

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

Execution No. 32/2026

In

Original Application No. 563/2025

In the matter of:

Mohammed Faris

...Applicant

Versus

Govt. Of NCT of Delhi & Ors.

...Respondents

NDOH- 28.05.2026

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Filed by



Place: Delhi

Dated: ___ May, 2026

21 MAY 2020

Delhi Pollution Control Committee

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

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Mohammed Faris

...Applicant

Versus

Govt. Of NCT of Delhi & Ors.

...Respondent

**ACTION TAKEN REPORT ON BEHALF OF DELHI
POLLUTON CONTROL COMMITTEE (RESPONDENT NO. 4)
IN COMPLAINE WITH THIS HON'BLE TRIBUNAL'S
ORDERS DATED 14.11.2025 & 06.05.2026.**

I, Dr. Siddhartha Gautam, Sr. Environmental Engineer, Delhi Pollution Control Committee, 3rd Floor, Block-I, IT Park, Shastri Park, Delhi-110053, do hereby solemnly affirm and state as under:

1. That, I am working as Sr. Environmental Engineer, Delhi Pollution Control Committee and am conversant with the facts of the present case on the basis of record maintained by Delhi Pollution Control Committee in its ordinary course.



That, the above-captioned OA was taken up by this Hon'ble Tribunal on 14.11.2025 and pleased to disposed of the matter. DPCC was

asked to consider the complaint of the applicant, and to take the action in accordance with existing law.

3. That the applicant had filed EA to implement the order dated 14.11.2025 passed by This Hon'ble Tribunal. This Hon'ble Tribunal vide order dated 06.05.2026 pleased to issue notice to the answering respondent on the EA.
4. That the applicant had alleged that the Respondent No. 2 is unauthorisedly operating motor vehicle garage/auto workshop and washing centre at T-353, Ground Floor, Ahata Kidara, Idgah Road, Delhi-110006, which is a residential area.
5. That DPCC on 02.03.2026 conducted a field inspection of alleged site to know the ground situations. Following are the observations made during the inspection:
 - a). M/s Fardeen Auto Workshop found operational, which is run by Mr. Fardeen (8595726529) at T-353, Ground Floor, Ahata Kidara, Idgah Road, Delhi-110006.
 - b). The unit is engaged in the activity of Two-Wheeler service & repairing workshop with washing.
 - c). Unit does not have Consent to Operate (CTO) from DPCC.
 - d). No ETP found installed, and waste water is being discharged in public sewer without any treatment.
 - e). Unit found violating HMW Rules, 2016.
- f). The premises is in residential/ non-conforming area, as per Master plan of Delhi.

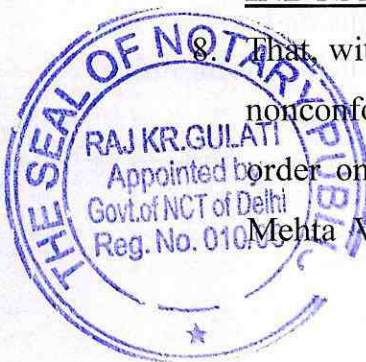


Copy of inspection report dated 02.03.2026 along with photographs taken during the inspection is annexed herewith and marked as ANNEXURE 1 (Colly).

6. That the unit is being operated in non-conforming area therefore a letter dated 13.03.2026 was issued to the Commissioner- Municipal Corporation of Delhi (MCD), requesting to take appropriate action and submit an Action Taken Report at the earliest. Copy of Letter issued to MCD dated 13.03.2026 is annexed herewith as ANNEXURE 2. Response/ ATR from MCD is still awaited.
7. That, DPCC issued Show Cause Notice (SCN) on 15.05.2026 for imposition of Environmental Damage Compensation (EDC) of Rs. 12,25,000/- (Rupees Twelve Lakh Twenty-Five Thousand Only), granting 15 days' time to submit the response. The EDC was calculated on the basis of DPCC policy dated 30.03.2022, for the offence of operating without pollution control device, without having consent and violating the HWM rules. Copy of the Show Cause Notice (SCN) dated 15.05.2026 is enclosed herewith as ANNEXURE-3.

INDUSTRIES IN NON-CONFORMING AREAS IN DELHI

That, with regard to closure of the illegal units from the residential / nonconforming areas, the Hon'ble Supreme Court has passed an order on 07.05.2004 in WP(C) No. 4677 of 1985 titled as "M.C. Mehta Vs. Union of India & Others" {AIR 2004 SUPREME COURT



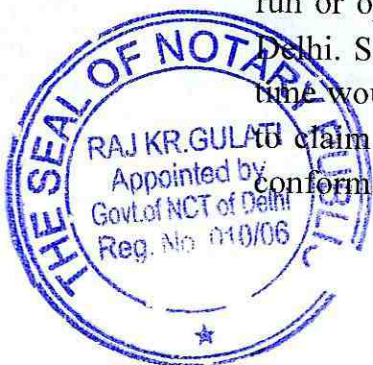
4618}. As per the order, all industrial units that have come up in residential / non-conforming areas in Delhi on or after 1st August, 1990 shall close down. Hon'ble Supreme Court has also constituted a Monitoring Committee comprising of:

- (i) Chief Secretary of Delhi
- (ii) Commissioner of Police, Delhi
- (iii) Commissioner, Municipal Corporation of Delhi and
- (iv) Vice-Chairman of Delhi Development Authority.

It would, however, be open to the aforesaid members of the Monitoring Committee to appoint responsible officers subordinate to them to oversee and ensure compliance of the directions contained in the judgment. Commissioner of Industries-GNCTD is working as a Nodal Officer on behalf of the Hon'ble Supreme Court Monitoring Committee as constituted by the Hon'ble Supreme Court of India in the order dated 07.05.2004.

Further, the Hon'ble Supreme Court vide its order dated 13.12.1995 (ANNEXURE-4) in the above-mentioned matter-imposed restriction on the authorities to not to grant any license/ permission in non-conforming/ residential areas.

That, DPCC has maintained its consistent practice by not granting any consent to any industrial unit which is to be setup or is operating from non-conforming areas of Delhi without the permission of High-Power Committee. Since there is a legal prohibition under MDP-2021/ MPD-2001 in addition to Hon'ble Apex Court directives, as per which industrial activity cannot be carried on or started in a non-conforming area, granting any consent by DPCC to any such industrial unit would amount to granting permission to such unit to run or operate which is illegal and prohibited under Master Plan of Delhi. Such consent would be inherently erroneous and at the same time would not enable or give any legal right to such consent holder to claim or assert any right to carry on industrial activity in a non-conforming area on the basis of such Consent, since no consent is



being granted by DPCC in non-conforming areas where the industrial activity is prohibited.

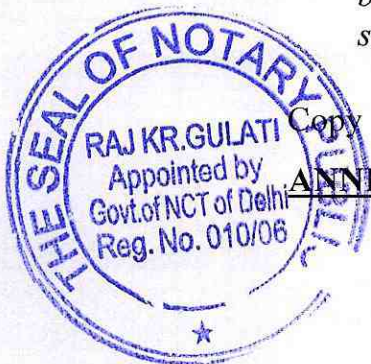
It is most respectfully submitted that in non-conforming areas, stoppage and further illegal industrial operations can be ensured by refusing industrial electricity connection or industrial water connection by the electricity companies or DJB because such industrial activity is prohibited in the said non-conforming area in terms of MDP-2021 and Zonal Development Plan.

That the Chief Secretary, Delhi has taken a meeting on 08.12.2010, wherein it was decided that action on industries operating in non-conforming areas and violating Master Plan will be taken under the Delhi Development Act by DDA in development area and MCD in other areas. This decision was reiterated again in the meeting held on 04.08.2015. The copy of the Minutes of the meeting dated 04.08.2015 is enclosed herewith as ANNEXURE-5.

