

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

Original Application No. 324/2022

In the matter of:

Dinesh Sharma

....Applicant

Versus

Govt. of NCT of Delhi & Ors.

...Respondents

NDOH: 08.08.2022

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Filed by



(Satender Kumar)
Sr. Environmental Engineer

Dated: 5 August, 2022

Place: Delhi

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

Original Application No. 324/2022

In the matter of:

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**INTERIM STATUS REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE WITH RESPECT TO ORDER DATED
11.05.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 11.05.2022 and was pleased to constitute a joint committee of the DPCC and Deputy Commissioner (North West) to take action against the Cement wagons at the Kelagodwon Shalimar Bagh. The Committee was also required to look in to the order passed by This Hon'ble Tribunal in OA 533/2019.
2. That, in compliance to above mentioned order, a Joint Team comprising of the officials of DPCC and office of Deputy Commissioner, (North West) visited the site on 23.06.2022 and following are the observations of team:
 - The activity of loading and unloading of cement bags from Railway wagon to Trucks were seen and cement dust emissions were observed.
 - Trucks are covered while taking/ carrying cements bags.
 - Road dust observed during inspection as the road was unpaved.
 - Cement loading/ unloading is done manually which is in violation of the order of Hon'ble NGT in OA No. 533/2019 Anubhav Kumar V/s Union of India & others.

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- No cement godown exists.

Copy of the inspection report dated 23.06.2022 alongwith photographs is enclosed herewith as ANNEXURE-1.

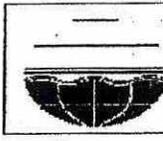
3. That, there was no ware house of Cement exist at Kelagodown. Wagons of Cement are being unloaded and cements distributed through trucks in various parts of Delhi. Delhi Pollution Control Committee issued Show Cause Notice on 29.07.2022, under-section 31(A) of Air (Prevention and Control of Pollution) Act, 1981 to Sr. Divisional Commercial Manager, Northern Railway and Chief Good Supervisor, Northern Railway to comply with recommendations of the joint Committee. Copy of the Show Cause Notice dated 29.07.2022 is enclosed herewith as ANNEXURE-2.
4. Vide the show cause notice 15 days' time was granted to submit an action plan to comply with the directions of this Hon`ble Tribunal as well as the recommendations of the joint Committee constituted by this Hon`ble Tribunal with respect to:
 - (a) Northern Railway shall stop the cement bag handling operations (loading/unloading) with immediate effect.
 - (b) The operations (loading/unloading) shall only be resumed after the suitable pollution control measures are put in place by constructing temporary shed with suitable dust emission control devices for loading/unloading of cement bags.
 - (c) The roads for vehicle movement shall be paved and should be maintained properly to avoid any dust emissions due to vehicular movement.
5. That further action will be initiated once, the Action Plan/ Response from Northern Railway received.

The present interim status report may kindly be taken on record.


(Satender Kumar)
Sr. Environmental Engineer

Delhi

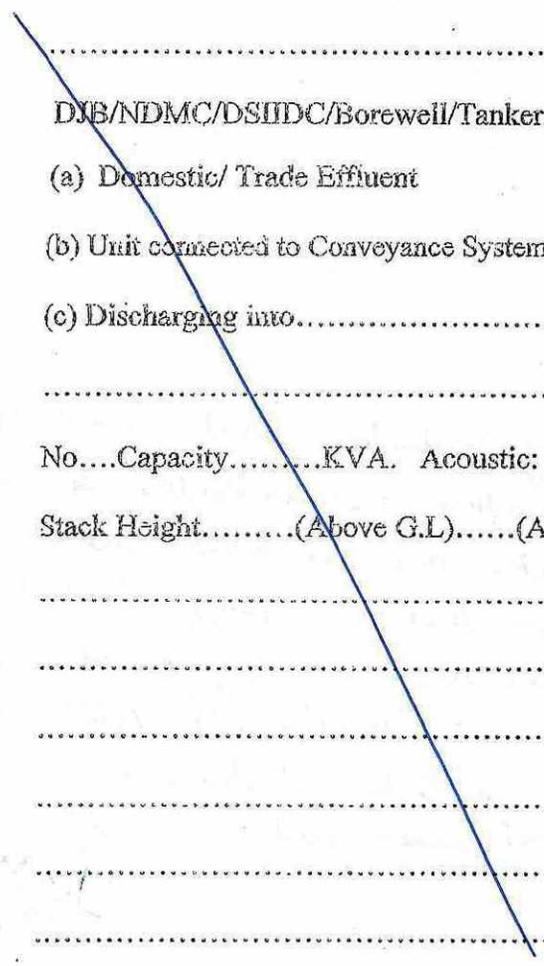
Dated:- 5 August, 2022



Inspection Report

Annexure-1 (Colly)

