prevention, control or abatement of air pollution;

(b) plan and cause to be executed a nation-wide programme for the prevention, control or abatement of air pollution;

(c) co-ordinate the activities of the State and resolve disputes among them;

(d) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of air pollution and prevention, control or abatement of air pollution;

¹[(dd) perform such of the functions of any State Board as may be specified in and order made under sub-section (2) of section 18;]

(e) plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of air pollution on such terms and conditions as the Central Board may specify;

(f) organise through mass media a comprehensive programme regarding the prevention, control or abatement of air pollution;

(g) collect, compile and publish technical and statistical data relating to air pollution and the measures devised for its effective prevention, control or abatement and prepare manuals, codes or guides relating to prevention, control or abatement of air pollution;

(h) lay down standards for the quality of air;

(i) collect and disseminate information in respect of matters relating to air pollution;

(j) perform such other functions as may be prescribed.

(3) The Central Board may establish or recognise a laboratory or laboratories to enable the Central Board to perform its functions under this section efficiently.

(4) The Central Board may—

(a) delegate any of its functions under this Act generally or specially to any of the committees appointed by it;

(b) do such other things and perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.

17. Functions of State Boards.—(1) Subject to the provisions of this Act, and without prejudice to the performance of its functions, if any, under the Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974), the functions of a State Board shall be—

(a) to plan a comprehensive programme for the prevention, control or abatement of air pollution and to secure the execution thereof;

(b) to advise the State Government on any matter concerning the prevention, control or abatement of air pollution;

(c) to collect and disseminate information relating to air pollution;

(d) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of air pollution and to organise mass-education programme relating thereto;

1. Ins. by Act 47 of 1987, s. 7 (w.e.f. 1-4-1988).

(e) to inspect, at all reasonable times, any control equipment, industrial plant or manufacturing process and to give, by order, such directions to such persons as it may consider necessary to take steps for the prevention, control or abatement of air pollution;

(f) to inspect air pollution control areas at such intervals as it may think necessary, assess the quality of air therein and take steps for the prevention, control or abatement of air pollution in such areas;

(g) to lay down, in consultation with the Central Board and having regard to the standards for the quality of air laid down by the Central Board, standards for emission of air pollutants into the atmosphere from industrial plants and automobiles or for the discharge of any air pollutant into the atmosphere from any other source whatsoever not being a ship or an aircraft:

Provided that different standards for emission may be laid down under this clause for different industrial plants having regard to the quantity and composition of emission of air pollutants into the atmosphere from such industrial plants;

(h) to advise the State Government with respect to the suitability of any premises or location for carrying on any industry which is likely to cause air pollution;

(i) to Perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government;

(j) to do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.

(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently.

18.Power to give directions.—¹[(1)]In the performance of its functions under this Act—

(a) the Central Board shall be bound by such directions in writing as the Central Government may give to it; and

(b) every State Board shall be bound by such directions in writing as the Central Board or the State Government may give to it:

Provided that where a direction given by the State Government is inconsistent with the direction given by the Central Board, the matter shall be referred to the Central Government for its decision.

²[(2) Where the Central Government is of the opinion that any State Board has defaulted in complying with any directions given by the Central Board under sub-section (1) and as a result of such default a grave emergency has arisen and it is necessary or expedient so to do in the public interest, it may, by order, direct the Central Board to perform any of the functions of the State Board in relation to such area, for such period and for such purposes, as may be specified in the order.

(3) Where the Central Board performs any of the functions of the State Board in pursuance of a direction under sub-section (2), the expenses, if any, incurred by the Central Board with respect to the performance of such functions may, if the State Board is empowered to recover such expenses, be recovered by the Central Board with interest (at such reasonable rate as the Central Government may, by order, fix) from the date when a demand for such expenses is made until it is paid from the person or persons concerned as arrears of land revenue or of public demand.

(4) For the removal of doubts, it is hereby declared that any directions to perform the functions of any State Board given under sub-section (2) in respect of any area would not preclude the State Board from performing such functions in any other area in the State or any of its other functions' in that area.]

1. Section 18 renumbered as sub-section (1) thereof by Act 47 of 1987, s. 8 (w.e.f. 1-4-1988).

2. Ins. by s. 8, *ibid.* (w.e.f. 1-4-1988).

CHAPTER IV
PREVENTION AND CONTROL OF AIR POLLUTION

19. Power to declare air pollution control areas.—(1) The State Government may, after consultation with the State Board, by notification in the Official Gazette declare in such manner as may be prescribed, any area or areas within the State as air pollution control area or areas for the purposes of this Act.

(2) The State Government may, after consultation with the State Board, by notification in the Official Gazette,—

(a) alter any air pollution control area whether by way of extension or reduction;

(b) declare a new air pollution control area in which may be merged one or more existing air pollution control areas or any part or parts thereof.

(3) If the State Government, after consultation with the State Board, is of opinion that the use of any fuel, other than an approved fuel, in any air pollution control area or part thereof, may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the use of such fuel in such area or part thereof with effect from such date (being not less than three months from the date of publication of the notification) as may be specified in the notification.

(4) The State Government may, after consultation with the State Board, by notification in the Official Gazette, direct that with effect from such date as may be specified therein, no appliance, other than an approved appliance, shall be used in the premises situated in an air pollution control area:

Provided that different dates may be specified for different parts of an air pollution control area or for the use of different appliances.

(5) If the State Government, after consultation with the State Board, is of opinion that the burning of any material (not being fuel) in any air pollution control area or part thereof may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the burning of such material in such area or part thereof.

20. Power to give instructions for ensuring standards for emission from automobiles.—With a view to ensuring that the standards for emission of air pollutants from automobiles laid down by the State Board under clause (g) of sub-section (1) of section 17 are complied with, the State Government shall, in consultation with the State Board, give such instructions as may be deemed necessary to the concerned authority in charge of registration of motor vehicles under the Motor Vehicles Act, 1939 (4 of 1939), and such authority shall, notwithstanding anything contained in that Act or the rules made thereunder be bound to comply with such instructions.

21. Restrictions on use of certain industrial plants.—¹[(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area:

Provided that a person operating any industrial plant in any air pollution control area immediately before the commencement of section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987, for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent within the said period of three months, till the disposal of such application.]

(2) An application for consent of the State Board under sub-section (1) shall be accompanied by such fees as may be prescribed and shall be made in the prescribed form and shall contain the particulars of the industrial plant and such other particulars as may be prescribed:

Provided that where any person, immediately before the declaration of any area as an air pollution control area, operates in such area any industrial plant, ²***such person shall make the application under this sub-section within such period (being not less than three months from the date of such declaration) as

1. Subs. by Act 47 of 1987, s. 9, for sub-section (1) (w.e.f. 1-4-1988).

2. The words “for the purpose of any industry specified in the Schedule” omitted by s. 9, *ibid.* (w.e.f. 1-4-1988).

may be prescribed and where such person makes such application, he shall be deemed to be operating such industrial plant with the consent of the State Board until the consent applied for has been refused.

(3) The State Board may make such inquiry as it may deem fit in respect of the application for consent referred to in sub-section (1) and in making any such inquiry, shall follow such procedure as may be prescribed.

(4) Within a period of four months after the receipt of the application for consent referred to in sub-section (1), the State Board shall, by order in writing, ¹[and for reasons to be recorded in the order, grant the consent applied for subject to such conditions and for such period as may be specified in the order, or refuse such consent]:

²[Provided that it shall be open to the State Board to cancel such consent before the expiry of the period for which it is granted or refuse further consent after such expiry if the conditions subject to which such consent has been granted are not fulfilled:

Provided further that before cancelling a consent or refusing a further consent under the first provision, a reasonable opportunity of being heard shall be given to the person concerned.]

(5) Every person to whom consent has been granted by the State Board under sub-section (4), shall comply with the following conditions, namely:—

(i) the control equipment of such specifications as the State Board may approve in this behalf shall be installed and operated in the premises where the industry is carried on or proposed to be carried on;

(ii) the existing control equipment, if any, shall be altered or replaced in accordance with the directions of the State Board;

(iii) the control equipment referred to in clause (i) or clause (ii) shall be kept at all times in good running condition;

(iv) chimney, wherever necessary, of such specifications as the State Board may approve in this behalf shall be erected or re-erected in such premises; and

(v) such other conditions as the State Board, may specify in this behalf; and

(vi) the conditions referred to in clauses (i), (ii) and (iv) shall be complied with within such period as the State Board may specify in this behalf:

Provided that in the case of a person operating any industrial plant ³*** in an air pollution control area immediately before the date of declaration of such area as an air pollution control area, the period so specified shall not be less than six months:

Provided further that—

(a) after the installation of any control equipment in accordance with the specifications under clause (i), or

(b) after the alteration or replacement of any control equipment in accordance with the directions of the State Board under clause (ii), or

(c) after the erection or re-erection of any chimney under clause (iv),

no control equipment or chimney shall be altered or replaced or, as the case may be, erected or re-erected except with the previous approval of the State Board.

(6) If due to any technological improvement or otherwise the State Board is of opinion that all or any of the conditions referred to in sub-section (5) require or requires variation (including the change of any control equipment, either in whole or in part), the State Board shall, after giving the person to whom

1. Subs. by Act 47 of 1987, s. 9, for certain words (w.e.f. 1-4-1988).

2. Ins. by s. 9, *ibid.* (w.e.f. 1-4-1988).

3. The words “for the purpose of any industry specified in the Schedule” omitted by s. 9, *ibid.* (w.e.f. 1-4-1988).

consent has been granted an opportunity of being heard, vary all or any of such conditions and thereupon such person shall be bound to comply with the conditions as so varied.

(7) Where a person to whom consent has been granted by the State Board under sub-section (4) transfers his interest in the industry to any other person, such consent shall be deemed to have been granted to such other person and he shall be bound to comply with all the conditions subject to which it was granted as if the consent was granted to him originally.

22. Persons carrying on industry, etc., not to allow emission of air pollutants in excess of the standard laid down by State Board.—No person^{1****} operating any industrial plant, in any air pollution control area shall discharge or cause or permit to be discharged the emission of any air pollutant in excess of the standards laid down by the State Board under clause (g) of sub-section (1) of section 17.

²**22A. Power of Board to make application to court for restraining person from causing air pollution.**—(1) Where it is apprehended by a Board that emission of any air pollutant, in excess of the standards laid down by the State Board under clause (g) of sub-section (1) of section 17, is likely to occur by reason of any person operating an industrial plant or otherwise in any air pollution control area, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class for restraining such person from emitting such air pollutant.

(2) On receipt of the application under sub-section (1), the court may make such order as it deems fit.

(3) Where under sub-section (2), the court makes an order restraining any person from discharging or causing or permitting to be discharged the emission of any air pollutant, it may, in that order,—

(a) direct such person to desist from taking such action as is likely to cause emission;

(b) authorise the Board, if the direction under clause (a) is not complied with by the person to whom such direction is issued, to implement the direction in such manner as may be specified by the court.

(4) All expenses incurred by the Board in implementing the directions of the court under clause (b) of sub-section (3) shall be recoverable from the person concerned as arrears of land revenue or of public demand.]

23. Furnishing of information to State Board and other agencies in certain cases.—(1) Where in any^{3***} area the emission of any air pollutant into the atmosphere in excess of the standards laid down by the State Board occurs or is apprehended to occur due to accident or other unforeseen act or event, the person in charge of the premises from where such emission occurs or is apprehended to occur shall forthwith intimate the fact of such occurrence or the apprehension of such occurrence to the State Board and to such authorities or agencies as may be prescribed.

(2) On receipt of information with respect to the fact or the apprehension of any occurrence of the nature referred to in sub-section (1), whether through intimation under that sub-section or otherwise, the State Board and the authorities or agencies shall, as early as practicable, cause such remedial measure to be taken as are necessary to mitigate the emission of such air pollutants.

(3) Expenses, if any, incurred by the State Board, authority or agency with respect to the remedial measures referred to in sub-section (2) together with interest (at such reasonable rate, as the State Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by that Board, authority or agency from the person concerned, as arrears of land revenue, or of public demand.

24. Power of entry and inspection.—(1) Subject to the provisions of this section, any person empowered by a State Board in this behalf shall have a right to enter, at all reasonable times with such assistance as he considers necessary, any place—

(a) for the purpose of performing any of the functions of the State Board entrusted to him;

1. The words “carrying on any industry specified in the Schedule or” omitted by Act 47 of 1987, s. 10 (w.e.f. 1-4-1988).

2. Ins. by s. 11, *ibid.* (w.e.f. 1-4-1988).

3. The words “air pollution control” omitted by s. 12, *ibid.* (w.e.f. 1-4-1988).

(b) for the purpose of determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;

(c) for the purpose of examining and testing any control equipment, industrial plant, record, register, document or any other material object or for conducting a search of any place in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such control equipment, industrial plant, record, register, document or other material object if he has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder.

(2) Every person^{1***} operating any control equipment or any industrial plant, in an air pollution control area shall be bound to render all assistance to the person empowered by the State Board under sub-section (1) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.

(3) If any person willfully delays or obstructs any person empowered by the State Board under sub-section (1) in the discharge of his duties, he shall be guilty of an offence under this Act.

(4) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), or, in relation to the State of Jammu and Kashmir, or any area, in which that Code is not in force, the provisions of any corresponding law in force in that State or area, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or, as the case may be, under the corresponding provisions of the said law.

25. Power to obtain information.—For the purposes of carrying out the functions entrusted to it, the State Board or any officer empowered by it in that behalf may call for any information (including information regarding the types of air pollutants emitted into the atmosphere and the level of the emission of such air pollutants) from the occupier or any other person carrying on any industry or operating any control equipment or industrial plant and for the purpose of verifying the correctness of such information, the State Board or such officer shall have the right to inspect the premises where such industry, control equipment or industrial plant is being carried on or operated.

26. Power to take samples of air or emission and procedure to be followed in connection therewith.—(1) A State Board or any officer empowered by it in this behalf shall have power to take, for the purpose of analysis, samples of air or emission from any chimney, flue or duct or any other outlet in such manner as may be prescribed.

(2) The result of any analysis of a sample of emission taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3) and (4) are complied with.

(3) Subject to the provisions of sub-section (4), when a sample of emission is taken for analysis under sub-section (1), the person taking the sample shall—

(a) serve on the occupier or his agent, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;

(b) in the presence of the occupier or his agent, collect a sample of emission for analysis;

(c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent;

(d) send, without delay, the container or containers to the laboratory established or recognised by the State Board under section 17 or, if a request in that behalf is made by the occupier or his agent when the notice is served on him under clause (a), to the laboratory established or specified under sub-section (1) of section 28.

1. The words “carrying on any industry specified in the Schedule and every person” omitted by Act 47 of 1987, s. 13 (w.e.f. 1-4-1988).

(4) When a sample of emission is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3), then,—

(a) in a case where the occupier or his agent wilfully absents himself, the person taking the sample shall collect the sample of emission for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and

(b) in a case where the occupier or his agent is present at the time of taking the sample but refuses to sign the marked and sealed container or containers of the sample of emission as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the sample,

and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or specified under sub-section (1) of section 28 and such person shall inform the Government analyst appointed under sub-section (1) of section 29, in writing, about the wilful absence of the occupier or his agent, or, as the case may be, his refusal to sign the container or containers.

27. Reports of the result of analysis on samples taken under section 26.—(1) Where a sample of emission has been sent for analysis to the laboratory established or recognised by the State Board, the Board analyst appointed under sub-section (2) of section 29 shall analyse the sample and submit a report in the prescribed form of such analysis in triplicate to the State Board.

(2) On receipt of the report under sub-section (1), one copy of the report shall be sent by the State Board to the occupier or his agent referred to in section 26, another copy shall be preserved for production before the court in case any legal proceedings are taken against him and the other copy shall be kept by the State Board.

(3) Where a sample has been sent for analysis under clause of sub-section (3) or sub-section (4) of section 26 to any laboratory mentioned therein, the Government analyst referred to in the said sub-section (4) shall analyse the sample and submit a report in the prescribed form of the result of the analysis in triplicate to the State Board which shall comply with the provisions of sub-section (2).

(4) Any cost incurred in getting any sample analysed at the request of the occupier or his agent as provided in clause (d) of sub-section (3) of section 26 or when he wilfully absents himself or refuses to sign the marked and sealed container or containers of sample of emission under sub-section (4) of that section, shall be payable by such occupier or his agent and in case of default the same shall be recoverable from him as arrears of land revenue or of public demand.

28. State Air Laboratory.—(1) The State Government may, by notification in the Official Gazette,—

(a) establish one or more State Air Laboratories; or

(b) specify one or more laboratories or institutes as State Air Laboratories to carry out the functions entrusted to the State Air Laboratory under this Act.

(2) The State Government may, after consultation with the State Board, make rules prescribing—

(a) the functions of the State Air Laboratory;

(b) the procedure for the submission to the said Laboratory of samples of air or emission for analysis or tests, the form of the Laboratory's report thereon and the fees payable in respect of such report;

(c) such other matters as may be necessary or expedient to enable that Laboratory to carry out its functions.

29. Analysts.—(1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit and having the prescribed qualifications to be Government analysts for the purpose of analysis of samples of air or emission sent for analysis to any laboratory established or specified under sub-section (1) of section 28.

(2) Without prejudice to the provisions of section 14, the State Board may, by notification in the Official Gazette, and with the approval of the State Government, appoint such persons as it thinks fit and having the prescribed qualifications to be Board analysts for the purpose of analysis of samples of air or emission sent for analysis to any laboratory established or recognised under section 17.

30. Reports of analysts.—Any document purporting to be a report signed by a Government analyst or, as the case may be, a State Board analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

31. Appeals.—(1) Any person aggrieved by an order made by the State Board under this Act may, within thirty day from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the Appellate Authority) as the State Government may think fit to constitute:

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The Appellate Authority shall consist of a single person or three persons as the State Government may think fit to be appointed by the State Government.

(3) The form and the manner in which an appeal may be preferred under sub-section (1), the fees payable for such appeal and the procedure to be followed by the Appellate Authority shall be such as may be prescribed.

(4) On receipt of an appeal preferred under sub-section (1), the Appellate Authority shall, after giving the appellant and the State Board an opportunity of being heard, dispose of the appeal as expeditiously as possible.

¹[31A. Power to give directions.—Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

- (a) the closure, prohibition or regulation of any industry, operation or process; or
- (b) the stoppage or regulation of supply of electricity, water or any other service.]

CHAPTER V

FUND, ACCOUNTS AND AUDIT

32. Contributions by Central Government.—The Central Government may, after due appropriation made by Parliament by law in this behalf make in each financial year such contributions to the State Boards as it may think necessary to enable the State Boards to perform their functions under this Act:

Provided that nothing in this section shall apply to any²[State Pollution Control Board] constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), which is empowered by that Act to expend money from its fund thereunder also for performing its functions, under any law for the time being in force relating to the prevention, control or abatement of air pollution.

33. Fund of Board.—(1) Every State Board shall have its own fund for the purposes of this Act and all sums which may, from time to time, be paid to it by the Central Government and all other receipts (by way of contributions, if any, from the State Government, fees, gifts, grants, donations benefactions or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

1. Ins. by Act 47 of 1987, s. 14 (w.e.f. 1-4-1988).

2. Subs. by s. 15, *ibid.*, for “State Board for the Prevention and Control of water Pollution” (w.e.f. 1-4-1988).

(2) Every State Board may expend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the fund of that Board.

(3) Nothing in this section shall apply to any ¹[State Pollution Control Board] constituted under section 4 of the Water(Prevention and Control of Pollution) Act, 1974 (6 of 1974), which is empowered by that Act to expend money from its fund thereunder also for performing its functions, under any law for the time being in force relating to the prevention, control or abatement of air pollution.

²**[33A. Borrowing powers of Board.]**—A Board may, with the consent of, or in accordance with the terms of any general or special authority given to it by, the Central Government or, as the case may be, the State Government, borrow money from any source by way of loans or issue of bonds, debentures or such other instruments, as it may deem fit, for discharging all or any of its functions under this Act.]

34. Budget.—The Central Board or, as the case may be, the State Board shall, during each financial year, prepare, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipt and expenditure under this Act, and copies thereof shall be forwarded to the Central Government or, as the case may be, the State Government.

³**[35. Annual report.]**—(1) The Central Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the Central Government within four months from the last date of the previous financial year and that Government shall cause every such report to be laid before both Houses of Parliament within nine months of the last date of the previous financial year.

(2) Every State Board shall, during each financial year, prepare, in such form as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the State Government within four months from the last date of the previous financial year and that Government shall cause every such report to be laid before the State Legislature within a period of nine months from the last date of the previous financial year.]

36. Accounts and audit.—(1) Every Board shall, in relation to its functions under this Act, maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government or, as the case may be, the State Government.

(2) The accounts of the Board shall be audited by an auditor duly qualified to act as an auditor of companies under section 226 of the Companies Act, 1956 (1 of 1956).

(3) The said auditor shall be appointed by the Central Government or, as the case may be, the State Government on the advice of the Comptroller and Auditor General of India.

(4) Every auditor appointed to audit the accounts of the Board under this Act shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(5) Every such auditor shall send a copy of his report together with an audited copy of the accounts to the Central Government or, as the case may be, the State Government.

(6) The Central Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before both Houses of Parliament.

(7) The State Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before the State Legislature.

1. Subs. by Act 47 of 1987, s. 15, for “State Board for the Prevention and Control of Water Pollution” (w.e.f. 1-4-1988).

2. Ins. by s. 16, *ibid.* (w.e.f. 1-4-1988).

3. Subs. by s. 17, *ibid.*, for section 35 (w.e.f. 1-4-1988).

CHAPTER VI
PENALTIES AND PROCEDURE

¹**[37. Failure to comply with the provisions of section 21 or section 22 or with the directions issued under section 31A.]**—(1) whoever fails to comply with the provisions of section 21 or section 22 or directions issued under section 31A, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure.

(2) If the failure referred to in sub-section (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine.]

38. Penalties for certain acts.—Whoever—

(a) destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board, or

(b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or

(c) damages any works or property belonging to the Board, or

(d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purpose of this Act, or

(e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (1) of section 23, or

(f) in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, or

(g) for the purpose of obtaining any consent under section 21, makes a statement which is false in any material particular,

shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ²[ten thousand rupees] or with both.

³**[39. Penalty for contravention of certain provisions of the Act.]**—Whoever contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both, and in the case of continuing contravention, with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after conviction for the first such contravention.]

40. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other

1. Subs. by Act 47 of 1987, s. 18, for section 37 (w.e.f. 1-4-1988).

2. Subs. by s. 19, *ibid.*, for “five hundred rupees” (w.e.f. 1-4-1988).

3. Subs. by s. 20, *ibid.*, for section 39 (w.e.f. 1-4-1988).

officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(a) “company” means any body corporate, and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

41. Offences by Government Departments.—(1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

42. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government or any member or any officer or other employee of the Board in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules made thereunder.

¹**43. Cognizance of offences.**—(1) No court shall take cognizance of any offence under this Act except on a complaint made by—

(a) a Board or any officer authorised in this behalf by it; or

(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint to the Board or officer authorised as aforesaid,

and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(2) Where a complaint has been made under clause (b) of sub-section (1), the Board shall, on demand by such person, make available the relevant reports in its possession to that person:

Provided that the Board may refuse to make any such report available to such person if the same is, in its opinion, against the public interest.]

44. Members, officers and employees of Board to be public servants.—All the members and all officers and other employees of a Board when acting or purporting to act in pursuance of any of the provisions of this Act or the rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

45. Reports and returns.—The Central Board shall, in relation to its functions under this Act, furnish to the Central Government, and a State Board shall, in relation to its functions under this Act, furnish to the State Government and to the Central Board such reports, returns, statistics, accounts and other information as that Government, or, as the case may be, the Central Board may, from time to time, require.

46. Bar of jurisdiction.—No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an Appellate Authority constituted under this Act is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

1. Subs. by Act 47 of 1987, s. 21, for section 43 (w.e.f. 1-4-1988).

CHAPTER VII
MISCELLANEOUS

47. Power of State Government to supersede State Board.—(1) If at any time the State Government is of opinion—

(a) that a State Board constituted under this Act has persistently made default in the performance of the functions imposed on it by or under this Act, or

(b) that circumstances exist which render it necessary in the public interest so to do,

the State Government may, by notification in the Official Gazette, supersede the State Board for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (a), the State Government shall give a reasonable opportunity to the State Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the State Board.

(2) Upon the publication of a notification under sub-section (1) superseding the State Board,—

(a) all the members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under this Act, be exercised, performed or discharged by the State Board shall, until the State Board is reconstituted under sub-section (3), be exercised, performed or discharged by such person or persons as the State Government may direct;

(c) all property owned or controlled by the State Board shall, until the Board is reconstituted under sub-section (3), vest in the State Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the State Government may—

(a) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary; or

(b) reconstitute the State Board by a fresh nomination or appointment, as the case may be, and in such case any person who vacated his office under clause (a) of sub-section (2) shall also be eligible for nomination or appointment:

Provided that the State Government may at any time before the expiration of the period of supersession, whether originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

48. Special provision in the case of supersession of the Central Board or the State Boards constituted under the Water (Prevention and Control of Pollution) Act, 1974.—Where the Central Board or any State Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974), is superseded by the Central Government or the State Government, as the case may be, under that Act, all the powers, functions and duties of the Central Board or such State Board under this Act shall be exercised, performed or discharged during the period of such supersession by the person or persons, exercising, performing or discharging the powers, functions and duties of the Central Board or such State Board under the Water (Prevention and Control of Pollution) Act, 1974, during such period.

49. Dissolution of State Boards constituted under the Act.—(1) As and when the Water (Prevention and Control of Pollution) Act, 1974 (Act 6 of 1974), comes into force in any State and the State Government constitutes ¹[State Pollution Control Board] under that Act, the State Board constituted by the State Government under this Act shall stand dissolved and the Board first-mentioned shall exercise the powers and perform the functions of the Board second-mentioned in that State.

(2) On the dissolution of the State Board constituted under this Act,—

(a) all the members shall vacate their offices as such;

1. Subs. by Act 47 of 1987, s. 15, for “State Board for the Prevention and Control of Water Pollution” (w.e.f. 1-4-1988).

(b) all moneys and other property of whatever kind (including the fund of the State Board) owned by, or vested in, the State Board, immediately before such dissolution, shall stand transferred to and vest in the¹[State Pollution Control Board];

(c) every officer and other employee serving under the State Board immediately before such dissolution shall be transferred to and become an officer or other employee of the ¹[State Pollution Control Board] and hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have held the same if the State Board constituted under this Act had not been dissolved and shall continue to do so unless and until such tenure, remuneration and terms and conditions of service are duly altered by the ¹[State Pollution Control Board]:

Provided that the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the State Government;

(d) all liabilities and obligations of the State Board of whatever kind, immediately before such dissolution, shall be deemed to be the liabilities or obligations, as the case may be, of the ¹[State Pollution Control Board] and any proceeding or cause of action, pending or existing immediately before such dissolution by or against the State Board constituted under this Act in relation to such liability or obligation may be continued and enforced by or against the ¹[State Pollution Control Board.]

50. *[Power to amend the Schedule].—Omitted by the Air (Prevention and Control of Pollution) Amendment Act, 1987 (47 of 1987), s. 22 (w.e.f. 1-4-1988).*

51. Maintenance of register.—(1) Every State Board shall maintain a register containing particulars of the persons to whom consent has been granted under section 21, the standards for emission laid down by it in relation to each such consent and such other particulars as may be prescribed.

(2) The register maintained under sub-section (1) shall be open to inspection at all reasonable hours by any person interested in or affected by such standards for emission or by any other person authorised by such person in this behalf.

52. Effect of other laws.—Save as otherwise provided by or under the Atomic Energy Act, 1962 (33 of 1962), in relation to radioactive air pollution the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.

53. Power of Central Government to make rules.—(1) The Central Government may, in consultation with the Central Board, by notification in the Official Gazette, make rules in respect of the following matters, namely:—

(a) the intervals and the time and place at which meetings of the Central Board or any committee thereof shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business thereat, under sub-section (1) of section 10 and under sub-section (2) of section 11;

(b) the fees and allowances to be paid to the members of a committee of the Central Board, not being members of the Board, under sub-section (3) of section 11;

(c) the manner in which and the purposes for which persons may be associated with the Central Board under sub-section (1) of section 12;

(d) the fees and allowance to be paid under sub-section (3) of section 12 to persons associated with the Central Board under sub-section (1) of section 12;

(e) the functions to be performed by the Central Board under clause (j) of sub-section (2) of section 16;

1. Subs. by Act 47 of 1987, s. 15 for “State Board for the Prevention and Control of Water Pollution” (w.e.f. 1-4-1988).

¹[(f) the form in which and the time within which the budget of the Central Board may be prepared and forwarded to the Central Government under section 34;

(ff) the form in which the annual report of the Central Board may be prepared under section 35;]

(g) the form in which the accounts of the Central Board may be maintained under sub-section (1) of section 36.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

54. Power of State Government to make rules.—(1) Subject to the provisions of sub-section (3), the State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act in respect of matter not falling within the purview of section 53.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

²[(a) the qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control required for appointment as member-secretary of a State Board constituted under the Act;]

³[(aa)] the terms and conditions of service of the Chairman and other members (other than the member-secretary) of the State Board constituted under this Act under sub-section (7) of section 7;

(b) the intervals and the time and place at which meetings of the State Board or any committee thereof shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business thereat, under sub-section (1) of section 10 and under sub-section (2) of section 11;

(c) the fees and allowances to be paid to the members of a committee of the State Board, not being members of the Board under sub-section (3) of section 11;

(d) the manner in which and the purpose for which persons may be associated with the State Board under sub-section (1) of section 12;

(e) the fees and allowances to be paid under sub-section (3) of section 12 to persons associated with the State Board under sub-section (1) of section 12;

(f) the terms and conditions of service of the member-secretary of a State Board constituted under this Act under sub-section (1) of section 14;

(g) the powers and duties to be exercised and discharged by the member-secretary of a State Board under sub-section (2) of section 14;

(h) the conditions subject to which a State Board may appoint such officers and other employees as it considers necessary for the efficient performance of its functions under sub-section (3) of section 14;

(i) the conditions subject to which a State Board may appoint a consultant under sub-section (5) of section 14;

(j) the functions to be performed by the State Board under clause (i) of sub-section (1) of section 17;

1. Subs. by Act 47 of 1987, s. 23, for clause (f) (w.e.f. 1-4-1988).

2. Ins. by s. 24, *ibid.* (w.e.f. 1-4-1988).

3. Clause (a) renumbered as clause (aa) thereof by s. 24, *ibid.* (w.e.f. 1-4-1988).

(*k*) the manner in which any area or areas may be declared as air pollution control area or areas under sub-section (1) of section 19;

(*l*) the form of application for the consent of the State Board, the fees payable therefore the period within which such application shall be made and the particulars it may contain, under sub-section (2) of section 21;

(*m*) the procedure to be followed in respect of an inquiry under sub-section (3) of section 21;

(*n*) the authorities or agencies to whom information under sub-section (1) of section 23 shall be furnished;

(*o*) the manner in which samples of air or emission may be taken under sub-section (1) of section 26;

(*p*) the form of the notice referred to in sub-section (3) of section 26;

(*q*) the form of the report of the State Board analyst under sub-section (1) of section 27;

(*r*) the form of the report of the Government analyst under sub-section (3) of section 27;

(*s*) the functions of the State Air Laboratory, the procedure for the submission to the said Laboratory of samples of air or emission for analysis or tests, the form of Laboratory's report thereon, the fees payable in respect of such report and other matters as may be necessary or expedient to enable that Laboratory to carry out its functions, under sub-section (2) of section 28;

(*t*) the qualifications required for Government analysts under sub-section (1) of section 29;

(*u*) the qualification required for State Board analysts under sub-section (2) of section 29;

(*v*) the form and the manner in which appeals may be preferred, the fees payable in respect of such appeals and the procedure to be followed by the Appellate Authority in disposing of the appeals under sub-section (3) of section 31;

¹[(*w*) the form in which and the time within which the budget of the State Board may be prepared and forwarded to the State Government under section 34;

(*ww*) the form in which the annual report of the State Board may be prepared under section 35;]

(*x*) the form in which the accounts of the State Board may be maintained under the sub-section (1) of section 36;

²[(*xx*) the manner in which notice of intention to make a complaint shall be given under section 43;]

(*y*) the particulars which the register maintained under section 51 may contain;

(*z*) any other matter which has to be, or may be, prescribed.

(3) After the first constitution of the State Board, no rule with respect to any of the matters referred to in sub-section (2) [other than those referred to ³[[in clause (*aa*)]]] thereof, shall be made, varied, amended or repealed without consulting that Board.

[*The Schedule.*].—Omitted by the Air (Prevention and Control of Pollution) Amendment Act, 1987 (47 of 1987), s. 25(w.e.f. 1-4-1988).

1. Subs. by Act 47 of 1987, s. 24, for clause (*w*) (w.e.f. 1-4-1988).

2. Ins. by s. 24, *ibid.* (w.e.f. 1-4-1988).

3. Subs. by s. 24, *ibid.*, for "in clause (*a*)" (w.e.f. 1-4-1988).

THE AIR (PREVENTION AND CONTROL OF POLLUTION) (UNION TERRITORIES) RULES, 1983¹

In exercise of the powers conferred by section 54 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981), the Central Government, in consultation with the Central Board for the Prevention and Control of Water Pollution, hereby makes the following rules, namely:—

CHAPTER I PRELIMINARY

1. Short title, application and commencement.—(1) These Rules may be called the Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983.

(2) They shall apply to the Union Territories of Delhi, Pondicherry, Goa, Daman and Diu, Dadra and Nagar Haveli, Lakshadweep, Mizoram, Andaman and Nicobar Islands, Arunachal Pradesh and Chandigarh.

(3) They shall come into force on the date¹ of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Air (Prevention and Control of Pollution) Act, 1981, (14 of 1981);
- (b) "appellant" means any person aggrieved by the appealing against an order made by the Board;
- (c) "Appellate Authority" means an Appellate Authority constituted by the Central Government under sub-section (1) of section 31 of the Act;
- (d) "Board" means the Central Board for the Prevention and Control of Water Pollution constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (e) "Chairman" means a Chairman of the Board;
- (f) "consultant" means any person appointed as such under sub-section (5) of section 14;
- (g) "Form" means a Form appended to these rules;
- (h) "premises" means any building structure or load used for industrial or commercial purposes where pollution occurs;
- (i) "State Air Laboratory", in relation to a Union Territory, means a laboratory established or specified as such by the Central Government under sub-section (1) of section 28;
- (j) "section" means any section of the Act;

1. *Vide* G.S.R. 6 (E), dated 21st December, 1983, published in Gazette of India, Extra., Pt. II, Sec. 3 (i), dated 3rd January, 1984.

- (k) "Board Laboratory" means a laboratory established or recognised as such under sub-section (2) of section 17;
words and expressions used but not defined in these rules and defined in the Act shall have the meaning respectively assigned to them in the Act.

CHAPTER II CONSULTANTS

3. Appointment of consultants.—For the purpose of assisting the Board in the performance of its functions, the Chairman may appoint any qualified person to be consultant for a specific period not exceeding six months:

Provided that the Chairman may, with the prior approval of the Board extend the period of the appointment from time to time upto one year:

Provided further that the Chairman may, with the prior approval of the Board and the Central Government, appoint a consultant for a period beyond one year.

4. Power to terminate appointment.—Notwithstanding anything contained in rule 3, the Board shall have the right to terminate the appointment of the consultant before the expiry of the specific period for which he is appointed, if in the opinion of the Board, the consultant is not discharging his duties properly or to the satisfaction of the Board, or such a course of action is necessary in the public interest:

Provided that in cases where a consultant has been appointed with the prior approval of the Central Government, the termination of his appointment will be made only with the approval of the Central Government.