9. That moreover, the Hon'ble High Court of Delhi in W.P.(C) 4349/2017 titled as "Court On Its Own Motion versus Government Of NCT Of Delhi & Others" on 05.08.2019 while passing detailed order on the issue of continuation to use of premises for non-conforming activities specifically ordered:

"... We also direct the Delhi Pollution Control Committee to bring to the notice of Delhi Development Authority, North Delhi Municipal Corporation, East Delhi Municipal Corporation and South Delhi Municipal Corporations, if any industrial units are running their industry in nonconforming area and causing pollution beyond permissible norms, so that proper actions can be initiated by these authorities against these industries to stop such activities in accordance with law."

Copy of the order dated 05.08.2019 is enclosed herewith as ANNEXURE-6.



10. That, the Hon'ble Supreme Court vide its order dated 04.11.2019 (ANNEXURE-7) in the aforementioned matter specifically casted the responsibility on Zonal Deputy Commissioner regarding operation of illegal industry in non-conforming area in following manner:

“.... Let a clear affidavit be filed with respect to the closing of the industrial units which are objectionable and we saddle the responsibility of compliance of the order upon the respective Zonal Deputy Commissioners of the Municipal Corporations. They shall be personally liable, in case any industrial unit is found to be running, not only in the law of torts but also for violating the order passed by this Court and they shall be liable to be proceeded with under the Contempt of Court Act. In case any unit is found to be running in violation of the Court's order in future.”

11. In view of the position of law and facts as explained above, closure of the industry in non-conforming areas lies with Zonal Deputy Commissioners of the Municipal Corporation.

12. That the delay in filing the present report was neither intentional nor wilful. It is respectfully submitted that during the relevant period, the officers and staff of the Delhi Pollution Control Committee (DPCC) were extensively engaged in inspections, monitoring, and compliance activities relating to the implementation of the Graded Response Action Plan (GRAP). Owing to the said official exigencies and administrative workload, some delay occurred in taking the necessary action and filing the report before this Hon'ble Tribunal.



13. It is further submitted that the delay was purely inadvertent and occurred on account of bona fide administrative circumstances, without any deliberate intention to disobey or disregard the orders of this Hon'ble Tribunal. The answering Respondents hold the utmost respect for the directions passed by this Hon'ble Tribunal and undertake to comply with the same in letter as well as spirit within the stipulated time.

14. In view of the above, it is most respectfully prayed that the Hon'ble Tribunal may take a lenient view in the matter.

15. That, the present affidavit is being filed for the kind perusal and record of this Hon'ble Tribunal, and same may kindly be taken on record.

S. Sautam
DEPONENT

VERIFICATION

I, the above-named deponent, declare the contents of the present affidavit are true and correct to the best of my knowledge based upon the documents and records available in the office and nothing material has been concealed therefrom.

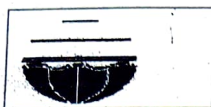
21 MAY 2026
Verified at New Delhi on this ___ day of May, 2026.



ATTESTED
[Signature]
NOTARY PUBLIC
GOVT OF NCT OF DELHI

21 MAY 2026

S. Sautam
DEPONENT



60
DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT (GOVT. OF NCT OF DELHI)
4th & 5th FLOOR ISBT BUILDING KASHMERE GATE DELHI-6
 visit us at : <http://dpcc.delhigovt.nic.in>

Inspection Report

1. Name & Address of the Unit : M/s fardeen Auto
Workshop, T-353,
Gf. Abata Kidara,
Idgah Road, Delhi-06
2. Owner/ Partner's Name & Contact Details(Phone & E-mail) : Sh. fardeen
8595726529.
3. Date of Inspection : 02/08/2026
4. Name & Designation of the Persons contacted at the industry : Sh. fardeen (owner)
5. Kind of Industry : Service & 2-wheeler repairing shop with washing
6. Product & Capacity : 2-4-5 vehicles/day
7. Main Raw Materials : Oil, grease, tools/Tackles
8. Water Polluting : Yes/No ETP Installed : Yes/No
9. Air Pollution : Yes/No ECS Installed : Yes/No N/A
10. Details of Stack Height (Furnace/Boilers/Others) : (Above G.L.)..... (Above R.L.).....
11. Type of Fuel Used : Electricity
12. A. Source of Water Supply : DJB/NDMC/DSIIDC/Borewell/Tankers/Others
 B. Effluent Discharge : (a) Domestic/ Trade Effluent
 (b) Unit connected to Conveyance System: Yes/No N/A
 (c) Discharging into Sewer
13. Status of Consent {If Any} : No Consent
14. D.G. Set(s) {if Any} : No....Capacity.....KVA. Acoustic: Yes/No
~~Stack Height.....(Above G.L.).....(Above RL)~~
15. Plot Area : 5.15 sqyds.
16. Labour : 3
17. Machinery : Water gun - 01
Tools/Tackles,

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18. Detail of Power Connection : Mater. No - BY70247231
19. Whether Unit found in Operation : Yes/No
20. Status of Registration under Plastic Waste Management Rules, 2016 :
21. Whether Generating Hazardous Waste : Yes/No
22. Details about Hazardous Waste :
- (a) Status of Authorization (if any) : No
- (b) Display Board Provided : Yes/No
- (c) Whether Hazardous Waste is stored in Leak proof container : Yes/No
- (d) Whether container marked with specified label : Yes/No
- (e) Whether container stored kept in an isolated area : Yes/No
- (f) Whether Hazardous Waste is being stored on pucca floor & in covered area : Yes/No
- (g) Whether date on which storage began indicated on each container : Yes/No
- (h) Whether daily record of Hazardous Waste maintained in Form-3 : Yes/No
- (i) Category of Hazardous Waste as per the Schedules I, II and III of these rules : Scrap / Waste Oil & Cotton Waste.
- (j) Authorized mode of disposal or recycling or utilization or co-processing etc. :
- (k) Quantity (Ton/Annum) :

Remarks (if Any)

- ① Unit found operational and engaged in activity of servicing and repairing of 02 wheelers with washing without consent in Residential / Non-conforming area ;
- ② No ETP found installed
- ③ No compliance of HWM Rules observed.

(Signature)
 Signatures, Name & Designation of inspecting officials.

2

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FARDEEN



FARDEEN

SERVICE
• REPAIR
• PUNCTURE

AUTO WORKSHOP

8595726529



हमारे यहाँ स्कूटी व मोटरसाईकल की रिपेयरिंग, सर्विस व पंक्चर लगाया जाता है।

BAJAJ   T-353, G/F, AHATA KIDARA, IDGAH ROAD, DELHI-110006   

Latitude: 28.657211
 Longitude: 77.207048
 Elevation: 252.3±1.0 m
 Accuracy: 6.5 m
 Time: 03-02-2026 17:14



FARDEEN AUTO WORKSHOP
 SERVICE • REPAIR • PUNCTURE
 8595726529
 7-353, G/F, AHATA KIDARA, ROHINI ROAD, DELHI-110006 472

63

11

Latitude: 28.657195
 Longitude: 77.207054
 Elevation: 252.1+1.01 m
 Accuracy: 10.81 m
 Time: 03-02-2026 17:14

File No DPCC/16(107/151)/Leg-25 (Computer No. 302073)

Generated from e-office by Dheeraj Kaushish, Dheeraj Kaushish (Assistant Law Officer), ASST. LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 21/05/2026 03:08 PM

Powered by NoteCam

Latitude: 28.657163
Longitude: 77.207041
Elevation: 252.1+1.01 m
Accuracy: 9.862 m
Time: 03-02-2026 17:14

File No: DPCO/16(107/15)/Leg 25 (Computer No. 302073)
Generated from e-office by Dheeraj Kaushish, Dheeraj Kaushish Assistant Law Officer, ASST. LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 21/05/2026 03:08 PM



Latitude: 28.657187
Longitude: 77.207053
Elevation: 252.3+1.06 m
Accuracy: 9.967 m
Time: 03-02-2026 17:13

6

66

14

Latitude: 28.657186
Longitude: 77.207058
Elevation: 252.2+1.06 m
Accuracy: 9.867 m
Time: 03-02-2026 17:13

7

67

VED HANSA
BUMS (JAMIA HANSA)