1. Name & Address of the Unit : M/s Kelagadam Shalimar
Bagh Delhi - 110088
2. Owner/ Partner's Name & Contact Details(Phone & E-mail) : Sh. Krishan Dev Parashar (CCS)
(9810312367)
3. Date of Inspection : 23/06/2022
4. Name & Designation of the Persons contacted at the industry : Sh. Jagdish Ahuja (CCS)
Chief Woods Supervisor (9811306288)
5. Kind of Industry : Godown
6. Product & Capacity : Loading & unloading of
Cement bags .
7. Main Raw Materials :
8. Water Polluting : Yes/No Yes/No ETP Installed : Yes/No
9. Air Pollution : Yes/No Yes/No ECS Installed : Yes/No
10. Details of Stack Height (Furnace/Boilers/Others) : (Above G.L.)..... (Above R.L.).....
11. Type of Fuel Used :
12. A. Source of Water Supply : DIB/NDMC/DSIIDC/Borewell/Tankers/Others
- B. Effluent Discharge : (a) Domestic/ Trade Effluent
(b) Unit connected to Conveyance System: Yes/No
(c) Discharging into.....
13. Status of Consent {If Any} :
14. D.G. Set(s) {if Any} : No....Capacity.....KVA. Acoustic: Yes/No
Stack Height.....(Above G.L.).....(Above RL)
15. Plot Area :
16. Labour :
17. Machinery :



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18. Detail of Power Connection :
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} :
- (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 NA
- (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 :
- (j) Authorized mode of disposal or recycling or utilization or co-processing etc. :
- (k) Quantity (Ton/Annum) :

Remarks (if Any)

- During inspection unit found operational and engaged in the activity of loading and unloading of cement bags and cement dust emission observed.
- Trucks are covered while taking/carrying cement bags.
- Road dust is being observed during inspection as the road was unpaved.
- Cement bags loading/~~unloading~~ unloading is done manually which is clear cut violation of NAT order OA No 533/2019 Anubhav Kumar V/S Union of India & others.
- No cement godown exist.

