

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

Original Application No. 416/2022.

In the matter of:

Gunjan Mittal

...Applicant

Versus

Govt. of NCT of Delhi

...Respondents

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Filed by:

New Delhi:

Dated: 21.09.2022

Delhi Pollution Control Committee

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**ACTION TAKEN REPORT ON BEHALF OF DELHI POLLUTION
CONTROL COMMITTEE IN COMPLAINT TO THE ORDER
DATED 11.07.2022.**

IT IS MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Tribunal took up the above referred matter on 11.07.2022 and was pleased to direct the DPCC and Deputy Commissioner (Shahdara), Delhi to take action against the car repair workshop which is running in the name of M/s Mittal Car Scanning at the ground floor of the building situated near Chetan Complex, Dilshad Garden, Shahdara, Delhi. The applicant is also running a boutique in the same premises.
2. That in compliance of the order passed by this Hon'ble Tribunal, a joint inspection of the site was carried out on 22.07.2022 by the representative of DPCC, BSES, MCD and Revenue office. During the inspection it was observed that:
 - M/s Mittal Car Scanning is engaged in the activity of car repairing without washing. Car repairs are being done manually.
 - Unit showed expired MCD license for the car repairing activity.
 - One Borewell was observed at the site, which was being used for drinking purposes.

- Boutique at first floor was being operated by applicant.
- Applicant and M/s Mittal Car Scanning are sharing Electricity supply from common meter.

Copy of the joint inspection report dated 22.07.2022 is enclosed herewith as ANNEXURE-1.

3. That BSES disconnected the electricity connection at the spot with the consent of applicant herein. The activity is being operated without the Consent/Registration of DPCC. Office of the SDM asked to disconnect/ plug the borewell of the site.
4. That the SDM (Shahdara) has issued sealing order with regard to borewell and also imposed penalty of Rs. 50,000/- under section 5 of the Environment (Protection) Act, 1986.
5. That, DPCC issued letter dated 26.07.2022 to the Commissioner, MCD requested to submitted action taken report w.r.t Mittal Car Scanning. Copy of the letter dated 26.07.2022 is enclosed herewith as ANNEXURE-2.
6. That, DPCC issued show cause notice for imposing Environmental Damages Compensation to "M/s Mittal Car Scanning" of Rs. 5,00,000/- for operating without consent/ registration under Section 33(A) in Water (Prevention and Control of Pollution) Act, 1974 and under Section 31(A) of the Air (Prevention and Control of Pollution) Act, 1981. In view of disconnection of electricity and borewell, DPCC not issued direction for closure.
7. That, a letter from M/s Mittal Car Scanning was received in the office of DPCC on 06.09.2022 interalia requesting to:

"..At the outset it is submitted that no pollution of any kind is being generated in my premises. The water of borewell is being used only for domestic purposes.

Further, office of the SDM (Shahdara) has issued sealing order with regard to borewell and also imposed penalty of Rs. 50,000/-- against me under section 5 of the Environment (Protection) Act, 1986. As per legal advice received by undersigned, SDM has no power to impose penalty

most particularly under the provisions of the Environment (Protection) Act, 1986.

The allegation put on me by Mrs. Gunjan Mittal are only for grabbing the land, creating nuisance and giving me mental torture. There is no pollution in my premises of any kind. This is only source of my livelihood.

Therefore I humbly request your Honour Sir, kindly look into the matter and BSES may be directed to re-connect the electricity. SDM (Shahdara) may also be directed to withdraw the penalty order.

Copy of the letter dated 06.09.2022 is annexed as ANNEXURE-3.

8. DPCC has also issued Show Cause Notice for imposition of Environmental Damages Compensation (EDC) of Rs. 5,00,000/- on 21.09.2022 Copy of the Show Cause Notice dated 21.09.2022. is enclosed herewith as ANNEXURE-4.

The present status report may kindly be taken on record.



Sr. Environmental Engineer

JOINT INSPECTION

(2)

(4)

OA. No. 416/2022 vs Court of NCT of Delhi

Complaint against car repair workshop in the name of Mittal car scanning near Chetah Complex, Dilshad Garden, Shahdara, Delhi in which Gunjan Mittal is also running a boutique.

→ Borewell was observed at the site, SDM office staff asked to disconnect plug.

A complaint was received in NGT matter OA no. 416/2022 vs Gunjan Mittal vs Court of NCT of Delhi. Accordingly an inspection was carried out on 22/07/2022 jointly by DPCC, BSES, MCD and SDM office. During inspection unit was found operational with activity of automobile services and repair workshop. (Mechanical)

- MCD license shown by the unit owner, is expired, not having DPCC consent.
- MCD has been directed to issue challan and seize the machinery and equipment used for mechanical services or other suitable action at their end.