FARVEEN
AUTO WORKSHOP
REPAIR
PUNCTURE
889778579

Latitude: 28.657206
Longitude: 77.207066
Elevation: 252.3+1.02 m
Accuracy: 10.02 m
Time: 03-02-2026 17:15



Latitude: 28.657183
Longitude: 77.207045
Elevation: 252.2+1.05 m
Accuracy: 10.17 m
Time: 03-02-2026 17:13

File No DPCC/16/107/151/Reg-25 (Computer.No. 302073)

Generated from eOffice by Dheeraj Kaushish, Dheeraj Kaushish (Assistant Law Officer), ASST. LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 21/05/2026 03:08 PM

69

17

Latitude: 28.657182
Longitude: 77.207022
Elevation: 252.1+1.0 m
Accuracy: 9.789 m
Time: 03-02-2026 17:11

70



HARVEEN
FAKVEEN
AUTO WORKSHOP
 REPAIR
 PUNCTURE
 239576210
 6-4, 4th floor & 2nd floor of Block, 1st & 2nd floor area 11
 7-222 & 4th area area, 2nd floor, 2nd floor area 22

Latitude: 28.657206
 Longitude: 77.207066
 Elevation: 252.3+1.02 m
 Accuracy: 10.02 m
 Time: 03-02-2026 17:15

File No. DPCC/16/07/151/Reg-25 (Computer No. 302073)

Generated from e-office by Dheeraj Kaushish, Dheeraj Kaushish(Assistant Law Officer), ASST. LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 21/05/2026 03:08 PM

71

Latitude: 28.657249
Longitude: 77.207106
Elevation: 252.1±1.11 m
Accuracy: 6.2 m
Time: 03-02-2026 17:02

12

File No. DPCC/16/107/151/Reg-25 (Computer No. 302073)

Generated from eOffice by Dheeraj Kaushish, Dheeraj Kaushish(Assistant Law Officer), ASST. LAW OFFICER, DELHI POLLUTION CONTROL COMMITTEE on 21/05/2026 03:08 PM

72

Latitude: 28.65725
 Longitude: 77.207082
 Elevation: 252.1+1.13 m
 Accuracy: 5.8 m
 Time: 03-02-2026 17:02



13

73

Latitude: 28.657243
Longitude: 77.2071
Elevation: 252.1+1.12 m
Accuracy: 6.1 m
Time: 03-02-2026 17:02

14

SHARDEEN AUTO WORKSHOP
जहाँ स्कूटी व मोटरसाइकिल की रियरिंग, सर्विस व पंपकर लगाया
T-353, G/F, AHATA KIDARA, IDGAH ROAD, DELHI-1100

74

22

Latitude: 28.657172
Longitude: 77.207047
Elevation: 252.1+1.02 m
Accuracy: 9.867 m
Time: 03-02-2026 17:14

By Speed Post/ By E-Mail
MOST URGENT/NGT MATTER

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DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
3rd FLOOR, Block 1, DMRC IT Park, Shastri Park, DELHI-110053
visit us at : <http://dpcc.delhigovt.nic.in>
E-Mail ID: teamcmc7dpcc@gmail.com



F. No. DPCC/CMC-VIII/OA-563/2025/NGT/E-302073/2026 / 39-41

Dated: 13-3-26

To,

The Commissioner (MCD),
4th Floor, Dr. SPM Civic Centre,
Minto Road, Delhi – 110002.

Sub.: Regarding request to take necessary action w.r.t. orders passed by Hon'ble NGT in O.A. No. 563/2025 in the matter of "Mohammed Faris Vs. Govt. of N.C.T. of Delhi & Ors." dated 14.11.2025.

Sir,

This has reference to the order dated 14.11.2025 passed by Hon'ble National Green Tribunal in Original Application No. 563/2025 in the matter of "Mohammed Faris Vs. Govt. of N.C.T. of Delhi & Ors." (copy enclosed) wherein DPCC was directed to consider the compliant of the applicant and get the ground verification done and if there is any violation, take appropriate remedial and punitive action in accordance with law.

As per order dated 14.11.2025, the Hon'ble NGT has issued following directions as reproduced below:

".....

1. In this original application, the Applicant has made a grievance against the Respondent No. 2 that it is unauthorisedly operating motor vehicle garage/auto workshop and washing centre in a densely populated residential area at T-353, Ground Floor, Ahata Kidara, Idgah Road, Delhi – 110006.
2. The Applicant also alleges that the Respondent No. 2 is routinely burning tyres, spilling battery acids, conducting unregulated engine repairs and doing excessive vehicle washing leading to toxic emissions, discharge of oils and sludge on public roads and causing air, water and noise pollution.
3. The allegation which is made by the Applicant needs verification at the ground level....
4. In the circumstances of the case, we dispose of the OA directing the Respondent No. 4-DPCC to duly consider the complaint of the Applicant, get the ground verification done and if there is any violation, take appropriate remedial and punitive action in accordance with law...

In response of the above, an inspection of the aforesaid alleged unit/ workshop was carried out by the DPCC officials on 02.03.2026 to verify the facts & figures, and following observations were made during aforesaid inspection:

- Unit found operational and engaged in the activity of 02-Wheeler Servicing & Repairing Workshop with Washing in residential/ non-conforming area.
- Unit does not have valid consent from DPCC.
- No ETP found installed, and wastewater is being discharged in public sewer without any treatment.
- Unit found violating HWM Rules, 2016.

Copy of inspection report and geo-tagged & time-stamped photographs taken during the said inspection are enclosed herewith this letter.

The complaint is being forwarded for necessary action at your end in pursuance of orders dated 07.05.2004 passed by Hon'ble Supreme Court in the matter regarding "Shifting of Industries from non-conforming/ residential areas". In the order dated 07.05.2004; Hon'ble Supreme Court directed that all industrial units operating in non-conforming/ residential areas of the Delhi in violation of Master Plan of Delhi have to be closed down/ shifted.

In the meetings held on 08.12.2010, 14.07.2011, 09.12.2011 & 05.06.2015 in the office of Chief Secretary Delhi for implementation of above order it has been decided that action on industries operating in non-conforming areas and violating Master Plan of Delhi will be taken under the Delhi Development Act by DDA in development areas and MCD in other areas. Please also refer directions issued vide F.No-DPCC/10/(06)/05/2012/7922-7949 dated 05.01.2023 from office of Chief Secretary that for closure of industries in non-conforming areas including disconnection of electricity and water supply, the implementing agencies are DMCs Industries department, DISCOMs and DJB.

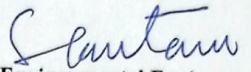
P.T.O.

DPCC acts under the provisions of Environmental Laws only on legal units, duly explained and agreed in the said meetings. In view of above, you are requested to take necessary action at your end & submit the compliance report/ ATR in this office at the earliest.

This may be treated as most urgent, being time bound & the Hon'ble NGT matter.

This issues with the approval of the Competent Authority, Delhi Pollution Control Committee.

Yours sincerely,


Sr. Environmental Engineer,
CMC-VIII

Encl.: As above

Copy to: -

1. Sh. Dinesh Jindal, In-charge, Legal Cell, DPCC.
2. Master File, CMC-VIII.

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By Speed Post
Most Urgent/NGT Matter

F. No. DPCC/CMC-VIII/ (10)(10)/(51)/Leg-2/NGT/E- 302073/2025 /204-206 Dated: 15-05-2026

To,

M/s Fardeen Auto Workshop,
T-353, Ground Floor, Ahata Kidara, Idgah Road,
Delhi – 110006

Subject: Show Cause Notice for Environmental Damages Compensation-reg.

Ref: The Hon'ble NGT order dated 06.05.2026 in EA No. 32/2026 of OA No. 563/2025 titled as "Mohammed Faris Vs. GNCTD & Ors"

And whereas, you M/s Fardeen Auto Workshop, T-353, Ground Floor, Ahata Kidara, Idgah Road, Delhi – 110006 (hereinafter referred as the addressee) is engaged in the activity of 02-Wheeler Service & Repairing Workshop with Washing in residential/ non-conforming area.