P. Pand
23/6/22.

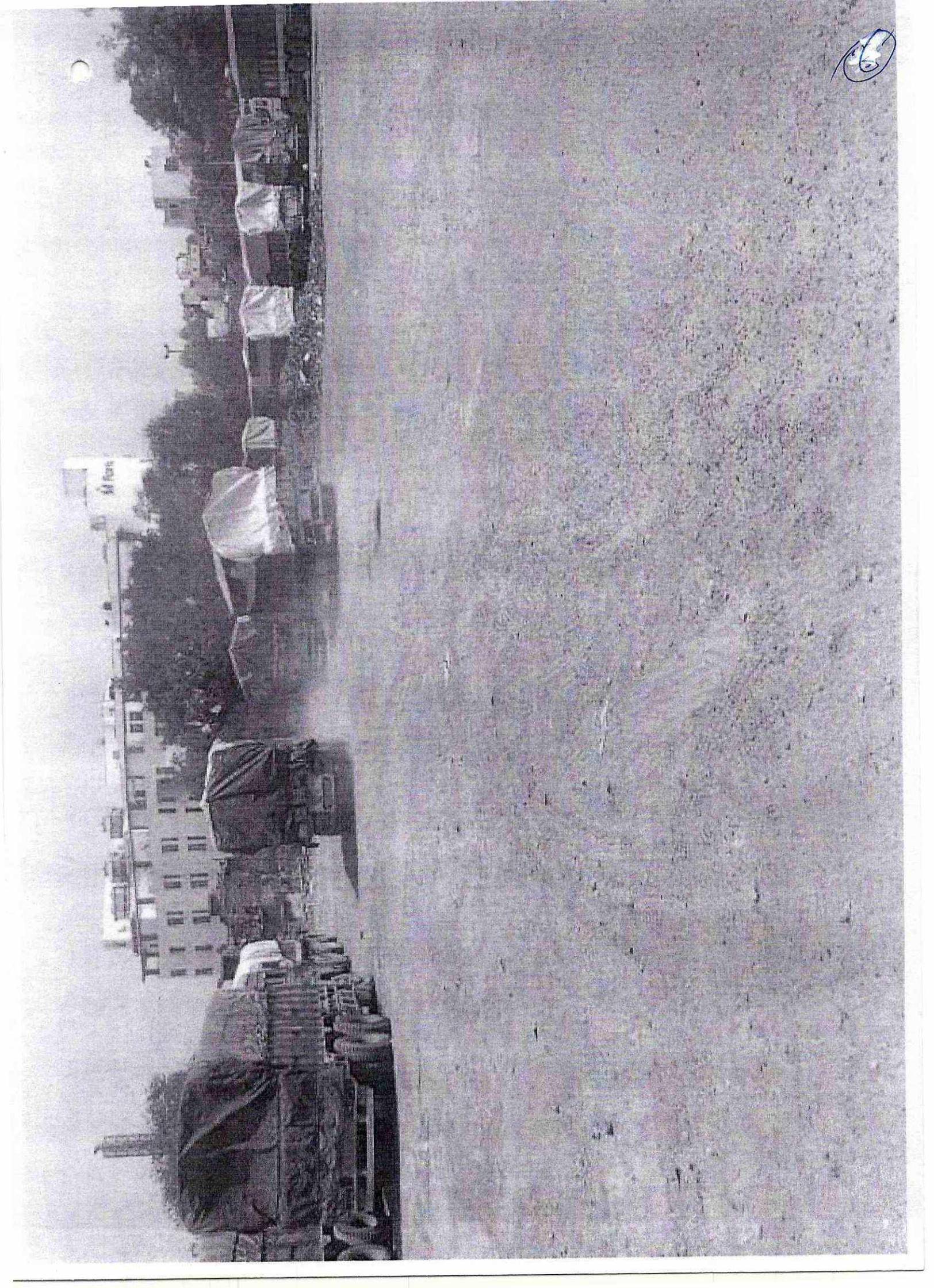
Deepankhu Puri
23.06.2022