5. Emoluments of consultant.—The Board may pay the consultants suitable emoluments or fees depending on the nature of work and the qualification and experience of the consultant:

¹[Provided, that the Chairman shall not appoint any person as consultant without the prior approval of the Central Government if the Board recommends that the total emoluments or fee payable exceeds rupees five thousand per month:

Provided further that if a retired Government Officer is appointed as consultant his emoluments or fee shall be regulated in accordance with the instructions/orders issued by the Central Government in the Ministry of Personnel, Public Grievance and Pensions (Department of Personnel and Training) from time to time.]

6. Tours by consultant.—The consultant may with the prior approval of the Chairman undertake tours within the country for the performance of the duties entrusted to him by the Board and in respect of such tours he shall be entitled to travelling and daily allowances at the rate payable to a Grade I officer of the Central Government.

7. Consultant not to disclose information.—The consultant shall not, without the written permission of the Board, disclose any information either given by the Board or obtained during the performance of the duties assigned to him either by the Board or otherwise to any person other than Board.

1. Subs. by G.S.R. 569(E), dated 5th July, 1994.

CHAPTER III

NOTIFICATION OF AIR POLLUTION CONTROL AREA

8. **Manner of declaration of air pollution control area.**—(1) Every notification under sub-section (1) of section 19, declaring any area within any Union territory as air pollution control areas, shall specify—

- (a) the boundaries of the area if the area is not a whole district or the whole Union territory;
- (b) the date on which such declaration shall come into force.

(2) A notification referred to in sub-rule (1) shall be published in the Official Gazette and at least in one English and one vernacular daily newspapers having a circulation not less than five thousand in the Union territories.

CHAPTER IV

APPLICATION FOR CONSENT

9. **Form of application for consent and fees.**—(1) Every application for consent under sub-section (2) of section 21 shall be made in Form I and shall be accompanied by fees as specified below:

Industries having paid up capital	Fees Rs.
(i) Not exceeding Rs. 5,00,000	250
(ii) exceeding Rs. 5,00,000 but not exceeding Rs. 20,00,000	500
(iii) exceeding Rs. 20,00,000 but not exceeding Rs. 1 crore	1000
(iv) exceeding Rs. 1 crore	2000

(2) Every application for consent under the provision to sub-section (2) of section 21 shall be made within four months from the date of declaration of any area as air pollution control area.

10. **Procedure for making enquiry on application seeking consent.**—(1) On receipt of an application for consent, the Board may depute any of its officers, accompanied by as many assistants as may be necessary, to visit and inspect any place or premises under the control of the applicant or the occupier, for verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such further particulars or information, which in the opinion of such officer are essential. Such officer, for that purpose, may inspect any place or premises where solid, liquid or gaseous emission from the chimney or fugitive emissions from any location within the premises are discharged. Such officer may require the applicant or the occupier to furnish to him any plans, specifications or other data relating to control equipment or systems or any part thereof that he considers necessary.

(2) The officer referred to in sub-rule (1) shall, before visiting any of the premises of the applicant, give notice to the applicant of his intention to do so in Form II. The applicant shall furnish to such officer all information and provide all facilities for inspection.

(3) The officer may, before or after carrying out the inspection under sub-rule (1), require the applicant to furnish him orally or in writing such additional information or clarification or to produce before him such document as he may

consider necessary for the purpose of investigation of the application and may for that purpose summon the applicant or his authorised agent to the officer of the Board.

CHAPTER V

AUTHORITIES TO WHOM INFORMATION IS TO BE FURNISHED

11. Furnishing of information by the occupier.—The authorities referred to in sub-section (1) of section 23 shall be the Collector of the District, the Revenue Divisional Officer, the Health Officer, the Executive Authority of the municipal or local body concerned and the nearest police station.

CHAPTER VI

MANNER OF TAKING SAMPLES

12. Manner of taking samples.—(1) The person in-charge of the premises shall provide port-holes, platforms conveniently located, for easy access and all other facilities required for taking sample of air or emission from any chimney, flue or duct, plant or vessel or any other sources and outlets, stationary or mobile as may be required by the Board or any officer empowered by the Board in this behalf.

(2) The procedure for taking samples shall be such as may be felt necessary by the Board or any officer empowered by the Board in this behalf to suit the situation.

13. Form of notice.—Every notice under sub-section (3) of section 26 shall be in Form III.

CHAPTER VII

REPORT OF ANALYSIS

14. Form of report of the Board analyst and Government analyst.—(1) When a sample of any air or emission has been sent for analysis to the Board laboratory, the Board analyst shall analyse such sample and submit to the Board a report of the result of such analysis in Form IV in triplicate.

(2) When a sample of any air or emission has been sent for analysis to the State Air Laboratory, the Government analyst shall analyse such samples and submit to the Board a report of the result of such analysis in Form V in triplicate.

CHAPTER VIII

STATE AIR LABORATORY

15. Functions of the State Air Laboratory and fee for report.—The State Air Laboratory established by the Central Government for a Union territory shall cause to be analysed by the Government analyst any sample of air or emission received by it from any officer authorised by the Board for the purpose and shall be entitled to collect a fee for Rs. 200 for each of the Report.

16. Qualification of the Government Analyst or Board Analyst.—A person to be appointed as Government Analyst or Board Analyst shall hold at least a Second Class Masters Degree in Basic Science or Life Science and 3 years experience in environmental quality management.

17. Form of appeal and manner of preference.—(1) Every appeal under section 31 against an order passed by the Board shall be filed by the appellant in Form VII.

(2) Every appellant shall prefer appeal separately in his own name and no joint appeal made on behalf of more than one appellant shall be entertained by the Appellate Authority.

(3) (a) Every appeal shall—

- (i) be in writing,
- (ii) specify the name and address of the appellant and the date of the order appealed against,
- (iii) specify the date on which the order appealed against was communicated to the appellant,
- (iv) contain a statement of facts of the case and grounds relied upon by the appellant in support of the appeal,
- (v) state the relief prayed for, and
- (vi) be signed and verified by the appellant or an agent duly authorised by him in writing in this behalf.

(b) Every appeal shall be accompanied by:—

- (i) an authenticated copy of the order against which appeal is made,
 - (ii) a copy of the application made under section 21,
 - (iii) any document relating to the appeal, and
 - (iv) a satisfactory proof of the payment of fees specified in clause (c).
- (c) A fee of Rs. 50 shall be deposited by every appellant in the office of the Appellate Authority and an authenticated copy of the receipt obtained thereof shall be annexed to every appeal.
- (d) Every appeal shall be submitted in quadruplicate to the Appellate Authority by the appellant or his authorised agent in person or sent to such Authority by registered post. When the Appeal is presented by an agent duly authorised by the appellant, it shall be accompanied by a letter of authority written on a stamped paper of the value as required by law, appointing him as such an agent.
- (e) On receipt of the appeal, the Appellate Authority shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it, as the case may be.

18. Procedure to be followed by the Appellate Authority in dealing with and disposal of the appeal.—(1) The Appellate Authority shall, as soon as may be after the appeal is filed before it, fix a date for hearing of the appeal and give notice of the same to the applicant and Board in Form VIII. While giving such notice to the Board, a copy of the appeal, together with its enclosures, shall also be sent to the Board and he shall be called upon to send to the Appellate Authority, all the relevant records connected with the Appeal.

(2) Where the material on record is insufficient to enable the Appellate Authority to come to a definite decision, it may take additional evidence and call

for such further material from the appellant or the Board as it deems fit. Such material shall form part of the record only after the party other than that from whom such record has been received, has given an opportunity to pursue the same.

(3) Where on the date fixed for hearing or any date to which the hearing of the appeal may be adjourned, the appellant or his duly authorised agent does not appear when the appeal is called for hearing, the appeal shall be liable to be dismissed.

(4) Where an appeal is dismissed under sub-rule (3), the applicant may, within thirty days from the dismissal, apply to the Appellate Authority for restoration of the appeal and if it is shown to the satisfaction of the Appellate Authority that the appellant had not received intimation of the date of hearing appeal or was prevented by any cause, sufficient in the opinion of the Appellate Authority, from appearing when the appeal was called for hearing, the Appellate Authority may restore the appeal on such terms as it thinks fit.

(5) The order passed by the Appellate Authority on the appeal shall be in writing bearing the seal of the Appellate Authority and shall state the points before it for determination, the decision thereon, and the reasons for the decision.

(6) A copy of the order passed in appeal shall be supplied by the Appellate Authority free of cost to the appellant and a copy thereof shall also be sent to the Board.

19. Consent register.—The Board shall maintain a register in Form VI containing particulars of industrial plants to which consent have been granted under section 21.

20. Functions to be performed by the Board.—In addition to the functions specified in sub-section (1) of section 17, the Board shall conduct—

- (a) research and development work on the effect of air pollution on the environment, living and non-living,
- (b) performance studies on pollution control equipment to improve their efficiency for the purpose of enhancement of air quality, and
- (c) studies to determine the effect of air pollutant on the health of the people.

[CHAPTER IX

20A. Directions.—(1) Any direction issued under section 31A shall be in writing.

(2) The direction shall specify the nature of action to be taken and the time within which it shall be complied with by the person, officer or the authority to whom such direction is given.

(3) The person, officer or an authority to whom any direction is sought to be issued, shall be served, with a copy of the proposed direction, and shall be given an opportunity of not less than 15 days from the date of service of a notice to file with an officer designated in this behalf the objections, if any, to the issue of the proposed direction.

1. Chapter IX (containing rules 20A and 20B) ins. by G.S.R. 350 (E), dated 9th March, 1989 (w.e.f. 10-3-1989), as amended by G.S.R. 741 (E), dated 7th August, 1989.

(4) Where the proposed direction is for the stoppage or regulation of electricity or water or any other service affecting the carrying on of any industry, operation or process and is sought to be issued to an officer or an authority, a copy of proposed direction shall also be endorsed to the occupier of the industry, operation or process as the case may be, and objections if any, filed by the occupier with an officer designated now in this behalf shall be dealt with in accordance with the procedure under sub-rules (3) and (5) of this rule.

(5) The Central Pollution Control Board shall within a period of 45 days from the date of receipt of the objections, if any, or from the date up to which an opportunity is given to the person, officer or authority to file objections, whichever is earlier, after considering the objections, if any received from the person, officer or authority sought to be directed and for reasons to be recorded in writing, confirm, modify or decide not to issue the proposed direction.

(6) In a case where the Central Pollution Control Board is of the opinion that in view of the likelihood of a grave injury to the environment it is not expedient to provide an opportunity to file objections against the proposed direction, it may be reasons to be recorded in writing, issue directions without providing such an opportunity.

(7) Every notice or direction required to be issued under this rule shall be deemed to be duly served—

- (a) Where the person to be served is a Company, if the document is addressed in the name of the Company at its registered office or at its principal office or place of business and is either—
 - (i) sent by registered post, or
 - (ii) delivered at its registered office or at the principal office or place of business;
- (b) Where the person to be served is an officer serving Government, if the document is addressed to be person and a copy thereof is endorsed to the Head of the Department and also to the Secretary to the Government, as the case may be, in-charge of the Department in which, for the time being, the business relating to the Department in which the officer is employed is transacted, and is either—
 - (i) sent by registered post, or
 - (ii) is given or tendered to him;
- (c) in any other case, if the document is addressed to the person to be served and—
 - (i) is given or tendered to him, or
 - (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land, or building, if any, to which it relates, or
 - (iii) is sent by registered post to that person.

Explanation.—For the purpose of this sub-rule—

(a) "company" means any body corporate and includes a firm or other association of individuals;

(b) "a servant" is not a member of the family.

20B. Manner of giving notice.—The manner of giving notice under clause (b) of sub-section (1) of section 43 shall be as follows, namely:—

(i) The notice shall be in writing in Form IX;

(ii) The person giving notice may send it to—

(a) Board and (b) Ministry of Environment and Forests (represented by the Secretary, Government of India);

(iii) Notice shall be sent by registered post acknowledgement due; and

(iv) Period of sixty days mentioned in clause (b) of sub-section (1) of section 43 shall be reckoned from the date of its first receipt by one of the authorities mentioned above.]

21. Repeal and saving.—All rules corresponding to these rules and in force in a Union territory immediately before the commencement of these rules are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provision of these rules.

¹[FORM I

(See rule 9)

APPLICATION FOR CONSENT FOR EMISSION/CONTINUATION OF EMISSION UNDER SECTION 21 OF THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

From:

.....

To

The Member Secretary,
Central Pollution Control Board,

.....

.....

Sir,

I/We hereby apply for Consent/Renewal of Consent under section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) to bring into use a new/ altered *stack for the discharge of emission/to begin to make new discharge of emission/ to continue to discharge emission* from stack in industry owned by.....

For Office Use Only

1. Subs. by G.S.R. 379(E), dated 31st March, 1992. Earlier Form I was substituted by G.S.R. 350 (E), dated 9th March, 1989 (w.e.f. 10-3-1989) as amended by G.S.R., 741(E), dated 7th August, 1989.

1. Code No.
2. Whether the unit is situated in a critically Polluted area as identified by Ministry of Environment & Forests

To be filled in by Applicant

Part A—General

3. (a) Name of Owner/Occupier
(b) Name and address of the unit and location
4. (a) Whether the unit is generating hazardous waste as defined in the Hazardous Waste (Management and Handling) Rules, 1989
(b) if so the category No.
5. (a) Total capital invested on the project
(b) Year of commencement of production
(c) Whether the industry works general/2 shifts/round the clock
6. (a) List and quantum of products and by-products
(b) List and quantum of raw materials used
7. Furnish a flow diagram of manufacturing process showing input and output in terms of products and waste generated including for captive power generation and detaineralised water:

Part B—Pertaining to sewage and trade effluent

8. Quantity and source of water for
 - (a) Cooling m³/d
 - (b) Process m³/d
 - (c) Domestic use m³/d
 - (d) Others m³/d
9. Sewage and trade effluent discharge
 - (a) quantum of discharge m³/d
 - (b) Is there any effluent treatment plant
 - (c) If yes, a brief description of unit operations with capacity

- (d) Characteristics of final effluent pH
Suspended Solids
Dissolved Solids
Chemicals Oxygen Demand (COD)
Biochemical Oxygen Demand (BOD)/20°C
Oil and grease 20°C (Additional parameters as specified by the concerned Pollution Control Board)
- (e) Mode of disposal and final discharge point (enclose map showing discharge point)
- (f) Parameters and Frequency of self-monitoring

Part C—Pertaining to stack and vent emissions

- 10. (a) Number of stacks and vents with height and dia (m)
- (b) Quality and quantity of stack emission from each of the above stacks particulate matter and Sulphur Dioxide (SO₂) (Additional parameters as specified by the concerned Pollution Control Board).
- (c) A brief account of the air pollution control unit to deal with the emission
- (d) Parameters and Frequency of self monitoring

Part D—Pertaining to hazardous waste and hazardous chemicals

- 11. Solid wastes
 - (a) Total quantum of generation
 - (b) Quantum of hazardous waste generated and its nature, as defined under the Environment (Protection) Act, 1986. (See the Hazardous Wastes Management and Handling Rules, 1989)
 - (c) Mode of storage within the plant, method of disposal and any other information sought by the concerned Pollution Control Board.
- 12. (a) Hazardous Chemicals as defined under Environment (Protection) Act, 1986 (See the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989)

(b) Whether any isolated storage is involved if yes, attach details Yes/No

(c) Whether emergency plans are prepared for taking
 —on-site measure Yes/No
 —off-site measure Yes/No

I/We enclose herewith Cash Receipt No.....Bank draft No.....
 Dated.....for Rs.....(Rupees.....) in favour of the Central
 Pollution Control Board, New Delhi towards the fees payable under section 25 of the Act.

Yours faithfully,

Name and Signature of applicant

Notes.—1. Any applicant knowingly giving incorrect information or suppressing any information pertaining thereto shall be liable to be punished under the Act.
 2. *Strike out which is not relevant.]

FORM II

CENTRAL POLLUTION CONTROL BOARD

[See rule 10(2)]

NOTICE OF INSPECTION

Chairman

Member-Secretary.....

Shri.....

No.....

Dated.....

To

Take Notice that for the purpose of enquiry under section 21 the following officers of the Central Board, namely:—

(i) Shri.....

(ii) Shri.....

(iii) Shri.....

and the persons authorised by the Board to assist them shall inspect—

Any systems of your Industrial Plant.

Any other parts thereof or pertaining thereto under management/control of date (a).....between.....Hours when all facilities requested by them for such inspection should be made available to them on the site. Take Notice that refusal or denial to above stated demand made under the functions of the Central Board shall amount to obstruction punishable under section 37(1) of the Act.

By order of the Board
 Member-Secretary

Copy to:

1.
2.
3.

FORM III**CENTRAL POLLUTION CONTROL BOARD**

(See rule 13)

NOTICE OF INTENTION TO HAVE SAMPLE ANALYSED

To

Take notice that it is intended to have analysed the sample of Air emission from your premises, which is being taken today the.....day of.....20.... from (i)

Name and designation of the person who takes the sample

(i) Here specify the stack, Chimney or any other emission outlets.

To

.....

FORM IV**CENTRAL POLLUTION CONTROL BOARD**

(See rule 14)

REPORT BY THE CENTRAL BOARD ANALYST

Report No.

Dated the

I hereby certify that I, (I)..... Central Board analyst duly appointed under sub-section 3 of section 26 of the Air (Prevention and Control of Pollution) Act 1981, received on the (II).....day of.....20..... from (III).....a sample of for analysis. The sample was in a condition fit for analysis reported below:

I further certify that I have analysed the afore-mentioned sample on (IV) and declare the result of the analysis to be as follows:—

(V).....

The condition of the seals, fastening and container on receipt was as follows:—

Signed this.....day of.....20.....

Address.....

(Signature)

Central Board Analyst

To

.....

(I) Here write the full name of the Central Board analyst.

(II) Here write the date of receipt of the sample.

- (III) Here write the name of the Board of person or body of persons or officer from whom the sample was received.
- (IV) Here write the date of analysis.
- (V) Here write the details, of the analysis and refer to the method of analysis. If the space is not adequate the details may be given on a separate sheet of paper.

FORM V
REPORT BY THE GOVERNMENT ANALYST

[See rule 14(2)]

Report No.....

Dated the

I hereby certify that I, (I).....Government analyst duly appointed under sub-section (1) of section 27 of the Air (Prevention and Control of Pollution) Act, 1981, received on the (II)..... day of.....20.....from (III).....a sample of.....for analysis. The sample was in a condition fit for analysis reported below :

I further certify that I have analysed the aforementioned sample on (IV)..... and declare the result of the analysis to be as follows:—

(V)

.....

Signed this.....day of.....20.....

Address.....

(Signature)

.....

(Government Analyst)

To

.....

.....

- (I) Here write the full name of the Government analyst.
- (II) Here write the date of receipt of the sample.
- (III) Here write the name of the Board or person or body of persons or office from whom the sample was received.
- (IV) Here write the date of analysis.
- (V) Here write the details of the analysis and refer to the method of analysis. If the space is not adequate the details may be given on a separate sheet of paper.

FORM VI
CENTRAL POLLUTION CONTROL BOARD

(See rule 19)

FORM OF CONSENT REGISTER

I. General

- (a) Consent is issued to:

.....

(Corporation, Company, Government Agency, Firm, etc.)

- (b) Postal Address:.....

.....

II. Location of plant or facilities: (Latitude and longitude must be to the nearest of 15 seconds)

(a) Nearest City.....District.....

(b) Latitude.....Longitude.....

(c) Is it located in air pollution control area—Yes/No.

If yes, Identification of air pollution control area.

III. Type of operation or process:

(a) Name of operation or process

(b) Schedule identification number

IV. Consent classification:

Yes

No

(a) Proposed

(b) Now operating

(c) Modification of existing emission source

(d) Location change

(e) Ownership change

(f) Present consent order Number if any

V. Implementation dates:

(a) In the case of proposed industries Operation expected to begin

(day)

(month)

(year)

(b) air pollution control equipment and emission to be installed standards achieved by

(day)

(month)

(year)

VI. Emission Standards:

Emission source Number (from plot plan)	Air Pollutant emitted	Emission rate kg/hour of standard/see
1	2	3

VII. Consent conditions if any:

FORM VII

[See sub-rule (1) of rule 17]

FORM OF APPEAL

*(Here mention the name and designation of the authority)

Before*

Appellate Authority constituted under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).

Memorandum of appeal of
Shri.....

(Appellant)

v.

The Central Pollution Control Board..... (Respondent)

The appeal of Shri..... Resident of..... District.....
against the order..... dated..... passed by the Central Pollution
Control Board under section 21/22 of the Air (Prevention and Control of Pollution) Act,
1981 sheweth as follows:—

- (1) Under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 (14 of 1981) the appellant has been granted consent subject to the conditions mentioned in the consent order in respect of the.....company/corporation/municipality/notified area committee etc., noted below:

- (a) Name of the plant/company/corporation/municipality/notified area committee :
- (b) Place
- (c) Card No.
- (d) Name of the street; and
- (e) District

A copy of the consent order in question is attached hereto.

- (2) The facts of the case are as under:
(here briefly mention the facts of the case)
- (3) The grounds on which the appellant relies the purpose of this appeal are as below:—(here mention the grounds on which appeal is made)
- 1.
 - 2.
 - 3.

- (4) In the light of what is stated above, the appellant respectfully prayeth that
- (a) the unreasonable condition(s).....imposed should be treated as annulled or it/they should be constituted for such other conditions as it appears to be reasonable
 - or
 - (b) the unreasonable condition(s).....should be varied in the following manner (Here mention the manner in which the condition(s) objected) An amount of Rs.....as fee for this appeal has been paid vide receipt No..... dated.....an authorised copy of which is attached in proof of payment.

Signature of the Applicant

Name.....

(in Block letters)

Occupation.....

Address.....

.....

Date.....

VERIFICATION

I.....(appellant's name) in the above Memorandum of appeal/or/duly authorised agent do/does hereby declare that what is stated therein is true to the best of my knowledge and belief and nothing has been hidden thereunder.

Signature.....

Name.....

(in block letters)

60 *The Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983* [Form VII]

Occupation.....

Address.....

Dated.....

*Strike out which is not applicable.

FORM VIII

[See rule 18(1)]

FORM OF NOTICE

*(Here mention name and designation of the Authority)

Before*.....Appellate Authority as constituted under section 31(1) of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981).

In the matter of appeal No...../20.....filed under section 31 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) by Shri.....

(here mention the name and address of the appellant)

Whereas Shri.....
(here mention the name and address of the appellant)

has filed before the Authority a Memorandum of appeal against the order.....
dated.....passed by the Central Pollution Control Board under section 20/21/22 of the Act.

And whereas under sub-section (4) of section 31 of the Act, this authority is required to give to the parties an opportunity of being heard. Now, therefore, please take notice that this authority has fixed.....as date of hearing of the aforesaid appeal. The hearing shall take place at.....AM/PM on that date in the office of the Board ¹[or the Appellate Authority] at New Delhi. You are hereby called upon to appear before this Authority at the appointed time and date and place, either in person or through a duly authorised agent, and explain your case. Please take notice that failure on your part to appear on the day of hearing either in person or through authorised agent, without showing sufficient cause to the satisfaction of this Authority will make your appeal liable to be dismissed or decided *ex parte*.

Given under the hand and seal of the Appellate Authority at.....

This.....day.....

²[FORM IX

(See rule 20B)

FORM OF NOTICE

By Regd. Post AD

From (1)

Shri

.....

.....

1. Ins. by G.S.R. 651(E), dated 29th June, 1989 (w.e.f. 29-6-1989).

2. Ins. by G.S.R. 350(E), dated 9th March, 1989 (w.e.f. 10-3-1989) as amended by G.S.R. 741(E) dated 9th August, 1989.

Form IX] *The Air (Prevention and Control of Pollution) (Union Territories) Rules, 1983* 61

To

.....

Notice under section 43(1)(b) of the Air (Prevention and Control of Pollution) Act, 1981

Whereas an offence under the Air (Prevention and Control of Pollution) Act, 1981 has been committed/is being committed by (2).....

I/We hereby give notice of 60 days under section 43(1)(b) of the Air (Prevention and Control of Pollution) Act, 1981 of my/our intention to file a complaint in the court against (2).....for violation of section(s) of the Air (Prevention and Control of Pollution) Act, 1981.

In support of my/our notice, I and/we are enclosing the following documents (3) as its evidence of proof of violations of the Air (Prevention and Control of Pollution) Act, 1981.

.....
 Signature(s)

Place.....

Date.....

Explanation.—

- (1) In case the notice is given in the name of a Company, documentary evidence authorising the person to sign the notice on behalf of the Company shall be enclosed to this notice. Company for this purpose means a Company defined in explanation to section 40 of the Air (Prevention and Control of Pollution) Act, 1981.
- (2) Here give the name and address of the alleged offender. In case of a manufacturing/processing/operating unit, indicate the name/location/nature of activity, etc.
- (3) Documentary evidence shall include photographs/technical reports/health reports of the area etc. for enabling enquiry into the alleged violation/offence.]



2025 INSC 923

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 757-760 OF 2013

DELHI POLLUTION CONTROL COMMITTEE ...APPELLANT(S)

VERSUS

LODHI PROPERTY CO. LTD. ETC. ...RESPONDENT(S)

WITH

CIVIL APPEAL NO(S). 1977-2011 OF 2013

J U D G M E N T

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1. Introduction.

1. The Delhi Pollution Control Committee (DPCC)¹ is in appeal against the judgment of the Division Bench of the High Court holding that it is not empowered to levy compensatory damages in exercise of powers under Section 33A of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31A of the Air (Prevention and Control of Pollution) Act, 1981² on the ground that such an action amounts to imposition of penalty provided for in Chapters VII and VI of the respective Acts, and as such, procedure contemplated thereunder will be the only method for imposing and collecting compensatory damage.

2. Having considered the principles that govern Indian environmental laws, we have held that the environmental regulators, the Pollution Control Boards exercising powers under the Water and Air Acts, can impose and collect restitutionary or compensatory damages in the form of fixed sum of monies or require furnishing of bank guarantees as an *ex-ante* measure to prevent potential environmental damage. These powers are

¹ DPCC is a regulatory body in the National Capital Territory of Delhi, established as a 'State Board'. These Boards are constituted under section 4 of the Water Act and under section 4 or section 5 of the Air Act, and exercise powers granted under section 33A of the Water Act and section 31A of the Air Act. Our interpretation of section 33A and 31A herein will apply to any such body established under said Acts.

² Hereinafter referred to as the Water Act and Air Act respectively.

incidental and ancillary to the empowerment under Sections 33A and 31A of the Water and Air Acts. At the same time, we have directed that the powers must be exercised as per procedure laid down by subordinate legislation incorporating necessary principles of natural justice, transparency and certainty.

2. Facts.

3. It is the case of the Delhi Pollution Control Committee that pursuant to the directions of the Ministry of Environment, Forest and Climate Change (MoEFCC) to take appropriate action against certain entities operating in violation of the environmental norms, show cause notices were issued for violation of Section 25 of the Water Act and Sections 21 and 22 of the Air Act. These entities were either residential complexes, commercial complexes or shopping malls. The show cause notices were issued on the ground that they proceeded with construction and in fact, were operating without obtaining the mandatory “consent to establish” and “consent to operate” under Section 25 of the Water Act and Section 21 of the Air Act. The show cause notices were challenged by way of 38 writ petitions before the Delhi High Court. The challenge culminated in the judgement of a single judge dated 30.09.2010 in

the case of *Splendor Landbase Ltd. v. DPCC*³. The learned single judge considered the question as to whether a State Board can levy environmental damages in the form of fixed sums of money or require an entity to furnish a bank guarantee as a condition for grant of consent under Section 33A of Water Act and/or Section 31A of Air Act. Similar writ petitions were considered and decided by another single judge bench in *Bharti Realty Ltd. v. DPCC* and *Anush Finlease and Construction v. DPCC* on 20.07.2011 and 15.09.2011 and were disposed of in terms of the decision in *Splendor Landbase Ltd. v. DPCC*. The reasoning adopted in the judgement and orders passed by the Single Judges are as follows.

3. Single Judge's Judgement and Orders.

4. In *Splendor Landbase Ltd. v. DPCC*⁴, the ld. single judge by his judgement dated 30.09.2010 dealt with two major issues – firstly, whether proprietors of properties over 20,000 square meters are required to obtain *consent to establish* and *consent to operate* under Water Act and Air Act independently, despite obtaining EIA Clearance from the Ministry; and secondly, whether Boards can levy penalties, fines, environmental damages in form

³ 2012 (195) DLT 177.

⁴ Hereinafter referred to as *Splendor*.

of fixed sums of monies or call for bank guaranties as a condition to grant consent under Water and Air Acts? While the first question was answered in the affirmative, the second was answered in the negative.

4.1 It was held that the power to levy penalty is in the nature of a penal power and as such a penalty cannot be imposed without there being an enabling statutory power. For this reason, the single judge held that Board has no power to levy penalty or damage, even on the basis of the general powers under Sections 31A or 33A of the Acts. The learned Judge criticized the monetary demand as a pre-condition for grant of consent under the Acts on the ground that it has no statutory backing.

4.2 In the other batch of cases i.e. in *Bharti Realty Ltd. v. DPCC* and *Anush Finlease and Construction Ltd. v. DPCC*, decided on 12.07.2011 and 15.09.2011, the learned Single Judge was constrained to enquire into the matter in detail as writ appeals against the judgement in *Splendor* were already pending before a Division Bench. Therefore, the Single Judge allowed the writ petitions following the decision in *Splendor* and holding that the Board has no power to impose and collect compensatory damages. In these cases, the learned Judge also directed refund of the

amounts collected. However, no interest was granted to the respondents as they chose to comply with the demand instead of challenging the same at the relevant point in time.

4. Impugned Order of the Division Bench.

5. The decisions of the single judges were challenged by the appellant before the Division Bench of the High Court. By the judgement impugned before us, the Division Bench upheld the findings of the Single Judge in *Splendor* that the power to issue directions under Sections 33A and 31A under the two Acts does not confer the power to levy ‘penalty’. The High Court further observed that under Chapter VII and Chapter VI of the Water and Air Acts penalties can be levied only by courts and that too after taking cognizance of offences specified under the two Acts. Provided that the procedure so prescribed under the statute has to be followed mandatorily, the Division Bench held that the appellant would not be entitled to impose compensation or direct deposit of bank guarantees. The relevant portion of the Division Bench of the High Court is as follows –

“37. We concur with the reasoning of the learned Single Judge in paras 58 to 64 of the impugned decision and thus do not elaborate any further, but would additionally highlight that, the power to issue directions under Section 33A of the Water Act and the power to issue directions under Section 31A of the

Air Act, on their plain language, does not confer the power to levy any penalty. We would further highlight that under Chapter VII of the Water Act and under Chapter VI of the Air Act penalties and procedure to levy the same have been set out. A perusal of the provisions under the Water Act would reveal that penalties can be levied as per procedure prescribed and only Courts can take cognizance of offences under the Act and levy penalties, whether by way of imprisonment or fine. Similar is the position under the Air Act. The legislature having enacted specific provisions for levy of penalties and procedures to be followed has specifically made the offences cognizable by Courts and the power to levy penalties under both Acts has been vested in the Courts. The role of the Pollution Control Boards is to initiate proceedings before the Court of Competent jurisdiction and no more.

40. The language of Sub-Section 5 of Section 25 of the Water Act makes it plain clear that the only solution to a situation of a building being constructed to establish an industry, operation or process without obtaining prior consent of the State Pollution Control Board is the power of the Board to serve upon the person concerned a notice imposing such conditions as might have been imposed on an application, seeking prior consent and we find that the learned Single Judge has correctly so opined and has rightly issued the direction that the only way out, pertaining to the Water Act is to permit DPCC to inspect the shopping malls and the shopping commercial complexes and if it is found that pertaining to discharge of sewage from these buildings any steps are required to prevent water pollution DPCC would be authorized to issue notices requiring the owner of the building to take steps in terms of the notice issued. Pertaining to the Air Act notwithstanding there being no similar provision, but the concept of a post decisional hearing may be made applicable with the modification that no hearing would be required inasmuch as there is no decision, but DPCC should be empowered to inspect the shopping malls and the shopping, commercial complexes and pertaining to air pollution, if the owners of the buildings do not take corrective action, DPCC would always have the power to file criminal complaints before the Courts of Competent Jurisdiction, which Courts would alone have the power to impose fine and additionally impose sentence of imprisonment upon the offending persons.

42. In a few cases, we find that since DPCC was not permitting the buildings to be occupied, under protest, the owners paid the penalty to DPCC and have immediately approached the Court seeking refund and the same has been ordered for the reason neither under the Water Act nor under the Air Act there exists any power in DPCC to levy penalty or impose conditions

of furnishing bank guarantee. The decision of the learned Single Judge is correct in directing the bank guarantees to be discharged and penalties levied to be refunded for the reason the said act of DPCC is ultra-vires its power under the two statutes and the levy of penalty is without any authority of law. In the decision reported as 1997 [5] SCC 535 Mafatlal Industries Ltd. & Ors. Vs UOI & Ors., under writ jurisdiction refund can be directed where the levy is without jurisdiction and the same would include a penalty levied without any jurisdiction. In the instant case the penalty levied is unconstitutional being not sanctioned by any power vested in DPCC either under the Water Act or the Air Act. The impugned decisions where penalty levied has been directed to be refunded are upheld.”

5. Submissions.

6. Mr. Pradeep Mishra appearing on behalf of the appellant DPCC submitted that the High Court erred in holding that the State Boards are not empowered to impose environmental damages under Sections 33A and 31A of Water and Air Acts. He has argued that the application of the principle of *Polluter Pays* is distinct from the requirement of authority of law to impose tax or penalty.

7. On behalf of the respondents, Mr. Ninad Laud has submitted that as per broad scheme of the Acts and also the statement of objects and reasons, State Boards are empowered to act on their own while enforcing Sections 25 and 26 and also while issuing directions under Sections 33A and 31A. However, when faced with non-compliances, recourse to judicial process is contemplated

under Sections 49 and 43 of Water and Air Acts respectively. Further, neither Rule 34 of Water (Prevention & Control of Pollution) Rules 1975 nor Rule 20A of Air (Prevention & Control of Pollution) Rules 1983, while providing a mechanism to administer Section 33A and Section 31A, contemplate monetary penalties. Countering the submission of Mr. Pradeep Misra on the principle of *Polluter Pays* to encourage reading the power to impose and collect environmental damages under Sections 33A and 31A of the respective Acts, he would submit such an approach is impermissible as the said power is specifically and separately provided under Chapters VII and VI therein. Relying on the decision of this Court in *MC Mehta v. Kamal Nath*⁵, he would submit, after considering the scheme of penal provisions under Water Act, Air Act and Environment (Protection) Act 1986, the Supreme Court held that penalties under the Acts befall a person only after finding of guilt upon trial by a court of law. Referring to the legitimacy of State Board's action demanding bank guarantees to secure compliance with conditions, he would submit that no penalty, other than that contemplated in the statute or statutory

⁵ (2000) 6 SCC 213, para 13-17.

scheme can be imposed.⁶ We have also heard Mr. Pinaki Misra, Senior Advocate and other learned counsel and they have strongly supported the decision of the Division Bench.

7.1 Counsel for M/s Laxmi Buildtech Pvt Ltd⁷ has submitted that they have neither violated nor acted in breach of any provision of environmental laws and therefore they cannot be subjected to any penalty or criminal prosecution. Counsel for other respondents further submitted that they have deemed consent as well as EIA clearance from the Ministry. They have also submitted that imposition and collection of damages by the State Boards is outside the powers vested in them under the Water and Air Acts.

