

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

Original Application No. 319/2023

**In the matter of:**

Rajesh Kumar

...Applicant

Versus

Govt. of NCT of Delhi & Ors.

...Respondents

**NDOH:- 15.12.2023**

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Filed by:

New Delhi:

Dated: 12.12.2023

  
 12/12/23  
 Delhi Pollution Control Committee

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

Original Application No. 319/2023

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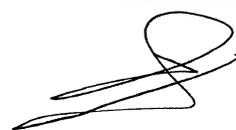
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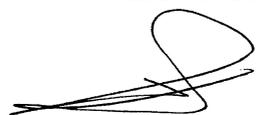
**ADDITIONAL REPORT ON BEHALF OF DELHI POLLUTION  
CONTROL COMMITTEE WITH RESPECT TO THE ORDER  
DATED 03.10.2023.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal taken up the present matter on 12.05.2023 on the basis of public complaint filed by Mr. Rajesh Kumar. Applicant has filed the present application with the prayer to seal the illegal scrap shop operated in non-conforming areas/residential area.
2. That in compliance with the previous orders of NGT, DPCC filed the report through email dated 24.07.2023 and 29.09.2023 which is available on the records of this Hon'ble Tribunal.
3. That, this Hon'ble Tribunal considered the reports of DPCC on 03.10.2023 and pleased to direct DPCC and MCD to file additional status report specifically adverting to all questions involved in the case.
4. That, DPCC vide letter dated 20.11.2023 requested to District Magistrate (North) to provide details of period of operation, to provide clarification wrt land, its use and the premises in question, encroachment removed if any. Copy of the letter dated 20.11.2023 issued to DM(North) is enclosed herewith as Annexure-1.



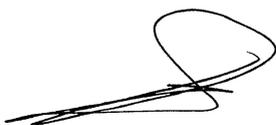
5. That, DPCC vide letter dated 20.11.2023 requested to the Commissioner Municipal Corporation of Delhi to provide details of period of operation, to provide clarification wrt land, its use and the premises in question, encroachment removed if any. Copy of the letter dated 20.11.2023 issued to Commissioner- Municipal Corporation of Delhi is enclosed herewith as **Annexure-2.**
6. That, DPCC vide letter dated 20.11.2023 requested to the Vice Chairman Delhi Development Authority to provide details of actual measurement of the plot and missing road of 8 m as per the DDA lay out plan of residential block, I-11, Sector-16, Rohini and action taken in case of removal of encroachment (if any). Copy of the letter dated 20.11.2023 issued to Vice Chairman, Delhi Development Authority is enclosed herewith as **Annexure-3.**
7. That, to know the current status of the site, a joint inspection of the area i.e Block 1-11, Sector-16, Rohini, Delhi was carried out on 04.12.2023 by the officials of DDA, MCD and DPCC. During the inspection it was observed:
- 1) The exact location of the premises in question is Kh. No. 34/17 & 24, Ground Floor, (Landmark near Wine Shop) Village Samaipur, Delhi-110042 as per the electricity bill of premises and it belongs to the Sh. Jayant Kumar S/o Sh. Chhote Lal R/o Kh. No 65, H.No. 155, near DTU-PNB Shahbad Daulatpur Village, Delhi-110042.
  - 2) The area of the premises in question is about 775 Sq. yards out of total area/piece of land of 3413 Sq. yards.
  - 3) Sh. Jayant Kumar has taken "General Trade/Storage License" from MCD dated 18.04.2023 which is valid upto 31.03.2024 on area measuring 40 Sqm out of 775 Sq. yards. Two telecom/mobile towers in area of about 30 ft X 60 ft. were also found installed near the alleged shop and in the premises of 775 Sq. yards.
  - 4) No concrete information/valid proof provided/shown by the owner regarding the start the work of 4 storage of metal scrap and its loading & unloading activity at the alleged premises. The MCD official informed that the MCD License is granted online and in this case it has been taken first time (as New License) on



18.04.2023 and is valid upto 31.03.2024. As enquired from the complainant Sh. Rajesh Kumar and RWA president Sh. Virender Hooda, it was informed that they have made complained against it to Delhi Police in September 2020. Sh. Jayant Kumar, premises owner informed that he had shifted the storage work to this premises last year however not replied on the date/ month. So, date of start of shop may be considered as September 2020.