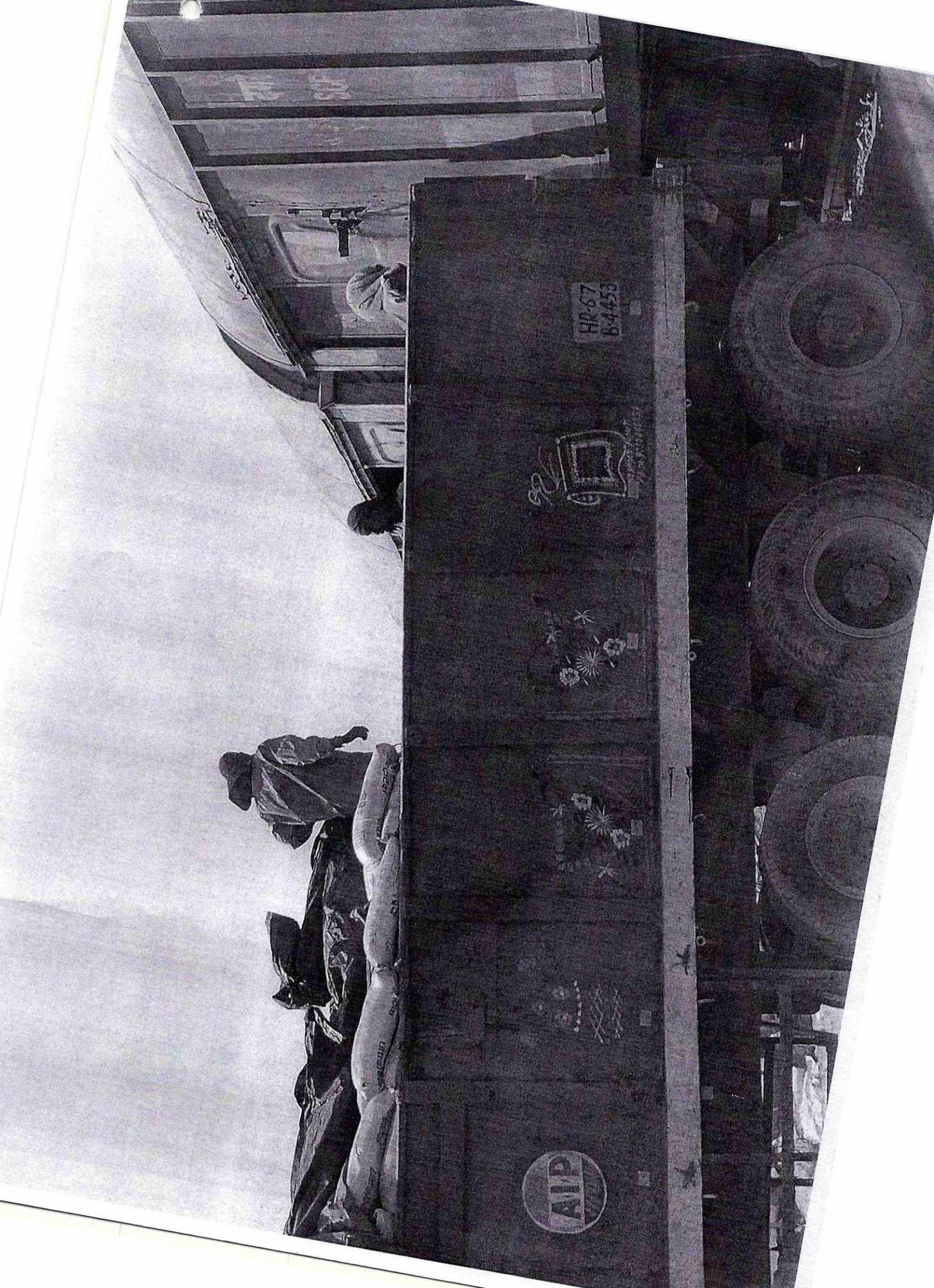
JEE, DPCC
Signatures, Name & Designation of inspecting officials.





