

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

Appeal No. 14/2022

In the matter of:

M/s New York Motors

...Applicant

Versus

Delhi Pollution Control Committee


...Respondent

NDOH:DL.07.2022

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Filed by:


(Dr. Anwar Ali Khan)

Sr. Environmental Engineer
(Delhi Pollution Control Committee)
Respondent

New Delhi:

Dated: 02.09.2022

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

Appeal No. 14/2022

In the matter of:

M/s New York Motors

...Applicant

Versus

Delhi Pollution Control Committee

...Respondent

**AFFIDAVIT ON BEHALF OF DELHI POLLUTON CONTROL
COMMITTEE WITH RESPECT TO ORDER DATED 27.05.2022.**

Affidavit of Dr. Anwar Ali Khan, presently working as Senior Environmental Engineer, Delhi Pollution Control Committee, 5th floor, ISBT Building, Kashmere Gate, New Delhi 110006.

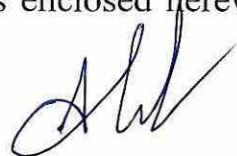
1. I the above-named deponent do hereby solemnly affirm and declare that I am an authorized officer of the Delhi Pollution Control Committee and competent to swear the present affidavit on the basis of official records available and maintained in the department.
2. That on 27/05/2022 this Hon'ble Tribunal was pleased to direct the DPCC to file reply specifically responding to all material averment made in the appeal filed by M/s New York Motors, 71/7, A-2, Rama Road, Najafgarh Road Industrial Area, New Delhi-110015.
3. That the appellant has preferred the present appeal for setting aside the order dated 07.03.2022 passed by answering respondent thereby imposing Environmental Damage Compensation to the tune of Rs. 3,75,000/- u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974, u/s 31 (A) of the Air (Prevention) & Control of Pollution) Act, 1981 & u/s 5 of EP Act, 1986 along with HWM Rules, 2016.



4. That an inspection was conducted on 02.07.2021 on the unit of the appellant, by the officials of DPCC and following were the observation of the inspecting team:
1. Unit is a small service station with washing facility.
 2. The ETP was found in operative conditions.
 3. **Container for storing of HW was not placed in an isolated area.**
 4. **The HW container found was not marked with specific labels as per HWM Rules.**
 5. **The starting dates of storage of HW was not found on the containers kept at the unit.**
 6. HW i.e. used/burnt engine oil is being stored in a barrel and as per requirements it is sold to civil contractors who further use it as a lubricant application on shuttering plates.

Inspection was carried out in the presence of Sh. Mohan Singh. Copy of the inspection report dated 02.07.2021 is enclosed herewith as **ANNEXURE-1.**

5. That the answering respondent issued a Show Cause Notice dated 01.09.2021 to the unit for violations u/s 33 (A) of the Water Act- 1974, u/s 31 (A) of the Air Act- 1981 & u/s 5 of EP Act-1986 along with HWM Rules, 2016. Copy of the SCN dated 01.09.2021 is enclosed herewith as **ANNEXURE-2.**
6. That no reply was filed by the appellant to the SCN dated 01.09.2021 and as such the answering respondent issued directions on 01/11/2021 for closure as well as disconnection of electricity and water supply of the unit. Copy of the directions for closure issued by DPCC is enclosed herewith as **ANNEXURE -3.**
7. That, answering respondent issued another Show Cause Notice dated 01.11.2021 for imposing the Environmental Damage Compensation (EDC) of Rs. 3,75,000/- against the appellant for causing damage to the environment. Copy of the SCN dated 01.11.2021 is enclosed herewith as **ANNEXURE-4.**



8. That on 07/03/2022 directions for imposing Environmental Damage Compensation (EDC) of Rs. 3,75,000/- was issued against the appellant. Copy of the directions for imposing Environmental Damage Compensation issued by DPCC dated 07.03.2022 is enclosed herewith as ANNEXURE-5

9. **Provisions about financial penalty and liability for damages caused to the environment under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016:**

Rule 23 of the HOWM Rules, 2016, lays down the provisions with regard to liability for damages caused to the environment or third party including financial penalty for violation of provisions of the Rules and the same is reproduced as below:

“23. Liability of occupier, importer or exporter and operator of a disposal facility.-

(1) The occupier, importer or exporter and operator of the disposal facility shall be liable for all damages caused to the environment or third party due to improper handling and management of the hazardous and other waste.

(2) The occupier and the operator of the disposal facility shall be liable to pay financial penalties as levied for any violation of the provisions under these rules by the State Pollution Control Board with the prior approval of the Central Pollution Control Board.”