- 5) No construction activity was observed.
- 6) Alleged shop was used for storage of metal scrap. During inspection no scarp found stored in the shop and found vacant except an old steel Almira, a graden pipe. A tin shed/shutter pieces, a condemned road roller (which was earlier found outside in inspection dated 14.09.2023) and a bike found in the premises. Also, shuttering work material like fatti, balli, found lying/stored in front of premises. Open area, near the premises is also being used by others to park their trucks.
- 7) No plant machinery found installed in premises of Sh. Jayant Kumar. No industrial activity observed during inspection and no pollution w.r.t. noise/air/water observed by the joint team.
- 8) Sh. Jayant Kumar, owner of the premises/ shop informed that he had closed the shop/work at this premises and has also submitted letter to MCD regarding closure of the work & surrendering the license of the premises. Also, the DDA representative informed that work in the matter i.e. 8m road as per the layout plan of DDA of Residential area, Pocket 1-11, Sector-16, Rohini, as referred in earlier inspection dated 14.09.2023) has been started i.e. TSS has been conducted however its report is still awaited.
- 9) MCD and DDA official were asked to provide the ATR in the matter and to keep vigil to avoid any illegal activity in the premises.

Copy of the inspection report dated 04.12.2023 alongwith geo-tagged photographs taken during the inspection by the team are enclosed herewith as ANNEXURE-4 (Colly).



(4)

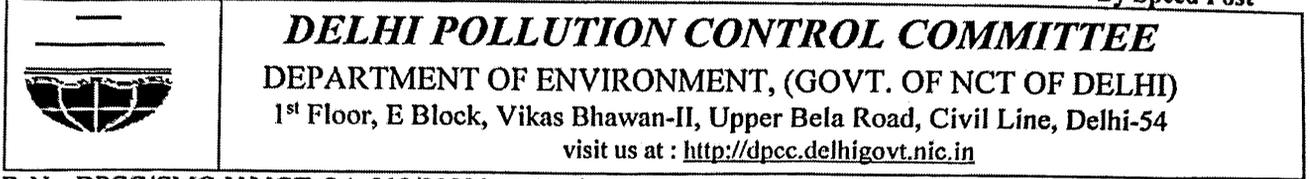
8. That District Magistrate (North), Commissioner- Municipal Corporation of Delhi and Vice Chairman, Delhi Development Authority in past (on 20.09.2023- copies of the letters were submitted alongwith report dated 29.09.2023) were also requested to provide the details. In spite of reminders dated 20.11.2023, no response received from any corner.
9. That, no reply has been received from M/s Jayant Iron Store, hence DPCC issued final order for imposition of Environmental Compensation of Rs. 50,000/- on 07.12.2023. Copy of the order dated 07.12.2023 is enclosed herewith as ANNEXURE-5.
10. In view of the above, the present status report may kindly be taken on record.

(Mohd. Arif)  
Sr. Environmental Engineer 12/12/23

Annexure-1

5

**REMINDER**  
**Most Urgent**  
**NGT Matter**  
**By Speed Post**



F. No. DPCC/CMC-V/NGT-OA-319/2023/ 2626-2627

Dated: 20/11/23

To,

The District Magistrate (North)  
DM Office Complex (Alipur)  
Alipur, Delhi-110036

**Sub.: Information w.r.t. land use detail and requesting to take necessary action w.r.t. Order passed by Hon'ble NGT in Original Application No. 319/2023 on 04.09.2023 in the matter "Rajesh Kumar Vs. Govt. of NCT of Delhi".**

Sir,

This has reference to this office letter of even number dated 20.09.2023 (copy enclosed) which is in response to the order dated 04.09.2023 passed by Hon'ble National Green Tribunal in Original Application No. 319/2023 in the matter of "Rajesh Kumar Vs. Govt. of NCT of Delhi (copy enclosed) regarding illegal scrap shop operated in non-conforming/residential area in violation of environmental norms. (at Block I-11, Sector 16, Rohini, New Delhi), wherein it was requested to provide the detail of period of operation, to provide clarification w.r.t. land, its use and the premises in question, encroachment removed if any. The reply in this regard is still awaited.

In view of above, it is once again requested to provide the detail of period of operation, to provide clarification w.r.t. land, its use and the premises in question, encroachment removed if any.

This may be treated as most urgent as ATR is to be filed before the Hon'ble NGT.

Yours sincerely,

Encl.: As above.

(Mohd. Arif)  
Sr. Env. Engineer

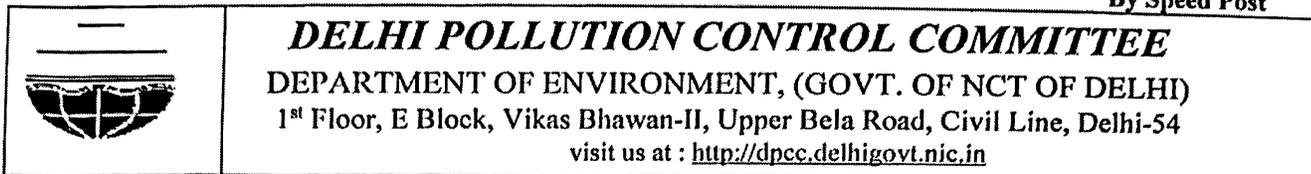
Copy to:

1. The Sub-Divisional Magistrate (Alipur), Office of SDM (Alipur), Alipur, Delhi-110036.

Annexure - 2

6

**REMINDER**  
**NGT Matter**  
**By Speed Post**



F. No. DPCC/CMC-V/NGT-OA-319/2023/ 2623 - 2625

Dated: 20/11/23

To,

The Commissioner,  
Municipal Corporation of Delhi,  
4<sup>th</sup> Floor, Civic Centre, Minto Road,  
Delhi-110002.