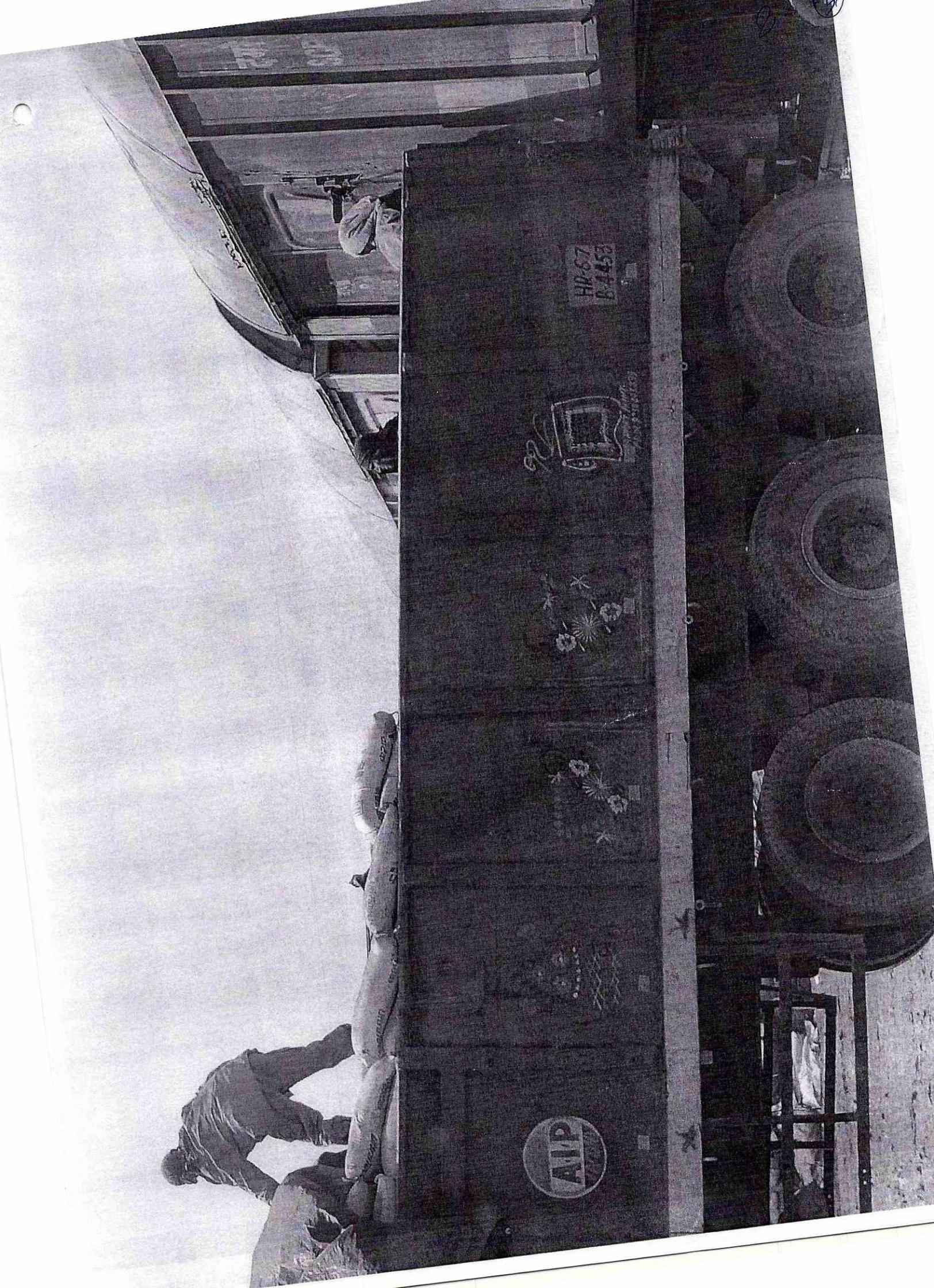
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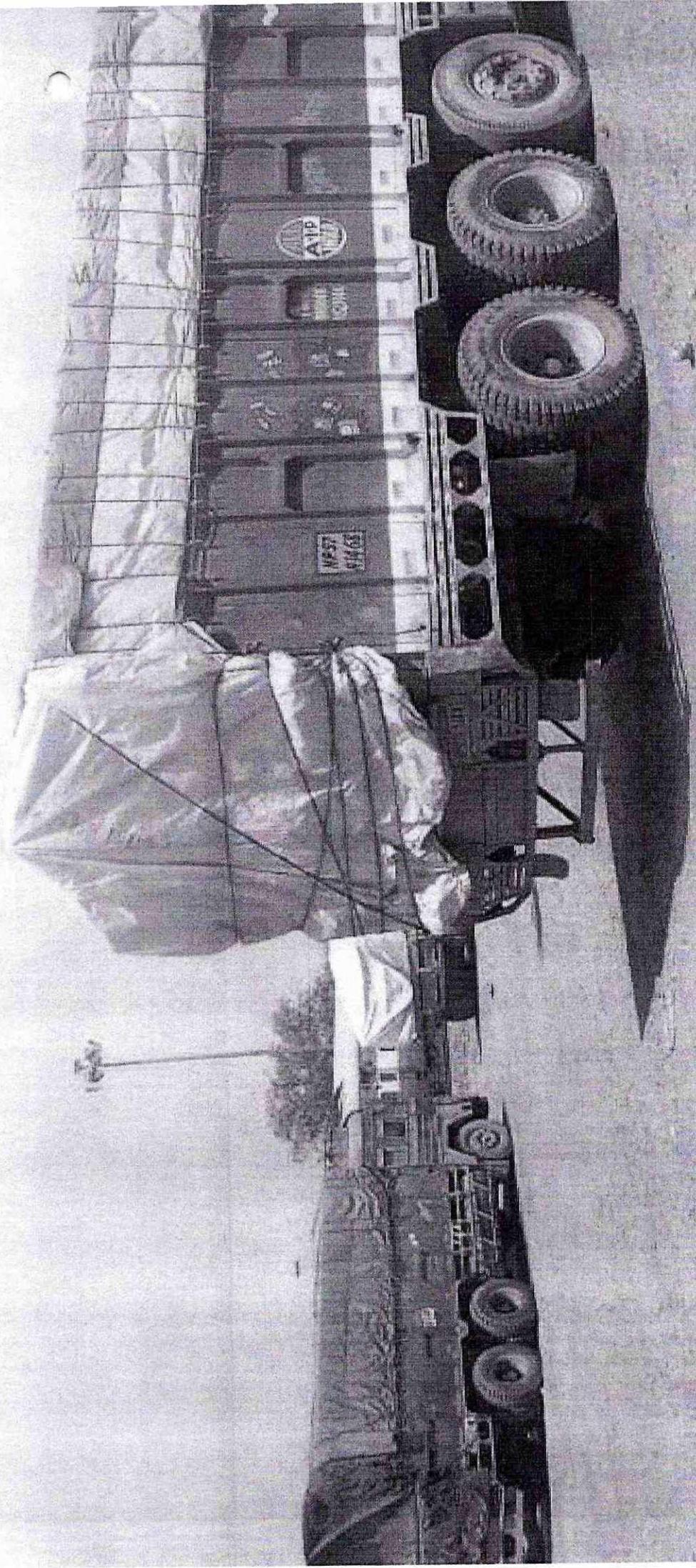