7.2 Counsel for M/s Bharti Realty Ltd has submitted that it is a settled principle of law that if a statute provides for a thing to be done in a particular manner, then it has to be done in that manner and no other.⁸ This principle, according to the learned counsel, squarely applies to the present case as Chapter VII and Chapter VI of the Water and Air Acts have a prescribed procedure to be followed before imposing penalties. It is further argued that the

⁶ *State of MP v. Centre for Environment Protection Research & Development*, (2020) 9 SCC 781.

⁷ Civil Appeal No. 2001 of 2013.

⁸ *Chandra Kishore Jha v. Mahavir Prasad & Ors*, (1999) 8 SCC 266.

role of any State Board is in the nature of a complainant and not that of an adjudicatory authority. In this vein, it is submitted that any other interpretation would render the chapter on 'Penalties and Procedures' nugatory and otiose. It is also submitted that the power to give directions under Sections 33A and 31A of the Water and Air Acts is "subject to provisions of this Act". Written submissions also refer to the recent amendments to the Water and Air Acts, empowering an Adjudicating Officer, not below the rank of Joint Secretary of Government of India or Secretary to State Government, for imposing penalties for contravention of provisions of the Acts.

6. Issue.

8. The core question in these appeals is - whether the regulatory boards can, in exercise of powers under Section 33A of the Water Act and Section 31A of the Air Act, impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an *ex-ante* measure towards potential environmental damage?

7. Existing Legal Regime for Pollution Control in India.

9. Under the Water Act and the Air Act, the State Boards have a broad statutory mandate to prevent, control and abate water pollution and air pollution. Under Section 17 of the Water Act, the State Boards are to shoulder enormous responsibilities and their functions are reproduced herein for ready reference -

“Section 17. Functions of State Board – (1) Subject to the provisions of this Act, the functions of a State Board shall be—
(a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;

(b) to advise the State Government on any matter concerning the prevention, control or abatement of water pollution;

(c) to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof;

(d) to encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;

(e) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;

(f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;

(g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;

(h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;

- (i) to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;*
- (j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;*
- (k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;*
- (l) to make, vary or revoke any order—*
 - (i) for the prevention, control or abatement of discharges of waste into streams or wells;*
 - (ii) requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or adopt such remedial measures as are necessary to prevent, control or abate water pollution;*
- (m) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;*
- (n) to advise the State Government with respect to the location of any industry the carrying on of which is likely to pollute a stream or well;*
- (o) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.*
- (2) The Board may establish or recognize a laboratory or laboratories to enable the Board to perform its functions under this section efficiently, including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.”*

10. Section 17 of the Air Act⁹, substantially similar to its equivalent under the Water Act, also indicates the crucial

⁹ Section 17 of Air Act states –

17. Functions of State Boards.— (1) Subject to the provisions of this Act, and without prejudice to the performance of its functions, if any, under the Water (Prevention and Control of Pollution) Act, 1974, the functions of a State Board shall be—

- (a) to plan a comprehensive programme for the prevention, control or abatement of air pollution and to secure the execution thereof;*
- (b) to advise the State Government on any matter concerning the prevention, control or abatement relating to air pollution;*

responsibilities of the State Boards in discharge of their mandate. Chapter V of the Water Act and Chapter IV of the Air Act include provisions that prescribe the regulatory powers of the State Boards. These powers include the power to issue, modify or withdraw consent¹⁰, power to obtain information¹¹, power of entry and inspection¹² and power to take samples¹³.

8. Insertion of Sections 33A & 31A in Water and Air Acts.

11. In 1988, both Acts were amended. Notably, through amendments the State Boards were further empowered to give

(c) to collect and disseminate information relating to air pollution;

(d) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of air pollution and to organise a mass-education programme relating thereto;

(e) to inspect, at all reasonable times, any control equipment, industrial plant or manufacturing process and to give, by order, such directions to such persons as it may consider necessary to take steps for the prevention, control or abatement of air pollution;

(f) to inspect air pollution control areas at such intervals as it may think necessary, assess the quality of air therein and take steps for the prevention, control or abatement of air pollution in such areas;

(g) to lay down, in consultation with the Central Board and having regard to the standards for the quality of air laid down by the Central Board, standards for emission of air pollutants into the atmosphere from industrial plants and automobiles or for the discharge of any air pollutant into the atmosphere from any other source whatsoever not being a ship or an aircraft: Provided that different standards for emission may be laid down under this clause for different industrial plants having regard to the quantity and composition of emission of air pollutants into the atmosphere from such industrial plants;

(h) to advise the State Government with respect to the suitability of any premises or location for carrying on any industry which is likely to cause air pollution;

(i) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government;

(j) to do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.

(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently.

¹⁰ Sections 25, 27 of Water Act and Section 21 of Air Act

¹¹ Section 20 of Water Act and Section 25 of Air Act

¹² Section 23 of Water Act and Section 24 of Air Act

¹³ Section 21 of Water Act and Section 26 of Air Act

directions under Section 33A of the Water Act and Section 31A¹⁴ of the Air Act. These two provisions are identically worded. Section 33A of the Water Act is as under;

“Section 33A. Power to give directions.—Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.”

12. The directions contemplated under Sections 33A and 31A of the Water and Air Acts must be in furtherance of the powers and functions of the Boards and they must be in writing. These provisions, declares that the power to issue directions will include the power to direct closure, prohibition or regulation of any

¹⁴ Section 31A of the Air Act states –

31A. Power to give directions.—Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.

industry, operation or process. Further, this power extends to directing the stoppage or regulation of supply of electricity, water or any other service. The power to give directions has been worded broadly, and it allows the Boards significant flexibility in deciding the nature of directions. The legislative intention of granting these powers through the 1988 amendment can be inferred from the Statement of Objects and Reasons of the Water Act, which reads as follows –

“2. The Water Act is implemented by the Central and State Governments and the Central and State Pollution Control Boards. Over the past few years, the implementing agencies have experienced some more administrative and practical difficulties in effectively implementing the provisions of the Act. The ways and means to remove these difficulties have been thoroughly examined in consultation with the implementing agencies. Taking into account the views expressed, it is proposed to amend certain provisions of the Act in order to remove such difficulties....

3. The Bill, inter alia, seeks to make the following amendments in the Act, namely:—

....

(iv) in order to effectively prevent water pollution, the penal provisions of the Act are proposed to be made stricter and bring them at par with the punishments prescribed in the Air (Prevention and Control of Pollution) Act, 1981 as amended by Act 47 of 1987;

....

(vi) it is proposed to empower the Boards to give directions to any person, officer or authority including the power to direct closure or regulation of offending industry, operation or process or stoppage or regulation of supply of services such as water and electricity;”

13. Similar objective is expressed for the amendment introduced in the Air Act.¹⁵

14. An appeal against directions issued under Section 33A of the Water Act by the State Board can be filed before the National Green Tribunal under Section 33B, introduced in 2010¹⁶. Unlike the Water Act there is no specific Appeal provision against directions issued under Section 31A of the Air Act. This asymmetry must be addressed legislatively.

15. Offences and penalties under the two Acts, and the related procedures, are covered in Chapter VII of the Water Act and Chapter VI of the Air Act. These chapters have undergone significant and substantial amendments. Prior to the amendments, the two Acts stipulated penalties in the form of

¹⁵ Statement of Objects and Reasons for Air Act states, “2. *The Air Act is implemented by the Central and State Governments and the Central and State Boards. Over the past few years, the implementing agencies have experienced some administrative and practical difficulties in effectively implementing the provisions of this Act and have brought these to the notice of Government. The ways and means to remove these difficulties have been thoroughly examined in consultation with the concerned Central Government departments, the State Governments and the Central and State Boards. Taking into account the views expressed, the Government have decided to make certain amendments to the Act in order to remove such difficulties.* 3. *The Bill, inter alia, seeks to make the following amendments in the Act, namely—*

....
iv) *In order to prevent effectively air pollution, the punishments provided in the Act are proposed to be made stricter.*

....
(vii) *It is proposed to empower the Boards to give directions to any person, officer or authority including the power to direct closure or regulation of offending establishments or stoppage or regulation of supply of services such as, water and electricity.* (viii) *It is proposed to empower the Boards to approach courts to obtain orders restraining any person from causing air pollution.”*

¹⁶ Act 19 of 2010.

imprisonment, monetary fine or both for offences under the statute. Courts could only take cognizance of an offence if a complaint was filed by a Board or any officer authorized by it, or by any person who had given notice of the alleged offence and of his intention to make a complaint. No court inferior to that of a Metropolitan Magistrate or a Judicial magistrate of the first class can try an offence punishable under the two Acts. Be that as it may, for the present purpose we have to examine and interpret Sections 33A and 31A of the Water and Air Acts.

9. Interpretation of and for Environmental Institutions.

16. Our constitutionalism bears the hallmark of an expansive interpretation of fundamental rights. But such creative expansion is only a job half done if the depth of the remedies, consequent upon infringement, remain shallow. In other words, remedial jurisprudence must keep pace with expanding rights and regulatory challenges. It is not sufficient that courts adopt injunctory, mandatory and compensatory remedies, but our regulators also must be empowered in that regard. However, the legislative grammar must be elastic for us to infuse the regulators with power to fashion different remedies. This infusion must also be tampered with the necessary guidelines and parameters of

exercise of remedial powers, failing which such infusion would aid arbitrary use. Our firm view is that remedial powers or restitutionary directives are a necessary concomitant of both the fundamental rights of citizens who suffer environmental wrongs and an equal concomitant of the duties of a statutory regulator, which are informed by Part IV A of the constitution. To that extent, the functions and powers of a regulator must be inspired by the obligation in Part IV A and Article 48 A. The State's '*endeavour to protect and improve the environment*' will be partial, if it does not encompass a duty to retribute.

17. Of all the duties imposed under Article 51A, the obligation to conserve and protect water and air, is perhaps the most significant, amidst our climate change crisis. The Water Act and the Air Act institutionalised all efforts and actions that need to be taken to protect air that we breathe and water that we consume by creating the Pollution Control Boards. These Boards functioning as our environment regulators are expected to act with *institutional foresight* by evolving necessary policy perspectives and action plans. Working with perpetual seal and succession, they are to develop and retain *institutional memory* so that they can act on the basis of the experience, data and information that they would have

gathered and processed. *Institutional expertise* is critical, and these bodies are to employ human resource which have domain expertise and talent. These bodies are intended to maintain *institutional integrity* by taking independent and objective decisions without governmental or industrial control. These values flow naturally if there is *institutional transparency and accountability*. It is in this perspective that we need to interpret Section 33A of the Water Act and 31A of the Air Act.

10. Duty to Restitute v. Power to Punish and Penalise.

18. There is a distinction between an action for environmental damages for restitution or remediation and imposition of penalties or fines levied at the culmination of a punitive action. This Court in *M.C. Mehta* (supra), while referring to the provisions of the Water Act, Air Act and the Environment Protection Act observed –

“17. All the three Acts, referred to above, also contemplate the taking of the cognizance of the offences by the court. Thus, a person guilty of contravention of provisions of any of the three Acts which constitutes an offence has to be prosecuted for such offence and in case the offence is found proved then alone can he be punished with imprisonment and fine or both. The sine qua non for punishment of imprisonment and fine is a fair trial in a competent court. The punishment of imprisonment or fine can be imposed only after the person is found guilty.”

“24. Pollution is a civil wrong. By its very nature, it is a tort committed against the community as a whole. A person, therefore, who is guilty of causing pollution has to pay

damages (compensation) for restoration of the environment and ecology. He has also to pay damages to those who have suffered loss on account of the act of the offender....”

19. Therefore, Indian law distinguishes between the imposition of a monetary penalty or fine, which constitutes punitive action following a determination of guilt after adherence to the statutorily prescribed procedure, and the payment of damages for restitution or remediation as compensatory relief.

20. In this context, it is important to turn to one of the key principles of Indian environmental law – the *Polluter Pays* principle. This principle has been a part of Indian jurisprudence since 1996. In *Indian Council for Enviro-Legal Action v. Union of India*¹⁷, this Court held that according to the *Polluter Pays* principle the responsibility for repairing the damage is that of the offending industry. The Court further held that the powers of the Central Government to issue directions under Section 5 read with Section 3 of the Environment Protection Act include the power to impose costs for remedial measures -

“60. ... Section 3 of the Environment (Protection) Act, 1986 expressly empowers the Central Government (or its delegate, as the case may be) to “take all such measures as it deems necessary or expedient for the purpose of protecting and improving the quality of environment...”. Section 5 clothes the Central Government (or its delegate) with the power to issue

¹⁷ (1996) 3 SCC 212

directions for achieving the objects of the Act. Read with the wide definition of ‘environment’ in Section 2(a), Sections 3 and 5 clothe the Central Government with all such powers as are “necessary or expedient for the purpose of protecting and improving the quality of the environment”. The Central Government is empowered to take all measures and issue all such directions as are called for for the above purpose. In the present case, the said powers will include giving directions for the removal of sludge, for undertaking remedial measures and also the power to impose the cost of remedial measures on the offending industry and utilise the amount so recovered for carrying out remedial measures. This Court can certainly give directions to the Central Government/its delegate to take all such measures, if in a given case this Court finds that such directions are warranted. ...

67. The question of liability of the respondents to defray the costs of remedial measures can also be looked into from another angle, which has now come to be accepted universally as a sound principle, viz., the “Polluter Pays” principle. ...Thus, according to this principle, the responsibility for repairing the damage is that of the offending industry. Sections 3 and 5 empower the Central Government to give directions and take measures for giving effect to this principle. In all the circumstances of the case, we think it appropriate that the task of determining the amount required for carrying out the remedial measures, its recovery/realisation and the task of undertaking the remedial measures is placed upon the Central Government in the light of the provisions of the Environment (Protection) Act, 1986. It is, of course, open to the Central Government to take the help and assistance of State Government, RPCB or such other agency or authority, as they think fit.”

(emphasis added)

21. Subsequently, the Court in *Vellore Citizens’ Welfare Forum v. Union of India*¹⁸, has held that the liability for environmental damage includes both a compensatory aspect and a restorative or remedial aspect-

“12. ... The “Polluter Pays Principle” as interpreted by this Court means that the absolute liability for harm to the

¹⁸ (1996) 5 SCC 647

environment extends not only to compensate the victims of pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of “Sustainable Development” and as such the polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology.”

(emphasis added)

22. Application of the *Polluter Pays* principle not only includes payment for restoring the damaged environment, taking remedial action to deal with the damage and compensating for the direct harm caused, but also for avoiding pollution. In *Research Foundation for Science (18) v. Union of India*¹⁹, this Court held -

“29. The polluter-pays principle basically means that the producer of goods or other items should be responsible for the cost of preventing or dealing with any pollution that the process causes. This includes environmental cost as well as direct cost to the people or property, it also covers cost incurred in avoiding pollution and not just those related to remedying any damage. It will include full environmental cost and not just those which are immediately tangible. The principle also does not mean that the polluter can pollute and pay for it. The nature and extent of cost and the circumstances in which the principle will apply may differ from case to case.”

(emphasis added)

23. The Court further held that the observations of the Court in *Deepak Nitrite Ltd. v. State of Gujarat*²⁰ that “mere violation of the law in not observing the norms would result in degradation of environment would not be correct” were confined to the facts of that

¹⁹ (2005) 13 SCC 186.

²⁰ (2004) 6 SCC 402

case. The Court clarified that the actual degradation of the environment is not a necessary condition for the application of polluter pays principle, as long as the offending activities have the potential of degrading the environment -

“30...The decision also cannot be said to have laid down a proposition that in the absence of actual degradation of environment by the offending activities, the payment for repair on application of the polluter-pays principle cannot be ordered. The said case is not relevant for considering cases like the present one where offending activities have the potential of degrading the environment. In any case, in the present case, the point simply is about the payments to be made for the expenditure to be incurred for the destruction of imported hazardous waste and amount spent for conducting tests for determining whether it is such a waste or not...”

(emphasis added)

24. The distinction between a punitive action and a direction to pay environmental damages was made by the National Green Tribunal in *State Pollution Control Board, Odisha v M/s Swastik Ispat Pvt Ltd and Others*²¹. The Tribunal in this case was considering the legality of forfeiture of bank guarantees in case a defaulting industry did not comply with the regulatory conditions within the stipulated timeframe. The Tribunal expressly considered the opinion of the High Court in the impugned judgment before us today and held -

“45. It is evident from the above facts and the reasoning that there was actual levy of penalty or damages by the DPCC and

²¹ 2014 SCC OnLine NGT 13.

it was in consequence of such imposition of penalty/ damages that the Units were called upon to furnish bank guarantees for granting of consent. In other words, bank guarantee was required to be furnished in furtherance to the imposition of a penalty or damages in that case. It was not an act de hors the imposition of penalty and had the element of punitive action. In the present case, it is not a consequence of a punitive or penal action but is in exercise of the powers vested in the Board in relation to recalling the conditions of consent and ensuring their implementation while also making compensatory provision for remedying the apprehended wrong to the environment. In the cases in hand, the Board has not imposed any penalty upon the units but has granted consent to them on certain conditions, none of which is punitive. They squarely fall within the power of the Board to prevent and control pollution in consonance with the scheme of the Acts concerned. Thus, on facts, the judgments of the High Court in Splendor (supra) do not have any application to the present case. In any case, we are of the considered view that asking for a bank guarantee as an interim measure for due performance of the conditions of the consent order being compensatory in nature, is not punitive.

46. We have already noticed above that there is a clear distinction between a penal and a compensatory provision. In such matters, the paramount question that would normally fall for determination before a court or tribunal would be whether the action contemplated is penal or compensatory. This issue shall have to be decided with reference to the facts of the case, the provisions of the law applicable and the intent of the authority concerned. Once it falls in the 'compensatory' field, then it will necessarily be beyond the purview of penalty...."

(emphasis added)

25. In *Swastik Ispat*, the Green Tribunal correctly interpreted Sections 33A and 31A of the Water and Air Acts. The judgment of the High Court in *Splendor* had not yet been taken up or considered by this Court at that time, the Tribunal had to distinguish the facts of *Splendor* to arrive at its own conclusion. In view of our reasoning and interpretation of Sections 33A and 31A

of the Water and Air Acts, we have no hesitation to hold that the Green Tribunal is correct in its approach.

26. More recently, in *T.N. Godavarman Thirumulpad, In Re v. Union of India*²², this Court while considering the issue of illegal construction in the Corbett Tiger Reserve drew the distinction between action against persons violating the law and measures for restoration of the environmental damage. The Court held -

“173. ... However, the principle of restoration of damaged ecosystem would require the States to promote the recovery of threatened species. We are of the considered view that the States would be required to take steps for the identification and effective implementation of active restoration measures that are localised to the particular ecosystem that was damaged. The focus has to be on restoration of the ecosystem as close and similar as possible to the specific one that was damaged.

175. We find that, bringing the culprits to face the proceedings is a different matter and restoration of the damage already done is a different matter. We are of the considered view that the State cannot run away from its responsibilities to restore the damage done to the forest. The State, apart from preventing such acts in the future, should take immediate steps for restoration of the damage already done; undertake an exercise for determining the valuation of the damage done and recover it from the persons found responsible for causing such a damage.”

(emphasis added)

11. Principles.

27. Based on a review of precedents on this issue, the following legal position emerges –

²² (2025) 2 SCC 641

- I. There is a distinction between a direction for payment of restitutionary and compensatory damages as a remedial measure for environmental damage or as an *ex-ante* measure towards potential environmental damage on the one hand; and a punitive action of fine or imprisonment for violations under Chapters VII of the Water Act and VI of the Air Act on the other hand.
- II. If directions in furtherance of restitutionary and compensatory measures are issued, these are not to be considered as punitive in nature. Punitive action can only be taken through the procedure prescribed in the statute for example under chapters VII and VI of the Water and Air Acts respectively.
- III. Indian environmental law has assimilated²³ the principle of *Polluter Pays* and there is also a statutory incorporation of this principle in our laws.²⁴ The invocation of this principle is triggered in the situations²⁵; i) when an established threshold or prescribed requirement is exceeded or

²³ *Indian Council for Enviro-Legal Action* (supra n.12); *Vellore* (supra n 13).

²⁴ **Section 20. Tribunal to apply certain principles-** *The Tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle.*

²⁵ Loveleen Bhullar, 'The Polluter Pays Principle: Scope and Limits or Judicial Decisions'; in Shibani Ghosh (ed.), *Indian Environmental Law* (Orient BlackSwan 2019).

breached, and it does result in environmental damage, ii) when an established threshold or prescribed requirement is not exceeded or breached, nevertheless the act in question results in environmental damage and also iii) when a potential risk or a likely adverse impact to the environment is anticipated, irrespective of whether or not prescribed thresholds or requirements are exceeded or breached.

IV. Environmental regulators have a compelling duty to adopt and apply preventive measures irrespective of actual environmental damage. *Ex-ante* action shall be taken by these regulators and for this purpose a certain measure in exercise of powers under Sections 33A and 31A of the Water and Air Acts is necessary.

V. The powers of the Boards under Sections 33A and 31A of the Water and Air Acts are identical to that of Section 5 of the Environment Protection Act. Under Section 5, the Central Government or its delegate has the power to issue directions to the polluting industry to pay certain amounts and utilise the said fund for carrying out remedial measures. The Boards are empowered to take similar actions under Sections 33A and 31A of the Acts.

28. Having considered the principles that govern our environmental laws and on interpretation of Sections 33A and 31A of the Water and Air Acts, we are of the opinion that that the Division Bench of the High Court was not correct in restrictively reading powers of the Boards. We are of the opinion that these regulators in exercise of these powers can impose and collect, as restitutionary or compensatory damages fixed sum of monies or require furnishing bank guarantees as an *ex-ante* measure towards potential or actual environmental damage.

29. There is no doubt that Section 33A of the Water Act and Section 31A of the Air Act give the State Boards powers to issue necessary directions for environmental restoration, remediation and compensation and for the payment of costs for the same. The National Green Tribunal's judgment in *Swastik Ispat* correctly identified the Boards powers to issue directions for payment of environmental damages under Section 33A of the Water Act and the Section 31A of the Air Act. A restrictive interpretation which fails to differentiate between environmental damages and punitive action significantly encumbers the Boards ability to discharge its duties.

30. The Board's powers under Section 33A of the Water Act and Section 31A of the Air Act have to be read in light of the legal position on the application of *Polluter Pays* principle as formulated and explained. This means that State Board cannot impose environmental damages in case of every contravention or offence under the Water Act and Air Act. It is only when the State Board has made a determination that some form of environmental damage or harm has been caused by the erring entity, or the same is so imminent, that the State Board must initiate action under Section 33A of the Water Act and Section 31A of the Air Act.

31. At this stage, we must also take note of the recent 2024 amendments²⁶ to the Water and Air Acts. Two major changes relevant for our consideration are that of decriminalisation²⁷ and introduction of the office of "Adjudicatory Officer"²⁸. Even after the

²⁶ The Water (Prevention and Control of Pollution) Amendment Act, 2024, Jan Vishwas (Amendment of Provisions) Act, 2023.

²⁷ Section 41 in the erstwhile Water Act has been substituted by sections 41 and 41A, whereby contravention of directions issued under section 20 (for obtaining information), 32 (for imposing emergency measures in case of pollution), 33 (for restraining apprehended pollution) or 33A would now be punishable by penalty alone; thereby replacing the earlier penal framework comprising of imprisonment *and* fine. Similar amendments done for section 42 (penalty for certain acts), section 43 for contravention of directions under section 24 (prohibiting use of stream or well), section 44 (prohibiting alteration of meter, etc.), and section 45A (residuary). Correspondingly, under the Air Act criminal liability under section 37 for contravention of directions under section 22 (restricting emission beyond standards) or section 31A has been restricted to fine alone. Similar amendments have been brought in section 38 and 39 (residuary). Punishment for imprisonment has been retained only for violation of section 21 and failure to pay penalty or additional penalty under section 39D.

²⁸ In the Water Act, section 45B puts in place a new office by the title of 'Adjudicating Officer', who would be an officer not below the rank of Joint Secretary to the Centre or Secretary to the State, appointed by the Central Government. Adjudicating Officer is empowered to inquire

amendments, in our opinion, there is no conflict between the powers of the State Boards to direct payment of environmental damages under Sections 33A and 31A of the Water and Air Acts and the powers of the Adjudicating Officer to impose penalties under Chapter VII of the Water Act and Chapter VI of the Air Act. The decriminalization of offences under these Chapters has not removed the punitive nature of actions that can be taken under them. There remains a clear distinction between the nature of directions that the State Boards can issue under Sections 33A and 31A of the Water and Air Acts for payment of environmental damage and the determination by Adjudicating Officers. The former is compensatory in nature and will be resorted to when remedial measures are being undertaken to restore the degraded environment or pollution caused. The latter is a penalty for an offence under the law and is imposed with the objective of punishing the offender. This penalty collected here will not be specifically directed towards the restoration of the degraded environment (for instance, to decontaminate a pond that has been

and impose penalties under sections 41, 41A, 42, 43, 44, 45A and 48. Appeal against such imposition lies before the National Green Tribunal as per section 45C. The Adjudicating Officer is further empowered to file a complaint for cognizance under section 49. Corresponding additions have been made under the Air Act as well under sections 39A (Adjudicating Officer), 39B (Appeal to NGT) and 43 (Cognizance of offences).

polluted due to discharge of untreated sewage). It will be deposited in the Environmental Protection Fund that is to be set up under Section 16 of the Environment (Protection) Act. According to Section 16(3) of the EP Act, the Fund shall be used for, (a) the promotion of awareness, education and research for the protection of environment; (b) the expenses for achieving the objects and for purposes of the Air (Prevention and Control of Pollution) Act, 1981(14 of 1981) and under this Act; and (c) such other purposes, as may be prescribed.

A. Board's Responsibility to Choose Appropriate Course of Action.

32. Given their broad statutory mandate and the significant duty towards public health and environmental protection the Boards must have the power and distinction to decide the appropriate action against a polluting entity. It is essential that the Boards function effectively and efficiently by adopting such measures as is necessary in a given situation. The Boards can decide whether a polluting entity needs to be punished by imposition of penalty or if the situation demands immediate restoration of the environmental damage by the polluter or both.

B. Powers Must Be Guided by Transparency and Non-Arbitrariness.

33. While we hold that the Boards have the power to direct the payment of environmental damages, we make it clear that this power must always be guided by two overarching principles. First, that the power cannot be exercised in an arbitrary manner; and second, the process of exercising this power must be infused with transparency.

34. This Court has underscored the importance of strong institutional frameworks in environmental governance that are effective, accountable and transparent. In *Bengaluru Development Authority v. Sudhakar Hegde*²⁹, this Court held -

“95. The protection of the environment is premised not only on the active role of courts, but also on robust institutional frameworks within which every stakeholder complies with its duty to ensure sustainable development. A framework of environmental governance committed to the rule of law requires a regime which has effective, accountable and transparent institutions. Equally important is responsive, inclusive, participatory and representative decision-making. Environmental governance is founded on the rule of law and emerges from the values of our Constitution. Where the health of the environment is key to preserving the right to life as a constitutionally recognised value under Article 21 of the Constitution, proper structures for environmental decision-making find expression in the guarantee against arbitrary action and the affirmative duty of fair treatment under Article 14 of the Constitution. Sustainable development is premised not merely on the redressal of the failure of democratic institutions in the protection of the environment, but ensuring that such failures do not take place.”

(emphasis added)

²⁹ (2020) 15 SCC 63

35. To ensure that the Boards impose restitutionary and the compensatory environmental damages in a fair transparent, non-arbitrary manner, with procedural certainty, necessary subordinate legislation in the form of rules and regulations must be notified. This shall include methods by which environmental damage is determined, and the consequent quantum of damages are assessed. They may also incorporate certain basic principles of natural justice for fairness in action. At present environmental damages are being levied by the Boards on the basis of certain guidelines issued by the Central Pollution Control Board in its document “*General framework for imposing environmental damage compensation*” issue in December, 2022. These guidelines seem to have been issued pursuant to the directions of the NGT.³⁰ It is important that these guidelines are reviewed thoroughly and issued in the form of Rules and Regulations. This will enable declaration of a law that applies and ensures its recognition and easy implementation.

36. These Rules must also create enabling framework for citizens to file complaints about environmental damage. Public participation in environmental protection has assumed great

³⁰ Pursuant to the NGT in its order in O.A. No. 606/2018 dated 24.04.2019.

importance with climate change threatening to drastically disrupt our way of living. Boards, being the first line of defence against polluting activities, must provide easy accessibility and encourage public participation in their function and decision making.

37. While we have reversed the decision of the High Court on the principle of law and hold that the environmental regulators, the Pollution Control Boards, can impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an *ex-ante* measure towards potential environmental damage in exercise of powers under Sections 33A and 31A of the Water and Air Acts, we issue the following consequential directions.

38. In view of the fact that the show cause notices in these cases relate to the year 2006 and those show cause notices were set-aside by the Single as well as by the Division Benches of the High Court, we are of the opinion that no purpose will be served in reviving the said show cause notices at this point of time. In the facts and circumstances of the case while we allow the appeal on the principle of law there shall not be any consequential direction for reviving the show cause notices which have been set-aside concurrently by the Single as well as by the Division Bench of the

High Court. If certain amounts have been collected on the basis of the said show cause notices they shall be returned by DPCC within a period of six weeks from the date of this order, and if amounts are not deposited or collected the appellant, DPCC shall not take any further action.

39. For the reasons stated above:

(a) we allow these appeals and set aside the judgement and order dated 23.01.2012, passed by the Division Bench of the High Court of Delhi to the extent of declaration of law but direct that the show cause notices that have been set aside by the High Court shall not be revived.

(b) we direct that the Pollution Control Boards can impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an *ex-ante* measure towards potential environmental damage in exercise of powers under Sections 33A and 31A of the Water and Air Acts.

(c) it is further directed that the power to impose or collect restitutionary or compensatory damages or the requirement to furnish bank guarantees as an *ex-ante* measure under Sections 33A and 31A of the Water and Air Acts shall be enforced only after

detailing the principle and procedure incorporating basic principles of natural justice in the subordinate legislation.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[MANOJ MISRA]

**NEW DELHI;
AUGUST 04, 2025**

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ANNEXURE A/13 (Colly)

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By Speed Post

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 3 rd Floor, B-Block, DMRC IT Park, Shastri Park, Delhi-110053 visit us at : http://dpcc.delhigovt.nic.in	

F. No. DPCC-J013/10/2024-CMC/ 1128-30

Dated: 22/07/2025

To,

M/s Mohd. Farooq (Owner) Gulaab (Tenant)
S/o Farooq Ahmed
C-10, G/F, Kh. no. 24, Radha Vihar, Saboli,
Opposite wine shop, Delhi-110093.

Subject: Show Cause Notice for Closure u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date.

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 Air (Prevention & Control of Pollution) Act, 1981.

And whereas, Central Pollution Control Board has delegated all its powers and functions under Air (Prevention & Control of Pollution) Act, 1981 and under Water (Prevention & Control of Pollution) Act, 1974 in respect of Union Territory of Delhi to Delhi Pollution Control Committee vide notification No. S.O. 198(E) 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, it is mandatory provision under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall Establish an industrial unit in an Air Pollution Control Area of Union Territory of Delhi.

And whereas, an inspection was carried out at the premises **M/s Mohd. Farooq (Owner) Gulaab (Tenant) S/o Farooq Ahmed, C-10, G/F, Kh. no. 24, Radha Vihar, Saboli, Opposite wine shop, Delhi-110093** on **23.04.2025 & 24.04.2025** and following are the observations:

Inspection findings dated 23.04.2025:

1. Unit found locked from outside during inspection on 23.04.2025. Some traces of bhatti were clearly visible through the hole on the main gate.
2. Inspection couldn't be done. Therefore, inspection Notice was pasted on main gate of the unit on 23.04.2025.

Inspection findings dated 24.04.2025:

1. During inspection on 23.04.2025, Bhatti (furnace) was clearly visible. However, during inspection on 24.04.2025, unit owner has completely covered up the furnace with bags of scrap one over the other.

2. No consent shown by unit representative.
3. No traces of unapproved fuel were found in the premises during inspection.
4. PNG infrastructure not found installed.

And whereas, you (the addressee) found operating your unit **without Consent to operate** from DPCC and it was observed that you are not complying with the provisions under Air & Water Acts and activity carried out by the addressee unit falls under **Orange Category** as per DPCC categorisation and **polluting in nature**.

Now therefore, as decided by the Competent Authority in Delhi Pollution Control Committee, in exercise of powers conferred upon it, under the provisions of the u/s 31(A) of Air (Prevention & Control of Pollution) Act, 1981 as amended to date, hereby called upon to show cause as to why following directions should not be confirmed:

1. That you (the addressee unit) shall close your unit with immediate effect.
2. That the concerned Sub Divisional Magistrate shall take necessary action for the effective closure of the addressee unit with immediate effect.
3. That the concerned authority in BSES shall disconnect the electricity/power supply connection of the addressee unit or used by the unit of the addressee unit with immediate effect.
4. That the concerned authority in DJB shall disconnect the water supply connection of the addressee unit with immediate effect.

In view of the above, you the addressee are required to take necessary rectification measures to control the pollution and shall submit your reply, if any, along with supporting documents to this office within 15 days from the date of service of this notice. In case of failure, it will be assumed that you have nothing to say in this regard and the aforesaid proposed directions shall be confirmed without any further reference. This may also be treated as an opportunity of being heard.

This is being issued as per the approval of the Competent Authority, DPCC.

Meghraj Singh Rawat
Digitally signed by
Meghraj Singh Rawat
Date: 2025.07.21
16:12:46 +05'30'

SEE, CMC-I
msrawat.dpcc@nic.in

Copy to:

- ✓ 1. Incharge IT Cell, with request for uploading on DPCC website.
2. Master file, CMC-1.

By Speed Post

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 3rd Floor, B-Block, DMRC IT Park, Shastri Park, Delhi-110053 visit us at : http://dpcc.delhigovt.nic.in	

F. No. DPCC-J013/10/2024-CMC1/ 1134-36

Dated: 22/07/2024

To,

M/s Pratap Singh S/o Hoti Lal
 B-11, Kh.No. 25, Radha Vihar,
 New Mandoli Industrial Area, Delhi-110093.

Subject: Show Cause Notice for Closure u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date.

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 Air (Prevention & Control of Pollution) Act, 1981.

And whereas, Central Pollution Control Board has delegated all its powers and functions under Air (Prevention & Control of Pollution) Act, 1981 and under Water (Prevention & Control of Pollution) Act, 1974 in respect of Union Territory of Delhi to Delhi Pollution Control Committee vide notification No. S.O. 198(E) 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, it is mandatory provision under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall Establish an industrial unit in an Air Pollution Control Area of Union Territory of Delhi.

And whereas, an inspection was carried out at the premises **M/s Pratap Singh S/o Hoti Lal B-11, Kh.No. 25, Radha Vihar, New Mandoli Industrial Area, Delhi-110093** on **23.04.2025** and following are the observations:

1. Unit found operational and engaged in activity of Mfg. of Gas Burners by using pig iron (Orange Category).
2. No ECS installed over the furnace. Furnace is being fired through usage of unapproved fuel.
3. Unit has not obtained Consent form DPCC for appropriate activity. Unit having consent under white category for the activity of Lamps and Burner without buffing and electroplating.
4. Power supply to the unit through sub meter was disconnected by BSES officials.

And whereas, you (the addressee) found operating your unit **without Consent to operate** from DPCC and it was observed that you are not complying with the provisions under Air & Water Acts and activity carried out by the addressee unit falls under **Orange Category** as per DPCC categorisation and **polluting in nature**.