**Sub.: Information to be sought w.r.t. inspection carried out in compliance of Order passed by Hon'ble NGT in Original Application No. 319/2023 on 04.09.2023 in the matter "Rajesh Kumar Vs. Govt. of NCT of Delhi".**

Sir,

This has reference to this office letter of even number dated 20.09.2023 (copy enclosed) which is in response to the order dated 04.09.2023 passed by Hon'ble National Green Tribunal in Original Application No. 319/2023 in the matter of "Rajesh Kumar Vs. Govt. of NCT of Delhi (copy enclosed) regarding illegal scrap shop operated in non-conforming/residential area in violation of environmental norms. (at Block I-11, Sector 16, Rohini, New Delhi), wherein it was requested to provide the detail of period of operation, to provide clarification w.r.t. land, its use, and the premises in question, encroachment if any. The reply in this regard is still awaited.

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This may be treated as most urgent as ATR is to be filed before the Hon'ble NGT.

Yours sincerely,

Encl.: As above.

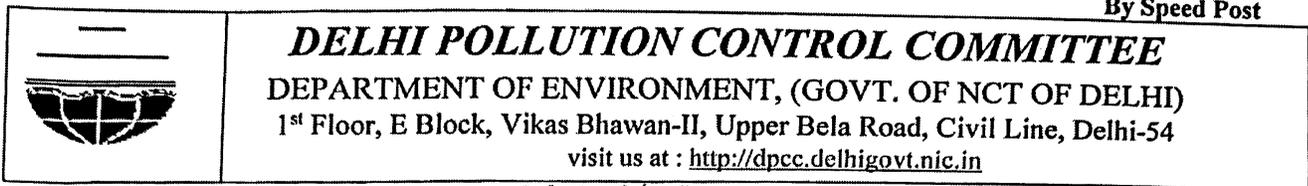
(Mohd. Arif)  
Sr. Env. Engineer

Copy to:

1. The Deputy Commissioner, Municipal Corporation of Delhi (Rohini Zone), Sector-5, Rohini, New Delhi - 110 085.
2. The Deputy Commissioner Licensing, Central Licensing and Enforcement Cell, Municipal Corporation of Delhi, 21<sup>st</sup> Floor, Civic Centre, Minto Road, Delhi-110002.

Annexure-3

**REMINDER**  
**NGT Matter**  
**By Speed Post**



F. No. DPCC/CMC-V/NGT-OA-319/2023/ 2621-2622

Dated: 20/11/23

To,

The Vice Chairman (DDA),  
Delhi Development Authority,  
Vikas Bhawan, INA,  
New Delhi-23.

**Sub.: Information to be sought w.r.t. inspection carried out in compliance of Order passed by Hon'ble NGT in Original Application No. 319/2023 on 04.09.2023 in the matter "Rajesh Kumar Vs. Govt. of NCT of Delhi".**

Sir,

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In view of above, it is once again requested to provide the actual measurement of the plot and missing road of 8m as per the DDA layout plan of Residential block, I-11, Sec-16, Rohini, and action taken in case of removal of encroachment (if any).

This may be treated as most urgent as ATR is to be filed before the Hon'ble NGT.

Yours sincerely,

(Mohd. Arif)

Sr. Env. Engineer

Encl.: As above.

Copy to:

1. The Chief Engineer, Delhi Development Authority, DDA Office Complex, 1st Floor, Madhuban Chowk, Sector-14, Rohini, Delhi-110085.