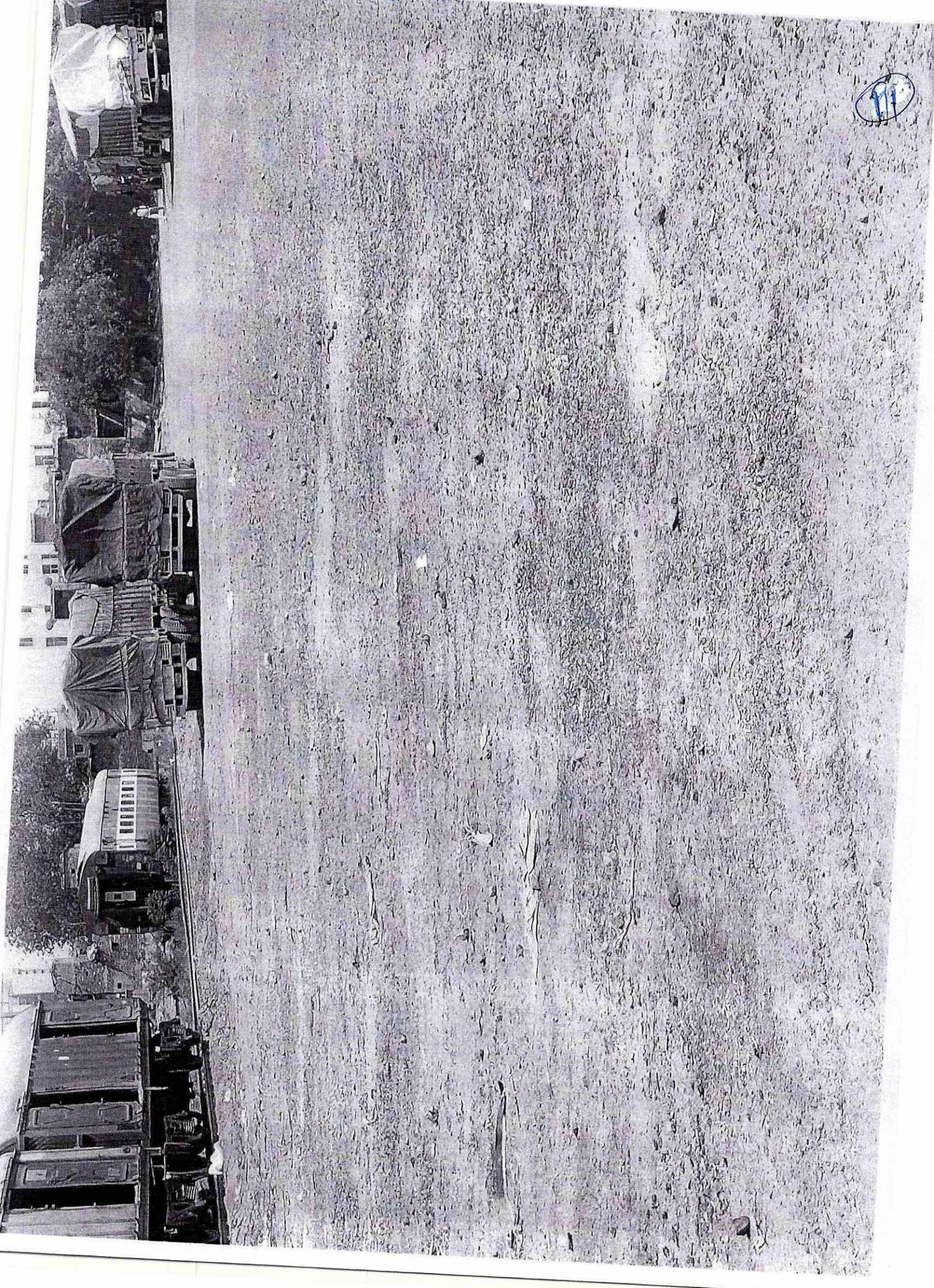
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