CPCB has issued “Guidelines on Implementing Liabilities for Environmental Damages due to Handling & Disposal of Hazardous Waste and Penalty” for implementing the aforesaid provisions of Rule 23. The guidelines include description of liabilities, approach for valuation of the same, methodology for levying financial penalty, role of SPCB/PCC and other stakeholders etc. SPCBs/PCCs are required to follow procedures laid down under these guidelines while enforcing the aforesaid provisions of Rule 23. The said guidelines are available at CPCB website.

10. That this Hon'ble Tribunal has ordered on number of occasions to the Central Pollution Control Board (CPCB) and the State Pollution Control



Boards (SPCBs) to strictly enforce the environmental legislations [The Water Act, Air Act and EP Act] in letter and spirit. Under these Acts, every person who has committed an offence or violated the Rules/ Standards/ Guidelines is responsible and liable to be prosecuted and punished accordingly.

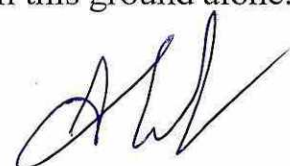
11. That the Hon'ble Supreme Court has imposed exemplary compensation for damages caused to the environment. *In Sterlite Industries(I) Ltd vs Union of India & OR's, Civil Appeal Nos. 2776-2783 of 2013, {575 [2013] 6 S.C.R.} one of the largest copper smelter plants in India was found to be operating without a valid renewal of its Consent To Operate.*

12. That the Hon'ble Supreme Court in *M.C. Mehta & Anr vs. Union of India and Others [(1987) 1 SCC 395]* held:

"The enterprise must be held to be under an obligation to provide that the hazardous or inherently dangerous activity in which it is engaged must be conducted with the highest standards of safety and if any harm results on account of such activity, the enterprise must be absolutely liable to compensate for such harm and it should be no answer to the enterprise to say that it had taken all reasonable care and that the harm occurred without any negligence on its part."

13. That this Hon'ble Tribunal issued directions for fixing the environmental compensation regime on almost every aspect of the environment degradation including hazardous waste. The CPCB has developed the criteria in this regard, which was implemented by DPCC while issuing the order dated 07.03.2022. The environmental damages compensation is to compensate affected parties, restoring or replacing injured/damaged resources. By increasing the EDC, liability provisions can serve an important deterrent role, promoting compliance with laws and regulations.

14. In these backgrounds, it is manifest that since the appellant is guilty of its own actions, lapses, deeds and things, he cannot take benefit of the lapses and misdeeds. The appeal deserves to be dismissed on this ground alone.



PRAYER

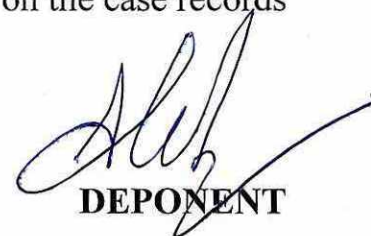
In view of the abovementioned facts and circumstances, the answering respondent most respectfully prays that this Hon'ble Tribunal may kindly be pleased to dismiss the appeal. The replying respondent also seeks any such other or further relief(s) as this Hon'ble Tribunal may deem fit, proper and appropriate in the facts and circumstances of the present case.



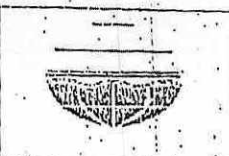
DEPONENT

VERIFICATION:

Verified at New Delhi on this 02 day of Sept., 2022 that the contents of my above Affidavit are true and correct to my knowledge based on the case records and nothing material has been concealed there from.



DEPONENT



Annexure-1

INSPECTION REPORT

1. Name & Address of the Unit : M/s New York motors,
 7117, A-2, Rama Road,
 Najafgarh Road End
 Area, New Delhi-110015

2. Owner/Partner's Name : Sh. Mohan Singh (Prop)
 9313783809

3. Contact Details (Phone & Email) :
 9313783809

4. Date of inspection : 02.7.2021

5. Time of inspection: a) Start of Inspection: 1.30 PM
 b) End of Inspection: 2.15 PM

6. Name & Designation of the Persons contacted at the industry: Sh. Mohan Singh
~~owner of Auto~~
 mobile

7. Kind of Industry : servicing of automobile

8. Product & Capacity : Job work

9. Main Raw Materials : Engine oil, Lubricant, spare parts etc.

10. Water Polluting : Yes/No ETP Installed Yes/No

11. Air Pollution : Yes/No ECS Installed: Yes/No
 (process end
 @ exhaust)

12. Details of Stack Height : (Above G.L.) (Above R.L.)

13. Type of Fuel Used : —

14. Effluent Discharged : (a) Domestic/Trade Effluent ✓
 (b) Unit Connected to Conveyance System: Yes/No ✓
 (c) Discharging in to : sewer