JOINT INSPECTION REPORT

A joint inspection of the area i.e. Block I-11, Sector-16, Rohini, Delhi was carried out on 04.12.2023 by the officials of DDA, MCD and DPCC. Observation/findings of the inspection are:

- 1) The exact location of the premises in question is Kh. No. 34/17 & 24, Ground Floor, (Landmark near Wine Shop) Village Samaipur, Delhi-110042 as per the electricity bill of premises and it belongs to the Sh. Jayant Kumar S/o Sh. Chhote Lal R/o Kh. No 65, H.No. 155, near DTU-PNB Shahbad Daulatpur Village, Delhi-110042.
- 2) The area of the premises in question is about 775 Sq. yards out of total area/piece of land of 3413 Sq. yards.
- 3) Sh. Jayant Kumar has taken "General Trade/Storage License" from MCD dated 18.04.2023 which is valid upto 31.03.2024 on area measuring 40 Sqm out of 775 Sq. yards. (copy of License taken during inspection and enclosed). Two telecom/mobile towers in area of about 30ft X 60ft. were also found installed near the alleged shop and in the premises of 775 Sq. yards.
- 4) No concrete information/valid proof provided/shown by the owner regarding the start the work of storage of metal scrap and its loading & unloading activity at the alleged premises. The MCD official informed that the MCD License is granted online and in this case it has been taken first time (as New License) on 18.04.2023 and is valid upto 31.03.2024. As enquired from the complainant Sh. Rajesh Kumar and RWA president Sh. Virender Hooda, it was informed that they have made complained against it to Delhi Police in September 2020. Sh. Jayant Kumar, premises owner informed that he had shifted the storage work to this premises last year however not replied on the date/ month. So, date of start of shop may be considered as September 2020.
- 5) During inspection, no construction activity was observed.
- 6) Alleged shop was used for storage of metal scrap. During inspection no scarp found stored in the shop and found vacant except an old steel Almira, a graden pipe. A tin shed/shutter pieces, a condemned road roller (which was earlier found outside in inspection dated 14.09.2023) and a bike found in the premises. Also, shuttering work material like fatti, balli, found lying/stored in front of premises. Open area near the premises is also being used by others to park their trucks.
- 7) No plant machinery found installed in premises of Sh. Jayant Kumar. No industrial activity observed during inspection and no pollution w.r.t. noise/ air / water observed by the joint team.
- 8) During inspection, Sh. Jayant Kumar, owner of the premises/ shop informed that he had closed the shop/work at this premises and has also submitted letter to MCD regarding closure of the work & surrendering the license of the premises. Also, the DDA representative informed that work in the matter i.e. 8m road as per the layout plan of DDA of Residential area, Pocket I-11, Sector-16, Rohini, as referred in earlier inspection dated 14.09.2023) has been started i.e. TSS has been conducted however its report is still awaited.
- 9) During inspection, MCD and DDA official were asked to provide the ATR in the matter and to keep vigil to avoid any illegal activity in the premises. The geo-tagged photographs taken during the inspection by the team are attached herewith.

*[Signature]*  
04/12/23  
AE/DDA

*[Signature]*  
04/12/23  
JEE, DPCC

*[Signature]*  
4/12/23  
DEEPAK KUMAR  
A.S.O/R2  
MCD

# JAYANT IRON STORE

9

Deals In : All kind of Scrap

Khasra No. 85, House No. 185, Shahbad Daultpur, Delhi-110047

Ref No. \_\_\_\_\_

Dated: 02-10-2023

To,  
 The Concerned Person,  
 M.C.D.  
 Rohini Sec 8,  
 Delhi



Sub: Surrender of license copy

Sir,  
 This is our license no NGITL0423208928 for Scrap trading on the name of Jayant Iron Store issued on 18/04/2023. We are surrendering this license as we closed down the scrap store ourselves.