Now therefore, as decided by the Competent Authority in Delhi Pollution Control Committee, in exercise of powers conferred on it, under the provisions of the u/s 31(A) of Air (Prevention & Control of Pollution) Act, 1981 as amended to date, hereby called upon to show cause as to why following directions should not be confirmed:

1. That you (the addressee unit) shall close your unit with immediate effect.
2. That the concerned Sub Divisional Magistrate shall take necessary action for the effective closure of the addressee unit with immediate effect.
3. That the concerned authority in BSES shall disconnect the electricity/power supply connection of the addressee unit or used by the unit of the addressee unit with immediate effect.
4. That the concerned authority in DJB shall disconnect the water supply connection of the addressee unit with immediate effect.

In view of the above, you the addressee are required to take necessary rectification measures to control the pollution and shall submit your reply, if any, along with supporting documents to this office within 15 days from the date of service of this notice. In case of failure, it will be assumed that you have nothing to say in this regard and the aforesaid proposed directions shall be confirmed without any further reference. This may also be treated as an opportunity of being heard.

This is being issued as per the approval of the Competent Authority, DPCC.

Meghraj
Singh Rawat

Digitally signed by
Meghraj Singh Rawat
Date: 2025.07.21
16:12:15 +05'30'

SEE, CMC-I
msrawat.dpcc@nic.in

Copy to:

- ✓ 1. Incharge IT Cell, with request for uploading on DPCC website.
2. Master file, CMC-1.

By Speed Post/Email



F. No. DPCC-J023/7/2025-CMC-I/ 646-48

Date: 20/06/25

To,

M/s Glorious Luxuriously/Vijay and Company,
(Prop./Owner/Representative Sh. Paras Tayal/Ms. Seema Tayal)
Plot-1 B, CBD Shahdara
Delhi-110032

Subject: Show Cause Notice (SCN) for Closure u/s 31 (A) of Air (Prevention and Control of Pollution) Act, 1981 & u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended to date and SCN for imposition of Environmental Compensation (EC).

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, it is mandatory provision under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall establish or operate any industrial plant in air pollution control area.

And whereas, it is mandatory provisions u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 that no person without the previous consent of DPCC shall Establish or take any steps to establish any industry, 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, you, **M/s Glorious Luxuriously/ Vijay and Company, (Prop./Owner/Representative- Sh. Paras Tayal/ Ms. Seema Tayal), Plot-1 B, CBD Shahdara, Delhi-110032** (hereinafter referred as the addressee) is engaged in the activity of **Banquet hall/ community hall** at the above said address.

And whereas, an inspection of your unit was conducted by officials/representatives of Delhi Pollution Control Committee on 25.04.2025 and the observations/deficiencies found during inspection were as follows:-

1. Unit found operational & engaged in the activity of Banquet Hall having seating capacity minimum 101.
2. No ETP installed at the premises.
3. No channelization provided over kitchen exhaust.
4. Unit has not applied for Consent to Establish (CTE) & Consent to Operate (CTO) under Air and Water Act.
5. 02 DG set of capacity 250 KVA & 320 KVA found in the premises not complying with the provisions of CAQM directions regarding DG set.

And whereas, activity carried out by the addressee unit falls under Orange category as per DPCC categorisation, and as per the extant policy of DPCC dated 30.03.2022 and based on the deficiencies observed during inspection, you shall be liable to pay Environmental Compensation (EC) amount of **Rs. 7,50,000/- (Rupees Seven lakh fifty thousand only)** to DPCC in the form of DD in favour of DPCC.

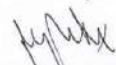
Therefore, in exercise of powers conferred upon it, under the provisions of said acts as amended to date, hereby issue the following proposed directions:

1. That you (the addressee) shall rectify the deficiencies and apply for consent to establish/operate with immediate effect.
2. That you (the addressee) shall close your unit with immediate effect.
3. That the concerned Sub-Divisional Magistrate shall ensure effective closure of the said unit with immediate effect.
4. That the concerned authority in BSES shall disconnect the electricity/power supply of the said unit with immediate effect.
5. That the concerned authority in DJB shall disconnect the water supply connection of the said unit with immediate effect.

Hence by way of this notice, you are hereby given an opportunity to rectify the deficiencies and submit your reply as to why the aforesaid proposed directions should not be confirmed & Environmental Compensation (EC) of **Rs. 7,50,000/- (Rupees Seven lakh fifty thousand only)** should not be levied upon you (addressee unit). Your reply should reach this office within 15 days from the date of service of this notice, failing which it shall be assumed that you have nothing to say in this regard and the competent authority of DPCC shall be free to take action as proposed above.

This may also be treated as an opportunity of being heard.

This is being issued with the approval of the Competent Authority, DPCC.


M.S. Rawat
SEE, CMC-I

(e-mail: msrawat.dpcc@nic.in)

Copy to:

- ✓ 1. The Incharge IT Cell : with a request to upload this on DPCC website.
2. Master file, CMC-I
3. Office Copy

By Speed Post/Email



F. No. DPCC-J023/7/2025-CMC-I/ 649-51

Date: 26/06/25

To,

**M/s Hotel Ginger Ms Roots Corporation Limited,
Plot no. C, G.F, 3rd floor, 7th & 8th floor,
Vivek Vihar, Delhi -110095**

Subject: Show Cause Notice (SCN) for Closure u/s 31 (A) of Air (Prevention and Control of Pollution) Act, 1981 & u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended to date, SCN for revocation of consent and SCN for imposition of Environmental Compensation (EC).

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, it is mandatory provision under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall establish or operate any industrial plant in air pollution control area.

And whereas, it is mandatory provisions u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 that no person without the previous consent of DPCC shall Establish or take any steps to establish any industry, operation or process or any treatment and disposal system an extension or addition thereto, which is likely to discharge sewage or trade effluent into a stream or on land.

And whereas, you, **Hotel Ginger Ms Roots Corporation Limited, Plot no.C, G.F, 3rd floor, 7th floor & 8th floor Vivek Vihar Delhi -110095** (hereinafter referred as the addressee) is engaged in the activity of **Hotel/ Guest Houses having upto 50 rooms (double bed) or 100 rooms (single bed) (excluding 3 Star and above) - connected to / Discharging Effluent into Public / Municipal / DJB Sewer and having Kitchen and / or Laundry without Boiler** at the above said address.

And whereas, an inspection of your unit was conducted by officials/representatives of Delhi Pollution Control Committee on 05.03.2025 and the observations/deficiencies found during inspection were as follows:-

1. Unit found operational & engaged in the activity of Hotels/Guest house having upto 50-100 rooms except 3 star & above.
2. **STP found installed. However, a bypass was found during inspection.**
3. 02 DG sets having capacity of 160,250 KVA each were found installed in the premises and complying w.r.t CAQM Direction no. 76.
4. Unit has obtained consent under Orange category valid upto 13.01.2035

5. Channelization system found installed & operational provided over kitchen exhaust.

And whereas, activity carried out by the addressee unit falls under Orange category as per DPCC categorisation, and as per the extant policy of DPCC dated 30.03.2022 and based on the deficiencies observed during inspection for by-pass use in STP, you shall be liable to pay Environmental Compensation (EC) amount of **Rs. 3,75,000/- (Rupees Three Lakh and Seventy Five Thousand only)** to DPCC in the form of DD in favour of DPCC.

Therefore, in exercise of powers conferred upon it, under the provisions of said acts as amended to date, hereby issue the following directions:

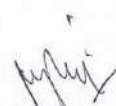
1. That you (the addressee) shall close your unit with immediate effect.
2. That the concerned Sub-Divisional Magistrate shall ensure effective closure of the said unit with immediate effect.
3. That the concerned authority in BSES shall disconnect the electricity/power supply of the said unit with immediate effect.
4. That the concerned authority in DJB shall disconnect the water supply connection of the said unit with immediate effect.

Your consent to operate shall be revoked with immediate effect.

Hence by way of this notice, you are hereby given an opportunity to rectify the deficiencies and submit your reply as to why the aforesaid proposed directions should not be confirmed & Environmental Compensation (EC) of **Rs. 3,75,000/- (Rupees Three Lakh and Seventy Five Thousand only)** should not be levied upon you (addressee unit) besides revocation of consent to operate of your unit. Your reply should reach this office within 15 days from the date of service of this notice, failing which it shall be assumed that you have nothing to say in this regard and the competent authority of DPCC shall be free to take action as proposed above.

This may also be treated as an opportunity of being heard.

This is being issued with the approval of the Competent Authority, DPCC.


M.S. Rawat
SEE, CMC-I
(e-mail: msrawat.dpcc@nic.in)

Copy to:

- ✓ 1. The Incharge IT Cell : with a request to upload this on DPCC website.
2. Master file, CMC-I
3. Office Copy

By Speed Post



DELHI POLLUTION CONTROL COMMITTEE
3rd Floor, Block-1, DMRC IT Park, Shastri Park,
Delhi-110053

(Visit us at: <https://dpcc.delhigovt.nic.in>)



F. No. DPCC/CMC-VII/E- 220359/C&D/2024/ 6215-20

Dated: 21-7-25

Subject: Revocation of Directions issued u/s 31 (A) of Air (Prevention and Control of Pollution) Act, 1981 - reg

Whereas, you, Mr. Daya Shankar Kohli, PLOT NO.875 -A, KHASRA NO.403/29, BLOCK NO.E, EAST PARK ROAD, KAROL BAGH, NEW DELHI-110005 (hereinafter referred as addressee) was operating the C&D site.

And whereas, Directions for closure u/s 31 (A) of Air (Prevention and Control of Pollution) Act, 1981 were issued vide F. No. DPCC/CMC-VII/E- 220359/C&D/2024/5898-5903 dated 30.05.2025.

And whereas, you, the addressee unit have submitted representation along with requisite surety bond and undertaking wherein it is stated that you have complied all the deficiencies observed during inspection.

And whereas, you, the addressee unit has deposited EC of Rs. 1,30,000/- (Rupees one lakh thirty thousand only) vide DD No. 000154 dated 18.06.2025 in response to the order for conformation of EDC issued vide F. No. DPCC/CMC-VII/E- 220359/C&D/2024/5261-64 dated 16.01.2025.

And whereas, case of addressee unit has been considered by the competent authority, DPCC and decided to revoke the said closure directions.

Now therefore, in view of the decision taken by the Competent Authority, the said Directions for closure dated 30.05.2025 issued u/s 31 (A) of Air (Prevention and Control of Pollution) Act, 1981, to the addressee C&D site is hereby revoked with immediate effect.

This is being issued as per the decision of the Competent Authority.

To,

Mr. Daya Shankar Kohli,
PLOT NO.875 -A, KHASRA NO.403/29, BLOCK NO.E,
EAST PARK ROAD, KAROL BAGH, NEW DELHI-110005

Incharge, CMC-VII

Sanjay Vatts
Environmental Engineer
Delhi Pollution Control Committee
1st Floor, Vikas Bhawan-II,
Upper Bela Road, Civil Line,
Delhi-110054

Copy for necessary action and information to:-

1. The Member (Water Supply), Delhi Jal Board, Varunalya Phase-II, Jhandewalan, New Delhi-110055 – with request to reconnect/not to disconnect the water supply connection of said site with immediate effect.
2. The SDM, (Karol Bagh), Flatted Factory Complex, Central, Block E, Jhandewalan Extension, Jhandewalan, New Delhi, Delhi, 110005– with request to de-seal the said site /premises with immediate effect.
3. The CEO (BSES, YPL), CBD-III GRID, Ground floor, Opposite Aggarwal Fun City Mall, Karkardooma, Delhi-110032- with request to restore the electricity/power supply of the said site with immediate effect.
4. Incharge, IT Cell, DPCC – with request to upload on DPCC website.
5. Master file, CMC-VII

JEE, CMC-VII
HARS:IT
Junior Environmental Engineer



DELHI POLLUTION CONTROL COMMITTEE
3rd Floor, Block-1, DMRC IT Park, Shastri Park,
Delhi-110053
(Visit us at: <https://dpcc.delhigovt.nic.in>)



F. No. DPCC/CMC-VII/E- 220359/C&D/2024/ 6209-14

Dated: 21-7-25

Subject: Revocation of Directions issued u/s 31 (A) of Air (Prevention and Control of Pollution) Act, 1981 - reg

Whereas, you, **Anil, Bakshi, 27 New Rohtak Road, Karol Bagh, Delhi-110005** (hereinafter referred as addressee) was operating the C&D site.

And whereas, Directions for closure u/s 31 (A) of Air (Prevention and Control of Pollution) Act, 1981 were issued vide F. No. DPCC/CMC-VII/E- 220359/C&D/2024/5904-09 dated 30.05.2025.

And whereas, you, the addressee unit have submitted representation along with requisite surety bond and undertaking wherein it is stated that you have complied all the deficiencies observed during inspection.

And whereas, you, the addressee unit has deposited EC of Rs. 1,30,000/- (Rupees one lakh thirty thousand only) vide DD No. 723193 dated 17.06.2025 in response to the order for conformation of EDC issued vide F. No. DPCC/CMC-VII/E- 220359/C&D/2024/5926-28 dated 16.01.2025.

And whereas, case of addressee unit has been considered by the competent authority, DPCC and decided to revoke the said closure directions.

Now therefore, in view of the decision taken by the Competent Authority, the said Directions for closure dated 30.05.2025 issued u/s 31 (A) of Air (Prevention and Control of Pollution) Act, 1981, to the addressee C&D site is hereby revoked with immediate effect.

This is being issued as per the decision of the Competent Authority.

To,

Anil, Bakshi,
27 New Rohtak Road, Karol Bagh,
Delhi-110005

Incharge, CMC-VII

Sanjay Vatts
Environmental Engineer
Delhi Pollution Control Committee
Ind Floor, Vikas Bhawan-II,
Upper Bela Road, Civil Line,
Delhi-110054

Copy for necessary action and information to:-

1. The Member (Water Supply), Delhi Jal Board, Varunalya Phase-II, Jhandewalan, New Delhi-110055 – with request to reconnect/not to disconnect the water supply connection of said site with immediate effect.
2. The SDM, (Karol Bagh), Flatted Factory Complex, Central, Block E, Jhandewalan Extension, Jhandewalan, New Delhi, Delhi, 110005– with request to de-seal the said site /premises with immediate effect.
3. The CEO (BSES, YPL), CBD-III GRID, Ground floor, Opposite Aggarwal Fun City Mall, Karkardooma, Delhi-110032- with request to restore the electricity/power supply of the said site with immediate effect.
4. Incharge, IT Cell, DPCC – with request to upload on DPCC website.
5. Master file, CMC-VII

JEE, CMC-VII

HARS:IT
Junior Environmental Engineer

By Speed Post

 DPCC	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENTAL, (GOVT. OF NCT OF DELHI) 31st FLOOR, BLOCK-1, DMRC II PARK, SHASTRI PARK DELHI-110053 visit us at : http://dpcc.delhigovt.nic.in	 LIFE Sustainable Environment

File No - DPCC-J021/2/2024/CMCI/1078-87

Date: 18/07/2025

To,

M/s RAM KUMAR CONTRACTOR PVT. LTD.,
KH No. 905/1 to 7/1/1, Gagan Cinema Chowk,
Nand Nagri, near Mandoli Jail, Delhi-110093

Subject: Revocation of Directions for Closure dated 15.04.2025 issued by DPCC.

Whereas, physical inspection of RMC and construction project site at M/s RAM KUMAR CONTRACTOR PVT. LTD., KH No. 905/1 to 7/1/1, Gagan Cinema Chowk, Nand Nagri, near Mandoli Jail, Delhi-110093 (address) was carried out by the Delhi Pollution Control Committee (DPCC) officials on 22.10.2024.

And whereas, based on deficiencies observed during physical inspection, Show Cause Notice followed by Direction for closure and imposition of Environmental Compensation (EC) Rs. 4,70,000/- (Rupees Four Lakh Seventy Thousand Only) issued to you on 15.04.2025.

And whereas, you have submitted your reply dated 11.06.2025 along with DD of an amount Rs. 4,70,000/- in favour of DPCC in view of EC imposed by DPCC and requested to withdraw the closure directions /restoration of power supply.

And whereas, an inspection of the site was carried out by DPCC officials on 03.07.2025 and during inspection it was observed that no construction activity was carried out, dust mitigation norms were found complied with, electricity found disconnected.

And whereas, your case was considered by Competent Authority, DPCC and decided to revoke the Direction of Closure dated 15.04.2025.

Now therefore, in view of above, Directions for Closure dated 15.04.2025 issued to you, the addressee is hereby revoked with immediate effects.

You, the addressee shall comply with the dust mitigation norms.

Meghraj Singh Rawat
Digitally signed by Meghraj Singh Rawat
Date: 2025.07.18 17:50:13 +05'30'

SEE, CMC-I

e-mail: msrawat.dpcc@nic.in

Copy to:

1. The SDM (Seemapuri, E-Block, Ground Floor, DC Office Complex, Nand Nagri Delhi-93 - with request not to take action for effective closure of the said project or de-seal the same with immediate effect if sealed/closed.
2. The General Manager, BSES Yamuna Power Ltd., 3rd Floor Shakti Kiran Building, Karkardooma, Delhi-110092 - with request to restore the power supply to the said project with immediate effect.
3. The Member (Water Supply), Delhi Jal Board, Varunalya Phase-II, Jhandewalan, New Delhi-110055 - with request not to disconnect the water supply of the said project or restore the same with immediate effect if disconnected.
4. Incharge IT Cell: with a request to upload this on DPCC website
5. Master file CMC-I

By Speed Post



F. No. DPCC/CMC-VII/E- 220359/C&D/2024/ 6191-96

Dated: 18-7-25

Subject: Revocation of Directions issued u/s 31 (A) of Air (Prevention and Control of Pollution) Act, 1981 - reg

Whereas, you, **SURINDER SAINI, PRADEEP KUMAR SAINI, VIRENDER SAINI, 62/28, Plot No.-28, Block-62, New Rohtak Road, Karol Bagh, Delhi-110005** (hereinafter referred as addressee) was operating the C&D site.

And whereas, Directions for closure u/s 31 (A) of Air (Prevention and Control of Pollution) Act, 1981 were issued vide F. No. DPCC/CMC-VII/E- 220359/C&D/2024/5904-09 dated 30.05.2025.

And whereas, you, the addressee unit have submitted representation alongwith requisite surety bond and undertaking wherein it is stated that you have complied all the deficiencies observed during inspection.

And whereas, you, the addressee unit has deposited EC of Rs. 1,30,000/- (Rupees one lakh thirty thousand only) vide DD No. 504376 dated 19.06.2025 in response to the order for conformation of EDC issued vide F. No. DPCC/CMC-VII/E- 220359/C&D/2024/5276-79 dated 16.01.2025.

And whereas, case of addressee unit has been considered by the competent authority, DPCC and decided to revoke the said closure directions.

Now therefore, in view of the decision taken by the Competent Authority, the said Directions for closure dated 30.05.2025 issued u/s 31 (A) of Air (Prevention and Control of Pollution) Act, 1981, to the addressee C&D site is hereby revoked with immediate effect.

This is being issued as per the decision of the Competent Authority.

To,
SURINDER SAINI, PRADEEP KUMAR SAINI, VIRENDER SAINI,
62/28, Plot No.-28, Block-62, New Rohtak Road,
Karol Bagh, Delhi-110005

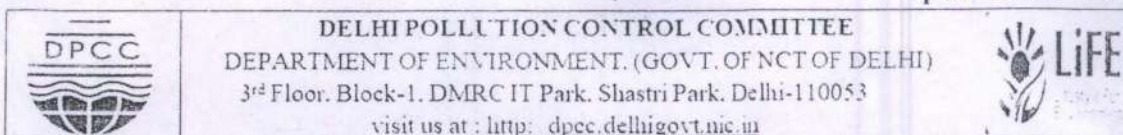
[Signature]
Incharge, CMC-VII
Sanjay Vatts
Environmental Engineer
Delhi Pollution Control Committee
3rd Floor, Vikas Bhawan-II,
Upper Bela Road, Civil Line,
Delhi-110054

Copy for necessary action and information to:-

1. The Member (Water Supply), Delhi Jal Board, Varunalya Phase-II, Jhandewalan, New Delhi-110055 – with request to reconnect/not to disconnect the water supply connection of said site with immediate effect.
2. The SDM, (Karol Bagh), Flatted Factory Complex, Central, Block E, Jhandewalan Extension, Jhandewalan, New Delhi, Delhi, 110005– with request to de-seal the said site/premises with immediate effect.
3. The CEO (BSES, YPL), CBD-III GRID, Ground floor, Opposite Aggarwal Fun City Mall, Karkardooma, Delhi-110032- with request to restore the electricity/power supply of the said site with immediate effect.
4. Incharge, IT Cell, DPCC – with request to upload on DPCC website.
5. Master file, CMC-VII

[Signature]
JEE, CMC-VII
HARSHIT
Junior Environmental Engineer

Speed Post/e-mail



F.No. DPCC/(10)(10)/(96)/Leg-24/ 797-802

Date: 02/07/2025

To,

M/s Kamdhenu Cement (G) C/o Neeraj Jain,
Kh no. 616/2, Village Sabhapur,
Delhi-110094.
(e-mail: kamdhenucementg1@gmail.com)

Subject: Direction for closure u/s 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 as amended to date

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 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 Air (Prevention & Control of Pollution) Act, 1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee vide notification No. S.O. 198 (E) 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, DPCC has framed guidelines for dust pollution control in the RMC plants/Construction projects in the year 2017 which is available online on the website of DPCC.

And whereas, an inspection of RMC plant M/s Kamdhenu Cement (G) C/o Neeraj Jain, Kh No. 616/2, Village Sabhapur, Delhi-110094 was conducted on 04.12.2024 and during inspection it was wrongly reported that the said RMC Plant is operating in the name of M/s Balaji RMC Plant C/o Sh. Neeraj Jain (owner/partner Sh. Neeraj Jain / Sh. Manu Jain), Kh No. 616/2, Village Sabhapur, Delhi-110094 by contact person / unit representative namely Sh. Rocky Rana.

During inspection dated 04.12.2024, following observations/deficiencies were made w.r.t violation of dust mitigation guidelines:

1. Unit found engaged in the activity of RMC Plant without trade effluent discharge without having valid consent from DPCC.
2. Dust collector found installed without adequate stack height.
3. No continuous dust/wind breaking walls of adequate height were provided.
4. Raw material found uncovered.

5. No Cement handling area found provided with channelization & bag house.
6. No wheel washing arrangement found installed.

And whereas, in view of the deficiency/ non-conformities observed during inspection dated 04.12.2024, a Show Cause Notice for Closure was issued to M/s Balaji RMC Plant C/o Sh. Neeraj Jain on 14.01.2025 followed by confirmation of Direction for Closure on 16.04.2025. Your reply dated 24.01.2025 and 28.04.2025 were considered and found unsatisfactory and misleading.

And whereas, Revenue Department had arranged a joint inspection of the said RMC Plant at the same location, conducted by the joint team comprising of officials from DPCC, MCD, Revenue, DJB and BSES on 09.05.2025. It was reported that RMC plant is operated in the name of **M/s Kamdhenu Cement (G) C/o Neeraj Jain, Kh No. 616/2, Village Sabhapur, Delhi-110094** (hereinafter referred as the Addressee), having valid consent to operate. Following observations/deficiencies were made during joint inspection dated 09.05.2025 w.r.t dust pollution control guidelines:

1. Unit found operational but production of RMC was not going on.
2. ECS found installed (Dust Collector) with inadequate stack height and without provisions of platform/ladder/stack.
3. No wheel washing arrangement found and raw material found uncovered at the site
4. Unit has shown electricity bill, GST Registration Certificate and valid DPCC consent order (CTO valid till 18.04.2032) in the name of Kamdhenu Cement (G) having address 616/2, Village Sabhapur, Delhi-110094. However, address in GST certificate differs and mentioned as 616/2, Biharipur, Illaqa Shahdara, North-East Delhi, Delhi-110094.
5. During previous inspection dated 04.12.2024, unit representative disclosed the name of the unit as M/s Balaji RMC Plant C/o Neeraj Jain, Kh. No. 616/2, Village Sabhapur, Delhi-110094. But as per today's finding unit representative reported the name of the unit as M/s Kamdhenu Cement (G), Kh. No. 616/2, Village Sabhapur, Delhi-110094 having its owner Sh. Neeraj Jain.

Further, the addressee unit is found non-compliant with respect to the dust pollution control guidelines during inspection conducted on 04.12.2024 and 09.05.2025.

Now therefore, the Competent Authority in DPCC has decided to issue a fresh Closure Direction u/s 31(A) of Air (Prevention and Control of Pollution) Act, 1981 in suppression of the Closure Direction dated 16.04.2025, as the M/s Balaji RMC Plant and M/s Kamdhenu Cement (G) are the same establishment/unit and again found violating the dust pollution control guidelines during joint inspection dated 09.05.2025. It is also decided to issue the following directions:

1. That you (the addressee unit) shall close your unit with immediate effect.
2. That the concerned Sub Divisional Magistrate shall ensure effective closure of the addressee unit with immediate effect.
3. That the concerned authority in BSES shall disconnect the electricity/power supply connection of the addressee unit or used by the unit of the addressee unit with immediate effect.
4. That the concerned authority in DJB shall disconnect the water supply connection of the addressee unit with immediate effect.

You shall be liable for penal action under the provision of said Acts in case of violation of above said directions.

This is being issued as per the approval of Competent Authority, DPCC.

Meghraj
Singh
Rawat

Digitally signed by
Meghraj Singh Rawat
Date: 2025.07.02
17:00:38 +05'30'

SEE, CMC-1

Encl: As above.

Copy to:

1. **The District Magistrate (North East)**, K-Block, Ground Floor, DC Office Complex, Nand Nagri, Delhi-110093 –with a request to take necessary action for effective closure of the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of these directions.
2. **The Member (Water Supply), Delhi Jal Board**, Varunalaya Phase-II, Jhandewalan, New Delhi-110055 - with a request to disconnect the water supply to the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of these directions.
3. **The General Manager, BSES Yamuna Power Ltd.**, 3rd Floor, Shakti Kiran Building, Karkardooma, Delhi-110032 - with a request to disconnect the power supply to the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of these directions.
4. **Incharge, IT Cell** with the request to upload on the website of DPCC.
5. **Master file, CMC-1.**

By Speed Post

	DELHI POLLUTION CONTROL COMMITTEE DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI) 3 rd Floor, B-Block, DMRC IT Park, Shastri Park, Delhi-110053 visit us at : http://dpcc.delhigovt.nic.in	

F.No. DPCC/(10)/(10)/(96)/Leg-24/ 181-185

Dated: 16/4/25

To,

M/s Balaji RMC
 Plant C/o Sh.
 Neeraj Jain,
 KH NO. 616/2,
 VILLAGE SABHAPUR,
 DELHI-110094.

Subject: Directions for Closure u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date.

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 Air (Prevention & Control of Pollution) Act, 1981.

And whereas, Central Pollution Control Board has delegated all its powers and functions under Air (Prevention & Control of Pollution) Act, 1981 and under Water (Prevention & Control of Pollution) Act, 1974 in respect of Union Territory of Delhi to Delhi Pollution Control Committee vide notification No. S.O. 198(E) 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, DPCC has framed guidelines for dust pollution control in the RMC plant/Construction projects in the year 2017 which is available online on the website of DPCC.

And whereas, an inspection of RMC plant namely M/s Balaji RMC Plant C/o Sh. Neeraj Jain, KH NO. 616/2, VILLAGE SABHAPUR, DELHI-110094 (*hereinafter referred as addressee*) was carried out by the officials of DPCC on 04.12.2024 and following observations/non-conformities were made w.r.t. dust pollution control guidelines at your project/site:

1. Unit found engaged in the activity of RMC Plant without trade effluent discharge without having valid consent from DPCC.
2. Dust collector found installed without adequate stack height.
3. No continuous dust/wind breaking walls of adequate height were provided.

4. Raw material found uncovered.
5. No Cement handling area found provided with channelization & bag house.
6. No wheel washing arrangement found installed.

And whereas, Show Cause Notice for closure vide this office letter no. **F. No. DPCC/(10)/(10)/(96)/Leg-24/5092** dated 14.01.2025 issued to you to submit your reply.

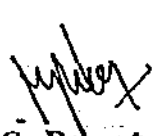
And whereas, the addressee unit has failed to submit any reply in response to the Show Cause Notice for closure dated **14.01.2025**.

And whereas, your case was considered by the Competent Authority, Delhi Pollution Control Committee, in exercise of powers conferred upon it, under the provisions of the u/s 31(A) of Air (Prevention & Control of Pollution) Act, 1981 as amended to date, and decided to issue the following directions:

1. That you (the addressee unit) shall close your unit with immediate effect.
2. That the concerned Sub Divisional Magistrate shall ensure effective closure of the addressee unit with immediate effect.
3. That the concerned authority in BSES shall disconnect the electricity/power supply connection of the addressee unit or used by the unit of the addressee unit with immediate effect.
4. That the concerned authority in DJB shall disconnect the water supply connection of the addressee unit with immediate effect.

You shall be liable for penal action under the provision of said Acts in case of violation of above said directions.

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


M.S. Rawat
SEE, CFC-1

Copy to:

1. **The District Magistrate (North-East), K-Block, Ground Floor, DC Office Complex, Nand Nagri, Delhi-110093:** with a request to take necessary action for effective closure of the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of these directions.

2. **The Member (Water Supply), Delhi Jal Board, Varunalya Phase-II, Jhandewalan, New Delhi-110055;** with a request to disconnect the water supply to the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of these directions.
3. **The General Manager, BSES Yamuna Power Ltd., 3rd Floor Shakti Kiran Building, Karkardooma, Delhi-110092;** with a request to disconnect the power supply of the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of these directions.
4. Master file, CFC-1.



722

288

By Speed Post

DELHI POLLUTION CONTROL COMMITTEE
GOVERNMENT OF NCT OF DELHI
1st and 2nd FLOOR, VIKAS BHAWAN – II, CIVIL LINES, DELHI-54.
visit us at : <http://dpcc.delhigovt.nic.in>



F.No. DPCC-J023/19/2023-CMC1-DPCC/1933-39

Dated: 01/01/2024

To,
The Commissioner,
Municipal Corporation of Delhi,
DR. S.P.M. Civic Centre,
Minto Road, JLN Marg,
New Delhi -110002.

Subject: Regarding initiating a joint drive against seriously polluting activities/units operating in Non-Conforming/Residential area in and around Mandoli Village.

Reference: DPCC-J023/19/2023-CMC1-DPCC/1918-23 dated 22.12.2023

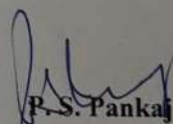
Sir,

With reference to the previous letter **DPCC-J023/19/2023-CMC1-DPCC/1918-23 dated 22.12.2023** (Copy enclosed) regarding action against the illegal units operating and using unapproved fuel in Non-conforming/Residential area in and around Mandoli Village, a joint drive was carried out on 27.12.2023 against seriously polluting activities/industries operating in and around Mandoli Village.

However, it was observed that in previous joint drive some violators lock down their premises from outside and took advantage of the situation and some units are remaining to be inspected. Therefore, SDM and Delhi Police officials are requested to ensure the opening of the lock/premises by any means to facilitate proper inspection.

Keeping in view the gravity of pollution, you are once again requested to depute officials for Joint inspection of remaining units on 04.01.2024 and 05.01.2024 with an authority to seal seriously polluting units operating in non-conforming areas in and around Mandoli Village violating MPD 2021.

Yours Sincerely,


P.S. Pankaj
(Incharge, CMC-I)

Enclosure: As above

Copy to:

1. District Magistrate (Shahdara), DC Office Complex, Nand Nagri, Opp. Gagan Cinema, Delhi – 110093.
2. Commissioner of Industries, Dept. of Industries, GNCTD, 419, Udyog Sadan, FIE Patparganj, Delhi-110092.
3. Deputy Commissioner of Police, North-East, Delhi, New Seelampur, Shahdara, Delhi, 110032 for maintaining law and order.
4. SDM (Seemapuri), E-Block, Ground Floor, DC Office Complex, Nand Nagri, Delhi-110093 to nominate officials for joint inspection with an authority to seal illegal borewell.
5. The General Manager, BSES Yamuna Power Ltd., 3rd Floor Shakti Kiran Building, Karkardooma, Delhi-110092 to nominate officials for joint inspection with an authority to disconnect electricity of illegal units.
6. Master File, CMC-I.



DELHI POLLUTION CONTROL COMMITTEE
GOVERNMENT OF NCT OF DELHI
 1st and 2nd FLOOR, VIKAS BHAWAN – II, CIVIL LINES, DELHI-54.
 visit us at : <http://dpcc.delhigovt.nic.in>



F.No. DPCC-J023/19/2023-CMC1-DPCC/ 198-23

Dated: 22/12/2023

To,
 The Commissioner,
 Municipal Corporation of Delhi,
 DR. S.P.M. Civic Centre,
 Minto Road, JLN Marg,
 New Delhi -110002.

Subject: Regarding initiating a joint drive against seriously polluting activities/units operating in Non-Conforming/Residential area in and around Mandoli Village.

Reference: DPCC-J023/19/2023-CMC1-DPCC/1879-80 dated 12.12.2023 (Copy enclosed)

Sir,

With reference to the previous letter **DPCC-J023/19/2023-CMC1-DPCC/1879-80 dated 12.12.2023** regarding initiating action against the illegal units operating and using unapproved fuel in Non-conforming/Residential area in and around Mandoli Village, it is hereby decided by Competent Authority in DPCC, to carry out a joint drive against such seriously polluting activities/industries operating in and around Mandoli Village.

Chairman, DPCC took a note of this matter and decided to constitute joint team comprising officials of MCD, SDM, Delhi Police, BSES and DPCC to take joint action on seriously polluting activities/units. It is observed in such previous joint drives that some violators lock down their premise from outside and take advantage of the situation. Therefore, SDM and Delhi Police official are requested to ensure the opening of the premises by any means to facilitate proper inspection.

Keeping in view the gravity of pollution, you are requested to depute officials for Joint inspection on 27.12.2023 with an authority to seal seriously polluting units operating in non-conforming areas in and around Mandoli Village violating MPD 2021.

Yours Sincerely,


 (Dr. Siddhartha Gautam)
 EE, CMC-I.

Enclosure: As above

Copy to:

1. District Magistrate (Shahdara), DC Office Complex, Nand Nagri, Opp. Gagan Cinema, Delhi – 110093.
2. Deputy Commissioner of Police, North-East, Delhi, New Seelampur, Shahdara, Delhi, 110032 for maintaining law and order.
3. SDM (Seemapuri), E-Block, Ground Floor, DC Office Complex, Nand Nagri, Delhi-110093 to nominate officials for joint inspection with an authority to seal illegal borewell.
4. The General Manager, BSES Yamuna Power Ltd., 3rd Floor Shakti Kiran Building, Karkardooma, Delhi-110092 to nominate officials for joint inspection with an authority to disconnect electricity of illegal units.
5. Master File, CMC-I.



File No- DPCC/CMC-I/II(a) Category/Gulathi Engineering Work/2023/1121-25 Date: 07/11/2023

To,

M/s Gulathi Engineering Work,
Plot No. 1/536/J-12, Gali No.-05,
First Floor, Friends Colony Industrial Area,
Delhi - 110095

Subject: Directions for Closure u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 and u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended to date.

Whereas, Central Pollution Control Board is the state 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 the Air (Prevention & Control of Pollution) Act, 1981, as amended to date.

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, you **M/s Gulathi Engineering Work, Plot No. 1/536/J-12, Gali No.-05, First Floor, Friends Colony Industrial Area, Delhi - 110095** (here in after referred as "Addressee") is engaged in the activity of **Plating - Nickel and Chrome Plating with less than 5 KLD** at the above said address.