15. Status of Consent (If Any) : Applied

16. D.G. Set (s) (If Any) : No Capacity KVA Acoustic: Yes/No
 Stack Height (Above G.L.) (Above R.L.)

17. Plot Area : occupied 15' x 45' approx.

18. Labor : 02

19. Machinery : — washing platform
 — compressor

20. Power Connection : C.A. KW:

21. Source of water :
 22. Whether Unit Found in Operation : Yes/No

23. Whether Generating HW : Yes/No

24. (a) Status of Authorization (If Any):

(b) Display Board Provided: Yes/No

(c) Whether HW 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 HW 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 HW Maintained in HW-3: Yes/No

Details about Hazardous Waste

7

S.No.	Category of Hazardous Waste as per the Schedules I, II and III of these rules	Authorized mode of disposal or recycling or utilization or co-processing etc.	Quantity (Ton/annum)
	21.1, 5.1, 35.3	used oil utilized by civil contractor in chattering work	1.7 kg/ Approx

Remarks, If Any: The unit is a service station (small) in which servicing of automobile mainly cars being carried out with washing.

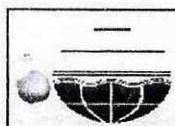
- The unit having a physicochemical based ETP ~~sewage~~ which is found operative condition
- As informed that they operating the ETP in batches and based upon the job they get
- servicing of automobiles being carried out in a very small room of size 15' x 34'
- HW i.e. used/burnt engine oil is being stored in a barrel and as per requirement they sold out to civil contractors who used it as lubricant application on skuttering plates.
- No agreement with Authorized service provider for disposal of HW taken

Mohankrishna
2/7/2021

Smilhan
2/7/2021
EE, DPCC

Name & Sign of the Persons

Signature, Name & Designation of Inspecting Officials



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-VI/2021/2567-68

Annexure-2

Dated: 01/9/2021

Subject: Show Cause Notice (SCN) u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974, u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974, u/s 5 of EP Act, 1986 along with HWM rules, 2016 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, 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 an air pollution control area.

And whereas, it is a mandatory provision under u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, that no person without the previous consent of the 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 well or sewer or on land or operate any industrial plant in air pollution control area.

And whereas, you **M/s New York Motors, 71/7, A-2, Rama Road Najafgarh Road industrial Area, New Delhi -110015** (hereinafter referred as addressee unit) is engaged in the activity of running of Automobile Service Station with Washing.

And whereas, an inspection has been conducted by of DPCC officials on 02.07.2021, and following deficiencies were found in the unit:

1. Container for storage of HW not placed in an isolated area.
2. HW container found not marked with specific label as per HMM Rule.
3. Date of which storage of HW began indicated on each container was not found.
4. HW i.e used/burnt engine oil is being stored in a barrel and as per requirements they sold out to civil contractors who used it as lubricant application on sheeting plates.

Now therefore, in view of the above, the Competent Authority in DPCC in exercise of powers conferred upon Delhi Pollution Control Committee, u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974, u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974, u/s 5 of EP Act, 1986 along with HWM rules, 2016 as amended to date, following directions are proposed to be issued:-

1. That you (the addressee) shall stop the operations with immediate effect.
2. That EDC (Environmental Damage Compensation) shall be imposed for violating Environmental norms.
3. That the concerned authority in BSES shall **disconnect the electricity supply** to the addressee unit with immediate effect.
4. That the concerned authority in DJB shall **disconnect the water supply** to the addressee unit with immediate effect.
5. That the concerned Sub-Divisional Magistrate (SDM) shall take necessary action to ensure the **effective closure of the addressee unit** with immediate effect.

Hence by way of this notice, you are hereby issued this **Show Cause Notice(SCN)** as to why the aforesaid proposed directions should not be confirmed. Your reply should reach this office within 15 days from 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 initiate action as proposed above. This may also be treated as an opportunity of being heard.