Kindly look into the matter on your behalf now

*[Signature]*  
 05/12/23

For Jayant Iron Store  
*[Signature]*  
 Proprietor

10

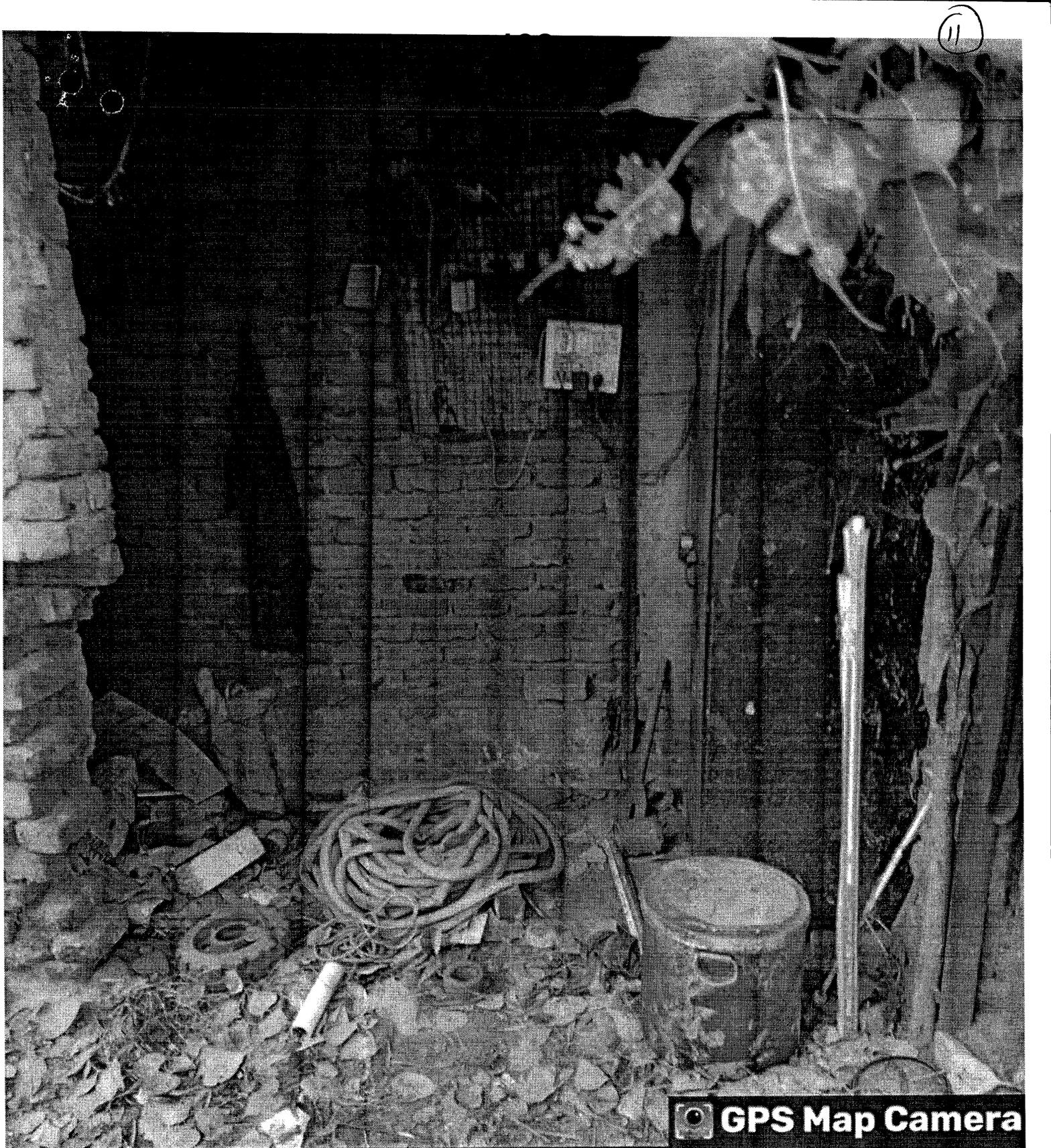
137



 **GPS Map Camera**

**New Delhi, Delhi, India**  
2/9, Pocket A8, Pocket 11, Sector 16, Rohini, New Delhi,  
Delhi, 110085, India  
Lat 28.742878°  
Long 77.12573°  
04/12/23 12:18 PM GMT +05:30