And whereas, in compliance of the directions received in the Hon'ble NGT order dated 14.11.2025 in OA No. 563/2025 titled as "Mohammed Faris Vs. GNCTD & Ors", an inspection of your unit was conducted by the officials of DPCC on 02.03.2026 and the observations/deficiencies found during inspection are as follows:

1. Unit found operational and engaged in the activity of 02-Wheeler Service & Repairing Workshop with Washing in residential/ non-conforming area.
2. Unit does not have valid consents from DPCC.
3. No ETP found installed, and wastewater is being discharged in public sewer without any treatment.
4. Unit found violating HWM Rules, 2016.

And whereas, as per records you (the addressee unit) are operating the unit in non-conforming area without having a valid Consent to Establish/ Consent to Operate from DPCC and in violations of the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 as amended to date.

And whereas, your activity falls under **Orange category** & in view of office order No.- DPCC/RDPC/EC/2022/3522-3530 dated 30.03.2022 regarding Environmental Compensation (EC), you are liable to pay EC of **Rs. 12.25 Lacs (Rs. Twelve Lacs and Twenty Five Thousand only)** in the form of DD in favour of "**Delhi Pollution Control Committee**".

And whereas, EC for orange category unit generating hazardous waste & operational without valid DPCC consents (EC amount will be doubled) in Residential/Non-Conforming Area, came out to be:

***EC= [(Rs. 3.75 (orange category) x 2 (without consents) x 1.5 (non-conforming area)) + (Rs. 1 Lac for violating HWM Rules, 2016)] = Rs. 12.25 Lacs (Rs. Twelve Lacs and Twenty Five Thousand only).**

*Please, refer DPCC office order dated 30.03.2022 (available on DPCC website).

And whereas, the Addressee is hereby called upon to Show Cause as to why Environmental Compensation (EC) of **Rs. 12.25 Lacs (Rs. Twelve Lacs and Twenty Five Thousand only)** should not be imposed on you.

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Your reply (if any) should reach this office **within 15 days from the date of issue of this notice**. In case of failure, it will be presumed that you have nothing to say in this regard and the aforementioned Environmental Compensation (EC) shall be imposed.

This is being issued after approval from Competent Authority, Delhi Pollution Control Committee.



(Dr. Siddhartha Gautam)

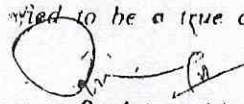
Sr. Environmental Engineer, CMC-VIII

Copy to:

- 1. The Commissioner (MCD), 4th Floor, Dr. SPM Civic Centre, Minto Road, Delhi – 110002**-[MCD already has been requested on 13.03.2026 vide letter no. DPCC/CMC-VIII/OA-563/2025/NGT/E-302073/2026/39-41, for necessary action as the unit is operating in non-conforming area/ residential area.]
- 2. Master File, CMC-VIII.**

Item No.
1Court No.
2Section
PIL
After Notice

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Filed to be a true copy

 Assistant Registrar (Judl.)
 13/12/1995
 Supreme Court of India

SUPREME COURT OF INDIA
 RECORD OF PROCEEDINGS

45563

I.A. NO. 22 IN W.P.(C) NO. 4677/1985

M C Mehta

...Petitioner

vs.

Union of India & Ors.
(for directions)

...Respondents

Date: 13.12.95 This matter was called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE KULDIP SINGH
 HON'BLE MR. JUSTICE S SAGHIR AHMAD

For the Petitioner: Mr. MC Mehta,
 Petitioner in person.
 Ms. Seema Midha, adv.

: Mr. Ranjit Kumar, adv.

For Respondents:

For CPCB

: Mr. Vijay Panjwani, adv.

For DPCC

: Mr. Swaraj Kaushal, Sr. Adv.
 Mr. Sanjeev K Pabbi, adv.
 Ms. H Wahi, adv.: Mr. Altaf Ahmad, ASG
 Ms. Sushma Suri, adv.
 Mr. Y P Mahajan, adv.

For

M/s. Birla Textiles: Mr. F S Nariman, Sr. Adv.
 Mr. H N Salve, Sr. Adv.
 Mr. J B Dadachanji, adv.
 Mr. R N Karanjawala, adv.
 Mr. S Sukumaran, adv.
 Mr. P K Mullick, adv.
 Mrs. Manik Karanjawala, adv.

For M/s. SIEL

: Mr. Anil B Diwan, Sr. Adv.
 Mr. Ravinder Nara in, adv.
 Mr. Sumeet Kachawaha, adv.
 Mr. S Sukumaran, adv.
 Ms. Punita Singh, adv.

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2.

- For M/s. SBM & DCM Salk Mills : Mr. Gopal Subramaniam, Sr. Adv.
Mr. Ramji Srinivasan, adv.
Mr. Jayant Bhushan, adv.
Mr. JB Dadachanji, adv.
Mr. S Sukumaran, adv. Mr. B.R. Jad, adv.
for M/s. JBD
- For Delhi Factory Owners Fedn. : Dr. A M Singhvi, Sr. Adv.
Mr. S Sukumaran, adv.
Mr. Ramesh Babu, adv.
- For Workmen : Mr. Rajinder Sachar, Sr. Adv.
Mr. Sanjay Parikh, adv.
- For M/s. British Motor Co. : Mr. AB Rohtagi, Sr. Adv.
Mr. Ranbir Yadav, adv.
- For Detergent Manu. Assn. : Mr. V Krishnamurthy, adv.
- : Mr. DD Thakur, Sr. Adv.
Mr. KV Venkataramesh, adv.
- : Mr. D Goburdhan, adv.
Mr. Sidharth Luthra, adv.
- : Mr. CS Ashri, adv.
- : Ms. Minakshi Vij, adv.
- : Ms. Maenakshi Arora, adv.
- : Mr. IS Goyal, adv.
Ms. Indu Malhotra, adv.
- : Ms. Rachna Gupta, adv.
Mr. Ashok K Srivastava, adv.
Mr. K S Bindra, Sr. Adv.
Mr. R S Sodhi, adv.
- : Mr. R Saridharan, adv.
- : Mr. Shanti Bhushan, Sr. Adv.
Mr. Prashant Bhushan, adv.
- : Mr. V B Saharya, adv.
- : Mr. D N Goburdhan, adv.
- : Mr. R B Misra, adv.
- : Mr. R K Maheshwari, adv.
- : Mr. Vineet Maheshwari, adv.
- : Mr. R S Suri, adv.
- : Mr. Kailash Vasdev, adv.
- : Mrs. Shiel Sethi, adv.

UPON hearing counsel the Court made
the following O R D E R

OFFICE REPORT DT. 12-12-95

Item 'A'

Pursuant to this Court's order dated September 14, 1995 and November 21, 1995, we have heard Mr. Panjwani, learned counsel for the Central Pollution Control Board and other learned counsel representing the industries.

The learned counsel have raised various objections ~~like~~ such as the industries have been wrongly shown in the non-conforming areas, the categories of the industries is not correct and they are not even located in the urban areas. All the objections may be filed before the Central Pollution Control Board within one week from today.

The Board shall decide these objections and file a report to this Court before January 10, 1996. List the matter on 10.1.96.

Item 'B'

Pursuant to this Court's order dated September 8, 1995, September 29, 1995 and November 21, 1995, Mr. Virender Singh, Secretary, Department of Industries is present in Court. We are satisfied with the explanation offered by him. Mr. Virender Singh further states that under the instructions issued by the Central Government the Industries Department of NCT, Delhi registers the industries without insisting on the no-objection certificate from the

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Pollution Control Committee. We direct the Industries Department, NCT, Delhi Administration not to register any industry unless the consent (no-objection certificate) under law has been furnished by the Delhi Pollution Control Committee even in respect of the industries in the conforming areas. Mr. Virender Singh further states that no further registration is being granted to any industry in non-conforming areas in Delhi/ New Delhi in terms of the orders of this Court dated November 30, 1995.