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

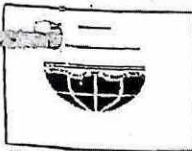
M/s New York Motors,
71/7, A-2, Rama Road
Najafgarh Road industrial Area ,
New Delhi -110015

SEE, CMC-VI
Dr. Anwar Ali Khan
Senior Environmental Engineer
Delhi Pollution Control Committee
4th & 5th Floor, ISBT Building
Kashmere Gate, Delhi-110056

Copy for information to:-

- 1. Master File, DPCC

EE, CMC-VI



(9) By Speed Post

DELHI POLLUTION CONTROL COMMITTEE
GOVERNMENT OF NCT OF DELHI
1st and 2nd FLOOR, VIKAS BHAWAN - II, CIVIL LINES, DELHI-110054
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F. No. DPCC/CMC-VI/2020/ 2781-85

Annexure-3

Dated: 01/11/21

Subject: Direction for closure u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 along with HWM rules, 2016 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, 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 an air pollution control area.

And whereas, it is a mandatory provision under u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, that no person without the previous consent of the 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 well or sewer or on land or operate any industrial plant in air pollution control area.

And whereas, you, M/s New York Motors, 71/7, A-2, Rama Road Najafgarh Road industrial Area , New Delhi -110015 hereinafter referred as addressee) are operating your unit at the above said address & engaged in the activity of Automobile Service Station with Washing.

An inspection was conducted by DPCC officials on 05.07.2021 and following observations were found:

1. Container for storage of HW not placed in an isolated area.
2. HW container found not marked with specific label as per HMM Rule.
3. Date of which storage of HW began indicated on each container was not found.
4. HW i.e used/burnt engine oil is being stored in a barrel and as per requirements they sold out to civil contractors who used it as lubricant application on sheeting plates.


And whereas a Show Cause Notice u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 along with HWM rules, 2016 as amended to date was issued to you (the addressee) on 01.09.2021 but you have failed to submit any reply.

Now therefore, in view of the above, the Competent Authority in DPCC in exercise of powers conferred upon Delhi Pollution Control Committee, 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 along with HWM rules, 2016 as amended to date, following directions are being issued:-

1. That you (the addressee) shall close your unit with immediate effect.
2. That the concerned authority in BSES Rajdhani Power Limited shall disconnect the electricity supply to the addressee unit with immediate effect.
3. That the concerned authority in DJB shall disconnect the water supply connection to the addressee unit with immediate effect.
4. That the concerned Sub-Divisional Magistrate (SDM) shall take necessary action to ensure the effective closure of the Addressee unit with immediate effect.

Failure to comply with the above directions will attract penal action under the provisions of the Water Act, 1974 and Air Act, 1981.

This is being issued as per the approval of Competent Authority, DPCC.


SEE, CMC-VI

**M/s New York Motors, 71/7,
A-2, Rama Road Najafgarh Road industrial Area ,
New Delhi -110015**

Copy for information to:-

1. The Sub Divisional Magistrate (Patel Nagar) Plot No.3, Shivaji Place, Raja Garden, Delhi-110027: to ensure the effective closure of the unit with immediate effect and submit the compliance report within 15 days of issuance of the direction.
2. The Member (Water), Delhi Jal Board, Varunalaya 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 the direction.
3. The Chief Operating Officer, BSES Rajdhani Power Ltd., BSES Bhawan, Near Nehru Place Bus Terminus, Nehru Place, Delhi-110019: to disconnect the power supply of the addressee unit with immediate effect and submit the compliance report within 15 days of issuance of the direction.
4. Master File.

OC


SEE, CMC-VI



F. No. DPCC/CMC-VI/2021/Dispatch No. 2774-75

Dated: 01/11/21

12

Subject: Show Cause Notice For Imposing Environmental Damage Compensation (EDC) u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31 (A) of the Air (Prevention & Control of Pollution) Act, 1981 along with HWM rules, 2016 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, 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 an air pollution control area.

And whereas, it is a mandatory provision under u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, that no person without the previous consent of the 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 well or sewer or on land or operate any industrial plant in air pollution control area.

And whereas, you M/s New York Motors, 71/7, A-2, Rama Road Najafgarh Road Industrial Area , New Delhi -110015(hereinafter referred as addressee unit) is engaged in the activity of Automobile Service Station with Washing.

And whereas, the addressee unit is operating without obtaining any Consent from DPCC since past Two Years which is a clear violation of the provisions of the Environmental Laws leading to unchecked pollution control mechanism and thereby damaging the environment.

And whereas, an inspection was conducted by of DPCC officials on 05.07.2021, and following deficiencies were found in the unit:

1. Container for storage of HW not placed in an isolated area.
2. HW container found not marked with specific label as per HMM Rule.
3. Date of which storage of HW began indicated on each container was not found.
4. HW i.e used/burnt engine oil is being stored in a barrel and as per requirements they sold out to civil contractors who used it as lubricant application on sheetring plates.

And whereas a Show Cause Notice u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 along with HWM rules, 2016 as amended to date was issued to you (the addressee) on 01.09.2021 but you have failed to submit any reply.