**Google**



11

 **GPS Map Camera**

**New Delhi, Delhi, India**

2/9, Pocket A8, Pocket 11, Sector 16, Rohini, New Delhi,  
Delhi, 110085, India

Lat 28.74285°

Long 77.125685°

04/12/23 12:17 PM GMT +05:30

**Google**



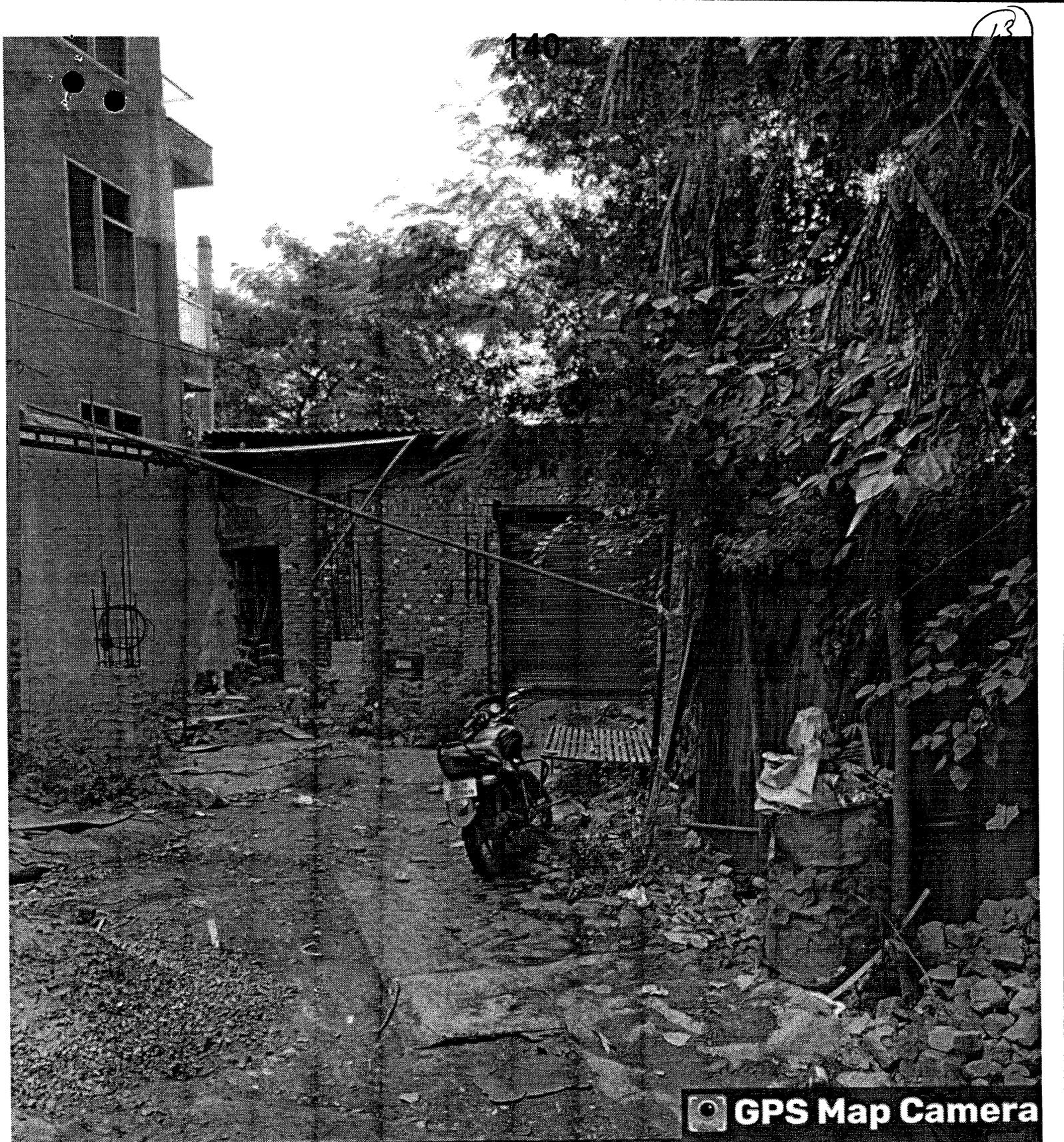
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**New Delhi, Delhi, India**  
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Delhi, 110085, India  
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Long 77.125774°  
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**Google**