And whereas, an inspection of the unit was carried by DPCC officials on 08.09.2021 in which certain deficiencies were found. Based upon the inspection Closure Direction dated 23.09.2021 along with Order for imposition of EDC dated 22.12.2021 of Rs. 2,00,000/- were issued to the unit. Thereafter unit submitted a reply dated 30.12.2021 along with a DD of Rs. 2,00,000/- in favor of DPCC. After approval from Competent Authority temporary revocation of Closure Direction were issued to the unit on 03.01.2022 with condition to install pollution control devices and apply for Consent from DPCC under Air & Water Act.

And whereas, you the addressee has submitted application for Consent to Establish (CTE) on 25.09.2021, Consent to Operate (CTO) on 12.03.2022 under Air & Water Act along with required documents and test report and also applied for Authorization under HOWM Rules, 2016 on 12.03.2022.

And whereas, a fresh inspection of the unit was carried out by the team of officials of DPCC on 13.02.2023 and following observations were made:

- Unit found non-operational.
- Unit has installed ETP to treat the waste water generated from the process.
- Unit has installed ECS(Wet Scrubber) over electroplating section with adequate height.
- Unit has taken measures/provisions for HOWM Rules 2016.

And whereas, you the addressee have not made agreement with Tamil Nadu Waste Management Limited for disposal of hazardous waste.

And whereas, Hon'ble NGT in its order dated 20.03.2020 in the matter "All India Lokadhiyar Sangathan Vs. Govt. of NCT of Delhi & Ors. with M/s Ashok Vihar Mitra Mandel Vs Govt. of NCT of Delhi" has directed that "DPCC must ensure stringent action against clandestine operation of industries in violation of orders of this Tribunal and for recovery of compensation already assessed. Action may also be taken to ensure that CETP performance is as per standards. If the defaults continue further action may be taken in accordance with law. The amount recovered may be spent for restoration as per an approved action plan. Till establishment of TSDF and upgradation of CETP no new industry be permitted in the industrial areas."

And whereas, a meeting of the Committee for II(a) category cases headed by Chairman, DPCC was held on 07.08.2023 in which it was decided that Consent and Authorization under HOWM Rules refused followed by Closure Direction to the above said unit.

And whereas, as decided by the Committee, for II(a) Category cases on 07.08.2023, application for Consent to Establish (CTE) dated 25.09.2021, Consent to Operate (CTO) dated 12.03.2022, under Air & Water Act and also application for Authorization under HOWM Rules, 2016 dated 12.03.2022 have been refused.

Now therefore, the Competent Authority in Delhi Pollution Control Committee, in exercise of powers conferred upon it, under the provisions of the u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, u/s 33(A) of Water (Prevention & Control of Pollution) Act, 1974 amended to date, hereby issue the following directions:

- I. That you (the addressee unit) shall close your unit with immediate effect.
- II. The Concerned SDM shall take necessary action to ensure effective closure of the unit with immediate effect.
- III. That the concerned authority in DJB shall disconnect the water supply connection to the unit with immediate effect.
- IV. That the concerned authority in BSES shall disconnect the electricity/power supply of the said unit with immediate effect.

You shall be liable for penal action under the provision of u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 and u/s 33 (A) of Water (Prevention & Control of Pollution) Act, 1974 in case of violation of above said directions.

This is being issued as per decision taken by the Committee for II(a) category cases headed by Chairman, Delhi Pollution Control Committee.


(P.S. Pankaj)
SEE, CMC-I

Copy to:

1. The SDM (Seempauri), District Magistrate (Shahdara), DC Office Complex, Nand Nagri, Delhi-110093. to ensure the effective closure of the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of these directions.
- ✓ 2. The General Manager, BSES Yamuna Power Ltd., 3rd Floor Shakti Kiran Building, Karkardooma, Delhi-110092 to disconnect the power supply of the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of these directions.
3. The Member (Water Supply), Delhi Jal Board, Varunalya Phase-II, Jhandewalan, New Delhi-110055 to disconnect the water supply to the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of these directions.
4. Master File.



File No- DPCC/CMC-I/II(a) Category/V.K.Enterprises/2023/1599-1603 Date: 06/01/2023

To,
M/s V.K.Enterprises prop. Vikram Singh,
Property no. 340/14, First floor, Gali no. 1B,
Friends Colony Industrial Area,
Delhi 110095

Subject: Directions for Closure u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 and u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended to date.

Whereas, Central Pollution Control Board is the state 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 the Air (Prevention & Control of Pollution) Act, 1981, as amended to date.

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, you, M/s V.K.Enterprises prop. Vikram Singh, Property no. 340/14, First floor, Gali no. 1B, Friends Colony Industrial Area, Delhi 110095 (here in after referred as "Addressee") is engaged in the activity of **Plating - Nickel and Chrome Plating with less than 5 KLD** at the above said address.

And whereas, you the addressee has submitted application for Consent to Establish (CTE) on 10.09.2021, Consent to Operate (CTO) on 11.09.2021 under Air & Water Act along with required documents and test report and also applied for Authorization under HOWM Rules, 2016 on 01.05.2023.

And whereas, an inspection was carried out by DPCC officials on 29.03.2022 and following observations were made:

- During inspection unit found operational & engaged in the activity of Electroplating of Nickel and Chrome on Metal
- ETP installed and same found operational.
- ETP log book maintained.
- ECS (wet scrubber) found installed & operational .
- Unit found complying with the provisions of HoWM Rule, 2016.

And whereas, you the addressee have not made agreement with Tamil Nadu Waste Management Limited for disposal of hazardous waste.

And whereas, Hon'ble NGT in its order dated 20.03.2020 in the matter "All India Lokadhikar Sangathan Vs. Govt. of NCT of Delhi & Ors. with M/s Ashok Vihar Mitra Mandel Vs Govt. of NCT of Delhi " has directed that "DPCC must ensure stringent action against clandestine operation of industries in violation of orders of this Tribunal and for recovery of compensation already assessed.

Action may also be taken to ensure that CETP performance is as per standards. If the default continue further action may be taken in accordance with law. The amount recovered may be spent for restoration as per an approved action plan. Till establishment of TSDF and upgradation of CETP no new industry be permitted in the industrial areas."

And whereas, a meeting of the Committee for II(a) category cases headed by Chairman, DPCC was held on 07.08.2023 in which it was decided that Consent and Authorization under HOWM Rules refused followed by Closure Direction to the above said unit.

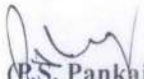
And whereas, as decided by the Committee, for II(a) Category cases on 07.08.2023, application for Consent to Establish (CTE) dated 10.09.2021, Consent to Operate (CTO) dated 11.09.2021, under Air & Water Act and also application for Authorization under HOWM Rules, 2016 dated 01.05.2023 have been refused.

Now therefore, the Competent Authority in Delhi Pollution Control Committee, in exercise of powers conferred upon it, under the provisions of the u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, u/s 33(A) of Water (Prevention & Control of Pollution) Act, 1974 amended to date, hereby issue the following directions:

- I. That you (the addressee unit) shall close your unit with immediate effect.
- II. The Concerned SDM shall take necessary action to ensure effective closure of the unit with immediate effect.
- III. That the concerned authority in DJB shall disconnect the water supply connection to the unit with immediate effect.
- IV. That the concerned authority in BSES shall disconnect the electricity/power supply of the said unit with immediate effect.

You shall be liable for penal action under the provision of u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981 and u/s 33 (A) of Water (Prevention & Control of Pollution) Act, 1974 in case of violation of above said directions.

This is being issued as per decision taken by the Committee for II(a) category cases headed by Chairman, Delhi Pollution Control Committee.


(R.S. Pankaj)
SEE, CMC-I

Copy to:

1. The SDM (Seempauri), District Magistrate (Shahdara), DC Office Complex, Nand Nagri, Delhi-110093. to ensure the effective closure of the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of these directions.
2. The General Manager, BSES Yamuna Power Ltd., 3rd Floor Shakti Kiran Building, Karkardooma, Delhi-110092 to disconnect the power supply of the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of these directions.
3. The Member (Water Supply), Delhi Jal Board, Varunalya Phase-II, Jhandewalan, New Delhi-110055 to disconnect the water supply to the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of these directions.
4. Master File.
5. Office Copy.

	DELHI POLLUTION CONTROL COMMITTEE GOVERNMENT OF NCT OF DELHI 1st and 2nd FLOOR, VIKAS BHAWAN – II, CIVIL LINES, DELHI-110054. visit us at : http://dpcc.delhigovt.nic.in	

F.No. DPCC/CMC-I/OA No. 353/2023/ 1533-38

Dated: 27/10/2023

To,
The Deputy Commissioner (East),
Municipal Corporation of Delhi,
419, Udyog Sadan, Patparganj Industrial Area,
Delhi-110092

Subject : Regarding NGT matter OA No. 353/2023 “Varun Gulati Vs. GNCTD & Ors.” action against Illegal Jeans Dyeing Units.

Sir,

This has reference to the NGT matter OA No. 353/2023 “Varun Gulati vs. GNCTD & Ors.” against operation of illegal dyeing units operating in various areas of Delhi as mentioned in the order (copy of NGT order enclosed). Complainant has provided a list of dyeing units along with GPS Coordinates of said units via a mail forwarded from the office of CPCB on 03.10.2023 (copy of list of dyeing units received via mail dated 03.10.2023 enclosed). Hon’ble NGT has directed to constitute joint team comprising officials of SDM, BSES, Delhi Police, CPCB, MCD, DJB and DPCC and to take immediate action against Jeans Dyeing units operating in Non-Conforming areas.

Keeping in view the gravity of water pollution potential of such units, you are requested to depute officials and constitute a team for Joint inspection for taking immediate action on such water polluting units operating in non-conforming areas mentioned in the said list.

Yours Sincerely,


(Sh. R.S Pankaj)
SEE, CMC-I.

Enclosure:

1. Copy of NGT matter OA No. 353/2023 “Varun Gulati vs. GNCTD & Ors.” dated 23.05.2023.
2. Copy of list of dyeing units along with GPS Coordinates received from complainant.

Copy to :

1. The Sub Divisional Magistrate (Mayur Vihar) Block-A, LM Bund, Shastri Nagar, Delhi-31 to nominate officials for joint inspection.
2. The Member (Water Supply), Delhi Jal Board, Varunalaya Phase-II, Jhandewalan, New Delhi-110055 to nominate officials for joint inspection.
3. The General Manager, BSES Yamuna Power Ltd., 3rd Floor Shakti Kiran Building, Karkardooma, Delhi-110092 to nominate officials for joint inspection.
4. The Member Secretary, CPCB, Pariyesh Bhawan, East Arjun Nagar, DELHI - 110 032 to nominate officials for joint inspection.
5. Master File, CMC-I.

BSES**BSES Yamuna Power Limited**

Office of Nodal Officer(North-East)

MIG Flats, East of Loni Road,

New Delhi-110093

Ph. No. – 011-41247394

Mail Id: upendra.upadhyaya@relianceada.com

Nodal Officer (North-East)/2025-26/63

FD61281443514 IVR:6968612814435 भारतीय डाक
 BSES YAMUNA COMPLEX LONI ROAD
 Counter NO:1,16/07/2025,13:59
 To:MS RAWAT,SHASTRI PARK
 PIN:110053, Seelampur SO
 From:BSES YAMUNA,MIG FLATS
 Wt:20gms
 Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)
 (Track on www.indiapost.gov.in)
 (Dial 18002666865)<wear mask -Stay safe>

Date: 16.07.2025

To,

Mr. M. S. RAWAT (SEE, CMC-I)

DPCC, (Govt. of NCT of Delhi)

3rd Floor, Block-1, DMRC IT Park,

Shastri Park, DELHI-110053

Subject:- Direction for Closure u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date.

Ref:- Your F.No.DPCC/(10)/(10)/(96)/Leg-24/797-802 dated- 02.07.2025

Sir,

This refers to letter mentioned under subject from DPCC vide which BYPL has been directed to disconnect the electricity supply of **The Incharge/ Owner of M/s Kamdhenu Cement (G) C/o Sh. Neeraj Jain, KH No. 616/2, Village Sabhapur, Delhi- 110094** mentioned in the attached therewith as per the applicable Act/Law so that demolition/sealing/re-sealing action could be executed & illegal occupancy may be removed.

Your attention is brought to the order dt.18.01.2006 of Hon'ble Supreme Court of India in WP(C) no. 4582/2003 and CM no-587/2006 where it has been noted that a Task Force is contemplated to ensure implementation of the Court order and applicable bye-laws as well as to ensure removal of Illegal activities.

In compliance of the order dt. 24.04.2018 of Hon'ble Supreme Court of India mentioned above, a Special Task Force (STF) has been constituted by DDA vide Office Memorandum No: O-33011/1/2006-DD.I dt . 25.04.2018 and another Office Memorandum No : O-33011/1/2006-DD.I dt . 23.05.2018 has been issued in respect of action plan for monitoring of all the construction activities in Delhi and steps to be taken for removal of ongoing as well as already made Illegal activities.

Vide Para 1(viii) of Office Memorandum No : O-33011/1/2006-DD.I dt . 23.05.2018, the Local Body has been directed to take necessary action for removal/demolition/sealing etc of the Illegal activities.

Cont-2-

 Regd office: BSES Yamuna Power Ltd. ShaktiKiran Building, Karkardooma, New Delhi – 110092

CIN No : U74899DL2001PLC111525

Tel : +91 11 4124 7111 / 4124 9808, Fax : +91 4124 9765, Website : www.bsesdelhi.com

In view of order of Hon'ble Supreme Court of India mentioned above and directions of Special Task Force, it is incumbent upon concerned DPCC to remove/demolish/seal Illegal activities from the property in question. As & when concerned DPCC takes desired action of removal/demolition/sealing etc of the Illegal activities, BYPL will join the team of concerned DPCC so as to effectively prevent/stop Illegal activities.

It is not out of place to mention here that in compliance of order of Hon'ble Supreme Court of India in the matter of closure of impermissible industrial units operating in residential & non-conforming areas, joint operation is being carried out jointly by MCD, DISCOM, DJB & Delhi Police under the leadership of official of concerned DPCC.

In view of above, it is requested to plan joint operation & fix the schedule of Joint operation and provide us with the proposed schedule of the joint operation enabling us to depute our team for assisting the Joint operation.

We assure you of our prompt action in the matter and our officials will be present at the designated site as per the schedule which may please be provided by the DPCC.

Yours Truly,



Er. U. K. Upadhyaya
(Addl. Vice President)
Nodal Officer, BYPL (North-East)

BSES

BSES Yamuna Power Limited

Office of Nodal Officer(North-East)
MIG Flats, East of Loni Road,
New Delhi-110093
Ph. No. – 011-41247394
Mail Id: upendra.upadhyaya@relianceada.com

Nodal Officer (North-East)/2025-26/14

ED4948452511N IVR:6968494845251
SP HOUSING COMPLEX LONI ROAD SO <110093> Post
Counter No:1,05/05/2025,14:14
To:MR MS RAWAT,3RD FLOOR BLOCK
PIN:110053, Seelampur SO
From:BSES YAMUNA,MIG FLATS PKT-B
Wt:20gms
Amt:17.70,Tax:2.70,Amt.Paid:18.00(Cash)
<Track on www.indiapost.gov.in>

Date: 05.05.2025

To,
Mr. M. S. RAWAT (SEE, CMC-I)
DPCC, (Govt. of NCT of Delhi)
3rd Floor, B-Block, DMRC IT Park,
Shastri Park, DELHI-110053

Subject:- Direction for Closure u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 as amended to date.

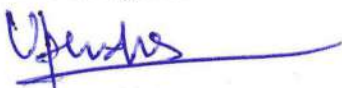
Ref:- Your F. No. DPCC/(10)/(10)/(96)/Leg-24/181-185 dated- 16.04.2025

Sir,

In reference to your letter F. No. DPCC/(10)/(10)/(96)/Leg-24/181-185 dated- 16.04.2025 regarding subject cited above, it is informed that BYPL team trying to visited the premises of **The Incharge/ Owner of M/s Balaji RMC Plant C/o Sh. Neeraj Jain, KH No. 616/2, Village Sabhapur, Delhi- 110094**, it is intimated that BYPL field team tried to search the said premises to disconnect the electricity power, but address was not traced. So, kindly arrange to provide the electricity meter number for disconnection of power supply or plan the joint operation to find the said premises.

It is for your information please.

Thanks & Regards


Er. U. K. Upadhyaya
(Addl. Vice President)
Nodal Officer, BYPL (North-East)

BSES

BSES Yamuna Power Limited

Office of Nodal Officer(North-East),
11 KV Sub Station No. 2 Building, MIG Flats,
East of Loni Road, Delhi-110093
Ph. No. :- 011- 4124 7394
Mail Id: jai.p.prakash@relianceada.com

Nodal Officer (North-East)/2023-24/D-161

To,

Mr. P. S. Pankaj (SEE, CMC-I)
DPCC, (Govt. of NCT of Delhi)
1st & 2nd Floor, Vikas Bhawan-II,
Civil Lines, DELHI-110054

Subject:- Regarding initiating a joint drive against seriously polluting activities/ units operating in Non-Conforming / Residential area in and around Mandoli Village.

Ref:- Your F. no. DPCC-J023/19/2023-CMC1-DPCC/1933-39 dated- 01.01.2024

Sir,

In reference to your letter no. F. no. DPCC-J023/19/2023-CMC1-DPCC/1933-39 dated- 01.01.2024 regarding subject cited above, BYPL field team joined the Joint operation team of DPCC officials in presence of Sh. Siddhartha Gautam XEN DPCC, Sh. Nipun Beniwal, JEE, DPCC and Sh. Priyank Khatri, JEE, DPCC and MCD staff Sh. Virender Singh License Inspector along with Delhi police Sh. Anand Pal A.S.I on dated 04.01.2024 and 05.01.2024, It is intimated that No premises was sealed and no electricity meter was disconnected during the joint operation on both the dates 04.01.2023 and 05.01.2023.

It is for information please.

Thanks & Regards

Er. J P Singh
Addl. V.P. / Nodal Officer (N/E)
BSES Yamuna Power Limited

Copy To: The Commissioner, MCD, Dr. D.P.M. Civic Centre, Minto Road, JLN Marg, New Delhi-110002.

Regd Office : BSES Yamuna Power Ltd , ShaktiKiran Building , Karkardooma , New Delhi – 110092
CIN NO: U74899DL2001PLC111525
Tel : +91 11 3999 7111 , Fax : +91 11 3999 9765 , Website :www.bsedelhi.com

732

298

ED494465023IN IVR:6968494465023
SP HOUSING COMPLEX LONI ROAD SO <110093>
Counter No:1,06/01/2024,12:37
To:P S PANKAJ,1ST FLOOR VIKAS
PIN:110054, Civil Lines SO North Delhi
From:BSES YAMU,MIG DDA FLATS
Wt:100gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



Date: 08.01.2024

ED494465037IN IVR:6968494465037
SP HOUSING COMPLEX LONI ROAD SO <110093>
Counter No:1,06/01/2024,12:37
To:THE COMM NC,MINTO ROAD JLN
PIN:110002, Indraprastha HO
From:BSES YAMU,MIG DDA FLATS
Wt:100gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



BSES

BSES Yamuna Power Limited

Office of Nodal Officer(North-East),
11 KV Sub Station No. 2 Building, MIG Flats,
East of Loni Road, Delhi-110093
Ph. No. :- 011- 4124 7394
Mail Id: jai.p.prakash@relianceada.com

Nodal Officer (North-East)/2023-24/D-156

Date: 29.12.2023

To,
Dr. Siddhartha Gautam
Environmental Engineer
Delhi Pollution Control Committee
1st & 2nd Floor, Vikas Bhawan-II,
Civil Lines, DELHI-110054

Subject:- Regarding initiating a joint drive against seriously polluting activities/ units operating in Non-Conforming / Residential area in and around Mandoli Village.

Ref:- Your F. no. DPCC-J023/19/2023-CMC1-DPCC/1918-23 dated- 22.12.2023

Sir,

In reference to your letter no. F. no. DPCC-J023/19/2023-CMC1-DPCC/1918-23 dated- 22.12.2023 regarding subject cited above, BYPL field team joined the Joint operation team of DPCC officials in presence of Sh. Sidarth Gautam XEN DPCC, Sh. Khatri J.E., SDM office Sh. Nishant Sharma, MCD Sh. Virender Ji along with Delhi police Sh. Anand Pal A.S.I On dated 27.12.2023, It is intimated that 2 nos. Electricity connections were disconnected by BYPL team during the joint operation as per instructions of Joint team at site.

It is for your information please.

Thanks & Regards

Er. J P Singh

Addl. V.P. / Nodal Officer (N/E)

BSES Yamuna Power Limited

Copy To: The Commissioner, MCD, Dr. D.P.M. Civic Centre, Minto Road, JLN Marg, New Delhi-110002.

Regd Office : BSES Yamuna Power Ltd , ShaktiKiran Building , Karkardooma , New Delhi – 110092
CIN NO: U74899DL2001PLC111525
Tel : +91 11 3999 7111 , Fax : +91 11 3999 9765 , Website :www.bsesselhi.com

733

299

ED494492792IN IVR:6968494492792
SP HOUSING COMPLEX LONI ROAD SO <110093>
Counter No:1,29/12/2023,12:13
To:THE COMMISSIONER,MINTO ROAD
PIN:110002, Indraprastha HD
From:BSES YAMUNA,MIG FLATS EAST D
Wt:20gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>

ED494492668IN IVR:6968494492668
SP HOUSING COMPLEX LONI ROAD SO <110093>
Counter No:1,29/12/2023,12:13
To:SIDDHARTHA GA,VIKAS BHAWAN
PIN:110054, Civil Lines SO North Delhi
From:BSES YAMUNA,MIG FLATS EAST D
Wt:20gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>

o/c

BSES

BSES Yamuna Power Limited

Office of Nodal Officer(North-East),
11 KV Sub Station No. 2 Building, MIG
East of Loni Road, Delhi-110093
Ph. No. :- 011- 4124 7394
Mail Id: jai.p.prakash@relianceada.com

Nodal Officer (North-East)/2023-24/D-130

Date: 17.11.2023

To,

Mr. P. S. Pankaj (SEE, CMC-I)
DPCC, (Govt. of NCT of Delhi)
5th Floor, ISBT Building,
Kashmere Gate, DELHI-110006

Subject:- Directions for closure u/s 31(A) of the Air (prevention & Control of Pollution Act, 1981 and u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended to date.

Ref:- Your F. no. DPCC/CMC-I/11(a) Category/Gulati Engineering Work/2023/1621-25 dated- 07.11.2023

Sir,

In reference to your letter no. F. no. DPCC/CMC-I/11(a) Category/Gulati Engineering Work/2023/1621-25 dated- 07.11.2023 regarding subject cited above, it is informed that BYPL team visited the premises of The Incharge/ Owner of M/s Gulati Engineering Work, Plot No. 1/536/J-12, Gali No.- 05, First Floor, Friends Colony Industrial Area, Delhi-110095 and disconnected the Electricity supply from Pole on 16.11.2023.

It is for your information please.

Thanks & Regards

[Signature]
17.11.23

Er. J P Singh

Addl. V.P. / Nodal Officer (N/E)

BSES Yamuna Power Limited

734

300

ELG1000014IN IVR:6968510550014
SP HOUSING COMPLEX LONI ROAD SO <110093>
Counter No:1,20/11/2023,12:01
To: P. S. PANKAJ, DPCC 5TH FLOOR
PIN:110006, Delhi GPO
From: BSES YAMUNA, MIG DDA FLATS
Wt:10gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



o/c

BSES

BSES Yamuna Power Limited

Office of Nodal Officer(North-East),
11 KV Sub Station No. 2 Building, MIG Fl
East of Loni Road, Delhi-110093
Ph. No. :- 011- 4124 7394
Mail Id: jai.p.prakash@relianceada.com

735

301

भारतीय डाक
INDIA POST
SP HOUSING COMPLEX LONI ROAD SO (110093)
Counter No:1,20/11/2023,12:01
To: P. S. PANKAJ, DPCC 5TH FLOOR
PIN:110006, Delhi GPO
From: BSES YAMUNA, MIG DDA FLATS
Wt:180gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>

Nodal Officer (North-East)/2023-24/D-131

Date: 17.11.2023

To,
Mr. P. S. Pankaj (SEE, CMC-I)
DPCC, (Govt. of NCT of Delhi)
5th Floor, ISBT Building,
Kashmere Gate, DELHI-110006

Subject:- Directions for closure u/s 31(A) of the Air (prevention & Control of Pollution Act, 1981 and u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974 as amended to date.

Ref:- Your F. no. DPCC/CMC-I/11(a) Category/V.K.Enterprises/2023/1599-1603 dated- 06.11.2023

Sir,
In reference to your letter no. F. no. DPCC/CMC-I/11(a) Category/V.K.Enterprises/2023/1599-1603 dated- 06.11.2023 regarding subject cited above, it is informed that BYPL team visited the premises of The Incharge/ Owner of Property No. 340/14, First Floor, Gali no.1B, Friends Colony Industrial Area, Delhi- 110095 and disconnected the Electricity supply of the same address mentioned in your letter from Pole on 16.11.2023.

But the Electricity meter exist in the name of Krishna sales corp. instead of M/s V.K. Enterprises prop. Vikram Singh, mentioned in your letter.

It is for your information please.

Thanks & Regards


17.11.23

Er. J P Singh
Addl. V.P. / Nodal Officer (N/E)
BSES Yamuna Power Limited

o/c

Office of Nodal Officer(North-East),
11 KV Sub Station No. 2 Building, MIG Flats,
East of Loni Road, Delhi-110093
Ph. No. :- 011- 4124 7394
Mail Id: jai.p.prakash@relianceada.com

736

ED510552850IN IVR:6968510552850
SP HOUSING COMPLEX LONI ROAD SO
Counter No:1,28/11/2023,12:51
To:P S PANKAJ,1ST &2ND FLOOR
PIN:110054, Civil Lines SO North Delhi
From:BSES YAMUNA,MIG DDA FLATS
Wt:10gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



302

Nodal Officer (North-East)/2023-24/D-136

Date: 28.11.2023

To,
Mr. P. S. Pankaj (SEE, CMC-I)
DPCC, (Govt. of NCT of Delhi)
1st & 2nd Floor, Vikas Bhawan-II,
Civil Lines, DELHI-110054

Subject:- Regarding NGT matter OA no. 353/2023 "Varun Gulati Vs. GNCTD & Ors." Action against Illegal Jeans Dyeing Units.

Ref:- Your F. no. DPCC/CMC-I/OA No. 353/2023/1533-38 dated- 27.10.2023

Sir,

In reference to your letter no. F. no. DPCC/CMC-I/OA No. 353/2023/1533-38 dated- 27.10.2023 regarding subject cited above, BYPL field team joined the Joint operation team of DPCC officials with SDM (Mayur Vihar) team, DJB officials, CPCB officials & MCD officials, It is intimated that 2 nos. Electricity supply disconnected by BYPL team during the joint operation as per instructions of Joint team.

It is for your information please.

Thanks & Regards


28/11/23

Er. J P Singh
Addl. V.P. / Nodal Officer (N/E)
BSES Yamuna Power Limited

BSES

BSES Yamuna Power Limited

Office of Nodal Officer(North-East),
11 KV Sub Station No. 2 Building, MIG Flats,
East of Loni Road, Delhi-110093
Ph. No. :- 011- 4124 7394
Mail Id: jai.p.prakash@relianceada.com

Nodal Officer (North-East)/2023-24/D-145

To,
Mr. P. S. Pankaj (SEE, CMC-I)
DPCC, (Govt. of NCT of Delhi)
1st & 2nd Floor, Vikas Bhawan-II,
Civil Lines, DELHI-110054

Subject:- Regarding NGT matter OA no. 353/2023 "Varun Gulati Vs. GNCTD & Ors." Action against Illegal Jeans Dyeing Units.

Ref 1:- Your F. no. DPCC/CMC-I/OA No. 353/2023/1533-38 dated- 27.10.2023

Ref 2:- In continuation of our letter no. Nodal Officer (North-East)/2023-24/D-136 dated: 28.11.2023

Sir,

In reference to your letter no. F. no. DPCC/CMC-I/OA No. 353/2023/1533-38 dated- 27.10.2023 regarding subject cited above, BYPL field team joined the Joint team comprising officials of SDM, CPCB, MCD, DJB, Delhi Police, BSES & DPCC, It is intimated that 2 nos. Electricity meters in Tukmeerpur on 16.11.2023 & 1 no. Electricity meter in Old Garhi Mendu on 13.11.2023 disconnected by BYPL team during the joint operation as per instructions of Joint team.

It is for your information please.

Thanks & Regards

Er. J P Singh

Addl. V.P. / Nodal Officer (N/E)
BSES Yamuna Power Limited

737

ED482194757IN IVR:6968482194757
SP YAMUNA VIHAR SO <110053>
Counter No:1,04/12/2023,14:22
To:PS PANKAJ ,DPCC GOVT OF NCT
PIN:110054, Civil Lines SO North Delhi
From:ADDL VP/ HE,MIG FLATS EAST D
Wt:10gms
Amt:17.70(Cash)Tax:2.70
<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



Date: 04.12.2023

OFFICE OF THE COMMISSIONER OF INDUSTRIES
GOVT. OF NCT OF DELHI : UDYOG SADAN
419, FIE, PATPARGANJ INDUSTRIAL AREA, DELHI-110092

F.No 24/DCI/CI (CC)/2018/1958-1972

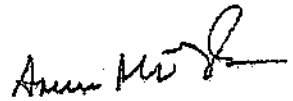
Dated:-

17/09/2018

Subject: Minutes of the meeting of the 'Monitoring Committee' held on 13.09.2018 at 6:00 pm in the conference room of the Chief Secretary, Govt. of NCT of Delhi to discuss implementation of order dated 24.08.2018 of Hon'ble Supreme Court of India.

Kindly find enclosed herewith minutes of the meeting of the 'Monitoring Committee' held on 13.09.2018 at 6:00 pm in the conference room of the Chief Secretary, Govt. of NCT of Delhi to discuss implementation of order dated 24.08.2018 of Hon'ble Supreme Court of India for your kind information and compliance.

It is requested to kindly send the action taken report within the stipulated time so as to prepare consolidated report of the Monitoring Committee for filing before the Hon'ble Supreme Court.


(Arun Mishra)

Spl. Commissioner of Industries

Encl.: Minutes of the meeting

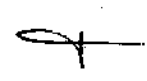
To (Members of the Monitoring Committee)

1. The Vice Chairman, DDA, Vikas Sadan, INA, New Delhi.
2. The Commissioner of Police, MSO Building, ITO New Delhi.
3. Commissioner, East Delhi Municipal Corporation, 419, FIE, Patparganj Industrial Area, Delhi-110092
4. Commissioner, North Delhi Municipal Corporation, 4th Floor, Dr. Shyama Prasad Mukherjee, Civic Centre, Minto Road, New Delhi
5. Commissioner, South Delhi Municipal Corporation, 9th Floor, Dr. Shyama Prasad Mukherjee, Civic Centre, Minto Road, New Delhi

Copy forwarded to the following with the request to attend the aforesaid meeting:-

1. Pr. Secretary (UD), GNCTD, Department of Urban Development, 9th Level, C Wing, Delhi Secretariat, New Delhi-110002

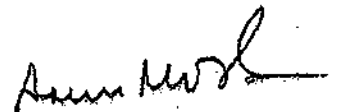
TRUE COPY



2. Pr. Secretary (Revenue) -cum-Divisional Commissioner, Deptt. of Revenue, Govt. of NCT of Delhi, 5, Sham Nath Marg, Delhi-110054
3. Secretary (Environment)-cum-chairman-DPCC, Govt. of NCT of Delhi, 6th Level, 'c' Wing, Delhi Secretariat, I.P.Estate, Delhi-110002
4. Secretary (Power), Govt. of NCT of Delhi. 8th Level, B-Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
5. CEO, Delhi Jal Board, Varunalaya, Phase II Karol Bagh New Delhi
6. Chief Executive Officer, BRPL, BSES Bhawan, Nehru Place, New Delhi
7. Chief Executive Officer, BYPL, Shakti Kiran Building, New Delhi
8. Chief Executive Officer, TPDDL, Hudson Lane, Kingsway Camp, Delhi

Copy for information to:-

- a. SO to Chief Secretary, Delhi, Delhi Secretariat, New Delhi.
- b. PS to Pr. Secretary, Industries, Govt. of NCT of Delhi



(Arun Mishra)

Spl. Commissioner of Industries

Minutes of the meeting of the 'Monitoring Committee' held on 13.09.2018 at 6:00 pm in the conference room of the Chief Secretary, Govt. of NCT of Delhi to discuss implementation of order dated 24.08.2018 of Hon'ble Supreme Court of India.

1. A meeting of the Monitoring Committee, constituted vide judgment dated 07th May, 2004 in Writ Petition (Civil) No 4677 of 1985 titled M. C. Mehta Vs Union of India & Ors, was held on 13.09.2018 at 6:00 pm in the Conference Room of Chief Secretary, Govt. of NCT of Delhi at 5th Level, Delhi Secretariat, I.P Estate, New Delhi to discuss implementation of order dated 24.08.2018 of Hon'ble Supreme Court related to closure /relocation of Impermissible Industrial units functioning in residential and non-conforming areas of Delhi.
2. List of Members of the Monitoring Committee and other officers of various departments and agencies who attended the meeting is placed at Annexure I.
3. At the outset, Pr. Secretary-cum-Commissioner (Industries) informed that in compliance of the order dated 07th May, 2004, a Monitoring Committee comprising of (i) Chief Secretary of Delhi (ii) Commissioner of Police, Delhi (iii) Commissioner, Municipal Corporation of Delhi and, (iv) Vice Chairman, DDA was constituted vide order dated 25.05.2004 with the terms of reference as under :
 - (i) The Committee would be responsible for stoppage of illegal industrial activities in residential and non-conforming areas of Delhi
 - (ii) The members of the monitoring committee can appoint officers subordinate to them to oversee and ensure compliance of the directions contained in the judgment dated 7th May 2004 of the Hon'ble Supreme Court.

He further informed that status report relating to closure/ relocation of industries are being filed before the Hon'ble Supreme Court by the Commissioner of Industries as authorized by the Monitoring Committee in its 3rd meeting held on 27.08.2004. 47 Progress Reports have been filed till date. The last report i.e 47th Report was filed on 29.06.2018 by the Pr. Secretary-cum-Commissioner (Industries) on behalf of the Monitoring Committee.

4. Pr. Secretary-cum-Commissioner (Industries) also informed that Hon'ble Supreme Court of India, vide its order dated 24.08.2018, has directed the Monitoring Committee to comply with its earlier order dated 07.05.2004 regarding stoppage of illegal Industrial activities in

residential/non-conforming areas of Delhi. The operative portion of the order dated 24.08.2018 of the Hon'ble Supreme Court is given below:-

"Report Nos. 43-47 of the Monitoring Committee for relocation of Industries in Delhi.

"The reports including the aforesaid reports have been filed from time to time by the Monitoring Committee. It appears that relocation is not implemented in letter and spirit.

We would like the Monitoring Committee to file a consolidated report under its own signature and not under the signature of any officer subordinate to the Monitoring Committee.

The consolidated status report will be signed by each member of the Monitoring Committee and should be filed within three weeks from today.

List the matter on 05.10.2018".