Item 'C'

Pursuant to this Court's order dated November 13, 1995, Mr. K J Alphons has placed on record the proposed scheme regarding utilisation of land which would be available in the event of re-location of the hazardous/noxious/large scale industries from Delhi. The scheme has been discussed with learned counsel appearing for various industries. We are of the view that it would be useful for the representatives of the industries to have discussion with the Committee which is to finally examine the proposed scheme. Mr. P C Jain, Additional Commissioner DDA who is present in the Court has explained to us various aspects of the scheme. He is agreeable to the proposal that 5/10 representatives of the industries may place the suggestions/objections of the industries to the proposed scheme before the Committee. The representatives of the industries

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may file their written suggestions before Mr. Jain within one week from today. Thereafter, Mr. Jain will inform them about the date when the Committee is likely to meet. It would be desirable that the Committee meets before the end of this year. In any case, the meeting must take place before 10th January, 1996 because all these matters have been listed for final hearing on that date. In any case, Mr. Jain will inform the representatives about the date of the meeting before 25th December, 1995.

We request Mr. B. C. Jain, who is present in Court to assist the Central Pollution Control Board in deciding the objections.

Kanchan
(Kanchan Jain) 21/12
Court Master

DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF N.C.T OF DELHI
6TH LEVEL, C-WING, DELHI SECRETARIAT, NEW DELHI

No. DPCC/2015/5937-55

Dated: 4/8/2015

MINUTES OF THE MEETING CHAIRED BY CHIEF SECRETARY, DELHI REGARDING EFFECTIVE
IMPLEMENTATION OF HON'BLE SUPREME COURT AND HON'BLE GREEN TRIBUNAL ORDERS
WITH REGARD TO CLOSURE OF POLLUTING UNITS IN RESIDENTIAL /NON-CONFORMING
AREAS OF DELHI HELD ON 05.06.2015 AT 11.00 A.M.

The meeting was held on 05.06.2015 under the chairmanship of Chief Secretary, Govt. of N.C.T. of Delhi. List of participants is enclosed herewith as Annexure-I.

Following are the record of discussions:

1. Secretary (Environment) briefed the Chief Secretary on the following points:-
 - a) DPCC is taking action against the units for violation of the provision of Water Act, Air Act and Environment (Protection) Act and Rules made there under in conforming industrial areas as per Master Plan of Delhi.
 - b) In the meeting of Chief Secretary, Govt. of N.C.T of Delhi held on 08.12.2010 for implementation of orders of Hon'ble Supreme Court dated 07.05.2004, it has already been decided that action on industries operating in Non-Conforming areas and violating Master Plan of Delhi will be taken under the Delhi Development Act by Delhi Development Authority (DDA) in Development areas and Municipal Corporation of Delhi (MCD) in all other areas. Commissioner of Industries is working as a nodal officer on behalf of the Supreme Court Monitoring Committee, as constituted by the Hon'ble Supreme Court of India in the Order dated 07.05.2004.
 - c) Hon'ble NGT vide its order dated 27.3.2015 in the case of Manoj Mishra (C.A No. 300 of 2013) has directed that the concerned authority in whose jurisdiction such area falls shall forthwith issue notice for complete prohibition of carrying on of industrial activity which discharge effluent in the residential areas.
 - d) In pursuance of order of NGT dated 27.3.2015, the action for closure of unauthorized industries in non-conforming /residential areas shall be taken by concerned authorities in whose jurisdiction such area falls such as MCD and the DDA as these have responsibility to implement the building bye-laws as applicable.
 - e) The concerned authority in whose jurisdiction such areas falls must set up a special cell headed by senior officers within their department to deal with and respond to complaints forwarded by the DPCC about industries operating unauthorizedly in non-conforming and residential areas in Delhi. Action Taken Report by these agencies shall be sent to COI, which is a nodal agency to compile the data.

(Signature)

23.8.15

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f) While dealing with such complaints, land owning agencies may seek field reports whether similar units are operating unauthorisedly in adjoining areas or not. If so, a joint inspection may be carried, in which representatives of Industries Department, DPCC, MCD/ DDA be associated and joint inspection team shall recommend action to be taken. Such inspections shall be coordinated by land owning agencies i.e. MCD/ DDA.

g) On 04.06.2015 a Public Notice has been issued by DPCC in leading news papers, referring the said orders of the Hon'ble Supreme Court dated 07.05.2004.

h) Letters were issued to Industrial Associations of 22 Redevelopment Areas asking them to provide list of water polluting industries in their respective redevelopment area, however, the Associations have not provided the list of water polluting units. Letter has also been issued to MCD, DIB, Electricity Distribution Companies to provide list of user for their services on industrial activity in all redevelopment areas.

2. The representatives of three Municipal Corporations of Delhi were asked as to action taken against the industrial units operating unauthorisedly in non-conforming and residential areas of Delhi. The position explained by Municipal Corporations is as under:

a) South Delhi Municipal Corporation:

No. of industries found operating	1134
No. of industries sealed/ closed	28
No. of industries against whom Show Cause	412
Notice issued for disconnection of electricity and water supply.	

b) North Delhi Municipal Corporation:

No. of industries found operating	3493
No. of industries sealed/ closed	255
No. of industries against whom Show Cause	298
Notice issued for disconnection of electricity and water supply.	

c) East Delhi Municipal Corporation: (figure only Gandhi Nagar area):

No. of industries found operating	799
No. of Industries sealed/ closed	28
No. of industries against whom Show Cause	117
Notice issued for disconnection of electricity and water supply.	

3. The Chief Secretary directed Industries Department to upload the list of 52,000 applicants for alternative plots under relocation scheme, out of which about 22,000 allottees have been given alternative plots, on its website/ public domain. It was decided that Industries Department and concerned authority in whose jurisdiction such




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areas falls, shall initiate action against industrial units operating in non-conforming and residential areas who have already been allotted alternative plots by DSIDC on first instance and thereafter remaining units will also be checked and action shall be taken by land owning agencies.

4. It was informed by DPCC that lists of Green and Orange category of the activities prepared by DPCC are available on the website of DPCC which may be referred to identify the polluting activities by MCD/DDA. Regarding conformity/ permissibility of the various activities Master Plan of Delhi is to be referred. Factory Licensing Department of 03 Municipal Corporations to prepare the list of industrial units permitted by them in non-conforming / residential areas on their website.
5. The decisions taken on 08.11.2010 by the then Chief Secretary regarding closure/ shifting of impermissible industries from residential / non-conforming areas of Delhi were again reiterated.
6. Secretary (Environment) briefed the Chief Secretary about constraints of staff in Environment Department and DPCC. The Chief Secretary decided to hold a separate meeting at his level to take up the issues of pending RRs, creation of posts and filling up vacant posts. The officers of Environment/DPCC, Services Department, Finance Department to be invited in the proposed meeting.

Meeting ended with a vote of thanks to the Chair.


 (Kulanand Joshi)
 Spl. Secretary (Env),
 Member Secretary (DPCC)

To

1. Vice Chairman, DDA, Vikas Sadan, INA, New Delhi.
2. Divisional Commissioner, Revenue Department, Govt. of N.C.T of Delhi, 5-Sham Nath Marg, Delhi-110054.
3. The Secretary-cum-Commissioner, Industries Department, 419, FIE, Udyog Sadan, Patparganj, Delhi.
4. Secretary (Environment), Govt. of N.C.T of Delhi, 6th Level, Delhi Sectt., New Delhi.
5. Commissioner, South Delhi Municipal Corporation, Civic Centre, Minto Road New Delhi.
6. Commissioner, North Delhi Municipal Corporation, 11th Floor, Civic Centre, Minto Road, New Delhi.
7. Commissioner, East Delhi Municipal Corporation, 419, FIE, 419, Udyog Sadan, Patparganj, Delhi.
8. The Chief Executive Officer, Delhi Jal Board, Varunalaya, Phase-1, Karol Bagh, New Delhi.