Electricity supply from common meter to the complainant unit (Boutique) at first floor and to unit engaged in carscanning (Mittal car scanning)

→ Electricity supply has been disconnected on the

spot with the consent of complainant.

→ During joint inspection used engine oil was observed stored in drums and generation and disposal of oil records were not shown.

Siddhartha Gaurav
HLL

Sitender Kumar
Treasurer

Neeraj Sharma
MCD

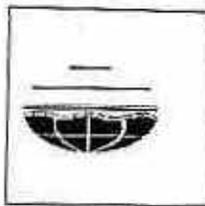
Sudip
BSES

Harsh Mittal
(MITTAL CAR SCANNING)

Amritanshu
DPCC JEE

(H.C. Kamal)
D.P

Gunjan Mittal
(Complainant)



DELHI POLLUTION CONTROL COMMITTEE
GOVERNMENT OF NCT OF DELHI
 4th AND 5th FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110006
 visit us at : <http://dpcc.delhigovt.nic.in> Ph Nos. 23815352, 23815436

F. No. DPCC/CMC-I/Dilshad Garden/2022/ 962-64

Dated: 26.07.2022

To,

**The Commissioner,
 Municipal Corporation of Delhi,
 DR. S.P.M. Civic Centre Minto Road,
 New Delhi-110002**

Annexure-2

Sub: Regarding illegal car repairing centres and industries/warehouses operating in Dilshad Garden

Sir,

CPCB issued directions under section 18(1)(b) of the Air (Prevention & Control of Pollution) Act, 1981 on 02.07.2019 to DPCC in the matter of conversion of units in Delhi into PNG as Fuel. CPCB has directed to issue closure directions to all such industrial units in Delhi where PNG supply is available and industry has not shifted to PNG.

And also, in pursuant to the order dated 02.12.2016 of Hon'ble Supreme Court of India in the matter of M.C.Mehta Vs Union of India & others regarding air quality. Graded Response Action Plan (GRAP) has been notified by the Ministry of Environment, Forests & Climate Change, Govt. of India on 12.01.2017 for implementation through Environment Pollution (Prevention and Control) Authority (EPCA). EPCA has issued various directions to the Govt of NCT of Delhi to control air pollution vide letter dated 25.10.2019, keeping in view of the deteriorating ambient air quality.

The Commission for Air Quality Management in National Capital Region and Adjoining Area (CAQMS) had convened a meeting on 16.12.2020 to review the progress of PNG being used by industrial units located in Delhi. During this meeting, Chairman of Commission had categorically asked that units responsible for using unapproved fuel (Coal/Tyre Oil/Furnace Oil etc.) leads to air pollution to be sealed/close down immediately on site as observed/reported.

In compliance of order passed by Hon'ble NGT in OA No. 416/2022 "Gunjan Mittal vs Govt of NCT of Delhi" a joint inspection was carried out by DPCC, BSES, MCD and Delhi Police officials on 22.07.2022. During inspection unit M/s Mittal Car Scanning (owner Harish Mittal), Ground Floor Plot no. 251-A Dilshad Garden Industrial Area, was found operational and engaged in the activity of Automobile Service (Mechanical) and repair workshop without washing, operating without consent from DPCC and without valid license from MCD. Accordingly the electricity supply of the said unit was disconnected on the spot. MCD has been asked to seize machinery, equipment and take necessary action at their end. An illegal borewell was also found in the premises of said unit accordingly SDM office Seemapuri has been asked to disconnect the borewell and submit the ATR to DPCC.

Apart from the said unit, during inspection many illegal car scanning/repairing centres and industries/warehouses were observed in Dilshad Garden area.

And whereas, Hon'ble Supreme Court of India, while hearing Writ Petition(s) No. 4677/1985 in the matter of M.C. Mehta Vs Union of India & Others, has passed order on 04.11.2019 and directed to close down the industrial units which are objectionable and saddle the responsibility of compliance of the order upon the respective Zonal Deputy Commissioner of the Municipal Corporations.

And whereas, Hon'ble National Green Tribunal vide orders dated 05.08.2019 & 19.11.2019 in OA No. 601/2018 in the matter of "Mayank Manohar & Paras Singh, Reporter, the Times of India Vs. Govt. of Delhi & Ors." has also directed closure of impermissible industrial units in residential/ non-confirming

Contd.

o/c

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areas of NCT of Delhi and levying Environmental Compensation (EC) for the damage caused by illegal operation keeping in view the 'Polluters Pay Principle'

In view of above you are requested to submit action taken report wrt Mittal Car Scanning and also requested to take necessary action against such illegal units required under the law, operating in Dilshad Garden residential.