5. The Committee noted that the aforementioned order was received on 07.09.2018 in the Industries Department. Since it will take some time to consult various departments/agencies to finalize the consolidated status report, it would not be possible to submit the report signed by the each member of the Monitoring Committee within three weeks from the date of issue of order which is expiring on 14.09.2018. Hence, it was decided by the Monitoring Committee that an application for extension of time upto 29th September, 2018 for filing the said report should be moved before the Hon'ble Supreme Court at the earliest.
6. Pr. Secretary-cum-Commissioner(Industries) informed that a scheme of relocation of Industries from non-conforming/residential areas to approved industrial estates was launched in the year 1996 and applications were invited from the industrial units. The land was acquired in Bawana Ph-I, Bhorgarh for developing industrial estates specifically for relocating the industrial units from non-conforming areas. Flatted factory complex at Jhilmil was also developed for relocating the units. In addition, the vacant plots available in the existing developed industrial estates of Patparganj, Badli, Narela and Jhilmil were also

offered for relocating the units under the Scheme. The current status of disposal of the applications so received was given as follows:-

S.No	Item	Total
1	Total no. of applications received under the Relocation Scheme of Industries, 1996	51837
2	Total number of units declared eligible for allotment of industrial plots/flats	27985
3	Number of allotments surrendered/cancelled due to non payment	6025
4	Total no. of effective allotment to industrial units	21960
5	Remaining number of units on wait list for allotment under the Relocation Scheme	Nil

7. The members of the Monitoring Committee and other participants were apprised that 'revised guidelines' were issued on 10.01.2011 for effective implementation of order dated 07.05.2004 of Hon'ble Supreme Court of India passed in the matter of closure/relocation of unauthorized industrial units operating in residential/non-conforming areas of Delhi as per details given below:-

- a) "Closure/Sealing of impermissible industries will henceforth be carried out by the Municipal Corporation of Delhi and the Delhi Development Authority in respect of their areas of jurisdiction under the relevant provisions of the Delhi Development Act, 1957 and the Delhi Municipal Corporation Act, 1957.
- b) Closure/Sealing of polluting industries will henceforth be carried out by the Delhi Pollution Control Committee under the Environment Laws.
- c) All cases already recommended for closure/sealing by the Nodal Cell where no action has been initiated shall be transferred to the concerned agency i.e. Municipal Corporation of Delhi or Delhi Development Authority or Delhi Pollution Control Committee, as the case may be, by the office of the Divisional Commissioner (Revenue).
- d) Based on the inputs from the aforementioned agencies, the Industries Department shall file periodic reports before the Hon'ble Supreme Court."

Accordingly, it was reiterated and decided in the meeting that the DDA would identify and close down such impermissible industries in development areas notified under Delhi Development Act, 1957 and respective Municipal Corporation would take action in the rest of the areas including rural areas. If required, the Municipal Corporations may obtain assistance from the concerned revenue authority as SDM/Dy. Commissioner for proper identification of the Khasra No. and owner of the said land.

8. Secretary (Power) and representatives of DISCOMS informed that they are unable to trace the premises in some cases where electricity supply is to be disconnected for want of complete address. After detailed discussion, it was decided that a joint team comprising of representative of concerned Municipal Corporation and DISCOM should visit the premises for disconnection of electricity supply.
 9. Commissioner (Police) suggested that MCD/DDA should send information regarding carrying out the closure operations, in advance, to the area DCP. He further mentioned that in case of any law and order problem, the representatives of Municipal Corporation/DDA carrying out the closure and sealing operation may contact concerned DCP. A nodal officer under the Commissioner of Police was also agreed to.
 10. The Chief Secretary invited suggestions from the members of the committee and other participants present in the meeting to ensure effective implementation of the order dated 07.05.2004 of Hon'ble Supreme Court. Based on the suggestions given by the members of the Committee and other participants and after detailed discussions, following decisions were taken:-
 - (i) That, in Step-1, the Municipal Corporations will ensure that the industrial units under their respective jurisdiction out of the list of 21960 industrial units (list already sent to Municipal Corporations) who have been allotted alternate industrial plots under the Relocation Scheme are closed, if they have not closed down operations. Sealing of premises, disconnection of electricity and water supply should also be ensured wherever required. The process should be completed within 15 days.
 - (ii) That, in Step-2, the Municipal Corporations are required to identify the premises of applicants numbering 51837 less 21960 successful allottees under their respective areas who had applied for allotment of alternate plots under the Relocation Scheme and will ensure that no impermissible industrial activity is carried out from such premises. The list of 51837 industries has already been provided to the Municipal Corporations.
 - (iii) That, in Step-3, the Municipal Corporations and the Delhi Development Authority will carry out a comprehensive mapping/survey to find out details of industries functioning without obtaining proper municipal license in respect of their respective jurisdiction within a period of 2 months. Once the non permitted industries are identified during the mapping exercise/survey, notices to close down the industrial activities be issued and effective closure including disconnection of water supply and electricity connection be carried out within 30 days of such detection.
-

- (iv) It was decided that the Municipal Corporations/DDA should take action on the above steps simultaneously and that the Municipal Commissioners and VC, DDA will review the progress on fortnightly basis.
 - (v) It was decided that the meeting of the Monitoring Committee will be held once every three months to monitor the progress.
 - (vi) It was decided that the reports on the action taken so far will be obtained from the Municipal Corporations/DDA on a common template (draft attached as Annexure-II) and a consolidated report will be submitted before the Hon'ble Supreme Court before 29.09.2018 after getting it approved/signed from the members of the Monitoring Committee.
-

ATTENDANCE SHEET

Date: 13.09.2016

Time: 06.00 pm

Sub: Meeting reg. Supreme Court Order - Monitoring Committee meeting on closure of impermissible industries in residential/ unconforming areas

S.N.	Name	Designation	Mobile. No.	Email ID	Signature
1	AMULYA PATNAIK	CP/Delhi	9818099001		
2	Mohanjit Singh	Pr Secy			
3	Arun Mishra	INDY SPL. C.I.	9910209257		
4	Ashok Kumar	Addl Commr EDMCL			
5	ANIL K. SINGH	Secretary Env & Forest	9999237373		
6	S. M. ALI and	SS (F&F) MS (DPCC)			
7	Dr. Anil Kumar	Director (Env) GNETD	9712593505		
8	Mohammed A Abid	DC HO Revenue Dept.			
9	Rajesh	Head (Network) BRI	935021602	rajesh.m.bansal @relianceada.com	
10	VIJAY PANPALIA	Asst VP CIRCLE HEAD	9819956065	VIJAY.PANPALIA @RELIANCEADA.COM	
11	Prem Singh	VP BY PL	9350130399	Prem.Kh. Singh @relianceada.com	
12	S. Kumar Gwite	DCF (S)	8800873022	defsouth.dcl @gov.in	
13	Bharat Maheshwari	DCF (West)	9773826992	defwest.gnetd @gov.in	
14	Ishwar Singh	Addl. PCCF	858881868	apccfgrfctd @gmail.com	
15	S.D. Siroo	Dy. CCA-DOA	9810536562	sharma.s.d.dcl @gmail.com	
16	Leena Sehgal	Commissioner (CP) DPA	9810927919	commr.plg. @gmail.com	
17	Umesh K Tyagi	Addl Commr DMAC			
18	Anil Sharma	Hd. GOUT TPDDL	965828110	anil.k.sharma @talipower-dcl.com	
19	V.P. Sharma	HOD (RRG & LSC)	9818100574	V.P. Sharma @talipower-dcl.com	
20	Varsha Dahi	Secy Power			

ATTENDANCE SHEET

Date: 13.09.2018

Time: 06.00 pm

Sub: Meeting reg. Supreme Court Order - Monitoring Committee meeting on closure of Impermissible industries in residential/ unconforming areas

S.N.	Name	Designation	Mobile. No.	Email ID	Signature
21	MADHUP VYAS	Comm. North DMC	8802587201		
22	RANBIR SINGH	Commissioner EDMC			
23	Rajiv Padwarshi	Principal Secy Urban Dev.	011-23392212	prud@ntca.in	
24	Ramesh Chell	Commissioner SDMC			
25	Ira Singh	COM, Alipur DM (North)	Revenue 981032985	idmshilp@guail.com	
26	Purna Gang	SDM Narela, in DM (North)	Revenue	sdmshilp@guail.com	
27	ARUNO KUMAR	Manager TDD	9971392481	arun.d.kumar@ bpdcl.com	
28	SANJAY KUMAR	S.O.	9998192767	sanjay.v.s@bpdcl.com	
29	Vinod Sharma	Adl. VP - BRPL	9313521070	Vinod B. Sharma @relianceada	
30	MANRESH	AUP BRPL	9350261019	manesh.gan @relianceada	
31	Athar Javed	Adl. VP BRPL	9350261019		
32	H.L. Malik	Asst. (AMDC)	9891953988		
33	Parbhat Bhardwaj	AOC (EDMC)	99909038		
34	SIVA KUMAR	Sd/EDMC	9871550299		
35	Poon Nath UPS)	Adl CP (OPS AMDC) BPDCL	98180 99040		
36					
37					
38					
39					
40					

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ATTENDANCE SHEET**Date: 13.09.2016****Time 06.00 pm****Sub: Meeting reg. Supreme Court Order – Monitoring Committee meeting
on closure of impermissible industries in residential/unconforming areas**

Sl No.	Name	Designation	Mobile No.	Email ID	Signature
1	Amulya Patnaik	C/PDelhi	9818099001		Sd/-
2	Mohanjeet Singh	Pr. Secy			Sd/-
3	Arun Mishra	IND. Spl. CI	9910309257		Sd/-
4	Ashok Kumar	Addl. Commr. EDMC			Sd/-
5	Anil Kr. Singh	Secretary, En & Trust	9999237373		Sd/-
6	S.M. Ali	S.S (E & F) MS (DPCC)			Sd/-
7	Dr. Anil Kumar	Director (Env.) GnCTD	9717593505		Sd/-
8	Mohammed A Abid	DC HQ Revenue Dept.			Sd/-
9	Rajesh Bansal	Head (network) BRPL	9350261602	rajesh.m.bansal@relianceada.com	Sd/-
10	Vijay Panpalia	Asst. VP, Circle Head	9819956065	vijay.panpalia@relianceada.com	Sd/-
11	Prem Singh	VP/BYPL	9350130399	prem.kh.singh@relianceada.com	Sd/-
12	S. Knuanco miter	DCF(S)	8800873022	dcfsouth.delhi@gpv/om	Sd/-
13	Bharat Maheshwari	DCF (West)	9773826992	dcwest.gnctd@gov.in	Sd/-
14	Ishwar Singh	Addl. PCCF	8588811868	dcfwest.gonctd@gov.in	Sd/-
15	S.D.Sharma	Dy. CCA-DDA	9810536562	sharmasd.dda@gmail.com	Sd/-

TTC

16	Leenu Sehgal	Commissioner (Plg.) DDA	9810927919	commr.plg@gmail.com	Sd/-
17	Gmesh K. Tyoz	Addl. Comm. S DMC			Sd/-
18	Anil Sharma	Hd. Govt. Affairs, TPDDL	9650806910	amek.sharma@tatapower-ddo.com	Sd/-
19	V.P. Sharma	HOD (RRG & LSC)	9818100574	vp.sharma@tatapower-ddl.com	Sd/-
20	Varadu Lohi	Secy Power			Sd/-
21	Madhup Vyas	Commn. Noth, DMC	88005892001		Sd/-
22	Ranbir Singh	Commissioner, EDMC			Sd/-
23	Rajiv Yadu	Principal Secretary, Urban Dev.	011-23392212	psudenic.in	Sd/-
24	Puneet Goel	Commissioner, SDMC			Sd/-
25	Ira Singhal	SDM, Alipur for DM (North) Revenue	9810932985	sdmalipur@gmail.com	Sd/-
26	Purva Garg	SDM Narela, for DM (North) Revenue	9654200159	sdmnarela00@gmail.com	Sd/-
27	Arvind Kumar	Manager, TPDDL	9971392981	arvind.kumar@tpddl.com	Sd/-
28	Sanjay Kumar	S.O	9999199769	sanjayv537s@gmail.com	Sd/-
29	Vinod Sharma	Addl. VP, BRPL	9313581070	vinod.d.sharma@relianceada.com	Sd/-
30	Maneesh Arora	AVP, BRPL	9350261029	maneesh.arora@relianceada.com	Sd/-
31	Athar Javed	Addl. VP, BRPL	9380819045		Sd/-
32	H.L. Malik	____(DSI IDC)	98913530988		Sd/-
33	Prashant Bhardwaj	AO (EDMC)	9990909035		Sd/-
34	Sina Kumar	____(EDMC)	9871550299		Sd/-
35	Prem Nath (IPS)	Addl. CP (OPS & MOD) Delhi Police	9818099040		Sd/-

ANNEXURE-II

Common Template for consolidated report to be submitted by the Municipal Corporations/DDA

S.No	Action point	During July-Aug. 2018	Cumulative figure (w.e.f 01.05.2012)
1	Total number of industrial units in residential/non-conforming areas.		
2	Total number of unauthorized industrial units closed and sealed.		
3	Total number of cases where directions have been issued to DISCOMS for disconnection of electricity to such illegal units.		
4	Total number of cases where directions have been issued to Delhi Jal Board for disconnection of water supply to such illegal units.		
5	Total number of cases where disconnection of water supply done by DJB.		
6	Total number of cases where disconnection of Electricity done by DISCOM.		


TRUE COPY.

Item Nos.01 & 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 46/2018
(M.A. No.1474/2018 & 1539/2018)

WITH

Original Application No.1083/2018

Nuggehalli Jayasimha

Applicant(s)

Versus

Government of NCT of Delhi

Respondent(s)

WITH

Residents of C2 Block Aya Nagar

Applicant(s)

Versus

Government of NCT of Delhi

Respondent(s)

Date of hearing: 01.04.2019

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

Mr. Nuggehalli Jayasimha, Ms. Priyanaka
Bangari and Mr. Kartik Venu, Advocates

For Respondent (s):

Mr. Sanjay Dewan, Advocate for R-2
Ms. Pooja Kalra, Advocate for NDMC
Mr. Satish Kumar, Mr. V. Senthil Kumar and
Mr. Theerthe gowdanm, Advocates
Mr. Ajay Jain and Mr. Pranay Jain, Advocates
for GNCT Delhi
Mr. Shlok Chandra and Mr. Ritesh Kumar
Sharma, Advocates for DDA
Mr. Ashish Kumar Das, Advocate for R-10
Ms. Sakshi Popli, Ms. Pritika, Advocates Mr.
Dinesh Jindal, LO for DPCC
Mr. Gunjan Singh, Advocate for Ghajipur Dairy
Mr. Sanjeev, Advocate
Mr. Vinayak Gupta, Advocate for SDMC

ORDER

1. The issue for consideration is the remedial action for failure to manage dairy waste and effluents in NCT of Delhi.
2. According to the averments in the application filed before this Tribunal on 01.02.2018, the dairies operating in Delhi are in violation of statutory provisions of the Environment (Protection) Act 1986, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Solid Waste Management Rules, 2016, the Biomedical Waste (Management and Handling) Rules, 1998 (now 2016 Rules) and the Food Safety and Standards (Licence and Registration of Food Businesses) Regulations, 2011 resulting in large scale environmental pollution and health hazards. The statutory authorities in Delhi have failed to discharge their statutory obligations despite the judgment of Delhi High Court in *Common Cause v. Union of India*¹, requiring Municipal Corporations to have a task force for overseeing proper management of dairies. Dairies illegally operating were directed to be relocated out of Delhi. Stray cattle were to be impounded and shifted to requisite homes.
3. According to the Applicant, the operation of dairy industry is causing air, water and soil pollution. Solid, liquid and gas waste generated is being dumped in drains without any treatment which is a source of contamination of river Yamuna. The waste clogs the

¹ (2007) 141 DLT 164 (DB)

drainage system and the clogged water becomes the breeding ground for mosquitoes and other insects, resulting in health problems. Untreated biodegradable waste discharged in water ways contaminates the water supply. Dairy production causes losses of nitrogen in faeces and urine which contributes to environment pollution by discharge of ammonia, nitrous oxide and nitrogen oxides in air and nitrate in soil and ground water. The odour from dairies negatively impacts air quality. Ammonia wafts into the air from manure lagoons, and gases known as volatile organic compounds are created by the huge piles of feed. The foul smell from the dairy causes migraine, severe headache and people have no option but to inhale the impure-foul air present in the atmosphere. Air pollution by dairies in NCT of Delhi has become a source of trouble for the local population and makes it unfit for human habitation. The dairies are responsible for creating menace on the roads. The dairy units do not have bio-methane digesters or any scientific methodology put in place for composting of dung as is prescribed by law. The cows on streets eat food from garbage and leftovers. This itself causes menace and concern for public health. Animals are reservoirs for several of the most important food-borne and water-borne agents. Manure and waste water from animal feeding operations have the potential to contribute pathogens and pollutants, such as antibiotics, nutrients (nitrogen and phosphorus), hormones, sediments, heavy metals, organic matter, and ammonia, to the environment and eventually impact human health. The dairies are being operated without obtaining Consent to Operate

under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, which amounts to criminal offence. Unscientific disposal of waste is in violation of the Environment (Protection) Act, 1986 and Rules framed thereunder. Inspection reports of Animal Welfare Board of India dated 04.12.2015 and 15.12.2015 highlight the rampant use of Schedule H Drugs such as oxytocin injections, syringes, plastic bottles and other veterinary drugs in Ghazipur and Masoodpur dairies. Syringes, injections, drugs are dumped and disposed in open grounds, drains, garbage bins, etc. Improper and unscientific disposal of Biomedical Waste, which bear chemical or physico-chemical properties, causes harm to human beings, other living creatures, plants, micro-organism, property and the environment in direct contravention of the Environment (Protection) Act, 1986. The dairy waste is also covered by the definition of 'solid waste' and the provisions of Solid Waste Management Rules, 2016 apply which require mandatory source segregation of waste and channelizing the same for healthy recovery, reuse and recycle.

4. The local authorities are required to take steps for facilitating infrastructure and creating awareness. No dairy in Delhi is following the waste management practices. Reference has been made to the inspection carried out in respect of Ghazipur Dairy Area on 04.12.2015 and for Masoodpur Urban Dairies on 15.12.2015. A large quantity of oxytocin injections in plastic bottles and other veterinary drugs were seized during a raid. Oxytocin is a Schedule

H drug under the Drugs and Cosmetics Act, 1945 (commonly known as *duudh ka teeka*) which cannot be sold without a medical prescription. The Food Safety and Standards (Licence and Registration of Food Businesses) Regulations, 2011, lay down standards for food and regulation of manufacture, storage, distribution, sale and import for food safety. Prescribed standards require dairy premises to be clean and conforming to the standards. Municipal Corporation of Delhi has issued circular dated 15.06.2010 for operating dairy units as per requisite standards but it is not being followed.

5. The applicant has annexed articles titled *“Delhi is major contributor of population in Yamuna”* published in “The Hindu” dated 17.04.2007, *“Feeding on plastic poses high risk to lives, output of stray cattle”* published in “Indian Today” dated 08.05.2017, *“Serious farm population breaches rise in UK-and many go unprosecuted”* published in “Guardian” dated 21.05.2017, *“How growth in Dairy is affecting the environment”* published in “The New York Times” dated 01.05.20015 and *“Stray cows clog South Delhi roads”* published in “The Times of India” dated 05.08.2012 and research papers titled *“Nitrogen pollution by dairy cows and its mitigation by dietary manipulation”*, *“Impact of Dairy Effluent on Environment-A Environmental Science and Engineering (Subseries: Environmental Science)”*, apart from other documents and photographs. The applicant also relies upon “Dry Dairy” model given by Indian Council

for Agricultural Research, Ministry of Agriculture, Government of India.

6. The South Delhi Municipal Corporation, in its reply, has stated that the dairy owners are using dung cakes for fuel and manure but part of it flows into the drain. Municipal Corporation proposes to establish a biogas power plant. Certain stray cows have been removed and deported to the *gaushalas*. Action plan is proposed against stray cattle. Illegal dairies are proposed to be shifted, for which a public notice has been issued. It has no response with regard to the violation of the Water (Prevention and Control of Pollution) Act, 1974. By and large similar is the stand of the East Delhi Municipal Corporation and the North Delhi Municipal Corporation.
7. In the reply of the East Delhi Municipal Corporation, details of the locations of dairies are as follows:

“

S. No.	Name of dairy colonies	Name of Municipal zone where situated
1.	Gharoli	Shahdara-South, EDMC
2.	Nangli Shakrawati	Najafgarh Zone, SDMC
3.	Goela	Najafgarh Zone, SDMC
4.	Kakrola	Najafgarh Zone, SDMC
5.	Bhalswa	Civil Lines Zone, NDMC
6.	Jharoda	Civil Lines Zone, NDMC
7.	Shahbad Daulatpur	Rohini Zone, NDMC

”

8. It is further stated that apart from above, there are other dairies operating illegally from which stray cattle are removed. Road map has been annexed showing steps to make Delhi stray cattle free, involves identification of the cattle, regulating unchecked trucks of

cattle, allotment of additional space for rehabilitation and removal of stray cattle for deportation to *gaushalas*. Operating of dairies has to be subjected to regulation by way of grant of licence under Section 417 of the Delhi Municipal Corporation Act, 1957. Such action plan requires finances.

9. Vide order dated 01.03.2018, the Tribunal directed joint inspection by CPCB and DPCC to ascertain the situation regarding the extent of damage, with reference to manner of discharge of effluents and health conditions of animals.
10. Inspection report dated 11.04.2018 was filed to the effect that the dairies were being managed unscientifically without following the hygiene norms. There is no facility for disposal of dung which is mixed with effluents like urinary discharge, floor washing and combined effluent and is discharged in open drains. Most of the dairy farms are overcrowded. Injectable drugs are discarded in open. Animals remain confined without access to sunlight and space for movement. By and large similar situation was found in all the dairies inspected. It will be appropriate to quote some of the observations:-

“It is evident from the result that:

1. *The quality of groundwater at Masudpur & Ghazipur Dairy farms have high TDS content and are not meeting the drinking water standards.*
2. *In Masudpur dairy farm area, the value of Nitrate content and total & fecal coliform are not meeting the drinking water standards which may be attributed to practice of deposition of cow/buffalo dung in unlined*

area (park area) for last many years and its percolation leading to contamination of groundwater table.

Table 2 : Analysis Results of Waste-water Flowing through Drains

Parameters	Masudpur Area	Ghazipur Area
pH	7.44	7.81
COD, mgl	2162	2432
BOD, mgl	503	613
TSS, mgl	1392	1467
TDS, mgl	2184	1784
Nitrate N, mgl	16.62	6.53
Amm. Nitrogen, mgl	73	73
Phosphate-P, mgl	0.55	0.59
Sulphates, mgl	57	312

It is evident from the analysis results in respect of COD, BOD and TSS that the Masudpur and Ghazipur drains near to dairy farms are carrying high organic load in huge volumes with pungent odour. This can be attributed to unlawful discharge of untreated high strength waste-waters from the dairy farms.

Other Observations:

- No segregation/housing system is found for young calves, bulls, old animals, sick animals etc. However, the animals are housed in sheds with paved floor without proper ventilation.
- No segregation & storage system was observed in dairy farms i.e. waste generation from the dairy farms in three separate streams namely solid waste (dungs etc.), liquid waste (biodegradable) and bio-medical waste (vaccines, vials, medicines, syringes etc.) in suitable bins.
- No infrastructure is available for utilization/scientific disposal of the solid waste such as bio-methanation, composting etc.
- All the activities in the dairy farms are being carried out without following the norms. Relevant photographs are annexed.”

11. On 19.11.2018, the Tribunal noted that out of 70,000 animals, 11,000 animals have been examined. The Secretary of Animal Husbandry was directed to complete the exercise.

12. On 15.12.2018, the Tribunal required the Animal Husbandry Department to execute performance guarantee for Rs. 25 Lakhs in view of continued failure to carry out directions of this Tribunal.
13. DPCC in its affidavit filed on 16.11.2018 has merely stated that the issue in the application relates to solid waste management which concerns the Municipal authorities. This shows total lack of concern on the part of DPCC for protection of environment and implementation of environment norms, including the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 which are being patently violated.
14. In affidavit filed on 14.12.2018 by the Animal Husbandry Department, it is stated that impounded buffaloes and other animals were to be kept in cattle pound and that cattle pound has not been constructed. It is the responsibility of the Municipal Corporation under Article 243(W). 17000 animals were being kept in illegal dairies, animals are being exploited for commercial purpose, they are being kept in unhealthy conditions. Out of the animals examined, 3% were diseased.
15. Further status report has been filed on 04.01.2019 by the Animal Husbandry Department giving the figure of animal found unhealthy. The status report filed on 27.03.2019 gives the figure of sick animals at 828 out of 55842, the details of which is as follows:-

“

S. NO	Name of Dairy Colony	No. of animal examined		Total
		Animal found healthy	Animal found sick	
1	Masoodpur	2123	00	2123
2	Madanpur Khadar	2337	00	2337
3	Kakrola Dairy	3462	00	3462
4	Ghogha Dairy	1262	27	1289
5	Bhalaswa Dairy	2876	40	2916
6	Ghazipur Dairy	19152	661	19813
7	Gharoli Dairy	786	21	807
8	Goyla Dairy	10777	22	10799
9	Jharoda Dairy	3211	37	3248
10	Nangli Dairy	9028	20	9048
	Grand Total	55014	828	55842

”

16. We have heard the learned counsel for the parties.

17. Though various authorities of Delhi Government are represented by counsel, none of the authorities has undertaken to comply with the environmental norms even though violation is clearly acknowledged. None of the counsel for the authorities, in spite of being called upon, has come out with any suggestions as to how the environment will be protected and what action is proposed to uphold the rule of law. This shows lack of sensitivity on the part of all the authorities represented before this Tribunal. They have failed to perform their constitutional duties and responsibility in protecting environment and enforcing right of citizens to clean environment. If this is the state of affairs in the capital of the country, environment rule of law will remain a serious challenge, even if it is recognized as part of right to life.

18. A joint report submitted by the Central Pollution Control Board (CPCB) and Delhi Pollution Control Committee (DPCC) as well as the affidavits filed by various authorities clearly establish serious violation of law and failure to take due remedial action in the matter. Such attitude is a threat to rule of law and renders it impossible to protect clean environment and cannot be appreciated.

19. Accordingly, before considering the matter further, we direct the Chief Secretary, Delhi to call a meeting of all concerned and fix their accountability and also to take appropriate action for their failure so far. Further course of action be prepared consistent with prescribed environment norms. Recommendations in the Inspection Reports dated 04.12.2015² and 15.12.2015³ prepared at the instance of

² Some of the observations in the inspection report are as follows:

- Cows & buffaloes are tied with short ropes, where they were unable to lift their head properly, turn around or groom themselves. Animals specially buffaloes are tethered 24 hours and not allowed any movement. The reason for this according to the dairymen is that the area is in close proximity to the slaughter house and animals are often stolen and butchered without anyone comes to know about it.
- The existing sheds were found in deplorable conditions with thatched roof supported by flimsy bamboo sticks. This is a potential threat to the safety of animals and are useless for any protection from weather conditions.
- The animals were found to be covered in their own dung and urine due to continuous tethering on concrete floor.
- Concrete floors are become slippery with dung and urine on it. Due to slippery floor, huge adult animals were slipping off their place and falling off. The workers reported that animals often fracture their bones as they are unable to maintain balance and slip on the ground.
- Lack of cleanliness with overcrowded animals restricted in one area is resulting in extremely unhygienic and disease prone living conditions for animals at Gazipur dairies.
- All dairies have open drains which were filled with standing water mixed with dung and urine providing perfect conditions for mosquitoes, insects and flies to breed.
- All the drains inside the dairy were connected to the main drainage system pouring tons of dung, urine and other waste directly in the sewage system which was completely choked due to this irresponsible waste disposal.
- Mosquitoes and flies are known as the best and fastest carrier of diseases. Due to unhygienic conditions, there were flies all around on animals, people, in the drains and on the milk vessels which were kept ready for collecting milk.

Animal Welfare Board of India may be duly considered. Monitoring mechanism be adopted for periodical review of the situation. DPCC has particularly failed in performing its statutory duties under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act 1986 and the Rules framed thereunder. Neither polluting activities are being prevented nor prosecution initiated, nor assessment and collection of compensation for restoration of the environment being done. The Municipal Corporations claim to have recovered certain fines but there are no adequate measures in terms of the Rules have been adopted to remedy the polluting activities. The Animal Husbandry Department has merely collected data of number of animals and number of diseased animals. No carrying capacity has been assessed or enforced to check overcrowding of the animals.

³ Some of the observations in the inspection report are as follows:

- All dairies had common manger to provide water and feed. The feed mangers were found to be dirty posing a high risk of health to animals.
- There was thick layer of fungus and algae floating on top of the water. This shows that there is no habit of cleaning the water mangers at the dairies. It would have not been cleaned at least since 6 months to allow such muck to deposit and float on the water.
- Empty syringes, hose pipe, loose containers and many unwanted articles were floating in the water mangers meant for storing water which is used for feeding animals and washing milk cans.
- Water is offered only two times in a day denying opportunity to animal to drink water if they are thirsty at any other time of the day.
- The animals housed in dairies had injuries, lameness and were suffering from diarrhea.
- Lots of bottles of oxytocin drug which is known as 'doodh ka teeka' were lying around at dairies. The workers admitted that it is used by them on every buffalo and even cows twice in a day to induce let down of milk. Lots of used bottles of oxytocin were found lying in the open drains all around Masoodpur.
- Many animals were found with injuries and open wounds which were left untreated. These animals were in close proximity of other animals making them susceptible to diseases.

20. In view of the above, for failure of the authorities, apart from action which may be taken or suggested by the Chief Secretary, we hold that DPCC, SDMC, EDMC and North Delhi Municipal Corporation are liable to pay a sum of ₹10 Lakhs each as interim compensation for damage to the environment due to failure of the authorities in discharging their duties. They are also held liable to furnish performance guarantee in the sum of ₹10 Lakhs each for taking necessary steps in next three months. The deposit of compensation and furnishing of performance guarantee has to be to the satisfaction of the CPCB within one month. The CPCB will be at liberty to recover the amount and take coercive measures for the purpose. The amount may be spent for restoration of environment. The authorities are free to recover the amount from erring officers and polluters.

21. The Chief Secretary, Delhi may furnish an action taken report in pursuance of above directions and order of this Tribunal dated 11.05.2019 in Original Application No. 606 of 2018 by e-mail at ngt.filing@gmail.com. The report may be put up on the date fixed in the said case i.e. 08.07.2019.

A copy of this order be sent to the Chief Secretary of Delhi and CPCB by e-mail.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

April 01, 2019
Original Application No. 46/2018
(M.A. No.1474/2018 & 1539/2018)
WITH
Original Application No.1083/2018
AVT



ANNEXURE A/18**IN THE SUPREME COURT OF INDIA****CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NOS. _____ OF 2019
(Diary No.27968/2019)

SOUTH DELHI MUNICIPAL CORPORATION**Petitioner(s)****VERSUS****NUGGEHALLI JAYASIMHA & ORS.****Respondent(s)****O R D E R****Heard the learned counsel for the appellant.****Delay condoned.****We are not inclined to entertain the matter(s).****The appeal(s) are accordingly, dismissed. Pending application, if any, stand disposed of.**

.....J
(L.NAGESWARA RAO)

.....J
(HEMANT GUPTA)

Signature Not Verified
 Digitally signed by
 BALA PARSOTHI
 Date: 2019.09.19
 16:57:42 IST
 Reason: 

NEW DELHI ;
16th SEPTEMBER, 2019

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL Diary No(s).27968/2019

(Arising out of impugned final judgment and order dated 01-04-2019
in OA No.46/2018 passed by the National Green Tribunal)

SOUTH DELHI MUNICIPAL CORPORATION

Petitioner(s)

VERSUS

NUGGEHALLI JAYASIMHA & ORS.

Respondent(s)

(With applications for c/delay in filing and exemption from filing
c/c of the impugned judgment)

Date : 16-09-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Sanjiv Sen, Sr. Adv.
 Mr. Praveen Swarup, Adv.
 Mr. B.C. Santosh Kumar, Adv.
 Mr. Sayan Ray, Adv.
 Mr. Soumo Palit, Adv.
 Mr. Karmendra Pratap Singh, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

The appeal(s) are dismissed in terms of
the signed order. Pending application, if any stand
disposed of.

(B.Parvathi)
Court Master

(Sunil Kumar Rajvanshi)
Court Master

(Signed order is placed on the file)

ANNEXURE A/19

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Item No. 02 & 03

Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

Original Application No. 46/2018
(M.A. No. 1474/2018, M.A. No. 1539/2018)
WITH
Original Application No. 1083/2018

Nuggehalli Jayasimha

Applicant(s)

Versus

Government of NCT of Delhi

Respondent(s)

WITH

Residents of C2 Block Aya Nagar

Applicant(s)

Versus

Govt. of NCT of Delhi

Respondent(s)

Date of hearing: 08.07.2019

CORAM:

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s):

Mr. Nuggehalli Jayasimha, Ms. Priyanka, Chesta Jetly for Mr. Aditya Singh, Ms. Supriya Juneja, Advocates

For Respondent (s):

Mr. Shlok Chandra, Mr. Harshvardhan Sharma, Advocates for DDA
Mr. Abhitosh Pratap Singh, Ms. Gunjan Singh, Advocates for R-13
Mr. Arunesh Sharma, Harpreet Singh, Advocates for DUSIB
Mr. Ajay Jain, Ms. Smaridhi, Advocates for GNCTD
Mr. Sanjay Dewan, Advocate for R-2&3
Mr. Balendu Shekhar, Advocate for EDMC
Ms. Puja Kalra, Advocate for SDMC, North MCD
Ms. Sakshi Popli, Advocate for NDMC
Mr. M.C. Sharma, Advocate for R-11
Mr. Raj Kumar, Advocate for DPCC

ORDER

1. The issue for consideration is remedial action for non compliance of environment norms by the dairies operating in Delhi.

2. Vide order dated 01.04.2019, the Tribunal considered the allegation of air, water and soil pollution by the dairy industries. It is alleged that solid, liquid and gas waste is generated and dumped into the drains which are meeting the river Yamuna and thus, this activity results in contamination of river Yamuna. The waste clogged the drainage system which was becoming breeding ground for mosquitoes and other insects and thus creating health hazard. Waste generated was also resulting in discharge of ammonia and nitrogen oxides in the air and nitrate in soil and ground water. The odour from dairies negatively impacts the air quality. Ammonia wafts into the air from manure lagoons, and gases known as volatile organic compounds were created by the huge piles of feed. The foul smell from the dairy causes migraine, severe headache and people have no option but to inhale the impure-foul air present in the atmosphere.

3. In the light of inspection reports under the directions of this Tribunal dated 11.04.2018, and the recommendations of the inspection reports dated 04.12.2015 and 15.12.2015 prepared by the Animal Welfare Board of India it was noted that there was rampant use of Schedule H drugs, oxytocin injections, syringes, plastic bottles and other veterinary drugs etc. which are disposed of improperly and in unscientific manner, in violation of Bio-medical Waste Management Rules, 2016. The dairies were not following waste management practices. There was also violation of Food Safety and Standards (Licence and Registration of Food Businesses) Regulations, 2011.

4. The Tribunal also noted various articles on the subject¹ which highlights adverse consequences on the environment due to illegal

¹ "Delhi is major contributor of population in Yamuna" published in "The Hindu" dated 17.04.2007, "Feeding on plastic poses high risk to lives, output of stray cattle" published in "Indian Today" dated

and unscientific dairy activities. It was also observed that there was violation of various provisions of the Delhi Municipal Corporation Act, 1957.