Now therefore, in view of Hon'ble NGT direction/orders and violation, Competent Authority of DPCC by invoking the 'polluter pays' principle has to levy Environmental Damage Compensation (EDC) of Rs. 3,75,000/- (Rupees Three Lakh Seventy Five Thousand Only) on you (the addressee unit). The EDC has been worked out as per the formula for Green Category Industry operating in Industrial Area.

S. No	Category of Industry	Calculation ($EC = PI \times N \times R \times S \times LF_1 \times LF_2$)	Simplified Formula
1	Orange	$50 \times 250 \times 2 \times N \times S \times LF_2$	$25000 \times N \times S \times LF_2$

13

F. No. r

Where;

EC is Environmental Compensation in Rupees.

PI = Pollution Index of Industrial Sector is 50 for industrial activity under Orange category

N = No. of days of violation took place

R = A factor in Rupees adopted as 250

S = Factor for scale of operation is 0.5 for small scale industry


LF1 = Location factor as per Population of the city/area near the unit is located is 2

LF2 = Location Factor for Industrial Area is 1

Formula after simplification is $25000 \times N \times 1.25 \times 0.5$ where, N =30 Days, No. of days of violation took place.

By way of this notice, you (the addressee) are hereby called upon to show cause as to why the above said Environmental Damage Compensation (EDC) should not be imposed. The 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 the addressee has nothing to say in this regard and the aforementioned Environmental Damage Compensation (EDC) will be confirmed without any further reference.

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


SEE, CMC-VI

M/s New York Motors, 71/7,
A-2, Rama Road Najafgarh
Road industrial Area , New
Delhi -110015

o/c

Copy for information to:-
1. Master File, DPCC


SEE, CMC-VI



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.dellnigovt.nic.in>

14

F. No. DPCC/CMC-VI/2021/4211-12

Ameume-5

Dated: 7/3/2022

Subject: Direction for Imposing Environmental Damage Compensation (EDC) u/s 33 (A) of the Water (Prevention & Control of Pollution) Act, 1974, u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974, u/s 5 of EP Act, 1986 along with HWM rules, 2016 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, 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 an air pollution control area.

And whereas, it is a mandatory provision under u/s 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, that no person without the previous consent of the 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 well or sewer or on land or operate any industrial plant in air pollution control area.

And whereas, you M/s New York Motors, 71/7, A-2, Rama Road Najafgarh Road industrial Area , New Delhi -110015 (hereinafter referred as addressee unit) is engaged in the activity of running of Automobile Service Station with Washing.

And whereas, an inspection has been conducted by of DPCC officials on 02.07.2021, and following deficiencies were found in the unit:

1. Container for storage of HW not placed in an isolated area.
2. HW container found not marked with specific label as per HMM Rule.
3. Date of which storage of HW began indicated on each container was not found.
4. HW i.e used/burnt engine oil is being stored in a barrel and as per requirements they sold out to civil contractors who used it as lubricant application on sheetring plates.

And whereas, a Show Cause Notice for EDC of Rs. 3,75,000/- (Three lakh Seventy Five Thousand Only) u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 along with HWM rules, 2016 as amended to date was issued to you (the addressee) vide letter No. DPCC/CMC-VI/2020/2774-75 dated 01.11.2021.

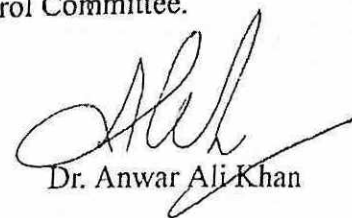
And whereas, Directions for Closure u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, u/s 33(A) of the Water (Prevention & Control of Pollution) Act, 1974 along with HWM rules, 2016 as amended to date was issued to you (the addressee) vide letter No. DPCC/CMC-VI/2020/2781-85 dated 01.11.2021

Now therefore, you are requested to submit EDC amount of Rs. 3,75,000/- (Three lakh Seventy Five Thousand Only) and undertaking to enable this office to take further necessary action for revocation of closure directions of the aforementioned unit within 10 days of receipt of this letter.

Contd...2

Please note that in case of failure to deposit aforesaid Environmental Damage Compensation amount, action will be initiated for recovery of Environmental Damage Compensation as arrears of land revenue.

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



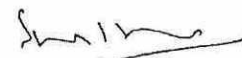
Dr. Anwar Ali Khan

SEE, CMC-VI

M/s New York Motors,
71/7, A-2, Rama Road
Najafgarh Road industrial Area ,
New Delhi -110015

Copy for information to:-

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