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13



 **GPS Map Camera**

**New Delhi, Delhi, India**

2/9, Pocket A8, Pocket 11, Sector 16, Rohini, New Delhi,  
Delhi, 110085, India

Lat 28.742896°

Long 77.125712°

04/12/23 12:14 PM GMT +05:30

**Google**



 **GPS Map Camera**

**New Delhi, Delhi, India**  
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**Google**

18



 **GPS Map Camera**

**New Delhi, Delhi, India**

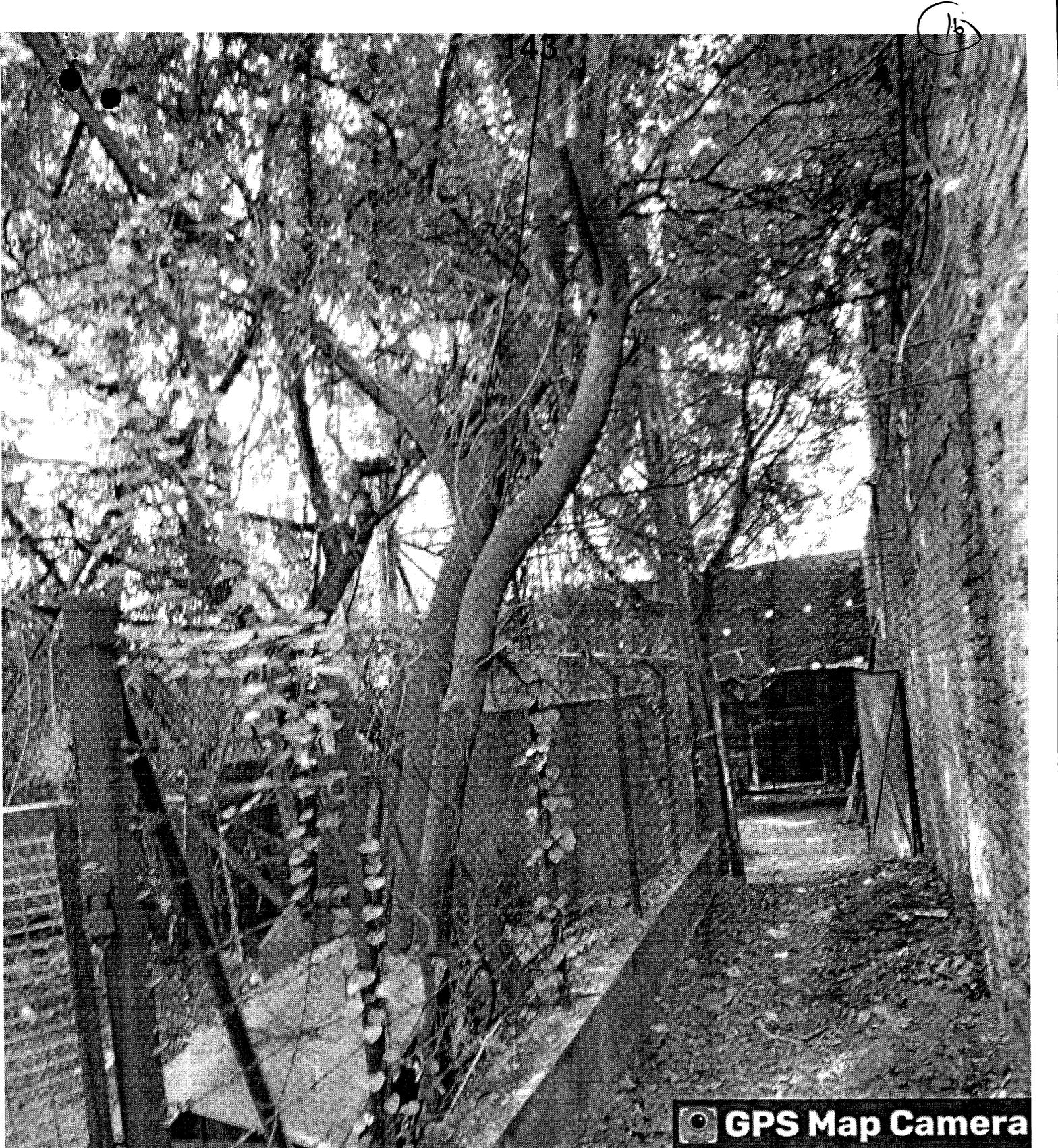
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Delhi, 110085, India

Lat 28.74289°

Long 77.125752°

04/12/23 12:18 PM GMT +05:30

**Google**



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 **GPS Map Camera**

**New Delhi, Delhi, India**

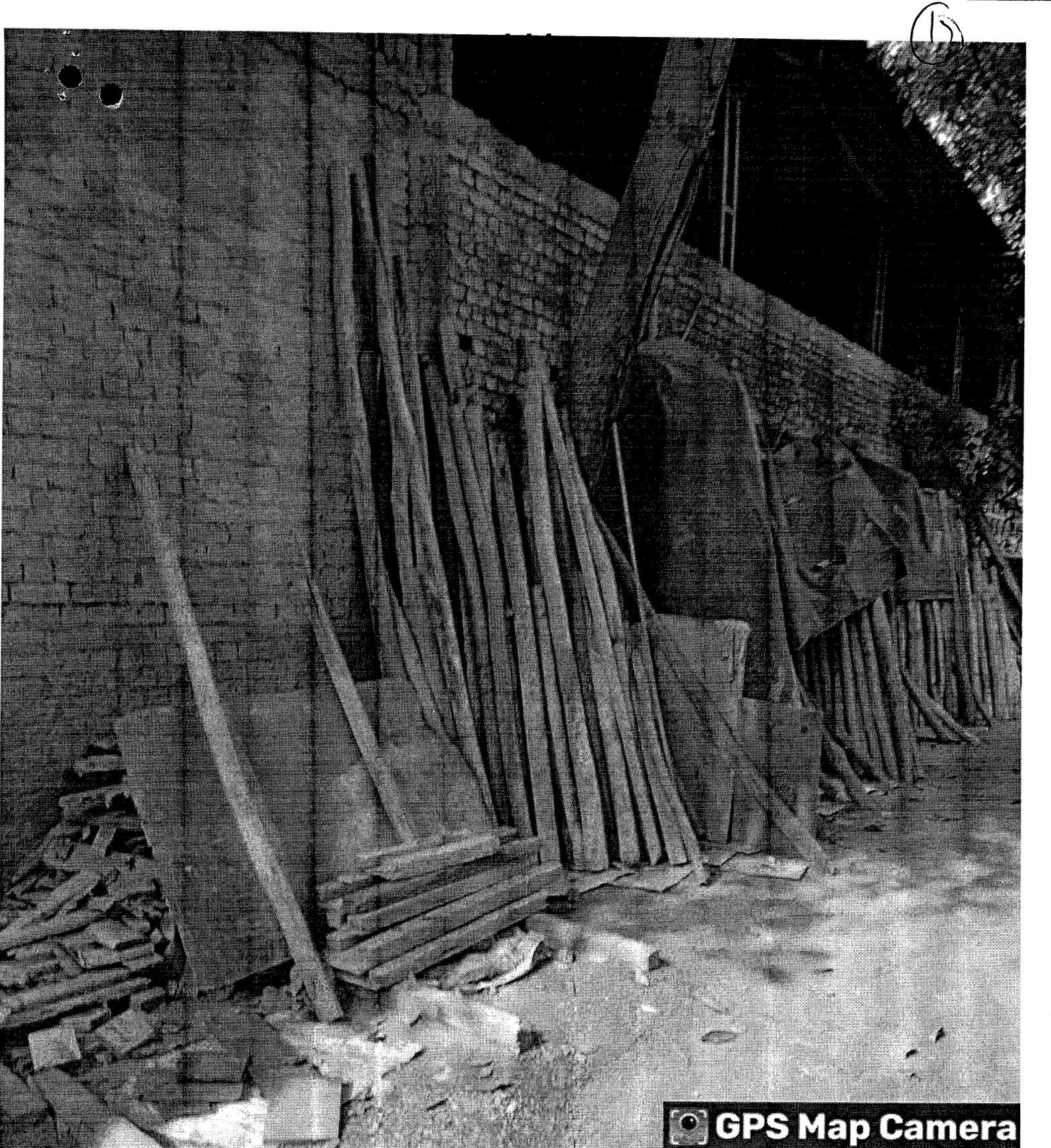
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Delhi, 110085, India