9. The Commissioner, Delhi Police, Police Headquarter, MSO Building, New Delhi.
10. The Managing Director, Delhi State Industrial & Infrastructure Corporation Ltd. (DSIIC), H-Block, Bombay Life Building, Connaught Place, New Delhi.
11. The Member Secretary, Delhi Pollution Control Committee, ISBT, Delhi-110006.
12. The CEO, BSES Yamuna Power Ltd., Shakti Kiran Building, Karkardooma, Delhi.
13. The CEO, Tata Power Delhi Distribution Ltd., Hudson Lane, Kingsway Camp, Delhi.
14. The CEO, BSES, Rajdhani Power Ltd., BSES Bhawan, Behind Nehru Place Bus Terminal, Nehru Place, New Delhi.
15. The Dy. Commissioner (Industries), Complaint Cell, Industries Department, Udyog Sadan, 419, FIE, Patparganj, Delhi.
16. The Dy. Commissioner, CETP Branch, Industries Department, Udyog Sadan, 419, FIE, Patparganj, Delhi.

Copy for information to:-

1. OSD to Chief Secretary, Delhi, Delhi Secretariat, New Delhi.
2. P.S to Pr. Secretary (Industries), New Delhi.
3. P.S to Secretary (Environment), Delhi Sectt. New Delhi.

(Kulanand Joshi)
Spl. Secretary (Env)
Member Secretary (DPCI)

Attendance Sheet

ANNEXURE 1

Sub: Effective implementation of Hon'ble Supreme Court and NGT orders with regard to closure of polluting units in Delhi.

A meeting has been convened under the Chairmanship of the Chief Secretary Delhi on ~~05th June, 2015 at 11:00 am~~ on the aforesaid subject at Office of the Chief Secretary Delhi, 5th Level, Delhi Secretariat, I.P. Estate, New Delhi.

Sl. No.	Name of the officer / Representative with Designation	Deptt./ Organization	Contact No.	e-mail ID	Signature
1.	J.K. Saini HOD-Regulatory	Tata Power D D C.	9818102317	jsaini@tatapower-dde.com	[Signature]
2.	O.P. SINGH A.C.M. Regulatory	TP D D C.	9818102317	o.p.singh@tatapower-dde.com	[Signature]
3.	C. A. DHANU Additional Commissioner	EDMC	9717788000	Additional Commissioner	[Signature]
4.	M. K. Aggarwal	BRPL	9350261573	m.k.aggarwal@brpl.com	[Signature]
5.	T. R. BHATIA	BRPL	9350261573	M.K. Bhatia@reliance.com	[Signature]
6.	Sanjeev Saini	BRPL	810929827	sanjeev.saini@reliance.com	[Signature]
7.	Cumans Khanna Dy. Director (Mgt)	DDA	2337 8854		[Signature]

(15) 2/12/2016

Sl. No.	Name of the officer / Representative with Designation	Deptt./ Organization	Contact No.	e-mail ID	Signature
8.	Shant Kumar SE, DWT	DSI ZDC	9818250728	kumandshil @gmail.com	
9	Ajay Mittal CG, DSIDC	DSIDC	9910100984	ajay1965mittal @yahoo.com	
10.	Victor James ADC (FL)	EDme	8150892289		
11.	B.L. CHAWLA SEE	DPCC	9717593516		
12.	Dinesh Jindal Law Officer	DPCC	9717593515		
13.	Sanjiv Kumar	ENV FOREST			
14.	Shakuntala D. Gandhi	P. Secy (D) & Com. In-ct	8130355556	gandh070 @gmail.com	
15.	Dr. Anil Kumar Director	Environment	9317193505		
16.	K. Joshi	Member Sy DPCC	97175935-1		
17	Ashwani Kumar Div Com				

(14)

et al

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Sl. No.	Name of the officer / Representative with Designation	Deptt./ Organisation	Contact No.	e-mail ID	Signature
17	T. P. SINGH By CF	Industries deplh. d. m. c. d.	221570		
18	PARAMITIA	DCP		Continental D. m. c. d.	
19	TARUN YADAV	CENTRAL AZA OFFICE SOME FACTORY LICENS.	9818099044 Delhi Police 8588888724		
20	C S. Kaddar	S/A (PL) SOME	9818614904		
21	R. K. Bhargava	HC/FLD	250398 35460		
22	R. C. Gauriyal AEC/Ent(L)	DDA	9810300654		
23	Mohal. Ishar Sanyog/Ent(L)	DDA	9911107456		
24	A. V. M. S. D. V. V. By Commission	Industries	9868 877724		
25					

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14 DEC 2010
10:08 AM

OFFICE OF THE COMMISSIONER OF INDUSTRIES
GOVT. OF NCT OF DELHI
419, FIE, PATPARGANJ, UDYOG SADAN, DELHI.

Minutes of the meeting regarding closure/shifting of impermissible industries from residential/non-conforming areas of Delhi, held on 8th December, 2010 in the office of the Chief Secretary, Delhi.

A presentation was made by Industries Department highlighting the brief background of the issue and the statutory provisions with regard to closure of non-conforming/impermissible industries.

2. It was informed that on the orders of the Hon'ble Supreme Court a monitoring committee for stoppage of illegal industrial activities was constituted comprising of following officers:

- 1) Chief Secretary, Government of NCT of Delhi,
- 2) Vice Chairman - Delhi Development Authority
- 3) Commissioner of Police - Delhi,
- 4) Commissioner - Municipal Corporation of Delhi,

3. Keeping in view of urgency of the matter and to ensure timely compliance of orders of Hon'ble Supreme Court, the Industries Department being a Nodal Department for industries in Delhi coordinated implementation of directions including closure operation with concerned departments.

4. 27 Task Groups comprising of area SDMs, representatives from MCD (Factory Licensing Department), area electricity DISCOMs and Delhi Jal Board were constituted for identification of industrial units and to ensure closure orders.

5. Though majority of industries had closed down their manufacturing activities at that time, some industrial units have unauthorizedly started functioning at the same or some other location in the non-conforming areas.

6. Because of legacy of the Task Force comprised earlier, the complaints received of such unauthorized functioning of the industries are being forwarded to District Deputy Commissioner for taking action after verification by the Cell comprising officers of Industries Department who have been deputed to report to the Divisional Commissioner,

7. Divisional Commissioner categorically informed that SDMs have no statutory powers for closure of industries and they can take action only if the Department/Agency having statutory powers give their clear directions for sealing/de-sealing of industries.

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8. The statutory provisions with regard to the closure of industries were discussed as under:

a) Functioning of impermissible industries in residential areas:

The power of closure of industries in non-conforming /residential area is derived from the Delhi Development Act, 1957 which empowers DDA for the same in development area and MCD in any other area. Therefore, the prime responsibility for enforcement of the Master Plan rests with the MCD and DDA.

Further, the Factory Licensing Department of MCD issues Trade Licences under Delhi Municipal Corporation Act, 1957 and takes action against industries functioning without this license. It is imperative that MCD issues such licences in consonance with Master Plan.

b) Closure of Polluting Industries

In order to provide protection and improvement of environment and the prevention of hazards to human beings, various Environmental Laws namely The Environment (Protection) Act, 1986, The Air (Prevention and Control of Pollution) Act, 1981, The Water (Prevention and Control of Pollution) Act, 1974, Bio-Medical Waste (Management and Handling) Rules, 1998 etc. exist.

As per The Air (Prevention and Control of Pollution) Act, 1981, no person can establish or operate any industrial unit in National Capital Territory of Delhi without obtaining prior consent of Delhi Pollution Control Committee (DPCC). The industrial units operating in the NCT of Delhi are required to comply with the conditions of consent to establish/ operate, issued by the DPCC. Under Section 31(A), the DPCC has the powers to give directions to any person or officer or authority in writing and such person or officer or authority is bound to comply with such directions which include (i) the closure, prohibition or regulation of any industry, operation or process or (ii) stoppage or regulations of electricity, water or any other services. Similar provision exists Under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974.

Thus, the power to close and stop industrial activities violating the provisions and Environment Laws vests in the DPCC.

9. Secretary (Environment) explained the position that though the jurisdiction of the various environmental Acts in the whole of Delhi but DPCC take actions only in the authorized industrial areas. He informed that the mandate of DPCC is not to close industries in the non-conforming areas but to ensure that the industries are not polluting. Thus, theoretically, if an industry in non-conforming area ensures by installing ETPs, that the discharge is not polluting, DPCC cannot take action. Moreover since all the industries in non-conforming areas are required to be closed by the statutory authority implementing the Master Plan, the prime responsibility of closure lies with the Master Plan implementing authority.