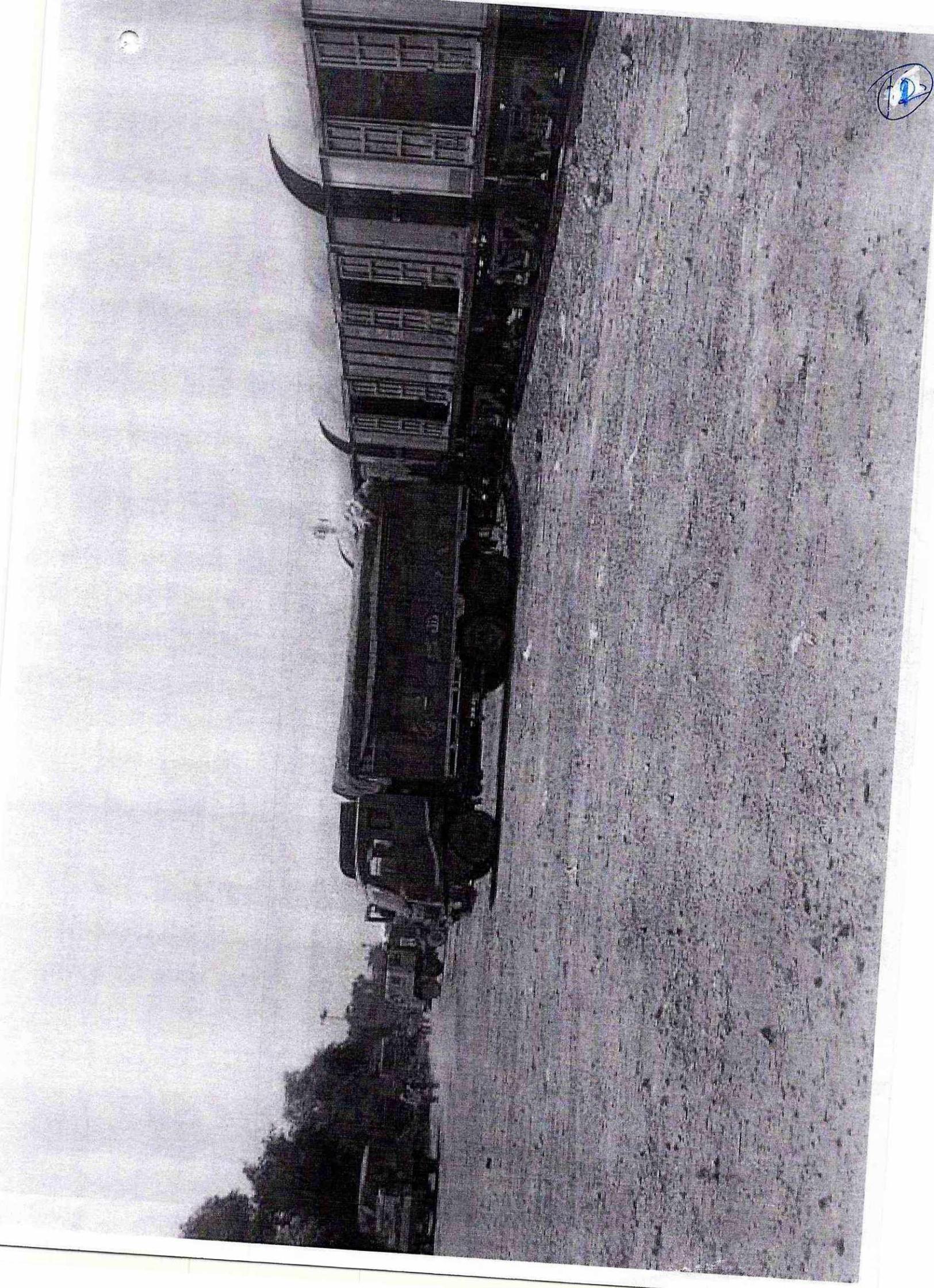