Lat 28.742856°

Long 77.125704°

04/12/23 12:17 PM GMT +05:30

**Google**



 **GPS Map Camera**

**New Delhi, Delhi, India**

2/9, Pocket A8, Pocket 11, Sector 16, Rohini, New Delhi,  
Delhi, 110085, India

Lat 28.742877°

Long 77.125718°

04/12/23 12:19 PM GMT +05:30

**Google**



 **GPS Map Camera**

**New Delhi, Delhi, India**

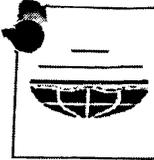
2/9, Pocket A8, Pocket 11, Sector 16, Rohini, New Delhi,  
Delhi, 110085, India

Lat 28.74289°

Long 77.125752°

04/12/23 12:18 PM GMT +05:30

**Google**



**DELHI POLLUTION CONTROL COMMITTEE**  
1<sup>st</sup> Floor, E-Block, Vikas Bhawan-II, Upper Bela Road, Civil Lines, Delhi-110054  
Visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-V/OA No.319/2023/ 2633 - 2635

Dated: 7/12/22

To,

M/s Jayant Iron Store,  
Kh. No. 34/17 & 24, Ground Floor,  
(Landmark near Wine Shop)  
Village Samaipur, Delhi-110042

Annexure-5

**Subject: Order for imposition of Environmental Compensation-reg**

Whereas, M/s Jayant Iron Store, Kh. No. 34/17 & 24, Ground Floor, (Landmark near Wine Shop) Village Samaipur, Delhi-110042 (hereinafter called the addressee unit) was engaged in the activity of storage/ segregation/ trading of metal scrap since 2019, as per licence issued by erstwhile north Delhi Municipal Corporation. The said activity falls under White Category as per the categorization of industrial activities.

And whereas, in compliance to order of Hon'ble NGT dated 12.05.2023 a joint inspection was conducted by DPCC and MCD on 10.07.2023 and subsequently on 14.09.2023 by the joint team of DPCC, MCD and DDA and Show cause notice vide F. No. DPCC/CMC-V/OA No.319/2023/2187-88 dated 27/09.2023 for imposing Environmental Compensation of Rs 50,000/- (Rupees Fifty Thousand only) was issued to you, the addressee unit.

And whereas, you the addressee unit has not submitted reply to the Show Cause Notice dated 27.09.2023 till date.

And whereas, case of the addressee unit was considered on merit and the Competent Authority in Delhi Pollution Control Committee has decided to impose above proposed Environmental Compensation to you, the addressee unit.

Now therefore, as decided by the Competent Authority, you, the addressee unit is hereby directed to deposit Environmental Compensation of Rs 50,000/- (Rupees Fifty Thousand only) in this office, through Demand Draft in favour of "Delhi Pollution Control Committee" within 15 days of issuance of this order, failing which necessary action will be initiated accordingly.

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

Sr. Eny. Engineer  
SEE, CMC-V

Copy to:

- 1) The Sub-Divisional Magistrate (Alipur), DM Office Complex, Alipur, Delhi-110036- with request to take necessary action for recovery of Environmental Compensation of Rs 50,000/- (Rupees Fifty Thousand only) as arrears of Land Revenue & remit the same to DPCC, if not deposited by the addressee unit within stipulated time.
- 2) Master File, CMC-V.