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10. The issue of those industrial clusters which have been notified as the area for redevelopment as per MPD-2021 was also discussed and it was decided that this should be examined separately so that a finality in this regard can be achieved.

11. It was also emphasized that the MPD-2001 provided for different categories of industries which were not permissible (H category and F category - 27/33). However, MPD-2021 provides for just one list of prohibited/negative list of industries which are impermissible in Delhi. Since the MP-2021 has replaced MPD-2001, all statutory authorities should follow the MPD-2021 in this regard.

In view of the above discussion it was concluded that henceforth :

- a) Action on industries operating in non-conforming areas and violating Master Plan will be taken under the Delhi Development Act by DDA in development areas and MCD in other areas.
- b) MCD will also take action as per the DMC Act.
- c) DPCC will take action against the polluting industries as per the provisions of environmental laws.
- d) To identify the non-conforming industries/areas the provisions of MP-2021 will be followed.
- e) Commissioner of Industries will submit a report in the Hon'ble Supreme Court detailing the decisions taken in this meeting and seeking directions, if any, from the Hon'ble Apex Court on future course of action after consulting the Law Department.

C. Arvind
(C. Arvind)
Joint Commissioner of Industries

No:PA/JDI(R)/01/1999-2000/CI/ Vol.IV/2453

Dated: 13th Dec., 2010

To

1. The Vice Chairman, DDA, INA, Vikas Sadan, New Delhi.
2. Divisional Commissioner, Govt. of Delhi, 5-Sham Nath Marg, Delhi
3. Commissioner, MCD, Town Hall, Delhi.
4. Commissioner (Industries), Govt. of Delhi, Udyog Sadan, Delhi
5. Chairman, DPCC, 4-5th Floor, ISBT Bldg., Kashmere Gate, Delhi

- Copy to 1. Pr. Secy to Chief Minister, Govt. of Delhi, Delhi Sectt., N.Delhi.
2. Secy to Min. of Industries, Govt. of Delhi, Delhi Sectt., N.Delhi.
3. OSD to C.S., Govt. of Delhi, Delhi Sectt., New Delhi.

C. Arvind
(C. Arvind)
Joint Commissioner of Industries



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 05th August, 2019

+ W.P.(C) 4349/2017

COURT ON ITS OWN MOTION Petitioner
Through Attendance slip not given

versus

GOVT OF NCT OF DELHI & ORS. Respondents

Through Ms. Nidhi Raman, Adv. for
respondent no. 1 with Mr. T.P.
Singh, Adv. DC of Industries,
GNCTD

Mr. Nikhil Goel, SPP with Ms.
Naveen Goel and Mr. Dushyant
Sarna, Advs. for CBI

Mr. Prashant Bhardwaj, Proxy
counsel for DERC

Mr. Sumer Sethi and Ms. Dolly
Sharma, Advs. for DLSLA

Mr. Sanjeev Sabharwal,
Standing Counsel with Mr.
Hem Kumar and Mr. Bushra
Waseem, Adv. for North and
South DMC

Mr. Sanjeev Ralli, Mr. Atul
Verma and Ms. Urvi Kohli,
Advs. for respondent no. 5

Mr. Sumeet Pushkarna,
Standing Counsel with Mr.
Devanshu Lahiry, Adv. for
Delhi Jal Board



Mrs. Biji Rajesh, Adv. for EDMC

Mr. Tarveen Singh Nanda, Standing Counsel and Mr. Ankur Mishra, Adv. for Delhi Cantonment Board

Mr. Sudhir Nandrajog, Sr. Advocate with Mr. Anupam Varma, Mr. Nikhil Sharma and Ms. Pallavi Mohan, Adv. for Tata Power Delhi Distribution Ltd.

Mr. Anupam Varma, Mr. Nikhil Sharma and Mr. Aditya Gupta, Advs. for BYPL

Mr. Dhanesh Relan, Standing Counsel with Ms. Gauri Chaturvedi and Ms. Komal Snout, Advs. for DDA

Mr. Jasmeet Singh, CGSC for respondent nos. 10 and 11

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

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05.08.2019

D.N. PATEL, CHIEF JUSTICE (ORAL)

1. On the basis of a news articles dated 17th May, 2017, under the heading 'Is blue the colour of Death in Delhi's Cancer Colony' published in The Times of India, New Delhi, edition *suo moto* cognizance was taken by this Court, to the effect that whether blue dye, used for the manufacturing of jeans, is a cause of death.

2. Pursuant to the aforesaid news item an order was passed by this Court dated 18th May, 2017, notices were issued and direction was given to the CBI to conduct the investigation.

3. We have heard the counsel appearing for the CBI at length, who has submitted that a detailed investigation has been carried out. A report is also tendered to this Court by the counsel for CBI in June, 2019 and the same has also been submitted before the Rouse Avenue Court, New Delhi. The relevant extract of the said report is as under:

“During investigation, no evidence could emerged to establish that Factory Inspector of EDMC who are primarily responsible for action against illegal industrial units in non-confirming area of water due to alleged jeans dyeing/washing units also could not be proved. Evidence could not emerge to prove that due to illegal jeans dyeing/washing units under ground water contaminated which causes cancer. Further, investigation has revealed that Cancer is an outcome of a long term exposure to multiple possible risk factors like tobacco consumption (in any form), diet, lifestyle factors, environmental exposure to carcinogens, some genetic risk factors, as well as some other factors which may not be known till date. It is a



complex interplay of several of these factors which might lead to cancer in some individuals, while some of those even when exposed to the same factors may not develop the disease. Hence, in a given patient of cancer it is difficult to precisely pin point any single factor for causation of cancer, one can only correlate with the possible risk factors which might have led to causation of cancer.

Investigation revealed that Factory Inspector is assigned duties of inspection of the entire non-conforming area of Shahdara (North) Zone, for detection of illegal trades and action thereon. Factory Inspector used to issue challan against any specific illegal unit noticed and direct the user of property to appear before Ld. Municipal Magistrate on specific date. Thereafter, Fl reports the matter to Administrative Officer (Factory Licensing) and AO (FL) communicate the same to the Dy. Commissioner of the concerned Zone for sealing. Administrative Officer of the General Branch used to issue show cause notice



and thereafter they used to fix sealing program. These processes take even 3-4 months also due to which despite the issuance of challan, owner/operator continues to operate illegal unit.

Thus, even though the collusion between the Factory Inspectors and the private persons who were running illegal factories could not be established but the failure to stop these units by taking prompt legal action as per the DMC Act has shown the negligence on the part of the Factory Inspectors who have been identified namely; S/Shri Alok Kumar, Devinder Kumar, Brahm Prakash Madhur, Kamal Kishore Gaur, Lokesh Chaudhary, Man Mohan, Shri Umesh Kumar and Shri Sivakumar, Section Officer (Factory Licensing) for which departmental action has been recommended against them to the Competent Authority.

In view of the above facts and circumstances, it is most respectfully prayed that closure report may be accepted.”



4. In view of the aforesaid report filed by the CBI, we see no reason to continue with the investigation and we see no need to further monitor the investigation. We are satisfied with the detailed investigation carried out by the CBI. So far as other issues relating to non-conforming activities continuing in the area are concerned, which are referred to in this writ petition and looking into other activities, which are not in consonance with the permissible uses of the land in question, we hereby direct the respondents, Delhi Development Authority, North Delhi Municipal Corporation, East Delhi Municipal Corporation, South Delhi Municipal Corporation and Delhi Pollution Control Committee to the effect that if there is any activity going on in the area which is referred to in the memo of the writ petition, the same is a non-conforming activity, i.e., the activities, which are not in consonance with the permissible uses of the land. Such activities shall be brought to an end by the above named respondents in accordance with the law, rules, regulations and Government policy applicable to the facts of the present case, after giving an adequate opportunity of being heard to the concerned effected party. We also direct the Delhi Pollution Control Committee to bring to the notice of Delhi Development Authority, North Delhi Municipal Corporation, East Delhi Municipal Corporation and South Delhi Municipal Corporations, if any industrial units are running their industry in non-conforming area and causing pollution beyond permissible norms, so that proper actions can be initiated by these authorities against these industries to stop such activities in accordance with law.



5. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

AUGUST 05, 2019

r.bararia

HIGH COURT OF DELHI



सत्यमेव जयते

ITEM NO.301

COURT NO.3
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SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 4677/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((1) REPORT NO. 149 AND 161 SUBMITTED BY MONITORING COMMITTEE
 (2) IA NOS. 51374, 54195 AND 54198/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND STAY ON BEHALF OF RAVINDER PARKASH PUNJ)
 (3) IN RE: RELOCATION OF INDUSTRIES IN DELHIPROGRESS REPORT BY THE MONITORING COMMITTEE APPOINTED BY THIS HON'BLE COURT
 (4) I.A. NOS. 60398 AND 60399/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O MOHAN LAL)
 (5) IA NOS. 125628 AND 125635/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AJAY GUPTA)
 (6) IA NOS. 125699 AND 125701/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O HARKRISHAN AND ORS.)
 (7) IA NOS. 158567 AND 158572/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O PARMANAND KUMAR AND ORS.)

Date : 04-11-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
 HON'BLE MR. JUSTICE DEEPAK GUPTA

Counsel for parties

Mr. Ranjit Kumar, Sr. Advocate (A.C.)
 Ms. Anitha Shenoy, Sr. Advocate (A.C.)
 Mr. A.D.N. Rao, Advocate (A.C.)
 Mr. Rishi Raj Sharma, Adv.
 Ms. Srishti Agnihotri, Adv.
 Ms. Sanjana Thomas, Adv.
 Mr. Nitesh, Adv.

Mr. Tushar Mehta, SG
 Mr. A.N.S. Nadkarni, ASG
 Mr. D.L. Chidananda, Adv.
 Ms. Suhashini Sen, Adv.
 Mr. S.S. Rebello, Adv.
 Ms. Archana Pathak Dave, Adv.
 Mr. Rajat Nair, Adv.

Mr. Raj Bahadur, Adv.
 Mr. G.S. Makker, Adv.

Mr. Rajesh k. Singh, Adv.
 Ms. Anil Katiyar, Advocate

Mr. Jitendra Mohan Sharma, Sr. Adv.
Dr. Sunil Kumar, Adv.
Mr. Pradeep Kumar Kaushik, Adv.
Mr. Pranshu kaushal, Adv.
Mr. S.K. Chaturvedi, Adv.
Mr. Rajiv Mangla, Advocate

Mr. Sanjiv Sen, Sr. Adv.
Mr. Praveen Swarup, Adv.
Mr. harsha Peechara, Adv.
Mr. Sayan Ray, Adv.
Mr. Soumo Palit, Adv.
Mr. Suvesh Kumar, Adv.

Mr. D.N. Goburdhun, Advocate
Mr. Alok Gupta, Adv.
Mr. Nipun Sharma, Adv.

Petitioner-In-Person

Mr. B.V. Balram Das, Advocate

Ms. Garima Prashad, Advocate
Mr. G.S. Oberoi, Adv.
Mr. Mohit Kumar Bansal, Adv.

Mr. Sanjay Jain, Advocate

Ms. Deeplaxmi S. Matwankar, Advocate

Mr. Shishir Pinaki, Advocate

Ms. Roohina Dua, Adv.
Mr. Chaitanya Madan, Adv.
Mr. Naveen Kumar, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Sumant De, Adv.
Ms. Prerna Mehta, Adv.

Mr. Nishant Kumar, Adv.
Ms. Maya Mukherjee, Adv.

Mr. Chirag M. Shroff, Adv.
Ms. Mahima C. Shroff, Adv.
Ms. Yashika Verma, Adv.
Ms. Riya Thomas, Adv.

*

For Ms. Smita Maan, Adv. (Appearance slip not given)

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UPON hearing the counsel the Court made the following
O R D E R

(1) REPORT NO. 149 AND 161 SUBMITTED BY MONITORING COMMITTEE

As prayed for, three weeks' time is granted to the Monitoring Committee to file response.

Report No.161 is, accordingly, disposed of.

(2) IA NOS. 51374, 54195 AND 54198/2019 (APPLNS. FOR INTERVENTION, DIRECTIONS AND STAY ON BEHALF OF RAVINDER PARKASH PUNJ)

We have considered the objections and the report. We find the report to be absolutely correct and it must be scrupulous followed by the owner.

In case of any violation, let it be reported to this Court to take stringent actions against the owner, whether he can use the building in violation of order. In case of any violation of the order of Monitoring Committee is committed the same to be viewed seriously.

Application for directions is dismissed and the other applications are disposed of.

(3) IN RE: RELOCATION OF INDUSTRIES IN DELHI PROGRESS REPORT BY THE MONITORING COMMITTEE APPOINTED BY THIS HON'BLE COURT

The compliance report filed on behalf of the Government of NCT of Delhi is considered. It has been pointed out that out of 92 industrial units of step 2 which were found to be running illegally, 30 units have been sealed and 11 units are operating in the industrial clusters. SDMC has also informed that remaining 49 premises are vacant/shops/under construction. And there is some contradiction with respect to the previous status report furnished by the SDMC on the status of 49 units. The Government of NCT of Delhi has directed the SDMC to recheck and verify and provide the actual state of affairs regarding these 49 units/premises. After closing down the units, the use of the premises is being ensured in

accordance with the provisions of the MPD-2021 by the respective municipal bodies. Direction has been issued to the Zonal Deputy Commissioners to keep strict vigil on such premises so that they should not be re-used for any illegal purpose.

The state of affairs projected in paragraph 5 and 6 cannot be said to be proper. Let a clear affidavit be filed with respect to the closing of the industrial units which are objectionable and we saddle the responsibility of compliance of the order upon the respective Zonal Deputy Commissioners of the Municipal Corporations. They shall be personally liable, in case any any industrial unit is found to be running, not only in the law of torts but also for violating the order passed by this Court and they shall be liable to be proceeded with under the Contempt of Court Act. In case any unit is found to be running in violation of the Court's order in future.

Let respective Zonal Deputy Commissioners of the Municipal Corporations file the affidavits as to the state of affairs within the area which falls in their respective zones of the Municipal Corporation concerned. Let a better affidavit be filed by SDMC also. Let the Zonal Deputy Commissioners and SDMC also take the steps and furnish a report directly to this Court in addition to the Government of NCT of Delhi of doing the needful within fifteen days from today.

List for further hearing on 25.11.2019.

(4) I.A. NOS. 60398 AND 60399/2019 (APPLNS. FOR IMPLEADMENT AND DIRECTIONS ON B/O MOHAN LAL)

(5) IA NOS. 125628 AND 125635/2019 (APPLNS. FOR INTERVENTION AND DIRECTIONS ON B/O AJAY GUPTA)

(6) IA NOS. 125699 AND 125701/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O HARKRISHAN AND ORS.)

(7) IA NOS. 158567 AND 158572/2019 (APPLNS. FOR INTERVENTION AND STAY ON B/O PARMANAND KUMAR AND ORS.)

Issue notice.

Let reply be filed by the concerned departments within a period of three weeks from today.

List thereafter.

Let a copy of these applications be furnished to the Standing Counsel appearing for the respective departments.

IN RE: Kant Enclave (Disposed of)

It is pointed out by Mr. Ranjit Kumar, learned Amicus Curiae that there are certain complaints/letters have been received by him that the amount has not been paid in terms of the order passed by this Court.

Let the State of Haryana look into the matter and submit before this Court how many persons are left to be paid and the reasons for not making the payment.

Let an appropriate affidavit be filed within four weeks.

List thereafter.

The FDRs be renewed for a period of one year.

I.A. NOS.130216 & 130219 of 2019

These applications were mentioned for listing.

List after two weeks.

(NARENDRA PRASAD)
COURT MASTER

(PRADEEP KUMAR)
COURT MASTER