5. After quoting the observation from the report of the Committee, the stand of the Delhi Pollution Control Committee (DPCC) that it was not concerned with the subject despite the violation being clearly acknowledged was rejected in view of statutory provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981. It was noted that though various authorities of the Delhi Government were parties and represented by Counsel, no authority came forward to take the responsibility and none of the Counsel made any suggestion for enforcement of law. In this background, the Tribunal in the order dated 01.04.2019 directed the Chief Secretary of Delhi to call a meeting of all concerned and fix their accountability. The Tribunal also noted that the DPCC had failed to perform its statutory duties under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 in preventing polluting activities, prosecuting the polluters and recovering compensation for restoration of the environment from the polluters. The Tribunal also required DPCC, South Delhi Municipal Corporation (SDMC) and North Delhi Municipal Corporation (North DMC) to pay sum of Rs. 10 Lakhs each as an interim compensation and furnish a performance guarantee of

08.05.2017, “*Serious farm population breaches rise in UK-and many go unprosecuted*” published in “Guardian” dated 21.05.2017, “*How growth in Dairy is affecting the environment*” published in “The New York Times” dated 01.05.20015 and “*Stray cows clog South Delhi roads*” published in “The Times of India” dated 05.08.2012 and research papers titled “*Nitrogen pollution by dairy cows and its mitigation by dietary manipulation*”, “*Impact of Dairy Effluent on Environment-A Environmental Science and Engineering (Subseries: Environmental Science)*”, apart from other documents and photographs.

Rs. 10 Lakhs each with the Central Pollution Control Board for taking necessary steps within three months for restoration of the environment. The amount could be recovered from the erring officer and polluters. The Chief Secretary, Delhi was to furnish an action taken report.

6. An action taken report filed vide e-mail dated 03.07.2019 has been perused. The report states that DPCC has imposed environmental compensation on Municipal Corporations, apart from the dairies concerned. The local authorities are responsible for compliance of the Waste Management Rules. The DPCC has given the responsibility of sealing the borewells to the District Magistrates. The Flood Control Department, Animal Husbandry Department and Delhi Society are to take certain steps, apart from the Municipal Corporations.

7. We find that in spite of observations in the earlier order of this Tribunal as well as repeated orders in large number of cases, the DPCC seems to be avoiding its statutory responsibilities under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and to cover up their inaction, is passing the order of imposition of fines on other statutory bodies, without any jurisdiction. Learned Counsel for the Delhi Government as well as DPCC have not been able to show any legal authority for doing so. While the DPCC may take action on 'Polluter Pays' principle against polluting activities of any statutory body, it has no authority to recover compensation for alleged inaction by such statutory authorities. Such authorities are not authorized to enforce the Water (Prevention and Control of Pollution) Act, 1974 or Air (Prevention and Control of Pollution) Act, 1981 which DPCC itself has to enforce. Even if they have overlapping powers under other statute,

the DPCC cannot avoid its obligation under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981. It is undisputed that the dairies are operating in violation of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 as already noted in the order of this Tribunal dated 01.04.2019. The DPCC is required to ensure that the polluting activities, without consent to operate, are stopped by way of prohibitory order, prosecution and recovery of compensation which has not been done. Just as local bodies cannot fine DPCC for its utter failure, DPCC also cannot shift its onus and responsibility to local bodies and absolve from its responsibility. It has to proceed against polluters which it is avoiding to do.

8. We find that as per the circular dated 05.03.2016 issued by the MoEF&CC, the dairy industries fall under the 'Orange' category industries. Consent to operate is necessary under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 25 of the Water (Prevention and Control of Pollution) Act, 1974. Under the Environment (Protection) Rules, Schedule-I, read with Rule-3, lays down the norms for discharge by various activities or operations. Entry 56 deals with 'dairies' (industrial units) and provides for standards of effluents and violation of such standards.

9. Faced with the above, learned Counsel for the DPCC has undertaken to withdraw the notices issued to other statutory authorities and not to indulge in such illegal activities in future.

10. We find that the action of the DPCC is inadequate. Under Section 15 of the NGT Act, 2010, this Tribunal has to deal with enforcement of statutes mentioned in Schedule-I which include Water (Prevention

and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986. Such violations may also be overlapping with the other statutory violations for which concerned statutory authorities have to take action on that ground. The local bodies have the responsibilities under the SWM Rules, 2016² but on that ground, the DPCC cannot avoid its responsibility. Local bodies must perform their statutory duties.

11. In view of above, while disapproving the above illegal action of DPCC as well as its inaction, we expect the DPCC now to enforce its concerned statutory obligations by closing polluting activities, prosecuting the polluters and recovering compensation from the polluters in accordance with law and to furnish a further report to this Tribunal by e-mail at judicial-ngt@gov.in before the next date.

12. We may note that livestock is a major source of methane emissions and studies on the subject show that the problem in India is severe. Results of a recent study ³show that the Indian livestock emitted 15.3 million tonnes of methane in 2012⁴. Enteric methane emission from Indian livestock contributed 15.1% of total global enteric methane emission. In India, contribution of enteric methane was 91.8% of the total GHG emissions, followed by manure methane (7.04%) and manure Nitrous Oxide (1.15%) in the year 2010⁵. The livestock sector in India has the potential to cause surface temperatures to surge up

² See Rule 3(46) read with Rule 15 of the Solid Waste Management Rules, 2016.

³ Study carried out by the Indian Institute of Technology Delhi and the Deenbandhu Chhotu Ram University of Science and Technology, Murthal in Ecotoxicology and Environmental Safety, Climate change impact of livestock CH₄ emission in India: Global Temperature change Potential (GTP) and surface temperature response, <https://www.sciencedirect.com/science/article/pii/S0147651317305766>, Volume 147, January 2018, Pages 516-522.

⁴ *Id.*

⁵ <https://www.ajas.info/journal/view.php?number=4850>.

to 0.69 millikelvin over 20 year time period which is roughly 14 per cent of the total increase caused by the global livestock sector. Methane has a warming potential 20 times higher than carbon dioxide. Globally, livestock sector generates 65 percent of human-related nitrous oxide, which has 296 times the Global Warming Potential (GWP) of CO₂. Most of this comes from manure.⁶ While the dairy industry is covered by 'Orange category' under the circular dated 05.03.2016 issued by the MoEF&CC, no such guidelines are said to be existing for management and rearing of livestock. Needless to say that such activity have potential of causing air and water pollution as already noted in the context of Delhi. Accordingly, instead of limiting the scope of remedying the compliance of environment norms by dairies to Delhi, we consider it necessary to expand the same for the whole country. Let the CPCB undertake a study in the matter and lay down appropriate guidelines for management and monitoring of environmental norms by the dairies throughout India and furnish a report in the matter by e-mail at judicial-ngt@gov.in before the next date. The local bodies in all the States/ UTs be required to file inventory of dairies in their respective jurisdiction so that state PCB can compile such information in their respective reports furnished to CPCB.

13. The performance guarantee furnished in pursuance of order dated 01.04.2019 will stand forfeited on account of failure of the concerned authorities to perform their duties in terms of the order of this Tribunal. The Tribunal may consider further coercive measures, if the failure continues even on the next date.

List for further consideration on 20.09.2019.

⁶ <http://www.fao.org/newsroom/en/news/2006/1000448/index.html>

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 08, 2019
Original Application No. 46/2018
(M.A. No. 1474/2018, M.A. No. 1539/2018)
WITH
Original Application No. 1083/2018
DV



Item No. 01

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 46/2018

(With Report dated 12.05.2020)

Nuggehalli Jayasimha

Applicant(s)

Versus

Government of NCT of Delhi

Respondent(s)

Date of hearing: 20.05.2020

CORAM:

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Applicant(s):

Mr. Aditya Singra and Ms. Priyanka Bangari, Advocates

Respondent(s):

Mr. Satish Kumar, Advocate for CPCB
 Mr. Rajkumar, Advocate for DPCC
 Mr. Daleep Dhyani and Mr. Pradeep Misra, Advocates for UPPCB
 Ms. Puja Kalra, Advocate for North MCD and SDMC
 Mr. Balendu Shekhar, Advocate for EDMC

ORDER

1. This order may be read in continuation of order dated 24.01.2020, on the subject of remedial action for compliance of environmental norms by the dairies throughout India.
2. The matter has been dealt with earlier by this Tribunal and directions have been issued from time to time with a view to enforce the statutory mandate under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 for

compliance of environmental norms. Against the order of the Tribunal dated 08.07.2019, to which reference will be made in the later part of this order, *Civil Appeal No. 7285/2019* filed by the SDMC was dismissed by the Hon'ble Supreme Court. As earlier noted, the issue was also dealt with by the Delhi High Court in *Common Cause v. UOI, (2007 SCC Online (Del) 863)*, wherein Municipal Corporation of Delhi was directed to formulate a licensing policy under Section 417 of the Delhi Municipal Corporation Act, 1957. While issuing such direction, the High Court noticed unsatisfactory state of affairs. The High Court observed that the dairies need to be relocated on account of hazard of stray cattle on the roads and trauma faced by the cattle in the cities on account of traffic. Reference was also made to the filth, squalor and outbreak of diseases. As a short-term measure, preventive steps were required for hygiene and protection of environment. Our attention has been drawn to a policy framed by the MCD on 17.07.2010 prohibiting keeping of cattle in any premises without license. Authorized dairy areas were specified and standards and measures were also specified. Reference has also been made to the report of an Expert Committee constituted by the Indian Council for Agricultural Research, Government of India, dated 01.11.2016 under the Chairmanship of Dr. Arjava Sharma, Director, ICAR-NBAGR, Karnal. The report dealt with sustainable management of unproductive cattle. The report specifies land requirement, feeding requirement, labour requirement and health management.

3. Vide order dated 01.04.2019, the Tribunal considered the allegation of air, water and soil pollution by the dairy industries in Delhi. It was alleged that solid and liquid waste releasing gaseous emissions

was generated and dumped by the dairies in Delhi into the drains, meeting the river Yamuna, resulting contamination of river Yamuna. The waste clogged the drainage system which was becoming breeding ground for mosquitoes and other insects and thus creating health hazard. Waste generated was also resulting in discharge of Ammonia and Nitrogen oxides in the air and nitrate in soil and ground water. The odour from dairies negatively impacted the air quality. Ammonia wafted into the air from manure lagoons. Gases known as volatile organic compounds were created by the huge piles of feed. The foul smell from the dairy caused migraine, severe headache and people had no option but to inhale the impure/foul air present in the atmosphere. In the light of inspection reports dated 04.12.2015 and 15.12.2015, prepared by the Animal Welfare Board of India, it was noted that there was rampant use of Schedule H drugs, oxytocin injections, syringes, plastic bottles and other veterinary drugs etc. which are disposed of improperly and in unscientific manner, in violation of Bio-medical Waste Management Rules, 2016. The dairies were not following waste management practices. There was also violation of Food Safety and Standards (Licence and Registration of Food Businesses) Regulations, 2011.

4. The Tribunal also noted various articles on the subject¹ which highlight adverse consequences on the environment due to illegal and unscientific dairy activities. It was also observed that there was

¹“Delhi is major contributor of population in Yamuna” published in “The Hindu” dated 17.04.2007, “Feeding on plastic poses high risk to lives, output of stray cattle” published in “Indian Today” dated 08.05.2017, “Serious farm population breaches rise in UK and many go unprosecuted” published in “Guardian” dated 21.05.2017, “How growth in Dairy is affecting the environment” published in “The New York Times” dated 01.05.2015 and “Stray cows clog South Delhi roads” published in “The Times of India” dated 05.08.2012 and research papers titled “Nitrogen pollution by dairy cows and its mitigation by dietary manipulation”, “Impact of Dairy Effluent on Environment-A Environmental Science and Engineering (Subseries: Environmental Science)”, apart from other documents and photographs.

violation of various provisions of the Delhi Municipal Corporation Act, 1957.

5. After quoting the observation from the report of the Committee, the stand of the Delhi Pollution Control Committee (DPCC) that it was not concerned with the subject despite the violation being clearly acknowledged was rejected in view of statutory provisions of the Water (Prevention and Control of Pollution) Act, 1974, (Water Act), the Air (Prevention and Control of Pollution) Act, 1981 (Air Act) and Environment (Protection) Act, 1986 and rules framed thereunder. It was noted that though various authorities of the Delhi Government were parties and represented by Counsel, no authority came forward to take the responsibility and none of the Counsel made any suggestion for enforcement of law. In this background, the Tribunal by order dated 01.04.2019 directed the Chief Secretary of Delhi to call a meeting of all concerned and fix their accountability. The Tribunal also noted that the DPCC had failed to perform its statutory duties under the Water Act, the Air Act and the Environment (Protection) Act, 1986 (EP Act) in preventing polluting activities, prosecuting the polluters and recovering compensation for restoration of the environment from the polluters. The Tribunal also required DPCC, South Delhi Municipal Corporation (SDMC) and North Delhi Municipal Corporation (North DMC) to pay sum of Rs. 10 Lakhs each as an interim compensation and furnish a performance guarantee of Rs. 10 Lakhs each with the Central Pollution Control Board for taking necessary steps within three months for restoration of the environment. The amount could be recovered from the erring officer and polluters. The Chief Secretary, Delhi was to furnish an action taken report.

6. The matter was further reviewed on 08.07.2019 in the light of the report of the DPCC dated 03.07.2019. Commenting on the said report, this Tribunal found that DPCC was trying to avoid responsibility by taking untenable plea that only Municipal Corporations or other Departments were to monitor the pollution caused by the dairies. Accordingly, DPCC was directed to enforce its statutory obligation of closing polluting activities, prosecute the polluters and recover compensation on 'Polluter Pays' principle. **The Tribunal also directed CPCB to undertake a study and lay down appropriate guidelines for management and monitoring of environmental norms by dairies throughout country.** The observations of the Tribunal are reproduced for ready reference:

"1 to 6 xxx

xxx

xxx

7. We find that in spite of observations in the earlier order of this Tribunal as well as repeated orders in large number of cases, the DPCC seems to be avoiding its statutory responsibilities under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and to cover up their inaction, is passing the order of imposition of fines on other statutory bodies, without any jurisdiction. Learned Counsel for the Delhi Government as well as DPCC have not been able to show any legal authority for doing so. While the DPCC may take action on 'Polluter Pays' principle against polluting activities of any statutory body, it has no authority to recover compensation for alleged inaction by such statutory authorities. Such authorities are not authorized to enforce the Water (Prevention and Control of Pollution) Act, 1974 or Air (Prevention and Control of Pollution) Act, 1981 which DPCC itself has to enforce. Even if they have overlapping powers under other statute, the DPCC cannot avoid its obligation under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981. It is undisputed that the dairies are operating in violation of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 as already noted in the order of this Tribunal dated 01.04.2019. The DPCC is required to ensure that the polluting activities, without consent to operate, are stopped by way of prohibitory order, prosecution and

recovery of compensation which has not been done. Just as local bodies cannot fine DPCC for its utter failure, DPCC also cannot shift its onus and responsibility to local bodies and absolve from its responsibility. It has to proceed against polluters which it is avoiding to do.

8. We find that as per the circular dated 05.03.2016 issued by the MoEF&CC, the dairy industries fall under the 'Orange' category industries. Consent to operate is necessary under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 25 of the Water (Prevention and Control of Pollution) Act, 1974. Under the Environment (Protection) Rules, Schedule-I, read with Rule-3, lays down the norms for discharge by various activities or operations. Entry 56 deals with 'dairies' (industrial units) and provides for standards of effluents and violation of such standards.

9. Faced with the above, learned Counsel for the DPCC has undertaken to withdraw the notices issued to other statutory authorities and not to indulge in such illegal activities in future.

10. We find that the action of the DPCC is inadequate. Under Section 15 of the NGT Act, 2010, this Tribunal has to deal with enforcement of statutes mentioned in Schedule-I which include Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986. Such violations may also be overlapping with the other statutory violations for which concerned statutory authorities have to take action on that ground. The local bodies have the responsibilities under the SWM Rules, 2016² but on that ground, the DPCC cannot avoid its responsibility. Local bodies must perform their statutory duties.

11. In view of above, while disapproving the above illegal action of DPCC as well as its inaction, we expect the DPCC now to enforce its concerned statutory obligations by closing polluting activities, prosecuting the polluters and recovering compensation from the polluters in accordance with law and to furnish a further report to this Tribunal by e-mail at judicial-ngt@gov.in before the next date.

12. We may note that livestock is a major source of methane emissions and studies on the subject show that the problem in India is severe. Results of a recent study ³show that the Indian livestock emitted 15.3

²See Rule 3(46) read with Rule 15 of the Solid Waste Management Rules, 2016.

³ Study carried out by the Indian Institute of Technology Delhi and the Deenbandhu Chhotu Ram University of Science and Technology, Murthal in Ecotoxicology and Environmental Safety, Climate change impact of livestock CH₄ emission in India: Global Temperature change Potential (GTP) and surface temperature response, <https://www.sciencedirect.com/science/article/pii/S0147651317305766>, Volume 147, January 2018, Pages 516-522.

million tonnes of methane in 2012⁴. Enteric methane emission from Indian livestock contributed 15.1% of total global enteric methane emission. In India, contribution of enteric methane was 91.8% of the total GHG emissions, followed by manure methane (7.04%) and manure Nitrous Oxide (1.15%) in the year 2010⁵. The livestock sector in India has the potential to cause surface temperatures to surge up to 0.69 millikelvin over 20 year time period which is roughly 14 per cent of the total increase caused by the global livestock sector. Methane has a warming potential 20 times higher than carbon dioxide. Globally, livestock sector generates 65 percent of human-related nitrous oxide, which has 296 times the Global Warming Potential (GWP) of CO₂. Most of this comes from manure.⁶ While the dairy industry is covered by 'Orange category' under the circular dated 05.03.2016 issued by the MoEF&CC, no such guidelines are said to be existing for management and rearing of livestock. Needless to say that such activity have potential of causing air and water pollution as already noted in the context of Delhi. Accordingly, instead of limiting the scope of remedying the compliance of environment norms by dairies to Delhi, we consider it necessary to expand the same for the whole country. Let the CPCB undertake a study in the matter and lay down appropriate guidelines for management and monitoring of environmental norms by the dairies throughout India and furnish a report in the matter by e-mail at judicial-ngt@gov.in before the next date. The local bodies in all the States/ UTs be required to file inventory of dairies in their respective jurisdiction so that state PCB can compile such information in their respective reports furnished to CPCB."

7. Thereafter, vide order dated 24.01.2020, this Tribunal considered the action taken report filed by the DPCC that it has issued notice for closure under the Water Act and the Air Act and also directed disconnection of electricity and water supply. Show cause notice has also been issued for enforcement of the guidelines prepared by the CPCB. The local bodies have been asked to perform their duties. The Tribunal then considered the reports dated 18.08.2019 and 22.01.2020 filed by the CPCB as follows:

⁴ *Id.*

⁵ <https://www.ajias.info/journal/view.php?number=4850>.

⁶ <http://www.fao.org/newsroom/en/news/2006/1000448/index.html>

“9. CPCB has filed two reports. First report is dated 18.09.2019, to the effect that an expert group was constituted. **After discussion and interaction with the stakeholders, Guidelines for Environmental Management of Dairy Farms and Gaushalas were finalized.** As per available statistics, prepared by the CPCB population of adult female bovine in the country is 13,32,71,000. Many dairy farms and gaushalas discharge the cattle dung along with wastewater into the drains, leading to clogging, which ultimately reach rivers and creates water pollution. Also, these clogged drains become breeding ground for mosquitoes, creating health hazards and odour nuisance. The dung produces many gases/compounds such as Carbon dioxide, Ammonia, Hydrogen sulphide, Methane, etc. which are emitted into the atmosphere and are responsible for degradation of air quality. The greenhouse gases, mainly Methane and Carbon dioxide, produced by dung also impact the climate. Disposal of cow/buffalo dung is the biggest challenge in dairy farms and gaushalas. However, cattle dung, if effectively utilised, can be an excellent resource of manure & energy and reduce the adverse impact on environment. The cattle dung contains many beneficial constituents which may be used as fuel source either by direct combustion or converted to biogas, soil conditioner, fertilizers, material for wall plastering, construction of granaries, livestock & fish feeding, etc. The draft Guidelines stipulate solid waste management, waste water management, air quality management, monitoring mechanism to be adopted by the local authorities/ Corporations/ PCBs/ PCCs. The guidelines also prescribed a Performa for monitoring by the local authorities/Corporations for preparing inventories of dairies farm and gaushala.

10. Second report dated 22.01.2020 is to the effect that the inventory Performa was circulated to the PCBs/PCCs to which response was received from 31 States/UTs. No response was received from Andhra Pradesh, Maharashtra, Manipur, Uttarakhand and Delhi. 20 States provided the details while 11 States/UTs have yet to provide details. Observations and conclusion in the report are :-

“3.0 Observations:

Following are the observations based on the information as received from SPCBs/PCCs about dairies and gaushalas operating in the States/UTs:

- i. The total number of dairies operating in 19 States/UTs is 93,033 (ninety three thousand

& thirty three) and total number of animals in these dairies is 7,04,127 (seven lakh, four thousand, one hundred & twenty seven).

- ii. **There are 960 dairy colonies/clusters in 19 States/UTs.**
- iii. **The total number of gaushalas operating in 20 States/UTs is 6,462 and total number of animals in these gaushalas is 3,51,592.**
- iv. **The total amount of dung generated/produced by animals in dairies and gaushalas in the 20 States/UTs is 2,58,688 ton/day and 13,698 ton/day, respectively.**
- v. *In general, the methods used in States/UTs for disposal/utilization of cattle dung include using dung as manure in fields, vermi-composting, biogas generation, etc.*
- vi. *SPCBs/PCCs have not provided the information about disposal/utilization of wastewater.*

4.0 Conclusion:

- i. **The local authorities/corporations should carry out inventory of all the dairy farms and gaushalas located in their jurisdiction in the prescribed performa. The same should be updated and shared with the concerned SPCB/PCC on regular basis.**
- ii. **The dairies and gaushalas operating in the States/UTs should follow the "Guidelines for Environmental Management of Dairy Farms and Gaushalas."**

11. xx xx xx

12. xx xx xx

13. We may note that the matter is dealt with under the Environment (Protection) Rules, 1986 (EP Rules). With reference to Rule 3 thereof, general standards have been laid down in Schedule 6 in part A and part B.

14. We may now deal with the reports of the CPCB. The first report relates to Guidelines. We find that the draft Guidelines do not specifically mention the mandate of the Water and the Air Act. The issue has already been dealt with by this Tribunal. While sanitation may be an issue to be dealt with by local bodies, the Water Act, the Air Act

and the EP Act are special laws dealing with the environment which do not stand excluded by application of other Municipal Laws. Regulatory regime of the Water Act, the Air and the EP Act is required to be followed and enforced by the State PCBs/PCCs, independent of the powers of local bodies to enforce the municipal laws. Precautionary and Sustainable Development principles are over arching principles which are not only enforceable by this Tribunal under Section 20 of the National Green Tribunal Act, 2010, but are also part of the Article 21 of the Constitution, which is a Fundamental Right, creating reciprocal obligation on all State authorities. **Thus, the Guidelines prepared by the CPCB need to be revised by specifying that State Boards/Committees must enforce 'consent mechanism' and, in particular, follow an appropriate siting policy in the light of the carrying capacity of the area for commercial dairy activities, having potential for air and water pollution. Dairy activities have been categorized as 'Orange' category as per the laid down guidelines.**

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15. The second report relating to analysis of action taken by all States/UTs is incomplete for want of data. For this purpose, we direct that all the local bodies may furnish relevant information to the State PCBs within one month from today. Private operators, including cooperative societies or other entities, not falling within the jurisdiction of Local Bodies, may also furnish the requisite information to the State PCBs within the same time. **The State PCBs may, apart from compiling information and forwarding the same to the CPCB, perform their statutory obligations under the Water Act, the Air Act and the EP Act for enforcing environmental norms by such dairy activities with a view to protect the environment and the public health. The State PCBs/PCCs may publish an appropriate notice on the subject within two weeks from today requiring furnish of information and also adopting all necessary safeguards in the matter. Thereafter, the State PCBs/PCCs may furnish factual and action taken reports in the matter to the CPCB latest by 30.04.2020. CPCB may compile the data received and file a comprehensive report before this Tribunal by e-mail at judicial-ngt@gov.in before the next date.**

A copy of this order be forwarded to CPCB, SPCBs/ PCCs, Chief Secretaries of all the States/UTs. The SPCBs/PCCS may forward a copy of this order to all the local bodies in their respective jurisdiction within one week from today.

Since the issue being dealt with is an issue in rem and enforcement is left to the statutory bodies, we do not find it necessary to consider individual matters in these proceedings which may be dealt with by the concerned

statutory authorities in accordance with law.⁷ Accordingly, the private parties will stand deleted from the memo of parties.”

(emphasis supplied)

8. Accordingly, the CPCB has filed a status report on 12.05.2020 in the light of recommendations of Expert Group recommending issuance of guidelines for Environment Management of Dairy Farms and Gaushalas. Apart from the draft guidelines annexed to the report, CPCB has also furnished status of inventory of Dairy Farms and Gaushalas in compliance of Hon'ble NGT order. The report states that except Manipur and Delhi, response has been received from 34 States/UTs. 28 States/UTs have provided the details, while six States are in the process. The observations of CPCB in this regard are:

- “i. The total number of dairies operating in 26 States/UTs are 2,73,437 (two lakhs, seventy-three thousand, four hundred & thirty-seven) and total number of animals in these dairies are 21,34,018 (twenty-one lakhs, thirty-four thousand & eighteen).*
- ii. There are 2793 dairy colonies/clusters in 26 States/UTs.*
- iii. The total number of gaushalas operating in 28 States/UTs are 5,964 and total number of animals in these gaushalas are 4,36,727.*
- iv. The total amount of dung generated/produced by animals in dairies and gaushalas in the 28 States/UTs are 2,60,922 tons/day and 1,49,945 tons/day, respectively.*
- v. In general, the methods used in States/UTs for disposal/utilization of cattle dung include using dung as manure in fields, vermi-composting, biogas generation, fish feed, fuel for cremation etc.*

⁷ In *M.C Mehta Vs. Union of India & Ors.*, (2001) 3 SCC 756 - Para 8, the Hon'ble Supreme Court observed that while issuing a direction in rem, all affected individuals need not be heard. (The said case concerned shifting of diesel to CNG by all the bus operators and plea that all the bus operators were required to be individually heard was rejected.)

- vi. *SPCBs/PCCs have not provided the information about disposal/utilization of wastewater, however, Chhattisgarh, Kerala and Mizoram states that wastewater being used for fodder cultivation.*
- vii. *The area-wise inventory of dairies and gaushalas in the States/UTs are provided at Annexure-V. The dairies in urban, peri-urban and rural are 6%, 3% and 91% respectively whereas the animals in them are 12%, 4% and 84 % respectively. The gaushalas in urban, peri-urban and rural area are 47%, 5% and 48% respectively whereas animals in them are 23%, 13% and 64% respectively."*

9. With regard to direction to State PCBs/PCCs to issue a public notice with a view to protect environment, it is stated that out of 36 States/UTs, 12 have published such notices. Conclusion in the report are:

"4. Conclusion:

- i. ***The local authorities/corporations should carry out inventory of all the dairy farms and gaushalas located in their jurisdiction in the prescribed performa. The same should be updated and shared with the concerned SPCB/PCC on annual basis (calendar year wise).***
- ii. ***All the dairy farms and gaushalas should be registered with the local bodies/corporations preferably through online mode. The local bodies/corporations should display the same at their websites.***
- iii. ***The dairy farms (having animal population of 10 & above animals) and gaushalas should obtain consent to establish and consent to operate under Water Act, 1974 as well as Air Act, 1981 from the concerned SPCBs/PCCs.***
- iv. ***The local bodies/ SPCBs/ PCCs/ Gram Panchayat in the States/UTs shall ensure that dairies and gaushalas operating should follow the "Guidelines for Environmental Management of Dairy Farms and Gaushalas."***

10. At this stage, we may refer to the salient features of the information compiled by the CPCB and the proposed guidelines. Statistics provided is as follows:

“The dairies/gaushalas may be categorised on the basis of nos. of animals (adult cows & female buffaloes) in a dairy/gaushala i.e. Category-I (upto 25 animals), Category-II (26-50 animals), Category-III (51-75 animals), Category-IV (76-100 animals) and Category-V (above 100 animals).

As per the Livestock Census, carried out by the Department of Animal Husbandry, Dairying & Fisheries, Ministry of Agriculture and Farmers Welfare, the year-wise livestock population of adult female bovine is as follow:

Sl. No.	Year	Adult Cows	Adult Female Buffaloes	Total Cows & Buffaloes
1	195	5,44,00,00	2,10,00,000	7,54,00,000
2	195	4,73,00,00	2,17,00,000	6,90,00,000
3	196	5,10,00,00	2,43,00,000	7,53,00,000
4	196	5,18,00,00	2,54,00,000	7,72,00,000
5	197	5,34,00,00	2,86,00,000	8,20,00,000
6	197	5,46,00,00	3,13,00,000	8,59,00,000
7	198	5,92,00,00	3,25,00,000	9,17,00,000
8	198	6,21,00,00	3,91,00,000	10,12,00,000
9	199	6,44,00,00	4,38,00,000	10,82,00,000
10	199	6,44,00,00	4,68,00,000	11,12,00,000
11	200	6,45,00,00	5,10,00,000	11,55,00,000
12	200	7,30,00,00	5,45,00,000	12,75,00,000
13	201	7,67,00,00	5,66,00,000	13,33,00,000
14	2019	8,14,00,000	5,50,00,000	13,64,00,000

Also, as per the Livestock Census carried out by the Department of Animal Husbandry, Dairying & Fisheries, Ministry of Agriculture and Farmers Welfare, in 2019, the state-wise total population of adult female bovine is as follow:

Sl. No.	State/UT	Adult Cows	Adult Female Buffaloes	Total Cows & Buffaloes
1.	Andhra Pradesh	19,80,000	31,61,000	51,41,000
2.	Arunachal	1,02,000	2,000	1,04,000
3.	Assam	38 18,000	1,38,000	39,56,000
4.	Bihar	71,47,000	36,70,000	1,08,17,000
5.	Chhattisgarh	33,79,000	3,83,000	37,62,000
6.	Goa	30,000	14,000	44,000
7.	Gujarat	44,94,000	56,71,000	1,01,65,000
8.	Haryana	9,45,000	21,00,000	30,45,000
9.	Himachal	9,32,000	3,69,000	13,01,000

10	Jammu &	12,31,000	4,02,000	16,33,000
11	Jharkhand	34,58,000	4,35,000	38,93,000
12	Karnataka	40,63,000	16,71,000	57,34,000
13	Kerala	6,90,000	8,000	6,98,000
14	Madhya Pradesh	73,42,000	52,96,000	1,26,38,000
15	Maharashtra	56,99,000	33,19,000	90,18,000
16	Manipur	77,000	10,000	87,000
17	Meghalaya	3,33,000	3,000	3,36,000
18	Mizoram	21,000	1,000	22,000
19	Nagaland	21,000	3,000	24,000
20	Odisha	31,94,000	1,52,000	33,46,000
21	Punjab	15,25,000	22,76,000	38,01,000
22	Rajasthan	68,19,000	70,15,000	1,38,34,000
23	Sikkim	68,000	0	68,000
24	Tamil Nadu	48,20,000	2,61,000	50,81,000
25	Telangana	14,93,000	21,86,000	36,79,000
26	Tripura	3,03,000	3,000	3,06,000
27	Uttarakhand	8,22,000	4,96,000	13,18,000
28	Uttar Pradesh	92,07,000	1,57,32,000	2,49,39,000
29	West Bengal	72,73,000	1,93,000	74,66,000
30	A & N Islands	16,000	1,000	17,000
31	Chandigarh	8,000	8,000	16,000
32	Dadar & Nagar	4,000	1,000	5,000
33	Daman & Diu	1,000	0	1,000
34	Delhi	Not	Not available	Not available
35	Lakshadweep	1,000	0	1,000
36	Puducherry	37,000	2,000	39,000
37	All India	8,13,53,000	5,49,82,000	13,63,35,000

11. The report mentions environmental issues as follows:

“2. Environmental Issues in Dairy Farms and Gaushalas

The major environmental issues of dairy farms and gaushalas are discharges of dung and urinal wastewater. The poor handling of dung and wastewater causes odour problem also. A Bovine animal, on an average, weigh 400 kg and discharges 15-20 kg/day of dung and 15-20 litres/day of urine.

Many dairy farms and gaushalas discharge the cattle dung along with wastewater into the drains, leading to clogging, which ultimately reach to rivers and create water pollution. Also, these clogged drains become breeding ground for mosquitoes creating health hazards and odour nuisance. The dung produces many gases/compounds such as carbon dioxide, ammonia, hydrogen sulphide, methane, etc. which emitted into the atmosphere and responsible for odour issue.

The disposal of cow/buffalo dung is the biggest challenge in dairy farms and gaushalas. However, cattle dung, if effectively utilised, can be a resource of manure & energy. The cattle dung contains many beneficial constituents which may be used as fuel source either by direct combustion (dung wood) or converted to biogas, soil conditioner, fertilizers, material for wall plastering, construction of granaries, livestock & fish feeding, etc."

(emphasis supplied)

12. The guidelines are:

"3. Guidelines for Waste Management in Dairy Farms and Gaushalas:

3.1 Solid Waste Management

The solid wastes produced from dairy farms and gaushalas are basically organic in nature, consisting of cattle dung, feed residue, bedding, etc. The waste produced is not hazardous in nature but its proper handling and disposal needs attention. The guidelines for the management of solid wastes are as follow:

- i. *Dairies and gaushalas should collect dung from the floor of the shed at regular interval, so as to keep the floor clean. The surrounding areas should also be cleaned regularly to prevent obnoxious smell in the area.*
- ii. *Dairy premises and its surrounding areas should be properly sanitized and disinfected, e.g. by sprinkling crushed lime, regularly.*
- iii. *The solid wastes should be collected & stored properly for its treatment.*
- iv. *Dairies and gaushalas should dispose the biomedical wastes (vaccines, vials, medicines, syringes, etc.) as per the provisions of "Biomedical Waste Management Rules, 2016".*
- v. *Dairies and gaushalas should not wash dung & fodder residue etc. into drains in order to avoid clogging of drains. The local bodies/corporations/SPCBs should ensure that untreated wastes are not discharged outside the dairy premises.*
- vi. *Dairies and gaushalas should have adequate infrastructure to ensure proper handling, treatment and disposal of solid wastes and wastewater. They may set-up individual or common treatment facilities wherein cluster. The local government bodies/corporations/SPCBs should facilitate the dairies/gaushalas/ entrepreneurs/ NGOs in setting up of individual or common treatment facilities.*

vii. The following methods for disposal/ utilisation of solid wastes (dung) may be adopted:

- a. Composting/Vermicomposting: Composting is a manure management practice to reduce the impact on the environment. Composting is the biological decomposition and stabilization of organic material. The process produces a final product that is stable, free of pathogens, reduced odours and can be applied on the land. Vermicomposting is the method of preparing compost with the use of earthworms that enriches soil quality by improving its physicochemical and biological properties. It is becoming popular as a major component of organic farming system.
- b. Biogas/Compressed biogas (CBG) production (anaerobic digestion): Biogas plants are the best way to handle the dung waste. Biogas is generated in the process of biodegradation of organic materials under anaerobic conditions which may be utilised for cooking and power generation. The Biogas plant provides the digested organic manure for crops. Biogas can be processed and filled in cylinders. The bio-gas may be further purified to remove hydrogen sulphide (H_2S), carbon dioxide (CO_2) & water vapour and compressed (known as Compressed Bio Gas, CBG) which has methane (CH_4) content of more than 90% as per BIS standard IS 16087:2016. CBG has calorific value and other properties similar to CNG and hence can be utilized as green renewable fuel as replacement of CNG in automotive, industrial and commercial areas.
- c. Manufacture of dung wood to be used as fuel: The cattle dung can be used as fuel as a replacement of firewood. The cattle dung can be dewatered and converted to value added products such as logs, powder etc. by mechanized/semi-mechanized machines. This option can be easily adopted at dairy farms and gaushalas in economical manner, creating substantial value & no damage to the environment.