Yours sincerely



R.S. Pankaj

Incharge, CMC-1

Copy to:

1. SDM , Seemapuri DC Office Complex, Nand Nagri Delhi-110093- take necessary action against M/s Mittal Car Scanning (owner Harish Mittal), Ground Floor Plot no. 251-A Dilshad Garden Industrial Area, required under the law, including action against illegal units operating in Dilshad Garden residential area and submit the ATR to DPCC.
2. Master File
3. Office Copy

Annexure-3

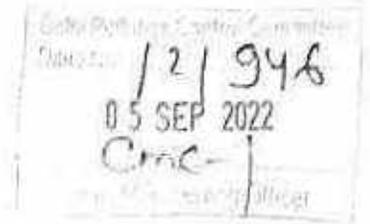
7

Date: 05.09.2022

To,

Sr. Env. Engineer (CMC-I),
Delhi Pollution Control Committee
ISBT Building, K. Gate, Delhi-6

1370/CMC-I
- 7/9/22



Subject:- M/s Mittal Car Scanning near Chetak complex Dilshad Garden, Shahdara Delhi-95.

Sir,

With due respect it is submitted that, I, Harish Mittal running a car repair workshop in the name of Mittal Car Scanning at 251-A, ground floor near Chetak Complex, Dilshad Garden, Shahdara, Delhi-1100095 manually. No machine of any kind is being used.

Some days ago, some officials had visited my site in connection with some NGT matter. Since visit, BSES-Yamuna Power Ltd., officials disconnected electricity connection for my premises, without assigning any reason. This may be restored at the earliest.

At the outset it is submitted that no pollution of any kind is being generated in my premises. The water of borewell is being used only for domestic purposes.

Further, office of the SDM (Shahdara) has issued sealing order with regard to borewell and also imposed penalty of Rs. 50,000/- against me under section 5 of the Environment (Protection) Act, 1986. As per legal advice received by undersigned, SDM has no power to impose penalty most particularly under the provisions of the Environment (Protection) Act, 1986.

The allegations put on me by Mrs. Gunjan Mittal are only for grabbing the land, creating nuisance and giving me mental torture. There is no pollution in my premises of any kind. This is only source of my livelihood.

Therefore I humbly request your Honour Sir, kindly to look into the matter and BSES may be directed to re-connect the electricity. SDM (Shahdara) may also be directed to withdraw the penalty order.

Thanking you,

Handwritten signature of Harish Mittal

5/9/22
Harish Mittal

Yours Sincerely,

Handwritten signature of Harish Mittal

Harish Mittal
9873370404

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By Speed Post



DELHI POLLUTION CONTROL COMMITTEE
DEPARTMENT OF ENVIRONMENT, (GOVT. OF NCT OF DELHI)
5TH FLOOR, ISBT BUILDING, KASHMERE GATE, DELHI-110 006
visit us at : <http://dpcc.delhigovt.nic.in>

F. No. DPCC/CMC-I/Dilshad Garden/2022/1246-1247

Dated: 21/9/22

To,

M/s Mittal Car Scanning
(owner Harish Mittal),
Ground Floor Plot no. 251-A,
Dilshad Garden Industrial Area

Annexure-4

Subject: Show Cause Notice for Environmental Damages Compensation under section 33A in the Water (Prevention and Control of Pollution) Act, 1974 and u/s 31 (A) of the Air (Prevention & Control of pollution) Act, 1981.

And whereas, in compliance of NGT complaint OA No. 416/2022 "Gunjan Mittal vs Govt of NCT of Delhi" a joint inspection was carried out by DPCC, BSES, MCD and Delhi Police officials on 22.07.2022 and during inspection you, M/s Mittal Car Scanning (owner Harish Mittal), Ground Floor Plot no. 251-A, Dilshad Garden Industrial Area (hereinafter referred as addressee) was found operating illegally with an activity of **Automobile Service (Mechanical) and repair workshop without washing** operating without consent form DPCC and without valid license from MCD. Accordingly the electricity supply of the said unit was disconnected on the spot. MCD has been asked to seize machinery, equipment and take necessary action at their end. An illegal borewell was also found in the premises of said unit accordingly SDM office Seemapuri has been asked to disconnect the borewell and submit the ATR to DPCC.

And whereas, activity carried out by you falls under orange category and you are operating without consent under Air/Water Act in non-conforming area, accordingly you are liable to pay EDC of Rs. 5,00,000/- (Five Lakh only).

And whereas, Delhi Pollution Control Committee has decided why not the **Environmental Damages Compensation of Rs. 5,00,000/- (Five Lakh only)** should be levied upon the addressee unit. (in the form of DD in favour of "Delhi Pollution Control Committee").

Your reply, (if any) along with supporting documents, should reach this office **within 30 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 proposed EDC shall be levied upon you/ confirmed without any further reference in this regard.


SECRETARY, CMC-I

Copy to:

1. Master File.