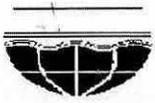
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DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, GOVT. OF NCT OF DELHI
5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-06
 visit us at : <http://dpcc.delhigovt.nic.in>

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F.No.DPCC/CMC-III/2022/ 605-06

Dated: 29/07/2022

Subject:- Show Cause Notice u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, as amended to date

Annexure-2

Whereas, Central Pollution Control Board is the State Board for all the Union Territories to exercise powers and perform functions under the Water (Prevention & Control of Pollution) Act, 1974 and under Air (Prevention & Control of Pollution) Act, 1981.

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention & Control of Pollution) Act, 1974 and under the Air (Prevention & Control of Pollution) Act, 1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee.

And whereas, Central Pollution Control Board has delegated all its powers and functions under the Water (Prevention & Control of Pollution) Act, 1974 and under the Air (Prevention & Control of Pollution) Act, 1981 in respect of Union Territory of Delhi to Delhi Pollution Control Committee.

And whereas, the whole Union Territory of Delhi has been declared as an Air Pollution Control area, under sub section (I) of section 19 of the Air (Prevention & Control of Pollution) Act, 1981 vide notification no. GSR 106 (E) dated 20.02.1987.

And whereas, it is mandatory provision under section 21/22 of the Air (Prevention & Control of Pollution) Act, 1981 that no person without the previous consent of the DPCC shall establish or operate any industrial plant in air pollution control area.

And whereas, in compliance of Hon'ble NGT order dated 11.05.2022 in Original Application No 324/2022 Dinesh Sharma V/s Govt of NCT of Delhi & Ors a Joint Committee was constituted comprising of the officials of DPCC and Revenue department of North West Delhi district. inspected Kelagodam, Shalimar Bagh, Delhi-110088 was conducted by the Joint team on 23.06.2022.

And whereas, following observations were made by the Joint Committee during the inspection:

- The activity of loading and unloading of cement bags from Railway wagon to Trucks were seen and cement dust emission was observed.
- Trucks are covered while taking/ carrying cement bags.
- Road dust observed during inspection as the road was unpaved.
- Cement loading/ unloading is done manually which is in violation of the order of Hon'ble NGT in OA No. 533/2019 Anubhav Kumar V/s Union of India & others.
- No cement godown exists.

And whereas, the Joint Committee has also considered the order dated 28.01.2021 of Hon'ble Tribunal in OA No 533/2019 in the matter of Anubhav Kumar Vs Union of India & others.

And whereas, your case was taken up by the Competent Authority in Delhi Pollution Control Committee and as decided, in exercise of powers conferred upon it, u/s 31(A) of the Air (Prevention & Control of Pollution) Act, 1981, as amended to date hereby issue the following proposed directions:

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1. That the concerned in the Northern Railway shall stop the cement bag handling operations (loading/unloading) with immediate effect.
2. That the operations (loading/unloading) shall only be resumed after the suitable pollution control measures are put in place by constructing temporary shed with suitable dust emission control devices for loading/unloading of cement bags.
3. That the roads for vehicle movement shall be paved and should be maintained properly to avoid any dust emissions due to vehicular movement.
4. That the Sub-Divisional Magistrate (Saraswati Vihar) shall take necessary action to ensure the effective implementation of the above directions with immediate effect.

Any violation of the directions issued as above shall attract penal action.

The addressee shall submit an action plan to comply with the above directions as well as the recommendations made, if any.

Hence by way of this notice, you are hereby given an opportunity to submit your reply as to why the aforesaid proposed directions should not be confirmed. Your reply should reach to 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 take action as proposed above. This shall also be treated as an opportunity of being heard.

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


Incharge, CMC-III

Sr. Divisional Commercial Manager

State Entry Road,
Northern Railway,
Delhi-110002

Copy to:

Sh. Krishan Dev Parashar (9810312367), Chief Goods Supervisor, Northern Railways (Delhi Division), Kelagodown Shalimar Bagh. Delhi-110088.

o/c