3.2 Wastewater Management

The guidelines for the management of wastewater are as follow:

- i. Dairies and gaushalas should take necessary steps for the judicious usage of water for drinking & bathing of cattles and other services including floor cleaning, however, the same should not exceed 150 litres/day/cattle.

- ii. *Dairies and gaushalas should ensure that the wastewater, being discharged, is adequately treated so as to meet the standards as prescribed by SPCBs/PCCs.*
- iii. *Dairies and gaushalas should ensure that the wastewater does not percolate through ground and pollutes the groundwater. The flooring of the shed should be properly paved (impervious) with a wastewater collection system. However, the floor should not be slippery in order to ensure safety of animals.*

3.3 Air Quality Management

The guidelines for the management of air quality/emissions (includes gaseous emissions, odour and dust) from dairy farms and gaushalas are as follow:

- i. *The animal housing should be adequately ventilated allowing sufficient supply of fresh air to remove humidity, dissipate heat and prevent build-up of gases such as methane, carbon dioxide, ammonia, etc.*
- ii. *Dairy farms and gaushalas should follow good housekeeping practices like maintaining proper sanitary conditions, protecting dung from unwanted pests/insects in order to minimize odour nuisance.*
- iii. *The floor, feeding, water and air spaces available for each animal should be adequate for standing, resting, loafing, movement, feeding, watering and ventilation. The space requirements should be provided as per the standards prescribed by the Bureau of India Standards (BIS).*
- iv. *Dairy farms and gaushalas should improve/modify the quality and dosage of feed/forage/supplements in order to reduce enteric methane generations from livestock. It is beneficial to animal health/nutrition and reduced impact on environment. They should obtain ration advisory for the same from any of the agricultural institutes/departments like Krishi Vigyan Kendra, State Dairy Department, Animal Husbandry Department, NDRI, NDDB, etc.*
- v. *Dairy farms and gaushalas should plant trees or develop green belts to provide a barrier against the spread of foul smell or noise originating from them.*

4. Siting Policy:

The siting policy for dairy farms and gaushalas are as follow:

- i. *Dairy farms and gaushalas should be located outside city/village boundaries and away from residential dwellings, hospitals, schools.*
- ii. *Dairy farms and gaushalas should not be located in flood prone areas, subject to flooding at 1-in-25-year or more frequent levels in order to avoid contamination of water bodies.*
- iii. *Dairy farms and gaushalas should not be located in areas with shallow groundwater depth of about 10 to 12 feet and in particular in alluvium areas in order to avoid groundwater contamination.*
- iv. *Dairy farms and gaushalas may be allowed to follow minimum distance criteria given below which may be subject to vary with the local conditions:*
 - a. *National and State Highways: 200 meters from National Highway and 100 meters from State Highway in order to avoid odour nuisance and road accident caused due to cattle.*
 - b. *Major drinking water reservoir on catchment side: 500 meters in order to avoid water contamination due to leakages/spillages from the dairy farms and gaushalas.*
 - c. *Drinking water source like wells, summer storage tanks, other tanks (drinking water): 100 meters in order to avoid water contamination.*
 - d. *Major watercourses like River and Lake: 500 meters in order to avoid water contamination.*
 - e. *Canals: 200 meters in order to avoid water contamination.*

5. Regulatory/ Monitoring Mechanism:

- i. *The local authorities/corporations should carry out inventory of all the dairy farms and gaushalas located in their jurisdiction in the prescribed performa given at Annexure-II. The same should be updated and shared with the concerned SPCB/PCC on annual basis (calendar year wise).*
- ii. *All the dairy farms and gaushalas should be registered with the local bodies/corporations preferably through online mode. The local bodies/corporations should display the same at their websites.*

- iii. ***The dairy farms (having animal population of 10 & above animals) and gaushalas should obtain consent to establish and consent to operate under Water Act, 1974 as well as Air Act, 1981 from the concerned SPCBs/PCCs.***
- iv. ***SPCBs/PCCs should provide training and consultation to the Gram Panchayat for implementation of guidelines in their jurisdiction. Gram Panchayat should ensure the implementation of the guidelines by dairy farms and gaushalas falling under their jurisdiction for handling and management of the wastes.***
- v. ***The concerned local bodies/corporations/SPCBs /PCCs should monitor the dairy farms and gaushalas on regular basis to ensure the proper disposal of cattle dung and wastewater to check compliance of environmental norms. The SPCBs/PCCs will considered the carrying capacity of the surroundings while allowing a new establishment and laying down the environmental norms.***
- vi. ***Hands on practical trainings on environment/waste management & treatment technologies, scientific feeding for enteric methane reduction, waste to wealth management programme, etc. should be provided to dairy workers/entrepreneurs by the local bodies/SPCBs/PCCs on regular interval.***

(emphasis supplied)

13. We are of the view that the guidelines proposed may be finalized and enforced as per the mandate of the statute which will bind the States PCBs/PCCs. Compliance thereof may be monitored by the CPCB. The CPCB may evolve appropriate monitoring mechanism in this regard, including a provision for audit of compliance atleast once in six months.
14. With regard to siting policy, atleast minimum distance must be specified from habitations, water bodies, etc. as well as *inter-se* distance of such establishments, consistent with the carrying capacity of the area, as may be necessary for protection of

environment. Needless to say that any violation of environment norms under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 has to be dealt with by the concerned PCB/PCC/Local Body by way of stopping polluting activities, recovering compensation and initiating prosecution. It will be appropriate that broad and indicative compensation regime is expressly specified by the CPCB. While local bodies may undertake the exercise of preparing inventory as per applicable Municipal law, the State PCBs/PCCs must also not avoid their responsibility of enforcing the mandate of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

15. Guidelines may be finalized and issued by the CPCB within one month from today. Compliance reports be sought from the State PCBs/PCCs within two months thereafter. A consolidated report based on the information received may be filed by the CPCB on or before 30.09.2020. Report be sent by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image/PDF.
16. Since CPCB is to monitor the issue and furnish consolidated report, it is not necessary for individual local bodies or PCBs/PCCs to appear before this Tribunal.

List for further consideration on 08.10.2020.

Adarsh Kumar Goel, CP

Sheo Kumar Singh, JM

Dr. Nagin Nanda, EM

May 20, 2020
O.A. No. 46/2018
DV



THE DELHI MUNICIPAL CORPORATION ACT, 1957

ACT NO. 66 OF 1957

[28th December, 1957.]

An Act to consolidate and amend the law relating to the Municipal Government of Delhi.

BE it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Delhi Municipal Corporation Act, 1957.

(2) Except as otherwise provided in this Act, it extends only to Delhi.

(3) The provisions of this Act, except this section which shall come into force at once, shall come into force on such date¹ as the ²[³Central Government]] may, by notification in the Official Gazette, appoints:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions.—In this Act, unless the context otherwise requires,—

⁴[(1) “Administrator” means the Lieutenant Governor of the National Capital Territory of Delhi;]

⁵[(1A) “annual value” means the annual value of any vacant land or covered space of any building determined under section 116E;]

⁶[⁷[(1B)] “Appellate Tribunal” means an Appellate Tribunal constituted under section 347A;]]

(2) “budget-grant” means the total sum entered on the expenditure side of a budget estimate under a major head and adopted by ⁸[⁹the Corporation]] and includes any sum by which such budget-grant may be increased or reduced by transfer from or to other heads in accordance with the provisions of this Act and the regulations made thereunder;

(3) “building” means a house, out-house, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material but does not include any portable shelter;

(4) “bye-law” means a bye-law made under this Act, by notification in the Official Gazette;

(5) “casual vacancy” means a vacancy occurring otherwise than by efflux of time in the office of a councillor an alderman or in any other elective office;

1. 2nd January, 1958, *vide* notification No. F. 20/3/58/SR (R), dated 31st December, 1957, in respect of S. 2, Chap. II, ss. 54, 55, 56, 57, 58, 59, 89 and 97, Chap. XXIII, ss. 485, 487, 488, 491, 500, 509, 513 and 515, *see* Gazette of India, Extraordinary, Part IV.

15th February, 1958, *vide* notification No. F. 20/3/58/SR (R), dated 11th February, 1958, in respect of S. 510, *see* Gazette of India, Extraordinary, Part IV.

7th April, 1958, *vide* notification No. F. 20/3/58/SR (R), dated 5th April, 1958, in respect of All the provisions of the Act (other than those which have already been brought into force), *see* Gazette of India, Extraordinary, Part IV.

2. Subs. by Act 12 of 2011, s. 2, for “Central Government” (w.e.f. 13-1-2012).

3. Subs. by Act 10 of 2022, s. 2, for “Government” (w.e.f. 22-5-2022).

4. Subs. by Act 67 of 1993, s. 2, for clause (1) (w.e.f. 1-10-1993).

5. Ins. Delhi Act 6 of 2003, s. 3 (w.e.f. 1-8-2003).

6. Ins. by Act 42 of 1984, s. 2 (w.e.f. 10-12-1985).

7. Clause (1A) re-numbered as clause (1B) by Delhi Act 6 of 2003, s. 3 (w.e.f. 1-8-2003).

8. Subs. by Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

9. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

(b) any electric wire for lighting such lamp;

(c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any electric wire or lamp.

(2) No person shall wilfully or negligently extinguish the light of any lamp set up in any public street or any public place.

(3) If any person wilfully or through negligence or accident breaks, or causes any damage to, any of the things described in sub-section (1), he shall in addition to any penalty to which he may be subjected under this Act, pay the expenses of repairing the damage so done by him.

CHAPTER XVI

BUILDING REGULATIONS

¹[330A. **General superintendence, etc., of the** ²[**Central Government**]].—Notwithstanding anything contained in any other provision of this Act, the Commissioner shall exercise his powers and discharge his functions under this Chapter, under the general superintendence, direction and control of the ⁴[⁵[**Central Government**]].]

331. Definition.—In this Chapter, unless the context otherwise requires, the expression “to erect a building” means—

(a) to erect a new building on any site whether previously built upon or not;

(b) tore-erect.—

(i) any building of which more than one-half of the cubical contents above the level of the plinth have been pulled down, burnt or destroyed, or

(ii) any building of which more than one-half of the superficial area of the external walls above the level of the plinth has been pulled down, or

(iii) any frame building of which more than half of the number of the posts or beams in the external walls have been pulled down;

(c) to convert into a dwelling house any building or any part of a building not originally constructed for human habitation or, if originally so constructed, subsequently appropriated for any other purpose;

(d) to convert into more than one dwelling house a building originally constructed as one dwelling house only;

(e) to convert into a place of religious worship or into a sacred building any place or building not originally constructed for such purpose;

(f) to roof or cover an open space between walls or buildings to the extent of the structure which is formed by the roofing or covering of such space;

(g) to convert two or more tenements in a building into a greater or lesser number;

(h) to convert into a stall, shop, warehouse or godown, stable, factory or garage any building not originally constructed for use as such or which was not so used before the change;

(i) to convert a building which when originally constructed was legally exempt from the operations of any building regulations contained in this Act or in any bye-laws made thereunder or in any other law, into a building which had it been originally erected in its converted form, would have been subject to such building regulations;

1. Ins. by Act 67 of 1993, s. 98 (w.e.f 1-10-1993).

2. Subs. by Delhi Act 12 of 2011, s. 2 “the Corporation” (w.e.f. 13-1-2012).

3. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

4. Subs. by Delhi Act 12 of 2011, s. 2 “ Central Government” (w.e.f. 13-1-2012).

5. Subs. by Act 10 of 2022, s. 2, for “Government” (w.e.f. 22-5-2022).

(j) to convert into or use as dwelling house any building which has been discontinued as or appropriated for any purpose other than a dwelling house.

332. Prohibition of building without sanction.—No person shall erect or commence to erect any building, or execute any of the works specified in section 334 except with the previous sanction of the Commissioner, not otherwise than in accordance with the provisions of this Chapter and of the bye-laws made under this Act in relation to the erection of buildings or execution of works.

333. Erection of building.—(1) Every person who intends to erect a building shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such information as may be prescribed by bye-laws made in this behalf.

(2) Every such notice shall be accompanied by such documents and plans as may be so prescribed.

334. Applications for additions to, or repairs of, buildings.—(1) Every person who intends to execute any of the following works, that is to say—

(a) to make any addition to a building;

(b) to make any alteration or repairs to a building involving the removal or re-erection of any external or partly wall thereof or of any wall which supports the roof thereof to an extent exceeding one-half of such wall above the plinth level, such half to be measured in superficial feet;

(c) to make any alteration or repairs to a frame building involving the removal or re-erection of more than one-half of the posts in any such wall thereof as aforesaid; or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level, such half to be measured in superficial feet;

(d) to make any alteration in a building involving—

(i) the sub-division of any room in such building so as to convert the same into two or more separate rooms, or

(ii) the conversion of any passage or space in such building into a room or rooms;

(e) to repair, remove, construct, reconstruct or make any addition to or structural alteration in any portion of a building abutting on a street which stands within the regular line of such street;

(f) to close permanently any door or window in an external wall;

(g) to remove or reconstruct the principal staircase or to alter its position;

shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such information as may be prescribed by bye-laws made in this behalf.

(2) Every such notice shall be accompanied by such documents and plans as may be so prescribed.

335. Conditions of valid notice.—(1) A person giving the notice required by section 333 shall specify the purpose for which it is intended to use the building to which such notice relates; and a person giving the notice required by section 334 shall specify whether the purpose for which the building is being used is proposed or likely to be changed by the execution of the proposed work.

(2) No notice shall be valid until the information required under sub-section (1) and any further information and plans which may be required by bye-laws made in this behalf have been furnished to the satisfaction of the Commissioner along with the notice.

336. Sanction or refusal of building or work.—(1) The Commissioner shall sanction the erection of a building or the execution of a work unless such building or work would contravene any of the provisions of sub-section (2) of this section or the provisions of section 340.

(2) The grounds on which the sanction of a building or work may be refused shall be the following, namely:—

(a) that the building or work or the use of the site for the building or work or any of the particulars comprised in the site plan, ground plan, elevation, section or specification would contravene the provisions of any bye-law made in this behalf or of any other law or rule, bye-law or order made under such other law;

(b) that the notice for sanction does not contain the particulars or is not prepared in the manner required under the bye-laws made in this behalf;

(c) that any information or documents required by the Commissioner under this Act or any bye-laws made thereunder has or have not been duly furnished;

(d) that in cases falling under section 312, lay-out plans have not been sanctioned in accordance with section 313;

(e) that the building or work would be an encroachment on Government land or land vested in the Corporation;

(f) that the site of the building or work does not abut on a street or projected street and that there is no access to such building or work from any such street by a passage or path-way appertaining to such site.

(3) The Commissioner shall communicate the sanction to the person who has given the notice; and where he refuses sanction on any of the grounds specified in sub-section (2) or under section 340 he shall record a brief statement of his reasons for such refusal and communicate the refusal along with the reasons therefor to the person who has given the notice.

(4) The sanction or refusal as aforesaid shall be communicated in such manner as may be specified in the bye-laws made in this behalf.

337. When building or work may be proceeded with.—(1) Where within a period of sixty days, or in cases falling under clause (b) of section 331 within a period of thirty days, after the receipts of any notice under section 333 or section 334 or of the further information, if any, required under section 335 the Commissioner does not refuse to sanction the building or work or upon refusal, does not communicate the refusal to the person who has given the notice, the Commissioner shall be deemed to have accorded sanction to the building or work and the person by whom the notice has been given shall be free to commence and proceed with the building or work in accordance with his intention as expressed in the notice and the documents and plans accompanying the same:

Provided that if it appears to the Commissioner that the site of the proposed building or work is likely to be affected by any scheme of acquisition of land for any public purpose or by any proposed regular line of a public street or extension, improvement, widening or alteration of any street, the Commissioner may withhold sanction of the building or work for such period not exceeding three months as he deems fit and the period of sixty days or as the case may be, the period of thirty days specified in this sub-section shall be deemed to commence from the date of the expiry of the period for which the sanction has been withheld.

(2) Where a building or work is sanctioned or is deemed to have been sanctioned by the Commissioner under sub-section (1), the person who has given the notice shall be bound to erect the building or execute the work in accordance with such sanction but not so as to contravene any of the provisions of this Act or any other law or of any bye-law made thereunder.

(3) If the person or anyone lawfully claiming under him does not commence the erection of the building or the execution of the work within one year of the date on which the building or work is sanctioned or is deemed to have been sanctioned, he shall have to give notice under section 333 or, as the case may be, under section 334 for fresh sanction of the building or the work and the provisions of this section shall apply in relation to such notice as they apply in relation to the original notice.

(4) Before commencing the erection of a building or execution of a work within the period specified in sub-section (3), the person concerned shall give notice to the Commissioner of the proposed date of the commencement of the erection of the building or the execution of the work:

Provided that if the commencement does not take place within seven days of the date so notified, the notice shall be deemed not to have been given and a fresh notice shall be necessary in this behalf.

338. Sanction accorded under misrepresentation.—If at any time after the sanction of any building or work has been accorded, the Commissioner is satisfied that such sanction was accorded in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information further under sections 333, 334 and 335, he may by order in writing cancel for reasons to be recorded such sanction and any building or work commenced, erected or done shall be deemed to have been commenced, erected or done without such sanction:

Provided that before making any such order the Commissioner shall give reasonable opportunity to the person affected as to why such order should not be made.

339. Buildings at corners of streets.—The Commissioner may require any building intended to be erected at the corner of two streets to be rounded off or splayed or cut off to such height and to such extent as he may determine, and may acquire such portion of the site at the corner as he may consider necessary for public convenience or amenity.

340. Provisions as to buildings and works on either side of new streets.—(1) The erection of any building on either side of a new street may be refused by the Commissioner unless and until such new street has been levelled, and wherever in the opinion of the Commissioner practicable, metalled or paved, drained, lighted and laid with a water main to his satisfaction.

(2) The erection of any such building or the execution of any such work may be refused by the Commissioner if such building or any portion thereof or such work comes within the regular line of any street, the position and direction of which has been laid down by the Commissioner but which has not been actually constructed or if such building or any portion thereof or such work is in contravention of any building or any other scheme or plan prepared under this Act or any other law for the time being in force.

341. Period for completion of building or work.—The Commissioner, when sanctioning the erection of a building or execution of a work, shall specify a reasonable period after the commencement of the building or work within which the building or work is to be completed and if the building or work is not completed within the period so specified, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Commissioner on application made therefor has allowed an extension of that period.

342. Prohibition against use of inflammable materials for building, etc., without permission.—In such areas as may be specified by bye-laws made in this behalf, no roof, verandah, pandal or wall of a building or no shed or fence shall be constructed or reconstructed or cloth, grass leaves, mats or other inflammable materials except with the written permission of the Commissioner, nor shall any such roof, verandah, pandal, wall, shed or fence constructed or reconstructed in any year be retained in a subsequent year except with fresh permission obtained in this behalf.

¹**[343. Order of demolition and stoppage of buildings and works in certain cases and appeal.**—(1) Where the erection of any building or execution of any work has been commenced, or is being carried on, or has been completed without or contrary to the sanction referred to in section 336 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any of the provisions of this Act or bye-laws made thereunder, the Commissioner may, in addition to any other action that may be taken under this Act, make an order directing that such erection or work shall be demolished by the person at whose instance the erection or work has been commenced or is being carried on or has been completed, within such period, (not being less than five days and more than fifteen days from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to that person), as may be, specified in the order of demolition:

Provided that no order of demolition shall be made unless the person has been given by means of a notice served in such manner as the Commissioner may think fit, a reasonable opportunity of showing cause why such order shall not be made:

Provided further that where the erection or work has not been completed, the Commissioner may by the same order or by a separate order, whether made at the time of the issue of the notice under the first

1. Subs. by Act 42 of 1961, s. 16, for section 343 (w.e.f. 12-9-1961).

proviso or at any other time, direct the person to stop the erection or work until the expiry of the period within which any appeal against the order of demolition, if made, may be preferred under sub-section (2).

(2) Any person aggrieved by an order of the Commissioner made under sub-section (1) may prefer an appeal against the order to ¹[the Appellate Tribunal] within the period specified in the order for the demolition of the erection or work to which it relates.

(3) Where an appeal is preferred under sub-section (2) against an order of demolition, ²[the Appellate Tribunal may, subject to the provisions of sub-section (3) of section 347C,] stay the enforcement of that order on such terms, if any, and for such period, as it may think fit:

Provided that where the erection of any building or execution of any work has not been completed at the time of the making of the order of demolition, no order staying the enforcement of the order of demolition shall be made by ³[the Appellate Tribunal, unless security, sufficient in the opinion of the said Tribunal], has been given by the appellant for not proceeding, with such erection or work pending the disposal of the appeal.

(4) ⁴[No court] shall entertain any suit, application or other proceeding for injunction or other relief against the Commissioner to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(5) ⁵[Subject to an order made by the Administrator on appeal under section 347D, every order made by the Appellate Tribunal on appeal under this section, and subject to the orders of the Administrator and the Appellate Tribunal on appeal] the order of demolition made by the Commissioner shall be final and conclusive.

(6) Where no appeal has been preferred against an order of demolition made by the Commissioner under sub-section (1) or where an order of demolition made by the Commissioner under that sub-section ⁶[has been confirmed on appeal, whether with or without variation, by the Appellate Tribunal in a case where no appeal has been preferred against the order of the Appellate Tribunal, and by the Administrator in a case where an appeal has been preferred against the order of the Appellate Tribunal] the person against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any, fixed by ⁷[the Appellate Tribunal or the Administrator] on appeal and on the failure of the person to comply with the order within such period, the Commissioner may himself cause the erection or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of tax under this Act].

344. Order of stoppage of buildings or works in certain cases.—(1) Where the erection of any building or execution of any work has been commenced or is being carried on (but has not been completed) without or contrary to the sanction referred to in section 336 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provisions of this Act or bye-laws made thereunder, the Commissioner may in addition to any other action that may be taken under this Act, by order require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith.

(2) ⁸[If an order made by the Commissioner under section 343 or under sub-section (1) of this section directing any person to stop the erection of any building or execution of any work is not complied with,] the Commissioner may require any police officer to remove such person and all his assistants and workmen from the premises ⁹[or to seize any construction material, tool, machinery, scaffolding or other things used

1. Subs. by Act 42 of 1984, s. 3, for “the court of the district judge of Delhi” (w.e.f. 10-2-1986).

2. Subs. by s. 3, *ibid.*, for “the court of the district judge may” (w.e.f. 10-2-1986).

3. Subs. by Act 42 of 1984, s. 3, for “the court of the district judge unless security, sufficient in the opinion of the court” (w.e.f. 10-2-1986).

4. Subs. by s. 3, *ibid.*, for “Save as provided in this section, no court” (w.e.f. 10-2-1986).

5. Subs. by s. 3, *ibid.*, for certain words (w.e.f. 10-2-1986).

6. Subs. by s. 3, *ibid.*, for “has been confirmed on appeal, whether with or without variation” (w.e.f. 10-2-1986).

7. Subs. by s. 3, *ibid.*, for “the court of the district judge” (w.e.f. 10-2-1986).

8. Subs. by Act 42 of 1961, s. 17, for “If such order is not complied with forthwith” (w.e.f. 12-9-1961).

9. Ins. by Act 42 of 1984, s. 4 (w.e.f. 10-2-1986).

in the erection of any building or execution of any work] within such time as may be specified in the requisition and such police officer shall comply with the requisition accordingly.

⁷[(2A) Any of the things caused to be seized by the Commissioner under subsection (2) shall be disposed of by him in the manner specified in section 326.]

(3) After the requisition under sub-section (2) has been complied with, the Commissioner may, if he thinks fit, depute by a written order a police officer or a municipal officer or other municipal employee to watch the premises in order to ensure that the erection of the building or the execution of the work is not continued.

(4) Where a police officer or a municipal officer or other municipal employee has been deputed under sub-section (3) to watch the premises, the cost of such deputation shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (1) was given and shall be recoverable from such person as an arrear of tax under this Act.

345. Power of Commissioner to require alteration of work.—(1) The Commissioner may at any time during the erection of any building or execution of any work or at any time ¹[after the completion thereof, by a written notice of not less than seven days], specify any matter in respect of which such erection or execution is without or contrary to the sanction referred to in section 336 or is in contravention of any condition of such sanction or any of the provisions of this Act or any bye-laws made thereunder and require the person who give the notice under section 333 or section 334 or the owner of such building or work either—

(a) to make such alterations as may be specified in the said notice with the object of bringing the building or work in conformity with the said sanction, condition or provisions, or

(b) to show cause why such alterations should not be made, within a period stated in the notice.

(2) If the person or the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in the notice.

(3) If the person or the owner shows cause as aforesaid, the Commissioner shall by an order either cancel the notice issued under sub-section (1) or confirm the same subject to such modifications as he thinks fit.

²[**345A. Power to seal unauthorised constructions.**—(1) It shall be lawful for the Commissioner, at any time, before or after making an order of demolition under section 343 or of the stoppage of the erection of any building or execution of any work under section 343 or under section 344, to make an order directing the sealing of such erection or work or of the premises in which such erection or work is being carried on or has been completed in the manner prescribed by rules, for the purpose of carrying out the provisions of this Act, or for preventing any dispute as to the nature and extent of such erection or work.

(2) Where any erection or work or any premises in which any erection or work is being carried on, has or have been sealed, the Commissioner may, for the purpose of demolishing such erection or work in accordance with the provisions of this Act, order such seal to be removed.

(3) No person shall remove such seal except—

(a) under an order made by the Commissioner under sub-section (2); or

(b) under an order of an Appellate Tribunal or the Administrator, made in an appeal under this Act.]

346. Completion certificates.—(1) Every person who employs a licensed architect or engineer or a person approved by the Commissioner to design or erect a building or execute any work shall, within one month after the completion of the erection of the building or execution of the work, deliver or send or cause to be delivered or sent to the Commissioner a notice in writing of such completion accompanied by a certificate in the form prescribed by bye-laws made in this behalf and shall give to the Commissioner all necessary facilities for the inspection of such building or work.

1. Subs. by Act 42 of 1984, s. 5, for “within three months after the completion thereof, by a written notice” (w.e.f. 10-12-1985).

2. Ins. by s. 6, *ibid.* (w.e.f. 10-2-1986).

(2) No person shall occupy or permit to be occupied any such building or use or permit to be used any building or a part thereof effected by any such work until permission has been granted by the Commissioner in this behalf in accordance with bye-laws made under this Act:

Provided that if the Commissioner fails within a period of thirty days after the receipt of the notice of completion to communicate his refusal to grant such permission, such permission shall be deemed to have been granted.

347. Restrictions on user of buildings.—No person shall, without the written permission of the Commissioner, or otherwise than in conformity with the conditions, if any, of such permission—

(a) use or permit to be used for human habitation any part of a building not originally erected or authorised to be used for that purpose or not used for that purpose before any alteration has been made therein by any work executed in accordance with the provisions of this Act and of the bye-laws made thereunder;

(b) change or allow the change of the use of any land or building;

(c) convert or allow the conversion of one kind of tenement into another kind.

¹**347A. Appellate Tribunal.**—(1) The ²[Government] shall, by notification in the Official Gazette, constitute one or more Appellate Tribunals with headquarters at Delhi, for deciding appeals preferred under section 343 or section 347B.

(2) An Appellate Tribunal shall consist of one person to be appointed by the ²[Central ³[Government]] on such terms and conditions of service as may be prescribed by rules.

(3) A person shall not be qualified for appointment as the presiding officer of an Appellate Tribunal unless he is, or has been, a district judge or an additional district judge or has, for at least ten years, held a judicial office in India.

(4) The ²[Government] may, if it so thinks fit, appoint one or more persons having special knowledge of, or experience in, the matters involved in such appeals, to act as assessors to advise the Appellate Tribunal in the proceedings before it, but no advice of the assessors shall be binding on the Appellate Tribunal.

(5) The ²[Government] shall, by notification in the Official Gazette, define the territorial limits within which an Appellate Tribunal shall exercise its jurisdiction, and where different Appellate Tribunals have jurisdiction over the same territorial limits, the ²[Government] shall also provide for the distribution and allocation of work to be performed by such Tribunals.

(6) For the purpose of enabling it to discharge its functions under this Act, every Appellate Tribunal shall have a Registrar and such other staff on such terms and conditions of service as may be prescribed by rules:

Provided that the Registrar and staff may be employed jointly for all or any number of such Tribunals in accordance with the rules.

347B. Appeals against certain orders or notices issued under the Act.—(1) Any person aggrieved by any of the following orders made or notices issued under this Act, may prefer an appeal against such order or notice to the Appellate Tribunal, namely:—

(a) an order according or disallowing sanction to a lay-out plan under section 313;

(b) an order directing the alteration or demolition of any street under section 314;

(c) a notice under sub-section (1) of section 315;

(d) a notice under sub-section (2) of section 317;

1. Ins. by Act 42 of 1984, s. 7 (w.e.f. 10-2-1986).

2. Subs. by Delhi Act 12 of 2011, s. 2, for “Central Government” (w.e.f. 13-1-2012).

with the sanction of ¹[²the Corporation]] and such fee shall be payable by the person to whom the licence or written permission is granted.

(3) Save as otherwise provided in this Act or any bye-law made thereunder any licence or written permission granted under this Act or any bye-law made thereunder may at any time be suspended or revoked by the Commissioner or by the officer by whom it was granted, if he is satisfied that it has been secured by the grantee through misrepresentation or fraud or if any of its restrictions or conditions has been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of the provisions of this Act or any bye-law made thereunder relating to any matter for which the licence or permission has been granted.

Provided that—

(a) before making any order of suspension or revocation reasonable opportunity should be accorded to the grantee of the licence or the written permission to show cause why it should not be suspended or revoked;

(b) every such order shall contain a brief statement of the reasons for the suspension or revocation of the licence or the written permission.

(4) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall, for all purposes of this Act or any bye-law made thereunder, be deemed to be without a licence or written permission until such time as the order suspending or revoking the licence or written permission is rescinded or until the licence or written permission is renewed.

(5) Every grantee of any licence or written permission granted under this Act shall at all reasonable times, while such licence or written permission remains in force, if so required by the Commissioner or the authority by whom it was granted, produce such licence or written permission.

Entry and inspection

431. Powers of entry and inspection.—The Commissioner, ^{3**** 4****} or any municipal officer or other municipal employee authorised in this behalf by ⁵[him] or empowered in this behalf, by or under any provision of this Act, may enter into or upon any land or building with or without assistants and workmen—

(a) for the purpose of ascertaining whether there is or has been on or in connection with the land or building any contravention of the provisions of this Act or any bye-law made thereunder;

(b) for the purpose of ascertaining whether or not circumstances exist which would authorise or require the Commissioner, ^{1**** 2****} or any municipal officer or employee authorised or empowered in this behalf to take any action or execute any work under this Act or any bye-law made thereunder;

(c) for the purpose of taking any action or executing any work authorised or required by this Act or any bye-law made thereunder;

(d) to make any inquiry, inspection, examination, measurement, valuation or survey authorised or required by or under this Act or necessary for the proper administration of this Act;

(e) generally for the purpose of efficient discharge of the functions by any of the municipal authorised under this Act or any bye-law made thereunder.

432. Power to enter land adjoining land in relation to any work.—(1)⁶[The Commissioner or any person authorised by him in this behalf] or empowered in this behalf by or under any provision of this Act, may enter on any land within fifty yards of any work authorised by or under this Act, with or without

1. Subs. by Delhi Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

2. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

3. The words and brackets “the General Manager (Electricity)” omitted by Act 67 of 1993, s. 102 (w.e.f. 1-10-1993).

4. The words and brackets “or the General Manager (Transport)” omitted by Act 71 of 1971, s. 7(b) and the Second Schedule (w.e.f. 3-11-1971).

5. Subs. by Act 67 of 1993, s. 102, for “any of the aforesaid municipal authorities” (w.e.f. 1-10-1993).

6. Subs. by s. 103, *ibid.*, for certain words (w.e.f. 1-10-1993).

assistants and workmen for the purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purposes connected with the execution of the same.

(2) The person so authorised shall, before entering on any such land, state the purpose thereof, and shall, if so required by the owner or occupier thereof, fence off so much of the land as may be required for such purpose.

(3) The person so authorised shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by ¹[²the Corporation]] in accordance with bye-laws made in this behalf to the owner or occupier of such land or to both for any such damage, whether permanent or temporary.

433. Breaking into buildings.—(1) It shall be lawful for ³[the Commissioner or any person authorised by him in this behalf] or empowered in this behalf by or, under any provision of this Act, to make any entry into any place, and to open or cause to be opened any door, gate or other barrier—

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or occupier is absent or being present refuses to open such door, gate or barrier.

(2) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barrier, the Commissioner, ⁴**** ⁵**** or the person authorised or empowered in this behalf, shall call upon two or more respectable in habitants of the locality in which the place to be entered into is situate, to witness the entry or opening and may issue an order in writing to them or any of them so to do.

(3) A report shall be made to the Standing Committee as soon as may be after any entry has been made into any place or any door, gate or other barrier has been opened under this section.

434. Time of making entry.—Save as otherwise provided in this Act or any bye-law made thereunder, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset

435. Consent ordinarily to be obtained.—Save as otherwise provided in this Act or any bye-law made thereunder, no land or building shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof and no such entry shall be made without giving the said owner or occupier, as the case may be, not less than twenty-four hours written notice of the intention to make such entry:

Provided that no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a place used for any of the purposes specified in section 417 or a stable for horses or a shed for cattle or a latrine or urinal or a work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Act or any bye-law made thereunder.

436. Regard to be had to social or religious usages.—When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

437. Prohibition of obstruction or molestation in execution of work.—No person shall obstruct or molest any person authorised or empowered by or under this Act or any person with whom ⁶[⁷the Corporation]] or any of the municipal authorities specified in section 44 has lawfully contracted, in the execution of his duty or of anything which he is authorised or empowered or required to do by virtue or

1. Subs. by Delhi Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

2. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

3. Subs. by Act 67 of 1993, s. 104, for certain words (w.e.f. 1-10-1993).

4. The words and brackets “, the General Manager (Electricity)” omitted by s. 104, *ibid.* (w.e.f. 1-10-1993).

5. The words and brackets “or the General Manager (Transport)” omitted by Act 71 of 1971, s. 7(b) and the Second Schedule (w.e.f. 3-11-1971).

4. Subs. by Delhi Act 12 of 2011, s. 2, for “the Corporation” (w.e.f. 13-1-2012).

5. Subs. by Act 10 of 2022, s. 2, for “a Corporation” (w.e.f. 22-5-2022).

From: Akshata Sharma
To: "mansichahal104@gmail.com"; "aroras16@gmail.com"; "mscb.cpcb@nic.in"; "seny@nic.in"; "msdpcc@nic.in"; "dceast@nic.in"; "commissioner@mcd.nic.in"; "cp.sanjayarora@delhipolice.gov.in"; "splcp-admin-dl@nic.in"; "pujakalara09@gmail.com"
Cc: Anupam Varma; Nikhil Sharma; Komal Karnik
Subject: RE: Advance Service of Additional Reply on behalf of BYPL in O.A. No. 1277 of 2024 titled as Varun Gulati vs. CPCB & Ors.
Date: 21 August 2025 17:54:00
Attachments: [image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)

Dear All,

We are Counsel for BSES Yamuna Power Limited/ Respondent No. 6 in the captioned matter.

Please find the link containing the Additional Reply filed on behalf of Respondent No. 6 in the captioned matter, as an advance service:

 [Additional Reply in Varun Gulati vs. CPCB & Ors. \[O.A. No. 1277 of 2024\].pdf](#)

Kindly acknowledge the receipt of the mail.

Regards,

Akshata Sharma

Associate

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